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MAGAZINE

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Table

Community Partners at Work

Opposing Counsel: Richard Irwin

Opposing Counsel: Eugene Kim

Going the Distance



The official publication of the Riverside County Bar Association

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MAGAZINE

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MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve 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

JULY

24 Blood Drive

Sponsored by the RCBA & Riverside Superior Court

9:00 a.m. – 2:00 p.m.

Riverside County Bar Association Building
John Gabbert Gallery on the 3rd Floor

Please contact Charlene Nelson at the RCBA for more information – (951) 682-1015

25 Civil Litigation Section

RCBA – John Gabbert Gallery – Noon

“Survival of Civil in these Difficult Times”

Speaker: Presiding Judge Sherrill Ellsworth

Riverside Superior Court
MCLE

27 Project Graduate Luncheon

RCBA – John Gabbert Gallery – Noon

For information contact Brian Unitt @ (951)682-7030

AUGUST

6 Federal Bar Association-IE Chapter

George E. Brown, Jr. Federal Courthouse
Noon – 1:15 p.m.

“The Affordable Care Act Decision”

Speaker: Dean Erwin Chemerinsky

Info: Richard Praseuth @ (951)328-2245
MCLE

22 CLE Brown Bag

RCBA John Gabbert Gallery - Noon

“Foreclosures: Profits & Pitfalls”

Speaker: Christian Spring, Esq.

MCLE

SEPTEMBER

3 Holiday – Labor Day

RCBA Offices Closed

5 Bar Publications Committee Meeting

RCBA Boardroom – Noon

27 RCBA Annual Installation of Officers Dinner

Mission Inn, Music Room – 5:30 p.m.





President's Message

by Robyn A. Lewis

I can't believe that this is my final message as President of the Riverside County Bar Association. What an amazing year it has been for me!

Let me start by expressing what a privilege it has been for me to serve as president of such an incredible organization. While it has certainly been a lot of work, I have enjoyed each and every minute of my term. In particular, I have loved meeting new people and getting the opportunity to work with leaders throughout the county and the state. It has been such an honor for me to serve as president of an organization that is so rich in history and tradition and to give back to the legal community that has done so much for me.

As many of you already know, my husband, Jonathan Lewis, and I have our own personal injury practice in downtown Riverside. In addition to being small business owners, we also have almost two-year-old triplet boys, Hayden, Henry and Noah. To say that balancing my responsibilities as President of the RCBA and my work and family duties has been challenging is an understatement. Thankfully, I have the most amazing partner in life and the law in my husband, who has been so supportive and so encouraging in everything that I have wanted to accomplish this year. So to him, I want to take this opportunity to publicly thank him and let the world know that I truly have the best husband ever!

I also must thank our family, most particularly my sister-in-law, Carolyn Huyck, and my brother-in-law, Geoffrey Huyck, for all their help in watching our kids so I could attend whatever meetings or functions I needed to as president this year. When people ask how I am able to do everything that I do, I point to my husband and our wonderful fam-

ily, who deserve much applause. They all have my deepest appreciation and love.

As a bar association, we have accomplished great things this year. We made strides in reunifying the legal community of Riverside County and reconnecting with the judiciary. We have become more involved in statewide discussions that impact the Inland Empire. The RCBA is working on strategies to fight for the causes of all our courts, both trial and appellate, which are severely underfunded and under-resourced. I am so proud of what we have accomplished and the goals that we have set for the RCBA in the future.

I have been blessed with a fantastic board of directors, to whom I must also offer a note of sincere appreciation. Chris Harmon, Jackie Carey-Wilson, Chad Firetag, Kira Klatchko, Richard Ackerman, Jack Clarke, Richard Roth, Jean-Simon Serrano, Harlan Kistler, and Scott Talkov were such a pleasure to work with, and I thank each of them for their hard work and dedication. I would also like to thank all of the section and committee chairs of the RCBA. They are truly the heart and soul of our organization.

I also have been fortunate enough to call on several senior members of our legal community from time to time for their advice. To Judge David Bristow, Harry Histen, Steve Harmon, Jeb Brown, Jim Heiting, Jeff Van Wagenen and Brian Percy, I thank you all for your words of wisdom and your counsel. I also want to thank Justice Manuel Ramirez, Sherri Carter, Judge Sherrill Ellsworth and Judge Mark Cope for their support and their continued commitment to the judiciary's involvement in the RCBA and the Riverside legal community.

I must take this opportunity to thank Charlene Nelson, Executive Director of the RCBA, from the bottom of my heart for all of her hard work and assistance to me this year. She has truly been my right hand, and she is such a joy to work with. There is no way that I could have made it through this year without her!

A special thank you as well to all of the RCBA staff, including Lisa Yang and Sue Burns. I also want to mention my sincerest thanks to Charlotte Butt and the late Louise Biddle, former Executive Directors of the RCBA. These two women were incredibly encouraging and were a large part of my becoming active in the RCBA during the early years of my career. And finally, I must thank the late Aurora Hughes, past president of the RCBA, for being a shining example of a leader serving the Riverside legal community.

As my term comes to an end, I cannot help but consider the challenges that our legal community will continue to face. The governor's



*The First Family
Jon & Robyn Lewis with triplets – (L to R)
Hayden, Henry & Noah*

budget was passed with devastating cuts to our trial courts, including a sweep of the reserve funds that our court has worked so hard to achieve over the last several years. Although the reserve sweep will take place over the next two years, instead of having an effective date of July 1, 2012, and the trial courts were able to retain 1% of their operating budgets as local reserves, the next fiscal year will certainly prove to be a challenge to our court. The good news is that the RCBA and other legal organizations in the Inland Empire have a distinct opportunity to get more involved in statewide discussions and try and make a change, not only in the way that court funding is considered by our legislature, but also in the way that judicial resources for all of our courts are allocated to Riverside County. This is a commitment that I made to our legal community when I assumed office, and I know that incoming President Chris Harmon is just as committed to this cause.

During the course of my term, I had the opportunity to meet with many new attorneys and was dismayed to learn that so many of them were coming out of law school with absolutely no prospect of finding a job. So many more new attorneys have no choice but to hang out their own shingle and find themselves thrown into the practice of law instead of having the mentorship and tutelage that I was so fortunate to have.

To all new attorneys, I have tried to convey the importance of getting involved in the RCBA and the benefits that it offers to assist new attorneys in making the transition from being a law student to a member of our legal community. But, while I have the floor during this last President's Message, I also want


to take this opportunity to remind young attorneys of what a privilege it is to be a member of the Riverside legal community and the RCBA. We are a community with over 100 years of history. We are a community that has included such superstars as Justice John Gabbert, Enos Reid, Judge Victor Miceli, Raymond and Eugene Best, Judge Leo A. Deegan, Justice Tom Hollenhorst, Terry Bridges, and Steve Harmon, to name just a few. Respect for the history and tradition of our legal community needs to be continued by our newest members, as it is the history and tradition of the Riverside legal community and the RCBA that make Riverside County such a special place to practice.

Albert Einstein once said, "Life is like riding a bicycle. To keep your balance you must keep moving." And so I look forward to moving on to serve as the immediate Past President of the RCBA. I look forward to the continued leadership of incoming President Chris Harmon, who I know will be an amazing president, and the incoming RCBA Board.

And I leave you all with a challenge – life can be busy, for sure, and there never seems to be enough time in the day for everything that we want to do. Believe me, I know! But I beg all of you to remember why it is that you practice in Riverside County. I am sure that if I were to ask you personally, many of you would say because of the small, tight-knit legal community that we enjoy. The only way for that tight-knit legal community to remain and the only way for us to ensure that the history and tradition of our legal community go on is for all of us to continue to be involved. That is the legacy that I hope to leave, as that is the legacy that was left for me.

Thank you again for allowing me the opportunity to serve as your president. I hope to see you all at the annual Installation Dinner in September!

Robyn Lewis, president of the Riverside County Bar Association is with the firm of J. Lewis and Associates.



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BARRISTERS PRESIDENT'S MESSAGE

by Scott H. Talkov



Barristers Elect New Board

The Barristers are proud to announce their new board, elected by the membership at the well-attended June social.

Leading the young attorneys division as President will be Amanda Schneider, a land use attorney at Gresham Savage Nolan & Tilden in their San Bernardino transactional office. Amanda was raised in Riverside, where she attended Notre Dame High School. She went on to graduate summa cum laude and Phi Beta Kappa from the University of San Diego and to attend law school at the

University of Notre Dame. A resident of the Mission Grove area of Riverside, Amanda enjoys country music, upscale dining and travel. In addition to serving as President, Amanda will serve on the RCBA Board of Directors by virtue of her leadership of Barristers.

The board also includes Vice President Luis Arellano, a labor and employment attorney at Gresham Savage in their Riverside litigation office. Arlene Marie Cordoba, a private practice family law attorney in Riverside, will continue as Treasurer. Joining the board will be Secretary Kelly Moran, a litigator at Thompson & Colegate, as well as Directors-at-Large Reina Canale, Director of the Inland Empire Latino Lawyers Association, and Sara Morgan, a personal injury and family law attorney at Heiting & Irwin. I will continue on as Past-President of Barristers with great pride in our democratically elected, majority-female board.

This past year marked the 50th Anniversary of the Riverside Barristers, the only young attorneys association to have withstood the test of time in inland Southern California. We marked this milestone by regaling some 80 attorneys, both young and young at heart, with stories of Barristers meetings from years gone by, as told by former Barristers, including Judge Virginia Phillips, District Attorney Paul Zellerbach, State Bar Past President Jim Heiting, Michael Kerbs, and Howard Golds. While many aspects of Barristers have stayed the same, the past few years have witnessed an upswing in attendance. Notably, during this time, the organization honored our new district attorney and our long-standing public defender and, in addition, hosted a panel featuring regional law firm leaders, a discussion of the legality of

zoning laws that prohibit medical marijuana clinics, a mock jury selection, an appellate law panel with Justices Codrington and Hollenhorst, and numerous socials, to name just a few of our events.

As this is my last column as Barristers President, I would like to thank our Barristers board members for their hard work and dedication this past year, including outgoing Vice-President Brian Pedigo and outgoing Director-at-Large Sophia Choi, as well as those who are continuing on the board. I am also thankful to every Barrister who has attended meetings this past year. I look forward to my continued participation in Barristers, the RCBA, and the broader community.

Scott Talkov is the 2011-12 President of the Barristers as well as an attorney with Reid and Hellyer, where he practices real estate and business litigation.



Barristers Board 2012-13 – Left to Right – Luis Arellano, Arlene Cordoba, Kelly Moran, Sara Morgan, Amanda Schneider, Scott Talkov, Reina Canale.

2012 RCBA SOFTBALL LEAGUE PREVIEW

by Bruce Todd

Defending two-time champion Varner & Brandt seeks a three-peat, as action heats up in this year's Riverside County Bar Association Softball League.

The Varner & Brandt squad dominated the league last season by finishing with a 10-1-1 record and besting Gresham Savage in the league championship game.

Mike Burns, the manager for the V&B team, said that most of the nucleus of the defending champions is returning this season.

"We have lost a couple of players and added a few, but, overall, we have the majority of the same team back," commented Burns.

For this current season, the number of participating teams is down from eight to five. Only Best Best & Krieger, District Attorneys, Gresham Savage, Thompson & Colegate and Varner & Brandt have committed to playing this year

The first round of games began on June 7, 2012. The league schedule will consist of 10

regular season games for each team, with the last game slated for August 2. The playoffs will begin on August 9, 2012.

For the past few seasons, the teams have played their games at Reid Park in Riverside. The games are moving this year to Hunter Hobby Park, located at 1400 Iowa Avenue in Riverside.

Gary Montgomery, the manager of the Thompson & Colegate squad, said "The fields at Hunter Park are in excellent shape and it should be a good place at which to play."

Burns remarked that he "did not notice any difference between the two parks – both seem fine."

The league started in 1993, with Best Best & Krieger winning the first championship. BB&K has won three other titles, which makes it the current leader in total league championships.

The league is administered by MLB Softball and, for those who are interested, current standings and statistics can be obtained at mlsoftball.com.

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



Joey Fitzgerald from T & C pitching



Managers Gary Montgomery (T & C) and Andrew Maiorano (B, B & K).

RCBA Softball League Hunter Hobby Park

TEAM

1. Best Best & Krieger
2. District Attorneys
3. Gresham Savage Nolan & Tilden
4. Thompson & Colegate
5. Varner & Brandt
6. Remaining Games

July 19

- HH#1 5:15 Best Best Krieger vs. Gresham Savage Nolan & Tilden
HH#1 6:25 District Attorney vs. Best Best & Krieger
HH#1 7:35 Thompson & Colegate vs. Varner & Brandt

July 26

- HH#1 5:15 Thompson & Colegate vs. District Attorneys
HH#1 6:25 Best Best & Krieger vs. Varner & Brandt
Gresham Savage Nolan & Tilden – BYE

Aug. 2

- HH#1 5:15 Thompson & Colegate vs. District Attorney
HH#1 6:25 Varner & Brandt vs. Gresham Savage Nolan & Tilden
Best Best & Krieger - BYE

Aug. 9

Makeup/Playoff Week #1 (If Necessary)

PRIMARY ASSUMPTION OF THE RISK IN “SPORTS” CASES

by Jean-Simon Serrano

Since the landmark case of *Knight v. Jewett* (1992) 3 Cal.4th 296, it has been held in California that the primary assumption of risk doctrine applies to those who participate in sports. The *Knight* case involved a group of friends playing touch football during half-time of the 1987 Super Bowl. While jumping up to intercept a pass, the defendant collided with the plaintiff, knocking her over and landing on her hand, injuring her finger. Applying the primary assumption of the risk doctrine, the Supreme Court held that a participant in a sporting activity cannot hold a co-participant liable for personal injuries. This is because the person engaging in a sporting activity “assumes” the risk of injury at the hands of co-participants.

The *Knight* court also held that, even when a co-participant violates a rule of the game and may be subject to internal sanctions prescribed by the sport itself, no legal liability will attach. The court reasoned that to impose legal liability would, in effect, discourage vigorous participation in such sporting events. The court tempered this ruling by stating that a co-participant *does* have a *limited duty* of care to refrain from intentionally injuring another participant or from engaging in conduct that is so reckless as to be totally outside the range of the ordinary activity involved in the sport.

While it appears clear that the intention of the *Knight* decision was to avoid the chilling effect that the imposition of legal liability would have on participation in sporting events, case law over the years has stretched the definition of what constitutes a “sport” for the purposes of the primary assumption of the risk.

While *Knight* involved participants in a touch football game, other cases that have applied the primary assumption of the risk doctrine have featured sports such as skiing, river rafting, competitive motorcycle riding, and sailing. In *Record v. Reason* (1999) 73 Cal.App.4th 472, the court, for the purpose of determining whether the doctrine of primary assumption of the risk applies, defined a “sport” as anything that “is done for enjoyment or thrill, requires physical exertion as well as elements of skill, and involves a challenge containing a potential risk of injury.” (*Id.* at p. 482.)

There have been some cases in which the parties have fought to keep their activities from being classified as a “sport” and thus to prevent the primary assumption of the risk doctrine from applying. Two notable cases are *Shannon v. Rhodes* (2001) 92 Cal.App.4th 792 and *Childs v. County of Santa Barbara* (2004) 115 Cal.App.4th 64.

The *Shannon* case was one of the first to fight back against the trend of having any activity remotely related to sports falling under the primary assumption of the risk doc-

trine. In that case, the plaintiff was a six-year-old boy who was a passenger in a boat on Lake Kaweah. Due to alleged operator error, he fell overboard and was severely injured when he was either struck by the propeller or otherwise run over by the boat. The owners of the boat prevailed on a motion for summary judgment, arguing that the six-year-old boy was engaged in the sport of recreational boating as a passenger on their boat. On appeal, the Court of Appeal for the Fifth District overturned the trial court’s ruling, holding that the primary assumption of the risk doctrine did not apply. The court held, “[R]egardless of the ‘risks’ that may be inherent in riding a boat, the existence of risk does not automatically call for the application of the doctrine . . .” (*Shannon v. Rhodes, supra*, 92 Cal.App.4th at p. 798.) The court further found that the plaintiff’s activities were too passive to invoke the doctrine and that, in the circumstances presented, the boat was simply a pleasurable means of transportation and not being used for “sport” as defined in the *Record* case. Last, the court stated that its conclusion was unlikely to have a chilling effect on recreational boating.

In *Childs*, the plaintiff, an 11-year-old, was injured after she rode her scooter over an uneven section of sidewalk. The defendant was granted summary judgment after asserting that riding a scooter constitutes a sport or recreational activity and that, under the primary assumption of the risk doctrine, it had no duty to protect the child against the inherent risks of that activity. On appeal, the Court of Appeal for the Second District reversed the ruling, holding that riding a scooter was covered by the primary assumption of the risk doctrine only when the activity involved an element of danger, required physical exertion and skill, and included a competitive challenge – none of these factors was presented to the trial court. The appellate court reasoned, “Based on the undisputed facts, applying the assumption of the risk doctrine to simply riding a scooter on a residential sidewalk would not further the purpose of the doctrine to protect sports and sports-related activities from the chilling effect of the liability caused by inherent risks in the activity.” The court added, “Application of the doctrine of assumption of risk is determined by the manner in which equipment is used, not the manner in which it can be used, and merely using recreational equipment for pleasure does not trigger the doctrine. [Citation.] To conclude otherwise would mean that because a car can be used in a race, riding in a car is participation in a sport. Similarly, it would mean that because a bicycle can be used in a race, riding a bicycle as a means of transportation is participation in a sport.” (*Childs v. County of Santa Barbara, supra*, 115 Cal.App.4th at pp.

71-72.) Last, the court stated, “Falling or a comparable mishap is possible in any physical activity but is not necessarily an *inherent danger* of the activity.” (Id. at p. 73.)

Unfortunately, since the *Record* ruling, despite the rulings in *Shannon* and *Childs*, courts have applied the primary assumption of the risk doctrine to many activities that many would not consider active engagement in a “sport.” Recently, in *Truong v. Nguyen* (2007) 156 Cal.App.4th 865, the Court of Appeal for the Sixth District held that the decedent, who was merely a passenger on the back of a Waverunner personal watercraft, was not operating the vehicle in any way, and was not involved in a competition was nevertheless engaged in a “sport.” The court reasoned that riding on the back of such a vehicle required one to hold on to either the operator of the vehicle or the grips located on the vehicle to avoid being thrown off. This was enough for the court to conclude that the defendant owed no duty to the plaintiffs’ daughter, whom the defendant killed when he caused a collision between his Polaris and the Waverunner on which the plaintiffs’ daughter was riding. With the *Truong* ruling, we seem to have come far afield from the original public policy reasoning for the ruling in *Knight* – the encouragement of vigorous participation in sports. With *Truong*, the Sixth District also appears to have distanced itself from the commonsense conclusions in *Shannon* and *Childs* about whether the plaintiffs were actually engaged in a “sport” at the time of their injuries.

This is an interesting area of law and one of which active persons should be aware. At present, there appears to be a split among jurisdictions as to the scope and application of the doctrine. There is no doubt that this doctrine will continue to evolve over time and may eventually be ruled upon by the Supreme Court of California.

Jean-Simon Serrano, a member of the Bar Publications Committee, is an associate attorney with Heiting and Irwin.



PERSONAL TRAINING IS NOT ALL ABOUT WORKING OUT, IT'S ABOUT LOOKING GOOD

by Diana Renteria

[Always consult your physician before beginning any exercise program. This general information is not intended to diagnose any medical condition or to replace your health care professional. Consult with your health care professional to design an appropriate exercise program. This article is based on personal opinion and as such is not intended to override the advice of a medical professional.]

Jarrold Weymar of Elite Fitness Training is a household name in my family. I first met Jarrod for personal training services in July 2010, a year prior to my sister-in-law's wedding. My goal: not to be ten pounds away from my highest pregnancy weight (my weight at that time). My midway goal for December 2010 was to fit in my favorite black and white formal dress for the Junior League Charity Ball.

Prior to meeting Jarrod, I went through a search for the perfect trainer. One trainer seemed, well, too high-strung. Another trainer could not meet me at a convenient time. Enough was enough, I asked for a reference from a friend, only to find out her fiancé (they are now married) was her personal trainer.

I was able to secure the optimal time for personal training, three days per week at 5:30 a.m., which was right before an hour-long boot camp class. Crazy, but I had to do something. Any exercise had to be early in the morning to make myself available for 8:30 a.m. court hearings. Hiring a trainer meant serious accountability, both financially and personally.

Over the first six months, I discovered, much to the pleasure of my husband, that Jarrod knows how to transform a woman's body from the thickest of tummy insulation to super lean, muscle for female novice figure competitions. That his female clientele ranges in age from 30 to well over 60 – and many proudly wear “mommy badges of honor” – does not matter. I have removed from my body forever 35 pounds. (Never say you have “lost it,” that implies you will “find it” again, and who wants that?)

Jarrold fell into this training niche by accident. He had been in the industry for 18 years and began training men for muscle competitions ten years ago. Using his training techniques and diet formula, his male clients would pack on the muscle, no problem. While at the gym, a wannabe female figure competitor saw Jarrod's results and asked if

he could assist her with her goal: gaining muscle and winning figure competitions. He studied figure training, diet, and posing techniques for women. The female physique requires more work to gain muscle development. With his help, she won first place in her category at her next competition. Word spread about his success. Over the years, he has learned that women are more likely to achieve success because they are goal-oriented and follow instructions regarding physical training and diet. He now trains women in their 30s, 40s, and 50s, with the goal of reversing the body's aging process. In my two years, he has trained the following ladies for their first competitions: Angie Medure (41, three boys under 9, won first in her category and second overall), Michelle Morgan (39, no kids, won first in her category and second in novice), Sarah Saucedo (43, three kids, won first in her category).

Shelia Telliard is one of his many successes. A 47-year-old mother of two, she won third in her division at the West Coast Classic in Rosemead on June 23, 2012 and is preparing for the largest competition this November in Las Vegas. To compete, she has to be lean and in top physical condition, wearing the smallest, sparkly bikini, and posing in crystal-clear six-inch regulation high heels. Why compete? To change her lifestyle. She was looking for the next thing to keep her fit, after being involved in Muay Thai over ten years. She wanted a way to keep herself looking good and needed a challenge. Figure competitions fit the bill. She has participated in approximately five figure competitions and consistently places in the top ten in her division.

Angela Tressler is brand-new to figure competitions and, at 27 years old, wanted to do something for herself before she had children. She is getting married in July and will be competing for the first time in October. She has always been athletic and wanted to do something to show her work and gain her recognition. This is totally out of her box, but she is committed to the process.

I am not the only attorney in town working to change her physical appearance. Amy Hoyt of Burke, Williams & Sorensen, LLP, practices environmental and municipal law. She has committed herself to her family by raising two kids on her own, to her career, and now, at 48 years old, to improving her physical appearance and lifestyle. She

realized six years ago she was carrying some dead weight, physically and otherwise, and decided to make changes. In the process, she removed 50 pounds. No magic pills. She did it by making sensible eating choices and exercising regularly. With Jarrod, she continues her quest for body perfection and has removed an additional 30 pounds. This October, she, too, will compete for the first time. She is pushing herself to see how far her body will respond to the training and is curious to see if she can achieve her desired results.

People believe that working out is the only way to get rid of excess weight, when in reality, diet is the key component along with exercise. Per Jarrod, "Everything you eat matters." "It's 80% diet and 20% exercise." "Carbs are evil." "You can't outrun or outrun a bad diet." In other words, you can spin your wheels running on a treadmill, but if all you eat is junk, it doesn't matter how far or how hard you run, the extra insulation around your tummy or back will not come off. The phrase you never want to hear from Jarrod is, "You're in trouble!" That means you have decided to go way off, really way off menu and have eaten too many calories or carbs. Over the last two years, these and other quotes on exercise, training and diet are now ingrained so that I think twice and make healthy choices.

"A skinny girl is a hungry girl." Don't misinterpret the phrase, it means not to overeat. When you overeat, you are not loving yourself. You make your body work extra hard on its digestion, which in turn slows you down. For me, any buffet is out of the question.

"That is the right weight." "Get some!" "The results are down there," are Jarrod's favorite responses when you complain like a toddler that you can't "push it" "pull it" "stretch it" or "do it" because the weights are too heavy or the exertion too tough. But isn't that the point? Looking good requires hard work. It requires making the daily commitment to yourself.

Elite Fitness Training was established in 1994 and is located at USKO, 6794 Brockton Avenue, Riverside, CA 92506. You can reach Jarrod Weymar at (951) 329-1624 or at jarrod@elitefitnesstraining.com, but not on Monday, Wednesday or Fridays at 5:30 a.m.

Diana Renteria is a family law attorney with her own practice in Riverside. She did reach her goal in December 2010; however, the dress needs to be taken in, again. She continues to train with Jarrod. She is "leaning out" her physique to compete in her first figure competition, joining Amy Hoyt, Sarah Saucedo and Angie Medure, in October 2012.



THE STUDENT ATHLETE BILL OF RIGHTS

by Stefanie G. Field

College athletics garner rousing support, generate rivalries between schools and, for a small percent of the participating students, can lead to lucrative careers as sports professionals. Participation in college athletics can also help students finance college through (much coveted) athletic scholarships. Recruiting high school athletes is a serious affair, with recruiters looking for the best talent and students looking for the placement that they feel will be the most advantageous in the future. In theory, when a student is successfully recruited, everyone is happy – the university gets a star athlete, and the student gets a scholarship. In the case of some of the most competitive universities, this can create the dynamics for a winning team, which generates substantial resources (even millions of dollars) and provides a platform for the student to showcase his or her abilities.

But what happens when this partnership fails? What if the student fails to perform to expectations? What if the student is injured and can no longer play? In the later situation, who will supply the resources to treat the injury? The answers to these questions will vary from institution to institution, but can come as an unpleasant surprise to the student athlete. Where an injury is concerned, the student may well be left to foot the bill for treatment. (The NCAA does have insurance for athletes who are catastrophically injured, but few injuries will rise to the level of severity for which coverage is afforded.)

Although the student must meet eligibility requirements, the NCAA does not consider athletic scholarships to be contracts. Instead, they are grants. Up until last year, those grants were renewable every year and did not have to be renewed. Therefore, if a student failed to live up to performance expectations or was injured and unable to play, the university could choose not to renew the grant, leaving the student in the position of having to pay tuition to continue his or her education.

Last year, the NCAA adopted a rule change permitting the award of multiyear scholarships. How many universities will take advantage of this rule change remains to be seen. It is to the university's advantage not to have multiyear scholarships, because the NCAA limits the number of scholarships that can be awarded; therefore, continuing the scholarship for a nonperforming or injured student athlete means that the university loses the ability to replace that student with someone else who the coach believes will be a better asset to the team. In theory, a multiyear scholarship could also result in the student losing incentive to perform at peak levels.

There is little a student can do to appeal the loss of a scholarship, and nothing that can be done to force the university to pay for medical treatment, as student athletes are not considered employees entitled to worker's compensation. Into this void stepped California State Senator Alex Padilla with the "Student-Athlete Bill of Rights" (S.B. 1525). This bill

has already passed the Senate and is in committee review in the Assembly.

The bill currently targets only universities that generate over \$10 million in media revenue, i.e., the Pac-12 Conference universities in California (USC, Stanford, UCLA, and UC Berkeley). The bill provides a host of requirements geared towards ensuring that injured players can obtain medical treatment at no cost to themselves or their families, implementing health-related guidelines, and extending scholarships to athletes, regardless of whether the scholarship continues to be denominated as "athletic." Thus, both injured and nonperforming athletes would be afforded academic scholarships if their athletic ones were not renewed. Athletes whose scholarships were terminated for cause would not be eligible for a continued scholarship, but they could seek reinstatement. The bill also requires the university to approve transfer requests without imposing restrictions or conditions.

Of course, whether this bill, in its present form, will become law is uncertain. The targeted universities are fighting the measure, arguing that it is too expensive, would put them at a competitive disadvantage, and may violate NCAA rules. For example, they argue that continued scholarships for noninjured, nonperforming athletes, even if labeled "academic," count against the scholarship limits, because the student is being awarded the scholarship due to athletics. Likewise, the universities argue that paying the insurance premiums for low-income students could violate the NCAA prohibitions against athletes receiving extra benefits. They also argue that the transfer provisions conflict with NCAA guidelines that allow a university to disapprove of a transfer and thereby prevent the transferring student from receiving an athletic scholarship or participating on a competing team for one year.

The interests of student athletes have become a topic of more discussion, particularly with the rise of social media and the ease of mass communication via the Internet. A Google search will reveal a plethora of articles and information about student athletes who lost their scholarships or lacked the resources to pay for their medical treatment. The bill is an effort to respond to some of those issues. However, it opens the door to litigation by students whose scholarships have been lost and litigation regarding NCAA rules. It also raises the specter that such rules could be extended to smaller universities. If this measure passes, you can be sure that many will be watching to see how it plays out and whether other states will follow suit.

Stefanie G. Field, a member of the Bar Publications Committee, is a Senior Counsel with the law firm of Gresham Savage Nolan & Tilden.



RIVERSIDE EQUESTRIAN CASE EXPLORES COACH AND TRAINER LIABILITY IN ALL SPORTS

by Peggy Hosking

A recent case in Riverside underscores the need for all coaches and trainers – whether equestrian or not – to have a well-written waiver and release of liability signed by the student or participant and, if the student or participant is a minor, *both* parents.

In November 2006, 17-year-old Mia Eriksson died as a result of injuries sustained when her horse hit a jump, flipped over and landed on her while she was competing in an International Eventing Competition at Galway Downs in Temecula. “Eventing” is an equestrian sport comprised of three phases of competition: dressage, stadium jumping and cross-country jumping. The sport requires a high degree of fitness of the horse; veterinarians participate in “jogs,” in which the horse must demonstrate its physical soundness prior to competition. Judges may disqualify horses at any stage of competition if the horse appears to be unsound or unfit. Typically, riders work with coaches and trainers both to improve their own skills and to develop the skills of their horse.

Ms. Eriksson, through her parents, engaged Kristi Nunnink as her trainer. In May 2006, Ms. Eriksson and her mother, Karan Eriksson, signed a release that released the trainer from any liability “on account of or in connection with any claims, causes of action, injuries, damages, costs or expenses arising out of the Rider’s use of Trainer’s services . . . , including without limitation, those based on death, bodily injury, or property damage, . . . except if the damages are caused by the direct, willful and wanton negligence of the Trainer.”

Equestrian sports can be quite dangerous. Even at the top levels of the sport, it is not uncommon for a horse or rider to fall, leading to injury and even death. In 2008, Olympic contender and successful show jumper Margie Goldstein-Engle’s leg was crushed when her horse tripped while walking after a competition and she was pinned underneath him. Olympic dressage rider Courtney King-Dye was paralyzed following a fall with a young horse during a routine schooling session.

Sadly, the Eriksson family was well aware of the risks of the sport. In 2003, Mia’s older sister, Shana, was killed in a riding accident. And less than a month before the Galway Downs event, Ms. Eriksson and her horse, Koryography, competed at another event referred to as “Ram Tap,” during which the pair had fallen; the horse’s face and head hit the ground, resulting in a concussion and prompting the attending veterinarian to instruct the Erikssons to monitor the horse for signs of head trauma and follow up with their regular veterinarian.

In 2008, Mr. and Mrs. Eriksson filed suit against Ms. Nunnink and others, alleging wrongful death and negligent infliction of emotional distress. The trial court granted Ms. Nunnink’s motion for



Margaret “Peggy” A. Hosking riding “Amara” at a show in Del Mar, California.

summary judgment. The Erikssons appealed, and the appellate court found that there were triable issues as to whether Ms. Nunnink’s conduct was grossly negligent and therefore outside the scope of the release. On remand, at the conclusion of a bench trial, on January 30, 2012, the court granted Ms. Nunnink’s motion for judgment.

The doctrine of “assumption of the risk” is often used as a defense against claims of injuries suffered while learning or participating in sporting activities. (See *Knight v. Jewett* (1992) 3 Cal.4th 296.) According to this doctrine, the participant knows of the risks inherent to the sport and chooses to participate willingly, even after consideration of the risks, and therefore should not have the ability to recover damages in the event of injury. Defendants generally have no duty to eliminate or otherwise protect plaintiffs against risks inherent in the sport itself, but they generally do have a duty to use due care not to increase the risk to plaintiffs over and above those inherent in the sport. (*Id.* at pp. 315-316.)

An instructor may be found to have breached a duty of care to a student *only if* the instructor intentionally injures the student or engages in conduct that is reckless, in the sense that it is totally outside the range of ordinary activity involved in teaching or coaching that sport. (*Kahn v. East Side Union High School Dist.* (2003) 31 Cal.4th 990, 996.) In the *Eriksson*

case, the appellate court stated that the trainer “has a duty of ordinary care not to increase the risk of injury to a student by encouraging or allowing the student to participate in the sport when he or she is physically unfit to participate or by allowing the student to use unsafe equipment or instruments.” (*Eriksson v. Nunnink* (2011) 191 Cal.App.4th 826, 845.)

On remand, the trial court ruled that the release signed by Mia and Karan Eriksson released all claims by them against Ms. Nunnink except to the extent that Ms. Nunnink was reckless. The court also stated that “Ms. Nunnink’s negligence, if any, did not rise to the level of recklessness and therefore the release is binding upon and enforceable against the plaintiffs.” On the other hand, Mr. Eriksson had not signed a release; therefore the release did not foreclose his claim for negligent infliction of emotional distress. However, the court found that “there is nothing Ms. Nunnink did or omitted to do that materially increased the risk of harm to Mia Eriksson . . . Ms. Nunnink neither knew, nor in the exercise of reasonable care, should have known, that Kory’s persistent injuries, if any, were too severe to allow the horse to safely compete without increasing the risk of harm to Mia.”

While this case may relate to releases signed in the context of equestrian activities, it is equally applicable to all sports. Injuries can happen in any sport, and devastated athletes and parents will often look for someone to blame – many times the coach. A well-written release will protect the coach as well as the organizer and the governing organizations.

Peggy Hosking is an avid equestrian and business attorney at Best Best & Krieger LLP in Riverside. She competes in the sports of dressage and jumping.



ZOOM ZOOM WITH ZUMBA!

by *Connie Younger*

I’d been hearing a lot of buzz about Zumba from my nonattorney friends for awhile now, and I’d watched those commercials on TV in the wee hours of the morning, but I’d always thought it just wasn’t for me. After all, I hadn’t exercised seriously since post-baby time, with then-trendy step aerobics. Years before that, it was the Jane Fonda video and headbands and leg warmers. But my “baby” just graduated from high school and turned 18 yesterday, so suffice it to say it’s been years since I’ve felt the burn. My exercise routine the last few years has consisted solely of repeatedly standing and sitting at my computer and moving my head up and down and side to side as I read and write briefs. I don’t even walk to court, if I can avoid it, especially in heels.

But my life has changed as I write this now, on an endorphin high, having just returned from my first hip-hop Zumba class. Oh, how I love this feeling! Gone for the moment, at least, are all my anxieties about ex partes, oppositions to demurrers, trial preparation, all due yesterday, and oh, no, my billable hours! I am finally relaxed and not thinking about deadlines or the clock ticking away. Thank goodness for my writing assignment from the Riverside Lawyer (postponed until the very last minute), or I never would have rolled out of bed early on a Saturday morning to go to a class. Yes, the typical procrastinating-until-the-last-drop-dead-moment attorney. Zumba classes do not discriminate.

So what is Zumba? As advertised, it’s a fast-paced, feel-good, dancing-with-the-music kinda thing. You sweat – a lot – but from physical exertion and not from being in front of a judge or jury. It’s a good thing. Zumba is Latin-inspired; the name comes from a Colombian word that means to move fast and have fun, and it’s no misnomer. It’s a total-workout fitness program that combines music and styles of dance from all over the world with fitness principles and exercise science to sculpt your body. Since its inception in 2001, Zumba has grown to become a worldwide phenomenon, with people of all shapes, sizes and ages taking classes in more than 110 countries. The one-

hour routine incorporates a wide variety of dance moves, from salsa, merengue, cha-cha, samba, hip-hop, African beats, belly-dancing, quebradita, Bollywood, cumbia, and reggaeton, just to name a few. It’s based on the principle of interval training – alternating high-intensity and low-intensity exercise – which works for beginners as well as advanced practitioners. There is conditioning of all major and minor muscle groups, too. But not to worry. You won’t even know you’re doing something good for your body, because you’ll be having so much fun. And you don’t have to have any dance training or even rhythm or coordination to do it. All you have to do is just keep on movin’ at your own pace, and you’ll reap major benefits. It’s exercise in disguise.

Where can you find a class? You can find a morning or evening class to fit your busy schedule every day of the week, at Orange Terrace Community Center at Orange Terrace Park, RhythmAddict Studio in Rancho Cucamonga, Renck Community Center at Hunt Park, T3 Fitness Energy at the Riverside Tennis Club on Glenhaven, and L.A. Fitness, just to name a few locations. Check it out on the Internet. Your first class is usually free, and the average monthly fee for unlimited classes is \$30 – less than you pay monthly for your regular caffeinated Starbucks drink that you buy to rev up your sluggish work engine, but the effects are better for you and more long-lasting.

You might think my enthusiasm in recommending Zumba is based on a vested financial interest. That’s not it. I do have a vested interest, however, in my fellow legal community members being happier and less stressed. So the next time you think you need more caffeine, or chocolate, or something worse to get that extra lift and surge of adrenalin to keep on keepin’ on, look up the next scheduled Zumba class near your office instead – and go!

Connie Younger, a member of the Bar Publications Committee, is a sole practitioner in Riverside.



JUDGE CHARLES D. FIELD HONORED FOR SIX DECADES OF SERVICE

by Vicki Broach

On May 10, 2012, Judge Charles D. Field was honored by the Mission Inn Foundation with the Frank Miller Civic Achievement Award. A sell-out crowd raised a record-breaking \$75,000 for the Foundation. During nearly 60 years as a resident and citizen of the city of Riverside, Judge Field has contributed to public life with passion and verve that match the legacy of Frank Miller, the legendary creator of the Mission Inn, who contributed so much to historic Riverside.

In 1954, when Charlie was 18 years old, he left Los Angeles, where his father was a UCLA professor, and, instead of attending Pomona College, he traveled east to become a member of the first four-year class at the University of California at Riverside. Charlie was an enthusiastic college student and collected many lifelong friends. One of them, Dr. Edward Cowan, spoke at the Foundation event.

The event was hosted by Jack B. Clarke, Jr., Judge Field's former partner at Best Best & Krieger, where Judge Field was a managing partner and the senior partner in labor law. Jack amused the audience with mock readings from his family. Jack's wife, Sheila, complained about why Charlie had done her the disservice of performing her marriage to Jack, while Jack's two children expressed their gratitude that Charlie had done so.

Dr. Cowan recounted stories of Charlie in college. Judge Gloria Trask chimed in with comic tales from the bench. The tributes ended with an affecting confession from John Field, Charlie's younger son, that when they were in Indian Guides, Charlie dubbed himself "Big Green Tree" and his son, Rob, "Little Green Tree," while John was given the moniker, "Little Green Bush."

Judge Field was appointed to the bench in 1990, where he presided over juvenile and civil cases and mediated complex civil cases. He helped to develop and implement the Trial Court Funding Act. He was the supervising judge for two years and retired in August 2004. In retirement, he continues to act as a private mediator. He is serving his second term as an elected Director of the Western Municipal Water District.

The program for the evening reflected the many and varied achievements of Judge Field. These include his service on the Board of Directors of the UCR Alumni Association, the Board of Regents of the University of California, the Citizens University Committee, the State Bar, the Riverside County Bar Association, the California Council of School Attorneys, the Public Service Law Corporation, and the Riverside County Law Library. In the arts, he has served on the boards of the Riverside Arts Foundation and the Riverside Philharmonic. He was also on the boards of the Press-Enterprise Co. and the Mission Inn Foundation.

Judge Field's wife of 27 years, Virginia Field, and their five children, with spouses, plus eight grandchildren, all attended the awards ceremony. As the eldest of this blended family, I reflect on how lucky we have all been that, many years ago, my Boalt classmate, Ginny Ettinger, now Judge Virginia Phillips, had the brilliant notion of introducing Charlie and my mother. Once they discovered their mutual love and knowledge of Hollywood musicals, their future – and ours – became permanently and happily entwined.

Vicki Broach, Judge Field's stepdaughter, is a senior research attorney at the Court of Appeal.



Sue Johnson and Jack Clarke presenting the 2012 Frank Miller Civic Achievement Award to Judge Charles Field (Ret.)



Judge Charles and Virginia Field and Family

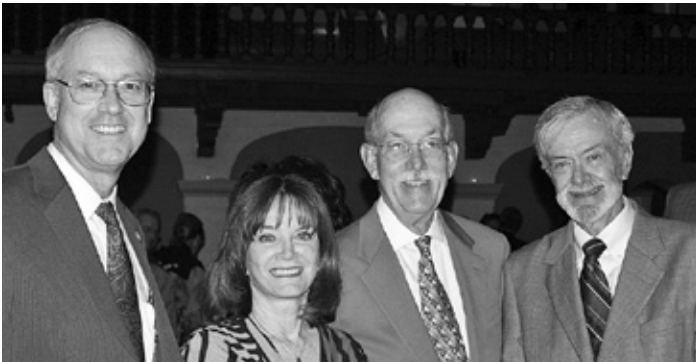
photos courtesy of Michael J. Elderman



*L-R: Judge Elwood (Woody) Rich (Ret.)
and Judge Gary Tranbarger*



*L-R: Judge Charles Field (Ret.)
and Judge Stephen Cunnison (Ret.)*



*L-R: Judge Craig Riemer, Judge Victoria Cameron, Judge
Stephen Cunnison (Ret.), and Judge E. Michael Kaiser (Ret.)*



L-R: Virginia Field and Vicki Broach

photos courtesy of Jacqueline Carey-Wilson

IN MEMORIAM: JOHN CHARLES RAYBURN, JR.

by Magistrate Judge Sheri Pym and Antoine "Tony" Raphael

A Life of Service to Country and Community

(May 4, 1960 - May 14, 2012)

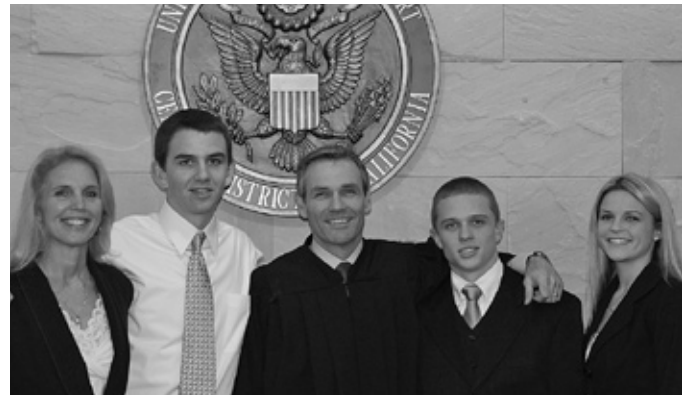
When John Charles Rayburn, Jr. left his position as Chief of the Riverside United States Attorney's Office to serve as a United States Magistrate Judge on October 6, 2006, he told his colleagues this: "It has been my honor and privilege the last 15 years to be part of this wonderful team, working with such outstanding people, all looking to do the right thing." And let us assure you of one incontrovertible fact: doing the right thing is what John Rayburn did his entire life, and he inspired others to do it, as well. He was, simply put, a remarkable man.

On May 14, 2012, John Rayburn passed away. He was only 52 years old. John is survived by his wife, Linda; daughter, Jennifer Phillips; sons, John and Joseph; a large extended family; and too many friends to name. John leaves behind a legacy of exemplary service to his church, his community, and to the United States of America.

We both had the privilege of working as Assistant United States Attorneys (AUSAs) with John Rayburn as our Chief. And now both of us have had the honor of sitting in the same chair that John sat in and serving as Chief of the Riverside U.S. Attorney's Office. While the position of Chief has many daunting challenges and responsibilities, the benchmark John Rayburn established serves as a constant guiding light to the correct and just decisions one must make in what are often life-altering circumstances.

John taught us that doing the right thing is not some abstract notion. When one is deciding whether to proceed with the prosecution of a case or recommending a sentence to the court, the passionate pursuit of justice does not often present simple answers, nor are the choices black and white. John taught us that doing the right thing involves getting in the trenches and fighting for what you believe in your heart and soul to be right. As line AUSAs, we would often go into John's office to discuss an ongoing investigation. Other times, we may have made a mistake and needed his advice. And while, as attorneys, we are obligated under the code of ethics to zealously advocate for our client, John's frequent counsel to us was this: zealous advocacy on behalf of the United States of America means seeking the truth and protecting the rights of all, meaning both victims and defendants.

For us, John Rayburn represented everything we loved about working at the United States Attorney's Office. He stood for character and integrity, but also fun. He was a role model and mentor for the group of inexperienced AUSAs he was assigned to supervise. Most of us were pretty clueless when



John Rayburn, his wife, Linda Rayburn and children Joe, John and Jennifer. The photo was taken following John's induction as United States Magistrate Judge on December 1, 2006.

photo courtesy of Jacqueline Carey-Wilson

we arrived in the office, and he helped us every step of the way. His favorite topic was trial strategy. Some of our fondest memories of John come from hashing out with him how to present or deal with a tricky issue at trial. But most of all, he emphasized that our job was simply to do the right thing, and in doing that, justice would be served. John would always say that being an AUSA was the greatest job in the world because our job was to serve justice, and he was right. He made the Riverside Office what it is today.

John Rayburn was a great prosecutor, but he was an even better person. He was supremely generous in every sense. He used to joke about how cheap he was, yet he was the first one to pull out his wallet to help someone in need. Although a prosecutor, he devoted countless hours to helping prison inmates and parolees through his volunteer work with prison ministries and Volunteers in Parole. He invariably focused on what is really most important in life, notably family. We miss chatting with him about our kids, and football, and beer. We miss nearly everything about working with him (apart from his horrible oatmeal lunches). We just miss him.

John was a leader in the truest sense of the word. He was a warrior for our justice system, for the rule of law, and for human decency. It has been our absolute honor and privilege to call him our Chief, "Your Honor," and most important of all . . . "friend."

Sheri Pym is a United States Magistrate Judge in Riverside and Antoine "Tony" Raphael is the Assistant U.S. Attorney, Chief, Riverside Office.



FLEX YOUR MENTAL AGILITY AT THE BRIDGE TABLE

by Christopher J. Buechler

Every lawyer needs a hobby. Some take up golf, or running, or softball, or coach youth in some sport that they enjoyed as a child (and some probably still play in that sport in an adult league). And while regular physical activity is important to being a well-rounded attorney, it is also important to engage in mental activities to stimulate the brain in ways different from reading law books. Bridge – that card game that your parents or grandparents played – is one such form of mental stimulation that has many benefits for the practicing attorney. But before we get into that, let's review the basics.

Bridge 101

Bridge (or contract bridge) is a card game for four players. The players are partnered in pairs who sit opposite each other at a table lined up with the four cardinal directions (i.e., there is a north-south pair and an east-west pair). A full standard deck of 52 playing cards is dealt, with each player receiving 13 cards. Then play commences in two phases. In the first phase, the players bid in turn to see who can make the best “contract” by winning a set amount of tricks if a certain suit is set as “trump.” A trump card beats any other card played except a higher ranking trump, ranked 2 through ace. After the contract is set, then the second phase begins, where the players play their cards against the other pair to make or defeat the contract. The person playing for the contract is called the “declarer” and the declarer's partner is called the “dummy” because the dummy exposes his or her hand and gives control of the play of the hand to the declarer. The opposing partners are then called the “defenders,” and they have the advantage of making the opening lead. A “trick” is when each player plays a card in the designated order and the highest ranking card of the suit of the card led, or the highest ranking trump-suit card, takes the trick. Out of the 13 tricks available, the declarer has to win six, or “book,” plus however many are indicated in the contract (so a 3 hearts contract would require winning 9 tricks total). Scores are based on whether the contract is made or set (not breached) and by how many tricks. Keep in mind this is a rough description of the game for illustrative purposes only. If you are interested in learning more about how to play bridge, how to play bridge well, or where to find someone to teach you to play bridge well, then you will find a wealth of resources on the website for the American Contract Bridge League (ACBL) at acbl.org.

There you can also find a bridge club near you, because if you're like me, you have a hard enough time making three friends, let alone three friends who know how to play bridge.

Playing bridge at a club is a special challenge compared to playing bridge in a social setting because the hands you play are passed around, or “duplicated,” and you are scored based on how well you played or defended a hand compared to other partnerships that played the exact same hand, rather than how lucky you were in getting good cards dealt to you. In this sense, playing bridge at the club is like taking the bar exam, because everyone is dealing with the exact same set of facts and should arrive at similar outcomes, especially if they are at least competent. Also, depending on the temperament of your partner, the pressure can be just as high, if not higher.

A Great Mental Exercise

Now that we understand the mechanics of bridge, let's explore the mental benefits associated with playing duplicate bridge at a club. As you can tell from the game description above, there are many cognitive skills at play in a duplicate bridge game when you remove the luck element. There's communication with a partner, learning the coded language of bidding, appraising a hand for strength, planning the play of a hand, determining where key cards lie based on probability, and memorization, to know which key cards have been played and which are still unplayed and in which hand they probably sit. And since so many lawyers are math-averse, bridge is great because the highest number you need to count to is 13 (or 40 if you use a point-count system to appraise your hand).

A Great Networking Opportunity

Because of the mental sophistication required to play bridge, it tends to attract a lot of professional people who enjoy it as a challenging and rewarding hobby (the reward being Masterpoints, which accumulate toward Life Master status with the ACBL). In the legal profession, the ACBL lists U.S. District Court Judge Amalya Kearse and retired Supreme Court Justice John Paul Stevens as players.¹ And if you play bridge in the Inland Empire, you may encounter yours truly, or Phil Savage, III, a name partner (now retired) at Gresham Savage, or Lee Madinger, a civil litigation associate at Fullerton Lemann Schaefer & Dominick, LLP, or Marshall Miles, a retired civil attorney from San

¹ www.acbl.org/about/Who-Plays-Bridge.html.

Bernardino who is also a world-class bridge player and prolific bridge author. Bridge clubs can also be a good place to cultivate client contacts, especially for estate planning attorneys, because the average age of the ACBL membership is 60. But ACBL bridge clubs are open to all with a desire to play, and these players may have a variety of unmet legal needs.

So if you're an attorney who is looking for a hobby that is financially, socially and mentally stimulating, I highly recommend you check out your local bridge club. To find a club or bridge teacher near you, visit the ACBL website at acbl.org.

Christopher J. Buechler, a member of the RCBA Publications Committee, is a family law practitioner in Riverside and an ACBL-certified club director. He can be reached at christopherjbuechler@gmail.com.



DALE GALIPO: RECIPIENT OF THE 2012 ERWIN CHEMERINSKY DEFENDER OF THE CONSTITUTION AWARD

by Dennis Wagner

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

On May 15, 2012, at the Hilton Hotel in San Bernardino, the Inland Empire Chapter of the Federal Bar Association held its annual Erwin Chemerinsky Constitutional Law Update. In conjunction with the Constitutional Law Update, there was also the presentation of the Erwin Chemerinsky Defender of the Constitution Award for 2012, which was presented to Dale Galipo.

This event is very special for the Inland Empire Chapter of the Federal Bar Association and our local bar associations. Dean Chemerinsky has visited us on an annual basis for the last 12 years, and even came to visit after he left California to take a teaching position at Duke University in North Carolina. Dean Chemerinsky’s presentation of the constitutional material is always humorous and insightful and a welcome update for practitioners regarding the issues before the United States Supreme Court.

The Inland Empire Chapter of the Federal Bar Association decided years ago to honor an attorney or jurist who puts him or herself on the line in defending the Constitution. The past recipients of the Erwin Chemerinsky Defender of the Constitution Award include: Judge Robert Timlin, Magistrate Judge Oswald Parada, Andrew Roth, Diane Roth, Art Littleworth, James Parkinson, Robert O’Brien, Judge Stephen Larson, John Porter, and Professor Charles Doskow.

The award was named after Dean Chemerinsky not as a reflection upon any of his beliefs, but to recognize his dedication and commitment to the Constitution during his legal career, both in teaching law students and in his law practice, including his numerous appearances before the appellate courts and U.S. Supreme Court.

Attorney Dale Galipo, our 2012 recipient, practices all over Southern California and has tried cases all over the state. He is a graduate of the University of Michigan in Ann Arbor, with a Bachelor’s Degree in Business Administration. He attended UCLA Law School from 1981 to 1984 and has managed his own law firm since becoming a lawyer. His expertise is primarily in the civil rights area, but he has handled significant personal injury and criminal defense trials. He has tried approximately 150 civil jury cases to verdict and has a number of successful verdicts as a result of his trial efforts.

Dale specializes in police misconduct civil rights litigation and takes on very difficult liability cases that require expertise in this area of law. He has been asked to speak at seminars on various topics of civil rights litigation for our own chapter of the Federal Bar Association. In January 2012, Dale was one of the speakers at the



Phil Hawkey, Dean of La Verne, Dean Erwin Chemerinsky, and Jeb Brown



Dennis Wagner presenting the 2012 Erwin Chemerinsky Defender of the Constitution Award to Dale Galipo



Dennis Wagner, Magistrate Judge Sheri Pym, Dean Erwin Chemerinsky, Dale Galipo

photos courtesy of Jacqueline Carey-Wilson

COMMUNITY PARTNERS AT WORK

by *Tori Firetag and Mandy Hyde*



Dennis Wagner and Dale Galipo

University of La Verne College of Law Civil Rights Symposium. Other civil rights attorneys throughout the state routinely call on Dale for consultations.

The presentation of the Defender of the Constitution Award to Dale Galipo was an honor, as we have a number of distinguished past recipients. I have known Dale Galipo for at least nine years, when it seems that he first came onto the plaintiff's civil rights scene. Mr. Galipo is an ethical practitioner of the law, and if he tells you something, then his word is gold. In the days of writing letters to confirm understandings and events with other attorneys, it is nice to deal with a lawyer who means what he says. Mr. Galipo is polite and civil, which are characteristics that sometimes seem to fall by the wayside for some litigators. It is interesting to note that Dale's success in litigation has come without adopting an antagonistic, hostile, or aggressive demeanor to accompany it. We congratulate Dale Galipo on receiving the Erwin Chemerinsky Defender of the Constitution Award for 2012.

Dennis Wagner is a partner with Wagner and Pelayes, LLP, and is the immediate past president of the Inland Empire Chapter of the Federal Bar Association.



Junior League Fights Obesity with Free Community Fitness and Nutrition Activities

The Junior League of Riverside, Inc. is devoted to helping women become catalysts for community change. A number of community organizations started as Junior League projects and were spun off into their own nonprofits as they grew and were able to become self-sufficient. Junior League is keeping up the trend with a focus on fitness and fighting childhood obesity.

From 2005 to 2010, the Junior League addressed children's health through Kids in the Kitchen, an initiative created by the Association of Junior Leagues International. The Kids in the Kitchen event was open to the public and eventually became a three-part, two-day health event that included a Half-Mile Fun Run, a Children's Health Fair, and a Parent Health Education Forum. At its peak, the event drew over 2,000 people.

The ongoing success of the event and Riverside's increasing struggle with obesity prompted the Junior League to expand the program further. In the fall of 2010, the Junior League launched fitRiverside, which provides one-day nutrition events and ongoing free fitness instruction at a local community center. The focus of fitRiverside is on reaching underserved populations with free exercise classes and nutrition information.

The centerpiece of the fitRiverside program is the fitDays weekend exercise program. These free classes are designed to meet a range of ages and fitness levels, and families are encouraged to exercise together. Classes in 2011-2012 focused on ZumbAtomic, a Latin-based dance aerobics class that is popular nationwide and is specifically designed for youth. It incorporates traditional Zumba dance aerobics with games. Each 90-minute session begins with a brief talk by a local health professional, which is followed by a class led by a fitness trainer.

The popularity of the program has resulted in changing the format from

a once-monthly event to a six-weekend "camp." Participants now pledge to participate every Saturday morning for six weekends in a row. All attendees receive weekly prizes and healthy snacks, and one lucky winner receives a grand prize at the end of the camp. The camps ran in October-November, January-February, and April-May. This allowed participants consistency in their exercise regimen and helped with marketing the project. Participation has been averaging 70 attendees each Saturday, with approximately half of the group under 13 years of age!

This project is continuing in 2012-2013. The first session will run from October 12 to November 17, 2012 at Bobby Bonds Sports Park.

In addition to the fitness component of fitRiverside, the Junior League continues to run a one-day health and nutrition event each spring. At the request of the Riverside Community Health Foundation, the Junior League sponsors, organizes, and staffs the fit-Fare Nutrition Center at the Eastside Community Fair and Easter Egg Hunt.

The fitRiverside program has the ongoing support of the City of Riverside, Councilman Andy Melendrez, Riverside Community Hospital, and Mayor Ron Loveridge, who commented that, "The City [of Riverside] should support, actively and imaginatively . . . , fitness events such as the Junior League's fitRiverside program."

If you would like more information about fitRiverside, you can visit its Facebook page. If you would like more information about the Junior League or how to become a member, you can visit its website (juniorleaguerriverside.org) or speak with President Yoginee Braslaw, Finance Director Stefanie Field, or Fundraising Director Diana Renteria, who are all members of the RCBA.

Mandy Hyde is the current Community Director for the Junior League Riverside. Tori Firetag is the former Community Director.



OPPOSING COUNSEL: RICHARD IRWIN

by Robert Mittan

A Special Kind of Lawyer and Human Being.

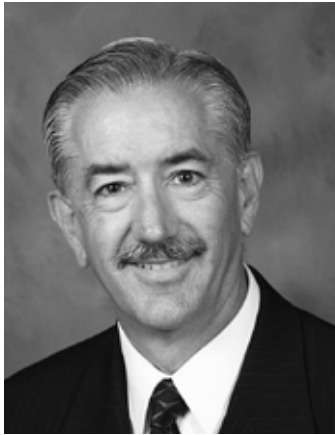
Throughout many years, Richard Irwin has been a member of the Inland Empire community, and he has made a name for himself as a renowned worker's compensation attorney. He has been a certified specialist in worker's compensation for over 17 years.

In addition to being a great attorney, he is an innovative leader, coach and very active member of the Grand Terrace soccer community. He has created a wonderful program for those with special needs to share the excitement and good sportsmanship of soccer. It has taken off like a rocket, the children and their parents hungry to participate and to feel the joy of teamwork and competition.

While in school, Mr. Irwin had two career interests: business administration and law. Luckily for his clients, he was influenced by a friend's uncle, a judge, who "glorified the attorney lifestyle." Known as "Rip," he, along with his friend, set their sights on law school. As an undergrad, he was consistently on the dean's list and a member of the economics honor society, even though he was working full-time at Stater Brothers while his wife worked at Mervyn's. After working his way through law school, he became an attorney in June of 1980.

During his last year of law school, Mr. Irwin approached James Heiting, a practicing attorney who later went on to be Riverside County Bar President and President of the State Bar of California. He made an offer to work as a paralegal "for free" through an extern program. Mr. Heiting says he found that very appealing (he was a solo practitioner, working out of a 12 x 12 office with his wife as his secretary), so he put Mr. Irwin to work and later hired him as an attorney. Their great working relationship has continued for well over 30 years and kept both working well together in the successful partnership that is known as Heiting & Irwin.

Although now a well-known and well-respected worker's compensation specialist, Mr. Irwin was originally a "jack of all trades" attorney; he handled all types of cases. But when an attorney with the Heiting firm left, leaving behind a large number of worker's compensation cases, Mr. Irwin stepped in and found his present interest and special-



Richard Irwin

ty. While dealing with these cases, Mr. Irwin found enjoyment in helping the injured worker and those in need. The relatively short worker's compensation trials and the demeanor of the judges and opposing counsel, compared to other areas of law in which he had practiced, also helped develop his passion for worker's compensation work.

His passion and his dedication of all of his professional time to worker's compensation matters led him to become a worker's compensation specialist in 1995, a title held by a small percentage of attorneys in the state of California. Judges, fellow attorneys,

and past clients highly recommend Mr. Irwin to those who are in need of representation.

As busy as Mr. Irwin may be, he has always made time for his family. He has what he describes as an adoring wife of 33 years and two great children (a 25-year-old son and a 23-year-old daughter). In pursuit of higher education, his son attended law school for a while, but at the time, he found this field held little appeal for him. He is now working at Stater Brothers, and he plans on attending school again soon to continue his legal education or pursue a different interest. Mr. Irwin's daughter currently attends Loma Linda University as a second-year nursing student.

Mr. Irwin's dedication to his family led to his involvement in soccer. When his son joined a soccer team at the age of five, Mr. Irwin became the assistant coach. As his children grew and he became more knowledgeable, he advanced to head coach. Now that his children have grown, Mr. Irwin is still involved in children's soccer and is a member of two adult soccer leagues! He is also the current director of soccer coaches for Grand Terrace. His son and daughter continue to share their father's love of soccer and assist him in coaching the under-age-14 and under-age-19 girls' soccer teams.

Although it is only recently that Mr. Irwin became closely involved with special needs children, he has always had a flame burning, and he shared two instances of how his interest began. When he worked at Stater Brothers, a mother and her deaf daughter would constantly choose his checkout lane. In order to communicate with the young girl, Mr. Irwin bought a book on basic American Sign Language. He also met and interacted with a friend's daughter with a rare spinal and muscular disorder whom he described as having "a heart of gold."

These events and people left life-long impressions on him and, he says, definitely changed his life for the better. He describes both experiences as “infinitely rewarding.”

Inspired by another soccer program, Mr. Irwin spearheaded a program of soccer for those with special needs, ages four years and up, in Grand Terrace. Two years in the making, Grand Terrace’s TOPSoccer team¹ took off with a 10-player team. Due to the support of the parents and volunteers, this program has been a raging success; all of his players are returning, and there are more signed up to join next season. Mr. Irwin relates that this program “is by far the most meaningful thing I have ever done.”

Even though Richard Irwin is doing so much for so many, because of how much satisfaction he and the families involved experience, he still says he wishes he got involved with those with special needs sooner.

Richard Irwin has no plan to end any of his many passions anytime soon. He looks forward to many years of helping those in need, whether on the soccer field or in the courtroom. He is truly a remarkable lawyer and a remarkable human being.

Robert Mittan is a paralegal at Heiting & Irwin.



¹ You can read more about the TOPSoccer team, for a limited time, on the Grand Terrace Community Soccer Club home page, gtsoccer.org.

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OPPOSING COUNSEL: EUGENE KIM

by Sophia Choi

Man of Iron

Eugene Kim is a well-respected business litigation attorney at the law firm of Gresham Savage Nolan & Tilden. He joined the firm in 2004 and was elected as a shareholder in 2011, which was attributable to his litigation success and his notable reputation within the legal community. He received his B.S. degree from the University of Southern California in 1999 and his Juris Doctorate degree from Southwestern University School of Law in 2002. In law school, he was active in both Law Review and Moot Court.

Eugene is also known within the legal and other professional communities for his active involvement in several organizations. He is the President of the Orange County Korean American Bar Association and the Chair of the Membership and Marketing Committee of the Pick Group, a nonprofit organization for young professionals in Riverside.

It is undeniable that Eugene is driven. Those who know Eugene are well aware of his enthusiasm for and commitment to fitness, and specifically training for and participating in races. In fact, many people in the Riverside legal community have heard of Eugene Kim and his experiences in triathlons. For those who are unfamiliar with the triathlon, it is quite the endurance race, with three separate components: swimming, bicycling, and running. A tricky part of the triathlon is the transition between each component, which is when the competitor changes and shifts gear for the next component. These transitions are calculated in the overall time.

Eugene's first triathlon was on March 7, 2010; it was the Desert Triathlon at La Quinta, California, which was a "practice" triathlon for Eugene to prepare for the March 27, 2010 Showdown at Sundown in Henderson, Nevada. Although it was difficult, as any first competition would be, Eugene crossed the finish line and was ready for the Showdown at Sundown. The Showdown at Sundown was a competition within his law firm, which Eugene and his colleagues decided in December 2009 to partake in as a part of their New Year's resolutions. Once again, Eugene ran through the finish line. With two triathlons completed, Eugene could not stop. He was addicted. His next race was the Redlands Half Marathon (13.1 miles). This was



Eugene Kim

tricky, because the first half was an uphill run, with the final half being a downhill run. After another successful race, Eugene finished with an overall time of 1:58:56.

Less than one year later, Eugene did his first half Ironman, the Showdown at Sundown HIM. The swimming component was cancelled because the water was too cold. Eugene completed the bike and run components, but without the swimming component, he could not claim that he had completed a half Ironman, though through no fault of his own.

Eugene then started concurrent training for the Escape from Alcatraz triathlon and the Ragnar Relay. The Ragnar Relay was on April 15 and 16, 2011, and he participated in it with colleagues from his

firm. The Ragnar Relay is an overnight 200-mile running relay race, with each individual in a team running three legs. The relay accommodates both fast and slow runners. It is a team effort that builds camaraderie. Eugene was part of a team of ten people, running from Huntington Beach to Coronado. Eugene's first leg was 7.3 miles, his second leg was 8.2 miles, and his third leg was 9.7 miles. Although this relay caused his shin muscles to cramp, it was an inspiring and enjoyable experience.

Then on June 5, 2011, Eugene participated in the world-renowned Escape from Alcatraz triathlon in San Francisco, California, which consisted of a 1.5-mile swim, an 18-mile bike race, and an 8-mile run. This was surely an exciting race, as it started out with all competitors going out on a boat and then jumping off the boat and swimming to shore. Eugene finished the Alcatraz Triathlon with an overall time of 3:29:23.

Eugene's most recent race, and the biggest one he has done, was the Half Iron Man in Oceanside, California on March 31, 2012. This race was a 1.2-mile swim in Oceanside Harbor, a 56-mile bike course, and a 13.1-mile run. For most of us, a 13.1-mile half marathon in itself is painful. Eugene, however, successfully completed the Oceanside Half Iron Man triathlon.

Eugene's next big race will be in autumn of 2012, a 120-mile bike ride in San Luis Obispo, for which he will start training after an upcoming trial. The trick, Eugene said, is balancing time between work, family, and training. Eugene did several other triathlons, including the one in



Palm Springs for two consecutive years, and he has many, many more to conquer. Looking at his history of races, Eugene Kim is sure to finish each one gloriously.

So how does Eugene train for these races? He trains six days a week, bicycling two or three days, running two to three days, and swimming once with the Yucaipa Masters Swim Team. Being an early bird, Eugene wakes up around four or five in the morning to exercise, a time when many of us are still asleep and dreaming away. To fit his training routine into his daily life, Eugene has also commuted to work on his bike; some days, he would swim in the morning and bike home. He has also spent lunch hours on the treadmill or running up Mount Rubidoux. Eugene uses whatever time he has available for training.

Eugene Kim's devotion and commitment to his races was prompted primarily by his determination to focus on health

and to relieve stress. He had practiced law for several years and began to gain weight as he became less active, so, when he got more comfortable with work and family, he started to focus on his health by participating in triathlons and other races.

Out of running, bicycling, and swimming, Eugene is strongest at bicycling, despite the fact that he was on the track and field team at college and in high school. However, he was a 100-meter sprinter in college, so running long-distance in these races was new to him. In college, Eugene ran with Olympians and world champions. Swimming is Eugene's weakest discipline. However, he trains strenuously with the Yucaipa Masters Swim Team and learned all the different strokes and forms for swimming fast and strong. Because he acquired strength from swimming, was a natural runner, and enjoys biking, doing triathlons is a natural choice for Eugene Kim.

This kind of competitive success does not come overnight. It is Eugene's endurance and persistence that get him across the finish line each time. Legs, shoulders, and triceps endured the pain through each race. Injuries were sustained. Still, Eugene is dedicated to his races and becomes even more so with each race to the finish line. Eugene's advice was to have fun, not to be scared, and to work your way up. He said it is not about going there to win, but rather to finish and to gain a sense of accomplishment. He competes to do his best and to beat none other than himself. Eugene Kim truly goes the distance and is a true man of iron.

Sophia Choi, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside.



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Please see the Riverside Superior Court's website for new Family Law Rules that will take effect July 1, 2012:

www.riverside.courts.ca.gov

JUDICIAL PROFILE: JUDGE JOHN W. VINEYARD

by Sophia Choi

Judge John W. Vineyard is very community-oriented, and he has contributed much time and effort to the community in Riverside.

Judge Vineyard was born in San Bernardino and is a native of the Inland Empire. He graduated in 1979 from Redlands High School. He then went to Northeast Louisiana University in Monroe, Louisiana, graduating cum laude in 1985. Judge Vineyard proceeded to pursue a legal career, receiving his Juris Doctorate in 1989 from the University of California, Davis, King Hall School of Law.

Judge Vineyard then returned to the Inland Empire, starting his career as a lawyer in Riverside as an associate at what was then known as Dye, Thomas, Luebs & Mort. In 1996, he became a partner in Thomas, Mort, Prosser & Knudsen. Then, in 1998, he joined Peter Mort to create the Riverside office of Akin Gump Strauss Hauer & Feld, LLP, practicing business and real estate law and managing the firm's Riverside office. In 2005, he became a sole practitioner as the owner of John W. Vineyard, a Professional Law Corporation.

Judge Vineyard's career aim was to become a judge, and this goal was one he had had since the age of 10. Judge Vineyard's father was a lawyer in San Bernardino, and Judge Vineyard spent his summers in court with his father. He was always fascinated with the role of a judge. As he worked toward his goal, Judge Vineyard realized more and more that his legal skills made him well-suited to be a judge, as he generally sought a more neutral stance. As an advocate in the courtroom, Judge Vineyard was further inspired by Judge Victor Miceli and the way in which he ran the courtroom. Judge Miceli was not only an inspiration to Judge Vineyard, but also a family friend. Judge Vineyard was also inspired by Judge William Sullivan, who, according to Judge Vineyard, never got overexcited and was always on an even keel.

Getting closer and closer to his goals, Judge Vineyard became a commissioner in 2008; his first assignment was doing misdemeanor arraignments and pretrial motions in Southwest. He then went to Hemet Family Law Court and subsequently to Riverside for civil cases. Judge Vineyard was convinced to apply for a judgeship by Presiding Judge Sherrill Ellsworth. Such efforts came to fruition when he was appointed by Governor Edmund G. Brown, Jr., filling the vacancy created by Judge W. Charles Morgan's retirement. Judge Vineyard's enrobement ceremony was held on March 16, 2012.

Judge Vineyard has contributed passionately to the community and continues to do so. He has been active in the Riverside County Bar Association since he began his legal career. He was the Chair of the Publications Committee from 1991 to 1999. Judge Vineyard was a member of the Leo A. Deegan



Judge John Vineyard with his wife, Carol Greene, and children James and Kathleen



Judge Sherrill Ellsworth swearing in Judge John Vineyard at his enrobement on March 16, 2012



Judge John Vineyard and Riverside Boy Scout Troop #2



Judge Craig Riemer and Judge John Vineyard

photos courtesy of Jacqueline Carey-Wilson

Inn of Court during its formation in 1992 and from 1992 to 1994. He joined the Leo A. Deegan Inn of Court again in 2008 and is currently a judicial master. From 1999 to 2000, he served as the President of the Riverside County Bar Association. From 1993 to 1994, he was also the President of the Barristers Association. In fact, Judge Vineyard met his wife Carol Greene, deputy county counsel for San Bernardino County, at a Barristers meeting. They were married at the Mission Inn on New Year's Eve.

Judge Vineyard also served as a volunteer on two committees of the California State Bar: the Committee on Administration of Justice and the Committee on Rules and Procedures of Court. He served on the Local Advisory Committee of VIP Mentors, mentoring parolees, and twice received recognition as the Attorney Volunteer of the Year. He was a member of VIP's state board of directors. Judge Vineyard also volunteered at the Inland Empire Latino Lawyers Association and received the Attorney Volunteer of the Year award in 2004, as well as the Wiley Manuel Pro Bono Service Award twice. Judge Vineyard is currently active in and focused on the Riverside Sunrise Rotary Club, which he served as President from 2004 to 2005, and the Boy Scouts of America.

During his free time, Judge Vineyard enjoys working on his genealogy, which he has researched as far back as 600 years. He expanded his interest in genealogy by working on genealogies for his wife, for Boy Scouts, and for the Riverside County Bar Association. In addition to his interest in genealogy, Judge Vineyard is a major fan of the New Orleans Saints, and he has accumulated a large amount of Saints memorabilia. Judge Vineyard loves to eat sushi and has sushi at least once a week. He also loves to eat Cajun and Southern foods.

One of Judge Vineyard's favorite quotes is by Thomas Paine: "If there must be trouble, let it be in my day, that my child may have peace." Judge Vineyard mentioned that he interprets this quote to apply not only in the context of war but in everyday life. Judge John W. Vineyard lives by the words of his favorite quote, as can be seen by both his past and present commitment to community service.

Sophia Choi, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside.



Congratulations to Tina M. Mattison,
Family Law Division Manager,
in becoming a Fellow of the Institute for
Court Management in
Washington, D.C, on May 11, 2012

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FOURTH ANNUAL CELEBRATION OF EQUAL ACCESS TO JUSTICE WINE AND CHEESE BENEFIT

by Jennifer Jilk



From left to right: Mayor Ronald O. Loveridge, Assistant Presiding Judge Mark A. Cope, PSLC Board President Forest E. Wright, Chris Buechler, Warren Snider, ICLS Managing Attorney Dianne Woodcroft, Thomas Allison, PSLC client, ICLS Attorney Peggy Bray, ICLS client, silent auction.

On March 29, 2012, Inland Counties Legal Services (ICLS) and the Public Service Law Corporation (PSLC) of the Riverside County Bar Association co-hosted the Fourth Annual Celebration of Equal Access to Justice Wine and Cheese Benefit. It was an evening filled with delicious edibles, fine wines, and fantastic auction items. Welcoming remarks were made by Mayor Ronald O. Loveridge. Assistant Presiding Judge Mark A. Cope of the Riverside Superior Court made an excellent speech. Four local attorneys were

honored that evening with Outstanding Service Awards for their volunteer efforts. ICLS recognized volunteers Joseph Meeks (Indio Office Volunteer, could not be present that evening) and Thomas Allison (Rancho Cucamonga Office volunteer). The PSLC recognized committed volunteers Chris Buechler and Warren Snider. The benefit raised much-needed funds for ICLS and the PSLC to be able to provide free quality legal services to low-income and elderly persons in Riverside and San Bernardino Counties.

ICLS and the PSLC would like to thank our Community Event Contributors

Music was provided by Taylor Pluim. Beautiful centerpieces were provided by the Flowerloft International.

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by Michael J. Bujold¹

In case your law practice is not keeping you busy enough or you are looking for a different type of challenge, you may consider running a marathon. Yes, that means running 26.2 miles and not watching episodes of your favorite television show for hours on end. While most people would balk at the 26.2 mile distance as being unrealistic, they would be surprised how far personal discipline and modest lifestyle changes will go. You might start by fighting off your fatigue at the end of the day and jogging a few miles before going to sleep. During your weekend trip to the beach, try jogging for a longer distance at a comfortable pace (no one says it has to be fast).

“Running is a mental sport...and we’re all insane!”

- Author unknown

Nothing in my background led me to believe that I would run (or would even want to run) a marathon. While I participated in high school sports, I spent my undergraduate years running about 10 miles per week and lifting weights on a recreational basis. Many runners are inspired to train for a marathon through a desire to become healthier or as a result of some life-changing experience. Not me. Instead, I decided to run my first marathon after my first year of law school because I was bored and probably had too much time on my hands until my summer internship was scheduled to begin. Despite having only two weeks to train, I finished the 2009 Traverse City (Michigan) Bayshore Marathon in 4 hours and 11 minutes. Since that time, I have completed 26 more marathons during my final two years of law school and in the early stages of my career with the Department of Justice as a Trial Attorney with the Office of the United States Trustee. My training helps keep me focused and allows me to unwind from a long day.

TAKING THE NEXT STEP

If you are thinking about taking the next step and running a marathon (or half marathon), you should know that California features a number of top-quality races suited for different tastes. If you are looking for a fast and

relatively gentle course (not to suggest that running is easy), the Rock and Roll San Diego Marathon (typically held in early June) might be for you. In contrast, both the Los Angeles (held in March and stretching from Dodger Stadium to the Santa Monica Pier) and San Francisco (held in July and traveling over the Golden Gate Bridge) marathons provide an up-front tour everything the cities have to offer. If striking views of nature and solitude are what you crave along your run (and if you do not mind a more difficult course), get ready for Big Sur (held in May). Once you decide that one of these races is for you, don’t hesitate – some of the more popular marathons sell out well in advance of race day. The most comprehensive schedule of marathons nationwide, complete with runner reviews, can be found at MarathonGuide.com.

Being prepared on race day is essential, especially for first-timers. This means ensuring that you are properly hydrated and that you have enough carbohydrates in your system to maintain high energy levels. Many runners eat a large pasta dinner the night before in order to have extra carbohydrates on race day. As to staying hydrated, most marathons feature ten or more “aid stations,” which provide water (and possibly an electrolyte beverage like Gatorade) along the race course. Even though many runners can stay sufficiently hydrated through the use of the aid stations, there is nothing wrong with carrying your own water bottle with you along your journey. In addition to nutrition and hydration, you should be prepared to minimize the impact of blisters before they start by making sure your shoes fit properly and by applying petroleum jelly to areas where you suspect blisters may develop.

A MARATHON, NOT A SPRINT

Try your best to avoid starting your race at a fast pace. There is a reason people say something is “a marathon, not a sprint.” In order to help you resist the natural urge for speed, many races offer pace groups designed to help runners reach a particular time goal. The individuals who lead these groups (known as “pacers”) strive to run each mile at the same pace and will hold a sign in the air so you can follow along; your task is to keep up with them. If you find yourself without a pace group, you should try to relax as much as possible over the first 10 miles because the next 16.2 will generally feel more difficult as your muscles

¹ The author currently serves as a Trial Attorney for Peter C. Anderson, the United States Trustee for the Central District of California, Region 16. The United States Trustee Program is a component of the Department of Justice that protects the integrity of the bankruptcy system by overseeing the administration of bankruptcy cases.

become more sore. All your efforts will be worth it once you reach the finish line.

“MARATHON”’s SPECIAL IMPORTANCE FOR BANKRUPTCY LAWYERS

After reaching the finish line and when you are on your way to recovery, you may be interested to know that “marathons” have kept bankruptcy judges and lawyers busy for decades. The United States Supreme Court undertook its “marathon” in deciding the case of *Northern Pipeline Construction Company v. Marathon Pipe Line Company*, 458 U.S. 50 (1982). In the *Marathon Oil* case, the Court held that Congress could not constitutionally confer the full powers of an Article III judge (those protected by life tenure) upon non-Article III judges (in this case, a bankruptcy judge). Although decided in 1982 and despite legislative attempts to cure this jurisdictional defect, the *Marathon Oil* decision remains relevant to this day. Last year, in the case of *Stern v. Marshall*, 564 U.S. ___ (2011) (originating out of the Central District of California), the Supreme Court found that despite explicit statutory authority, a non-Article III bankruptcy judge lacked the constitutional authority to enter a final judgment on a state law counterclaim based on many of the same concerns expressed in *Marathon Oil*. Exhausting indeed.

Michael Bujold currently practices law as a Trial Attorney with the U.S. Department of Justice. Since 2009, he has completed 27 marathons in 10 states.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective August 30, 2012.

Casey Lynn Deleissegues – Sole Practitioner, Desert Hot Springs

Lewis W. Duong – Law Office of Lewis W. Duong, Riverside

Eric R. Hunt – Law Offices of Eric R. Hunt, Hemet

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



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