

RIVERSIDE LAWYER

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MAGAZINE



In This Issue:

A Small Gift Makes a Big Impression

Fulfilling a Child's Wish – The Snowman Banner Project

DRS Volunteers

PSLC Thanks You

John G. Gabbert Judicial Plaza

Local Lawyers Go to the Dogs (and Cats, Too)

**In a Time of Need, IELLA Legal Aid Project
Gives Back, One Attorney at a Time**



The official publication of the Riverside County Bar Association



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on history.**

This is Alan Blackman, Deputy City Attorney for
Los Angeles and Class of 2001 graduate.

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

| | |
|--|---------------------------------------|
| Telephone 951-682-1015 | Facsimile 951-682-0106 |
| Internet www.riversidecountybar.com | E-mail rcba@riversidecountybar.com |

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

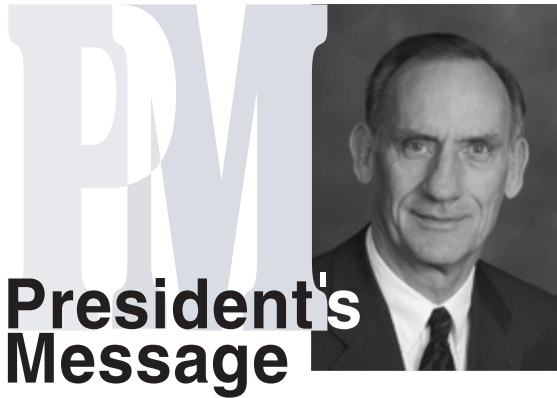
DECEMBER

- 14 RCBA Shopping Elves – at Kmart**
(contact RCBA for more info)
- 15 – 16 RCBA Wrapping Elves**
RCBA – 4:30 p.m.
(contact RCBA for more info)
- 16 Joint RCBA/SBCBA General Membership Meeting**
At Mission Inn, Music Room
“State of the State Bar”
Speaker: State Bar President Howard Miller
(MCLE: 0.50 hr)
RSVP to RCBA by Dec. 14th.
- 17 Criminal Law Section**
RCBA 3rd Floor – Noon
“What Every Criminal Law Attorney Needs to Know about Alternative Sentencing Options and Keeping Your Client Out of Jail: House arrest, SCRAM and Beyond”
Speaker: Gislena Gonzalez, Leaders in Community Alternatives
(MCLE: 1 hr)
- 25 Christmas Day – Holiday**

JANUARY

- 1 New Year’s Day – Holiday**
- 4 Human/Civil Rights Section**
RCBA 3rd Floor – Noon
Organizational Meeting
- 6 Bar Publications Committee**
RCBA – Noon
- 7 CLE Committee**
RCBA – Noon
- 15 RCBA General Membership Meeting**
Gabbert Gallery – Noon
“Sexual Discrimination in the Workplace”
Speaker: Attorney Areva Martin
- 22 Federal Bar Association, Inland Empire Chapter’s Annual Judges’ Appreciation Night and Installation of Officers**
Mission Inn, Music Room
5:00 p.m. reception – 6:00 p.m. dinner
“In Defense of Judges: Why Every Judge is an Activist Judge”
Keynote Speaker: James Brosnahan





by Harry J. Histen, III

This month, we celebrate a Time to Give. Americans are expected to give some \$250 billion this year, over \$80 billion in December alone. That does not include the valuable time devoted to charitable work. Americans seem to have little doubt that giving, in its many forms, is a win-win activity. My cursory study helped me appreciate the yin and yang of charitable activity, and become wiser about my giving.

A donor almost invariably benefits from charitable acts, and likely benefits more than the recipient. Some believe that the donor's benefit is in proportion to the donor's relative altruism in giving. Experience tells me that giving from the heart returns good vibrations. It is instrumental in creating a personal sense of abundance. An abundant outlook, in turn, reduces one's stress level and makes one more receptive to ideas and opportunities, less adverse to risk, and more likely to seek out and embrace adventure.

I think it's difficult to give from kindness while entertaining negative feelings, or bemoaning the world's shortcomings (the German *weltschmerz*). Giving thus moves one toward satisfaction, hope, flexibility and a generally positive bearing. Life may not be fair, but it can be liberating to help mitigate the unfairness, or its effects.

For years, I've thought that a gift made anonymously was superior to others. I have learned that though anonymity may, at times, reduce self-aggrandizement, more likely the gift's nature or circumstances almost compel disclosing the principal's identity and enhance rather detract from the gift's value. For example, Paul Newman giving his name and persona greatly enhanced the success of

Newman's Own food products, and thereby increased the *res* available for charity. His annual fundraiser was held posthumously this fall and recorded the greatest return in the event's history. As the public's esteem for Mr. Newman remains so great, the event will continue to be held in his honor and memory for the foreseeable future. Newman's charities have raised in excess of \$250 million, far more than he could have given anonymously. Celebrities can use their position to lead by example, thereby producing gifts greater by an order of magnitude.

In order to explain the unexplainable, gift theorists provide analogies to help us visualize the mechanics of the donor/benefit conundrum. I favor comparing making a gift to creating a vacuum in the donor's space. Because nature abhors a vacuum, the donor is positioned to receive something beneficial to fill the vacuum.

Upon learning that a Time to Give was the theme for this month, I enthusiastically told a friend and colleague about my belief (now discredited) that anonymity was a necessary element of true charity. A short time later, I received the RCBA's November flyers. One flyer announced that it was time to support the RCBA's annual Elves Program, a program that depends upon participation, and in which I have participated.

On reflection, I think my advocacy of anonymity simply reflected my preference for, and enjoyment of, informal and private giving. From time to time, we become aware of an opportunity to help someone who just needs a little boost. We may not know the person, but somehow we know that action is up to us. In such cases, gifts are

usually best made anonymously to ensure that the recipients feel no embarrassment or other negative emotion – so as not to create an obligation in the recipient's mind. Serendipity, pure and simple.

I've also struggled with the term "giving back" because, to me, it implies something in the nature of a quasi-contract transaction rather than a gift. Frankly, I doubt that many donors interpret the expression that literally, yet a donor's expectation of receiving a quid-pro-quo return would seem to lessen the gift. From the donor's perspective, a reasonable test would be to consider whether or not the donor feels that the transaction is complete once the gift is made. If it is truly complete, it was a gift. Also, I find a measure of fairness in the idea that the donor benefits more than does the recipient. After all, the donor did something.

Annually, as the holiday season approaches, cynics contend that throughout history, virtually every culture, at least in the Northern Hemisphere, has celebrated just after the Winter Solstice. Legend has it that primitive people would notice that days were getting shorter and temperatures colder. Consequently, they thought that the sun was moving farther away from the earth. Consequently, as the story goes, people fervently beseeched Og, or whomever they worshiped, to return the sun to them. Around December 21 each year, they observed the sun returning, gave thanks and celebrated.

Today, the time of the year to give is well-settled and shared by most, and for better reason than a disappearing sun. Whatever your belief or custom, feel your abundance. Now is the Time to Give.

Have a joyous holiday season. And don't forget the Elves!



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85TH STATE BAR PRESIDENT HOWARD MILLER

by Donna Thierbach

When I sent an email to Mr. Howard Miller requesting an interview, I really did not know what to expect. I had never met him, so I started to “Google” him, as I wondered if and when he would respond to my e-mail. I did not get much Googling done, because he called within minutes! Once he called, I could certainly understand why he has been listed annually as a “Southern California Super Lawyer” by Los Angeles Magazine and has been married to his wife Shirley for 52 years. What a charming and engaging person!



Howard Miller

Mr. Miller is 72 years young and met his wife in college during a debate. They married before he started law school, and the marriage survived the ordeal! Once their three sons were grown, Shirley became a travel agent. This serves them well, because they love to travel. They have been to Asia, Australia and Europe and hope to someday travel the Silk Road. They also travel to visit their sons and grandchildren, who live in the Bay Area and Tucson. Although Mr. Miller is the first in his family to go to college and become a lawyer, it has become a family trend, as two of their sons are attorneys and the third is a vice-principal married to an attorney. How did he become interested in law? He had no idea, noting only that as far back as he could remember, he knew he wanted to be an attorney. No, there were not any family friends as he was growing up who were attorneys, and no, he did not grow up watching “Perry Mason.”

What struck me most about Mr. Miller was the broad range of experience and fascinating career he has had as an attorney. After he graduated from Pepperdine University and the University of Chicago Law School, his first job was to clerk for Justice Robert Traynor of the California Supreme Court. Since that time, he has practiced pretty much everything but criminal law. He has been a sole practitioner, had a role in the PBS series “The Advocate,” served as a full-time law professor at USC for 12 years, where he was active in pro bono organizations, and served as executive editor of the Los Angeles Daily Journal. He is currently a partner at Girardi & Keese in Los Angeles, specializing in patent and intellectual property litigation. Oh, and did I mention he has a radio program, “Champions of Justice,” with his law partner, Thomas Girardi?

As State Bar President, Mr. Miller hopes to assist in renewing the organization as a well-functioning institution in its service to the public and legal profession. Regarding Governor Schwarzenegger’s veto of S.B. 641, the State Bar fee bill, he said the governor expressed legitimate concerns, which will be closely examined. Mr. Miller is optimistic about a satisfactory resolution.

Also, Mr. Miller expressed a desire to develop a commitment by the profession to pro bono work. For example, during the recent foreclosure crisis, there have been numerous reports of unethical attorneys

who have accepted money from clients facing foreclosure, but then failed to perform any services for those clients. He indicated that, as a profession, lawyers should ensure that pro bono representation is provided to those clients. To further assist attorneys in this endeavor, it was important to amend the California Rules of Professional Conduct, rule 1–650 so that it mirrored rule 6.5 of the American Bar Association Model Rules of Professional Conduct.. With the passage of this amendment, attorneys can now provide short-term limited legal services to a client under a program sponsored by an organization identified in the rule, when the lawyer is unaware of a conflict and it is not possible to conduct a conflict of interest check and there is no expectation by the lawyer or client that the lawyer will provide continuing representation.

Mr. Miller concluded by saying he would like to hear from lawyers throughout the state. He is genuinely interested in their ideas and concerns. He can be reached at hmiller@girardikeese.com.

Donna Thierbach, a member of the Bar Publications Committee, is a retired Chief Deputy of the Riverside County Probation Department.



**Interested in writing? Seeing your name in print?
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AURORA HUGHES RECEIVES FLORENTINO GARZA FORTITUDE AWARD

by J'Amy Pacheco

Describing her as “the most courageous warrior I know,” San Bernardino Judge John Pacheco, on behalf of the San Bernardino County Bar Association, presented attorney Aurora Hughes with the Florentino Garza Fortitude Award on October 2, 2009.

The award recognizes legal professionals who have overcome significant personal obstacles to achieve success in the practice of law. It is named for San Bernardino attorney Florentino Garza, an orphan and former migrant farm worker who ultimately attended college and law school and became a successful trial attorney.

In 2008, Hughes was diagnosed with Lou Gehrig’s Disease. Despite the diagnosis and the accompanying physical limitations, Hughes opted to serve a term as president of the Riverside County Bar Association, a position she held until last month.

“Aurora has gone from being perfectly healthy to having to use a cane to being in a wheelchair in less than two years, to now where she is mostly bedridden and on oxygen,” Pacheco said. “She is in severe pain. Her diaphragm is starting to fail, which means shortly she will constantly require a breathing machine.

“In speaking to Aurora, the courageous person that she is, she tells me she is feeling well but she is losing muscle function in her arms and hands,” he continued. “The fatigue limits her severely in her activity, but Aurora will not miss any bar function because she is a fighter and a warrior. She stated that it is her goal to make it to the end of the year. Her only regret is that she was not able to mentor more and give back more to the legal community.”

Michael Scaffidi, who helmed the SBCBA while Hughes headed the RCBA, said Hughes had gone from being a professional colleague to a “person I consider close and dear.”

“She really is a great lady, because of how she’s carried herself on a personal and professional level throughout the adversities she’s faced these last 18 months,” he said. “She has continued to support the legal community despite her devastating illness. She faces every day with courage and integrity, fighting to live a productive life.”

Hughes was raised in Tombstone, Arizona, and was the first female baseball player on the boy’s varsity team at her high school, Pacheco related.



Aurora Hughes

She earned her undergraduate degree from the University of Arizona in Tucson and her law degree from Southwestern University School of Law. She was admitted to practice in 1979.

In addition to her legal activities, Hughes is a former competitive shooter who also served as vice-president of the California Writers Club.

Hughes was active with the Los Angeles County Bar Association’s Board of Delegates before practicing in Riverside. In his remarks, Pacheco said James Heiting, a Riverside attorney and former president of the State Bar of

California, described Hughes as “an extremely competent, service-oriented, courageous leader” and “a great human being who loves without reservation, a person who is always there for you and who does battle every day.” Heiting initially met Hughes when she was serving with the LACBA group.

Pacheco quoted San Bernardino Judge Wilfred Schneider as saying Hughes “has a great heart” and is “a very diligent litigator, an absolutely terrific, warmhearted human being.”

Riverside Judge Craig Riemer, who met Hughes while they served together on the board of the Riverside County Bar Association, said it speaks volumes of her character that when she learned she had only a few years to live, she became determined to spend two of her best remaining years in service to the RCBA, Pacheco related.

Hughes initially noticed signs of illness during an Orange County trial in 2007. She reported feeling fatigued, weak in her legs, and lacking stamina. It took doctors a year to diagnose the illness, which attacks the nervous system.

Hughes received the award during the SBCBA’s annual installation dinner. She is its third recipient.

Pacheco said he’d received an email Friday morning containing a quote that said, “Life is not about waiting for the storm to pass; it’s about learning how to dance in the rain.”

“Ladies and gentlemen, tonight I submit to you that Aurora Hughes has taught us not only how to dance in the rain, but how to do it with the class, courage and strength,” he said.

This article was published in the San Bernardino Bulletin and is reprinted with permission.



A SMALL GIFT MAKES A BIG IMPRESSION

by Jamie Wrage

The holiday season reminds us of the importance of giving back to our loved ones and to the community. As professionals, lawyers are often in the position to do more than the average person in giving back to their communities, both financially and with pro bono services. In a difficult economy, that role becomes simultaneously more important and more difficult. But even in rough economic times, there are small actions that everyone can take to give a little bit back and to encourage others to do the same. The legal community should lead these efforts.

Gresham Savage Nolan & Tilden (my firm) always makes community involvement a priority, but one annual event in particular stands out with attorneys and staff – the holiday gift drive for the Inland Empire region of Olive Crest. Olive Crest is a charitable organization that serves 400 local children and their families through a continuum of services, including foster care, residential care, foster/adoption, and family preservation services. Every year, our attorneys get involved with Olive Crest's annual Black Tie Bowling fundraiser (a blast, for those of you who are unfamiliar with the concept of bowling in your best formal wear) and support special events for the foster children like concerts and musicals. But nothing rallies the Gresham Savage troops like the annual Be the Miracle Gift Drive.

Olive Crest has 50 certified foster families, many with multiple foster children. It also operates four residential homes in Perris for teens in the foster system and transitional housing for teens who are aging out of the system. The Be the Miracle Gift Drive ensures that every foster child gets holiday presents, and not just any holiday presents, but presents that the child has requested. Being in the foster care system is hard on these kids. Each individual's story leading to foster care, be it neglect or abuse, is nothing less than tragic. Despite this, it is amazing how positive these kids can be. And it means the world to a child to open the wrapping and find, not a generic gift based only on age and sex, but the toy he or she actually asked for. Sometimes these are the first holiday presents these children have ever received, and the fact that someone cared enough to give them makes a big impression on the kids.

Each year, Gresham Savage holds a gift drive party, usually at lunch time. There are festivities and food to get everyone in the holiday spirit. The Olive Crest representatives bring the gift requests on a wreath or tree. Everyone at the party takes a request (or more than one) ranging from \$10 to \$25. The foster children, whose true names are private (we of all people should understand that), are identified by an alias to make sure they get the gifts they requested. Then the Gresham Savage donors have to take the time to track down the much-anticipated toys and return them in advance of the holidays to be delivered to the children.

Last year, we collected over 70 gifts for Olive Crest's kids. I have no doubt we will top that number in 2009. The gift drive gives joy to the kids, but also to everyone who shops for a child they will never meet, but whose life they are brightening through this small personal effort.

If you are interested in volunteering with Olive Crest, being a foster or adoptive parent, or participating in the Be the Miracle Gift Drive, contact Michelle Ponce at Olive Crest's Riverside office at (951) 686-8500, ext. 1418.

Jamie Wrage, a member of the Bar Publications Committee, is a shareholder at Gresham Savage Nolan & Tilden, specializing in business and employment litigation.



FULFILLING A CHILD'S WISH – THE SNOWMAN BANNER PROJECT

by L. Alexandra Fong

The Riverside County Department of Mental Health – Children's Services provides mental health treatment to children up to age 18 who have emotional and/or behavioral challenges. These children receive individual, group, and family mental health treatment, among other services, in our countywide clinics and programs. Parent Support provides nontraditional support to families and youths who have been identified as having particular needs and who are participating in mental health treatment.

Every year, the Riverside County Department of Mental Health distributes a Snowman Banner to those departments within the County of Riverside that are interested in providing holiday gifts to children who are receiving, or whose family members are receiving, services from the Department of Mental Health. Lorie Lacey-Payne, Mental Health Peer Specialist, and Luz Negrón, Volunteer Coordinator, organize the Snowman Banner project, assisted by volunteers in the various county departments who distribute the Snowman Banner, pick up the requested gifts, and deliver the gifts.

For the past 15 years, the Office of County Counsel has participated in the Snowman Banner project. Throughout the years, Bobbi Sumrall (County Counsel Administrative Assistant), Cathy Maxwell (County Counsel Legal Support Assistant) and L. Alexandra Fong (Deputy County Counsel) have each volunteered to handle the Snowman Banner project on behalf of the office. The employees of the office have provided gifts to over 500 children throughout their years of participation.

A Snowman Banner, filled with snowflake requests from the children, is delivered to each participating department in early November. Each employee selects a snowflake from the banner and fulfills the wish of that child. Requests have included portable CD players, MP3 players, comic books, makeup, jewelry, clothes, gift cards, sneakers, art supplies, movie tickets, and books. Many children request items for their siblings, rather than themselves. The snowflake is then attached to the unwrapped gift and arrangements are made with the Department of Mental Health to collect the holiday gifts.



The Snowman Banner project is also open to individuals and companies not affiliated with the County of Riverside. For additional information about the Snowman Banner and how to fulfill these children's holiday wishes, please contact Lorie Lacey-Payne or Luz Negrón at (951) 358-6858. They may also be contacted via email at llacey@co.riverside.ca.us and lnegron@co.riverside.ca.us or via mail at Riverside County Department of Mental Health, Parent Support & Training Program, 9707 Magnolia Avenue, Riverside, CA 92503.

L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside.

Photograph by L. Alexandra Fong.



DRS VOLUNTEERS

The RCBA Dispute Resolution Service, Inc., (“DRS”) has been providing pro bono and very limited fee mediations and arbitrations to the Riverside-based legal community for nearly 15 years. In doing so DRS has been a contract provider for the Riverside Superior Court by offering multi-level Alternative Dispute Resolution proceedings. Thousands of cases have been brought through DRS with great care, foresight, expertise and experience given by our mediators, arbitrators and settlement officers. At a time when our Court system is bogged down with political barriers frustrating our ability to conclude civil matters, the DRS panel of court mediators and settlement officers have given, given and given again of their time successfully resolving a great number of cases. DRS would like to acknowledge our panelists of Court mediators/settlement officers for once again providing their precious time towards this endeavor.

Robert Andersen, Jr.

Cari Baum

Harry Brown

Harry Carpelan

Janice Cleveland

Donald Cripe

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Madeline Tannehill

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Marvin Weiss



PSLC THANKS YOU

The needs of the indigent are often greater than those of the paying client. – Ward W. Albert

One of a lawyer's most important responsibilities is to help insure that the justice system works for all people, not just those who can afford lawyers' fees. The Public Service Law Corporation (PSLC) of the Riverside County Bar Association recognizes the valuable contributions of the following lawyers, as well as paralegals and secretaries who volunteer their time and expertise on behalf of low income clients.

Richard Ackerman
Matthew Brown
Robert Brownlee
Kirby Combs
Arlene Cordoba
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NaKeshia Dodson
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PSLC volunteers who recently received the State Bar's Wiley Manuel Award for donating 50 hours or more of pro bono services during the past year.

(left to right) Edward Hu, Katie Greene, Don McKay, Chris Mosoroff, Diane Singleton-Smith, Richard Ackerman, Ralph Hekman, Ward Simmons (Board Director)



JOHN G. GABBERT JUDICIAL PLAZA

On Saturday, June 20, 2009, members of the community came to celebrate the 100th birthday of Justice John Gabbert. The courtyard, between the Hall of Justice and Historic Courthouse in downtown Riverside, was dedicated in his honor as the John G. Gabbert Judicial Plaza.

The Riverside County Bar Association would like to acknowledge the following individuals/entities for their generous donations. This event would not have been possible without their support:

University of California, Riverside
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Judge Douglas Weathers
Judge Stephen Cunnison, Ret.
James Dilworth
Judge Becky Dugan
James and Jan Erickson
Judge Dallas Holmes, Ret.
Judge E. Michael Kaiser, Ret.
Legal Nurse Betty (Betty Lyons)
Edward & Sandra Mackey
Judge Virginia Phillips
Judge Elwood Rich, Ret.
Randy Stamen
Judge Sharon Waters
Heidi Fron
Christopher Harmon
Dennis Thayer

Justice John Gabbert, a past president of the Riverside County Bar Association, has devoted most of his 100 years

to advancing and enhancing the quality of life in Riverside and the Inland Empire region, which he has served with such dignity and quality.

He was appointed Judge in 1949 by Governor Warren to the Riverside Superior Court. In 1970, he was appointed as Associate Justice of the California Court of Appeals. Since his retirement from the bench some 35 years ago, Justice Gabbert has served as a volunteer leader for the many local organizations and charities. Through all his service and achievements, he has continued to be a role model as one of the most respected judicial leaders in the history of our region and state.

Photographs by Michael J. Elderman



Unveiling of monument in honor of Justice Gabbert (sitting in front)



(left to right) Judge Dallas Holmes, Jim Erickson, Maureen Kane, Rusty Bailey, Justice John Gabbert, Judge Charles Field, Judge Victor Miceli, Kyle Hoffman, Riverside Mayor Ronald Loveridge



Justice Gabbert with his daughters Katie Smith (left), Sarah Schmerl and son Scott Gabbert

LOCAL LAWYERS GO TO THE DOGS (AND CATS, TOO)

by Kirsten B. Shea and Kelly M. Henry

Many cats and dogs are mistreated or abandoned by their owners. There is a group of lawyers who have come to the rescue by volunteering for the Riverside Humane Society Pet Adoption Center.

If you are not familiar with it already, the Riverside Humane Society Pet Adoption Center is a nonprofit public benefit charitable organization serving the local community. It is also the largest no-kill pet rescue organization in Riverside County.

Several local attorneys currently serve on the Board of Trustees for the Riverside Humane Society Pet Adoption Center. They include Teresa Rhyne of the Teresa Rhyne Law Group, Mike Summerour of Gresham Savage Nolan & Tilden, Ellen Weinfurtner (sole practitioner), Mike Marlatt of Thompson & Colegate and Kristin Tillquist (Mayor Loveridge's chief of staff – but she is also a lawyer in Canada).

In addition, while not a board member, Michelle Ouellette of Best Best & Krieger, a former president of the Riverside County Bar Association, has assisted the board's fundraising efforts by serving on the Capital Campaign Committee, and she was instrumental in securing several large donations for the organization, including one from the City of Riverside.

Teresa Rhyne and Mike Summerour co-chaired the Capital Campaign Committee for the Riverside Humane Society Pet Adoption Center's beautiful new multi-million dollar facility located at 6165 Industrial Avenue in Riverside. Teresa has been on the board on and off for the last 20, years and Mike joined the board after he served as

co-chair of the Capital Campaign. Mike's two daughters also volunteer at the facility.

When asked what they enjoy most about serving on the board, both Mike and Teresa gave the same answer. In short, they both said that serving on the board for the Riverside Humane Society is giving back in the purest sense, because they do not expect anything in return. Their ultimate goal is to provide the cats and dogs that live at their facility a safe, comfortable and loving home for their lifetime, whether they stay at the facility or are adopted into a loving home.

Like Teresa, Ellen Weinfurtner has served on the Board for over 20 years. Ellen currently has several adopted pets from the Humane Society, including her office cat, named Howie. Ellen remarks that she likes adopting animals that have special needs, the ones nobody wants. For example, when Ellen adopted Howie, she recalls, he was grumpy and difficult to handle. In fact, before she adopted him, Howie was brought back to the Adoption Center twice. But after being with Ellen over the last nine years, he has transformed into a loving cat. In fact, Ellen states that Howie has a calming influence on clients who come to see her about a difficult legal issue that they are facing.

Like Ellen, Mike Marlatt has always loved animals. However, the story of how he became interested in serving on the board is unique, to say the least. Mike's involvement stems from his experience several years ago in Pamplona, Spain, when he participated in the famous "Running of the Bulls." Mike recalls that during the run, he ended up being swooped

up between a stampeding bull's horns, but remarkably, he was left unscathed. Instead, Mike said, he was tossed aside, somewhat gently, by the bull. Mike laughs, "This is a true story and that's no bull." About this experience, Mike remarks, "Since that animal gave back to this human, I believe it is only right for this human to give back to the animals."

All of these attorneys have a passion for helping animals. Through their good work, many animals in Riverside have gotten a second chance at life. For more information on the Riverside Humane Society Pet Adoption Center, visit the website at <http://www.petsadoption.com>. On the website, you can view dogs and cats that are looking for loving homes and/or offices like your own. In addition, you can contact the website to learn more about donating your time and/or money to the cause. On March 20, the Riverside Humane Society Pet Adoption Center will have its 19th Annual Walk with the Animals in Fairmount Park.

Kirsten B. Shea and Kelly M. Henry, members of the Bar Publications Committee, are with the law firm of Thompson & Colegate in Riverside.



IN A TIME OF NEED, IELLA LEGAL AID PROJECT GIVES BACK, ONE ATTORNEY AT A TIME

by Laura Price

When asked to write an article on IELLA's pro bono attorneys, I was thrilled, since I work so closely with all of them, but where do I even begin? There was something special about the volunteering that took place this year, as compared to previous years. I noticed a more in-depth compassion from every attorney. I am not sure if it is this economic slump that we are in that may have sparked the need to help, but whatever it is, it motivated our attorneys to push themselves even more and really give back and fulfill their pro bono publico duty.

This year alone, our pro bono attorneys have devoted over 850 hours! Every pro bono attorney leaves a positive impression on the clients they meet with. Our clients leave assured and grateful that they, too, can gain access within our legal system.

One of those clients is Jesus Hernandez. He learned that his child support payments were in arrears and had become an immense amount that he was unable to pay. Consequently, his driver's license was suspended, and because having a driver's license was an employment requirement, he was fired. Furthermore, he was unable to meet payment deadlines and lost several assets. Jesus sought legal representation, but nothing was accomplished. He lost faith in the legal system and lost hope of anyone giving him a helping hand.

Jesus heard about the Inland Empire Latino Lawyer's Association (IELLA) and was curious about the possibility of receiving free legal assistance. He observed two legal aid clinics, blending in with the crowd, before he asked for help. Jesus was skeptical about whether or not IELLA would help him at all. He recalls noticing the age group of the interns and staff, and he felt even more reluctant to ask for help because everyone seemed too young to take his case seriously. However, on his third visit, I spoke to him and encouraged him to exercise his rights and assured him that IELLA would be a helping hand. Jesus recalls, "I was stunned by the friendly attention that I received." Jesus once again believed in people helping others in good faith.

In the process, Jesus speaks with volunteer attorney John Hyland, who instructs staff to prepare the paperwork for the compromise of arrears program and an income

and expense declaration. Jesus was unaware he even had a right to modify his child support.

The Department of Child Support Services (DCSS) asks him to prepare additional paperwork for the compromise of arrears program; at a follow-up clinic, volunteer attorney Esther Torres gives IELLA staff recommendations on completing the paperwork. One week later, there is more paperwork from DCSS. Jesus speaks with volunteer attorney Barbara Hannah, who recommends that staff prepare a response to the governmental complaint and yet another income and expense declaration.

During Jesus's meeting with Hannah, she discovers that the children and mother had been living in Mexico for a couple of years. In addition, Hannah learns that the former wife and children had lived with him for a period of time and he was still being charged child support.

Jesus's home phone rings, and it is the person he had waited to speak with from day one, the judge. Upon reviewing and weighing the paperwork, the judge stops the existing child support payment of nearly \$800 a month and continues the hearing to yet another date to determine if Jesus is eligible for a credit, which could be more than \$10,000.

When asked how he felt after his hearing, Jesus replied, "I am very appreciative of the help your staff and all of the attorneys provided me with. I sincerely say it when I say 'thank you.'"

Less than two weeks after his telephonic appearance, he received yet another document from DCSS stating that his driver's license has been reinstated. Recently, Jesus received more paperwork from the DMV to move forward with the reinstatement of his driver's license. He stopped by the Colton clinic to show me what he had been waiting for. He held up his driver's license with a smile on his face, reminding me of myself when I received my driving permit in the mail years ago.

Will Jesus continue to receive more paperwork to fill out?

To be continued . . .

Laura Price is IELLA's Clinic Manager & Volunteer Coordinator. IELLA is located at 2060 University Avenue, Suite 113, Riverside, CA 92507; Telephone: 951-369-5846.



RCBA TO LAUNCH SECTION ON HUMAN RIGHTS

by D.W. Duke

We saw her on CNN, the BBC, MSNBC and Fox News. Her bloodied face was displayed on thousands of internet websites. Her name became a household word, and she is now a martyr for those seeking freedom in Iran. Though most of us know her only as “Neda,” her full name was Neda Agha-Soltan.

Neda was a 26-year-old university student of philosophy and music who was walking to a peaceful demonstration in Tehran. The demonstrators were protesting the rigged elections whereby incumbent President Mahmoud Ahmadinejad had been reelected as the president of Iran. Her close friend and music teacher walked beside her as they strolled down the street with the crowd. Suddenly, a shot rang out, and Neda slowly fell backwards to the pavement. With what some described as an angelic expression, she looked directly into the camera of a bystander as her life faded from our view. Today, her mother describes her as “an angel.” In the evening, on her grave, people often write the word “martyr,” but city employees remove the writing the next day.

Some witnesses say they saw the gunman and recognized him as a known member of the militia controlled by the notorious Revolutionary Guard. The Ahmadinejad administration denies this claim. For a short time, a picture of the man who allegedly shot her appeared on an internet site, but it was quickly removed for fear that further violence would ensue, thereby escalating the crisis.

Why was the death of Neda such a traumatic event for so many people? What was it about this tragic story that caught the attention of so many, resulting in hundreds of demonstrations in major cities throughout the world in support of the citizens of Iran? Could it be that we recognize the inherent violations of human rights in this story? A young woman’s life was snuffed out simply because she was exercising her right to free speech and to assemble peacefully. In the United States, we have the protection of the First Amendment to the U.S. Constitution, but for many people of the world, freedom of speech and freedom of assembly are not recognized rights. Indeed, Neda’s death was a blatant example of a government’s denial of the right to assemble peacefully, and, perhaps intuitively,



Neda Agha-Soltan

people from every nation in the world know that this is inherently wrong.

It is perhaps ironic that Iran, a nation whose government is one of the worst violators of human rights in modern times, was actually the birthplace of a document many historians consider to have been the first charter on human rights. Written by Cyrus the Great, King of Persia, in 539 B.C.E., the charter was discovered in 1878 in Babylon and was published by the United Nations in 1971. Even by today’s standards, the document expresses some of the most advanced concepts of humanitarian law. In fact, the

views of Cyrus the Great were so profound that he is mentioned 23 times by name in the Old Testament, and the Jewish prophet Isaiah referred to Cyrus the Great as a “messiah.” (Isaiah 45:1.)

Despite this expression of human rights over 2,500 years ago, the idea of humanitarian law did not begin to find acceptance in international law until the last century. Prior to that time, international law concerned relationships between nations, and individual human rights were exclusively the subject of national interest and not international law. Thus, for centuries, the prevailing view was that human rights violations occurring within a nation were exclusively the concern of that nation, and there should be no interference with a sovereign nation concerning the manner in which it treats its citizens.

International law began to recognize human rights in the early part of the 20th century, but it wasn’t until the horrific tragedies of the Holocaust that governments of the free world began to realize that there are certain situations in which free nations may be required to step forward to protect the rights of citizens against abuses by their own government. This view had been expressed by Hugo Grotius and other scholars in the 17th century, but had not been widely accepted as a legitimate view of international law until World War II. During this war, citizens of the world began to recognize a responsibility to help others who suffer under totalitarian regimes, and international law finally began to focus on human rights with the prosecution of war criminals in the Nuremburg trials. But even now, the free nations of the world are slow to take action against other nations in which human

rights violations occur. As a result, private citizens have been forced to take an active role in protecting the rights of those who suffer the abuses of totalitarian regimes.

When many of us were in law school, we fantasized about being human rights attorneys, whether in the context of civil rights in the U.S. or in the broader international arena. When we graduated, most of us soon discovered that human rights attorneys typically do not live in the nicest houses or drive the nicest cars. In fact, we found that being a human rights attorney is a difficult way to earn a living in the legal profession. For this reason, most of us have little contact with human rights issues and often lack meaningful ways to get involved, even on a pro bono basis.

The Human/Civil Rights Section of the RCBA is intended to provide access to ways of becoming involved in human rights issues. Those who are already involved in matters of human rights will share experiences, and those who are not yet involved perhaps can learn of ways to become involved. **If you would like to participate in the Human/Civil Rights Section, you are invited to attend the first informational meeting, which will take place at 12 noon on Monday, January 4, 2010, in the John Gabbert Gallery on the third floor of the RCBA building.** At that time, we will invite attendees who are members of the RCBA to serve as section members. If you feel that this is an area wherein you would like to become involved, please join us for this informational meeting.

D.W. Duke is a trial attorney, a writer and the managing partner of the Inland Empire office of Spile, Siegal, Leff & Goor, LLP. He is actively involved in human rights issues and in efforts to secure the freedom of numerous victims of human rights violations throughout the world.



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JUDICIAL PROFILE: HON. MARK E. JOHNSON

by L. Alexandra Fong

A Lifetime of Service Culminates in a Judicial Appointment

Judge Mark Johnson grew up in Southern California, the son of an accountant father and homemaker mother. After graduating from high school, he attended the University of California at Irvine on a tennis scholarship. He ultimately graduated with a Bachelor of Arts degree from Northeast Louisiana University in 1981.

Judge Johnson was inspired to go to law school by his uncle, Adrian Marshall, an attorney practicing in entertainment law, whose notable clients included Chuck Norris and the late Bruce Lee. He earned his Juris Doctorate degree from Pepperdine University School of Law in 1984, graduating fourth in his class. He decided to join the United States Army because he believed it would be an interesting experience and he wanted to travel the world.

On March 24, 1985, Judge Johnson entered the Army. He was on active duty for seven years before going into the reserves. In July 1985, he was stationed in Germany as a member of the 1st Armored Division, also known as "Old Ironsides," and was part of the Judge Advocate General (JAG) Corps. While in Germany, he met his future wife Elaine, who was also a member of the Army and the JAG Corps. On April 6, 1986, he picked her up at the Frankfurt am Main Airport so she could begin her assignment in Germany. They were married on July 10, 1987. During his overseas assignment, he was also stationed in Korea for two years. This enabled him to travel throughout Southeast Asia, which he enjoyed immensely.

From 1990 to 1992, he was an associate with Bawden, Tyler and Johnson, primarily practicing criminal law. From 1992 to 1993, he was an associate for the William K. Gamble Law Firm, again practicing criminal law. He was a sole practitioner from 1993 to 1999, still primarily practicing criminal law, but dabbling briefly in civil law. He was awarded the conflicts panel contract for the northern half of Santa Barbara County during this time. Since 1996, he has handled three capital cases through the penalty phase and numerous other capital cases at various stages in the legal proceedings. After the conflicts panel contract ended, he decided to relocate. He learned



The Honorable Mark Johnson

from his brother, Greg Johnson, a former deputy public defender for the County of Riverside, of open positions within the county.

In 2000, Judge Johnson moved to Riverside to take a job as a deputy public defender with the Riverside County Public Defender's office. During his interview, he advised Assistant Public Defender Robert K. Willey that Elaine was the better attorney, and both were hired shortly thereafter. During his tenure as a deputy public defender, he was assigned to the capital cases unit, where he handled various capital

cases, as well as noncapital cases, including but not limited to murder, child molestation and sexual abuse matters. Prior to his appointment to the bench, Judge Johnson was a Senior Deputy Public Defender.

In 2003, Judge Johnson was called to active duty and posted to Baghdad, Iraq. He assisted the Iraqis in rebuilding their government based upon the rule of law and was instrumental in drafting the Iraqi Constitution. He returned to the Riverside County Public Defender's office, where he remained until he was appointed a judge of the Riverside Superior Court. He decided to become a judge because he wanted to take on a new role in the legal community. With the support of his family, he applied for a judicial appointment and on March 26, 2009, he became the newest judicial officer of the Riverside Superior Court.

On July 10, 2009, the enrobement ceremony for the Honorable Mark Johnson was held.¹ Distinguished individuals, including Judge Johnson's former boss and colleague, Assistant Public Defender Willey, his brothers-in-arms, Colonel Lorenzo Valenzuela (United States Army Reserve) and Major Paul McBride (United States Army), and his sister-in-arms, Command Sergeant Major Winsome Laos (United States Army), spoke. Loyalty, duty, respect, selfless service, honor, integrity, and personal courage are the seven core Army values which Colonel Valenzuela described as possessed by Judge Johnson.

As Presiding Judge Thomas H. Cahraman explained, the enrobement ceremony was a largely symbolic event,

¹ This was also the 22nd anniversary of his marriage to Elaine.

as Judge Johnson had taken his oath of office on April 14, 2009 and was already actively presiding over various cases.

Judge Johnson has been assigned to handle civil law and motion matters, as well as criminal matters, in Department 5 of the Historic Courthouse. Since his assignment, he has presided over 19 criminal trials, including the trial of Mark Herbert Warren, who was convicted of kidnapping and imprisoning a woman in a coffin-like crate.

In September 2009, he attended the new judge orientation, and he will attend the B.E. Witkin Judicial College of California in August 2010, both of which are required pursuant to California Rules of Court, rule 10.462.

In his free time, Judge Johnson enjoys hiking with his dogs, gardening, and spending time with his wife Elaine and daughter Erica. They enjoy traveling the world and have taken Erica on her first overseas trip, to England and Ireland.

L. Alexandra Fong, a member of the Bar Publications Committee, is a Deputy County Counsel for the County of Riverside.

Photographs by L. Alexandra Fong.



The Honorable Thomas H. Cahraman, Presiding Judge of the Riverside Superior Court, administering the judicial oath of office to the Honorable Mark Johnson (left).



(left to right) Colonel Lorenzo Valenzuela, Command Sergeant Major Felipe Colon, the Honorable Mark Johnson, Command Sergeant Major Winsome Laos, Major Paul McBride

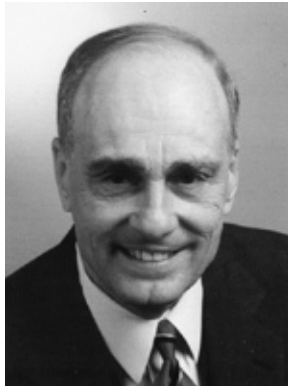
FAMED ATTORNEY AND AUTHOR VINCENT BUGLIOSI TO SPEAK AT SPECIAL RCBA GENERAL MEMBERSHIP MEETING

by Robyn A. Lewis

The Riverside County Bar Association is honored to announce that famed attorney and author Vincent Bugliosi will be speaking at a special RCBA general membership meeting, which will be a dinner event at the Mission Inn on May 5, 2010 (social hour at 5:30 p.m., dinner and program at 6:00 p.m.).

In his career as a prosecutor for the Los Angeles County District Attorney's office, Mr. Bugliosi won 105 out of 106 felony jury trials. His most famous case was the Charles Manson case, which became the basis of his book, *Helter Skelter*, the biggest-selling true crime book in publishing history. At the upcoming RCBA event, he will be speaking on the topic of "The Manson Murders: The Trial of the Century."

Both *Helter Skelter* and the subsequent *Till Death Do Us Part* won Edgar Allen Poe Awards for the best true-



Vincent Bugliosi

crime book of the year. *And The Sea Will Tell*, another of his true crime books, was on the *New York Times* best-seller list. Mr. Bugliosi is also well-known for his other national best seller about the O.J. Simpson trial, *Outrage: The Five Reasons Why O.J. Simpson Got Away With Murder*. He has also written *No Island of Sanity*, *Paula Jones vs. Bill Clinton*, *The Supreme Court on Trial* and *Reclaiming History: The Assassination of President John F. Kennedy*. Many of Mr. Bugliosi's books were made into television movies and mini-series.

Mr. Bugliosi participated in a British television production in which he prosecuted Lee Harvey Oswald for the assassination of John F. Kennedy, going up against celebrated defense attorney, Gary Spence. The 21-hour docutrial had a real judge and jury, the actual witnesses in

the Kennedy case and no script or actors. Ultimately, the jury convicted Oswald.

Tickets for this event can be purchased through the Riverside County Bar Association. The cost is \$75 for RCBA/SBCBA members and \$85 for non-members. If you are an RCBA member and you purchase your tickets before December 30, 2009, the cost will be \$65. Please contact Charlene or Lisa at (951) 682-1015 or rcba@riversidecountybar.com for more details. Please note that seating is limited, so be sure to reserve your seats today.



COMMITTEES AND SECTIONS OF THE RCBA

Listed below are some of the many committees and sections established by the Riverside County Bar Association. To join one or more committees and/or sections, please use the enrollment form available online at www.riversidecountybar.com (click on About RCBA > Organization) or contact the RCBA at (951) 682-1015 or rcba@riversidecountybar.com. All members are eligible – attorneys, judges, retired members, law students and affiliates.

If you would like to suggest speakers for a section meeting or CLE Brown Bag Seminar, or if you have other ideas and comments, please contact the Chair(s) indicated below for the relevant committee or section.

COMMITTEES

Bar Publications establishes editorial policy for the Riverside Lawyer and assists in article development and web site content. Chair: Jacqueline Carey-Wilson, (909) 387-4334 or jcareywilson@cc.sbcounty.gov.

Conference of Delegates reviews and develops resolutions for the annual Conference of Delegates, as well as representing the RCBA at the conference. The committee meets upon call of the Chair. Chair: Michael Bazzo, (213) 438-2017 or mbazzo.esq@gmail.com.

Continuing Legal Education arranges programs for members to fulfill MCLE requirements. It also is responsible for the Bridging the Gap Program and Brown Bag seminars. The committee meets monthly from September to June. The RCBA is a State Bar of California-certified MCLE provider. Chair: Richard Ackerman, (951) 308-6454 or livelyackerman@aol.com.

Membership recruits new members, researches new membership services and promotes bar activities within firms. Chair: Jacqueline Carey-Wilson, (909) 387-4334 or jcareywilson@cc.sbcounty.gov.

Mock Trial Steering is responsible for activities relating to the annual Mock Trial competitions. The committee meets monthly from September to March at the bar association. Chair: John Wahlin, (951) 686-1450 or john.wahlin@bbklaw.com.

SECTIONS

The sections listed below are semi-autonomous from the RCBA and are empowered to establish their own procedures, subject only to compliance with the RCBA Bylaws and review by the Board of Directors. The activities of most of the sections are largely devoted to the presentation, discussion and study of matters pertaining to the practice of a substantive area of the law. Chair(s) for the sections are:

- **Appellate Law:** Brian Unitt, (951) 682-7030 or brianunitt@linkline.com.
- **Civil Litigation:** David Werner, (951) 823-8312 or david.werner@greshamsavage.com.
- **Criminal Law:** Chad Firetag, (951) 682-9311 or Firetag@yahoo.com; Chris Harmon, (951) 787-6800 or christopherbharmon@sbcglobal.net.
- **Environmental and Land Use Law** (joint with the SBCBA): Garry Brown, (909) 890-4499 or garry.brown@greshamsavage.com.
- **Estate Planning, Probate and Elder Law:** Kimberly Lessing, (951) 279-6626 or kimberly@lessinglaw.com; Maureen Lyons, (951) 781-1960 or maureen@moynihanlawfirm.com.
- **Family Law:** Bill Edgar, (951) 684-6885 or billedgar@billedgarlaw.com.
- **Human/Civil Rights:** D.W. Duke, (818) 784-6899 or dwduke@spile-siegal.com.
- **Immigration Law:** Kelly O'Reilly, (562) 207-6789 or koreilly@wilneroreilly.com.
- **Landlord/Tenant Law** (joint with the SBCBA): Barry O'Connor, (951) 689-9644 or udlaw2@aol.com.
- **Solo & Small Firm:** Connie Younger, (951) 784-5660 or connieyounger@sbcglobal.net.



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FAREWELL TO MY JUDGE

by Jamie Alexis Newbold

While in the Town & Gown at USC on Thursday, August 13, 2009, attending the Honorable Robert M. Takasugi's memorial, I found it unsettlingly ironic that I was originally registered to be attending the reenactment of the historic oral argument in *Korematsu v. United States* at the Court of Appeal in Riverside. Judge Takasugi, or "my judge" as I would affectionately refer to him, was likewise imprisoned in an internment camp, in 1942 in Tule Lake, California, along with 130,000 Japanese-Americans, where at age 12, he lost his father due to lack of medical care in the camps.

I was an extern for my judge at the United States District Court for the Central District of California in 1998. He *loved* his externs. But more than that, he loved what he did. He characterized his experience in the Japanese internment camps as "an education in fairness," and while he did not *make* law, as ideal judges shouldn't, "he championed the individual through the facts of the case so he or she would not get lost in the bureaucracy." That is how the Honorable Audrey B. Collins, Chief Judge of the U.S. District Court in Los Angeles, who introduced the celebration of Judge Takasugi's life *in memoriam*, so eloquently described his dedication to the law and to the people.

Mentor. That is the truest word to describe my judge. He helped me view cases from other angles rather than just through my conservative opinions. He enabled me to weigh both sides of a case instead of finding reasons why it should go only one way. He encouraged disagreement and argument so that a proper determination could be reached after exploring all applications of the law to the facts. He was my mentor.

My judge was most notably known for presiding over the John DeLorean cocaine trafficking trial in 1984. Then, in 2002, in a case posing a challenge to the Patriot Act during post-9/11 "hysteria on his court docket," he ruled that broad claims of "mili-

tary necessity" and "national security" should not override the Constitution and due process, as they had during his childhood.

Several close friends and influential lawyers rose to pay homage to my judge, but my favorite part of his memorial was when his son, the Honorable Jon R. Takasugi of the Los Angeles Superior Court, stood at the lectern with what initially appeared to be a solemn and mournful despairing look, slowly lifted his head and shouted, "He loved the Yankees! . . . He drove a Hummer one year and a Prius the next! Neither of which he drove very well . . . He never met a buffet he didn't like! . . . And Don Quixote was one of his favorite films."

Needless to say, my inability to attend the historic oral argument at the Court of Appeal was driven by the necessity of saying goodbye to my judge. He was an incredible jurist, a staunch advocate in upholding the Constitution, an unforgettable mentor, and an endearing friend. He will be terribly missed.

Jamie Alexis Newbold is a judicial staff attorney for Riverside County Superior Court.



*Jamie Newbold
and Judge Robert M. Takasugi*



ieLAW (Inland Empire Legal Association of Women) invites you to participate in a holiday food drive to benefit the Foothill Family Shelter of Upland.

This non-profit organization provides temporary shelter, transitional and permanent housing for homeless adults and children in our communities. Please visit their website www.foothillfamilyshelter.org for information.

Canned food and toiletries are much appreciated. Please deliver any donations by December 14th to:

- **Connally & Gardner** – 8300 Utica Ave., 3rd Floor, Rancho Cucamonga
- **SBCBA** – 555 N. Arrowhead Ave., San Bernardino
- **Berger & Raphael** – 3941 Brockton Avenue #4, Riverside

ieLAW

Happy Holidays,

Marcie Gardner
Connally & Gardner, LLP
President, ieLAW

COMMISSIONER MARTIN SWANSON HONORED WITH SAINT THOMAS MORE AWARD AT 19TH ANNUAL RED MASS

by Jacqueline Carey-Wilson and Mary Swanson

More than 150 members of the legal community and their families gathered at the 19th Annual Red Mass on April 28, 2009. The Red Mass is celebrated to invoke God's blessing and guidance in the administration of justice. The mass was held at Our Lady of the Rosary Cathedral in San Bernardino. Judges, lawyers, and public officials of several faiths participated. A banner depicting the Holy Spirit, the Scales of Justice, and the Ten Commandments was placed on the altar at the beginning of the mass to symbolize the impartiality of justice and how all must work toward the fair and equal administration of the law, without corruption, avarice, prejudice, or favor. The mass was dedicated to those who serve us in the armed services, especially in Iraq, Afghanistan, and other places where they are in harm's way.

The chief celebrant was the Most Reverend Gerald Barnes, the Bishop of the Diocese of San Bernardino. The homilist was Father Martin O'Loughlen, a member of the Congregation of the Sacred Hearts of Jesus and Mary (SS.CC.) and former principal of Damien High School in La Verne. Rabbi Hillel Cohn, Rabbi Emeritus of Congregation Emanu El in San Bernardino, read a passage from the Old Testament. Patricia Cisneros offered the Prayers of the Faithful, which included remembrances of individuals in the Inland Empire legal community who passed away during the last year.

At the reception immediately following the mass, former Commissioner Martin "Marty" Swanson was honored with the Saint Thomas More Award. The Saint Thomas More Award is given to an attorney or a judge whose conduct in his or her 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. When speaking about Saint Thomas More, Pope John Paul II stated that "this English statesman placed his own public activity at the service of the person, especially if that person was weak or poor; he dealt with social controversies with a superb sense of fairness; he was vigorously committed to favoring and defending the family...."

Born in Pennsylvania, Marty was adopted by his loving parents, Martin and Margaret Swanson, at one month of age. His early years were spent traveling with his father, who worked in the construction of oil refineries in Oklahoma,



Rev. Tom Burdick presenting the Saint Thomas More Award to former Commissioner Martin Swanson



Commissioner Matthew Perantoni and former Commissioner Martin Swanson



(left to right) Travis and Jessica LaBrenz, Mary and Marty Swanson, Gina Greer, and NaKeshia Dodson

Texas, and California. From age seven, he was raised by his mother in the San Fernando Valley of California.

After Marty graduated from high school, he enlisted in the Air Force, where he became an air policeman. While in the Air Force, he began college and law school by taking correspondence courses. Upon being honorably discharged, he completed his education with the benefits of the GI bill, graduating from Western State University with a Juris Doctorate degree in 1973.

Marty's legal career began in general private practice, but he quickly developed a passion for criminal defense and juvenile law. He took a one-year hiatus from the practice of law for the 1984 Olympic Games in Los Angeles, where he worked as the venue director for the archery competition. When the games were over, he went to work for the Riverside County Public Defender's office. From 1985 to 1993, he was assigned to juvenile court, and then from 1993 to 1997 to adult major felonies, including capital murder.

Marty was appointed to the bench as a superior court commissioner in 1997. In juvenile court, he worked with dependent and delinquent youths – those who had been abandoned, abused or neglected. While on the bench, he helped establish and conduct the first Juvenile Court Dependency Mediation Program and the Juvenile Delinquency Drug Court. He was active as faculty with the Center for Judicial Education and Research (CJER) in the field of juvenile law. He also served on the CJER committee for juvenile law and the Juvenile Court Judges of California legislative committee. Marty retired from the Riverside County Superior Court in May 2006.

His love for children, especially those whose life chances he saw as marginalized, led him to volunteer outside his judicial duties and to work as a mock trial coach, an instructor for Junior Archery Olympic Development, and an archery coach, as well as a manager of U.S. archery teams competing in China, Poland, and England, to name just a few countries. As one who was adopted as an infant, Marty has been a strong supporter of adoptions and enjoys speaking to adoptive families at Riverside County Adoption Appreciation Days; he was a volunteer judicial officer for Riverside County's first annual Adoption Day in 2008. Since 1995, he has been an International Archery Judge, one of only two to three from the United States, officiating international competitions on five continents, including two Olympic Games.

As a convert to the Roman Catholic church in 1998, Marty continued his concern for children as well as his faith when he became the Chairman for the Diocesan

Review Committee in 2004. Under the direction of Bishop Gerald Barnes, the committee implemented the recommendations of the United States Council of Bishops in reviewing current and past allegations of abuse by clergy. This committee became a model for other dioceses throughout the United States.

In addition to his work with the Diocesan Review Committee, Marty is the director of the Rite of Christian Initiation of Adults at his parish, where he guides others in their faith journey. He also serves as a member of the Knights of Columbus, a Eucharistic Minister, Lector and co-coordinator for the Hospitality Ministry at his home parish, St. Catherine of Alexandria in Riverside, as well as an Advocate for Marriage Tribunal cases. Moreover, Marty is a loving husband, a proud father of five children, and a devoted grandfather to three adorable granddaughters.

Marty is a faith-filled person whose life resonates with the virtues of generosity and compassion. The Red Mass Steering Committee was pleased to recognize his extraordinary service and devotion to church, community, and justice.

The Red Mass Committee is accepting nominations for the 2010 Saint Thomas More Award. The award will be given at the reception following next year's Red Mass, which will be held on May 4, 2010. If you have any questions or would like to be involved in the planning of next year's Red Mass, please call Jacqueline Carey-Wilson at (909) 387-4334 or Mitchell Norton at (909) 387-5444.

Photographs by Jacqueline Carey-Wilson



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Conference Rooms Available

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



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2009.

Dennis L. Boyer (A) – eCompendium LLC, Riverside

James P. Dunne – Dunne & Dunne LLP, La Quinta

Zaheva Stevens Knowles – Time for Change Foundation, San Bernardino

Erik S. Laakkonen – Kramer deBoer Endelicato & Keane, Indian Wells

Stacey L. Martinez-Marks – Holstrom Sissung Marks & Anderson, Corona

Patricia Munroe – Office of the County Counsel, Riverside

Renewals:

Casey Clements – Sole Practitioner, La Verne

Donald Ray Lee – Gilbert Kelly Crowley & Jennett, Riverside

Barry C. Vaughan – Kasdan Simonds Riley & Vaughan, Irvine

(A) – Designates Affiliate Member



NOTICE

RCBA Members

Have you moved?

Has your telephone, fax or email changed?
Please contact the RCBA office at (951) 682-1015
or rcba@riversidecountybar.com with any changes.



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The Riverside County Bar Association is having a Day Spa fundraiser for its giving-back programs, such as Mock Trial, the Elves Program, Good Citizenship Awards for high school students, Adopt-a-School Reading Day, and other RCBA community projects.

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Thank you for continuing to support the RCBA and its giving-back programs.

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