

RIVERSIDE LAWYER

December 2012 • Volume 62 Number 11

MAGAZINE



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2012-2013**



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2012-2013**



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RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

- 3 **President's Message** *by Christopher B. Harmon*
 4 **Barristers President's Message** *by Amanda E. Schneider*

COVER STORY:

- 16 **Installation of Officers Dinner**

Features:

- 6 **Daniel Hantman: Recipient of the 2012 E. Aurora Hughes Meritorious Award for Service** *by Jacqueline Carey-Wilson*
- 7 **The E. Aurora Hughes Meritorious Award for Service**
- 8 **IELLA Sixth Annual Volunteer Recognition and Silent Auction Event: An Opportunity to Give and Receive** *by Havina Shane*
- 10 **Mayor Ronald O. Loveridge : His Legacy** *by L. Alexandra Fong*
- 11 ... **John Gabbert Endowed Scholarship Established – Seeks Donations** *by Charles D. Field*
- 13 **22nd Annual Red Mass** *by Jacqueline Carey-Wilson and Scot Neudorff*
- 18 **Anxiety Now Means Perspective Later: Finding the Silver Lining in the Longest Four Months of Your Career** *by Jennifer Kunz*
- 19 **The Leo A. Deegan Inn of Court** *by Robyn A. Lewis*
- 20 .. **Disparity of Allocation of Judicial Resources to Riverside County and to the Inland Empire** *by Robyn A. Lewis and Kira Klatchko*
- 23 ... **California's Client Security Fund Provides the Public with Some Protection from Dishonest Lawyers** *by Jamie E. Wrage*
- 24 ... **State Bar Membership – More Than Just a License to Practice Law** *by Christopher J. Buechler*
- 25 **Inland Counties Association of Paralegals – Membership has its Privileges** *by Donna F. Dupree*
- 26 **Project Graduate: Mentors Who Foster Success** *by Brian C. Unitt*
- 27 **D.A.'s Claim Softball Title** *by Bruce E. Todd*
- 28 **Sections of the Bar**
- 30 **The State of the Court** *by Sherrill A. Ellsworth, Presiding Judge, Riverside County Superior Court*
- 31 **Judicial Profile: Judge Harold Hopp** *by Donna Thierbach*

Departments:

- Calendar 2 Membership 32
 Classified Ads 32

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 our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 and single copies are \$3.50.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in Riverside Lawyer.

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

CALENDAR

DECEMBER

- 6 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
Joint RCBA/SBCBA General Membership Meeting
San Bernardino Hilton - Noon
Speaker – State Bar President Patrick Kelly
Call the SBCBA to RSVP @ (909) 885-1986
MCLE
- 7 Appellate Law Section**
Court of Appeal – Noon – 1:30 p.m.
“Bring Your Brown Bag for a Grab Bag of Info and Insights on Local Writ and Appellate Practice”
Speakers: Presiding Justice Manuel Ramirez, Justice Thomas Hollenhorst, Jackie Hoar, Don Davio and Carolyn Gill
Cost: \$10 for RCBA Members/\$20 for Non-members
Light refreshments provided. Proceeds will be donated to the Elves Program.
RSVP to RCBA Office @ (951) 682-1015
MCLE
- 11 Family Law Section**
Family Law Court, Dept. F501 - Noon
Speaker: Presiding Judge Sherrill Ellsworth
“Family Law Courts Updates for 2013”
RSVP by Dec. 7 to (951) 784-6150
Members & Non-members \$12
Lunch provided
MCLE
- 12 Estate Planning, Probate & Elder Law Section**
Christmas Luncheon at Best Best & Krieger – Noon
Speaker: William Dahling
“Update from 2012 Probate and Trust Conference”
MCLE - .5 General
- 13 Solo/Small Firm Section Meeting**
RCBA 3rd Floor – Noon
Speaker: Michele Blackman
“The Taxman Cometh – Getting Your Finances in Order for Tax Time”
MCLE
- 17 RCBA Shopping Elves**
at Kmart
(Please contact RCBA for more information)
- 18-19 RCBA Wrapping Elves**
RCBA – 4:30 p.m.
(Please contact RCBA for more information)
- 24-25 Christmas Holiday**
- 31 New Year's Eve - Holiday**

JANUARY

- 8 Civil Litigation Section**
RCBA 3rd Floor – noon
Speaker: Sherri Carter, Court Executive Officer
“The New Civil E-Filing System”
MCLE
- 11 Bridging the Gap**
RCBA Gabbert Gallery – 8:00 a.m. – 5:00 p.m.





President's Message

by Christopher B. Harmon

"Daddy, do you have to go to work today?," I heard my youngest daughter ask me the other day as I struggled in the morning darkness to find a matching tie. I have heard this question nearly every day for the past several years. When my oldest daughter, now seven, was old enough to realize where I was actually going every morning, I would hear this question from her, always in a melancholy but hopeful tone. Intuitively realizing that only two out of seven times would she get the response she was hoping for, her tone usually carried more melancholy. If she would wake up as I was getting ready and see that I was putting on a "work shirt," she wouldn't even ask, just plead with me to stay home and not go. Now that she is of grade-school age, she is not as much concerned with my schedule as she is with her own. My youngest daughter, though, has now taken up the cause and has become quite a strong persuader in her own right. I have come to relish the moment on Saturday mornings when she comes in, barely awake, and asks that question, and I can say, "No, I am staying home with you all day... and tomorrow too." Her eyes light up and I know I have made a little girl very happy. There is just nothing better than that, and it is always a great way to start the weekend.

As lawyers, there is a constant, unrelenting demand for our most precious commodity: time. Many of us live by the billable hour, which means if we are not working, we are not making

money. Even those of us who do not charge an hourly rate are in much the same boat. Our ability to provide for our families is directly related to the amount of time we spend away from them. I remember a law school professor saying that, in the legal business, you get out of it only what you put into it. Oh, how right he was. Adding to our time demands at the office are all of the other professional demands away from it. I have written before about the higher calling we all have to give back and volunteer within the community, and I continue to believe the importance of this wholeheartedly. We understand and accept these time demands, and our spouses may as well, but our children do not and will not. All they understand is that we are either home or away; they are either happy we are home or sad we are gone. Of course, as our children get older, their perception of this will change; they may come to understand why we are gone, but the end result remains. Even the aloof teenager, deep under the "too cool to care" exterior, really wants mom and dad around and involved.

I write this because I think it is important for us to remember that, as busy as our professional lives become, and as the call for us to always do more intensifies, we must remember the people in our lives who mean the most to us and to whom we mean the most. It is ironic, but often it is the most important people in our lives who get the least amount of our time. So work hard, volunteer in the community, but be careful to balance these endeavors with quality and quantity time at home. Leave the office a little early once in a while and go home, and I bet you will make someone very glad you did.

Chris Harmon is a partner in the Riverside firm of Harmon & Harmon, where he practices exclusively in the area of criminal trial defense, representing both private and indigent clients.



On October 11, 2012, at the Annual Meeting of the State Bar in Monterey, Paul Marks presented an award to Christopher Harmon for the Riverside County Bar Association's leadership in gathering support for the Campaign for Justice and educating the community about the critical need for increased funding for legal services for indigent Californians.



Cover photos by Jacqueline Carey-Wilson

RCBA Board: (back row) Kira Klatchko, Diana Renteria, Richard Roth, Chris Harmon, Jean-Simon Serrano, Amanda Schneider, Jack Clarke (front row) L. Alexandra Fong, Jacqueline Carey-Wilson, Chad Firetag, Robyn Lewis

Barristers Board: Sara Morgan, Kelly Moran, Reina Canale, Amanda Schneider, Scott Talkov, Arlene Cordoba, Luis Arellano

BARRISTERS PRESIDENT'S MESSAGE

by Amanda E. Schneider



December not only marks a change in the weather and a festive holiday season, but the mid-point of the Barristers year. We have had a number of successful programs so far, designed to increase substantive legal knowledge as well as to improve on skills we all need in our personal and professional lives, including networking techniques and financial planning. The Barristers would like to thank Clark B. Hoover, CEO of Acacia Blue Asset Management, and Joshua Azran, CPA/ABV/CFF, CMA, CGMA, CFE, founder of

Azran Financial APC, for a very informative financial literacy event last month.

This month, the Barristers are celebrating with our annual December social, at which we will gladly accept donations for the RCBA Elves Program. We will also hear from presenters about the various ways to give back and get involved in public interest law in the community. We hope to see you all at our December meeting. Stay tuned for more information.

We will be ringing in the new year with a panel presentation on several areas of law, all determined by you! Our January 9 meeting will focus

on answering the most common questions that young attorneys are asked by their family members, friends, and acquaintances, as many of these questions relate to areas that may be out of one's particular area of expertise. If you have a question you would like answered or an area of law covered, please let us know via Facebook or email any of the Barristers Board members.

We look forward to seeing you at our annual December social and at future meetings. Happy Holidays!

Amanda Schneider is the 2012-2013 President of Barristers, as well as an associate attorney at Gresham Savage Nolan & Tilden, where she practices in the areas of land use and mining and natural resources.



DANIEL HANTMAN: RECIPIENT OF THE 2012 E. AURORA HUGHES MERITORIOUS AWARD FOR SERVICE

by Jacqueline Carey-Wilson

On September 27, 2012, the Riverside County Bar Association presented Daniel Hantman with the E. Aurora Hughes Meritorious Award for Service. The first time I met Dan was in January 1996, when he spoke at the RCBA “Bridging the Gap” program. Bridging the Gap educates new attorneys on various practice areas in the law. Dan had just finished giving a presentation on representing clients who are trying to obtain benefits from the Social Security Administration. I was struck by Dan’s knowledge of this area of law and his commitment to his clients. Dan has been advocating for seniors and disabled individuals for over 30 years. Dan chose a line of work that fit with his personal commitment to assist the most vulnerable in our society. Dan traces his passion for helping others to his strong family.

Dan is a native Californian – born and raised in Los Angeles. He has two older brothers, Joseph Hantman and David Hantman, and a younger sister, Elizabeth Rudzinski. His parents, Jacob Hantman and Marcia (Levenson) Hantman, reared their children to be involved and to give back to the community. From early childhood, Dan wanted to be an attorney. Dan fondly recalls the seeds of the profession being planted when his father took him to observe court proceedings as a young child. To reach his goal, Dan attended UCLA for his first three years of his undergraduate education and then transferred to UC Berkeley for his final year, majoring in political science.

Before Dan entered the challenging world of law school, he decided to obtain some real-life experience by spending two years as a Peace Corps volunteer. Dan was assigned to Thailand, where he learned to speak fluent Thai while he taught English as a second language to high school students. Dan enjoyed his stay in Thailand so much that he wanted to stay an additional year. Although there were no openings with the Peace Corps, he was employed by the American University Alumni Association Language Center as a Provincial Officer, and ultimately his additional year stretched out to six years.



Dan Hantman was presented with the E. Aurora Hughes Meritorious Award for Service by immediate past President Robyn Lewis.

In this position, Dan was instrumental in establishing 11 centers throughout Thailand for teaching English as a second language. Today, many of the Thai people speak English. While in Thailand, Dan was devoted to the community and understood the Thai way of thinking and living. When Dan was about to leave the country, one of his Thai “mothers” affectionately wrote, “No matter how far away Dan is, he will always be remembered by his many Thai friends whom he called mothers, sisters and brothers.”

Dan came back to Southern California and attended the University of San Fernando Valley College of Law.

After Dan’s graduation, retired Judge Ronald Taylor, who was then the director of Inland Counties Legal Services (ICLS), hired him. At ICLS, he specialized in elder law. In 1984, Dan went into the private sector with a general civil practice. Gradually, his practice evolved into the specialty of representing clients who have been denied benefits from the Social Security Administration.

Dan has always found time to give something back to the legal community. He served on the RCBA Board of Directors for nine years and was President of the RCBA in 2007. He has also been a very active member of RCBA committees and sections, including Mock Trial, Lawyer Referral Service, Continuing Legal Education, Estate Planning, Probate and Trust Law, Family Law, Juvenile Law, and Environmental Law. Dan has helped organize Bridging the Gap programs and brown-bag MCLE seminars. He is a member of the Social Security Advisory Committee. Dan has also served as judge pro tem for the Small Claims and Juvenile Divisions of the Riverside County Superior Court. In 2005, Dan was honored by the Riverside Opportunity Center with the Golden Legal Eagle Award for his outstanding contributions to the legal community.

Dan has also been very active in the wider Riverside community. Dan has been a board member of the Greater Riverside Chambers of Commerce and served as the Downtown Division President from 1995 to 1996. He is the Chambers’ official “way-finder” (i.e., human direction-

al sign) for most events and is an avid volunteer for Keep Riverside Clean and Beautiful. Dan and his wife, Marcia Gilman, adopted a stretch of Central Avenue in the Canyon Crest area and strive to keep it clear of litter. Dan also walks throughout downtown Riverside with a special stick for grabbing litter so he can help keep all of Riverside beautiful. In 2005, Dan was honored with the Iron Eyes Cody Award for exceptional leadership in raising public awareness about litter prevention and roadside and community beautification. The Keep Riverside Clean and Beautiful Advisory Board issued a press release, which stated, "Wherever there is a need, Dan can be found volunteering, leading the way, cheering and encouraging others to take personal responsibility for the environment."

Dan is presently the chair of the Airport Commission and past chair of the Mission Inn Docent Council. Dan also served on the Mission Inn Foundation and on the International Relations Council of Riverside (IRC). In addition, Dan is very active with the World Affairs Council. In 1998, Dan and Marcia traveled with Mayor Ronald Loveridge's IRC Sister City Group to Korea and India to promote business, education, and cultural relations. In July 2012, Dan and 17 Riverside artists traveled to our IRC sister city of Ensenada, Mexico to open two exhibits of art by students and adults of Riverside. In exchange, Ensenada sent art by their students and an adult artist, which was exhibited in Riverside from October 4 through November 10, 2012.

When he is not working in the legal profession or promoting Riverside, Dan loves to travel for fun. He has visited almost every country in Europe and East Asia. Dan has also traveled to Mexico, Belize, Guatemala, Costa Rica, Peru, Egypt, Turkey, Israel, Jordan, Tanzania, Zanzibar, and twice to Cuba for social security workshops. While in Tanzania, Dan went on a safari and a seven-day trek to the top of Mount Kilimanjaro, which is 19,335.6 feet high. In Amman, Jordan, Dan participated in an archeological dig, which was sponsored by Dr. Larry Geraty, former president of La Sierra University. In March and April of 2012, Dan and Marcia traveled to Thailand, Cambodia, Laos, and Vietnam.

Dan has found living and working in Riverside to be a very rewarding experience. I believe we all have benefited from Dan's dedication and commitment to the Riverside County Bar Association and our local community. The RCBA was very proud to honor Dan with the E. Aurora Hughes Meritorious Award for Service.

Jacqueline Carey-Wilson is a Deputy County Counsel for San Bernardino County, President-Elect of the RCBA, and editor of the Riverside Lawyer.



THE E. AURORA HUGHES MERITORIOUS AWARD FOR SERVICE

The E. Aurora Hughes Meritorious Award for Service was established in 2011 to honor the late E. Aurora Hughes, who was president of the Riverside County Bar Association (RCBA) from 2008 to 2009. While serving as president, Aurora battled amyotrophic lateral sclerosis (ALS), and sadly, she lost her fight to ALS in 2011. In her honor, the RCBA Board of Directors established an annual award, which is presented each year at the annual installation dinner in September.

Candidates for the award must demonstrate a commitment to dedicated service to the RCBA. In particular, those to be considered for the award must (1) be lawyers or judicial officers, (2) be current or past members of the RCBA, and (3) have accumulated an outstanding record of service to the RCBA. Current members of the RCBA Board of Directors are ineligible. The RCBA Board will seek nominations in the summer.

E. Aurora Hughes was given the award posthumously in 2011, and Daniel Hantman was the 2012 recipient.



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IELLA SIXTH ANNUAL VOLUNTEER RECOGNITION AND SILENT AUCTION EVENT: AN OPPORTUNITY TO GIVE AND RECEIVE

by Haviva Shane

As the holiday season quickly approaches, many of us seek to find ways to give back to the community. For the sixth year in a row, the Inland Empire Latino Lawyers Association (IELLA) legal aid project provides a perfect opportunity to purchase unique holiday gifts while simultaneously supporting a worthy cause. On Thursday, December 6, 2012, from 6:00 to 8:30 p.m., at the Riverside County Law Library, IELLA will host its Annual Volunteer Recognition and Silent Auction event. All of the proceeds of this event will go to support the legal aid services for the poor provided by the legal aid project.

Silent and live auction items will include: a South African safari for two (six nights, airfare not included); a one-week stay at a Las Vegas condo; framed photography; a limousine ride to, and night out at, the Magic Castle in Hollywood; original art from Riverside artist Chris Napolitano; a Mario's restaurant gift certificate; a Keurig coffee brewer and assorted coffee; and wine and gift baskets.

Event founder, IELLA past president, and long-time IELLA board member Rina Gonzales says, "The IELLA Board and Event Committee's goal for this year's event is to raise \$20,000 or more. We hope to have an amazing turnout from judges, attorneys and community members." Rina leads a dedicated group

of volunteers who work tirelessly throughout the year to secure event sponsors and live and silent auction donations. Attendees of the event will enjoy delicious food, wine, and desserts donated by local businesses in support of the legal aid project.

The event is always well-attended by local judges and provides an opportunity for IELLA to recognize its volunteer attorneys who have dedicated their time to provide pro bono services. Awards include Attorney of the Year and Volunteer of the Year, as well as the Wiley W. Manuel Award for Pro Bono Legal Services. Past attendees include Riverside County Superior Court Judges Irma Asberry, Helios J. Hernandez, and Becky Dugan, as well as San Bernardino County Superior Court Judges John Pacheco and Gilbert Ochoa.

IELLA welcomes all attorneys and nonattorneys to attend this event as a way to become part of Riverside and San Bernardino's pro bono legal services community. IELLA is always seeking volunteers to assist with legal aid clinics, Spanish translation, and document preparation and to provide pro bono legal aid services.

IELLA has been providing pro bono legal aid services in Riverside and San Bernardino County for low-income individuals and families for almost 30 years, promoting the cause of justice and equality in the Inland Empire region. IELLA operates clinics every week in Riverside

and Colton. Monthly clinics are held in Ontario and Victorville. Any individual who meets IELLA's eligibility criteria is provided with counsel, advice, and the preparation of necessary legal documents; all of these services are provided free of charge. IELLA assists clients in family law, landlord-tenant, and limited civil cases (e.g., collections, identity theft).

For more information or to get involved with IELLA, contact Reina Canale, IELLA Executive Director, at (951) 369-5846 or rcanale@iellaaid.org. New volunteer attorneys, interns and law students will receive training and support. Tickets for the Volunteer Recognition and Silent Auction event are \$30 per person and can be purchased in advance and at the door. Event sponsorship opportunities are also available.

Haviva Shane is a long time IELLA board member and volunteer.



MAYOR RONALD O. LOVERIDGE: HIS LEGACY

by L. Alexandra Fong

Ronald O. Loveridge, the 16th Mayor of the City of Riverside, was born in Antioch, California. He received his Bachelor of Arts degree from the University of the Pacific in Stockton and his Ph.D. from Stanford University.

He moved to Riverside in 1965 to teach political science at the University of California, Riverside (UCR). In 1979, he was elected to the Riverside City Council, where he served Ward 1 until 1993, when he was elected Mayor. During his terms on the City Council and as Mayor, he has continued to teach at UCR.

When he ran for mayor in 1993, his platform was “renewing Riverside,” and he had a 28-point action plan, as follows:

- Action item no. 1: Put more officers on the beat.
- Action item no. 2: Implement community policing citywide.
- Action item no. 3: Organize neighborhoods block by block.
- Action item no. 4: Hold community summit to coordinate response to crime.
- Action item no. 5: Start monthly “ride-along” program by mayor.
- Action item no. 6: Approve public safety ballot measure for Riverside.
- Action item no. 7: Assign full-time economic development staff position.
- Action item no. 8: Make City Hall user-friendly; conduct customer satisfaction survey.
- Action item no. 9: Focus on business retention; visit one business every week.
- Action item no. 10: Call economic summit to define local economic strategy.
- Action item no. 11: Coordinate job training by UCR and RCC with private industry.
- Action item no. 12: Put Riverside at the center of a regional economic plan.
- Action item no. 13: Take lead to implement great-neighborhood program.
- Action item no. 14: Support home ownership; reverse trend toward rental housing.
- Action item no. 15: Set up “Neighborhood Early Warning Systems.”



Retiring Mayor
Ronald O. Loveridge

- Action item no. 16: Conduct annual neighborhood survey.
 - Action item no. 17: Use school sites after-hours for day-care and recreation.
 - Action item no. 18: Help establish neighborhood councils in every neighborhood.
 - Action item no. 19: Stop gridlock; revise city charter to make mayor accountable.
 - Action item no. 20: Establish regular “Mayor’s Nights In” evening office hours.
 - Action item no. 21: Broadcast council meetings on cable television.
 - Action item no. 22: Include all residents in city governance.
 - Action item no. 23: Cut bureaucracy; be a leader in “reinventing government.”
 - Action item no. 24: Promote citrus heritage tourism.
 - Action item no. 25: Establish Riverside as youth recreation center for region.
 - Action item no. 26: Enhance cultural and entertainment projects in Riverside.
 - Action item no. 27: Protect natural resources and agriculture long-term.
 - Action item no. 28: Accelerate schedule to revitalize downtown.
- Mayor Loveridge is proud that 26 of the 28 action items were implemented during his five terms as mayor. Unfortunately, his goal of revising the city charter to allow the mayor to vote at city council meetings, which would have brought the mayor into the legislative process as a constructive participant rather than a sideline observer, was not implemented.

In 2012, Riverside was selected as the Intelligent Community of the Year by the Intelligent Community Forum (ICF). The ICF is a think tank that studies the economic and social development of the 21st century community. It was the first time in five years that a North American city won and the first time in more than 10 years that a United States city won. Past winners include Eindhoven, the Netherlands (2011), Stockholm, Sweden (2009), Waterloo, Ontario, Canada (2007), Taipei, Taiwan (2006), and New York, New York (2001).

When accepting the award on behalf of Riverside, Mayor Loveridge said: “I take immense pride in accepting the award for Most Intelligent City in the World because it honors Riverside’s excellence in so many of the key mark-

ers of success in the 21st century, including: high technology, workforce development, digital inclusion, arts, innovation, collaboration and social capital. We have been tested and assessed as world leaders and we are delighted to work with the ICF on spreading innovation throughout the global community.”

With 32 years of public service, Mayor Loveridge has committed himself to all aspects of local governance. The Office of the Mayor has a threefold mission. First, it provides leadership and works with the City Council in developing public policy that furthers the vision and the reality of Riverside as an exciting, diverse, urban, and successful city – the City of Arts and Innovation. It conducts best practices analyses, consults with the community, and proposes policy calls for adoption by the City Council and implementation by the City Manager. Second, the Office of the Mayor provides leadership and support to residents and businesses by representing their interests within the city organization and bringing them to the table to work together on city issues and opportunities. Creating working groups and task forces of community leaders, Mayor Loveridge initiates examination and improvement of our city, such as through SmartRiverside, the Mayor’s Multicultural Forum, Transportation Accountability Performance (TAP), the Council of Economic and Workforce Advisors (CEWA), Cultural Accountability Performance (CAP), Green Advisory Performance (GAP),

and the Higher Education Business Council (HEBC), to name just a few. The Human Relations Commission (HRC), the Mayor’s Commission on Aging, and the Mayor’s Model Deaf Community Committee are all key standing commissions that the Mayor’s office staffs. Third, the Mayor acts as the chief spokesperson for, and ambassador of, the City.

He is often quoted in various articles and publications. One of his favorite quotes was for the children’s book, “It’s Fun to be the Mayor,” by Mike Winder and illustrated by Andrea Vitali. An animated image of Mayor Loveridge, when he was President of the National League of Cities, appears along with the quote “Mike Winder’s book both humorously and eloquently tells the story of the life and times of a mayor. It will be a useful tool to help young people see the possibilities of public service.”

On December 11, 2012, Mayor Loveridge will depart his offices at City Hall for the last time. After his final day in office, he will continue teaching at UCR for at least four years and be involved in its Center for Sustainable Suburban Development.

L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside. She also serves as a Director-at-Large of the Riverside County Bar Association and as a Director on the board of the Leo A. Deegan Inn of Court.



JOHN GABBERT ENDOWED SCHOLARSHIP ESTABLISHED — SEEKS DONATIONS

by Charles D. Field

An endowed scholarship honoring John Gabbert, the now 103-year-old iconic retired Riverside County Superior Court judge and Fourth District Court of Appeals justice, who served for many years following his retirement as an adjunct professor at UCR, has been established by the Citizens University Committee (CUC) of UCR.

John was an original member of the CUC, which was established in the late 1940s to lobby for the creation of a UC campus in Riverside. He has maintained his relationship with the campus, and remains active during retirement. He is still a member of the CUC, which has raised enough to create the endowment in his honor.

The CUC now seeks additional contributions to ensure that the scholarship is truly helpful to recipients and remains active in the future. As a member and past-president of the CUC and a long-time friend and admirer of John Gabbert, I support this effort, and I know it means a lot to John.

Donations should be sent to the UCR Foundation, P.O. Box 112, Riverside, CA 92502-0112, and marked for the John Gabbert Scholarship.

Charles D. Field is a retired judge of the Riverside County Superior Court.



22ND ANNUAL RED MASS

by Jacqueline Carey-Wilson and Scot Neudorff

More than 100 members of the legal community and their families gathered at the 22nd Annual Red Mass, which was held on October 16, 2012. Last year, the mass was moved from May to October to coincide with the opening of the annual term of the United States Supreme Court. The Red Mass is celebrated to invoke God's blessing and guidance in the administration of justice. The mass was held at Saint Francis de Sales Catholic Church in Riverside. Judges, lawyers, and public officials of several faiths participated.

In the opening procession, David D. Werner carried a banner depicting the Holy Spirit, the Scales of Justice, and the Ten Commandments, symbolizing the impartiality of justice and how all must work toward the fair and equal administration of the law, without corruption, avarice, prejudice, or favor. Patricia Cisneros processed into the church with a vase of 21 red roses, in memory of those members of the Inland Empire legal community who had passed away in the last year, and three additional red roses for Linda Maynes, Helen Rodriguez, and Louise Biddle, members of the Red Mass Steering Committee who had passed away in previous years. The mass was dedicated to those who serve us in the armed forces, especially in Iraq, Afghanistan, and other places where they are in harm's way.

The chief celebrant was the Most Reverend Rutilio del Riego, the Auxiliary Bishop of the Diocese of San Bernardino. The Very Reverend David Anandel gave the homily. Rabbi Hillel Cohn, Rabbi Emeritus of Congregation Emanu El in San Bernardino, read a passage from Deuteronomy (16:18-22) in Hebrew and then in English. Bart Brizzee, Second Counselor, Yucaipa California Stake Presidency, the Church of Jesus Christ of Latter-Day Saints, read a passage from James (3:13-18). Elizabeth McDonough Barry offered the Prayers of the Faithful, which included honoring the members of the Inland Empire legal community and the steering committee who had passed away. Deacon Luis Sanchez read a passage from the Gospel of Matthew (5:1-12).

During the homily, Reverend Anandel, who is a canon lawyer with the Diocese of San Bernardino, encouraged



Roses in memory of members of the legal community who have passed away—may they never be forgotten.

us to look at those “good-hearted people who have approached us seeking our help and expertise as poor in spirit. We identify ourselves with the Beatitudes, but let's look at our clients as such . . . Those who are poor in spirit or just plain poor approach us . . . those who mourn from death, divorce, and injustice; the meek, the humble, and the timid – unsure how to proceed or where to go from here, throw themselves at the feet of our expertise, take our word as gospel. Those who hunger and thirst for righteousness . . . The merciful? The clean of heart?” Reverend Anandel conceded that these words are “broad generalizations of the ideal client; but in reality, clients are sometimes very difficult . . . Sometimes I am tempted to push people aside just like I push paper aside, but each individual person is worth more than all the paperwork.”

According to Reverend Anandel, the challenge in our work is to see that “behind each piece of paper/brief, there is a person and a life, a heart, a soul, a wife, a father, a child of God.” Reverend Anandel encouraged us to put our faith into practice in this secular society, so that our witness might be more credible. In our work, we are called to be “peacemakers, meaning that peace might be the result of our work.”

At the end of the mass, Bishop del Riego gave a blessing to Michael Scaffidi, the recipient of the Saint Thomas More Award. Rabbi Cohn, Bart Brizzee, and Bishop del Riego then each gave a separate blessing to those in the legal community.

At the reception immediately following the mass, Judge John Pacheco presented Michael Scaffidi with the Saint Thomas More Award. The Saint Thomas More Award is given to an attorney or a judge whose conduct in his or her profession is an extension of his or her faith, who has filled the lives of the faithful with hope by being a legal advocate for those in need, who has shown kindness and generosity of spirit, and who is overall an exemplary human being. When speaking about Saint Thomas More, Pope John Paul II stated that “this English statesman placed his own public activity at the service of the person, especially if that person was weak or poor; he dealt with



Michael Scafiddi and his mother, Gladys Scafiddi



Judge John Pacheco and Michael Scafiddi



L-R: Bishop Rutilio del Riego and Michael Anthony Scafiddi



Jacqueline Carey-Wilson and David Werner

social controversies with a superb sense of fairness; he was vigorously committed to favoring and defending the family . . .”

Michael Scafiddi came from humble beginnings. Born in New York, he was raised in a family of seven children and graduated from John Jay High School in 1976. He is married to Darlene, his high school sweetheart and wife of 34 years. Michael and his family moved to California in October 1979. After working in law enforcement for 13 years, he attended California Southern Law School, graduating in June 1996. In 1997, he was admitted to the California Bar. Since then, Michael Scafiddi has shown through his works that he is committed, not only to the practice of law, but also to the members of both our local and legal community.

Michael is a lifelong Catholic who aspires to live his faith every day. He has been a member of the St. Adelaide’s Parish since 1987 and has also been a member of the parish of St. Joseph the Worker since 2003. Michael served as a member of the Aquinas High School Board from 2001-2006 and is a member of Aquinas’s President’s Advisory Board. Due to his involvement with Aquinas, the school has adopted a football award named after him for players who demonstrate the qualities of fortitude and strength. Michael established the Scafiddi Family Trust in 2010, which donates a full scholarship of \$7,000 a year to an Aquinas student with a financial need who maintains a B average, plays a sport, maintains good citizenship, and displays a commitment to the community through volunteer work. Michael and his family have given a 10-year commitment to the trust.

Michael’s family has established a second trust of \$100,000 which gives installments of \$10,000 a year over a ten-year period to Cedar House Rehabilitation Center. Cedar House is a 125-bed facility in Bloomington focused on drug and alcohol treatment. The trust was established in memory of Michael’s brother, Joseph, who passed away in 2009 as a result of alcoholism.

Michael has served as the Vice-President of the San Bernardino County Legal Aid Society and has served on its Board of Directors since 1997. In 2008, Michael became the President of the San Bernardino County Bar Association. During his term as President, he and the other bar association officers initiated and successfully established the “We Care Mentoring Program” for area lawyers.

On October 14, 2010, Michael was the recipient of the Kearney-Nydam Award. This award is given to members of the community who have best exemplified the high purposes of the Legal Aid Society by generously giving time, energy, and expertise and by encouraging others to do so for the benefit of those who are less fortunate.

Saint Aelred of Rievaulx was quoted as saying, “Charity may be a very short word, but with its tremendous meaning of pure love, it sums up man’s entire relation to God and to his neighbor.” Michael Scafiddi aspires to live the core values expressed in these words. Michael Scafiddi has demonstrated in the past and continues daily to demonstrate the qualities of a person deserving of the Saint Thomas More Award. The Red Mass Steering Committee was pleased to recognize Michael Scafiddi for his extraordinary service and devotion to church, community, and justice.



L-R: Rabbi Hillel Cohn and Bishop Rutilio del Riego

The Red Mass Committee is accepting nominations for the 2013 Saint Thomas More Award. The award will be given at the reception following next year's Red Mass, which will be held in October 2013. If you have any questions or would like to be involved in the planning of next year's Red Mass, please call Jacqueline Carey-Wilson at (909) 387-4334 or Mitchell Norton at (909) 387-5444.

Jacqueline Carey-Wilson is deputy county counsel for San Bernardino County and co-chair of the Red Mass Steering Committee.

Scot Neudorff practices criminal defense in Riverside and San Bernardino Counties and is an associate with the Law Office of Michael Scafiddi.



L-R: Judge John Pacheco, Jim Heiting, Judge Wilfred J. Schneider, Jr., and Gary W. Smith



Darlene Scafiddi, Chloe Scafiddi, Megan Scafiddi, and Michael Scafiddi

photos courtesy of Jacqueline Carey-Wilson

INSTALLATION OF OFFICERS DINNER



*Presiding Judge Sherrill Ellsworth, Virginia Blumenthal and Riverside County District Attorney Paul Zellerbach
photo courtesy Michael J. Elderman*



*Honored for their 25-year membership in the RCBA – Mike Marlatt, Judge Gary Tranbarger, Judge Mac Fisher and Jim Teixeira
photo courtesy Michael J. Elderman*



*Brian Percy, Tera Harden, Gary Montgomery and Don Lee
photo courtesy Jacqueline Carey-Wilson*



*Chris Harmon, Kimberlie Harmon, Bonnie Harmon and Steve Harmon
photo courtesy Michael J. Elderman*

The RCBA's Installation Dinner was held on Thursday, September 27 at the Mission Inn. Christopher B. Harmon was installed as the 2012-2013 President. The other officers who were installed were Jacqueline Carey-Wilson (President-Elect), Chad Firetag (Vice-President), Kira Klatchko (Chief Financial Officer), Jean-Simon Serrano (Secretary), and Jack Clarke, Jr., L. Alexandra Fong, Diana Renteria, and Richard Roth (Members-at-Large). The 2012-2013 officers of Barristers are Amanda Schneider (President), Luis Arellano (Vice-President), Arlene Cordoba (Treasurer), Kelly Moran (Secretary), Reina Canale and Sara Morgan (Members-at-Large), and Scott Talkov (Past President).

In addition, William DeWolfe was honored for his 50 years of membership in the State Bar of California.



*Presiding Justice Manuel Ramirez and William DeWolfe
photo courtesy Michael J. Elderman*



*RCBA President Chris Harmon with his father RCBA Past President Steve Harmon
photo courtesy Michael J. Elderman*



Jim Heiting and Richard Roth

photo courtesy Michael J. Elderman



*RCBA President Chris Harmon
and Immediate Past President Robyn Lewis*

photo courtesy Michael J. Elderman



Liz Cunnison, Judge Steve Cunnison and Judge Gloria Trask

photo courtesy Michael J. Elderman



*Chad Firetag, Mike Marlatt, Paul Grech (Master of
Ceremonies), and Gail Grech*

photo courtesy Jacqueline Carey-Wilson

ANXIETY NOW MEANS PERSPECTIVE LATER: FINDING THE SILVER LINING IN THE LONGEST FOUR MONTHS OF YOUR CAREER

by Jennifer Kunz

The *Riverside Lawyer's* State Bar issue focuses primarily on the programs of the State Bar and California's legal community. But there is another aspect of the Bar that gets less attention from lawyers: the hurdle of having to pass the bar exam in the first place to join the state's legal community. As lawyers may dimly recall, the State Bar is a three-day marathon event, offered twice a year, in July and February. And, as long and difficult as those three days are, perhaps the worst part of all is the fact that the Bar keeps aspiring members waiting for their July 2012 bar exam results for three months, three weeks, one day, one hour and about thirty minutes. (But who's counting?) Since we uploaded that final SofTest exam file,¹ exhausted, bleary-eyed and praying to the wi-fi gods that the last essay would get where it needs to go, seasons have changed, a president has been re-elected, baseball's post-season has begun and ended, and trees have turned from flower to fruit to an overripe mess on the lawn. And, as of the writing of this article, we're still waiting.

As I am not normally one to suffer from split personality disorder, my bar results rollercoaster began immediately. Each night of the three-day exam, I experienced the following on an unending loop: "I completely failed. There is zero hope. But it could have been worse. Way worse. At least I knew that [insert any of 13 bar exam topics] outline backwards and forwards. Actually, I'm feeling good about this. I totally have this! Right?" And repeat. This continued for weeks. When friends and family constantly asked, "How did it go?," my responses were all over the place – it went fine; it went terrible! One day I'd burst with confidence, the next wallow in doubt. The only constant was that there was nothing I could do about it but wait.

It's hard to passively sit back and let problems lie. Unfortunately, when there is nothing productive to do about your bar results, you start doing things that are in no way useful and in all ways a bad idea. For me, this was an obsession with prognostication. First, I turned to the bar exam blogs and message boards. At any given moment in the weeks following the exam, recovering test-takers heaved anxiety, conspiracy theories, misremembered exam

fact patterns, completely wrong answers, and exam-week horror stories across the Internet for my masochistic reading pleasure. While at first this satisfied a need to compare how I did to everyone else, in the end it only added momentum to my pendulum swings between confidence and doubt.

Another misguided outlet for my need to do something, anything, were my attempts to generate overly involved and completely arbitrary computations that I was convinced could accurately reflect my chances of passing. These would start with my law school's pass rate, factor in an unsupported estimate of how many classmates didn't sit for the bar, and then apply some fuzzy math related to my class rank. If I was especially motivated, I would add some capricious multipliers about how hard I felt I had studied relative to others, then take a little off for that moment my laptop crashed on the first day of the test, and then put a little in for the fact that I didn't suffer any calamitous life event in the weeks before the exam, when I knew by statistical probability that some people in my class possibly did. Needless to say, this was a pointless pursuit.

At some point, things returned to normal. Everyone eventually stopped asking me how I did, and what it was like, and when results come out, and my brain started letting go of every detail of every bar exam fact pattern that I obsessed over in the weeks following the test. Around September, I completely forgot about the exam for days and then weeks at a time – such freedom! But these periods of bliss would be interrupted by a non-lawyer friend or acquaintance mistakenly referring to me as an attorney, because, well, "Wasn't that bar exam thing you did just sooo long ago?" At these moments I would have to awkwardly butt in with, "No, actually, I'm still waiting to find out if I passed. Not an attorney yet. Still have a month or so to wait."

As I write this essay, bar exam results are now only one week away, and the panic is starting to set in again. Fortunately for my own sanity and the sanity of my loved ones, I have regained enough perspective to know that, in the grand scheme of life, and in light of things like tragic Frankenstorms, these months of waiting are just a speed bump, and my anxious fretting just a self-indulgence. No matter the outcome on November 16, November 17 will still arrive.

¹ Yes, for people who took the bar exam more than ten years ago, we are now allowed to take the bar on a computer. SofTest is a program that freezes all other programs on your computer, essentially turning it into a word processor, so you can type and save your test, but can't look up answers on the internet.

But another realization has come out in all this waiting that I hope to keep with me, even when the bar is long in my rearview mirror. In the years ahead, I know there will be hard days, cases that don't go my way, moments I feel lost in the trenches, clients who give me a hard time, colleagues who get under my skin, and pessimistic debates over the state of the profession. In those trying times, I hope I remember how much work it took to become a member of the State Bar, how badly I wanted it, and how much sleep I lost waiting to find out when the privilege would be mine. Every time someone introduces me as an attorney and I don't have to correct them, I plan to remember these last few months and not take the privilege for granted.

Jennifer Kunz is a recent law school graduate and brand-new attorney at Best Best & Krieger LLP's Riverside office. Bar results finally came out on November 16th at 6 p.m., and Jennifer is very happy to report that she passed.



THE LEO A. DEEGAN INN OF COURT

by Robyn A. Lewis

The Leo A. Deegan Inn of Court is a professional organization comprised of attorneys and judicial officers and organized under the American Inns of Court. The organization focuses on improving the skills and professionalism of the bench and the bar. Each month, the Leo A. Deegan Inn holds a dinner meeting, during which a team of members presents a program that focuses on matters of ethics, skills and professionalism. Membership is by invitation only. Applications for membership are considered each summer to allow for invitations to new members for the upcoming year.

The inn was named for the Honorable Leo A. Deegan, a legend of the Riverside legal community. Judge Deegan first

began practicing in Riverside in 1946 as a member of the district attorney's office. After also serving in the county counsel's office, he became the city attorney for the City of Riverside in 1958. He was appointed to the bench by Governor Edmund Brown in 1959. He served on the superior court until his retirement in 1975. In the late 1980s, he served for 14 months on the Court of Appeal, Third Appellate District, in Sacramento.

Each year, the Leo A. Deegan Inn of Court recognizes both an attorney and a judicial officer for their outstanding contributions to the legal community, as well as for their professional accomplishments. The Terry A. Bridges Award honors an outstanding attorney, while the Elwood Rich Award honors an outstanding jurist. Additionally, the inn's membership votes on its favorite presentation, and an award is given to that team.

This year, the inn is focusing on exploring topics that deal with issues of ethics and other specialty MCLE credits by using the theme of "The Leo A. Deegan Inn of Court Goes to the Movies." Each team has been assigned a movie that brings up an issue of ethics, substance abuse, or gender bias, for example. The inn is headed by President Robyn Lewis, with the Honorable Jack Lucky, the Honorable Tom Cahraman, John Michels, Jeremy Hanson, Alexandra Fong, Jeb Brown and Connie Younger serving as Executive Board members.

For more information on the Leo A. Deegan Inn of Court, please contact Sherri Gomez, Executive Director, at sherri.gomez@gmail.com, or Robyn Lewis, at rlewislaw@yahoo.com.

Robyn A. Lewis is with J. Lewis & Associates, APLC. She is the immediate Past President of the RCBA and the current President of the Leo A. Deegan Inn of Court, as well as a member of the RCBA Publications Committee.



FINAL DRAWING of the Riverside Historic Courthouse by Judy Field

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DISPARITY OF ALLOCATION OF JUDICIAL RESOURCES TO RIVERSIDE COUNTY AND TO THE INLAND EMPIRE

by Robyn Lewis and Kira Klatchko

In May 2012, the Riverside County Bar Association hosted a historic event at the Mission Inn. Leaders from multiple bar associations throughout Riverside County, presiding judges from our superior and appellate courts, federal judges, the district attorney, the public defender, the city attorney, and county counsel, just to name a few, came together for a summit to discuss pertinent issues in Riverside County. What started out as a lunch soon became a brainstorming session. Specifically, the issue of severe underfunding of the courts in Riverside County and in the Inland Empire in general was discussed at length. The most recent budget cuts to the judicial branch and how those devastating cuts would impact our own county were also discussed. The result of that summit was a “call to arms,” so to speak. With the supporting efforts of those leaders, offices and organizations throughout the county, strides have been taken to ensure that Riverside County’s voice is heard in Sacramento by our legislature and in San Francisco by the Judicial Council.

Riverside County is one of the largest counties in California, with a population of over 2.2 million people. Our sister county, San Bernardino County, is home to over 2 million people. Together, our two counties comprise the Inland Empire, which is one of the fastest growing regions in California; since 2000, the Inland Empire has accounted for 29 percent of California’s population growth. In spite of our tremendous growth and growing demand for legal services, the Inland Empire’s courts have been consistently underfunded, to the detriment of our lawyers, judges, and litigants. Understandably, in a time when resources are scarce, many of our courts are seeking additional resources, but the situation in our community is particularly serious.

Publicly available statistics reveal that the Inland Empire has consistently been allocated fewer judicial branch resources than other counties with less demonstrated need, smaller populations, and an equal or lighter workload:

- Riverside’s ratio of trial court judicial positions per 100,000 in population is 3.4. San Bernardino’s ratio of trial court judicial positions per 100,000 in population is 4.2. The statewide average is 5.2 per 100,000 in population.
- Riverside County has seen a 44 percent increase in population since 2000 and a 95 percent increase since 1990. San Bernardino County has experienced a 19 percent increase in population since 2000 and a 43 percent increase since 1990. The number of judicial positions in both counties has not kept pace with the increase in population. For example, in Riverside County, the number of judicial positions increased by only 31 percent since 1990.
- While the Riverside and San Bernardino Superior Courts receive a combined 8.5 percent of the judiciary’s statewide Trial Court Trust Fund allocation (4.1 percent for Riverside and 4.4 percent for San Bernardino), the two counties account for 11 percent of the state’s population.
- Riverside has seen a 40 percent increase in total superior court case filings between fiscal years 2000-01 and 2009-10. San Bernardino’s superior court case filings have increased by 39 percent in that time period. By comparison, superior court filings statewide increased 24 percent during that period.
- According to the Judicial Council of California’s 2011 Court Statistics Report (“2011 Report”), Riverside County Superior Court had 6,446 filings per authorized judicial position, the fourth highest amongst the state’s 58 counties, and San Bernardino County Superior Court had 6,533 filings per authorized judicial position, the third highest in the state.
- According to the California Judicial Workload Assessment published by the National Center for State Courts in November 2011, Riverside County Superior Court has a need for 150.8 total judges. With only 76 judicial officers, the court faces a shortage of 74.8 judges, or a 49.6 percent deficit. The same report showed San Bernardino Superior Court with a need for 150 total judges. With only 84 judicial officers, that court faced a shortage of 66 judges, or a 44 percent deficit. Statewide, there is workload to support 2,376 judges. With 2,022 authorized judicial positions, the state as a whole faces a shortage of 354 judges, or a 14.9 percent deficit.
- The 2011 Report also showed that, in fiscal year 2009-10, Riverside County Superior Court conducted 32,998

bench trials, 41 of which were felony trials and 3,714 of which were unlimited civil trials. Only Los Angeles County had more unlimited civil bench trials, with 4,018, and that was out of a total of 97,030 total bench trials. San Diego County, by comparison, conducted 38,840 bench trials, only 20 of which were felony trials and only 383 of which were unlimited civil trials. San Bernardino County conducted 34,004 bench trials during the same period, 16 of which were felony trials and 627 of which were unlimited civil trials.

- Per the 2011 Report, Riverside County conducted 1,087 jury trials during fiscal year 2009-10, 683 of which were felony trials and 51 of which were unlimited civil trials. The only county to surpass this total number of jury trials was Los Angeles County, with 3,572 jury trials. During the same period, Orange County and San Diego County combined conducted only 1,094 jury trials, and San Francisco County conducted only 423 jury trials.
- According to the Judicial Council's own statistics, in fiscal year 2009-10, the Fourth Appellate District, Division Two (which serves Riverside, San Bernardino, and Inyo Counties) disposed of 10.3 percent of all appeals and writs statewide, while having just 6.7 percent of the 105 appellate court justices statewide. In contrast, the entire First District Court of Appeal disposed of only 14.1 percent of the appeals and writs in the state while having 19 percent of the 105 appellate court justices statewide. The disparity does not disappear when applying a "workload-adjusted" formula; in fiscal year 2010-11, the Fourth District, Division Two filed 137 opinions per justice, the equivalent of 95 opinions per justice on a "workload-adjusted" basis, which is higher than any other district court of appeal in California. The First District Court of Appeal, by contrast, filed 75 opinions per justice on a "workload-adjusted" basis, and the Second District Court of Appeal filed only 84 opinions per justice on a "workload-adjusted" basis.
- Based on California Department of Finance information, in 2010, the Fourth District, Division Two was estimated to have 615,708 residents per appellate justice, the highest number in the state. The next closest district was the Second District, Division Six, with 382,930 residents per justice.

These statistics reveal the gross disparity between the resources being allocated to the Inland Empire and its demonstrated need. Our trial and appellate courts are overburdened relative to other courts across the state.

To mobilize efforts to address these gross disparities between our courts and others across the state, the RCBA formed several standing committees: the Judicial Council

Liaison Committee, the Legislative Outreach Committee, the Public Relations/Media Committee, and the Court Assistance/Outreach Committee.

In particular, the Judicial Council Liaison Committee has been extremely active, having reached out to the Judicial Council with a proposal that would help to begin correcting the disparity in funding. Specifically, the RCBA submitted a proposal requesting the Judicial Council to take immediate action to fund the much-needed judgeships and support staff that were contemplated by Assembly Bill 159, which passed in 2008.

AB 159 authorized 50 new judgeships, which were vetted and approved by the Judicial Council and the Legislature, but which were never funded. These new judgeships were allocated based on demonstrated need in each county, which was assessed based on court filings and workload standards. Positions were allocated to counties that were determined to have the greatest relative need for the addition of judicial officers. Using that rubric, San Bernardino and Riverside Counties were determined to be the two counties in California most in need of additional judicial resources. Each county was allocated seven new judgeships. Other rural counties, including Sacramento, Fresno, and San Joaquin, were also intended to benefit significantly from AB 159; Sacramento was to get six new judgeships, Fresno four, and San Joaquin and Kern three apiece. No other counties were allocated more than two judgeships. Those additional judgeships, if funded, would significantly reduce the burden on the Inland Empire and other rural counties that are overworked and underfunded.

Given current budgetary constraints that might limit multiyear funding of those allocated judicial positions, the RCBA requested that the Judicial Council consider using money available for the Assigned Judges Program (AJP) to provide a temporary stopgap to superior courts that were the intended beneficiaries of AB 159. Specifically, it suggested that the Judicial Council consider using a portion of its \$46 million AJP budget (FY 2012-13) to fund AB 159 judgeships. Currently, AJP funding provides benefits to compensate retired judges who give up their time to serve impacted courts. AJP funds have not been used in the past to pay for support staff and the other ancillary costs of operating a functioning courtroom, meaning that courts, like those in Riverside, that have relied heavily on AJP judges are saddled with a financial hardship every time they use an AJP judge. That is, historically underresourced courts that were in such dire need of judgeships that they were the beneficiaries of AB 159 are not even able to cover the cost associated with using AJP judges. For that reason, Riverside County alone has had to close nine courtrooms since the passing of the most recent budget bill.

By using AJP money to pay retired judges, and by paying the costs associated with using those judges (approx-

mately \$200,000 per judge), the Judicial Council could provide assistance to the courts most in need of support without having to fund the new positions allocated under AB 159. The cost of this proposal would still leave a significant portion of AJP funds for the Judicial Council to continue providing emergency assistance to courts not identified in AB 159 as those most critically in need of additional judicial resources.

With respect to those counties that were to receive more than three judges under AB 159, the recent Budget Act (AB 1464, FY 2012-2013) imposed some limitations on the RCBA proposal. Specifically, it limited the amount of support staff to three judicial officers, which the RCBA argued was per county. Thus, if the Judicial Council were to accept our proposal, Riverside would receive three judges with the accompanying support staff, which would be funded by the AJP budget, for now.

This proposal was submitted by the RCBA in writing. Robyn Lewis, immediate Past President of the RCBA, and Kira Klatchko, Chief Financial Officer of the RCBA, also appeared before the Judicial Council in San Francisco multiple times to orally present the proposal. Pamela Walls, County Counsel for Riverside County, also appeared in support of the proposal, as did Eugene Kim of the San Bernardino County Bar Association. While the proposal has not yet been adopted by the Judicial Council, the RCBA is optimistic that these efforts have shed some light on the

disparities in court funding and judicial resources provided to the Inland Empire.

The disparity in judicial resources for the Inland Empire was recently addressed in an article in the Daily Journal. The article explained that, from a statistical standpoint, Riverside was short approximately 55 judges, while San Bernardino was short approximately 65 judges. The study that provided those numbers also indicated that San Francisco County, for example, had five more judges than it should. Of course, the Honorable Katherine Feinstein, the presiding judge of the San Francisco Superior Court, disputed the conclusions of that study and argued that her county did not have a judicial surplus. At least, however, the discussion has become a statewide conversation, and the RCBA, in connection with the partnerships that it has forged since the May 2012 summit, intends on making sure that it is at the table to try to facilitate a solution to this incredible problem.

Robyn A. Lewis is with J. Lewis & Associates, APLC. She is the immediate Past President of the RCBA and the current President of the Leo A. Deegan Inn of Court, as well as a member of the RCBA Publications Committee.

Kira L. Klatchko currently serves as the CFO on the RCBA Board of Directors. She is a certified appellate specialist with Best Best & Krieger, LLP.



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CALIFORNIA'S CLIENT SECURITY FUND PROVIDES THE PUBLIC WITH SOME PROTECTION FROM DISHONEST LAWYERS

by Jamie E. Wrage

Since 1972, the California State Bar has sponsored the Client Security Fund as a public service.¹ The Client Security Fund helps to alleviate losses suffered by the public as a result of theft or other dishonest acts by members of the bar. Recovery is provided only for actual lawyer dishonesty, not incompetence or malpractice. The victim has the burden of showing that the lawyer actually took possession of his or her money or property and that the loss of that money or property was caused by the attorney's dishonest acts.

According to the State Bar's Activities Report on the Fund, in 2011, it paid \$7,819,854 to 1,534 applicants. Over three-quarters of this was for unearned fees, while 22.9% represented outright misappropriation.

The maximum recovery is set at \$100,000 for losses that occurred after January 1, 2009.² Losses that will not be paid include interest, losses covered by insurance or otherwise indemnified, attorney's fees and costs paid by a victim to try to recover the loss (with some exceptions), and losses from a legitimate investment or loan.³ While generally available to the public, the Client Security Fund will not make recovery payments to close relatives, business partners, or employers or employees of the attorney. Additionally, government entities cannot seek reimbursement from the Fund.

Examples of dishonest acts that might qualify, as set forth on the State Bar website, include "theft or embezzlement," "failure to refund unearned fees," or "borrowing of money from a client without the intention or reasonably anticipated ability to repay." State Bar

rule 3.431 expands on the types of losses covered and includes the example of "[o]btaining money or property from a client for an investment that was not in fact made."

While the matters are handled separately, the victim must first file a complaint against the attorney with the State Bar's discipline system before requesting reimbursement under the Client Security Fund. Because some finding of dishonesty is necessary, unless the lawyer dies, resigns from the bar, or is found guilty or liable in court on related charges, an application cannot be processed until the lawyer is disciplined by the State Bar.

If the Client Security Fund makes payment to a victim, it assumes the right to seek repayment from the dishonest attorney. For example, in August 2011, after an elaborate law enforcement sting operation, attorney Susana Ragos Chung entered no contest pleas on felony charges of submitting false insurance claims for her part in a widespread scheme to stage automobile accidents. In addition to being ordered to pay restitution to the insurance companies, attorney Chung also was required to pay \$235,123 to the Client Security Fund.⁴ She later stipulated to discipline by the State Bar, and her disbarment was recommended to the California Supreme Court on September 19, 2012.⁵

The ultimate decision on reimbursement is made by a commission of seven

volunteers appointed by the State Board Bar of Trustees. Pursuant to State Bar rule 3.421, this commission is comprised of four attorneys and three nonattorneys. As of January 1, 2010, new rules were adopted for applying for payments from the Client Security Fund. Those rules and an application for recovery are available on the State Bar website at calbar.ca.gov/attorneys/lawyerregulation/clientsecurityfund.aspx.

Jamie E. Wrage, a long-time member of the RCBA Publications Committee, is a Shareholder with the firm of Gresham Savage Nolan & Tilden, practicing business, employment, and appellate litigation.



¹ Bus. & Prof. Code, § 6140.5.

² Rules of State Bar, rule 3.434(A).

³ Rules of State Bar, rule 3.434(B).

⁴ California Lawyer Sentenced in Huge Auto Fraud Case, Insurance Journal (Aug. 8, 2011), available at insurancejournal.com/news/west/2011/08/22/211856.htm.

⁵ State Bar Court of California, Stipulation Re Facts, Conclusions of Law and Discipline and Order Approving; Order of Involuntary Inactive Enrollment, filed September 19, 2012, Case No. 10-C-03543, available at members.calbar.ca.gov/courtDocs/10-C-03543-3.pdf.

STATE BAR MEMBERSHIP – MORE THAN JUST A LICENSE TO PRACTICE LAW

by Christopher J. Buechler

After several years of schooling and thousands of dollars spent, we who have graduated from law school in America have finally earned the title of “doctor.”¹ And after several hundreds of dollars spent on test preparation, 18 hours in an uncomfortable test venue, and years of MCLE compliance, we who have passed the bar have finally earned the title of “lawyer.”

And what do we get for all that hard work? Sure, there’s a tremendous feeling of accomplishment and probably a tremendous loan bill, but – in the infamous words of Peggy Lee – “Is that all there is?” The answer is no, because the California State Bar has leveraged the power of its more than 238,000 members (as of November 2012) to negotiate with various vendors to provide discounts on goods and services to members through the CalBar Connect program. This program is designed to help the State Bar achieve its stated mission: “We work to provide services and benefits to members that promote a culture of collegiality and excellence in the practice of law.”

According to the CalBar Connect website (calbarconnect.com), “CalBar Connect gives State Bar members and their families access to discounts and exclusive programs. From practice management to insurance to finance to personal services, your bar membership entitles you to cost savings.”

Not only do State Bar members benefit through these cost savings, but also “by purchasing these essentials through CalBar Connect, a portion of the proceeds goes back to the State Bar of California to fund valuable member services as well as to help the California Bar Foundation build a better justice system.”

¹ While this is technically true if you hold a J.D., I recommend limiting use of this title to restaurant reservations and not using it in situations that foreseeably may require a medical professional to intervene.

These benefits are particularly important for the solo or small firm practitioner who may have trouble procuring benefits – especially financial and insurance services – that are more readily available to colleagues at larger firms. But the State Bar does not discriminate against anyone based on the size of the firm they work in; CalBar Connect benefits are available to all State Bar members.

There are a number of discounted goods and services that attorneys might be interested in for their personal use, including apparel, computers, car rentals, and wireless phones.

I encourage everyone to take advantage of these programs not just for the savings, but also because, by flexing the purchasing power of the State Bar membership, we can get more providers on board to benefit the individual members and the practices they run, as well as to expand the access to justice provided by the California Bar Foundation.

Chris Buechler, a member of the Publications Committee, is the 2012-2013 Chairperson of the RCBA Solo/Small Firm Section. He can be reached at christopher@riversidecafamilylaw.com.



INLAND COUNTIES ASSOCIATION OF PARALEGALS — MEMBERSHIP HAS ITS PRIVILEGES

by Donna F. Dupree, ACP

Introduction

In or about 1985, a group of paralegals from Riverside and San Bernardino Counties banded together to form the Inland Counties Association of Paralegals (ICAP).¹ Over the years, ICAP has evolved into an organization of legal professionals striving to accomplish five primary goals: (1) to encourage greater utilization of paralegals within the legal communities of Riverside and San Bernardino Counties; (2) to promote continuing educational opportunities; (3) to maintain a resource system for practicing and student paralegals; (4) to build stronger relationships with local bar associations; and, (5) to maintain and promote the National Association of Legal Assistants' paralegal standards and Codes of Ethics.

Benefits of Membership

Regular voting membership is available only to paralegals who are currently working under the supervision of an attorney. (See California Business & Professions Code 6450 which defines and sets forth the terms of use of the professional title "paralegal" in the State of California.) The annual fee for voting membership is \$60. However, non-voting associate membership and sustaining membership are also available to attorneys and other legal professionals for an annual fee of \$60. Student membership (also non-voting) is available for an annual fee of \$40 to individuals currently enrolled in a paralegal program. There are multiple benefits to becoming a member of ICAP, regardless of the type of membership you are qualified to hold.

One of the primary benefits of ICAP membership is the opportunity to earn MCLE credit at an extremely affordable price. ICAP is a California State Bar Approved MCLE Provider (#11452) offering its members the opportunity to earn a minimum of 10 hours of MCLE credits each year. As a State Bar MCLE provider, ICAP's education programs are directly relevant to current and active members of the State Bar as well as to paralegals and other legal professionals. If you are a member, the cost of attending a 1-hour MCLE meeting hosted by ICAP is \$10. A meal is also provided at no additional cost. Many of ICAP's MCLE events take place at the Riverside County Bar Association located on Main Street in Riverside. Past presenters include Superior Court Judge Jackson Lucky and Riverside County's Deputy District Attorney, Ivy Fitzpatrick.

Another benefit of membership is electronic delivery of ICAP's quarterly newsletter ICAPtions. The newsletter contains articles and information on a variety of subjects of interest, including any recent changes in local court rules and procedures. Because ICAP is an affiliate of the National Association

of Legal Assistants (NALA), ICAP members receive NALA's Affiliate's Brief, a publication which is distributed electronically to affiliates across the country. Affiliation with NALA affords ICAP members additional opportunities for networking with other associations that are NALA affiliates. Additionally, because ICAP is an affiliate of NALA, ICAP members receive a monetary discount when applying for membership with NALA.

ICAP membership provides paralegals with a broad base of networking opportunities as well as opportunities to contribute to the local community. Each year in December, ICAP members are invited to attend ICAP's holiday party. (They may also invite a guest.) Attendance is complimentary and dinner is provided along with the opportunity to win door prizes donated to ICAP by many of its sponsors and local vendors. However, members are encouraged to make a modest donation at this event to a pre-selected charity. This year's event will be held at The Castaway Restaurant in San Bernardino with ICAP collecting donations from members for the benefit of Wounded Warriors. Additionally, each year in October, ICAP members are given the opportunity to run (or walk) with Team ICAP in the Susan B. Komen Race for the Cure.

Employment opportunities are sent electronically to all ICAP members. Law firms and attorneys are encouraged to contact ICAP's Employment Chair to request that an employment opportunity be sent out to membership via email or, if the timing is appropriate, potential employers may request that an employment opportunity be included in ICAPtions. Employment opportunities are posted and/or published at no charge to the prospective employer or employee.

If you would like more information about becoming involved with ICAP, additional information as well as membership and sponsorship applications are available online at ICAP's website: www.icaponline.org. If you have a specific question that is not answered by the information provided on ICAP's website, general contact information as well as email addresses and links for each of ICAP's Board Members and Committee Chairs are provided on the website.

Donna F. Dupree, ACP, is currently employed as a paralegal specialist for the U.S. Trustee Program in its Riverside Field Office for Region 16 in the Central District of California. Any views expressed in this article are those of the author and do not represent the views of the United States Trustee or the U.S. Trustee Program. Ms. Dupree is a long-standing member and a past-president of the Inland Counties Association of Paralegals. She is also a member of the National Association of Legal Assistants and is a member of the Advisory Board for UCR Extension Center's ABA-Approved Paralegal Program.



¹ During the same year, ICAP was incorporated with the State of California and became a 506(c)(3) organization with the goal of serving the Inland Empire paralegal community.

PROJECT GRADUATE: MENTORS WHO FOSTER SUCCESS

by Brian C. Unitt

Last month we shared an overview of Project Graduate, and its mission to help foster youth graduate high school with a plan for their future. This month we focus on the volunteers who actually make that vision a reality.

Kellie Husted is a staff accountant at Best, Best & Krieger, L.L.P., in Riverside, where she first heard of Project Graduate last year. She has found being an educational representative and mentor to be an amazing and fulfilling experience. Shortly before volunteering, Ms. Husted had just finished putting two daughters through college and thought participating in Project Graduate would be a snap, especially since she had been very active in her children's education. She didn't really realize, however, how hard daily life is for foster kids. For example, foster children move to new homes often, usually having to start over in a new school with new teachers, new books, and new classmates. Ms. Husted's foster student is now a senior who Kellie reports is very bright and proactive in her education, and she is motivated to attend college. Ms. Husted finds it satisfying that she plays what she calls a "small role" in providing her student with some sense of stability and motivation.

Luis Lopez and **Ashley Sedaghat** share a student for whom they both serve as educational representatives and mentors, and they both also serve as members of the Project Graduate Steering Committee. Mr. Lopez has been an attorney for 22 years and is the principal of the Law Office of Luis E. Lopez in Riverside, where Ms. Sedaghat is an associate. They practice family law. Mr. Lopez is married with two children, and has seen firsthand in his practice the pain children suffer too often at home. Ms. Sedaghat has three siblings, two of whom were foster children who her parents adopted as babies after years of having various foster children in the home. Their student lives in a group home and is struggling to get back on track with making up sufficient credits to allow him to gradu-



Kellie Husted



Luis Lopez



Ashley Sedaghat



Bob Rancourt



Barbara Stroud

ate from high school. He has had many life struggles, but Luis and Ashley know that their student is intelligent and has a genuine interest in participating in the program and bettering himself. Mr. Lopez and Ms. Sedaghat believe that Project Graduate is filling a small but crucial void in the lives of its participants, and making a difference even in only one case is well worth it. They are excited about their student's prospects and hope to be a part of Project Graduate for years to come.

Bob Rancourt is a Supervising Deputy Public Defender for the Law Offices of the Public Defender, County of Riverside, where he has worked the last 10 years. Project Graduate's promise to help disadvantaged youth attracted his interest, partly due to his own background as a disadvantaged youth and how education changed his life. Mr. Rancourt both serves as a member of the Project Graduate Steering Committee and also acts as an educational representative and mentor for a foster student currently in the program. He is happy to report how successful his experience has been so far. Bob's student stopped failing any classes, improved from average grades of Cs and Ds with some Fs to Bs and Cs with some As, attended summer school to get caught up and on track to graduate on time, began to utilize his school's tutoring resources, and started making plans for concurrent postsecondary education and armed forces participation. Mr. Rancourt states that his student, a senior, is hardworking, polite, and appreciative, and Bob feels that the program is just the spark his student needed not to fall through the cracks. Mr. Rancourt also thanks and credits first and foremost his student but also the participating agencies and other program participants for the success of his student.

Barbara Stroud is a Senior Litigation Paralegal at Best, Best & Krieger, L.L.P., with over 21 years of experience in the profession. She is passionate about education and enjoys advocating for and working with youth, so a

year ago she made a commitment to volunteer as an educational representative and mentor for Project Graduate. Ms. Stroud's student made history by becoming the program's first and only graduate to date, but it wasn't always so easy. When Barbara began working with her student, she was a high school senior with a deficiency in credits who had changed schools and homes several times. Her attendance was not the best and there were also disciplinary issues. In other words, her student was a typical foster student in Riverside County. By visiting her student's school and foster home, Barbara and her student quickly developed a relationship and eventually devised a plan for school stability and recovery of credits. They communicated regularly and involved the school counselor. After much effort on the parts of both Ms. Stroud and her student, in June, her student walked in her school's graduation ceremony and received her high school diploma. Barbara has found the time commitment she has invested to be well worth it because she feels she is making a difference in the lives of the students.

There are many more foster youth looking for this kind of mentorship. If you would like to join us, contact Mona Nemat 951-826-8215, Mona.Nemat@bbklaw.com, or Brian Unitt 951-682-7030, brianunitt@holstein-law.com.

Brian Unitt is the chair of the RCBA Project Graduate Steering Committee. He is a shareholder in Holstein, Taylor and Unitt, APC. His practice focuses on civil appeals and writs, and personal injury litigation.



D.A.'s CLAIM SOFTBALL TITLE

by Bruce E. Todd

After several near-misses over the past few seasons, the District Attorney's office has finally returned to the top rung of the ladder after steamrolling undefeated through the Riverside County Bar Association Softball League. It is the team's first title since 2005 and its fourth crown since the league was formed in 1993.

In the title game, against two-time defending champion Varner & Brandt, the D.A.'s rallied for four runs in the bottom of the fifth inning and then held their opponent scoreless over the final two frames to notch an 8-7 victory and secure the league title.

Varner's office had opened the floodgates in the top of the first inning of the championship game by scoring five runs. The D.A.'s scratched back with two runs in the bottom of the inning, and the game was nip and tuck for the rest of the battle. The D.A.'s did not actually take the lead until their four-run outburst in the bottom of the fifth inning.

By clinching their fourth overall title, the D.A.'s have now tied Best Best & Krieger for the most league crowns overall. Varner's office was seeking its third straight title, which would have matched the run by the legendary Inns of Court team from 2000-2002.

Kristopher Hiraoka, the manager of the D.A.'s team, was relieved that his ball-club finally went the distance.

"It was a great season," said Hiraoka. "I am glad that we were finally able to win the championship game. We have gotten to the last game a couple of years but have not been able to finish the season with one last win."

Michael Burns, the skipper of Varner's squad, was resigned in the loss.

"We made a couple of errors, and they rallied to take the lead in the fifth inning," said Burns. "We were up 7-4 and they scored four runs in the bottom of the fifth. Oh well, next time!"

One reason for the success of the prosecutors was the high caliber of play



Team District Attorney

by some of their star players. Alex Ray led the league in home runs (5), RBI (29) and slugging percentage (.742). He also had the league's second highest batting average at .742.

Ray's teammate Joshua Degonia finished second in home runs (3), RBI (21) and slugging percentage (.567). Steve Merrill of their team won the league batting title at .757 and Hiraoka finished fourth at .656 to give the D.A.'s the league's top four leading hitters. Besides winning the batting crown, Merrill was also the league's pitching star with a .175 ERA.

Besides Merrill, Ray, Degonia and Hiraoka, participants on the D.A.'s championship team included Luigi Monteleone, Francisco Navarro, Josh Hiraoka, Matt Strong, Valerie Garcia, Lauren Lackey and Lindsay Harris.

The D.A.'s undefeated season included a 9-0 run through the regular season and two victories in the playoffs. Varner's office (7-4) clinched second and Gresham Savage Nolan & Tilden grabbed third (5-6). Thompson & Colegate (2-8-1) and Best Best & Krieger (0-10-1) rounded out the standings.

Teams that are interested in participating in the upcoming season next summer can contact Charlene Nelson at the RCBA office at (951) 682-1015 for further details.

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



SECTIONS OF THE BAR

The sections listed below are semi-autonomous from the RCBA, and are empowered to establish their own procedures subject only to compliance with the RCBA Bylaws and review by the Board of Directors. The activities of the sections are largely devoted to the presentation, discussion and study of matters pertaining to the practice of a substantive area of the law. Most sections are using monthly meetings as a means to acquire MCLE credit. To join one or more sections, please contact the RCBA (951-682-1015 or rca@riversidecountybar.com). All members are eligible—attorneys, judges, students, retired members and affiliates.

Appellate Law Section

The Appellate Section is gearing up for monthly meetings in 2013. Although most meetings will be in the John Gabbert Gallery at the RCBA, Presiding Justice Manuel A. Ramirez of the Fourth District, Division Two, Court of Appeal has once again offered that facility for Friday, December 7th. The topic will be “Bring your Brown Bag for a Grab Bag of Info and Insights on Local Writ and Appellate Practice.”

Presiding Justice Manuel A. Ramirez will speak about “The State of the Court.” Associate Justice Thomas E. Hollenhorst will speak on Tentative Opinions. There will also be brief presentations on writ practice, the settlement program and other helpful information for practitioners.

Although this will be a Brown Bag event, holiday cookies and beverages will be provided. Admission will be \$10.00 for RCBA Members and \$20.00 for Non-members to cover the cost of the beverages and goodies, and to provide a small donation to the RCBA Elves Program. Contact the RCBA at (951)682-1015 to R.S.V.P. on or before December 5.

Again we are asking for suggestions for meeting topics in 2013. Input was quite helpful last year. RCBA members are encouraged to contact the Section Chair, Susan Brennecke at Thompson & Colegate, LLP, at 951-682-5550 or sbrennecke@tclaw.net with input for possible topics and/or speakers.

Business Law Section

The Business Law Section is up and running, but it can use your help. We envision the section as providing valuable information regarding the practice of both transactional business law and business law litigation. Last year, we presented programs on issues such as ediscovery, state government aid available for businesses, and business valuation. But we would like your input on topics about which you would like to hear. Upcoming programs will address marketing (the business side of law), as well as insurance

your client needs and should demand from those with whom your client does business. Because we seek to serve the interests of our members, we would welcome any input you have regarding topics for future presentations. Please contact Stefanie Field at stefanie.field@greshamsavage.com with any suggestions that you have. We look forward to hearing from you and providing you with informative presentations and forums for discussion.

Civil Litigation Section

This year, the Civil Litigation Section is chaired by David Cantrell of Lester & Cantrell, LLP. The section meets at noon on the second Tuesday of the month, in the John Gabbert Gallery of the RCBA Building, for a brown bag lunch. Our first meeting, in November, featured Judge Gloria Trask, Judge John Vineyard, and Judge Sharon Waters, presenting a program on the new local civil pretrial rules. In January, Riverside Superior Court Executive Officer Sherri Carter will speak about the court’s new e-filing system.

Future programs will be aimed at providing our local practitioners with helpful tips and guidance regarding everyday litigation topics. We solicit your input and suggestions. It is our goal to make the Civil Litigation Section an invaluable resource for educational programs, networking opportunities, and the enjoyment of our profession.

David Cantrell can be reached at (951) 300-2690 or dcantrell@lc-law-llp.com.

Criminal Law Section

The Criminal Law Section of the Riverside County Bar Association is for lawyers interested in the practice of criminal law. Each month the section sponsors meetings with speakers relevant to criminal law practitioners. Topics relevant to both prosecutors and defense attorneys are discussed at each meeting. Each meeting features a noted speaker of distinction in an area touching upon criminal law. Past speakers include Superior Court Judges, Justices of the Court of Appeals, experts in various disciplines, elected District Attorneys and others with interesting information on exciting topic. MCLE credit is given for each meeting and there is no charge for attendance.

The Chair of the Criminal Law Section is Paul Grech and he can be reached at (951)682-9311.

Environmental Law Section

The Environmental Sections of the Riverside and San Bernardino County Bar Associations try to provide local-area attorneys with both MCLE and a forum for discussion of topical issues related to the environment. Whether these

issues relate to CEQA, CERCLA or cultural resources, the sections strive to provide a place where environmental issues that are of local as well as state and national interest can be discussed. Guest speakers are often used to present a talk on areas of interest to all environmental attorneys, and we are always open to suggestions on how the section can grow and be more responsive to the needs of practicing environmental attorneys in the local area. As chair, I am always looking for new speakers and topics and look forward to suggestions in that regard. We meet on the last Wednesday of the month, during the lunch hour, alternating between Riverside and San Bernardino County.

Garry Brown can be reached at (909)890-4499 or garry.brown@greshamsavage.com

Estate Planning, Probate, and Elder Law Section

The Estate Planning, Probate, and Elder Law Section is chaired by Pamela Valencia (of Dennis M. Sandoval, a PLC). The section provides speakers, usually on the third Wednesday of each month (excepting summer months). Our December meeting has traditionally been an update on estate planning laws hosted by Best Best & Krieger at their Riverside office. This year, that meeting is scheduled for the second Wednesday. We look for speakers on estate planning issues, both transactional and litigation-related, as well as elder law issues. Recent speakers have included Dennis Sandoval (on last-minute estate planning for 2012) and Fay Blix (on advance health care directives). Coming up are a panel from the Riverside Public Guardian and others discussing LPS conservatorships; a document authenticity expert; and a nationally known litigator who will discuss issues surrounding the use of Veterans Affairs fiduciaries. Probate judges and examiners appear periodically to deliver procedural and substantive law updates (and admonishments). Those who RSVP can enjoy a lunch delivered by Mission Galleria; however, those who do not RSVP can still attend on a brown-bag basis. The RCBA staff provides coffee and bottled water. When we remember, we bring cookies as an incentive for members who are dithering between coming for the shared expertise and remaining burrowed in their offices.

For more information about the section, you may contact Pamela Valencia at (951) 787-7711.

Human Rights Section

The RCBA Human Rights Section focuses on issues pertaining to human rights in our modern society. The goal of the Human Rights Section is to educate lawyers and others about such matters as human trafficking, child slavery, civil rights, political incarceration, and related topics and to provide an opportunity for attorneys to become involved.

If you have an interest in becoming involved, please contact DW Duke at dwduke@spile-siegal.com.

Immigration Law Section

The Immigration Section is chaired by Kelly O'Reilly, formerly an immigration officer and now a partner in the boutique immigration firm of Wilner & O'Reilly. As a result of Mr. O'Reilly's former employment with the INS, the section is able to book current administrative supervisors and front-line officers to address real-world problems and to give best-practice advice to immigration attorneys and attorneys who have come across immigration issues. The goal of the section is to supply practical information and to develop agency contacts so that the practitioner will not only know how to solve a client's problem, but have the contacts to make it happen quickly. The section meets bimonthly on the third Thursday at noon in the Gabbert Gallery of the Riverside County Bar Association. For more information about the section, please contact Kelly O'Reilly at (562) 207-6789.

Landlord/Tenant Law Section

The Landlord/Tenant Section of the RCBA meets eight times a year as a joint section with the San Bernardino County Bar Association. We meet on the second Tuesday of the month, January through May and September through November. About 25 members attend each meeting, with an equal amount from the tenant side and the landlord side.

We alternate between the Cask 'n' Cleaver in Riverside and Napoli's in Loma Linda. We have had various federal judges, state court judges and commissioners speak during the year. There are various topics that cross over into landlord-tenant issues, and we are always having new experts coming to the meetings to speak. We would love to have you attend meetings. Contact Barry O'Connor (951-689-9644 or UDlaw2@aol.com) or Bill Garrett (909-889-0631 or billgarrett@dslexreme.com) and we will add you to our email list.

Solo/Small Firm Section

The Solo Practitioner/Small Firm Section is designed to cater to the unique needs and interests of the solo practitioner and those in small firms, regardless of their field of practice. Topics will focus on law practice management, business development, general topics in law, and utilizing the solo/small firm network to gain benefits similar to those enjoyed by our colleagues who work in government and mid-size/large firms. Chris Buechler of the Law Offices of Christopher J. Buechler coordinates the section as chairperson this year and welcomes all suggestions and ideas. Contact him at (951) 823-5140 or via email at christopher@riversidefamilylaw.com.

We look forward to seeing you at our meetings.



THE STATE OF THE COURT

by Sherrill A. Ellsworth, Presiding Judge, Riverside County Superior Court

As I reflect on the past two years that I have served as Presiding Judge, I feel both a sense of pride and a feeling of tremendous accomplishment. Pride, because I have had the opportunity to work with some of the most talented and hard-working judicial officers, justice agency representatives, bar association members, and court staff in the State of California. Accomplishment, because despite the economic climate and diminishing resources we have faced, the court has been able to make great strides in improving efficiencies, enhancing technologies and producing innovations so that access to justice for the citizens of this county is not hindered.



Presiding Judge
Sherrill A. Ellsworth

The fiscal climate of the state has greatly affected us all. Needless to say, the judicial branch has not gone unscathed. Throughout California, courthouses are closing, court services are being eliminated, and staff is being furloughed or laid off. The judges and administrators of the Riverside County Superior Court had the foresight to begin planning for these circumstances years ago by evaluating and realigning services, streamlining operations, and reducing or eliminating non-mandated functions. By doing so, we have been able to “weather the storm” up to now, but we continue to prepare for even more budget reductions in the coming years.

In the face of such dire financial challenges, this court also faces a shortage of judges, staff and other resources, all while case filings and population are increasing exponentially. We continue to rely on assigned/retired judges to assist us with our caseload. The courts in the Inland Empire have, historically, been under-resourced for decades. An updated *State Judicial Needs Assessment Report* shows a need for 150 judges in Riverside County. With only 76 judicial officers, the court faces a deficit of 74 judges. Our court has an average of 6,446 filings per judicial position, the fourth highest among the state’s 58 counties, and our ratio of judicial positions per 100,000 of population is 3.4, compared to the statewide average of 5.2. These statistics highlight but a few of the hurdles we face when trying to provide justice to those in need: the mother who needs a restraining order against an abusive husband; the small business owner who seeks the resolution of a civil dispute; the victim’s family who wishes justice for the person who harmed their family member; or the child hoping to be reunited with her parents.

As a bench, we have made much-needed changes to accommodate the diverse population of this county. This

includes a newly created Veterans Court, which is an 18-month intensely supervised collaborative program to provide treatment and other services to veteran offenders in order to reduce crime and substance abuse. In addition, in December, we will convene a Domestic Violence Summit to help address the problems that stem from domestic violence. The purpose of the summit is to gather community support, educate partners, and increase awareness of domestic violence in Riverside County. The court is developing a web-based portal that will allow victims to electronically file restraining order forms directly with the court from various “safe havens” throughout the community (such as churches, community centers, etc.). I should note that this is the first program of its kind in the State of California.

We continue to make many other improvements to streamline case flow so that trials are heard within their statutory timeframes, judgments are issued in a timely manner, and courthouse doors remain open to the public. The court has also enhanced technologies so people can conduct court business without ever having to come to a courthouse. This includes many online services and alternative payment locations. Suffice to say, we continue to “do more with less,” but the innovations and efficiencies we have implemented in the past couple of years have greatly assisted us in preparing for the challenges that lie ahead.

In January, Judge Mark A. Cope will take over as Presiding Judge of this fine court. He will no doubt do an excellent job steering this esteemed ship during the next two years. I am excited that I will be returning to the Southwest Justice Center, hearing, for the first time in the mid-county region, a full-time civil calendar. I am pleased that the court can bring this much-needed service to the residents of the area, especially since approximately 30% of the county’s civil cases originate there. It is my hope and vision that we will also be able to institute a full-time probate calendar in the mid-county region in the coming year or two.

In closing, I would like to thank the members of the legal community in Riverside County. You have provided such tremendous support to me, as Presiding Judge, and to the court as a whole. It is because of your dedication, drive, and encouragement that the court has been able to tackle the challenges of the past, and it is because of these same attributes that we will be able to collectively overcome future obstacles to serve the citizens of this magnificent county.

Thank you for the opportunity to serve!



JUDICIAL PROFILE: JUDGE HAROLD HOPP

by Donna Thierbach

Judge Hopp was appointed to the bench in May 2005, and on January 1, he will assume the responsibilities of Assistant Presiding Judge in Riverside County under Presiding Judge Mark Cope. So I thought it was time to take a road trip to Indio, where Judge Hopp is assigned. It was time well spent. Judge Hopp was so delightful, I did not complain once about the drive!

Let us get down to the basics. Judge Hopp grew up in Yucaipa. His father was an attorney, with an office in Redlands, and his mother was a health educator, who taught at Loma Linda University for nearly 40 years. Given that, it was only natural that he became an attorney and his younger sister a health educator at LLU. Judge Hopp earned his undergraduate degree at Pacific Union College in Napa Valley and his Juris Doctorate from USC Law School. After graduating from USC, he worked at the law firm of Paul, Hastings, Janofsky & Walker for a few years and then moved to the desert, venturing out on his own as a sole practitioner (working with two other solo practitioners). However, it was not long before he found he missed the hustle and bustle of a large law firm, so he went to work for Best Best & Krieger and then, for the last 15 years prior to his appointment to the bench, Quinn Emanuel Urquhart & Sullivan. Although it was a very large law firm, he was the only full-time attorney for the desert. Wow, what a great situation, all the independence of a sole practitioner with all the resources of a large firm. I know what you are thinking, but yes, he chose to live and work in the desert. It allowed him to be closer to his parents in Yucaipa, while taking advantage of the more favorable housing market in the desert. He really enjoyed the practice of law with the firm, but when his father died, in 2003, he began to think about what he wanted to achieve in his own lifetime. After much thought and some encouragement from Justice Douglas Miller, he decided he could have a greater impact on the community as a judge, so he submitted his application. After his appointment, he spent his first year at the Southwest Justice Center presiding over criminal trials and the drug court calendar. He was then assigned to a civil law and motion courtroom in Indio, where he continues to serve. However, due to the shortage of criminal trial courtrooms, he has also presided over numerous criminal trials in that assignment. He was pretty nervous about presiding over criminal trials, since his entire practice had been confined to civil and his first and only criminal trial



Judge Harold Hopp

experience up to that point was as a juror! Now – although, reflecting back, he never thought he would say this – he has come to enjoy criminal trials as much as civil litigation. He really enjoys being a judicial officer and is glad he made the decision to apply. The interaction with the lawyers and jurors makes coming to work every day a pleasure.

Judge Hopp will most likely continue to serve in his assignment in Indio, while assuming the additional responsibilities of Assistant Presiding Judge. The challenges include budget cuts, while realignment adds additional duties. The Riverside County courts' budget has been severely

impacted because the reserves were taken by the state and the funds received are not based on the population or workload, but rather on the number of judicial positions within the county. The goal is to try, amid these cuts, to minimize the impact on the courts' ability to serve residents of Riverside County.

Enough about work, what about fun? Judge Hopp loves to read historical books, and he and his wife, Sherry, are big movie fans. His favorite movie is *Casablanca*, which is probably Sherry's least favorite movie, because he recites the dialog along with the movie! They also try to see all the movies nominated for Oscars. I was particularly envious that he actually attended the Oscars one year. His law firm had a raffle for Oscar tickets, and he won. His interest in movies does not end there; he also does a little acting himself. Each year, the Desert Bar Association puts on the "Bird Awards" dinner show, and he often participates. The event is both a dinner and a theatrical show poking fun at the legal community. His favorite but scariest performance was in *Beach Blanket Indio*, where he played Rodney Dangerfield in a stand-up comedy routine. The performance and awards are all in good fun, and roadrunner statutes are given for humorous courtroom incidents. Many desert offices proudly display at least one "Bird Award," and given Judge Hopp's great sense of humor, I was not surprised to see he had a few roadrunner statues of his own.

Judge Hopp and his wife also love dogs. They have a Havanese, Angel, that finished her championship last year (when she was nine months old) and is now retired from the show ring. He said it was lot of fun, but he does not anticipate showing any dogs in the future. Rather, they are in the process of adopting two homeless dogs. While he and his wife

were vacationing in Tuscany in October, two stray dogs were living in the vineyards and fields near their agriturismo. Although there was a local animal shelter, they were told that it was highly likely that the shelter would euthanize the dogs, so Sherry made the arrangements to have them shipped to the United States. They should be arriving just before Thanksgiving, and Angel will have two new friends.

Did I mention Judge Hopp has a pilot's license? He used to fly occasionally for business meetings, but he has not flown for several years now. I cannot help but think that may be changing when he assumes his Assistant Presiding Judge responsibilities, because I think things will really be hopping!

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



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Michelle T. Fernandez – Fiore Racobs & Powers, Riverside

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Trevor Ingold – Lewis Brisbois Bisgaard & Smith, Los Angeles

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