

# RIVERSIDE LAWYER

June 2009 • Volume 58 Number 6

MAGAZINE



**Historic Visit to Riverside by a Delegation of Attorneys and Judges from Afghanistan**



The official publication of the Riverside County Bar Association



# **GREAT LAWYERS**

**leave their mark  
on history.**

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

Read Alan's story at  
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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.

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*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

## JUNE

**20 Dedication Ceremony for Justice John G. Gabbert Judicial Plaza**

3:00 p.m. to 4:00 p.m.  
(Between Historic Courthouse and Hall of Justice)

**24 Estate Planning, Probate & Trust Law Section**

RCBA 3rd Floor – 12 p.m. to 1:15 p.m.  
“Patient Care Issues as Evidence for Plaintiff or Defense in Elder Law Matters”  
(MCLE)

**26 Enrobement Ceremony for Judge Samuel Diaz, Jr.**

Historic Courthouse Dept. 1, 4:00 p.m.

## JULY

**1 Bar Publications Committee**

RCBA – Noon

**3 Court Holiday (Independence Day)**

RCBA offices closed.

**10 Enrobement Ceremony for Judge Mark Johnson**

Historic Courthouse Dept. 1, 4:00 p.m.

**17 RCBA/RSC “Judicial Demeanor Course for Temporary Judges”**

Banning Court – 1:00 p.m. to 4:00 p.m.  
Must RSVP to Barbara Berg (760) 778-2320.  
MCLE: 3 hours General





## President's Message

by E. Aurora Hughes

This year, we presented a record number of Good Citizenship Awards to high school students throughout the County of Riverside. (The Good Citizenship Award program was established by the Riverside County Bar Association in 1981.) The awards are presented to a junior from each participating county high school. Recipients are chosen by the principals of their schools based upon their exemplary good citizenship. They do not have to be the first in their class nor do they have to be in the top 10 percent. They just have to have shown exemplary citizenship in their high schools and in their everyday lives. It was very rewarding seeing these young men and women recognized for simply doing the right thing and helping others. They came with their parents, other family members and friends. You could see the pride on each parent's face as their student received the award. Each student receives a monetary award from the RCBA and Lawyer Referral Service, as well as a certificate. Certificates are also awarded to each student by the Riverside Superior Court and various local, state and federal officials.

In May, we also enjoyed a very interesting talk on the death penalty given by our own retired Judge Victor Miceli. The talk spurred many spirited discussions for a few days. While there weren't as many attendees as we had expected, we had a good number of judges and retired judges in attendance.

Most of my articles this year have been about bar activities and my hopes of getting the bar more involved in teaching the public about the role of the judiciary and the vital need for its independence. I've also striven to have a program on the role of attorneys, including their civility as well as

their demeanor outside the courthouse with regard to pending cases. I'm pleased to announce that, in conjunction with the law library, we will be putting on a program that covers these roles. While I am disappointed that it is only one program, it is a start. As I will remain on the board as immediate past president, it is my hope that we can implement additional programs.

At a recent RCBA past presidents' meeting, it was brought to my attention that there had been a lack of discussion on the congestion in the courts. I promised those who were interested that I would address some of these issues, even though one might consider it to be political suicide. Since I have no political desires, and my main concern is for the bar association and its membership, I feel free to make the following comments.

As I see it, congestion in the courts arises from three areas. The first is our lack of judicial officers and support in comparison to the population of Riverside County. This issue has been addressed on multiple occasions by many of my predecessors, and I have likewise participated in letter-writing campaigns. But let's face it, we are in a recession. We are not likely to get the many resources and judicial officers that we need. Judge Thomas Cahraman and Judge Richard Fields are and have been working tirelessly to find facilities and judges to relieve the court congestion.

A second area, and I believe the cause of much discontent, is the District Attorney's office. While the District Attorney has every right to believe that every crime should be prosecuted, he apparently discounts the multitude of other citizens of Riverside County who have a right to bring their civil, family law, juvenile and probate matters to trial within a reasonable time frame. His "tough on crime" approach leaves little room for the vast majority of citizens of Riverside County to have their matters heard.

Of striking interest is the recent grand jury report on the Riverside County District Attorney's office. After taking sworn testimony, the grand jury found that deputy district attorneys have been relieved of their discretionary authority to manage their own cases. Now, I realize that probably not all deputy DAs lost this discretion, but I am certain that it is quite difficult to get a decision within that office if the deputies are wary of making decisions that would place them at risk of being transferred or demoted.

*(continued next page)*

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The grand jury report made specific findings that Mr. Pacheco has harshly criticized in the media. But the fact is our civil judges are trying criminal cases. They are even trying a number of misdemeanor cases that could have been charged as infractions, and our civil litigants are being denied their day in court. There is little the civil bar can do when criminal matters take precedence. It is only within the past few months that we have seen civil courts opened for trials. I hope this trend continues. I hope it is not seen as another opportunity to file more criminal cases.

The third factor contributing to the backlog is public defenders and defense attorneys. Because of the apparent unwillingness to plea bargain on the part of the District Attorney's office, the public defenders and the private defense bar are taking steps to protect their clients, as well. Some are not waiving time; others are insisting on a jury trial on matters that normally would be resolved.

Now, I have seen the efforts of the judges to free up court space for civil litigants. I also realize that our county has far less judicial resources and officers than it should have. But I also understand that our Board of Supervisors has continually increased the budget at the District Attorney's office for the past few years. I'm sure there have been increases in the Public Defender's office as well, although at this writing, I have not yet been able to confirm it. So I see a fourth player in this congestion, our Board of Supervisors, to which our district attorney answers. Have they considered where their money is spent? Have they inquired of the district attorney why our courts are so backlogged with cases? If not, I believe now is the time for them to do so.

The fifth player is the public, to whom the district attorney also answers. Members of the public, while wanting their district attorney to fight crime, also want the opportunity to have their civil matters timely resolved. Being tough on crime may get you elected, but wreaking havoc in the courts by taking the position that the District Attorney's office has taken is something to consider for future elections.

I'm sure I will be criticized highly for expressing my opinions and laying fault at the District Attorney's office, and I will accept whatever criticism is thrown my way. This is my personal opinion, not that of the Riverside County Bar Association. I feel I have been silent too long on this issue. Now you all know where I stand.

One other thing: At a meeting not too long ago, District Attorney Rod Pacheco and I were in attendance. Mr. Pacheco advanced the idea that there were far too many criminal defense attorneys on this particular panel, and that the District Attorney's office was hugely underrepresented. I acknowledged that that was a problem. It was then explained to Mr. Pacheco that members of the RCBA make up the vast majority of individuals on that panel and there were very few deputy district attorneys who joined the bar association.

I know that several of our past presidents reached out to the District Attorney's office and encouraged deputy DAs to join and participate in the RCBA. Even though we offer a reduced rate for public/government attorneys, very few have ever made that effort. The reasons, I'm sure, are legitimate: The District Attorney's office can't pay for it, the deputy DAs aren't paid enough to join, and they do not see programs that interest them. However, I say, before you criticize the programs of the bar association, get yourself involved. Join the RCBA, then join a committee or a section. Just see what your own participation in the bar can do. Regardless of my personal opinion about the court situation as stated above, I challenge all deputy district attorneys to join the bar and make a difference.





# WHAT AMERICAN WOMEN LAWYERS CAN LEARN FROM AFGHAN WOMEN LAWYERS AND VICE VERSA

by Holly Fujie

I have a confession to make. When I got the call a few months ago from Judge Larson asking me for the title of my speech before the Delegation of Afghan Women Lawyers and Judges, I hadn't written it yet, so I panicked and gave him the first title that came into my head – "What American Women Lawyers Can Learn From Afghan Women Lawyers and Vice Versa." But when I sat down to actually write the speech, I discovered to my embarrassment that Afghan women lawyers and



An Afghan judge and Holly Fujie

judges have so much to teach American women lawyers, but that it was a lot harder to say what American women lawyers could teach their Afghan counterparts.

Because what I learned about the Afghan legal system and women lawyers and judges was that Afghan women lawyers and judges are possibly the bravest people on the face of this earth. I was truly humbled to be speaking before them because they have such an incredible dedication to the rule of law and to the system of justice, and because that dedication is tested every single day in ways that are truly outside the American experience.

I learned that in 1964, Afghanistan adopted what was then the most progressive constitution in the region, and that in 1974 – when women lawyers in America were still only a small percentage of law school classes – Afghan women were forming the Afghan Association of Women Lawyers. I read about the progressive Civil Code and Family Law which Afghanistan adopted in 1976 and how Afghan women lawyers and judges were working towards achieving more equality in the profession.

Then came the invasion by the Soviets, followed by the takeover of the Taliban. Suddenly, women in Afghanistan could not work except under limited circumstances. They were forbidden to be educated, and as the Afghan women judges and lawyers here tonight told us, they risked their lives to open and operate schools for girls. They could not walk in public without wearing a burka, and they could be killed for speaking to a man not related to them.

They were forced to flee their homes; they were beaten and killed; they were treated like animals.

And yet, despite this incredible privation, Afghan women had the incredible courage during the Taliban

tyranny to form the Afghan Women Lawyers and Professionals Association, which grows stronger every year.

In contrast, in America we are accustomed to laws being enforced and the justice system being funded. We complain when budgets are cut and our work is made harder. We take for granted that trials will be fair and appeals will be judged according to the rule of law. We women assume that we will be treated as equals to men and that we will be allowed to practice law without

being subjected to violence and abuse.

We do not worry that there will be no running water or electricity in our courthouses. We do not consider it a possibility that the judge will not have a copy of the relevant code or that he might decide simply not to follow the law. We are not afraid that we will be killed by an angry mob if we defend a woman in court for refusing to marry as directed by her family. In short, we assume that our justice system is fair and that we will be treated well by it.

This is not something that Afghan women lawyers can assume, and yet we American women lawyers usually do not take the time to appreciate our luck in living with and working in a system in which fairness is the general rule.

So we American women lawyers need to learn from Afghan women how to cherish what we have and how not to take for granted the rights and the freedom that we have as lawyers in this country. I personally appreciate learning this lesson tonight, and I will try to remember it every day and to give daily thanks for our American legal system.

But what can Afghan women lawyers learn from us? Other than strictly legal issues and the tools to build a more just society which the Public Private Partnership is seeking to give them, what can such incredible, brave women learn from American women lawyers?

In an attempt to answer that question, I looked at the current situation of American women lawyers. What I saw was that women as a group have been entering the legal profession in record numbers, and yet leaving it in droves. In an attempt to reverse the latter trend, I started a new program which I have been bringing to California law schools called "You Can Do It! Successful Women Lawyers



with Kids Discuss Combining Law Careers and Families.” I put together this program to convince young women lawyers to stay in the practice of law – not in the face of gunfire or abuse or restraints against practicing – but because they are afraid that they will find it difficult to practice law while raising a family.

I bring panels of accomplished women lawyers with kids to show these law students that it is both possible and extremely rewarding to practice law as a mother. The women on my panel offer themselves to the women law students as role models and mentors, and I, together with California Women Lawyers and the local women’s bar groups, offer to provide the law school audiences – both men and women – with free memberships in those.

One thing I tell these law students is that when I first started practice in 1978, while there was no literal battleground like that which Afghan women lawyers and judges face every day, we young women lawyers definitely had a different kind of battle on our hands. We had no women role models, and many if not most older male lawyers didn’t want us in the profession and made that clear. But we were determined to prove that we belonged there, even if we had to be twice as good and work twice as hard as a man to be thought half as capable – luckily, that was not difficult!

We worked incredibly hard and we valued our right to practice law. We earned the respect of our peers and we stuck it out and thrived in the profession. My own women law school classmates from Boalt have all remained and are extremely successful in the practice of law – they are senior partners, judges, law school professors and general counsel – and almost all of them have terrific children, too.

But something has happened in the over 25 years since women started to constitute at least 50 percent of most law school classes. Women have started to doubt their ability to practice law and raise a family. Hence, my program.

So I am offering to our Afghan women guests tonight something for the future of their legal system for which they are working so hard. What you are working for is the goal of making your legal system and society more like the legal system and society which we so much take for granted in America. Your goal is to make it so that it is no longer a daily struggle to survive as a woman lawyer in your country.

But the cautionary tale I bring you from American women lawyers is this: Once you have achieved this hard-fought right for women to be able to practice law as equals in a society governed by the rule of law, never let your successors – your sisters and your daughters – become complacent about that right. Because like the advent of the Taliban, there is always the possibility that these rights, for which you women have striven and fought so hard, can be taken away – whether it is by operation of law or by system of government as it has been in Afghanistan, or by societal pressures or personal concerns, as it could become in the United States.

You must pass on to your sisters and daughters the need and the drive, not just to bring about, but also to continue to exercise the right to equality in the law every day. For as long as we want to maintain the dignity of women and their right to exist as an equal

to men under the law and in the legal system in general, we must continue that struggle.

All of us in America need to take a lesson from you Afghan women lawyers and judges in courage, in strength and in action. And we ask you Afghan women lawyers and judges to keep in mind our experience as American women lawyers, and never to let that fighting spirit be destroyed by the success that we hope that you will have in the future in reaching true equality in the legal profession.

*Holly Fugie, California State Bar President, gave this speech at the dinner honoring women judges and lawyers from Afghanistan on January 19, 2009.*



*Photographs by Jacqueline Carey-Wilson*



*Robert O'Brien and Judge Stephen Larson distributing a diploma to an Afghan attorney*



*L-R) Judge Stephen Larson, James Parkinson and Justice Douglas Miller*



*Holly Fugie and Judge Virginia Phillips*

# JUDGE STEPHEN LARSON AND ROBERT O'BRIEN RECEIVE THE 2009 ERWIN CHEMERINSKY DEFENDER OF THE CONSTITUTION AWARD

*by Jacqueline Carey-Wilson*

On May 5, 2009, the Federal Bar Association, Inland Empire Chapter, presented Judge Stephen Larson and Robert O'Brien each with the Erwin Chemerinsky Defender of the Constitution Award. They received the award for their extraordinary efforts to bring to Riverside three women judges and eleven women attorneys from Afghanistan to learn about our constitutional system.

This program was a product of the Private-Public Partnership for Justice Reform in Afghanistan, or PPP for short. O'Brien serves as Co-Chair of the PPP, which was founded by former Secretary of State Condoleeza Rice to bring justice reform and the rule of law to Afghanistan. Judge Larson is on the executive board of the PPP.

Normally, American attorneys and judges travel to different parts of the world to share their knowledge of the United States legal system. However, because it is too dangerous to travel within Afghanistan, the PPP was established to bring judges and lawyers from Afghanistan to learn in this country. To ensure that the Afghan government did not impede this educational endeavor, Judge Larson and O'Brien traveled to Afghanistan in October of 2008 to encourage support for this program. When they left Afghanistan, the program was secure.

As Judge Virginia Phillips remarked, "This type of opportunity for mutual exchange of knowledge and wisdom – legal, cultural, and diplomatic – is rare, but much needed in our world today." Judge Larson and O'Brien have worked tirelessly to bring the rule of law to Afghanistan and many other parts of the world. We honor them for their commitment to our Constitution and to promoting the understanding that justice has no boundaries.

This was not the first time Judge Larson has worked to bring justice to another country. He previously served on a State Department war crimes assessment team that conducted an in-country evaluation of the Croatian judicial system in February 2004, and he was part of the American delegation to a conference on Criminal Justice Sector Reforms in Central Asia that met in Uzbekistan in November 2003. Judge Larson



*L-R: Judge Stephen Larson, Jacqueline Carey-Wilson, Dean Erwin Chemerinsky and Robert O'Brien.*

has also served on faculty panels at academic and governmental institutions worldwide, where he has lectured on issues such as the rule of law, civil and criminal law reform, transnational organized crime, international money laundering, and asset forfeiture.

Judge Larson has also provided training to special agents of the FBI in both domestic and foreign prosecution and to law enforcement agencies in Russia,

New Zealand, Australia, Hong Kong, and various cities throughout the United States.

In December 2005, President George W. Bush nominated Judge Larson to the U.S. District Court. He was unanimously confirmed by the U.S. Senate in March, 2006. As a district judge, he hears both civil and criminal cases. During his tenure on the bench, Judge Larson has striven to advance the constitutional values of equality and fairness, along with compassion for all litigants.

To Judge Larson, it does not matter whether he is dealing with huge law firms fighting about who really designed the Bratz doll or migrant workers struggling for a decent place to call home. Judge Larson gives each case that comes before him his full attention and each person in the courtroom his full respect.

Judge Larson actively works to find pro bono counsel to represent inmates litigating for humane treatment in prison. He has encouraged law firms and attorneys from the Inland Empire to assist in the representation of these pro se litigants. Judge Larson does this because he is deeply committed to equal access to justice. Without an attorney to represent them, these litigants stand little chance of having their stories told.

Judge Larson strongly believes that justice delayed is justice denied. He is firmly committed to moving cases through the system so that the parties will have their day in court. Judge Larson put this ideal into practice when he was a magistrate judge; he initiated a pilot project under which civil cases that would otherwise have been assigned to a district judge were assigned directly to him. This pilot project is now

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incorporated throughout the Central District and cases are routinely assigned to magistrate judges.

Off the bench, Judge Larson is the Distinguished Jurist in Residence and a member of the Board of Visitors at the University of La Verne College of Law. Judge Larson was also appointed by Founding Dean Erwin Chemerinsky to serve on the Dean's Advisory Council of the newly chartered law school at the University of California at Irvine.

Judge Larson is a family man, devoted to his wife Dena and their seven beautiful children – Michaela, Joseph, Brendan, Patrick, Thomas, Mary, and Elizabeth. He is also close to his parents, Dale and Sheila Larson.

Judge Larson and O'Brien have known each other for years and are very good friends. However, I only recently had the chance to get to know Robert O'Brien. I worked with him in organizing the visit for the delegation from Afghanistan and during the delegation's stay in Riverside. His commitment to this program and to the women we were assisting was inspirational.

O'Brien continues to chair the PPP and is actively working with private attorneys and the State Department to reform the Afghan justice system. However, this is not the first time O'Brien has worked for justice across our borders.

In July 2008, O'Brien was appointed by President Bush to serve a three-year term on the Cultural Property Advisory Committee, which advises the U.S. government on the Convention on Cultural Property Implementation Act. In 2005, President Bush nominated and the U.S. Senate confirmed O'Brien as the U.S. Alternate Representative to the 60th session of the United Nations General Assembly, which met in New York in 2005-2006. In addition to his other duties as a U.S. delegate, he addressed the General Assembly on the question of Palestine and represented the United States in the General Assembly's Sixth Committee, which considered the Comprehensive Convention on International Terrorism.

From 1996 to 1998, O'Brien was a legal officer with the United Nations Security Council's Compensation Commission in Geneva, Switzerland, where he led a multinational team of attorneys, loss adjusters and accountants and was responsible for the review and processing

of billions of dollars in claims resulting from Iraq's 1990-1991 invasion and occupation of Kuwait.

O'Brien served as a major in the Judge Advocate-General's Corps of the U.S. Army Reserve. In 1990, he was a judicial extern-clerk to the Honorable J.P. Vukasin, Jr. in the Northern District of California.

Currently, O'Brien is the partner-in-charge of the Los Angeles office of Arent Fox. His practice focuses on commercial litigation and domestic and international arbitration, including intellectual property. He has also authored a significant number of published articles on international law and civil procedure.

O'Brien is deeply committed to assisting the federal court; he acts as a liaison between practitioners and judges as a lawyer representative for the Ninth Circuit. At home, O'Brien is a devoted family man who has been married to his lovely wife, Lo-Mari, for 21 years and has three wonderful children, Margaret, Robert, and Lauren.

The Inland Empire Chapter of the Federal Bar Association was honored to present to Judge Stephen Larson and Robert O'Brien the 2009 Erwin Chemerinsky Defender of the Constitution Award in recognition of their exemplary and distinguished commitment to supporting and defending the Constitution of the United States of America.

*The world is indebted for all triumphs which have been gained by reason and humanity over error and oppression. – Thomas Jefferson*

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*Jacqueline Carey-Wilson is deputy county counsel for the County of San Bernardino, President of the Inland Empire Chapter of the Federal Bar Association, a Director-at-Large of the RCBA, and co-editor of the Riverside Lawyer.*





# THE TRAGIC STORY OF AYATOLLAH BOROUJERDI

*by D.W. Duke and Nazanin Afshin-Jam*

It is unfortunate that the western world has such a negative image of people of the Muslim faith. To most Americans and Europeans, the notion of Islam embodies an extreme religion of violence and human rights abuses. Yet we hear it said that Islam is a religion of peace and that the Islamic extremists we see in Iran and other nations where shariah law is enforced do not represent the true Islamic faith. Many ask, "Where are these peaceful Muslim leaders? Why do we never hear about them? Do they really exist?" In fact, they do. One such Islamic leader is Ayatollah Sayed Hossein Kazemeyni Boroujerdi, who today is held captive in a prison in Yazd in the Islamic Republic of Iran.

Ayatollah Boroujerdi is a Shi'a Muslim cleric who supports freedom of speech and the free exercise of religion in the Islamic Republic of Iran. He believes that the government should not be controlled by religion. Thus, he supports the separation of government from the dominance of Islam. Ayatollah Boroujerdi believes that the repressive government of Iran, which purports to exist under the rules of Islam, is not true Islam at all. According to Ayatollah Boroujerdi, true Islam is a religion of tolerance, mercy and compassion, which is the opposite of the religion of the government of Iran.

Ayatollah Boroujerdi is the son of Ayatollah Mohammad Ali Kazemeyni Boroujerdi, who died under suspicious circumstances in an Iranian prison in 2002. His father was one of the leading religious leaders of Iran in the Pahlavi government and published over 30 books. He was widely respected in the western world, as well as in Iran, and he refused to support Ayatollah Khomeini's efforts to establish the Islamic regime in 1979. As a result of his refusal of support, he was persecuted and imprisoned in an Iranian prison, where he eventually died.

The younger Ayatollah Boroujerdi became openly critical of human rights abuses of Iran in 1994. For over a decade, he spoke to his supporters about the need to peacefully promote their views, and he is opposed to violence in any form. On October 7, 2006, Ayatollah Boroujerdi was arrested, along with many of his supporters who had gathered at his home. Although no crime had been committed, witnesses say that they were incarcerated and subjected to torture in section 209 of Evin Prison.

The government of Iran has not provided any information concerning his prosecution and conviction. In a special clerical court, without representation by legal counsel, Ayatollah Boroujerdi was initially sentenced to death, but due to appeals and international pressure, the sentence was

changed to 11 years of imprisonment, 10 of which are to be in exile in Yazd. Ayatollah Boroujerdi was then coerced, under threat of torture, to give a statement in which he confessed to acts he did not commit. This forced confession was televised nationally in Iran in an attempt to humiliate Ayatollah Boroujerdi and others who share his belief in the free exercise of religion and freedom of speech.

Since his incarceration in the Iranian prison, Ayatollah Boroujerdi has been brutally tortured, resulting in serious injury to his vital organs. He has been repeatedly refused medical treatment by his captors, and his family and supporters have also undergone torture. His wife has been brought into his prison cell and forcibly raped in his presence. He and his family have been victims of incomprehensible cruelty at the hands of this tyrannical regime.

Ayatollah Boroujerdi has committed no crime. He is a peaceful man who does not advocate violence, nor does he threaten the government of Iran in any way, though he supports the separation of religion from government. All he has done is to advocate for the inalienable right of the individual to hold personal religious beliefs and to exercise freedom of speech. For this, he has been subjected to imprisonment and torture under continuous threat of execution.

Article 56 of the United Nations Charter requires that all member nations pledge to "take joint and separate action in cooperation with the Organization [the UN] for the achievement of the purposes set forth in Article 55." Article 55 includes several paragraphs, most notably here, "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

Article 18, section 1 of the International Covenant on Civil and Political Rights provides that:

"1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Article 19, sections 1 and 2 of the International Covenant on Civil and Political Rights provides that:

"1. Everyone shall have the right to hold opinions without interference.  
2. Everyone shall have the right to freedom of expression; this right shall include freedom to

seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Article 7 of the International Covenant on Civil and Political Rights provides in pertinent part: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Ayatollah Boroujerdi has been denied his rights under each of the above-referenced articles and sections of the International Covenant on Civil and Political Rights. He has been arrested, held in confinement and tortured because of his beliefs and for expressing his views on political matters.

On September 24, 2007, Iran’s President Mahmoud Ahmadinejad spoke in the United States at Columbia University. In response to the introduction from Columbia University President Lee Bollinger, President Ahmadinejad said the following:

“I think the text read by the dear gentleman here, more than addressing me, was an insult to information and the knowledge of the audience here, present here. In a university environment we must allow people to speak their mind, to allow everyone to talk so that the truth is eventually revealed by all.”

“Certainly he took more than all the time I was allocated to speak, and that’s fine with me. We’ll just leave that to add up with the claims of respect for freedom and the freedom of speech that’s given to us in this country.”

In his words, which have been communicated to billions of people throughout the world, President Ahmadinejad expressed his belief in freedom of speech and the right of people to “speak their mind.” Yet within the nation of Iran, people are arrested and tortured for “speaking their mind.”

Now the world is watching to see if Iran will live up to the high standard set by these words of President Ahmadinejad. Will Iran release Ayatollah Sayed Hossein Kazemeyni Boroujerdi, who has done nothing more than exercise his right to “speak his mind,” as President Ahmadinejad said, so that “truth is eventually revealed by all”?

What can you do to help free Ayatollah Boroujerdi? If you would like to show your support of this victim of the Iranian terror

machine, you may sign the petition at <http://www.petitiononline.com/Maat2/petition.html>

The United Nations has been requested to investigate this case and to assure that Ayatollah Boroujerdi is provided needed medical attention. If we join efforts to support the release of Ayatollah Boroujerdi, the leaders of Iran will take note. While it may seem a futile effort, it is important to bear in mind that Iran seeks to become a member of the international community. The embarrassment brought about by these abuses when publicized will ultimately compel the leaders of the Islamic Republic of Iran to release this honorable man and his supporters.

*D.W. Duke is a partner in the California-based law firm of Giardinelli & Duke, APC. He is a writer and a human rights activist. He is also President of International Children’s Aid and legal counsel to Stop Child Executions, which are organizations devoted to securing the inalienable rights of children and others throughout the world in nations where human rights abuses occur.*

*Nazanin Afshin-Jam is a recording artist, human rights advocate and actor. Born in Iran in 1979 during the height of the Islamic Revolution, she fled the country with her family to escape the execution of her father, and they eventually migrated to Canada. Although she is a graduate of the University of British Columbia, many know Afshin-Jam best as Miss Canada 2003 and first Runner Up Miss World of the same year, and also as the person who led the campaign to free Nazanin Fatehi, a 17-year-old sentenced to death in Iran for defending her niece from three rapists. Afshin-Jam is President of Stop Child Executions and works tirelessly to secure human rights throughout the world. She is working with D.W. Duke and the United Nations to secure the release of Ayatollah Boroujerdi.*





# LEGAL COMMUNITY HOPEFUL FOR SUCCESS OF DELEGATION FROM AFGHANISTAN

by J'Amy Pacheco

*Photographs by Jacqueline Carey-Wilson*

Members of the Inland Empire legal community remain cautiously optimistic that a delegation of 14 female judges and attorneys from Afghanistan can make progress in helping that war-torn country establish the democratic rule of law.

The delegation visited the Inland Empire for 13 days last month [January 2009], engaging in a whirlwind of activity that included legal seminars, courtroom observations, facilities tours – and a day at the beach. Following the local visit, the delegation traveled to Washington, D.C., where they met with Secretary of State Hillary Clinton.

The trip was organized and sponsored by the Public-Private Partnership for Justice Reform in Afghanistan, which was launched in 2007 by then-Secretary of State Condoleezza Rice.

U.S. District Court Judge Stephen Larson said the objective of the visit was for the women to learn about the American system of justice and take what they learned back to Afghanistan for possible use in reforming that country's justice system. Larson emphasized that the intention was not to impose American ideals on another nation, but to give its legal professionals "food for thought."

San Bernardino County Public Defender Doreen Boxer said she is optimistic about the women's chances for success because they are "very strong and smart and goal-oriented." Boxer sat on two panels that spoke to the women and had an opportunity to chat with some informally during two meal functions.

Boxer said she was surprised to discover how much the women had in common with their American counterparts as they discussed not only work, but also their families.

"We had a lot in common," she reflected. "We have similar lives in some ways; but in others, our lives are very, very different."

Jacqueline Carey-Wilson, president of the Inland Empire Chapter of the Federal Bar Association, echoed those sentiments.

"Although we practice law in different parts of the world, we share so many similarities," she pointed out.

"The biggest similarity is trying to balance work and family. The difference between us in this regard is that I do not have to worry about my personal safety or the safety of my children."

One prosecutor, Carey-Wilson recalled, reported that she could no longer send her children to school because of the danger.

"These women have had so much adversity in their lives," she observed. "I was impressed by their resolve to continue practicing law despite the risk to themselves and their families."

Prosecutor Lynn Poncin participated in a panel discussion about due process and impartiality in the California justice system. She said she, too, was moved by the stories the women told of the harassment and danger they face because of their work.

"It makes you stop wanting to complain about the job you do on a daily basis," she acknowledged. "I don't get death threats on my job. I can appear in front of judges without worrying about whether or not I'll be alive in a week or two."

She described her interaction with the delegation as "very uplifting," and said she is partially optimistic about the women's chances of success in their efforts.

"I'm optimistic in that they have a constitution in place and are trying to have a democratic system," she said. But Poncin said she was shown documents indicating Afghan law would allow for a family to give away a daughter in order to settle a legal dispute over a crime committed by a son. That, she said, makes it hard not to feel some pessimism.

Charles Dосkow, law professor and dean emeritus at the University of La Verne College of Law, had dinner with the delegation and hosted a visit they made to the law school.

The day the delegation visited the law school, Dосkow read an article in the New York Times about Afghan school girls who were sprayed with acid on the way to school.

The article and visit together, he said, gave him "great respect for what they're trying to do under nearly impossible circumstances."



Larson, who spent part of nearly every day with the delegation and who visited Afghanistan last year, said he has “tremendous confidence in the women themselves.”

The jurist said he remains hopeful that the partnership is able to succeed in supporting the democratic element working to reform justice in Afghanistan.

“But I’m very sober in my understanding of the enormous challenges that exist to that success,” he said. “It’s not something that’s going to be resolved soon. It will take a very long-term commitment on behalf of the people of Afghanistan and the support of other nations if it is to succeed.”

Boxer said she was particularly moved by the stories the delegates told of death threats and the assassination of one judge’s colleague. She said she admires the women for their commitment to building a justice system there in spite of the danger they face on a daily basis.

“It’s very hard not to be deeply affected,” Boxer said. “I admire these strong, independent women who have dealt with things we can hardly imagine. I hope things work out well for them and their children.”

Larson said one of his most enjoyable experiences with the delegation came when he accompanied them to the Getty Museum and the Santa Monica Pier. Some of the women – raised in a country where the Taliban destroyed nearly all vestiges of culture – had no concept of a museum. Their reactions to the Getty, he said, were “memorable.”

At the pier, he said, they enjoyed soft ice cream for the first time. They also observed, he said, some of America’s “highest” and “more pedestrian” culture.

“It was a day of contrasts,” he joked. “We were able to showcase freedom and diversity in a very positive setting. It was a way to demonstrate how different people with different cultures, different beliefs could co-exist without military presence, and without fear or oppression getting in the way. I really think it was a valuable lesson learned – and more important, experienced – by them.”

Carey-Wilson, who spent months helping to organize the tour and also spent a significant amount of time with the delegation, said one of her most memorable experiences came when the delegation had a dinner at a private home.

“My fondest memory with the delegation was at the home of Zakia Kator. Zakia is an attorney with Best Best & Krieger,” she recalled. “She



*Afghan delegation on the steps of the Historic Courthouse with Jacqueline Carey-Wilson, Erin Alexander, and Lauri Ferguson*



*Doreen Boxer, San Bernardino County Public Defender, with a judge from Afghanistan*



*Photo taken of the delegation of Afghanistan at the home of Zakia Kator, who is in the middle of the photo holding her daughter, Sanah.*



*Chief U.S. District Judge Audrey Collins welcoming the delegation from Afghanistan at a lunch hosted by the Inland Empire Chapter of the FBA.*



*Presiding Justice Manuel Ramirez addressing the Afghan delegation in his chambers at the Court of Appeal.*



*Denise Trager-Dvorak, Deputy District Attorney for the County of San Bernardino, with members of the delegation from Afghanistan*

was born in Afghanistan and came to the United States when she was 10 years old. The evening was wonderful and ended with many in the delegation dancing and everyone laughing. Needless to say, we had a very good time.”

Carey-Wilson also enjoyed experiencing the women’s shared sense of humor.

“On our way to dinner another evening, I asked them if they had heard about the plane landing in the river in New York,” she recalled. “They responded with laughter and said that now they would have to wear bathing suits on the plane ride back home. I was struck by their genuine openness and good humor.”

Larson praised the Inland Empire legal community for its “tremendous outpouring” of support for the delegation. He also lauded Duane and Kelly Roberts, keepers of the Mission Inn, for providing the delegation with room and board and conference space for the entire visit.

Carey-Wilson recalled escorting the delegation to the airport for the trip to Washington.

“I was very sad to see my new friends go home,” she stated. “These are truly remarkable women and I was honored to spend so much time with them during their stay in Riverside.”

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



# LAW DAY AT THE PLAZA

The Riverside County Bar Association would like to thank the following attorneys who donated their time to help with RCBA's annual "Law Day" at the Riverside Plaza on Saturday, May 16, 2009: Richard Ackerman, James Baker, Robert Brownlee, John Marcus, Holly Moore, Marie Moreno Myers, Robert Rancourt, Rosetta Runnels, Diane Singleton-Smith, Jeffrey Smith, Madeline Tannehill, and Connie Younger.



*Madeline Tannehill*



*Richard Ackerman*



*Holly Moore, James Baker, Connie Younger, Rosetta Runnels*



*Robert Rancourt, Diane Singleton-Smith, Marie Myers*



*Jeff Smith, Robert Brownlee, John Marcus*



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# OPPOSING COUNSEL: ZAKIA KATOR

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*by Sanjit Kaur*

Zakia Kator is an environmental lawyer with Best Best & Krieger LLP, in its Riverside office. She practices in the areas of water law, municipal law, the California Environmental Quality Act and endangered species law.

Zakia has a diverse cultural background as well as a diverse academic background. She was born in Afghanistan and, at the age of five, was forced to move to Pakistan due to the 1979 Russian invasion. Her father then applied for asylum based on refugee status, which was granted, and Zakia immigrated to America with her 11 brothers and sisters, arriving in Maine at the age of 12 years old. The food was pretty bad and the family moved to California in 1992.

Zakia received a Bachelor of Arts in Physics and worked as an engineer with Verizon Wireless for three and a half years. Zakia had seen the world from a scientific perspective, and she wanted to see the world from a human psychological perspective. Thus, she decided to attend Whittier Law School. After receiving her law degree, she had to decide whether to become a patent law attorney or an environmental law attorney. It was an easy choice for her, because she wanted to make a difference in the world, and she opted to become a lawyer in the field of environmental law. She took and passed the California Bar Exam in 2007 and joined Best Best & Krieger on September 17, 2007. She is now a second-year associate and loves being a lawyer. She enjoys working at Best Best & Krieger because the firm has a good and solid reputation and she has awesome coworkers (including the author of this article).

One of the most interesting facts about Zakia is that, although she is an attorney, she is an extremely nice human being. She is always willing to help, as evidenced by her interactions with the Afghanistan Women Lawyers Delegation. Zakia met Judge Stephen Larson at an Inns of Court event, and Zakia

accepted his invitation to attend the Leo A. Deegan Inn of Court dinner for the Afghanistan Women Lawyers Delegation, which took place earlier this year. She jumped at the chance to meet this group of interesting women. She became a translator for the delegation at the dinner because the official translators came late to the event; due to a last-minute cancellation by a potential host, she also volunteered to host the women at her house for dinner. The dinner was a lively, fun evening, with lots of Afghan cultural music and good Afghan food.

Zakia resides in Corona with her husband, Imran Niazi, and their five-year-old daughter, Sanah.

*Sanjit Kaur is an associate with Best Best & Krieger LLP and a member of the RCBA Publications Committee.*



*Zakia Kator*



# PARTNERSHIP PROMOTES RULE OF LAW IN AFGHANISTAN

by *Temim H. Nusraty*

Launched in December 2007, the [State] Department's Public-Private Partnership for Justice Reform in Afghanistan is an innovative initiative of the Bureau of International Narcotics and Law Enforcement Affairs, which leads U.S. justice-sector reform efforts in Afghanistan.

Bureau Assistant Secretary David T. Johnson co-chairs the partnership with Robert C. O'Brien, a partner at the law firm Arent Fox. The initiative's founding members include U.S. District Court Judge Stephen G. Larson of the Central District of California, U.S. District Court Judge David O. Carter of the Central District of California and former Lieutenant Governor of Massachusetts Dr. Kerry Healey.

The partnership is a nonpartisan initiative that seeks to involve American judges, lawyers and representatives of business and academia in U.S. efforts to develop the rule of law in Afghanistan. By bringing Afghan lawyers into the larger international community of legal professionals, the partnership helps the people and government of Afghanistan establish a fairer and more transparent justice system.

## High Impact

The partnership also funds low-cost, high-impact projects that support women in the legal profession, local bar associations and legal aid organizations, and professional development of Afghan judges, prosecutors and defense attorneys. Through the partnership, the Department and the American legal community have promoted lawyer-to-lawyer dialogues, conducted training programs in the United States and provided financial assistance to Afghan law schools.

Additionally, the partnership has organized events in the United States to raise public awareness of the needs in Afghanistan's justice sector.

Since its inception, the partnership has received more than \$1.3 million in monetary and in-kind contributions. This includes financial donations by major law firms and private individuals, tuition waivers provided by more than a dozen U.S. law schools, U.S. Agency for International Development funding of the travel and lodging expenses of those studying for a Master of Law degree and other training-related expenses donated by U.S. businesses and educational institutions. The figure doesn't include the thousands of hours of work donated by volunteers or the travel expenses covered by the private sector to participate in the partnership's activities.

## Workshops Held

The partnership has planned and implemented two major workshops in the United States. The first was a 21-day intensive

summer program at the University of Utah Law School for 16 Afghan prosecutors, including three women. The second was a 14-day program in Riverside, Calif., and Washington, D.C., for 14 prominent Afghan women judges, prosecutors and defense attorneys. Among the workshop's speakers was former U.S. Supreme Court Justice Sandra Day O'Connor.

The Afghan women also met with Secretary of State Hillary Rodham Clinton, who praised their bravery and courage and said, "It is your work for women lawyers in the tough environment of Afghanistan that will bring real reform and the rule of law to the Afghan people."

The third workshop, planned for this summer, will focus on Afghan defense attorneys. Each workshop enlists experts from the American legal community to provide hands-on basic and cross-national training on institutional justice reform, Islamic law, comparative constitutional law, criminal procedure, mediation, domestic violence and international human rights. The lessons taught are already bearing fruit in Afghanistan.

## Afghanistan Visits

In addition, the partnership has conducted two assessment visits to Afghanistan, sponsored events in several U.S. cities, placed its first Afghan judge into a master of laws program in California and secured commitments from more than a dozen American law schools to provide a year of tuition-free legal training to Afghan lawyers. This year, the partnership is preparing to endow a law professorship at a university in Afghanistan.

Assistant Secretary Johnson said he is amazed at the commitment and dedication shown by the private sector.

"It is an inspiration that so many U.S. lawyers and judges have rallied to support this initiative," he said. "The success of the partnership is a testament of what can be achieved when the public and private sectors come together."

One of the greatest challenges facing the Afghan government in restoring the rule of law is the lack of trained legal professionals. Through its legal education programs and lawyer-to-lawyer dialogue, the partnership plays an important role in helping Afghanistan rebuild a society based on the rule of law.

To learn more about the partnership, visit <http://www.state.gov/p/inl/partnership/index.htm>.

*Temim H. Nusraty is senior rule of law advisor in the Bureau of International Narcotics and Law Enforcement Affairs.*



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# REPORTS FROM THE RIVERSIDE SUPERIOR COURT

*by Sherri R. Carter, Court Executive Officer*

The Riverside County Superior Court, like the state judiciary, is facing budget woes that may be worse than the recession-spawned cutbacks of the early 1990's. As noted in a recent memorandum from William C. Vickrey, Administrative Director of the Courts, the 2009 Budget Act creates three major fiscal challenges for the judicial branch. First, the budget for fiscal year 2009-2010 does not provide the necessary funding to meet the escalating costs of constitutional and statutory mandates. Second, the budget does not provide the statutorily guaranteed resources for growth in expenditures for trial court operations. Third, the budget reduces baseline funding for trial court operations. In total, the Administrative Office of the Courts has identified \$495 million in unallocated cuts, unfunded growth in mandated programs, and negotiated increases in employee compensation. As one of the largest courts in California, the Riverside County Superior Court will take a big share of these budget reductions in fiscal year 2009-2010.

In an effort to balance public services with the serious budget reductions projected in the upcoming years, effective July 1, 2009, the Riverside Superior Court will be implementing a number of changes that will impact members of the bar.

## **Elimination of the Cross-Court Filing Program**

The cross-court filing program has allowed attorneys to file in any court location for a case pending in another location. Unfortunately, this program has resulted in filing errors, lost and delayed documents, and a huge cost to the court to move the paper documents to the correct court location. Effective July 1, 2009, documents must be filed at the courthouse where the case is pending. To assist with this transition, attorneys are encouraged to directly fax file documents at the correct court location and will only be charged an annual fax registration fee of \$100 per attorney for an unlimited number of pages and documents. The current \$1 per page fax filing fee will no longer apply. Attorneys may fax file documents directly from their offices, saving the cost of an attorney service, or have an attorney service company fax file and receive the conformed documents on their behalf. Individual attorneys must complete form RI M01 to enroll in the program. Additional fax numbers to support this program will be provided in mid-June on the court's website or from the clerk's office. Detailed informa-

tion is available on the court's website at <http://riverside.courts.ca.gov/faxlist.htm>.

Please note that all notices of appeal must be filed at the Appeals Division in downtown Riverside in the Hall of Justice, 4100 Main Street, though they may be fax filed to (951) 955-8599.

## **Access to Imaged Civil Documents on the Internet**

For many years, the court has provided online access to civil documents on the Internet at no charge to the public. Unfortunately, at a time of diminishing resources and serious economic uncertainty, the court must receive reimbursement from the users for this non mandated service. Effective July 1, 2009, an amount of \$7.50 will be charged to view or print civil court documents for the first 10 pages, plus \$.07 per page for additional pages, with a cap of \$40 per document. Name searches can continue to be conducted, and the register of actions viewed, from the Internet free of charge.

## **Attorney Account**

Attorneys are encouraged to establish an account with the court and to deposit funds that can be used to pay for filing fees, the direct fax filing registration fee, copies, civil jury fees, and court reporter per diem fees. To establish an account, a minimum of \$250 must be deposited. This amount can be paid by check, money order, credit card or cash at any clerk's office public service window. Once an account is established, an account code will be sent by mail. This code must be referenced when filing documents or making deposits to the account. One account may be established for the firm or individual accounts may be established for each attorney. The court will send notice any time the balance in the account falls below \$100.

## **Updated Fee Schedule**

Many fees have changed and attorneys are encouraged to review the updated fee schedule currently available on the court's website at <http://riverside.courts.ca.gov/fee-schedule.pdf> or from the clerk's office.

This is a difficult economic time for government and businesses alike. The court is hopeful that these minimal changes will allow it to operate without any reduction to public hours or other public services.

Thank you for your understanding and support.



# STATE OF THE COURT: CHALLENGES, ACHIEVEMENTS, AND OUTREACH

*by the Honorable Thomas H. Cahraman, Presiding Judge, Riverside Superior Court*

We are delighted to have six new judges join us this year. Judges Michael Rushton and John Molloy took office in January, following election to the bench. Judges David Gunn, Samuel Diaz, Kelly Hansen, and Mark Johnson were appointed by the Governor in March. All of these individuals are talented, dedicated, and energetic. Each will make a lasting difference to the court and our community.

## Civil

Civil litigation is back on track. In 2008, we tried 188 civil cases, more than in any year since 2001. In addition, the availability of open courtrooms has settled many more cases. At first, we needed to prioritize cases that were over four years old, but lately we are getting many younger cases out, and that trend will continue.

Our master calendar system, under the leadership of Judge Gloria Trask, is efficiently assigning civil cases for trial. I have asked Judge Trask to set 40 to 45 civil jury trials in her courtroom every Monday, with the recognition that nothing settles a civil case like an open courtroom.

All the Civil Law and Motion judges are prepared to send your case to Department 1 for a trial-setting conference as soon as it is ready to try. We have even adopted a new stipulation form, which will allow parties who are ready for trial to short-circuit the CMC process and go directly to master calendar for a trial setting conference.

At present, we have eight courtrooms devoted to civil trial work: three at the Hawthorne Court and one at Autry, plus Judges Tranbarger, Trask, Weathers, and Hopp. At the start of the year, we had only five civil trial departments, but we have restored three more to that function since then.

With the enthusiastic assistance of the civil bar, we have greatly expanded our civil mediation programs. Cases eligible for judicial arbitration can, in the alternative, go to mediation at no cost to the parties. Cases that do not qualify for judicial arbitration can still go to mediation at reasonable rates. Twice now, we have offered Pepperdine University's Straus Institute mediation training, and 89 volunteers have attended. Meanwhile, Dispute Resolution Services of the County Bar has continued to offer stellar services pro bono or at nominal rates.

We have kept the bar advised of our progress, and have invited input, through quarterly bench-bar meetings involving leaders of the plaintiff and defense communities.

So . . . be ready to pick a jury when your civil case comes up for trial in Riverside County. A trial date is a true commitment, by the parties and by the court, and on our part, we intend to honor that commitment.

## Criminal

I am proud to report that our countywide inventory of pending felony cases is now 5,264, down 1,061 from March of 2008. Importantly, 60% of that progress has been made since the Strike Force left in June of 2008. We have never dismissed a felony case

twice for lack of a courtroom; all dismissed felony cases have been refiled or resolved.

Credit is due to many individuals. Our courageous and energetic Vertical Calendar Department judges are making a strong effort to get cases settled early, or if they can't settle, to get them to prelim and off to master calendar for trial. Our trial judges are sending jurors out to deliberate, then bringing in a new panel 20 minutes later in order to pick another jury. The Administrative Office of the Courts has done a great job of filling available courtrooms with assigned judges.

We continue to have some misdemeanor dismissals, but these are diminishing, and we have taken specific steps to address this problem. We converted a conference room in the Southwest Justice Center into a courtroom for Judge Hansen, and he is trying misdemeanors all day, every day. With the help of some assigned judges, we are doing the same thing in two of the Palm Springs courtrooms and also in one of the Corona courtrooms.

## Family, Juvenile, Probate, and Community Courts

We have dedicated judges and commissioners in all other areas of law.

We have a heavy caseload in family law, and I'm aware that those bench officers are working very hard. Certain improvements



*(from L-R): Tracy Shockey, Maura Rogers, Judge Jean Leonard, and Judge Becky Dugan addressing the Afghan delegation on issues of mental health in the Family Law Courthouse*



*Judge Tom Cahraman addressing the Afghan delegation on civil law in the Historic Courthouse*

have been made in the calendaring of cases in Hemet that will get cases to trial somewhat quicker there.

In juvenile court, we have a pre-filing intervention program, in collaboration with other agencies, which has diminished the number of dependency cases that need to be filed.

All bench officers who handle traffic, small claims, and unlawful detainers are very busy. I am concerned about the crowded state of the Moreno Valley court, and we are in active discussions to see what we can do about that.

Only two bench officers are assigned full-time to probate, for a county that includes 2.1 million people. Again, we have limited judicial resources, and criminal law keeps us very busy, but probate courts address profound human issues and one of our goals is to do more in that arena.

## Community Outreach

We are here to serve the public, and everyone benefits when we keep the public informed and listen to concerns and suggestions of those we serve. Judge Irma Asberry recently took over as Chair of the Court Community Planning Committee, and is doing a marvelous job. The CCPC includes dozens of citizen members, who attend three dinner meetings with the judges each year and participate in other events.

In January, a delegation of 14 prominent female attorneys and judges from Afghanistan arrived in Riverside in order to observe the American court system. Federal Judge Stephen Larson, along with local Federal Bar Association President Jacqueline Carey-Wilson and many others, organized the visit so that our guests could have a diverse exposure to our system of justice. We even conducted a mock trial in Department 10 with many enthusiastic presenters: Judge Waters, DPD Jorge Alvarado, DDA Diana Carter, John Hawkins (court clerk supervisor), Valerie Hill and Darin Miller (Sheriff's Office), Donna Thierbach (probation), Barbara Lane and Adele Frazier (court reporters). This was a wonderful chance to interact with courageous colleagues who are struggling to establish the rule of law under difficult circumstances.

## Final Thoughts

Challenges remain – our inventory of death penalty cases has doubled to 49 (with 62 defendants) over the last year or two. Each of those cases will absorb a judge for 12 to 15 weeks and of necessity will displace other important work the judge could be handling. As mentioned above, family law and probate need additional resources, and I am committed to addressing that need, but we may need to await the funding of the



*An Afghan judge and attorney at a lunch hosted by the RCBA with guest speakers Sue Steding, Virginia Blumenthal, and Judge Janice McIntyre*

seven A.B. 159 judges before we can do very much in that regard.

At the same time, we can take pride in the tangible progress that has occurred in all areas of case management. I wish to thank all members of the bar for understanding the unique challenges we face in this dynamic county. There is no more honorable calling than the ethical and zealous practice of law. On behalf of all my colleagues, I wish to express my respect and thanks to the talented lawyers who appear before us daily.



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# TIME SHARED WITH THE DELEGATION FROM AFGHANISTAN

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*by the Honorable Marsha Slough, Judge, Superior Court of California, County of San Bernardino*

A few months ago I was very pleased and fortunate to be asked to take part in a panel discussion, which was part of a two-week training and empowerment conference for 14 leading Afghan women judges and lawyers. First, I wish to acknowledge and thank Judge Stephen Larson and others who sponsored this important program. These brave and earnest women from this far-away country were able to travel to Riverside and to Washington, D.C., because of your true and deep commitment to the rule of law.

When asked to participate in this project, I thought that this would be a great opportunity for these women, who literally risk their lives and the lives of their families to do the work that we in so many ways take for granted. The ego part of me thought, "What a great opportunity for them." The reality proved to be a great opportunity for me to learn from them. I was deeply and profoundly reminded of the greatness of our country and its progress in its struggle for equality and equanimity for all.

Our panel was asked to discuss legal ethics. As I began to prepare for the day, I read about Afghan law and the plight of the Afghan people, particularly women, in this rich and torn country. Thanks to Ms. Doreen Boxer, San Bernardino County Public Defender, I received a copy of an email that included the following quote from a friend of hers who spent time in Afghanistan; the friend wrote:

"I was in Afghanistan working as a consultant to a contractor for [the Bureau of International Narcotics and Law Enforcement Affairs] of the Department of State, serving as their Public Defense Development Expert and Provincial Justice Advisor. Soon after I arrived I determined that there were only about 300 or so officially registered lawyers. I did a fair bit of training and mentoring of defense lawyers, half or so of whom were women. Women have it rough there and female lawyers are pretty much the bravest, most awesome human beings on the planet. During one moot court program where I provided comments to participants, I kept telling one of the women from Kandahar who represents juveniles to look me in the eye when she spoke so that I could emotionally connect with her . . . she responded that it is hard to tell if she is looking someone in the eye because she is required to wear a burqa in court. Imagine that. These women lawyers are threatened constantly with death and are frequently poisoned or have acid thrown on them for representing young girls arrested for refusing to marry their uncles

or the lieutenants of warlords who want another wife. In rural areas, some women are chained by their husbands to furniture like dogs so they won't run away and there are many instances of self-immolation by women who cannot take it anymore. Men can often rape and kill women with impunity. In spite of efforts of USAID to print and distribute copies of the official laws, most judges don't have volumes (or 'gazettes') and determine punishments based on their own conservative interpretation of shari'a law instead of the criminal code. Yet the lawyers who are trying to help their brothers and sisters in Afghanistan go to court every day and fight as hard as any public defender I have ever met, getting 'victories' that are often reductions of life sentences to 20 years for offenses that are not recognized in the criminal code. I often cried during meetings with lawyers there because I was so moved by how they are able to do what they do and how they ignore the threats they receive for representing people accused of violating Islamic behavior.

"By the way, the Inland Empire will look like home to many of the Afghans who work in Wardak or the provinces around Kabul (lots of rocks and beautiful desert scenery). Offer to be a pen pal with some of the female lawyers; they will love it so much, and many have access to the internet. Let them know that defense lawyers around the world are a unique and special group – that we are all brothers and sisters in the same struggle: freedom for the sake of freedom and justice applied fairly to all. They need to hear that they are not alone and that their fight in court is occurring all around the world."

My research and readings like the above quote only made my search for what to say to these women more daunting. As I often do when presented with a seemingly tough call to make or problem to address, I turned to a book entitled Handbook for Judges published by the American Judicature Society. This is a book that focuses more on the art or avocation of judging rather than the laws and legal ethics of judging. From a couple of chapters of this book, I have prepared a note to self that sits on my bench before me every day to remind me of the real importance of what we in this system of justice do on a daily basis. I decided to share some of the items from this list with these brave ladies, and now I share them with you. It is my firm belief that if these are taken from the bench and to the street, we will have a true and lasting impact on humanity.

My list includes, in part:

**Be Kind:** “If we judges could possess but one attribute, it should be a kind and understanding heart. The bench is no place for cruel or callous people regardless of their other qualities and abilities.” (Handbook for Judges, p. 13.)

**Be Patient:** “We must constantly keep in mind the marked displeasure we felt as practicing lawyers for the judge who would not hear us out.” (Id. at p. 14.)

**Have Self-Confidence:** “Being a judge means having confidence without conceit, decisiveness without arrogance, and passion without pretension. It means remembering where you came from and knowing who you are. It means being aware of the conditions and circumstances under which the people who come before you live and act.” (Id. at p. 22.)

**Exhibit Temperance:** One must be “temperate under circumstances that at times would try the patience of the most serene. It means being respectful to those who may show no respect. It means being civil to those who are uncivil.” (Id. at p. 22.)

**Have Courage:** “Being a judge means applying the Constitution and protecting rights even under the most trying and outrageous circumstances. It means recognizing that the great principles upon which this country was founded and endures apply not just to the best of us, not just to the worst of us, but to all of us.” (Id. at p. 23.)

Did this list benefit these women in any significant way? Of course, there is no way for me to ever know; however one truth is known by me for sure, and that is I certainly benefited from their presence in our community. Their life perspective brought to me a reminder of our great system of justice, flaws and all. I was reminded that we truly are all in this race, this human race, together. The plight of these brave women will only continue to impact us all, as we are connected to them in their search for equality and respect for humanity.



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