

# RIVERSIDE LAWYER

April 2009 • Volume 59 Number 4

MAGAZINE



**2nd Place – Hemet High School**



**1st Place – Poly High School**



**Woodcrest Christian – 3rd Place (Tie) – Great Oak High School**



## 2009 Riverside County Mock Trial Competition

The official publication of the Riverside County Bar Association

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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 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$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

## APRIL

- 14 PSLC Board**  
RCBA – Noon

**Joint RCBA/SBCBA Landlord-Tenant Law Section**  
Nena's Restaurant in SBdno – 6:00 p.m.  
(MCLE)

- 15 Estate Planning, Probate & Trust Law Section**  
RCBA 3rd Floor – Noon  
(MCLE)

- 16 Criminal Law Section**  
RCBA 3rd Floor – Noon  
“Sexually Violent Predator (SVP) Cases: What You Really Need to Know”  
Speaker: Lorene Mies, Esq.  
(MCLE)

- 17 RCBA/RLPA Joint General Membership Meeting**  
RCBA 3rd Floor – 12 p.m. to 1:15 p.m.  
“Handling Bad Faith Actions Arising From the Duty to Settle”  
Speaker: Ricardo Echeverria, Esq.  
(MCLE)

- 22 LRS Committee**  
RCBA – Noon

- 23 Solo & Small Firm Section Organizational Meeting**  
RCBA – Noon

- 28 Red Mass – 6:00 p.m.**  
Our Lady of the Rosary Cathedral, SBdno

## MAY

- 1 RCBA Annual Good Citizenship Awards**  
(for Riverside County high school juniors)  
Historic Courthouse, Dept. 1 – 1:00 p.m.



## 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.





## President's Message

by E. Aurora Hughes

*"April is the cruellest month, breeding  
Lilacs out of the dead land, mixing  
Memory and desire, stirring  
Dull roots with spring rain."  
-- The Wasteland by T.S. Eliot.*

The month of April has always been a confusing month for me. In my personal life, it has brought on new challenges that I never thought I would face. Even after I was diagnosed with ALS, I thought for sure I would have the use of my arms and my hands well into the third or fourth year. Unfortunately, this disease has already taken almost all of my ability to move my arms and hands. You doesn't realize how much you do with your arms and hands until you don't have the use of them anymore. A simple itch on the top of your head is impossible to reach, and you simply have to wait until it stops itching or until you can get someone to assist you in scratching. Likewise, holding a piece of paper is like attempting to hold 20 pounds. It is quite fatiguing. So April this year is the cruelest month for me.

But what is also cruel is the sadness I see in so many attorneys and other individuals who have lost their jobs and are concerned that they may not even receive unemployment insurance because of the state budget crisis. I think it is also cruel to the citizens of the United States and to our children to have to incur additional taxes to bail out banks and insurance companies who mismanaged their companies. Of special distress to me is the AIG bailout. As a defense attorney, I did a lot of work for AIG. It was always difficult to get the claims

adjusters to authorize settlement monies, and yet they were sticklers for their reporting requirements, even requiring certain wording to be used in monthly reports. It is sad that this strictness and detail in reporting and in justifying the authorization of settlement monies wasn't applied to the executives of the company in doing their management job. Now these people receive bonuses from our tax dollars and argue that they are entitled to these bonuses under their contracts. And it seems even more cruel that the government cannot do anything to stop the bonuses to these executives who ran the company into the ground.

Yet April also brings rain. It brings new life. It brings new hope. It is, in a way, a washing away of the old, refreshing the lives not only of flora, but of humanity itself. While I continue to remain optimistic that the Riverside County Bar Association can have an impact on the public at large concerning the roles of the judiciary and lawyers, that optimism is waning as my strength wanes. As president of the bar association, I am often asked what was our greatest accomplishment. I'm beginning to feel unfortunate that I will not be able to identify such an accomplishment.

And yet I go back and think of the rain. The spring rain has always brought me to the point where I appreciate how something that seemed so dead in the ground can suck life into itself through the moisture provided by precipitation and rise up again and produce such beautiful flowers and leaves. I hope that the months of April and May will bring forth attorneys who are willing to give of their time and to assist in educating the public on the vital role of the judiciary. I hope that our members remember that by helping others, they also help themselves. When you receive my call, or a call from a member of our board, asking for help, please consider giving your time to help educate the public and other attorneys. Let's all try to make a difference in our community and in ourselves.



by Mark A. Mellor

**Guilty plea set aside where court failed to advise defendant of immigration consequences.** Where the record was unclear whether the court advised a foreign-born defendant of the potential for deportation at the time it accepted his guilty plea, the plea is to be set aside, as long as defendant can show it is reasonably probable he would not have pleaded guilty had he known of the potential immigration consequences. (*People v. Akhile* (Oct. 9, 2008) 167 Cal.App.4th 558 [84 Cal.Rptr.3d 236, 2008 DJDAR 15654] [First Dist., Div. 5].)

**Statute of limitations is equitably tolled while plaintiff pursues internal administrative remedy.** In *McDonald v. Antelope Valley Community College Dist.* (Oct. 27, 2008) 45 Cal.4th 88 [84 Cal.Rptr.3d 734, 194 P.3d 1026, 2008 DJDAR 16233], the trial court held that plaintiff's action for racial discrimination and related claims was barred by the one-year statute of limitations for filing a complaint with the Department of Fair Employment and Housing. Plaintiff had filed the complaint after she voluntarily pursued an internal administrative remedy. The court of appeal reversed and the California Supreme Court granted review. The Supreme Court affirmed the decision of the court of appeal, holding that, where plaintiff is required to exhaust administrative remedies before filing suit, the statute of limitations is equitably tolled.

**60-day appeal period requires mailing of notice; -mail does not trigger the time limit.** In *Citizens for Civic Accountability v. Town of Danville* (Oct. 27, 2008) 167 Cal.App.4th 1158 [84 Cal.Rptr.3d 684, 2008 DJDAR 16254] [First Dist., Div. 5], the trial court ordered electronic filing and service in a complex case. After the court denied plaintiff's petition, the clerk so advised the parties via email on the same day. Plaintiff filed a notice of appeal more than 60 days later. Respondent moved to dismiss the appeal as untimely. The court of appeal denied the motion, holding that the statute required the notice to be mailed to trigger the 60-day period. Service by email did not constitute "mailing."

**Permitting destruction of files results in dismissal of action.** In an action for legal malpractice, defendant delivered 36 file boxes containing his entire file to plaintiff. Plaintiff placed them in a storage unit but failed to make rental payments, and the storage facility destroyed the boxes. The trial court dismissed the action as a discovery sanction. The court of appeal affirmed. (*Williams*

v. Russ (Oct. 27, 2008) 167 Cal.App.4th 1215 [84 Cal.Rptr.3d 813, 2008 DJDAR 16285] [Second Dist., Div. 8].)

**Party who interpleads funds is not liable for conversion.** Where lawyers, subject to competing claims to funds, interplead the funds, they cannot be liable for conversion based on claims by some of the contenders that the funds should have been turned over to them. The trial court properly sustained a demurrer to the conversion cause of action. (*Shopoff & Cavallo LLP v. Hyon* (Oct. 31, 2008) 167 Cal.App.4th 1489 [85 Cal.Rptr.3d 268, 2008 DJDAR 16475] [First Dist., Div. 1].)

**Attorney's settlement does not preclude State Bar subrogation rights.** After attorney Statile was sued by a client for misappropriation of trust funds, he settled for less than the amount lost by the trust. In the settlement agreement, the clients reserved their right to seek further reimbursement from the State Bar's Client Security Fund. The clients then applied to the fund for reimbursement of these additional losses. The fund reimbursed them and then sued Statile, asserting subrogation rights. The trial court agreed with Statile that the settlement precluded the subrogation claim. The court of appeal reversed. Under Business and Professions Code section 6140.5, the State Bar is entitled to subrogation after it has paid the client because of the lawyer's dishonest conduct, and the settlement did not limit its rights. (*State Bar of California v. Statile* (Nov. 20, 2008) 168 Cal.App.4th 650 [86 Cal.Rptr.3d 72, 2008 DJDAR 17285] [First Dist., Div. 4].)

**No attorney fees if case is dismissed.** Civil Code section 1717 provides for attorney fee awards where a contract so provides. But the statute also provides that if the case is dismissed, there is no prevailing party, and thus, no fee award. This is true even where plaintiff files a dismissal with prejudice after the trial has already started. (*Glencoe v. Neue Sentimental Film AG* (Nov. 25, 2008) 168 Cal.App.4th 874 [85 Cal.Rptr.3d 800, 2008 DJDAR 17457] [Second Dist., Div. 4].)

**Sanction for ex parte communication with judge is reversed.** When defense counsel failed to appear, the deputy district attorney sent a note to the judge stating counsel had been suspended. The court sanctioned the deputy district attorney under Code of Civil Procedure section 177.5 for communicating ex parte with the court. The court of appeal reversed. Section 177.5 authorizes the imposition of monetary sanctions only for a violation

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of a court order. Here there was no order. Also, the statute provides for notice and hearing and a written order detailing the conduct being sanctioned. None of that was done. (People v. Hundal (Nov. 25, 2008) 168 Cal.App.4th 965 [86 Cal.Rptr.3d 166, 2008 DJDAR 17451] [Third Dist].)

***Appellate court imposes sanctions for failure to notify it of settlement.***

Days before a case was scheduled for oral argument, one of the attorneys notified the court that the case had been settled almost a year earlier. Considering the amount of work that went into the court's preparation for oral argument, the court was not pleased. It noted that California Rules of Court, rule 8.244 requires an appellant who has settled to immediately serve and file a notice of settlement. The court sanctioned appellant's counsel personally in the sum of \$6,000 and ordered that a copy of the opinion be sent to the State Bar. (Huschke v. Slater (Dec. 2, 2008) 168 Cal.App.4th 1153 [86 Cal.Rptr.3d 187, 2008 DJDAR 17687] [First Dist., Div. 2].)

***Court lacks authority to shorten time for summary judgment.***

Code of Civil Procedure section 437c requires summary judgment motions to be served 75 days before hearing (80 days if mailed). In Robinson v. Woods (Dec. 4, 2008) 168 Cal.App.4th 1258 [86 Cal.Rptr.3d 241, 2008 DJDAR 17783] [Second Dist., Div. 1], defendant mailed the notice 76 days before the hearing. The hearing was also noticed within less than the "30 days before trial" required by the statute. The trial court continued the hearing for four days, found "good cause" for hearing the motion within the 30 day cut-off period, and granted the motion. The court of appeal reversed. The trial court did not have authority to cure the defendant's failure to provide the time required by the statute by continuing the hearing. The notice of motion was invalid and the motion should be denied on that ground.



# SIXTH ANNUAL RCBA ELVES PROGRAM

by Brian C. Percy

On December 24, 2008, the RCBA Elves Program concluded its sixth and most successful year thus far. This season, your Elves purchased, donated, wrapped, and delivered gifts to families throughout Riverside County. Since the program's inception, it has grown from assisting 6 families and 24 individuals in 2002 to assisting 28 families and 124 individuals (80 children and 44 adults) this year.

2008 marked the fifth year that your Elves Program worked with the Child Abuse Prevention Center of Riverside County (CAP Center). As in previous years, the CAP Center staff was very helpful and supportive of the program.

The success of this program is due to the great support and generosity we have received from our membership. In many instances, as in past years, some members wore two and three Elves' hats! Participation has also grown beyond the immediate membership to include staff, families, and clients. This is truly a great way to share the joy of the holiday season.

And now for some recognition:

## The Money Elves:

The Money Elves really stepped up to the plate this year. We received money from direct donations, along with the money raised this past year

at the RCBA Golf Tournament and the RCBA Holiday Party at the Historic Courthouse. The money provided gifts for every family member, along with a \$50 Stater Brothers Gift Card for each family to buy the holiday dinner fixings of their choice.

I'd like to thank the following Money Elves for their support: Judith Runyon, Mary Jean Pedneau, Bernard Donahue, Donald Cripe, Diane Huntley, Dan Lewis, the Honorable Thomas Cahraman, Rob Schelling, Dan Hantman, the Honorable Craig Riemer, Richard Reed, Edward Fernandez, Donald Bartell, Paul Grech, the Honorable Paulette Barkley, Rosetta Runnels, the Honorable John Vineyard, Susan Nauss Exon, Harry J. Histen, Julianna Strong, Lawyer Referral Service of the RCBA, William Kenison, Leo Badger, Vicki Broach, Hanson Hales Gorian & Bradford, and many anonymous donors for their extremely generous donations.

## The Shopping Elves:

The Shopping Elves spent over four hours one evening hand-picking special gifts at the Kmart in Mission Grove. The store manager was incredibly supportive; he dedicated four members of his staff to ring up, bag, tag and load the Shopping Elves' purchases. Kmart once again helped







stretch our dollars by providing us with an additional 10% discount on all items purchased.

This year's Shopping Elves were: Judith Murakami, Andy Murakami, Shannon Jonker of the Law Offices of Robert Deller and her daughter, Allyson and Joey Mandry, Marsha Wesche of the Blumenthal Law Offices, Karen and Mitch Wesche of the Law Office of Karen A. Wesche, Dawn Van Wagenen of Riverside County Law Alliance, Deepak Budwani and Veronica Reynoso of the Law Offices of Brian C. Percy APC, the Rosales family, the Ramirez family, Jennifer Barham of Hanson Hales Gorian & Bradford, Marie Meyers of Swanson & Myers, the Honorable Charles Koosed and family, Yalda Satar, Lluvia Rodriguez, Pamela Bratton, Tracy Dempsey and Diane Hoss of Bratton & Bratton, Tera A. Harden, Kathy Harden, Christina Sovine, Lisa Lopez and family, and Sandy Williams.

### The Wrapping Elves:

This year the Wrapping Elves were a model of efficiency. Their wrapping skills would make them the envy of any fine department store.

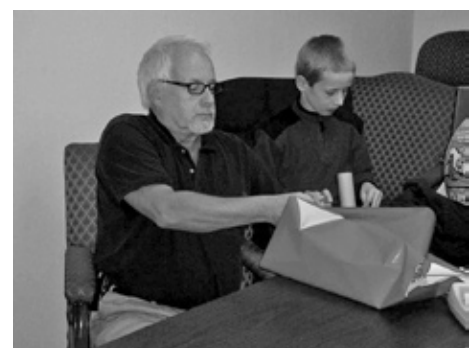
This year's Wrapping Elves were: Brian Unitt, Ms. Ramirez of Inland Counties Legal Services, Deepak Budwani and Veronica Reynoso of the Law Offices of Brian C. Percy APC, Dawn Van Wagenen of Riverside County Law Alliance, Lisa Traczyk, L. Alexander Fong of Riverside County Counsel, Nick Pena, Luke Pena, Cathy Schwartz of the Blumenthal Law Offices, Rosetta B. Runnels,

Irene Morales, Marsha Wesche of the Blumenthal Law Offices, Karen Wesche of the Law Office of Karen A. Wesche, Danielle Wesche, Susan Nauss Exon of the University of La Verne College of Law, Duffy Exon, Vika Exon, Nikolas Exon, Juan Dotson, Brenda Koosed of Riverside County Law Alliance, Tera A. Harden, Kathy Harden, Shade Shelton, Maria Hale of the Riverside County Public Defender's office, Christina Sovine, and Brian C. Percy

### The Delivery Elves:

This year our Program touched the following Riverside County communities: Mira Loma, Corona, Hemet, Riverside, Perris, Lake Elsinore, Moreno Valley and unincorporated areas scattered throughout western Riverside County.

The Delivery Elves who donated their time and gas were: the Honorable Pamela Thatcher, Shannon Jonker and her daughter, Dawn Van Wagenen, Karen Wesche, Danielle Wesche, Deepak Budwani and Veronica Reynoso, and Veronica's family, the Rosales family, the Lopez family, the Ramirez family, Alex Armendariz, Tera A. Harden, Diana Renteria, Rosetta Runnels, Raymond Prospero, Joy Lenox, Susan Nauss Exon and family, Melissa of the Law Office of Diana Renteria, Jennifer Barham of Hanson Hales Gorian & Bradford, Teresa Burke, Berman Berman & Berman, Cathy Schwartz, and Maria Hale of the Riverside County Public Defender's office, and the Honorable Bart Gaut and Merla Gaut.





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## Special Thanks:

To my assistant Veronica, whose dedication and organizational skills made this one of the most streamlined shopping and delivery experiences we've ever had. To Veronica's husband Marcos and their two children, Krystal and Marcos, Jr., not only for their participation, but also for being extremely patient with Veronica's absences on those extra-long days when she kept everybody moving in the right direction. To the Riverside County Bar Association staff, especially Lisa Yang and Charlotte Butt, for all their energy and skill. To the management and social workers from the CAP Center for making sure we help the neediest families in the county. And once again, a very big "thank you" to the wonderful manager and staff at the Big Kmart at Mission Grove in Riverside, CA.

Finally, "thank you" to the Elves themselves. Your wonderful spirit and camaraderie (which you can see in the photos accompanying this article) was evident throughout all the events.

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*Brian C. Percy, past president of the RCBA, is Chair of the Elves Program.*



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# MOCK TRIAL IS NO MOCKERY OF JUSTICE

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*by Ben Eilenberg*

A small town. A controversial new religious group moves in. A fire burns down the group's compound. And a young team of lawyers is ready to find the truth. No, it's not a new John Grisham novel. It's the Constitutional Rights Foundation's yearly high school mock trial competition.

The case, *People v. Lane*, involved inciting a riot and arson. The pretrial motion focused on whether singing a song with the chorus "Burn 'em out" during a protest rally against the religious group was protected speech. The defense argued that the song was artistic expression. The prosecution claimed it was a call to arms.

The annual competition pits local high schools against each other in a fierce battle of the future legal talent of the state. Each team must provide a full complement of lawyers, witnesses, and courtroom staff. Thankfully, many local attorneys and judges reciprocate by giving their time, energy, and experience to help coach and judge the teams.

This was the first year I coached a team. I volunteered to coach at Loma Linda Academy. I had been on the mock trial team in high school and had the good fortune to have two amazing coaches. They both took the time to make sure that we not only

learned about the law, but we learned how much fun it could be. It was time to pay back that karmic debt.

But instead of me being forced to teach the students to have fun with the law, they taught me.

Watching the students, I knew that the county would have a strong source of legal talent for decades to come. They each gave months of practice to learn their roles, taking the time to learn legal concepts that many practicing attorneys still have difficulty with. They wrestled with not only whether a specific statement was hearsay, but even if it was, whether the speech fell into a hearsay exception. Watch out, in ten years this crop of students will be our competition, and they're good.

After my team had finished its competition, I had the chance to see another set of students in action while scoring in Riverside. And while we had subconsciously learned this lesson while coaching, the scoring attorneys all were reminded of an important lesson: Keep it simple. The teams that shone were the ones that understood the law, but didn't feel it necessary to show off that they did. They spoke like non-lawyers. They laid out the facts, explained why the facts favored their side, and then they won.

Seeing how the students prepared and presented ended up helping me in my own practice. I had a jury trial in Orange County that I was preparing for. Having to explain how the law should apply to a specific set of facts to high school students who had never taken an evidence class helped me to relate to the jury later on. Both groups were bright and eager to learn and wanted to do what was right; we just needed to give them the tools.

And ultimately, that was why coaching mock trial was so rewarding. It wasn't just about paying back my old coaches. It wasn't just about helping the next generation of lawyers. It was also about reconnecting with the law outside of my own practice, and understanding how non-lawyers understand and approach it. I look forward to seeing everyone at the competition next year.

---

*Ben Eilenberg is an attorney with the law firm of Gresham Savage Nolan & Tilden.*

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# 2009 RIVERSIDE COUNTY MOCK TRIAL COMPETITION

*by John Wahlin*

The defendant in this year's Riverside County Mock Trial Competition was charged with arson. In the championship round, the judge found the defendant not guilty. But in Mock Trial, it is not the verdict that counts. The panel of scorers makes that decision. Their scorecards named the prosecution team, Riverside Poly High School, the 2009 Riverside County champion over its worthy opponent for the defense, Hemet High School. This was Poly's 11th championship in the 27 years of county competition.

The county championship round on Saturday, March 7, 2009, was the culmination of three weeks of intense competition among 28 high schools from all regions of the county. All 28 teams competed in four rounds of competition, with the top eight teams moving on to the "Elite Eight" single-elimination tournament. The first round was held at regional sites – the Riverside Hall of Justice, Murrieta Southwest Justice Center, and Indio Superior Court. The remaining three were held at the Riverside Hall of Justice.

This year's Elite Eight teams were: Centennial and Corona High Schools from Corona; Great Oak High School from Temecula; Hemet High School; Murrieta Valley High School; King and Poly High Schools from the Riverside Unified School District; and Woodcrest Christian School in Riverside. In the quarterfinal round, Woodcrest prevailed over Corona, Hemet over King, Great Oak over Centennial and Poly over Murrieta Valley. The semifinals saw Poly defeat Woodcrest and Hemet earn a victory over Great Oak.

The case, *People v. Lane*, in addition to the arson charge, included a second count of incitement to riot. This second count was the basis for a defense pretrial motion to dismiss this count based on the argument that the statute in question, as applied, violated the defendant's First Amendment rights.

The final round was held in Department 1 of the Historic Courthouse. Presiding once again was Justice Thomas Hollenhorst. The panel of scorers included Riverside Superior Court Presiding Judge Thomas Cahraman, Judge Gloria Trask, District



*First Place – Poly High School*



*Second Place – Hemet High School*



*Third Place (tie) – Representatives of Great Oak High School*



*Third Place (tie) – Woodcrest Christian*

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Attorney Rod Pacheco, Assistant District Attorney Bill Mitchell, and Assistant Public Defender Bryant Villagran.

The pretrial motion was the first matter to be addressed. After intense questioning of the well-prepared pretrial lawyers, Justice Hollenhorst denied the motion and the trial proceeded on both counts. Following a spirited round, the not guilty verdict for arson was rendered. On the second count, however, the verdict was guilty.

Poly went on to the state competition, which was held in Riverside for the second consecutive year. Competing in a field of teams from 34 counties, it defeated teams from Mendocino, Orange and Los Angeles Counties in the first three rounds. In the fourth round, it lost a very close battle with the eventual state champion from Marin County, and it was recognized at the awards ceremony as one of the top eight teams in the competition.

The county competition once again was a collaborative effort. The program was coordinated by the Riverside County Office of Education, under the direction of Tracey Rivas, Programs and Student Activities Facilitator; the Superior Courts; and the RCBA. Representatives from each group participated on the Steering Committee, which facilitated the actual competition. The generous contribution of time by attorneys throughout the county as coaches and scorers contributed to the success of the program. Also providing numerous volunteer hours were several judges and commissioners of the Superior Court. Special thanks go to Judges Helios Hernandez and Michele Levine for their efforts in coordinating presiding judges for each of the rounds.

As the county continues to grow, the need for volunteers will only increase. Those who have participated, as well as those who have not, are encouraged to volunteer next year for a very worthwhile program.

*John Wahlín, Chair of the RCBA Mock Trial Steering Committee, is with the law firm of Best Best & Krieger, LLP.*



# Riverside Yearly Journal

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Priceless

## Judge Larson in Djurkistan

Federal judge Stephen Larson is being sent by the U.S. State Department to the Republic of Djurkistan to promote Western-style democratic institutions and more efficient judicial systems. "I've been to Djurkistan before," noted Judge Larson. "Djurks are wonderful people. They have their own language, customs, costume. You can usually tell a Djurk by the way he dresses and the way he talks. Djurki is a very tough language, especially when it's written. Djurki briefs are not easy to read."

Still a client-state of Russia, Djurkistan is warming up to the idea of complete independence. "The signs of freedom are all around," mused Larson. "Everywhere are banners: Djurkistan for the Djurks. I, for one, think that it is only right that there should be one place in the world where a Djurk can be a Djurk. Who is to say that these people shouldn't express their national identity as Djurks? Once they hold free elections, the entire country will be in the hands of Djurks."

Larson is optimistic about the development of justice in Djurkistan. "There are still a few Russian judges who have remained in an advisory capacity," observed Larson, "but the lawyers here are native-born. The attorneys are all Djurks."

## Dog Seeks Emancipation from Owner

Peanut, a two-year-old Chihuahua mix from Perris, filed today for emancipation from his owner/trainer, Don "the Flea" Smith. Speaking through his attorney and dog whisperer, Cesar Moran, Peanut said he feels that Mr. Smith absconded with his earnings from a small role in the recent box-office smash, *Beverly Hills Chihuahua*. "I didn't get nothing. Not even a lousy dog treat. That rat did the same thing when I was a stand in for a Taco Bell commercial. He treats me like a, well, a dog, and I'm not gonna stand for it any more. I'm not gonna sit or roll over, either."

Emancipation in California is available to youth 14 to 18 years old who do not want to live with their parents and can handle their own money. The person seeking emancipation must have a legal way to make money and be able to prove to the judge that emancipation is in his or her best interest.

Peanut claims that he will do whatever it takes to win his freedom. "I can support myself. I am a working actor. My agent calls all the time. Once I don't have to worry about the Flea stealing my money, I'm gonna call him back." Peanut explained he has completed school, Obedience 101, and has his diploma. "Of course it is in my best interest, this guy keeps me in a cage like some kind of animal. No court is going to let him get away with that. And wait until TMZ gets ahold of this story."

Peanut's attorney, Moran, who recently represented Wile E. Coyote in a successful products liability lawsuit against the Acme Corporation, filed the paperwork in Riverside Superior Court on April 1, 2009. The petition explains that while Peanut is only two years old, and usually a child must be between 14 and 18 to be emancipated, Peanut is 14 in dog years. "He is 14 years old in the eyes of the world. There isn't any way a court would require him to be 14 in actual years to be emancipated. He'd practically be dead," said Moran in a telephone interview. "And don't forget, this Flea guy isn't even really Peanut's dad. We have reason to believe he actually paid for Peanut in a baby-selling scheme. That will all come out at trial."

Smith, who was located using a pooper scooper in his yard, stated, "Watch where you step," but otherwise declined to comment.

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## CYA Team Wins Mock Trial Competition

In a surprising upset, the wards of the California Youth Authority ousted perennial winner Poly High School to take first place at the county's Mock Trial Competition. As part of a pilot project to increase troubled teens' understanding of and respect for the judicial system, high-school-age wards of the CYA were invited to participate in this year's Mock Trial Competition sponsored by the Riverside County Bar Association.

The CYA team defended the case against Poly's prosecution. The case, *People v. Joseph T.*, involved the murder of a high school student who had knowledge of academic cheating that was required to be reported under the school's honor system. The defendant, the alleged cheater, was brilliantly played by David G., who claimed innocence based on his low test score.

The lead defense attorney, Peter S., cross-examined each of the prosecution's witnesses. His performance could only be compared to that of Thomas Mesereau, Jr. When asked about his skills, Peter replied, "I don't know. It comes naturally. Maybe I have learned a lot from all the times I was sitting in the defendant's chair, listening to my attorney attack the witnesses against me."

Sitting next to Peter was Virginia B. Virginia is the recipient of the Defense Trial Attorney Internship Award. She credits her style to the late Johnnie Cochran. "I enjoy watching tapes of the O.J. Simpson trial. Mr. Cochran is my hero and my idol. But I admit that I have also experienced at first hand the need for credible testimony. Learning from my own case, I prepared my witnesses to say what needed to be said and no more." It was Virginia who was responsible for the Cochran-like phrase: "If the score is low, you must vote no!"

Using that phrase, Steve H. gave a closing argument that can only be described as a seductive riddle leading to only one answer: not guilty. Steve was charismatic, warm, charming, and soft-spoken. It was hard to believe that he could have committed any crime that would warrant being made a ward of CYA. Nonetheless, Steve, like the rest of his teammates, insisted that their success must be attributed to Frank P., who was in charge of investigation and witness preparation. Frank, a former gang member, was unusually effective in dealing with potentially hostile prosecution witnesses. Attorney Coach Leonard Valadez commented, "I plan to incorporate some of Frank's techniques into my own witness preparation."

Bar President E. Aurora Hughes commented: "We're very happy for these kids! These are kids who have not had an easy life. Winning today shows them that they have many options. They don't have to rely on a life of crime."

Congratulations, CYA team, and good luck next month at the state competition in Sacramento!

## Practitioner's Column – Criminal Law

This month we continue our series on crimes by reviewing crimes against the habitations of individuals:

The offences immediately affecting the habitations of individuals are only arson and burglary, to say nothing of the minor offences of runaway rings at the bell and wrenching off of door-knockers.

Arson is the malicious burning of a house, or outhouse; but an attempt to burn is not actually arson. And the surrounding of a building with Talacre coal, which notoriously refuses to burn, would not be considered felonious.

Burglary is breaking into a man's house, which the law of England figuratively styles his castle, looking upon the steps across the area as the drawbridge, and the gutter that runs along the top as the battlement, while the donjon keep is probably either the iron safe, or the copper. Oxford street is in the eye of the constitution a series of castles, and the wife of each honest tradesman is of course a chatelaine.

"A burglar," says Coke, "is one who entereth a mansion-house at night to commit a felony," as if any one who goes to dine with the Lord Mayor, intending to pocket any of the city spoons – not the aldermen, but the plate – he is guilty of burglary.

Four things are necessary to constitute a burglary in law; namely, the time, the place, the manner, and the intent, to which may be added occasionally the dark lantern, the crowbar, and the opportunity.

The time must be night, for there is no burglary in the day; and it was formerly difficult to determine what was really night, and what was day, till the statute of 1st Victoria, c. 86, was passed, which declares the night to be from nine in the evening till six in the morning; so that the burglars are apt to say, "That's your time of day!" when they are planning a burglary.

As to the place, it must be a mansion-house; but a coal cellar, or a larder connected with a house by a covered way, is considered a mansion-house for house-breaking purposes.

If I hire a shop and never lie there, it is no dwelling-house, and burglary cannot be committed therein; but I shall very likely lie in my shop, even if I do not sleep there, for I should be sure to puff my goods enormously.

The next essential to a burglary is the manner; for manners do not only make the man, but they also make the burglar; there must be a breaking and an entry, either by breaking a pane, or picking a lock; but a burglar must be at great pains, for he could not make an entry through a very little one. Getting down a chimney is a breaking and an entry, and, indeed, it may sometimes be both; for the burglar may break his leg, besides finding himself regularly in for it. A partial entry is sufficient after a breaking, as if a burglar gets stuck in the middle of a window-frame,

and can neither get one way on the other, he has made a burglarious as well as what Coke would call a bunglarious entry. Walking into a house in the day-time, committing a felony, and breaking out at night is a burglary; but it would seem that the thief must have broken out in a fresh place to constitute the offense alluded to. The intent is also requisite to complete a burglary; for if a man walks from the top of his own house onto that of his neighbour, and tumbles through onto his neighbour's bed in the middle of the night, there will be a breaking and an entry, but no burglary.

The punishment of this crime varies according to circumstances; for when accompanied with an attempt to murder, the penalty is death, but in other cases is transportation or imprisonment.

(From Beckett, *The Comic Blackstone*, Collector Publishing Company, 1897.)

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- sua sponte
- situs
- tortfeasor
- venire

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L E T T E R S      T O      T H E      E D I T O R

I was surprised to learn that noted Press-Enterprise columnist Dan Bernstein has been lured away from his current place of employment by the District Attorney's office, for which he will now serve as a motivational speaker and guidance counselor.

After having enjoyed reading the barbs that Mr. Bernstein has thrown the D.A.'s way, I will be interested to observe the results of this new liaison. Rumor has it that Mr. Bernstein's first order of business will be to have the D.A.'s office relocate into now-vacant third-floor space within the P.E. building rather than into that new monstrosity that is being constructed near our historic civil courthouse. This situation will create increased camaraderie between the district attorneys and the esteemed members of the fourth estate. It will also free up the new high rise to be used for additional courtrooms. Our D.A. has kindly agreed to this arrangement so that more civil cases can now commence trial.

I look forward to attending the upcoming June general membership meeting of our bar association, at which Mr. Bernstein will be the keynote speaker and will further unveil his future plans for the operation of the D.A.'s office.

Signed,  
Peace N. Harmony

I was mortified to learn that the *Riverside Lawyer* magazine, in a crass attempt to increase circulation, is going to start featuring a summer swimsuit edition. From what I have heard, members (both men and women) of our very own bar association will be posing in their *briefs* in sexually suggestive photographs, which will be taken at such locations as counsel tables, judge's chambers and, heaven forbid, in front of our historic civil courthouse. To my further dismay, I have been informed by reliable sources that there is already a long list of members of the bar (bare?) association who have *volunteered* their services for this project. What type of pro bono work is this?

What can we expect next – a Playlawyer centerfold of the month?

Please immediately cancel my subscription.

Signed,  
Wouldn't Happen in Kansas

As a long-time member of the local legal community, I am pleased that our local judiciary has finally agreed to honor the now-established tradition in our society of "casual Fridays." With the passing of the new local rule, attorneys will now be allowed (even encouraged) to wear aloha shirts, t-shirts, tank tops, shorts and sandals to court.

I am looking forward to reduced security lines on Fridays, as the screeners should be able to move attorneys through the metal detectors with much more expedition – after all, it is easier to disguise a weapon in a three-piece suit than in a tank top.

I am also encouraged to learn that the local judiciary is planning to have a swimming pool and margarita lounge constructed within the center courtyard of the historic civil courthouse. On Friday afternoons, these facilities will be open to members of the local bar association for rest and relaxation following a difficult week of *trials* and tribulations.

Here's to seeing my fellow colleagues in t-shirts and shorts when the new program is initiated on Friday, June 5. See you then!

Aloha,  
Reyn Spooner

So the bar association has finally caved in! I had heard several years ago, when the family law courthouse was being constructed, that our judges wanted the bar association to sell its building so that it could be used as part of the new courthouse. The directors of the bar association held their ground and refused to sell. Now, in these trying economic times, comes the troubling news that the directors have decided to sell the bar association building so that it can be used for a planned expansion of the family law courthouse.

Even more troubling is the word that the only affordable space that the bar association can find to lease so that it can continue its operations is a small back corner office within Le Sex Shoppe, located across Market Street from the current bar association building. This situation will have one of two effects upon our bar's membership: either it will drastically increase membership, since members can now look forward to the erotic pleasure of meandering through the adult sex shop on the way to bar association meetings, or it will decimate our membership, as those who will be offended by such a location will certainly turn in their bar badges.

I will be curious to see just how this economic *stimulus* package will ultimately fare for the bar association.

Signed,  
Frenchy Tickler

# MARKETING: THE KEY TO SURVIVING & PROSPERING IN A RECESSION

by Kevin W. Brown

Marketing is a lifeline to surviving a recession. Numerous empirical studies have proven that marketing should continue strongly during a recession. These studies typically have shown that the *biggest sales increases* throughout the recession were experienced by firms that marketed more than others and that, almost without exception, sales and profits *dropped off* at firms that cut back on marketing. Having started Kevin Brown Marketing & Consulting in the midst of a recession in 1991, I saw firsthand how these principles worked then, and I've continued to see verification as we've experienced economic ups and downs over the last 17 years.

Through marketing, a practice can reach new clients and gain additional revenues from existing and previous clients. Thus, it is important to realize that marketing is an investment, not just an expense. Commit to doing it regularly.

## Be Consistent and Productive

Marketing programs should be consistent, since this will maximize your efficiency and effectiveness. For marketing programs to be consistent and objective-oriented, they require an established budget. A discretionary budget is devastating to the effectiveness of any marketing program. Don't cut your marketing budget – let your competition cut theirs. If your competitors cut back, your “share of market voice” grows even stronger.

To maintain consistency in implementation, and to be productive, you need *qualified* personnel to do it. *A law firm should always market itself in a manner that is at the same quality level as its services – in other words, cheap “home-spun” marketing reflects poorly on your firm.* For many firms, it is too expensive to have a qualified marketing person on the payroll, so they hire outside expertise. Some hire PR firms or advertising agencies, which can be effective, if you know exactly what you need and if the agency understands how to market lawyers. Another alternative is a “Part-Time Director of Marketing™” service that is offered by my firm, which allows outsourcing of these needs, avoiding the fixed payroll expense yet providing highly experienced, specialized strategic and implementation assistance.

When you hire an outside marketing firm, make sure it is experienced in marketing law firms. Furthermore, these professionals should be educated and experienced in *all* aspects of marketing, rather than one area, such as advertising or public relations. This background is useful in designing and managing the entire process, instead of creating various activities that act independently of each other. Since marketing is a broad discipline, a narrow background can result in a myopically focused program that fails to integrate essential elements.

## Ten Steps to Do Now

With a foundation of a commitment to consistent and productive marketing, you are now ready to proceed! Consider the following 10 steps for marketing during a recession:

1. **Develop a plan of attack!** Most firms that have long-term success take the time to plan. It is important to realize that there is no such thing as an effective “canned marketing program” for all firms; a successful firm will have a “Strategic Marketing Plan” written specifically for its unique criteria. If you are a larger firm with many attorneys who will be involved in marketing, develop a Personal Marketing Action Plan for each individual. Remember that most attorneys have less than 5% of their time available for marketing, so it needs to be used wisely. Hire a marketing consultant who specializes in serving lawyers to research and prepare your plans. If you don't, you'll likely end up wasting time and money. Unless you are a qualified marketing professional, there is too great a risk in doing it yourself.
2. **Take care of your clients.** Meet with each of your major clients on an individual basis, at no charge (if this sounds radical, consider the cost to your firm if you lose these clients). Gain an understanding of their business issues for the coming year. Learn more about their legal needs. Identify any problems with your service and develop solutions.
3. **Train your attorneys in practice development techniques.** The vast majority of lawyers are uncomfortable in many aspects of marketing, such as asking for

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the business from a prospect and networking situations. Help them to be successful by giving them the right tools! Hire a firm that offers specialized training just for lawyers.

4. **Use seminars and briefings for valuable face-to-face interaction.** In a recession, business owners and others have more time to attend seminars. These events can be invaluable for image-building and developing relationships. Or they can be very costly image-wise! The most common mistake: Assigning this important task to a secretary or administrative assistant who has little or no expertise in the huge list of details that make or break these events. Keep a high-quality image by hiring an event management firm to manage the event, and don't forget to work with a marketing consulting firm that can help you with drawing guests to your event.
5. **Help your clients to reduce costs.** This may be a real shocker for your clients – but they will greatly appreciate it, and it can help in client retention. From simple items to more sophisticated approaches, there should be many ways that you can help your clients to cut legal-related costs.
6. **Dedicate time and money to marketing.** Make it a point to spend a specified amount of time on personal marketing efforts. Allocate a portion of your budget to marketing – and don't reduce it.
7. **Use your marketing materials effectively.** Whether you rely solely on a website or also have a quality printed brochure, it is important to provide printed information to a prospective client. Novice marketers sometimes make the fatal mistake of thinking marketing materials “don't work” – but if it is important to your prospective clients, it should be important to you!
8. **Add value to client relationships.** Think of innovative ways to help your clients, such as introductions to key industry contacts. For those clients that are doing well during the recession, find ways to work with them more actively and possibly gain introductions to their business contacts who are also doing well – and need an attorney.
9. **Build and maintain relationships with contacts.** A changing economy demands greater awareness of your market. Evaluate whether your existing referral network is sufficient and expand or change as necessary. Link up with key individuals on a frequent basis.
10. **Use less costly marketing tools.** If you have unbillable time, use it for marketing purposes. Cheap options (in terms of hard-dollar costs) include articles, speeches at organizations, volunteering for positions in nonprofit groups, and networking. All of these activities cost not much more than your time and can go a long way toward building relationships that bring in business. The internet is one of the most cost-effective marketing tools – and there is an array of options. Spend time to find out what is best for you.

## Make a Commitment Today

I've often said that my firm encounters two types of clients in a recession: those who say they “can't afford to market” and those who say they

“can't afford *NOT* to market.” We tend to work with the latter group, who realize that if they don't market their firms, they may very well shrink or dissolve. Make a commitment to market your firm and you will be in a much better position to “weather the storm” of the recession.

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*Kevin W. Brown, M.B.A., is president of Kevin Brown Marketing & Consulting. Founded in 1991, the firm is known as “The Specialists in Law Firm Marketing™”. He has over 20 years of experience in professional services marketing, including law firms, accounting firms, banks and financial services firms. Mr. Brown is two-time Past President of the Legal Marketing Association's Southern California Chapter. He specializes in strategic planning and implementation of marketing programs for small to mid-size firms.*



# JUDICIAL PROFILE: JUDGE JOHN D. MOLLOY

by Donna Thierbach

When I interviewed Judge Molloy, I realized how a person can know someone and yet not know them at all. Judge Molloy and I started out in the practice of law together, but on opposite sides of the fence. He was a deputy district attorney and I, a deputy public defender. He was passionate about his cases, which I must admit, with a smile, was sometimes a source of annoyance. I have now discovered we share many interests and he is a pretty interesting person!

Judge Molloy was born in Wichita, Kansas, but when he was three, his family moved to Missouri. When he was four, tragedy struck – his father and two older sisters died in an automobile accident, leaving him, his mother and his younger sister. When he was seven, his family moved to Texas, eventually settling in Abilene. His mother worked as a typesetter in the printing industry. They continued to live in Abilene until the last semester of his senior year in high school, when they moved back to Wichita. In high school, he played football, but he said since he was not very good, he joined the racquetball team and the debate team. He laughed as he admitted lettering in speech. Since I am a horse lover, I was jealous when I learned he started riding when he was two years old and that each year until he was 18 years old, he spent the summer at his grandparents' ranch in Tahlequah, Oklahoma.

So when did Judge Molloy decide he wanted to be a lawyer? Given his horseback riding experience, I thought for sure he would have grown up wanting to be a cowboy, but he said at a young age, he told his mother he wanted to be a lawyer. There were no other lawyers in the family, and, in fact, Judge Molloy is the first person on his father's side of the family to earn an advanced degree. So why a lawyer and not a cowboy? He said when he was very young, someone told him lawyers made lots of money; he always said he wanted to make lots of money, buy heaven and charge God rent.

In 1983, after Judge Molloy graduated from high school, his family moved to Redondo Beach, California. Judge Molloy attended California State University at Long



*Judge John D. Molloy and family*

Beach. Meanwhile, he worked at an animal hospital; this piqued his interest in science, and he considered being an equine vet. However, in his junior year, he decided he would join the Navy after graduation and become a fighter pilot. At that time, he was an avid bicyclist, riding 80 miles a week. Unfortunately, that year he was in a bicycling accident and shattered his arm. He still managed to graduate from college, earning a degree in chemistry.

Judge Molloy met his future wife Mia in 1988 at a New Year's Eve party. He had just broken his arm, and she offered to ride his horse while he was laid up. The horse threw her the first day (he slid to a stop, which sent her flying over his head), but in spite of this, she agreed to date Judge Molloy and continued to take care of the horse for him while he recovered. I guess sometimes good things can happen when you break your arm! She graduated from Cal Poly Pomona that year and is now a medical researcher at a cardiology research firm.

Judge Molloy said after he graduated from college, he accepted a job as a chemist at an environmental engineering firm. The job paid well, but after two years, he decided he wanted to pursue a law degree. He quit his job, he and Mia married and he started law school at Pepperdine when they returned from their honeymoon.

When Judge Molloy started law school, he thought he wanted to work in a civil firm. However, the next fall, he did an externship for a semester at the U.S. Department of Justice in Washington, D.C. and loved it. He enjoyed the collegial environment and decided he definitely wanted to be a prosecutor. When he returned to Pepperdine, he was so energized he took 23 units and received top grades. After graduation, he interned at the Ventura County District Attorney's office, but that office did not make job offers until bar results were received, so he applied at six different district attorney's offices in California. When he was offered a job at the Riverside County District Attorney's office, he immediately accepted, even though he knew very little about Riverside County. He stayed with the office for the next 12 years. His assignments included

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misdemeanor trials, preliminary hearings, general felony trials, and assignments in the domestic violence unit, the gang unit and the homicide unit. He tried over 60 cases and has the distinction of prosecuting three separate three-jury trials. One was a death penalty case, one was a four-defendant murder case, and the last was a three-defendant gang attempted murder case.

Judge Molloy said he decided to pursue a judgeship because he felt like he was getting stale and it seemed like a good time to move to a different level. Although at times he misses trials, he is enjoying his new role in the courtroom. He tries to model himself after judges he has really admired. He wants his courtroom to be a nice place to litigate, where attorneys and parties are treated with respect.

When Judge Molloy is not at work, he enjoys spending time with his wife and two young sons. They all love outdoor activities, including wakeboarding and snowboarding. Judge Molloy has two hunting dogs and hunts ducks, quail, deer and elk. For fun, the family goes to a dude ranch for several weeks each year, where they can all fish, relax, trail ride and practice gymkhana. Recently, Judge Molloy started tae kwon do with his boys; he has his first tae kwon do injury, a sprained knee. He said the great thing about kids is you can never get a big head, because they are always there to give you a reality check.

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



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# 19TH ANNUAL RED MASS

Tuesday, April 28, 2009, at 6:00 p.m.

## OUR LADY OF THE ROSARY CATHEDRAL

2525 North Arrowhead Avenue, San Bernardino

The entire legal community and persons of all faiths are invited to attend the 19th Annual Red Mass on Tuesday, April 28, 2009, at 6:00 p.m., at Our Lady of the Rosary Cathedral, located at 2525 North Arrowhead Avenue in the City of San Bernardino. The chief celebrant will be the Most Reverend Gerald R. Barnes, Bishop of the Diocese of San Bernardino. The homilist will be 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. A dinner reception in the parish hall hosted by the Steering Committee will follow the mass.

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

### Retired Commissioner Martin H. Swanson Will Be Honored at the Reception

During the reception, retired Riverside County Superior Court Commissioner Martin H. Swanson will be presented with the Saint Thomas More Award for his extraordinary service and devotion to church, community, and justice. The Saint Thomas More Award is given to an attorney in the community whose professional life is a reflection of his or her faith, who gives hope to those in need, who is kind and generous in spirit, and who is overall an exemplary human being.

### The Tradition of the Red Mass

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

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

For further information about this event, please contact Jacqueline Carey-Wilson at (909) 387-4334 or Mitchell Norton at (909) 387-5444.



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### Office Space – Riverside

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### Professional Office Space

2305 Chicago Avenue, Suite B, Riverside. Includes 2 executive offices, 1 large conference room, large bullpen area to accommodate 4 to 5 workstations, filing or storage room and/or secretarial workspace. Please call Debbi to schedule an appointment at (951) 240-6283.

### Office Space – Downtown

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### Court Appearance Attorney/ Contract Attorney

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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 Charlotte at the RCBA, (951) 682-1015 or charlotte@riversidecountybar.com.

## BENCH TO BAR

### *Discovery on Criminal Cases*

Effective immediately, discovery on all criminal cases set for arraignment on or after April 6, 2009, will no longer be provided by the Superior Court of California, County of Riverside.

Discovery in all criminal cases set for arraignment on and after April 6, 2009, will be provided by the prosecutor to the defense in open court at the time of arraignment. The court will make a finding on the record that discovery was provided to defense counsel.

The Office of the District Attorney will retain all copies of discovery and will provide to the attorney of record and those the court approves to represent themselves at arraignment in the courtroom.

During this transition, there may be some cases in which the court has and will provide discovery.

For questions, please contact the following District Attorney representatives:  
Banning: Judy Smith – (951) 922-7130  
Blythe: Barbie Lauborough – (760) 921-5840

Indio: Myrna Latham – (760) 863-8216  
Riverside: Vicki Rizzi – (951) 955-5400  
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