

# RIVERSIDE LAWYER

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MAGAZINE



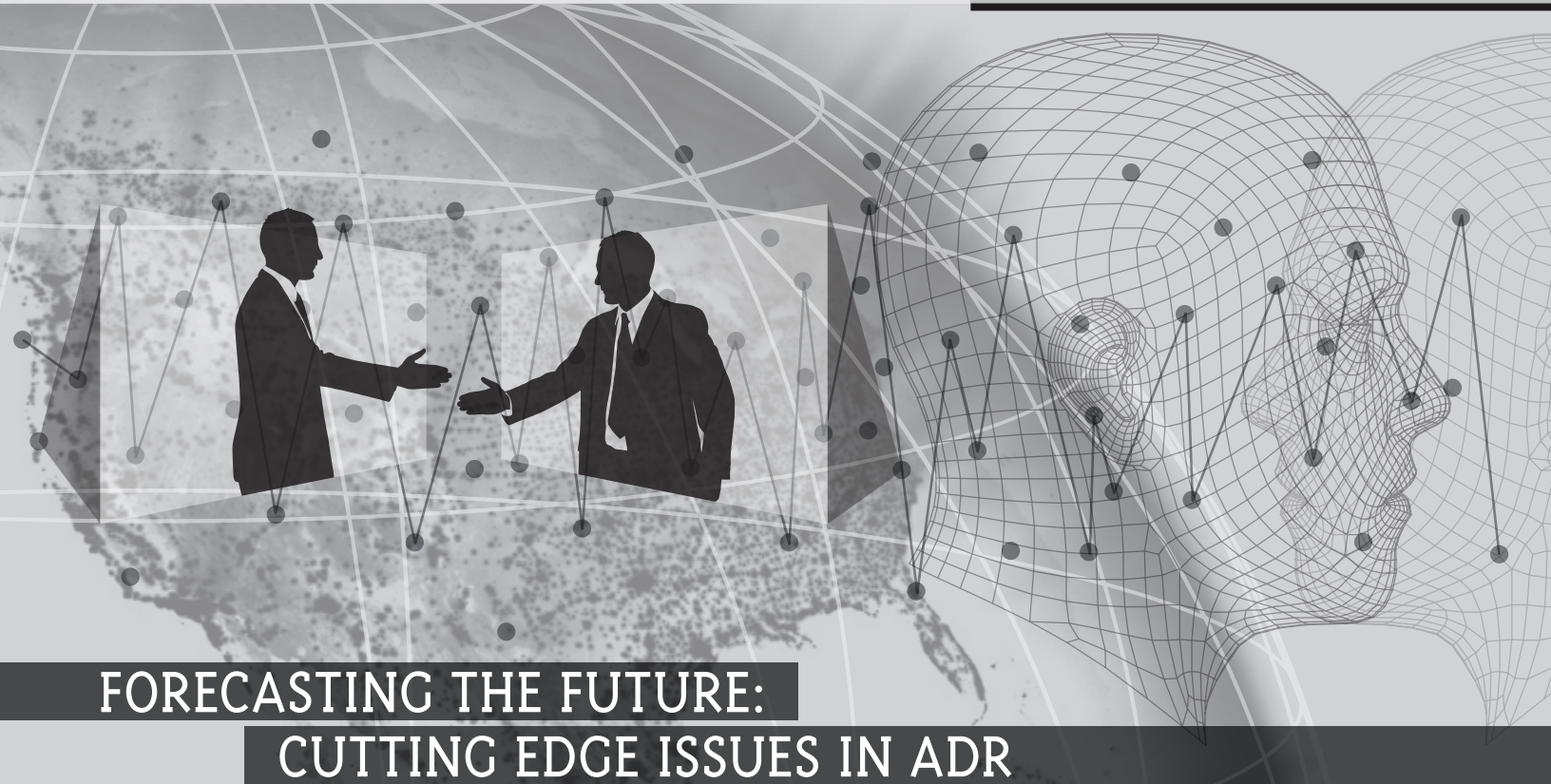
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# RIVERSIDE LAWYER

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

## DECEMBER

- 8 Solo & Small Firm Section Meeting**  
RCBA – John Gabbert Gallery – Noon  
Speaker: Honorable Sherrill Ellsworth (MCLE)
- 9 Joint RCBA/SBCBA General Membership Meeting**  
Noon – San Bernardino Hilton  
Speaker – State Bar President William Hebert  
Please call the SBCBA to RSVP @ (909) 885-1986 (MCLE)  
**Swearing In Ceremony for Central District of California**  
8:00 a.m. – Federal Court, Courtroom 4  
**New Admittee Swearing In Ceremony**  
10:00 a.m. – Historic Courthouse, Dept. 1
- 13 RCBA Shopping Elves – at Kmart**  
(contact RCBA for more info)
- 14-15 RCBA Wrapping Elves**  
RCBA – 4:30 p.m.  
(contact RCBA for more info)
- 15 Estate Planning, Probate & Elder Law Section**  
“Update from 2010 USC Probate & Trust Conference” by Bill Dahling  
Noon – Best, Best & Krieger (MCLE)
- 24 Christmas Eve – Holiday**
- 31 New Year’s Eve – Holiday**

## JANUARY

- 14 RCBA General Membership Meeting**  
Gabbert Gallery – Noon  
Speaker: Presiding Judge Sherrill Ellsworth (MCLE)
- 17 Martin Luther King, Jr. Holiday**
- 19 Estate Planning, Probate & Elder Law Section Meeting**  
Gabbert Gallery – Noon
- 21 Bridging the Gap**  
Gabbert Gallery – 8:00 a.m. – 5:00 p.m. (MCLE)
- 25 Mock Trial Scoring Attorney Orientation**  
RCBA Gabbert Gallery - Noon (MCLE)
- 27 RCBA Blood Drive**  
Contact RCBA for information  
**Solo & Small Firm Section Meeting**  
RCBA Gabbert Gallery - Noon
- 28 Ethics Marathon**  
RCBA Gabbert Gallery – Noon (MCLE)



## Cover photos by Michael J. Elderman:

**RCBA Board:** (back row) Richard Ackerman, Jim Manning, Chad Firetag, Chris Harmon, Tim Hollenhorst; (front row) Harry Histen, Jackie Carey-Wilson, Harlan Kistler, Robyn Lewis, Kira Klatchko, Jean-Simon Serrano  
**Barristers Board:** (back row) Jeffrey Boyd, Scott Talkov, Brian Pedigo; (front row) Ben Eilenberg, Jean-Simon Serrano, David Lee



*by Harlan Kistler*

The theme of this month's *Riverside Lawyer* is "The Riverside County Bar Association and the State Bar." Our RCBA board is very busy developing new programs to better serve our association. One of these new programs is the RCBA Mentoring Program, which will be implemented early next year.

The purpose of the RCBA Mentoring Program is to provide junior lawyers with an educational and professional development resource. Law students rarely learn a specific area of law to practice upon leaving law school. Rather, they obtain such skills from senior attorneys who teach them. This learning process typically involves employment, but jobs are scarce. The mentoring program assigns a protégé to a mentor for one year. The mentor provides guidance in a specific area of the law, which may be the mentor's primary practice area.

The Mentoring Program has a few guidelines for both the mentor and the protégé. The mentor must be a licensed member of State Bar of California and a member of the RCBA. He or she must have a minimum of seven years of practice and must commit to the program for a full year. The mentor must be available to meet with a protégé in person at least once a month. He or she cannot use the program for any improper purpose, such as recruiting for his/her law firm or as a means of obtaining unpaid legal services.

The protégé also must adhere to a few requirements. He or she must be a member of both the RCBA and the State Bar of California and must have practiced law for four years or less. Protégés cannot seek legal advice from their mentors on current client matters nor request that mentors join as co-counsel on pending cases during the course of the program. The limit of four years of practice may be waived as the program progresses.

This is a great opportunity for young attorneys to meet with mentors over lunch and discuss topics such as lawyering skills, ethics and professionalism, practice and law office management, business and client development, and issues generally affecting the legal profession. Mentors can exchange ideas and tell "war stories." Mentors will also invite protégés to attend RCBA General Membership Meetings, as well as to participate in Barristers and the Leo A. Deegan Inn of Court. Anyone interested in participating as a mentor or protégé should contact the RCBA Executive Director, Charlene Nelson, at (951) 682-1015.

Another program the board is considering is a Master's Committee. Its purpose would be to provide a forum where senior attorneys can attend informal mixers and socialize. The inspiration for this event was the celebration-of-life tribute to retired Judge Victor Miceli. It was a heartfelt reunion for many attorneys who had not seen one another for many years. The Master's Committee would be similar to Barristers, except it would be limited to attorneys who are 50 years or older. The senior attorneys would meet twice a year to reconnect to old friends and colleagues.

For attorneys involved in the Mock Trial program, there is no rest for the weary as they train their high school students for the main event. The Mock Trial competitions begin in February, and the Riverside County Mock Trial Champions will be determined on March 5 at the Historic Courthouse. I would encourage everyone to score at least one Mock Trial competition to witness at first hand the hard work, effort and skills exhibited by these fine students.

The end of the year is always difficult for me, as I tend to have one foot in the current year, while being ready and excited to take that first step into the New Year. If you are like me, you are looking forward with anticipation to the coming year, even as you look back over your shoulder and realize that there are still things left undone. As the bar president, I am thankful for our many members who contribute to the RCBA. On behalf of our membership, I want to take this opportunity to thank Charlene Nelson, the staff, and the board members for making the RCBA such an outstanding organization.

Judge Sherrill A. Ellsworth will be our speaker in January at the RCBA monthly general membership meeting. She is the Presiding Judge of the Riverside Superior Court and she has some interesting new topics and issues to address at that time. Please take the time to attend and meet your friends and colleagues. Happy holidays and Merry Christmas!

*Harlan B. Kistler, president of the Riverside County Bar Association, is a personal injury attorney for the Law Offices of Harlan B. Kistler.*



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# BARRISTERS PRESIDENT'S MESSAGE

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*by Jean-Simon Serrano*



We are a few months into the Barristers year now. In October, we had a social gathering at UCR to kick off the ASUCR Legal Clinic. As discussed previously, the ASUCR Legal Clinic provides free legal services to UCR students. While not affiliated with the Barristers directly, many of the attorneys on the panel are also members of Barristers. The kick-off was a great success, with very high attendance among both Barristers and UCR students. It was great to see so much interest in the program from both the members and students. This program is just one example of how Riverside's young attorneys are giving back to the community.

Our second official meeting of the year had Judge Gloria Connor Trask as the speaker, giving a very informative presentation on "How to Speak." It was an entertaining, as well as highly educational, presentation, typical of Barristers speakers in recent memory. The topic

had universal appeal, as all attorneys, regardless of area of practice, must be able to communicate effectively.

Next month (January), the Barristers are honored to be having District Attorney (and former judge) Paul Zellerbach as our featured speaker. As of the time of this writing, the location and date have yet to be finalized; however, the RCBA will have this information as soon as it is available. Also, those who follow the Barristers' Facebook page will be notified automatically. Further information can be found at the Barristers' webpage: <http://www.riversidecountybar.com/barristers>. The meeting will be an exciting opportunity for attorneys to hear from and get to know the new district attorney, as well as to ask him questions.

Finally, members of the Barristers Board will be attending the 2011 "Bridging the Gap" program. This is a program put on by the RCBA to introduce new bar admittees to the general practice of law and to encourage them to participate in all that our legal community has to offer. The Barristers will be there to answer questions, as well as to encourage the new admittees to get involved with the Barristers and become active members of their local bar association.

As always, the Barristers welcome new members. Encourage your young associates to join!

Please feel free to contact me at [jserrano@heitingandirwin.com](mailto:jserrano@heitingandirwin.com) should you or your young associates have any questions.

*Jean-Simon Serrano, president of Barristers, is an associate attorney with the law firm of Heiting and Irwin. He is also a member of the Bar Publications Committee.*



# STATE BAR PRESIDENT WILLIAM N. HEBERT

by L. Alexandra Fong

## A Small-Firm Lawyer Ascends to the Presidency of the State Bar of California

William N. Hebert ("Bill") was born and raised in Iowa City, Iowa, the son of a father who managed a clothing store and a mother who worked as an administrative assistant at the local university. The youngest of three children, he decided to leave the cold climates of Iowa for sunny California after being accepted to Stanford University.

At Stanford, he majored in English and psychology. While perusing the school catalog for classes to take in his freshman year, he came across a class on the First Amendment, taught by Stanford University lecturer and attorney Lois Amsterdam. Professor Amsterdam, the wife of then-Stanford Law School Professor Tony Amsterdam, is an expert on the First Amendment. Taking this seminar sparked Bill's interest in the law. His small class, consisting of eight students, was assigned to read cases dealing with the First Amendment and to write a brief on a case pending before the Supreme Court of the United States. Professor Amsterdam urged him not to take another pre-law class, reminding him that once he began law school, he would not be learning anything other than the law.

Bill worked his way through Stanford University, holding various jobs, including library assistant, waiter at the Faculty Club, and sleep research technician. As a sleep researcher, he spent his summers working with volunteer subjects who participated in clinical trials on the efficacy of certain types of sleeping pills and on the onset of narcolepsy, one of several sleep disorders affecting thousands of people.

Despite his experience with Professor Amsterdam, Bill was unsure whether to go to law school after graduating with a Bachelor's Degree in 1983. While working as a legal assistant in San Francisco, he was exposed to business tort law, which cemented his decision to apply. In the fall of 1985, he began at Boalt Hall at UC Berkeley; he commuted daily from his apartment in San Francisco's Mission District and continued to work as a legal assistant. In 1988, he obtained his Juris Doctor.



William N. Hebert

Upon passing the bar exam, Bill began his career as an associate at Morrison & Forrester (MoFo), where he met his future wife, Lori Schechter, now a partner at MoFo, who has served as the head of its litigation department. After several years at MoFo, he realized he wanted to become a trial attorney, so he left and joined the city attorney's office in San Francisco in order to gain the necessary experience. Shortly afterward, he tried his first case, a three-and-a-half-week sexual harassment trial, which resulted in a defense verdict. While at the city attorney's office, he worked for Jim Quadra, who he considers one of the best legal strategists he has ever known. Jim is now one of his partners at his current law firm.

Bill eventually left the city attorney's office and returned to private practice. He practiced at Coudert Brothers, LLP, where he was the managing partner of its San Francisco office, and KL Gates, LLP, where he was of counsel.

Bill is now a partner at Calvo & Clark, LLP, in San Francisco, where he represents clients in business litigation, including trade secrets, interference with contract, false advertising, and California's Unfair Competition Law. He is a contributing author of several sections of *California Antitrust and Unfair Competition Law* (LexisNexis 2010), published by the State Bar Section on Antitrust and Unfair Competition. He is also licensed to practice in Guam and handles some of the firm's litigation matters there. Due to the military build-up in Guam (since the United States will be moving Marines from Japan to Guam), he expects his firm will be well-positioned to help clients who are interested in bidding on government contracts and doing more business in Guam. He is currently handling a case for one client that is suing the Port of Guam for allegedly charging excessive tariffs and defending a case for another client of alleged interference with prospective economic advantage.

On September 25, 2010, at the State Bar's annual meeting, Bill was sworn in as the State Bar's 86th president, succeeding Howard Miller. In the one-year post, he will oversee the 228,000-member bar. As State Bar president, he will carry out its primary mission: to protect the public from that small fraction of attorneys who violate their ethical responsibilities. He plans to assist the

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State Bar in promoting diversity in the profession, ensuring access to justice, providing legal services to the poor (including raising funds for those services), increasing the yield on Interest on Lawyers' Trust Accounts (IOLTA), and encouraging attorneys to increase their contributions to the Justice Gap Fund.

Bill also hopes to increase the number of women and minorities appointed to the bench. He believes that judges are a crucial part of our legal system and it is important for the public to see people who look like them presiding over their cases if they are to believe that the judicial system is fair.

As State Bar president, he is responsible for presiding over meetings of the Board of Governors, which currently convenes at least six times per year. He also attends ceremonies and is available to act as an interface between the executive staff at the State Bar and the Board of Governors, all while maintaining his practice at Calvo & Clark.

He realizes that it is currently a tough market for attorneys, both those who have recently joined the ranks and those who have been facing the tough economy for several years. The State Bar has a Lawyer Assistance Program, which provides counseling services for unemployed attorneys and those attorneys who want to transition out of the

practice of law into retirement. He plans to work with various law schools and assist in their career services.

Bill will be in the Inland Empire on December 9, 2010, at the San Bernardino Hilton Hotel, 285 East Hospitality Lane, San Bernardino, for a joint meeting of the Riverside County and San Bernardino County Bar Associations. Additional information about this event may be obtained by contacting Claire Furness, Executive Director of the San Bernardino County Bar Association, at (909) 885-1986 or by email at [claire@sbcbba.org](mailto:claire@sbcbba.org).

He enjoys spending his free time with his wife, Lori, and two children, Nicole (11) and Jordan (9). They hike, bike, and play cards. They also learn art from Lori, who paints and draws in her spare time. Nicole is in an all-girl rock band called "The What," in which she plays guitar. The What was organized by two guys in Berkeley who run a company called BandWorks. BandWorks offers a studio, complete with amplifiers, drums, microphones, and other equipment, and puts bands together, providing them with a teacher and practice sessions. The What recently performed at a street fair and at a local club in Berkeley, where they played classic rock. Bill treasures the time he gets to spend with his family.

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





# UNDER THE BIG TOP: THE 2010 CONFERENCE OF DELEGATES

by Michael L. Bazzo

Another year has come and gone, and with it, the annual Conference of Delegates. Each year, the California State Bar Conference of Delegates assembles more than 500 delegates from participating bar associations from all over the state. Delegates draft resolutions to change California law. Over the last seven years, I have had the privilege of witnessing many significant resolutions come to the floor, where eloquent arguments and heated exchanges appropriately decided their fate. Recently, one of our own delegates drafted a resolution concerning estate planning issues that was passed unanimously. Unfortunately, the Conference has hit a few road bumps in the last few years. Our numbers have declined sharply from 500 to 135 this year. Many delegations are power-hungry and are more intent on wresting control from the State Bar than tackling the problems faced. Meanwhile, the issues facing our state and the practice of law continue to escalate. The old saying that there are two things one never wants to see being made, sausage and laws, has never been more true than it has been recently at the Conference of Delegates.

First, a bit of recent history: Since 2002, the Conference of Delegates of California Bar Associations (CDCBA) has been an “independent organization,” but it remained under the wing of the State Bar. That authority has slowly been challenged. Under an agreement with the State Bar, the CDCBA has held the annual Conference in conjunction with the State Bar’s Annual Meeting, but it has been pining of late for “real independence.” Over the past two years, an issue developed concerning whether the Conference of Delegates should continue to meet at the time of the State Bar Annual Meeting, or have its own conference at a time and location wholly separate from the State Bar. Following last year’s in-fighting, the Conference of Delegates spent the winter contemplating further separation from the State Bar. A name change was in order, so the Conference of Delegates of California Bar Associations (CDCBA) officially became the Conference of California Bar Associations (CCBA).

Meanwhile, the owner of the Grand Hyatt Hotel, initially selected as the site for the Conference of Delegates in San Diego, had donated money to the “Yes on 8” Campaign. According to the CDCBA, a survey of delegates apparently showed that, as a result, at least 25% of them would not attend if the Conference were held at the Hyatt. The Conference of Delegates negotiated with the State Bar of

California to be able to move the site of the Conference, to “assure the continued viability of the organization and diversity of our constituency,” which is another way of saying, “We don’t like the way you think, so we’re taking our toys and going elsewhere.”

Thus, in 2009, the Conference was relocated to the more user-friendly San Diego Bayfront Hilton. “Why the Hilton?” you may ask. Well . . . it just so happens that the Hilton is approved by “Unite Here,” the labor organization working in conjunction with the “No on Prop. 8/Manchester Hyatt” boycott groups, which is another way of saying, “We do like the way *you* think, and by the way, we’ve brought lots of nice toys.” During the Conference, whole delegations, such as the Bay Area Lawyers for Individual Freedom, left the Conference to attend a protest at the Hyatt with picket signs. The agenda overcame the precedence of arguing resolutions affecting California law.

Well, this year’s circus went forward in Monterey, again in conjunction with the State Bar Convention. It took place in a large tent in the back parking lot of the Hyatt Regency Hotel, instead of in the hotel’s plush conference ballrooms. The *official* word was that the State Bar apparently needed the hotel’s conference rooms for continuing education classes and relegated the delegations to the “north 40.” The word on the street was that the State Bar was flexing its muscle. An unusually hot weekend for Monterey saw temperatures in the 90-degree range and delegates melting in the plastic tent, without air conditioning, during the Friday afternoon session. To make matters worse, there were no bathrooms at the site of the delegation tent; not even porta-potties! Delegates had to walk nearly 100 yards across the parking lot to use the facilities near the ballrooms, which of necessity caused contemplation as to which duty was more pressing: voting on resolutions or . . . , well, you get the idea. Needless to say, when our State Bar President addressed the Conference of Delegates on Saturday morning to suggest we all just get along, there were not a lot of happy campers, and the delegation more resembled an angry mob with rakes and pitchforks than a deliberative body! There is truly never a dull moment at the Conference.

The reason we meet annually as a Conference of Delegates has become clouded, but is still discernable. Improving upon existing law or proposing new laws, affecting not only the practice of law in our state but also a

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host of other issues, is still the paramount business for delegations and an honorable pursuit.

Who knows what drama next year will bring? As it stands, a meeting will be held next April to vote on whether the CCBA will hold its conference in the spring, rather than in the fall along with the State Bar Annual Meeting. Next year's Conference therefore, is up in the air, but it appears likely that it will take place with the State Bar Convention in Long Beach in September. Whatever the result, you can be part of the decision and participate in the Conference by becoming a delegate to promote improvements in the California system of justice to serve the changing needs of society.

Your Riverside County Bar Delegation needs you.

---

*Michael L. Bazzo is a member of the Publications Committee of the Riverside Lawyer and Chair of the Riverside County Bar Association Delegation to the California Conference of Bar Associations.*



# IELLA LEGAL AID PROJECT: BRIDGING THE JUSTICE GAP WITH PRO BONO LEGAL ASSISTANCE

by *Connie Chan and Monica Mar*

## IELLA – A Brief Introduction

The Inland Empire Latino Lawyers Association, Inc. (“IELLA”) is a nonprofit pro bono legal aid project that provides legal assistance to low-income residents of the Inland Empire. Since April 25, 1985, IELLA has served the community by advising, assisting, and ultimately empowering low-income individuals to represent themselves in court. Over the past 25 years, IELLA has provided high-quality legal assistance to thousands of needy residents of the Inland Empire.

Though it might seem too good to be true, all services are completely free of charge to income-qualified individuals. Through its pro bono panel of dedicated volunteer attorneys, volunteers, interns and staff members, IELLA serves over 1,000 individuals each year. IELLA’s legal clinics specialize in limited civil and family law cases, including divorce, child custody, child support, paternity, unlawful detainer defense, and collection defense, as well as small claims.

## Connecting with IELLA Clients

Whether clients are facing economic issues, language barriers, or unfamiliarity with the court system, IELLA is committed to supporting them through the entirety of their case. Oftentimes, clients are surprised by the level of professionalism and personalization they receive. Manuel V., a recent IELLA client, comments: “The lady who interviewed us was very personable and courteous, we appreciate her time very much. I have been treated as if I were important to the clinic, not as just another number.”

Despite the fact that IELLA is a small nonprofit, the organization focuses on going the extra mile to provide the level of services that our clients need and deserve. For example, after a client has attended a clinic, IELLA staff members remain available via phone and email to continue supporting him or her. Often clients’ situations change, instructions are forgotten or clients encounter roadblocks due to language barriers and unfamiliarity with the court. These are the precise moments when clients are likely to give up and stop pursuing justice in their particular case. It is at this point that IELLA helps clients to persist and to overcome those momentary barriers to achieve a resolution.

IELLA uses creative and effective programs to inform people about their legal rights and responsibilities. Our longest running program is One Step Further (“OSF”). Established in 1999, OSF facilitates educational workshops at local high schools and community centers throughout Riverside and San Bernardino Counties. Workshops are conducted, with presentations by IELLA staff and volunteer attorneys. The presentations focus on educating participants about their legal rights and responsibilities as teenage parents and dispelling common misunderstandings regarding family law issues. The presentations also act as a way to make legal aid more accessible to an often underserved population. After attending a presentation, teenage parents are able to schedule a free attorney consultation and begin to exercise their rights.

IELLA also provides community education presentations focusing on tenant’s rights (and responsibilities) and basic family law issues. Recently, IELLA partnered with local colleges and homeless shelters



## **FINAL DRAWING of the Riverside Historic Courthouse by Judy Field**

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**Contact RCBA office, (951) 682-1015  
or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com)**

to bring awareness and services directly to populations that need it most.

## Attorneys and IELLA

At the IELLA Legal Aid Project, attorneys and volunteers work together in furtherance of the organization's mission. IELLA is always in need of volunteer attorneys and helpful assistants to provide legal service to all qualified clients. Feeling the effects of the recent economy and planning for the future wave of needy community members, IELLA is actively recruiting new attorneys to volunteer time at our legal aid clinics.

If you are a new attorney who wishes to use your legal training to assist needy residents of the Inland Empire, IELLA is a great place to start! The IELLA Legal Aid Project presents rewarding volunteer opportunities to new attorneys. Your participation will afford you the opportunity to assist in providing much needed legal services to low-income clients. Volunteer attorney participation is not limited to advising clients at legal clinics; as a volunteer attorney, you can also assist by representing a client at his or her court hearing, reviewing court documents prepared by our staff, consulting with IELLA's staff attorney on complex cases, or serving as a presenter at a legal education workshop. Moreover, our volunteer attorneys have the opportunity to network with the local legal community, learn new areas of law, have flexible volunteer scheduling, and work in a team-oriented environment. Through this volunteer opportunity, you will gain a valuable experience, while leaving a tremendous, lasting impact on the lives of the clients you assist.

## Connect with IELLA

The internet is the quickest and easiest way to contact IELLA. Please visit us at [www.iellaaid.org](http://www.iellaaid.org). We can also be reached via phone at (951) 369-5846. To learn more about volunteer opportunities or to join our volunteer panel, please contact Laura Price, Volunteer Coordinator, at: [volunteer@iellaaid.org](mailto:volunteer@iellaaid.org).

*Monica Mar is the Executive Director and Staff Attorney with IELLA; Connie Chan is an intern with IELLA.*



# RICHARD T. FIELDS BAR ASSOCIATION

*by Charlene L. Usher*

**T**he Richard T. Fields Bar Association represents the interests of African-American attorneys and law students in the Inland Empire. Named after sitting Riverside County Judge Richard T. Fields, the group hopes to work on pipeline issues affecting youth and students of color matriculating to law school, graduating and passing the bar. Additionally, the organization hopes to support its members through referrals and to be instrumental in the appointment of attorneys of color in the Inland Empire to the bench.

Incorporated in 2010, the group hosted an Inaugural Reception honoring Judge Fields and swearing in its officers in July 2010 at the University of La Verne College of Law. The founding officers are President Charlene L. Usher of Usher Law Group ([www.usherlawgroup.com](http://www.usherlawgroup.com)), President-Elect Willie W. Williams of the Law Offices of Willie Williams, Secretary Eric V. Isaac of the Riverside Public Defender's office, and Treasurer Daniel James Alexander II.

The group is planning a Holiday Mixer and Membership Drive on December 10, 2010 at Fusions Bar & Grill in Ontario. All are welcome to join us as we celebrate 2010 and bring in 2011.

Our members are supporting the Western Region Black Law Students Association by judging moot court briefs and oral arguments and participating as panelists at their Conference and Frederick Douglass Moot Court Competition in January 2011. We are an affiliate member of the California Association of Black Lawyers ([www.calblacklawyers.org](http://www.calblacklawyers.org)) and the National Bar Association ([www.nationalbar.org](http://www.nationalbar.org)).

If you are interested in membership, please email us at [RTFieldsBA@gmail.com](mailto:RTFieldsBA@gmail.com). You may also join our Facebook page at [www.facebook.com/RichardTFieldsBarAssoc](http://www.facebook.com/RichardTFieldsBarAssoc).

We meet every other month on the first Thursday from 6:00 p.m. to 7:30 p.m., at a location to be determined before each meeting. We welcome any attorneys or legal professionals of color who live or work in San Bernardino or Riverside County to join.

*Charlene Usher is the president of the Richard T. Fields Bar Association.*



# INSTALLATION OF OFFICERS DINNER

*Photographs by Michael J. Elderman*



*Presiding Judge Thomas Cahraman giving the oath of office to the RCBA Board*



*Jim Heiting delivering the oath of office to the Barristers*



*The Kistler Family*

*Harlan's sons Harlan II and Nolan, wife Lori, Harlan, Alicia Kistler (Harlan's mother), and Erica Timmons (Harlan's mother-in-law)*

The RCBA's Installation Dinner was held on Thursday, September 30, 2010, at the Mission Inn. Harlan B. Kistler was installed as the 2010-2011 President. The other officers who were installed were Robyn Lewis (President-Elect), Christopher Harmon (Vice President), Jacqueline Carey-Wilson (Chief Financial Officer), Chad Firetag (Secretary), and Directors-at-Large Richard Ackerman, Timothy Hollenhorst, Kira Klatchko and James Manning, Jr. The 2010-2011 officers of Barristers are Jean-Simon Serrano (President), David Lee (Vice President), Brian Pedigo (Treasurer), Jeffrey Boyd (Secretary) and Directors-at-Large Ben Eilenberg and Scott Talkov.

Jack Clarke, Jr. received the James H. Krieger Meritorious Service Award, the highest honor bestowed by the RCBA. The award was established in 1974 to recognize those lawyers or judges who have, over their lifetimes, accumulated outstanding records of community service. The award is not presented every year. Instead, it is given only when the extraordinary accomplishments of a particularly deserving individual come to the attention of the selection committee. The award has since been presented to James Wertz, Eugene Best, Arthur Swarner, Arthur Littleworth, Justice James Ward, Fred Ryneal, John Babbage, Patrick Maloy, Ray Sullivan, Justice John Gabbert, Jane Carney, Judge Victor Miceli, Justice Manuel Ramirez, Kathleen Gonzales, Terry Bridges and James Heiting.

Justice James Ward, Ret., was honored for his 50 years of membership in the State Bar of California.



*Justice James Ward, Ret. accepting his plaque as a 50 year member of the State Bar*

# REMEMBERING RITA WOMACK

*by David Womack*



## **RCBA past presidents**

*front: Aurora Hughes*

*2nd row: (l-r) Justice James Ward (Ret.), Jane Carney, Brian Percy, Judge Irma Asberry, Harry Histen, Dan Hantman, Commissioner John Vineyard, Judge Stephen Cunnison (Ret.)*

*Back row: (l-r) Terry Bridges, James Heiting, Judge Dallas Holmes (Ret.), Judge Craig Riemer, Judge David Bristow*



*Jack Clarke, Jr. was presented with the Krieger Award by Judge Virginia Phillips.*

## **NOTE TO THE EDITOR:**

Jacqueline: As a member of the RCBA for many years, I have been particularly impressed with the quality of the articles in recent editions of the Riverside Lawyer. Though I like a laugh as much as anyone else, it's great to see more articles of substance and to have the articles in each edition pertain to a specific theme. Please pass my compliments on to whomever is responsible for the improvement.

David R. Saunders  
Clayson, Mann, Yaeger & Hansen

On September 25, 2010, after a lengthy battle with cancer, Rita Womack died peacefully at her Riverside home. On September 3, 1930, she was born in Denver, where she attended Cathedral High School and Loretta Heights College. She received her nursing degree from Loretta Heights in 1952 and began her career as an industrial health nurse.

Rita moved to Riverside in 1960 with her husband, Ray, and their two young daughters, Paula and Shawn. A third child, David, was born three years later. Rita raised her family and continued to live in Riverside for 50 years. Ray was an attorney in town.

Rita was a long-time member of the RCLA (originally known as Riverside County Lawyers' Wives). In the early 1970's, when the organization wanted to create an elementary school program that would provide a better understanding of the justice system, Rita and Dottie Garst set about to create a court tour program for Riverside schools. They modeled their program after a similar court tour program in Beverly Hills. It was a substantial undertaking for Rita and Dottie. With the help of other Lawyers' Wives members, they were able to enlist schools, obtain the help of judges and numerous private and public attorneys, including the offices of the district attorney and the public defender, gain financial support from the Riverside County Bar Association, and secure access to the courts. It all came together in 1972, when local fifth and sixth-grade students began to learn firsthand about our court system. The Riverside program quickly became one of the best of its kind in the state. Eventually, due to overwhelming demand, the program was limited to sixth-grade students. This year, the program completed its 38th year. Nearly 40,000 students from Riverside schools have taken part in the tour.

In recent years, Rita was an active supporter of Riverside SafeHouse. Among other endeavors, she assisted in its successful stuffed animal campaign, bringing a dose of comfort to children in need.

Rita will always be remembered for her kind spirit, her grace and her generosity. She will also be dearly missed by her many loving friends in the RCLA. In her memory, Rita asked that donations be made to the following charities: the Memorial Sloan-Kettering Cancer Center and Riverside SafeHouse.



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# CLE CREDITS FOR THE RIVERSIDE LAWYER

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*by Gregory Snarr*

For every 26,280 hours (three years) that you practice law, you must dedicate 25 of those hours to your continuing legal education. As a reminder, this 25-hour requirement includes at least four hours of legal ethics, at least one hour of prevention, detection and treatment of substance abuse and emotional distress, and at least one hour of elimination of bias in the legal profession. Keep in mind that a maximum of 12.5 hours may be self-study hours.

You probably have this information in the back of your mind, and you always make sure to sign the role sheet at any lunches and programs where continuing legal education credits are offered. What you may not know, however, is how to fulfill these requirements conveniently and at little or no cost. For a Riverside attorney, saving time and money on your continuing education is made easy, thanks to agreements between the Riverside County Bar Association (RCBA) and the Los Angeles County Bar Association (LACBA), and thanks also to the programs offered at the Riverside County Law Library.

## Bar Association Agreements

Beginning in January 2011, the Real Property Section of the LACBA will offer RCBA members continuing education webinars for the same price as LACBA members. This means access to approxi-

mately 30 webinars each year, including webinars on topics such as land use, finance, general real estate law, leasing, title, construction, etc.

The price for these webinars is \$75, as opposed to the usual \$95 non-LACBA member fee. In order to attend an LACBA webinar, simply look on the LACBA's website for upcoming programs and call the association to register. You can then attend the webinar via phone or web at this L.A. member price.

As of right now, these continuing education webinars will be available solely from the Real Property Section of the LACBA. In the future, additional topics from other sections may also be available to RCBA members.

## Riverside County Law Library

You may also fill your CLE hours by taking advantage of the Riverside County Law Library. The library has CDs, tapes, and videos, oh my! These self-study resources are available to be checked out for one week at a time to anyone with a library card. Being stuck in traffic has never been such a constructive use of time. These library resources are available on a wide variety of legal topics and are offered at the most reasonable of prices – *free*.

For those who have reached the maximum of 12.5 self-study continuing legal education credits, the library also regularly hosts live continuing legal education events. The cost of these seminars ranges from free to up to \$25. Since the library does not advertise these courses to the general public, attorneys looking for these continuing legal education classes need to contact the library about the upcoming courses.

All RCBA members, particularly real property attorneys, should be sure to take advantage of the great real estate webinars offered by the LACBA. Also, for those attorneys practicing in Riverside, the convenience and low cost of meeting your continuing education requirements at the Riverside County Law Library are unmatched.

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*Greg Snarr is an associate at Gresham Savage Nolan & Tilden, PC. Mr. Snarr works in the firm's litigation and transaction departments assisting clients in areas of corporate, labor, and real estate law.*



# CALIFORNIA STATE BAR PUBLICATIONS: FOR THE LAWYER AND THE LEGAL CONSUMER

by Christopher J. Buechler

When you walk into the office of the Riverside County Bar Association's Lawyer Referral Service, you may notice a small display on the left side of the counter with various pamphlets with such titles as "What Should I Do If I Have an Auto Accident?" or "What Should I Know If I Am Arrested?" As wonderful as your local bar association's Publications Committee is, these pamphlets come courtesy of the State Bar.

The State Bar publishes a variety of materials for both legal consumers and practitioners. Consumer publications come in two types: The aforementioned pamphlets and more specialized guides for significant life events. Practitioner publications include the California Bar eJournal, as well as specialized journals and books published by the State Bar sections and available for sale to both lawyers and the general public.

## Consumer Publications: Pamphlets and Guides

From the California State Bar web site:<sup>1</sup>

"As part of its consumer education efforts, the State Bar produces numerous easy-to-understand pamphlets about everyday legal problems often encountered by the public. Several of these pamphlets are available in other languages. [N.B.: Most are available in Spanish; a few are available in Chinese or Korean.]

"Consumers may obtain free copies on subjects such as divorce and custody, auto accidents, elder abuse, jury service and finding a lawyer by sending the request with one self-addressed, stamped envelope for each pamphlet to:

*State Bar Pamphlets*

*180 Howard St.*

*San Francisco, CA 94105*

"Pamphlets also are on the State Bar's website and can be reviewed in most public libraries throughout the state.

"Attorneys can order multiple copies of the pamphlets for use in their offices. For ordering information refer to the Pamphlet Order Form or call the Office of Media & Information Services, 415-538-2283.



"The State Bar also produces a series of major consumer education guides for the public. These include:

- "Kids and the Law: An A-to-Z Guide for Parents
- "When you become 18: A Survival Guide for Teenagers
- "Seniors and the Law: A Guide for Maturing Californians

"These popular guides are published on a rotating basis and distributed widely to their targeted audiences. Current editions of all three are on the bar's Web site, [www.calbar.ca.gov](http://www.calbar.ca.gov).

"In addition to consumer education pamphlets, on its Web site the State Bar also provides the public with a fill-in-the-blanks statutory will form so that Californians with simple estates can prepare their own wills. The will is easy to execute and legally binding."



In addition to the three guides mentioned above, there are three online-only guides available to the public:

- Guide to Legal Literacy
- Legal Health Checklist
- The State Bar of California – What Does It Do, How Does It Work?

## Practitioner Publications: California Bar eJournal, Section Journals and Section Books

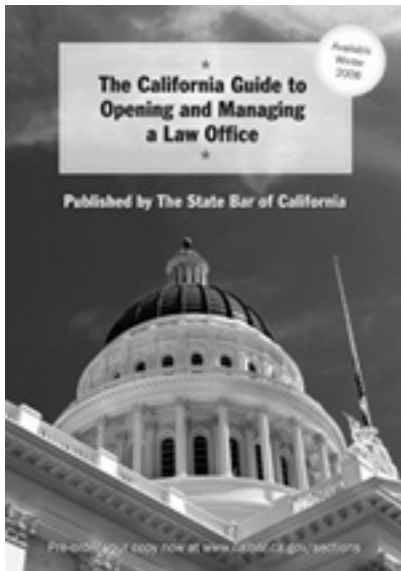
The California Bar Journal – that newspaper you used to receive every month – has switched to a digital-only format as of March 1, 2010, but it still delivers legal news, a trials digest, self-assessment MCLE (with an online test available), and attorney discipline reports.<sup>2</sup> The digital-only switch coincided with the adoption of California Rule of Court 9.7, which required all California attorneys to provide an email address to the State Bar as of February 1, 2010. The California Bar eJournal is now emailed monthly to the email address of record.

The State Bar sections produce their own journals, which are released at various intervals throughout the year. These include such titles as *Big News for Smaller Firms* (from the Solo & Small Firm Section) and *California*

<sup>1</sup> "The State Bar of California: What Does It Do? How Does It Work?," available at <http://www.calbar.ca.gov/AboutUs/StateBarOverview.aspx>.

<sup>2</sup> "California Bar Journal goes digital March 1," *California Bar Journal*, January 2010, available at <http://www.calbarjournal.com/January2010/TopHeadlines/TH4.aspx>.





*Tax Lawyer Magazine* (from the Taxation Section). Subscription prices vary, but most subscriptions are included with membership in the section that publishes the journal.

In addition to the section journals, some sections also publish practice guides or treatises. These books are written by section member attorneys who are leading experts in their fields. Prices for these books vary – many with discounts available for section members – and some have subscriptions for regular updates.

New attorneys may find the State Bar ethics publications to be helpful in avoiding ethical pitfalls in practice. These include the comprehensive *California Compendium on Professional Responsibility* and the desk reference, *California Rules of Professional Conduct & The State Bar Act*. And for the hardcore legal ethics fans out there, there

is an annual subscription to the *California State Bar Court Reporter*, which comes with published opinions of the State Bar Court Review Department.

## Public Information Publications: Reports

To meet its goal of “us[ing] technology effectively and efficiently to support all aspects of its operation, facilitate communication and enhance the administration of justice in California,” the State Bar also produces various reports on its activities and attorney discipline, available for free on the State Bar web site at <http://www.calbar.ca.gov/AboutUs/Publications/Reports.aspx>.

Whether your goal is to educate your client or yourself about a particular area of law or the state of the legal community in California, the State Bar has a wide variety of legal publications to meet your needs. Descriptions, prices and ordering information for any of these publications is conveniently located on the State Bar website at <http://www.calbar.ca.gov/AboutUs/Publications.aspx>.

*Christopher J. Buechler, a member of the RCBA Publications Committee, is a Legal Support Assistant for the Riverside County Department of Child Support Services and a private attorney. He can be reached at [chris.buechler@gmail.com](mailto:chris.buechler@gmail.com).*



# RCBA DISPUTE RESOLUTION SERVICE, INC. (DRS)

*by Christopher Jensen*

I just left the Riverside Family Law Court, Judge Lucky's department, witnessing the start of the new DRS contract with the County of Riverside. Judge Lucky's enthusiasm for a new tool at his disposal, evidenced by his explanation to his pro per participants about the benefits of controlling one's destiny in the outcome of a case tells me the next chapter in DRS' partnership with the Superior Court in Riverside County will be a success in charging through this next needed step. Moreover, watching our colleagues once again devote rare time to our profession is but another compelling example of why RCBA members and the DRS panel of mediators and arbitrators are truly professionals.

Dispute Resolution Service, Inc., (DRS) is an independent corporation, approved as an IRC 501c3 entity, which had its birth in the mid 1990's. In 1994, the California Department of Consumer Affairs promulgated the Dispute Resolution Programs Act. Geoff Hopper, then Riverside County Bar Association (RCBA) President, created the RCBA ADR Committee to explore a way to create a program under the Act. The Committee consisted of Peter Mort, Dan McKinney, Judge Charles Field, Michelle Ouellette, Terry Bridges and myself. While exploring methods to create a court mediation program, an opportunity arose to fold the then existing all volunteer ADR provider, Settlement Now, into the evolving bar program and, as a result, DRS was created.

In 1995, DRS began providing mediations to the Superior Court in Riverside. The experimental program was undertaken as a result of Judge Charles Field's continuing exploration for methods to avoid the confrontational trial methodology of case resolution. DRS, through the RCBA membership, provided hundreds of hours of volunteer time mediating cases for the court. Civil cases were the primary focus. The program was modified and expanded to the desert. DRS and the Desert Bar Association regularly mediated over 400 cases a year.

With the Courts hiring of a mediation director, Barrie Roberts, the DRS partnership with the court was modified to providing settlement officers for voluntary settlement conferences. Judge Gloria Trask renewed Judge Fields enthusiasm for an alternative dispute resolution (ADR) program and with Barrie Roberts fresh approach, a new Court mediation was created. But the new program does not cover all cases.

Last year Riverside County, the holder of the funds available for ADR programs, requested a proposal for providing ADR services to the Court to supplement the existing Court program. DRS recognized civil cases over \$50,000 were in need of a mediation service similar to the courts \$50,000 and under program and further, DRS heard the call from the Court for Probate ADR assistance as well as in Family Law. In Family Law, Judge Lucky recognized pro per cases became stagnant, needing a step in the process to either move forward or, hopefully, resolve the dispute.

DRS was awarded a contract to once again partner with the Court in the ADR arena.

DRS is once again available for mediation services through the Court for Civil and Probate cases where the first three hours of the mediators time is gratis to the participants and thereafter the participants pay the mediators regular hourly rate; just like the Court \$50,000 and under program. Family law mediations are currently available for pro per cases however, referring Family law cases in the same manner and fashion as Civil and Probate should commence soon. In the meantime, DRS is focused, with Judge Lucky, to assist our pro pers towards that less intrusive, less combative resolution which can be achieved by mediating the case.

Targeting a block of cases in a troublesome category as Judge Lucky is doing is the battle cry to our RCBA membership either directly or through DRS. The RCBA membership and DRS panelists have historically exhibited a phenomenal level of civic pride and duty to our profession. DRS is once again looking forward to evolving the program in partnership with the Court.

I would be remiss to mention our current group of "do'ers", our board and DRS staff:

Michelle Ouellette (former RCBA President) - Vice President, David G. Moore (former RCBA President) - CFO, Judith Runyon - Secretary, James O. Heiting (former RCBA President and State Bar President), Michael Kerbs, Elliott Luchs and Harlan Kistler (current RCBA President) - Directors-at-Large. Harry Histen (former RCBA President) is leading the new program team with Don Cripe and Richard Pershing. RCBA staffers Charlene (Executive Director), Lisa and Sue, and our most tolerant one, DRS staffer, Vickie Moneymaker make it all happen.

*Christopher Jensen, of Reynolds, Jensen & Swan, is President of RCBA Dispute Resolution Service, Inc.*



# THE DESERT BAR ASSOCIATION

*by Barbara R. Baron, President of the Desert Bar Association*

The Desert Bar Association is a very small organization of civil and criminal lawyers located in the Coachella Valley. Most of our members live and practice in Palm Springs, Indian Wells, Palm Desert, Rancho Mirage, Coachella and Indio, California. Although we are quite tiny by big-city standards, we are an active and unique group with a great deal of diversity. Our programs and events are sometimes quite different from those of larger bar associations.

In addition to the usual programs, such as Senior Law Day, fee arbitration, mediation, and Law Day, which our trustees put on each year, we also have an event called "The Bird Awards," which is a musical play we put on each spring, written, directed and produced entirely by our association. It takes a satirical look at lawyers and legal events in our community. The "actors" are our very own lawyers, along with judges of the Riverside County Superior Court, Indio Branch. Each year, we have a different theme to the play, which is generally a spoof of a famous musical. Past shows have included "Alice in Lawyerland" and spoofs of *Rocky Horror Picture Show* and *Chicago*. What is especially entertaining is watching our well-respected judiciary and lawyers dance, sing and perform wacky skits wearing wacky costumes, saying sometimes quite ridiculous but funny lines. This unique desert event has been a staple of our organization for over 20 years and occurs each year in June.

In addition to the play, we hand out awards to attorneys in the community who have done something that deserves a "Bird Award," such as delivering an off-the-wall oral argument, acting up at a deposition, missing a court deadline, or coming up with the world's most interesting excuse. We give these awards tongue-in-cheek and present them to the recipient at the Bird Awards event, which also includes the play and a dinner. It is a wonderful way for the community of lawyers and judges of the Riverside County Superior Court, Indio Branch to participate in a fun and satirical look at the practice of law.

Our benefits to members are several. We put on monthly luncheons or happy hours where the membership can get together to see old friends, network and have the opportunity to get an hour of MCLE credit, as we have speakers put on educational programs for MCLE credit at all our lunch events. In addition, this year I am working closely with Sarah Eggleston, the Riverside County Law

Librarian, to put on free MCLE events out in the desert for our membership and the general public to participate in and to receive MCLE credit for some wonderful and informative lectures. We just had one on November 3rd, held at the University of California, Riverside-Palm Desert campus, on "Legislative History," offering two hours of credit, and we will have future events, one on December 8, between 1 p.m. and 4 p.m., and two more, to be announced in 2011. We are trying to offer more and more opportunities for our local attorneys to get MCLE opportunities in the desert so that they will not have to go to San Diego, Riverside or Los Angeles in order to attend lectures.

We have also established a new website, which allows us to post information, both educational and event-driven, to inform our members of the benefits offered to Desert Bar Association members. Please visit us at [DesertBar.com](http://DesertBar.com) to find out what is going on in the desert.

We recently had our annual Installation Dinner on October 23, 2010. This year, it was held at the Living Desert, with the theme of "Out of Africa." The newly installed officers are: President, Barbara R. Baron; Vice-President/President-Elect, Mary E. Gilstrap; Secretary, David Mule; and Treasurer, Patricia Muro. The Trustees are Michael Rover, Karen Sloat, Julie Rosser, Carlos Campos, James Latting, Kimberly Lee and Robert Gilliland.

Unlike the Riverside County Bar Association and others in our area, we are so small that we have no paid staff and no administrator. All functions of operating the association are performed by our officers and trustees, who spend untold hours each year keeping the association running. We work closely with the Indio Branch judiciary and try to assist the court with voluntary settlement conference days, in which local attorneys volunteer their time a few Fridays per month, as requested by the court, to try and settle cases. We also get involved in other events with our local bench. On December 3, 2010, the Desert Bar Association will be assisting in the presentation of a workshop at the Larson Justice Center put on by Commissioner McCoy, Judge Wells and other bench officers.

We look forward to working with the Riverside County Bar Association and hopefully coordinating some joint events in the coming year.



# IN MEMORIAM: MY FRIEND, JANICE MCINTYRE

by Hon. Ronald L. Taylor, Ret.

My friend, Janice McIntyre, was a wonderful human being, a trusted colleague, and the Rock of Gibraltar to her family. The constellation of our legal community has lost one of its brightest stars.

Jan was a true Riverside County pioneer. That is, she opened the door to the bench for the women who followed in her footsteps. She became a role model for women seeking judicial appointment. In April 1981, she became the first woman ever appointed to the bench in Riverside County, in particular, the Riverside Municipal Court. She was 32 years old.

For more than a decade following her appointment, she remained the only female judge on the bench. To paraphrase Dr. Martin Luther King, Jr., a person Jan admired deeply, "Judge a man or woman not by their achievements in life, but rather by the obstacles they had to overcome." Indeed, Jan had monumental obstacles to overcome in her career. Her remarkable achievements, too numerous to mention, will remain unique in the historical annals of the Riverside court systems.

We became close friends during the many years she served as the only woman on the bench. I witnessed at first hand her nurturing demeanor and upbeat personality change the personal dynamics within the judiciary, staff and institution. Jan's contributions to the positive evolution of the courts in Riverside County are simply immeasurable.

In the early years of her career, Jan faced some unique challenges. When she became pregnant with her second child, her son Colin, she inquired about the maternity leave policy. She was informed that neither the court nor the Administrative Office of the Courts had such a policy. In those days it was unheard of for a judge to have a baby! Most of us former Riverside Municipal Court judges



Janice McIntyre

will remember Jan bringing her young daughter, Ryan, who is now an attorney, to court with her. Court started at 8:30 a.m., and Ryan's preschool did not start until 9:00 a.m. Ryan would be playing at Jan's feet while she was on the bench handling cases. It was not unusual for the attorneys appearing before her to have puzzled looks on their faces as the sounds of a playing child floated down from the bench! Jan was able to balance her work life and motherhood at a time when her colleagues were displaying pictures of their grandchildren. The love and support of her husband, Stephen Poe, no doubt added to her many successes.

In her judicial career, Jan became a formidable, no-nonsense judge. Her special forte was high-volume criminal calendars. She really did enjoy calendar work. At the height of the criminal caseload crisis a few years ago, she conducted the preliminary hearing calendar, which could run up to 250 felony cases a day. I once joked with her that she must be mas-

ochistic for handling such an unbelievably heavy calendar, to which she responded that she loved the challenge. She was a trouper!

In recent years, people in the legal community often affectionately referred to Jan and me as "Jerry's Kids," because we were the last two Jerry Brown appointees still on the bench.

As the saying goes, "Yesterday is history, tomorrow is a mystery, and today is a gift; that's why they call it the present." Jan would want us to celebrate her life and her contributions to the improvement of our community, and not to focus on our sorrow over her premature departure. The great memories we shared will be my focus.

On a final note, in the later part of our careers, Jan, Tim Heaslet and myself, affectionately referred to ourselves as "the Three Caballeros." Tim and Jan have ridden off into the sunset. Adios, mis amigos . . .

*Judge Ronald Taylor was appointed to the Bench in 1983 and retired from the Riverside Superior Court in 2003. Judge Taylor is currently on assignment at the Riverside Superior Court through the Assigned Judges Program.*



# APPELLATE LAW SECTION

by Kira Klatchko

After a one-year hiatus, your Appellate Law Section is back! We started off the year with a fantastic event at the Court of Appeal in Riverside that had something for everyone: Appellate tips for nerds, tours of the court for architecture buffs, birthday cake for the party animals, and even lunch for the people who reliably attend RCBA events when the food is free. As in past years, we are hoping to host several events this year on a variety of topics important to our small but dedicated appellate bar. Suggested topics have included “preserving the appellate record at trial,” “understanding final judgments,” and “advanced oral argument.” My co-chair, Susan Brennecke, is planning an event in January, and more information will be forthcoming.

For a moment, I want to focus on what the Appellate Law Section does, and can do, aside from providing quality MCLE programs.

Our appellate courts, much like our trial courts, are largely misunderstood by the public at large. The Appellate Law Section has played a role in increasing public awareness about the role of appellate courts in our judicial system. The Court of Appeal in Riverside, under the direction of Presiding Justice Manuel Ramirez, and with the eager support of all the Associate Justices, has made it a practice to spend time every year conducting oral argument at high schools in all areas of the Fourth District, Division Two, spanning Inyo, Riverside, and San Bernardino Counties. Those outreach efforts provide opportunities for attorneys in the Appellate Law Section to assist the court by talking with students about the justice system and the importance of the right to appeal. It is my hope that in the coming year, our Appellate Law

Section will again be able to support the court in its efforts, and perhaps generate a few new ideas about providing appellate education.

Increased awareness about the role of the courts of appeal is a particularly important topic at a time when budgets are strained. The Court of Appeal in Riverside is one of the most productive courts in the state, it serves a huge population, it is home to numerous innovations, including the tentative opinion program and the settlement conference program, and yet we have fewer justices per capita than almost any other appellate division. Even now, cases that should be heard in Riverside are being heard in San Diego or Santa Ana (the Fourth District, Divisions One and Three, respectively) because those jurisdictions have excess capacity, and there is limited political will to redirect resources to the Inland Empire. Our local community needs to understand that when Riverside County finally gets the new trial court judges it has been promised for several years, it will also need additional appellate court resources to handle an increased caseload. It is my hope that this year, our Appellate Law Section will help to advocate for additional resources in Riverside so that cases generated in our county will be heard here. It is also my hope that we will be able to work cooperatively with appellate sections throughout the rest of the Fourth District. We are already working on a district-wide event.

It should be a great year, and it will be even better if we have volunteers interested in helping to coordinate programs and outreach efforts. If you have any interest, please contact me or Susan Brennecke.

*Kira L. Klatchko is a certified appellate specialist with Best Best & Krieger, LLP, co-chair of the RCBA Appellate Law Section and a director-at-large of the RCBA.*



## YOU ARE INVITED TO SPA FOR A CAUSE!

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

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- 3.) Select/click on “pick a spa” and type in your address or city for the spa nearest you or your recipient. The spa cards will be sent via email within 48 hours, Monday through Friday.

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

by *L. Alexandra Fong*

On November 1, 2010, the Appellate Law Section of the Riverside County Bar Association, co-chaired by Kira Klatchko of Best Best & Krieger and Susan Brennecke of Thompson & Colegate, presented an MCLE session entitled “Welcome to 4/2” at the Fourth Appellate District, Division Two, conveniently located at the Court of Appeal in downtown Riverside. This annual luncheon has become a tradition and a great way for the Appellate Law Section to kick off the year. Best Best & Krieger sponsored the lunch, and Presiding Justice Manuel A. Ramirez provided dessert, an “over the hill” birthday cake for Justice Hollenhorst.

At this presentation, five justices and two experienced research attorneys from the Court of Appeal provided useful information and tips about practicing before the court. Before the program began, Kira Klatchko presented to Presiding Justice Ramirez a gift in honor of his continuous support of the Appellate Law Section of the RCBA. The gift was a framed photo of the statute of Lady Justice that sits on the top corner of the Historic Courthouse in downtown Riverside. Justice Ramirez thanked the Appellate Law Section for the gift and welcomed all in attendance, including the Honorable Carol Codrington. Justice Codrington is currently sitting by assignment at the Court of Appeal and will officially take the appellate bench in January.

## Expansion of the Court of Appeal

Justice Ramirez, inaugurating his 20th year on the appellate bench this month, spoke first. He discussed the latest trends in the appellate case load and the outlook for the division in the coming years. Not surprisingly, case loads in 4/2 have increased, but resources have not. The volume of cases handled by this division, compared with all the other appellate courts in California, is mind-boggling. In the next few years, the division will need to expand both the footprint of its building and the number of justices on the bench to keep up with rising demand.

## Standard of Review

Associate Justice Art W. McKinster, who was elevated to the court on the same day as Justice Ramirez, discussed the basic standards governing appellate review: (1) substantial evidence, (2) abuse of discretion, and (3) *de novo*. He said appellate advocates often forget how important the standard of review can be in determining the outcome of their cases. Understanding the standards and discussing them in your briefs is critical.

## Tentative Opinions

Associate Justice Thomas E. Hollenhorst, the most senior justice in the division, spoke about the written tentative opinions issued by the court. According to Justice Hollenhorst, 4/2 is the only court of appeal in California that issues written tentative opinions, and it was one of the first courts in the nation to adopt the practice. Tentatives were originally designed to help the division deal with extremely large case loads and inadequate resources, and to this day they enable the district to be highly productive. Tentatives give advocates a huge strategic advantage, if they use them wisely. At oral argument, an attorney can focus on the issues raised in the tentative and may be able to change the outcome by telling the court where the tentative is “wrong.”

## Appellate Briefs

Associate Justice Betty A. Richli talked about her pet peeves, one being long briefs that don’t focus on the salient facts. Justice Richli also discussed the importance of the standard of review and stressed the need for advocates to understand the limits of appellate review.

## Trial Record

Associate Justice Jeffrey King discussed the importance of the trial record. The trial record is the only record that the court will review. If a document was not filed, it cannot be used during the appeal. Likewise, if there is no discussion on the record concerning a specific piece of evidence, the appellant cannot argue that it should have been admitted. Justice King regaled the audience with his memory of trying a case against an outstanding attorney. Evidence was excluded without an on-the-record discussion, and the day after the evidence was excluded, the attorney filed a 120-page brief on the topic, in order to preserve the record on appeal.

## Writs

Senior Writ Attorney Carolyn Gill provided statistics concerning the writs handled by the court. Approximately 98 to 99% of writs filed with the court are handled within one month, and the majority of writs are denied. The writ attorneys review the petition for writ and the appendix and condense the information into a two to three-page memorandum for the justices.

## Civil Case Information Sheet

Principal Attorney Don Davio discussed the importance of the Civil Case Information Sheet – Appellate (Judicial Council Form No. APP-004). When completed, the Civil Case Information Sheet provides all the information the court needs to determine whether the case is appealable, whether the appeal is timely and whether a stay is in effect. It is also important for the appellant to provide information about all the attorneys and parties who will participate in the appeal.

The presentation was a good introduction to the Court of Appeal and also provided an opportunity to tour the court.

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



*Kira Klatchko presenting a gift to Presiding Justice Manuel A. Ramirez for his continuous support of the RCBA Appellate Law Section*



*Associate Justice Carol Codrington seated in the courtroom*



*Presiding Justice Manuel A. Ramirez with his gift for his continuous support of the RCBA Appellate Law Section*



*Associate Justice Tom Hollehorst celebrating his birthday with Presiding Justice Manuel A. Ramirez at the meeting of the Appellate Law Section*



*Associate Justice Art McKinster and Kira Klatchko*



*Bottom row: L-R, Diane Huntley, Maria Aarvig, Associate Justice Carol Codrington (seated), Patricia Munroe, Kristina Robb*

*2nd row: L-R, Ken Hardy, Regina Coleman, Jeff Bryson, Adam Ebright, Cynthia O'Neill, and Dawn Stafford on a tour of the court by Presiding Justice Manuel A. Ramirez*

# DONORS – NOT VAMPIRES – SOUGHT FOR UPCOMING RCBA BLOOD DRIVE

by Bruce E. Todd

The holiday season is upon us, and what better way could there be to ring in 2011 than by giving the gift of life?

With this in mind, the Riverside County Bar Association is sponsoring a blood drive on January 27, 2011 from 9:00 a.m. to 2:00 p.m. A mobile blood drive unit will be located in the cul-de-sac of 11th Street, between the Historic Courthouse and the old mortuary building.

Many people probably do not realize what a precious gift a blood donation can be. In talking with Don Escalante, a spokesman for Lifestream (which will be providing the mobile unit), only about 37% of our society is actually able to donate blood, due to various height, weight, age and health requirements. Furthermore, Escalante said that, in reality, only about 5% of the population actually donates blood.

He said that Lifestream, which is a nonprofit company, operates five blood bank centers, which are located in Ontario, Riverside, San Bernardino, Victorville and La Quinta. It also has an average of four to seven mobile units in daily operation at various locations. Escalante said that these facilities need to average, between them, about 500 donations per day to maintain proper reserves. Lifestream supplies the blood donations to about 60 hospitals throughout the Inland Empire.

“We are locally owned, nonprofit, and the blood stays within the local community,” says Escalante.

He said that donations tend to decrease during the summer and the holiday season because many people are on vacation during this time. Ironically, this is typically the time when more blood is required due to an increase of injuries arising out of accident, including travel-related vehicular accidents.

“We try to have more promotions during this time, including giveaways, such as t-shirts and other items,” said Escalante. “Many of the local radio stations kindly provide us with free radio spots during this time. We find that many first-time donors have heard about us from a radio commercial.”

He said that high schools tend to be very charitable, and that as much as 20% of the blood that is donated comes from high school blood drives. “The students are always very supportive,” he said.

One of the least common blood types is O negative. Escalante said that only about 7% of the population has this blood type, so it is difficult to maintain on reserve. Interestingly, he said that about 85% of the population can accept this particular blood type, even though they might have a different blood type. For this reason, Lifestream is always very appreciative of donors with this particular blood type.

For those people who are unfamiliar with making a blood donation, the process takes about 45 minutes. The donor will first be screened to make certain that he or she is eligible. The process of actually donating the blood is generally almost painless. Once the blood has been donated, the donor will be asked to remain for about 15 minutes in a waiting area. Lifestream provides snacks and beverages to the donors during this time.

The RCBA actually has its own account with Lifestream. Donors who earmark their donation to this account are, in essence, requesting that their specific donation be made available to members of the bar association who may need blood. Donors can also make their individual donation available to the “general population fund” or to some specific person or cause.

The upcoming RCBA blood drive is open to its members as well as the general public. There is obviously no charge to donate blood, and every pint of blood that is donated is considered by Lifestream to be a gift of life.

The RCBA expresses its gratitude in advance to everyone who makes a donation at the upcoming blood drive!

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





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### Office Space – RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Sue Burns at the RCBA, (951) 682-1015.

### Conference Rooms available

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



## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2010.

**Ashley Beagle** (S) – Law Student, Orange

**Yesika M. Figueroa** – Law Offices of Yesika M. Figueroa, Riverside

**Lauren M. Fisher** – Best Best & Krieger LLP, Riverside

**Esther K. Hong** – Sole Practitioner, Redlands

**Neda Kanet** (S) – Kanet Legal Group, Murrieta

**John W. Lenoir** (S) – Histen Law Offices, Riverside

**John L. Mohr** – John L. Mohr Law Offices, Palm Springs

**Colin A. Northcutt** – Kinkle Rodiger & Spriggs, Riverside

**Maricela Nunez** (S) – Law Student, Colton

**Tamara Polk** (S) – Law Student, Long Beach

**Andrea Ring** (A) – Affiliate Member, Rancho Cucamonga

**Anita C. Willis** – Riverside County Economic Development Agency, Riverside

(A) — Designates Affiliate Members

(S) — Designates Law Student Members



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