RIVERSIDE LAWYER

September 2016 • Volume 66 Number 8 MAGAZINE

In This Issue

The official publication of the Riverside County Bar Association

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RIVERSIDE LAWYER MAGAZINE

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Mission Statement

Established in 1894

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

RCBA Mission Statement

The mission of the Riverside County Bar Association is:

To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, RCBA - Riverside Superior Court New Attorney Academy.

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, 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.

The 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 the* Riverside Lawyer.

The material printed in the 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

September

16 **Mentoring Café**
12:00 – 1:30 p.m.
RCBA Gabbert Gallery
For information contact
Michael Gouveia –
Mgo29@att.net

20 **Family Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Matt Havrevold
Topic: "Eliminate the He Said/She Said: Communication Tools with Our Family Wizard"
MCLE

21 **Landlord/Tenant Section**
6:00 – 8:00 p.m.
Napoli Italian Restaurant, Loma Linda
Speaker: Judge Lynn Poncin
MCLE

23 **"So You Want to Be a Judge?"**
3:00 – 5:00 p.m.
Riverside Superior Court, Department 1

27 **Appellate Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Erin Orzel
Topic: "Putting on the Writs"
MCLE

28 **CLE Presentation**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Terry Bridges
Topic: "Effective Negotiations"
MCLE

29 **RCBA Annual Installation of Officers Dinner**
Mission Inn – Grand Parisian Ballroom
Social Hour – 5:30 p.m.
Dinner – 6:30 p.m.

30 **Mentoring Café**
12:00 – 1:30 p.m.
RCBA Gabbert Gallery
For information contact
Michael Gouveia –
Mgo29@att.net

Project Graduate
Wine Tasting Fundraiser
7:00 – 9:00 p.m.
17057 Birch Road, Riverside
Please see ad on page 11

October

4 **26th Annual Red Mass**
6:00 p.m.
Please see information on page 23

President's Message

by Jean-Simon Serrano

Fundamental to election law is the right to vote. This right has quite a storied history.

- 1776 - Only landowners were permitted to vote.
- 1787 - There was no federal standard. States determined who was permitted to vote.
- 1868 - 14th Amendment is passed, granting citizenship to former slaves, allowing them to vote. The right to vote is limited to male citizens over the age of twenty-one.
- 1870 - 15th Amendment passed to specifically prohibit denial of the right to vote on account of race.
- 1920 - 19th Amendment passed, giving women the right to vote.
- 1961 - 23rd Amendment passed, giving citizens of Washington D.C. the right to vote for president.
- 1964 - 24th Amendment passed, guaranteeing the right to vote in federal elections will not be denied for failure to pay any tax.
- 1965 - The Voting Rights Act is passed.
- 1971 - 26th Amendment is passed, which lowered the voting age to 18 years.

The right to vote, along with the duty to serve on a jury, is reserved solely for citizens in the United States. And while, as an attorney, I have sworn to uphold and abide by the laws voted upon by our elected officials, the right to vote is a right that has only recently been granted to myself. I was born in Canada and indeed, I lived there for twenty years. Most of my post-high school education, including law school, was in the United States as an international student. After an eight year wait, from time of application to approval, I was granted permanent resident status. Another five years was required to apply for citizenship.

In November of last year, fifteen years after coming to the country which is now my home, I took my oath and became a US citizen.

I look forward to voting this year and, should the opportunity arise, serving as a juror. I am also honored to be serving as president of the Riverside County Bar Association. In my years of practice, I have come to see that the Bar provides a very valuable service to its attorneys (through MCLE programs and the Lawyer Referral Service) as well as to the community (through Bar Foundation Programs such as the Elves, Project Graduate, and the Adopt-a-High School Program). I'm truly honored that, like this country, this community has taken me in and asked, as well as encouraged, me to be an active participant.

Jean-Simon Serrano is an associate attorney with the law firm of Heiting and Irwin.

Barristers President's Message

by Erica M. Alfaro

Riverside Roots: Sowing Community

Hello, my name is Erica Alfaro and I am honored to be the Barristers President for 2016-2017.

The City of Riverside has always held a special place in my heart. In fact, I am a fourth generation resident of Riverside County. Yes, fourth generation! So when did it all start? Let's go back a century.

It all started in 1916, when my great-grandparents, Luciano and Francisca, fled the City of Leon, Mexico and the turmoil of the Mexican Revolution. They briefly relocated to Arizona for six months before finally settling in Riverside. Planting roots in downtown Riverside, they purchased a home and raised eight children. Eager to be involved in the local community, the family became parishioners of the Guadalupe Shrine and the now shuttered St. Ignatius Catholic Church. They served both parish communities by donating service, time, and funds.

The family worked primarily in the agricultural industry. Luciano or "Pa" as he was affectionately known, worked in the orange fields with his four sons in order to support their large family.

My grandmother was only two years old when she left Mexico and arrived in the United States. She eventually married my grandfather, Luis, and they went on to raise their twelve children in Riverside. The family continued to work in the agricultural industry, following the harvest throughout the state, but always returned to Riverside, which was their home base.

My parents were born and raised in Riverside. They married in the Guadalupe Shrine, my mother's home parish, and also started their own family in Riverside. After many years spent working in the fields, my mom started working at the Blue Banner packing house. Eventually she found employment in the County of Riverside providing health outreach to community residents.

As I reflect upon my family's longstanding connection to Riverside, I am amazed that the traditions of hard work, service, and commitment to community live on in my family. From the humble beginnings of my great-grandparents, I am honored to continue my family's legacy of service in Riverside as the Barristers President.

I am grateful to have a board comprised of outstanding new leaders. We share the vision to grow our membership, organize new events, and serve our Riverside community.

Our board is as follows:

Vice President: Julianna Crawford
Treasurer: Nesa Targhibi
Secretary: Priscilla George
Members at Large:
-Alexandra B. Andreen
-David S. Hamilton
-Shumika T.R. Sookdeo
-Breanne N. Wesche
Past President: Christopher Marin

We also have several upcoming activities. We will be holding an Evidence MCLE event on Wednesday, September 21. It will be facilitated by the Honorable Richard T. Fields. More information will follow.

Finally, please stay informed about Barrister events by joining our mailing list at http://www.riversidebarristers.org or follow Riverside Barristers on Facebook and LinkedIn.

As you can tell, we have an exciting year planned and are looking forward to the upcoming year!

Erica Alfaro is a graduate of UC Davis School of Law and practices Workers' Compensation Law at State Fund.

The Attorney General and Political Advocacy Group's Required Disclosure of Significant Donors: A Tale of Two Cases

by Mohammad Tehrani

I. Introduction

How far should a state's attorney general's authority to investigate self-dealing, improper loans, interested person, and illegal or unfair business practices among charities extend to non-profit political advocacy groups? Ostensibly in furtherance of these goals, Attorney General Kamala Harris recently demanded, for the first time, from long-registered conservative political advocacy groups, the Center for Competitive Politics (CCP) and Americans for Prosperity Foundation (APF), the names and addresses of every individual nationwide who donated more than $5,000 to their non-profits. Under California's charitable trust laws, the non-profits' refusal would result in the rescission of their ability to solicit tax-deductible donations from California residents. This information is already required to be disclosed, nonpublicly, to the Internal Revenue Service. Similarly, the Attorney General would not disclose the information to the public.

CCP and APF challenged Attorney General Kamala Harris' demand in identical suits with opposite results, and the APF suit is currently on appeal. As explained below, the case turned largely on successfully convincing the judge that the Attorney General could maintain the confidentiality of Schedule B's. On appeal, the Ninth Circuit should defer to the Attorney General's policies and procedures in maintaining confidentiality.

II. Background

Non-profit corporations or other organizations, including those registered under Section 501(c)(3) of the Internal Revenue Code, must be registered with California's Registry of Charitable Trusts in order to solicit tax-deductible contributions from California residents.[1] Further, every charitable organization is required to file with the California Registry the Internal Revenue Service Form 990 annually.[2] Form 990 is a form Section 501(c)(3) organizations are required to file annually with the IRS. Each organization's Form 990 is generally available for public inspection.[3] This general inspection does not apply to Schedule B of Form 990, which requires the disclosure of the names, addresses, total contributions, and total contributions made by any contributor for more than $5,000.[4]

CCP is recognized as an educational organization by the IRS under Section 501(c)(3).[5] CCP had been a member of the California Registry since 2008.[6] Every year since its registration, CCP filed Form 990, including a redacted Schedule B, omitting the names and addresses of its donors, with the California Registry.[7] In 2014, for the first time in its six years of registration, the Attorney General demanded an unredacted Schedule B from CCP.[8] CCP filed a complaint in the Eastern District of California against the Attorney General for injunctive and declaratory relief on March 7, 2014. CCP lost at the trial level, the appellate level, and its writ of certiorari to the Supreme Court was denied on November 9, 2015.[9]

APF is also recognized as a non-profit corporation under Section 501(c)(3).[10] APF has been a member of the California Registry since 2001, and also filed its Form 990 annually with its Schedule B redacted.[11] In 2013, for the first time, the Attorney General deemed APF's 2011 registration incomplete due to its redacted Schedule B. APF brought a nearly identical suit as CCP in the Central District of California.[12] APF obtained a preliminary injunction at the trial level, the relevant portions of the preliminary injunction were vacated and remanded by the Ninth Circuit, and then APF obtained a permanent injunction against Harris on remand.

III. Why Did APF Prevail and not CCP?

A. CCP Fails to Show Any Harm in Nonpublic Disclosure

CCP brought suit seeking a preliminary injunction against Harris from requiring an unredacted copy of Schedule B.[13] In addition to a rejected federal preemption

1 Cal. Gov. Code. § 12585.
2 Cal. Code Regs. tit. 11 § 310.
3 26 U.S.C. § 6104(b).
4 *Id.*
5 *Center for Competitive Politics v. Harris*, 784 F.3d 1307, 1310 (9th Cir. 2015).
6 *Id.* at 1311.
7 *Id.*
8 *Id.*
9 *Center for Competitive Politics v. Harris*, 136 S.Ct. 480 (2015).
10 *Americans for Prosperity Foundation v. Harris*, 2016 WL 1610591 (C.D. Cal. 2016).
11 *Id.*
12 *Americans for Prosperity Foundation v. Harris,* 2015 WL 769778 (C.D. Cal. 2015).
13 *Center for Comparative Politics v. Harris*, 2014 WL 2002244 at 1.

argument, CCP argued that the Attorney General's demand unconstitutionally infringed on its First Amendment freedom of association.[14]

CCP's argument was rejected on two grounds. First, the court found that CCP failed to make a prima facie showing of first amendment infringement because it failed to show that the Attorney General's actions: (1) will result in (a) harassment, membership withdrawal, or discouragement of new members or (b) other consequences which objectively suggest an impact on, or chilling of, the members' associational rights.[15] The court instructed that at least one of these showings must be made by a presentation of objective and articulable facts which go beyond broad allegations or subjective fears.[16] The court found that CCP provided no articulable, non-speculative facts showing harm.[17]

Second, the court found that *even if* CCP had made a prima facie showing, the Attorney General's interest in performing her regulatory and oversight functions met the constitutional standard of being compelling and substantially related to her disclosure requirement.[18] Critically, the court found that the California Registry is kept confidential and so the Schedule B would not be disclosed publicly.[19]

The Ninth Circuit affirmed, finding that the Attorney General showed a substantial relation to a sufficiently important government interest to reject any facial challenge to the request, but left open the possibility of a future "as-applied" challenge.[20]

B. APF Convinces the Court that Understaffed Governmental Units Cannot Reliably Shield Information

After CCP lost at the trial level, but before the Ninth Circuit's ruling, the Central District for California granted the APF's motion for injunctive relief in what the court referred to as a request "almost identical" to the CCP case.[21] Unlike the court in the CCP case, the Central District found that Attorney General showed an insufficient interest in APF's Schedule B as shown by the Attorney General's failure to ask for the documentation for the previous ten years.[22]

The Attorney General appealed and the Ninth Circuit vacated the injunction, finding that APF had failed to show any actual harm in nonpublic disclosure.[23]

At trial, APF countered with evidence from various APF supporters testifying to receiving death threats after they disclosed their affiliation with the group.[24] While this alone could not show any harassment or chilling of membership based on non-public disclosures, APF argued that the Attorney General simply did not have the resources to keep the filings confidential. APF found that of the 60,000 California Registry filings every year, 1,400 Schedule B's were unintentionally made publicly available for 24 hours, including Planned Parenthood's Schedule B.[25] Further, the court noted that Attorney General employees testified that maintaining the confidentiality of the Schedule B's, which required separately tagging confidential disclosures, was "very tedious, boring work" and that "there is room for errors to be made."[26] The court made another finding that the Attorney General is "underfunded, understaffed, and underequipped."[27] The Court granted the injunction as applied to APF.[28] The Attorney General appealed on June 1, 2016.

IV. Conclusion

It's no secret that APF and its political advocacy is unpopular among left leaning circles. However, members of just about any political advocacy group will likely have faced harassment from members of a group with different opinions. Assuming that a few witnesses from a group can testify to being harassed for their beliefs, which nearly every group with a position can likely produce, a finding that the Attorney General is underfunded, understaffed, and underequipped would then necessarily block the Attorney General from obtaining Schedule B's from just about any group. Thus, every as-applied challenge will be successful, turning the exception into the rule.

This, of course, relies on the finding that the Attorney General cannot handle its work load. That is an offensive finding. No finding was made as to the inadequacy of the system or policies or procedures; the finding was one against human error. All work is subject to occasional human error and delay, not just the Attorney General's work. If human error is the standard, the IRS should not be given unredacted copies of Schedule B, either, despite their need to audit tax deductions. It's an impossible standard and one which the Ninth Circuit should not give discretion to on appeal.

Mohammad Tehrani is employed by the United States Department of Justice as a trial attorney in the Riverside Office of the United States Trustee Program (USTP). The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.

14 *Id.* at 5.
15 *Id.*
16 *Id.*
17 *Id.* at 6.
18 *Id.* at 7.
19 *Id.*
20 *Harris*, 784 F.3d at 1317.
21 *Harris*, 2015 WL 769778 at 1.
22 *Id.* at 2.
23 *Harris*, 809 F.3d at 541.
24 *Harris*, 2016 WL 1610591 at 4.
25 *Id.* at 5.
26 *Id.*
27 *Id.*
28 *Id.* at 6.

The Supreme Court and Pandora's Box aka *Citizens United*

by William C. Sais

In January of 2010, the U.S. Supreme Court decided *Citizens United v. Federal Election Commission (FEC)*,[1] a case dealing with the regulation of campaign spending by Citizens United, a conservative non-profit organization. *Citizens United* wanted to broadcast a film critical of Hillary Clinton who was a candidate in the Democratic Party's 2008 presidential primary elections. The film was *Hillary: The Movie*. Citizens United intended to market the movie with three advertisements. The applicable law was the 2002 Bipartisan Campaign Reform Act (BRCA), commonly known as the McCain-Fiengold Act. Section 203 of BCRA defined an "electioneering communication" as a broadcast, cable, or satellite communication that mentioned a candidate within 60 days of a general election or 30 days of a primary. Sections 201 and 311 of BCRA required public disclosure of the sponsors of such communications. Section 441b of BCRA prohibited corporations and unions from using their general treasury funds to make independent expenditures for "electioneering communication" or for speech advocating the election or defeat of a candidate. The law, as an attempt to regulate corporate influence in political campaigns, was enforceable by civil and criminal penalties. Citizens United sought declaratory and injunctive relief in the District Court that (1) section 441b was unconstitutional "as applied" to the film and (2) that the disclosure requirements were unconstitutional "as applied" to the film and the three advertisements.

The District Court upheld the application of these provisions and denied the injunctive relief. Citizens United appealed to the United States Supreme Court and challenged the statutes "as applied" to their facts. In an "as applied" challenge, the statute may be declared invalid to the extent that it reaches too far, but it is otherwise left intact. In contrast, a "facial challenge" argues that the statute is unconstitutional under any set of circumstances. Thus, Citizens United was pursuing a narrow challenge to the law. The Supreme Court's majority, however, recharacterized the case from an "as applied" challenge to a "facial challenge," and reversed the District Court.

In a 5-4 ruling, the Justices struck down the provisions of BCRA that prohibited corporations and unions from making independent expenditures and "electioneering communications." It determined that the anti-Clinton broadcast should have been allowed. The Court, however, upheld the requirements for public disclosure of the sponsors of the communications.

Noted legal scholar Erwin Chemerinsky has called *Citizens United* "one of the most important First Amendment cases in years."[2] In reaching its decision, the Supreme Court overruled *Austin v. Michigan Chamber of Commerce*,[3] which found that there was compelling governmental interest in limiting political speech by corporations to prevent "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and have little or no correlation to the public's support for the corporations' political ideas."[4] The Court also overruled that portion of *McConnell v. Federal Election Commission*,[5] which had upheld BCRA's restriction of "electioneering communications" by corporations. Commentators have criticized the Supreme Court majority as setting aside more than 50 years of experience in the regulation of campaign finance. It is beyond reasonable dispute that *Citizens United* and its progeny have opened Pandora's Box in the form of unlimited money flooding into political campaigns.

The intensely political dynamics of *Citizens United* emerges as one reads the entire opinion. Chief Justice Roberts, joined by the Justice Alito, writes separately "to address the important principles of judicial restraint and *stare decisis* implicated in this case."[6] "*Stare decisis* are the preferred course because it promotes the evenhanded, predictable, and consistent development of legal principles, fosters reliance on judicial decisions, and contributes to the actual and perceived integrity of the judicial process."[7] The Chief Justice concludes his argument by commenting that "*stare decisis*…counsels deference to past mistakes, but provides no justification for making new ones."[8]

The politicization of early American history to deflect its use as a guide to Constitutional interpretation is illustrated

1 *Citizens United v Federal Election Comm'n* (2010) 558 U.S. 310 [130 S.Ct. 876, 175 L.Ed.2d 753].

2 Liptak, Adam (2009-08-06). "Sotomayor Faces Heavy Workload of Complex Cases". *The New York Times*.

3 *Austin v. Michigan Chamber of Commerce* (1990) 494 U.S. 652 [110 S.Ct. 1391, 108 L.Ed.2d 652].

4 *Austin v. Michigan Chamber of Commerce, supra*, 494 U.S. at p. 660.

5 *McConnell v. Federal Election Comm'n* (2003) 540 U.S. 93 [124 S.Ct. 619, 157 L.Ed.2d 491].

6 *Citizens United v Federal Election Comm'n, supra*, 58 U.S. at p. 373.

7 *Citizens United v Federal Election Comm'n, supra*, 58 U.S. at p. 377, citing *Payne v. Tennessee* (1991) 501 U.S. 808, 827 [111 S.Ct. 2597, 115 L.Ed.2d 720].

8 *Citizens United v Federal Election Comm'n, supra*, 58 U.S. at p. 373.

by the separate concurrence of the late Justice Scalia which responded to Justice Steven's dissent. Justice Steven's dissent traced the early history of corporations. He concluded that the available historical records reflected nothing less than well-established distinction between human beings and early corporations which illustrated that corporation were not viewed as citizens. It supported the historical argument that human beings, but not corporations, were imbued with the rights of free speech. Justice Steven's discussion also traced the development of compelling governmental interest that had previously upheld governmental regulation of corporate speak in the political arena. Justice Scalia rejected the historical analysis and argued that the absence of explicit evidence that corporation was denied the right of free speech, necessarily supported the conclusion that corporations, in fact, were imbued with right of free speech. In his treatise on interpretation of legal texts, Justice Scalia had observed that: "It is quite true that lawyers are for the most part extremely bad historians. They often make up an imaginary history and use curiously unhistorical methods."[9]

Citizens United is a remarkable case. It has injected unfettered corporate and union economic power into our political system. The 2012 presidential campaign was the first to cost more than $2 billion. It was also the first time that neither candidate accepted any public financing or the limits that came with it. "Few Supreme Court decision are as important on as many different levels as *Citizens United*. It has changed election all across the country. It portends even greater changes in campaign finance in the years ahead, as other laws are now far more vulnerable to challenge."[10]

Citizens United is properly characterized as Pandora's Box in our time. The opening of Pandora's Box released creatures that, being untrained to serve humanity, became despair, jealousy, rage and other infirmities that afflicted humanity.[11] *Citizens United* has released new forces that threaten our electoral process by imbuing corporate entities with the citizen previously associated with natural persons and equating money, a generally accepted medium of exchange, with speech. All that remained, after Pandora's Box was opened, was hope. It seems that *Citizens United* has placed us in a similar situation. We must have hope.

William C. Sias is a Deputy County Counsel with the Office of County Counsel, County of Los Angeles. He represents the Public Guardian in conservatorship proceedings. He is a certified Legal Specialist in Estate Planning, Trust & Probate Law by the California Board of Legal Specialization. Mr. Sias has an L.L.M. in Taxation and is an Eagle Scout.

9 Scalia and Garner, *Reading Law: The Interpretation of Legal Texts* (2012) pp. 399.

10 Chemerinsky, *The Case Against the Supreme Court* (2014) pp. 257.

11 Hesiod, *Works & Days* (800 B.C.).

The Sunset of Judge Elwood Rich's Legacy: California Southern Law School to Begin Process of Closing

It was over forty-five years ago that Judge Elwood M. Rich was teaching torts at a small evening law school in Riverside when he was informed that the school was to be closed. Judge Rich took it upon himself to find schools for his displaced students. Finding no school willing to take them, he founded Citrus Belt Law School, what he thought would be a short term solution to the problem.

In 1986, the school moved to its permanent quarters on Elizabeth Street. In 1991 the name was changed, at the request of the students, to California Southern Law School. It has been, in the best sense of the word, a family business. California Southern Law School has served the Inland Empire through the stewardship of Judge Rich and his wife, Lorna, who was responsible for organizing the procedures which are still in place today. Over the years, all of Judge Rich's sons have had a hand in guiding the destinies of the 400 plus grads who have gone on to pass the California Bar Examination.

As time goes by, sometimes a family business runs out of family. Two of Judge Rich's sons, Brian, the school's Registrar, and Greg, the Administrator and Assistant to the Dean, are fearlessly facing the arrival of their golden years. Accordingly, the decision was made that the next first year class, which arrived upon the scene in August 2016, will be the last first year class in the school's history. They, like so many classes before them, will be counseled through their four years of legal education and in May 2020, will exit as the final graduating class at California Southern Law School.

There was an air of bittersweet satisfaction that comes with the realization that a new time has been entered. One never tires of explaining to prospective and current students what must be done, when it must be done, and how it must be done to ensure the greatest degree of academic success. One never tires of being told that undertaking legal study was something someone put off far too long and that it has been the most intense four years of one's life. But most of all, hearing words of thanks for providing a life changing opportunity never gets old. There is a genuine need to look back not with tears, but with satisfaction, knowing that there were reasons California Southern Law School came to be, that its purpose was always true, and that its mission had a positive effect upon thousands of people over the years.

The Electoral College: What Is It and How Does It Affect the Election?

by Nesa Targhibi

It is an election year again and as always the phrase "Electoral College" has taken over the airwaves and the headlines. Every four years, we hear about the Electoral College and how their votes can change the popular vote, but really, who is in the Electoral College and what do they do?

A Little Bit of History

In 1787, the Constitutional Convention considered several different methods for electing the president. These methods included a selection by the Congress, a selection by the state governors, or by a direct popular election. Eventually, the matter was given to a committee which created the Electoral College system. The original plan was met with widespread approval among the delegates and was adopted with minor changes. The plan's popularity was mainly due to the following factors: it reconciled differing state and federal interests, provided a degree of popular participation in the election, it provided the less populous states with additional leverage, it preserved the independency of the presidency from the Congress, and mainly it insulates the election from political manipulation.[1] The Electoral College system, as laid out in the Constitution, only included the system's basic element. This has allowed the system to be developed over the years and grow as the nation grew.[2]

What is the Electoral College?

The United States Electoral College is an institution that elects the president and the vice president every four years. The voters elect representatives called "electors" who pledge to vote for a specific president and vice presidential candidates. The number of electors allocated to each of the 50 states is equal to the number of the state's members of the Congress (the House of Representatives and the Senate).[3] The 23rd Amendment carves out the number of electors for the District of Columbia, which is equal to the least populous state, currently at three electors.[4] As a result, there are 538 electors, 435 Representatives, and 100 Senators, plus the three electors from the District of Columbia.

Who can become an Elector?

The Constitution has left the selection process of the electors to the state legislatures, but it does set out one main disqualifier in the 14th Amendment.[5] Any person holding federal office, whether elected or appointed, is disqualified from being an elector.[6] Other than this, the qualifications to be selected as an elector are very broad. The nomination process begins months prior to the election day and it varies from state to state. The electors are usually nominated by political parties at their state conventions or named by the campaign committee of each presidential candidate. They usually include state-elected officials, party leaders, and those with strong affiliation with the presidential candidates.

How does it work?

All of the states and the District of Columbia, except for Maine and Nebraska, have adopted a "winner take all" approach, which requires the electors to vote for the candidate who has won the statewide popular vote on the election day.[7] Maine and Nebraska use the congressional district method, which means the winner of the popular vote wins two electoral votes and the remaining electoral votes are allocated based on the congressional district.[8] This system allows for both presidential candidates to receive electoral votes from Maine and Nebraska, unlike the other 48 states.

On Monday after the second Wednesday in December, the electors meet in their respective states and cast their ballots. Electors cast a separate ballot for the president and the vice president.[9] Once all the ballots are cast, the Electoral College ceases to exist until the next election year, four years later.

1 *"Debates in the Federal Convention of 1787: September 6"*. Avalon Project. Retrieved August 3, 2016.
2 Neale, Thomas H., *The Electoral College: How It Works in Contemporary Presidential Election*, Congressional Research Service (September 28, 2004).
3 U.S. Const. art. II, § 1, cl. 2.
4 U.S. Const. amend. XXIII.
5 U.S. Const. art. II, § 1, cl. 2.
6 U.S. Const. amend. XIV, § 3.
7 Morris, Irwin L., *The American Presidency: An Analytical Approach*. Cambridge University Press (2010).
8 *Id.*
9 3 U.S.C. § 7 (2016)

A majority of electoral votes (270 votes) is necessary to elect the president and the vice president. If the majority is not reached, the 12th Amendment lays out the next steps in the election process. The first step would take place in the House of Representatives where each state delegation casts one vote for a presidential candidate. If the majority is again not reached, the process moves to the Senate where each senator casts one vote for a vice presidential candidate. In case of a deadlock in the Senate, the current vice president will cast the tie breaker vote.[10] There have been a few occasions, most recently in 2000, where the use of Electoral College system has resulted in election of a candidate who did not receive the popular vote on the election day.[11]

Why continue the use of the Electoral College?

There have always been pro and con arguments surrounding the Electoral College. The main arguments by proponents of the Electoral College system is that it creates certainty in results, precludes possibility of a nation-wide recount, allows states to remain as an integral part of the presidential election, and allows for small states to have a voice in the presidential election.[12] On the other hand, the opponents of the Electoral College system argue that it can distort the popular choice, discourages third parties, discourages voter participation as voters will feel their votes don't matter, and it puts too much power in the hands of swing states.[13]

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10 U.S. Const. amend. XII.
11 *"Electoral College Fast Facts - US House of Representatives: History, Art & Archives."* Retrieved August 3, 2016
12 Kimberling, William C., *"The Electoral College,"* Federal Election Commission (May 1992).
13 Edwards III, George C., "*Why the Electoral College is Bad for America* (Second ed.)," New Haven and London: Yale University Press (2011).

Annual Installation Dinner

Honoring President Jean-Simon Serrano, the Officers of the RCBA and Barristers for 2016-2017

Special Presentations to The Honorable Virginia Phillips and Terry Bridges

Thursday, September 29, 2016
Social 5:30 p.m., Dinner 6:30 p.m.

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Balancing Re-Election and Official Duties: Incumbent Congressmen in the 2016 Election

by Michelle Tran

Four hundred and sixty-nine U.S. Congressional seats are fair game in the 2016 election.[1] And notwithstanding a lack of public sympathy, incumbent congressmen face substantial pressure to keep their seats and struggle with the challenge of campaigning while carrying out their official job duties. To prevent corruption, the Hatch Act,[2] the House Committee on Ethics, and the U.S. Senate Select Committee on Ethics, seek to regulate incumbents' conflicting roles balancing between their duties and political campaigning. Still, problems exist.

I. Regulations Designed to Prevent Congressional Corruption

A. The Hatch Act

The Hatch Act was created to prevent corruption of government officials and employees, and prohibits government employees from participating in certain political activities.[3] Under the Hatch Act, a federal employee may not engage in political activity while the employee is on duty, in any federal room or building, while wearing a uniform or official badge, or while using any vehicle owned or leased by the government. An employee who violates the Hatch Act may be subject to a number of disciplinary actions, including: termination, reduction in salary, exclusion from federal service, suspension, reprimand, or a civil penalty.

Allegations that public officials have violated the Hatch Act are numerous. For example, in *Hall v. Clinton*,[4] Sheryl Hall, a former computer systems manager for the White House, alleged that Hillary Clinton ordered her and other employees to create a partisan, political database on Democratic contributors and fundraising using government staff and resources. After Hill complained that this activity violated the Hatch Act, she asserted that Clinton and others conspired to force her out of her job. The court ruled in favor of the defendants. In 2012, Health and Human Services Secretary Kathleen Sebelius violated the Hatch Act when she campaigned for President Obama's re-election.[5] Recently, in July 2016, the Office of Special Counsel determined that Housing and Urban Development Secretary Julian Castro violated the Hatch Act when he promoted Hillary Clinton's candidacy.[6] With the approach of, and the intensity of opinion relating to, the November elections, undoubtedly more allegations of the Hatch Act violations will emerge.

B. Committees on Ethics

The House Ethics Manual of the Committee on Ethics,[7] as well as the U.S. Senate Select Committee on Ethics,[8] prohibit the use of "official resources" for campaign or political purposes or "official" resources, including office equipment, office supplies, and, most significantly, staff time. These prohibitions stem from 18 U.S.C. § 607, a provision of the criminal code, which forbids soliciting or receiving donations of money or anything else of value in connection with a Federal, State, or local election from an official or employee of the Federal government. This regulation reflects the fundamental policy that government funds should be used for public good, not personal re-election.[9]

Both committees outline specific activities that may not be carried out in an "official" building or utilizing "official" resources. Prohibited actions include: fundraising, drafting of campaign speeches, statements, press releases, literature, campaign mailing, and convening meetings pertaining to campaign affairs. There is one important exception for the House: incumbents are allowed to solicit campaign or political contributions from other congressmen in the house building. In regards to the Senate, certain de minimis overlap between the Senate office and cam-

1 *United States Congress Elections*, 2016, https://ballotpedia.org/United_States_Congress_elections,_2016 (last visited August 2, 2016).

2 5 U.S.C. § 7323 (2008).

3 *See The Hatch Act: Political Activity and the Federal Employee* (2015), http://www.fda.gov/AboutFDA/WorkingatFDA/Ethics/ucm071602.htm.

4 *Hall v. Clinton*, DC Circuit No. 01-5142 (April 5, 2002).

5 *Sebelius, Solis Retreat from Hearing Invitation After OGR Dems Demanded Evidence of Hatch Act Violations*, Targeted News Service, September 2014.

6 *See Castro violated Hatch Act by touting Clinton* (July 18, 2016), http://www.cnn.com/2016/07/18/politics/julian-castro-hatch-act-hillary-clinton/index.html.

7 *See House Committee on Ethics, House Ethics Manual* (2008), http://ethics.house.gov/general-prohibition-against-using-official-resources-campaign-or-political-purposes.

8 *See U.S. Senate Select Committee on Ethics, Senate Ethics Manual* (2003), http://www.ethics.senate.gov/public/index.cfm/campaign-activity.

9 *See House Committee on Ethics, House Ethics Manual* (2008), http://ethics.house.gov/general-prohibition-against-using-official-resources-campaign-or-political-purposes.

paigning is permitted such as scheduling, responding to press inquiries, and providing materials to the campaign.

II. An Insider's Perspective

In a recent interview, Professor Tom Campbell of Chapman University Fowler School of Law, recounted his experiences while serving in Congress for five terms.[10] According to Campbell, the roles of congressional ethics committees serve an important role in prohibiting the use of government resources for political purposes (as well as the more obvious function of preventing the bribery of public officials). He noted that the House Ethics Committee, as a component of the House of Representatives, investigates any complaints or allegations, which can be brought by anyone. The range of penalties for violating the House ethics rules is broad. As Campbell explained, intentional violations can result in expulsion of members; however, a more "innocent" mistake might only result in a public admonishment.

Former Representative Campbell also described a rule which prevents members of Congress from campaigning in their offices because doing so would provide them with a taxpayer funded advantage, which is inherently unfair, and obviously not a purpose for which taxpayer dollars were intended. This has resulted in a behavior oddity by our elected representatives. Both the Democrat and Republican parties have designated buildings located in close proximity to the U.S. Capitol Building and members are encouraged to use these designated buildings during their free time to make campaign calls.

III. Recent Instances of Abuses

The following represent some examples of abusive behavior by elected representatives that have violated ethics laws.

A. Michael "Ozzie" Myers

Michael "Ozzie" Myers was the first representative to be removed from the House since the Civil War.[11] Myers was convicted on charges of bribery, conspiracy, and interstate travel to aid racketeering. Video recordings in 1979 and early 1980, captured Myers, along with five others, accepting bribes from FBI agents disguised as Arab sheiks. Myers was then expelled from Congress on October 2, 1980, five weeks after he was convicted in this Abscam bribery scandal.[12]

B. Newt Gingrich

In 1997, Newt Gingrich was the first House Speaker to be reprimanded by his colleagues for ethical misconduct.[13] Gingrich not only broke the House rules by failing to ensure that the financing for his television program and college course, a project of his GOPAC political action committee, were not in violation of federal law, but he also deceived The House Ethics Committee, which triggered a costly investigation.

C. William Jefferson

Former U.S. Representative William Jefferson was convicted on eleven corruption charges that included the discovery of $90,000 in his freezer, which was hidden in food containers and wrapped in aluminum foil.[14] A federal court convicted Jefferson on four bribery counts, three counts of money laundering, three counts of wire fraud, and one count of racketeering. The cash discovered in Jefferson's freezer was part of a payment from an FBI informant in a transaction captured on video in 2005. Jefferson was accused of using his congressional position to receive hundreds of thousands of dollars in bribes for himself and his family in exchange for promoting products and services in Africa in addition to bribing a Nigerian official.

IV. Conclusion

Although the Hatch Act, House Committee on Ethics, and U.S. Senate Select Committee on Ethics were designed to prevent corruption and injustice, they clearly do not always do so. Public confidence in our governing institutions requires that incumbent elected officials do more than just cross the street from the Capitol building to make campaign contribution phone calls from non-taxpayer funded office space. The House, Senate and the Executive Branch need to enforce campaign ethics rules strictly, provide adequate training to the federal workforce, and take appropriate measures to actively monitor actions of their members and employees.

Michelle Tran is an intern with the United States Department of Justice in the Riverside Office of the United States Trustee Program (USTP). She attends Chapman University Fowler School of Law and is entering her second year of study. The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.

10 The author interviewed Professor Campbell on July 27, 2016.

11 *As Barry Case Wears On, Many Forget a Sting That Rocked the Hill a Decade Ago; Abscam Claimed 6 House Members and a Senator, including 3 Committee Chairmen*, Roll Call, August 9, 1990.

12 *Only One Congressman In Past 126 Years Has Been Expelled*, The Associated Press, February 19, 1988.

13 *Gingrich ethics case from 15 years ago leaves scar on record*, Aiken Standard, December 25, 2011.

14 *Federal grand jury indicts Cong. Jefferson for bribery*, *New York Beacon*, June 13, 2007.

Californians Had Mission and Purpose at Republican National Convention

by Michael Garrison

After almost three decades of political irrelevance, California Republicans played a role at the Republican National Convention and help nominate a controversial political outsider

Needless to say, but it has been a long time since California mattered in a presidential race. Whether or not The Golden State will have any impact on election day remains to be seen, but most agree that it is highly unlikely. But perhaps the importance of California in this race has already been witnessed at the Republican National Convention (RNC). Even though I am a long-time Republican and have attended many state conventions and other events, this was my first opportunity to attend a national convention. Being selected as a delegate and having the opportunity to take part in a historical political event was something I simply could not turn down. Being a part of history is not something I take lightly, having served as a career officer in the Marine Corps, I have been witness to history making events during my three tours in Iraq. Now while American politics may not be combat, it is certainly a fight; and the results are oftentimes historical. This was indeed the case in Cleveland.

Weeks before the convention began it was already widely known that some Republicans had formed a "Never Trump" coalition that would attempt to overturn the will of the primary voters. While relatively small in number, these folks were vocal and active in attempting to whip up support for their cause. The primary system in each state varies with some states being bound to award delegate votes to the primary winner and others being unbound. This is where California's role comes in. California has a unique method by which candidates select delegates before the primary election and if that candidate wins their Congressional District, that delegate would attend the RNC. Well, by the time California's (late in race) primary election took place, Trump was the only Republican candidate left. He took every Congressional District with relative ease, sending 172 delegates to RNC to support his nomination. With that large of a pro-Trump delegation, California became the blockade that would thwart any attempt by the misguided Never-Trump movement to manipulate a complex and cumbersome system to their liking.

The effort by those opposed to Donald Trump to alter the rules during Rules Committee meetings failed miserably and they were left with only a floor fight as their last option. We (the California delegation) were aware of our role before we ever took to the convention floor and when the need arose, would raise our voices. This was one of the things that made this convention so unique; there would be an attempt at shenanigans (such as exhaustive roll call votes) and the California and New York delegations would simply out shout and out vote (when needed) those making such imprudent attempts.

With that being said, in the end, there were not as many fireworks as many had expected. In fact, by the end of the first day, there was a feeling of unity and of purpose. I attribute that sense of purpose to the nature of the speakers and their speeches during the evening session of the first day. There was a different theme each day. The theme for the first night was Make America Safe Again and focused on national security. This was a theme that definitely united us and set the mood for the remainder of the convention. While speeches by politicians, Rudy Giuliani and Rep. Sean Duffy (Wisconsin) were great, what really affected me were the speeches by the non-politicians, such as the parents of children who were killed by illegal immigrants who had prior serious offenses, the heroes of the 13 Hours in Benghazi, and "Lone Survivor" former SEAL Marcus Luttrell. Their personal testimonies were absolutely stirring. They were raw, emotional, and honest. As a unified party, we realized that was our purpose and our mission; to ensure the nomination of the candidate that would set national security policy and enforce law in a way that would make America as safe a place as it can be. For us, that candidate is Donald Trump.

We carried that purpose with us for the rest of the week and it showed. The crowd was often electric when speakers such as Laura Ingraham, Newt Gingrich, Chris Christie, and vice-presidential nominee, Governor Mike Pence, took to the stage. They all gave rousing speeches that were gobbled up like red meat. Once again, the California Delegation truly led the way and began almost every cheer. Many guests that I have spoken to, who were seated in the upper sections, told me that California was the most energetic and audible delegation.

As for the speeches that would validate and support the Republican nominee himself, there were no better emissaries than his children. They stole the show each night. One very memorable moment was when the New York delegation, led by Donald Trump Jr., announced their vote totals putting Donald Trump over the top and Donald Jr. said, "We did it Dad." It is apparent that the more that his children speak on

his behalf, the higher the likelihood of a Trump victory becomes. They are phenomenal ambassadors and surrogates.

Donald Trump's daughter, Ivanka Trump, had the most prestigious honor, introducing the nominee. She eloquently detailed the vision for America that she shares with her father. She spoke with a poet's cadence and a daughter's love. She introduced her father and he was received with a celebration. His acceptance of the nomination was great. Anyone that was hoping to hear a detailed policy discussion would have been disappointed. The speech was broad in scope and highlighted all the issues he has been discussing throughout the campaign. He gave special attention to his concerns regarding law and order and on equal rights and justice for all Americans.

After Trump concluded, and after the balloons and confetti fell, the delegates celebrated throughout the night at various venues. The next day they would all be headed back to their respective home states, all knowing that, regardless of how this presidential race ends, they were indeed part of history. There was something profound about this convention; the Republican Party officially nominated someone from outside the traditional party structure, someone who speaks and reacts the way ordinary people do, someone who pulls no punches, someone who will give a much-needed shock to the system. The Republican Party nominated Donald Trump.

Michael Garrison is a retired USMC Major. He currently serves as the Vice Chairman for Get Out the Vote Operations for the Republican Party of Riverside County. He works for the Riverside County Chapter of the Building Industry Association as Director of Government Affairs.

Democrats United and Optimistic in Philadelphia

by Congressman Mark Takano

In 2008, prior to being elected to represent Riverside County in the United States Congress, I had the honor of witnessing history as a delegate to the convention wherein Barack Obama was nominated for the presidency. This year's convention, which shattered one of the most persistent glass ceilings in American politics and hopefully put Hillary Clinton on the path to the White House, was a very different but similarly moving experience.

The keynote speakers each night represented an optimistic vision for the future of our nation, one that builds upon the progress of the last eight years. I was touched by the powerful speeches by party leaders, particularly those by President Barack Obama and his wife, Michelle.

The First Lady's remarks regarding the need of political leaders to set examples for our children resonated particularly deeply. As a teacher for 20 years, this was a challenge I grappled with daily. I share her concern that the rhetoric of the Republican nominee is unbecoming a campaign for such a high office, and am heartened that the tone from the Democratic ticket has been more elevated.

The delegates and guests at the Democratic National Convention were a diverse array of Americans. As the only openly gay person of color in Congress, I was given a few moments to address the Convention on Wednesday evening. From the podium I was able to see the faces of people from many different communities and backgrounds. Each of them had trekked across the nation and braved a week of stifling heat to stand up for the values of the Democratic Party and our belief that the only real progress is that which benefits every American.

Attending my first Convention as a member of Congress gave me a new perspective on the process and the opportunity to meet many more of the participants than I had in 2008. I was especially happy to meet with veterans who had served the United States in uniform. These veterans shared my concerns about Donald Trump's proposal to privatize the Veterans Health Administration, which would strip away hard-earned benefits and deny wounded veterans access to doctors with experience handling their very specific needs. As the Acting Ranking Member of the House Committee on Veterans' Affairs, there is no responsibility that I take more seriously than preserving benefits that we owe those who have served. I'm proud to be supporting the presidential nominee who recognizes the importance of those commitments.

Of course, we were all reminded why serving our veterans is so important by the incredible speech by Gold Star parent Khizr Kahn, whose son's sacrifice stands as a testament to the valor of our fighting men and women.

The press has tried to make an issue out of "disunity" at the two party conventions. We should avoid the trap of false equivalence. While it is true that some of those who came to the Convention pledged to Senator Bernie Sanders arrived somewhat reluctant to join him in backing Hillary Clinton, our event was broadly free of the disruptions and drama that marked the GOP gathering.

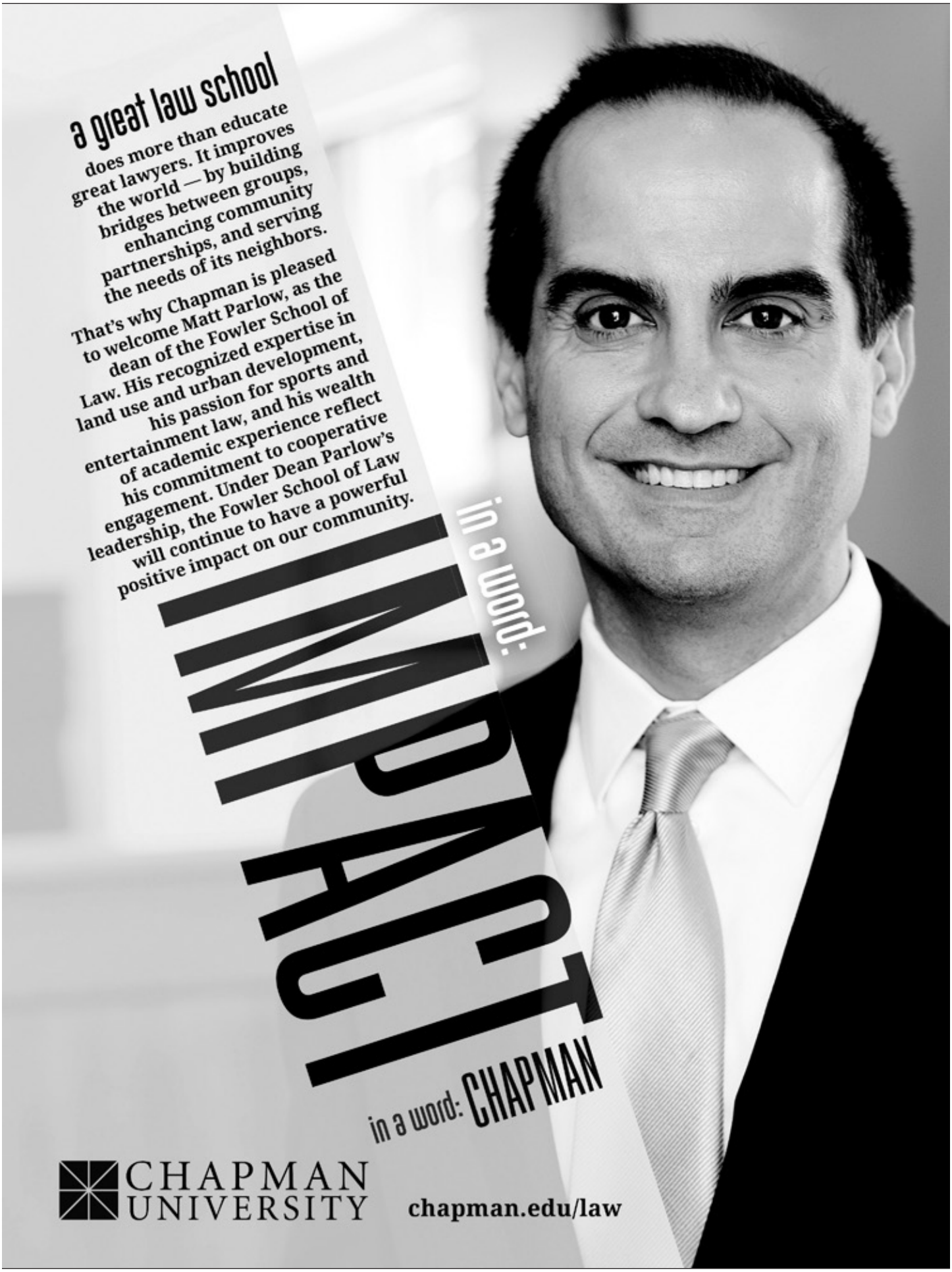
Senator Sanders laid out the powerful case for why only a vote for Secretary Clinton in November will advance the agenda he and his supporters have articulated. The two campaigns came together in advance of the Convention to produce the most progressive platform ever adopted by a major American political party. In her acceptance speeches, Secretary Clinton committed herself fully to those priorities: building an economy that works for everyone, providing tuition-free access to public institutions of higher education, raising the minimum wage, addressing gun violence, and tackling the challenge of climate change.

In Congress, I've worked with Senator Sanders to help our veterans and protect Social Security and Medicare. In this campaign, I've supported Secretary Clinton and her commitment to break down the barriers holding too many Americans back in life. As we move towards November, I am excited to join both of them in the campaign to build upon President Obama's record of success.

The Clinton-Kaine ticket, running on the Clinton-Sanders-Obama platform, offers America a hopeful and optimistic option in a year where the Republican standard bearer has done everything he can to drag down the spirits of our nation and the tone of our politics.

Representing the people of Riverside County in Congress is the greatest honor of my life. Representing our district at this year's Democratic National Convention was one of the most joyful. As we departed the Convention, I was confident that Democrats were ready to go forth from the City of Brotherly Love to fight to ensure that this country we love remains, as President Abraham Lincoln once described it, "the last great hope on Earth."

Mark Takano is the Congressman for the 41st District of California, representing the people of Riverside, Moreno Valley, Jurupa Valley and Perris in the United States House of Representatives. He serves on the Veterans' Affairs Committee, the Education and Workforce Committee, and the Science, Space, and Technology Committee.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Becoming a Superior Court Judge

by DW Duke

For a variety of reasons, at some time in your career you may consider becoming a judge. Serving as a judge has certain advantages, such as prestige, a steady salary and a retirement. Of course, there are disadvantages such as defined work hours and a limits on earning capacity. Given the blended benefits and disadvantages, one must carefully weigh the decision whether to become a judge. Many choose this option out of a desire to give something back to the community. They believe that using their talents and skills serving as a judge would be the best way to accomplish this.

The State of California has 58 trial courts, one in each county, which serves California's population of approximately 39 million people. Prior to June of 1998, trial courts in California were divided into municipal and superior courts. California voters approved Prop 220, which amended the California Constitution to allow judges to merge the municipal and superior courts into a single unified court system. All counties in California have opted to adopt the unified court system.

In the State of California, Superior Court judges are appointed by the governor or are elected by the voters of the county where the attorney seeks a seat. To be eligible to serve as a judge, the attorneys must have practiced law in California for a minimum of ten years. Once on the bench, the judge must run for re-election every six years. At that time, his or her seat may be challenged by an eligible attorney who aspires to the bench. However, successfully unseating a sitting judge is rare.

In this article, I will explore the two methods of acquiring a seat on the superior court. Hopefully, this will remove the cloud of uncertainty for those interested in becoming a judge.

Judicial Appointment

The California Constitution authorizes the governor to appoint judges to the superior courts. The process is initiated by an attorney filing an application. The application is available on the website of the Office of the Governor and can be downloaded at the following site: https://www.gov.ca.gov/s_judicialappointments.php

In submitting the application, the attorney is permitted to include certain relevant documents, like letters of support. The applications are reviewed by the governor's senior advisor. The senior advisor will make recommendations for appointments to the governor. If the governor agrees that a particular candidate possesses the necessary qualifications, he may request an initial inquiry of the candidate.

The initial inquiry may take the form of letters or telephone calls to judges and others, but the senior advisor to the governor often makes the calls personally. If the initial inquiry proves promising, the governor will generally refer the candidate to the Commission on Judicial Nominee Evaluation (JNE Commission) and at the same time to the local bar association in the county where the candidate practices. Within 90 days, those entities report back to the governor with nonbinding recommendations. The JNE Commission conducts a survey of attorneys, based in part on a list provided by the candidate, and based in part upon a random sampling of attorneys in the community where the attorney practices. The Commission reports its findings to the governor who then makes a decision whether to appoint the candidate in question.

The decision whether to make the appointment upon receipt of the findings of the JNE Commission and the report from the local bar association, is based upon a number of factors known only to the governor and his advisors. The only legal requirement is that the candidate have practiced in the community for the most recent ten years and that he or she be currently licensed. While other factors might enter into the decision, such as political party affiliation, state bar discipline, or a history of a criminal conduct, these factors will be considered by the governor, but are not binding on his decision. For example, while a governor could choose to appoint only persons of a particular political party, there is no legal requirement that he do so. Some governors have gone to great lengths to appoint an equal number of candidates from each major political party in order to prevent politics from governing his decisions. As long as the candidate meets the minimum qualifications, the governor is free to appoint whomever he chooses.

Election of Superior Court Judges

While most judges are appointed by the governor, where a vacancy exists in an election year, an attorney may choose to run for the vacant seat unless the governor has indicated that he will be appointing someone to

that seat. In addition, an attorney may also run against a sitting judge who is up for re-election at the end of his six-year term. Where a judge leaves office prior to the completion of the six-year term, a judge appointed to fill that vacancy will serve out the remainder of that term and then be required to run for re-election in less than six years. For example, Riverside County Superior Court Judge Sunshine Sykes was appointed by Governor Brown on December 5, 2013 to replace Judge Randall White who retired on December 30, 2012, with a short period of time remaining in his term. For that reason, Judge Sykes was forced to run for election in June of 2014 and successfully retained her seat.

The decision to run for judge should not be made lightly. It can be a very expensive proposition if a candidate seriously seeks to win. It is not unheard of for a candidate to spend nearly a half million dollars on a campaign. However, some elections have been won by spending less than 10% of that amount. Judicial elections occur during the primary elections, unless there are more than two candidates and a failure of any candidate to reach more than 50% of the votes. In that event, there will be a "runoff" and the two candidates with the highest percentage of votes will then compete in the November elections

Once deciding to proceed as a candidate, the attorney will need to "pull the papers" by visiting the Registrar of Voters in the county where he or she intends to run. Clerks in the office are generally helpful and will answer questions about the process. The candidate will be provided a candidate's handbook, which will explain the process in detail and will be given numerous forms to be completed. Because of the numerous deadlines and voluminous number of documents, we will only highlight some of the more significant.

The first order of business when pulling the papers will to be to pay the filing fee and to declare one's candidacy. In 2016, the filing fee for a candidate for judge in Riverside County was $1, 890.41 or 1% of the salary of an entering judge of $189,041. The filing fee can be avoided by collecting 7,562 signature in lieu of the filing fee. As a practical matter, most candidates consider the effort of collecting the signatures to outweigh the value obtained in avoiding the fee.

At the outset of the campaign, the candidate will be required to watch a video pertaining to the Code of Judicial Ethics in the context of a judicial campaign. Candidates must comply with Canon 5, which pertains to conduct during the campaign. For example, candidates are not permitted to make false statements concerning their opponents or their qualifications. Moreover, candidates are not permitted to discuss their positions on legal matters that are likely to come before them as a judge.

After paying the filing fee, the candidate will have approximately 31 days to obtain nomination signatures of 20 voters registered in the county where the candidate is running. The clerk will likely recommend obtaining 40 signatures in case some of them prove to be unqualified. In addition, the candidate may select a ballot designation consisting of up to three words. The candidate may also prepare an optional short candidate statement to be included in the ballot information materials. The cost for submitting the statement varies from county to county and ranges from a few thousand dollars to $15,000 or more.

The candidate must file certain forms pertaining to the campaign such as form 460, which discloses financial expenditures. Because of the complexity in filling out the forms properly, candidates are advised to hire an experienced campaign manager and to form a campaign committee. An accountant experienced in campaign finances is indispensable to the campaign.

Perhaps the most enjoyable aspect of a judicial campaign is campaigning itself. The candidate will have an opportunity to meet many fascinating individuals and to discuss his qualifications for office. Debates with opposing candidates are not recommended given the likelihood that communications will drift into a political debate and the campaign is to remain as nonpolitical as possible.

Despite the mystery surrounding the effort to become a judge, many have found the daunting pursuit to be worth the effort. Serving as a judge provides a unique way to give something back to the community which can be rewarding. For anyone considering becoming a judge, but is uncertain of the best path to follow, many resources exist to assist in the process. Meeting with a judge to discuss his experiences and to obtain his suggestions may be of benefit. Thinking about becoming a judge, but failing to take steps to achieve the goal, will only leave the prospective candidate wondering if this is a step he should have taken.

DW Duke is the managing partner in the Inland Empire office of Spile, Leff & Goor LLP and the principal of The Duke Law Group. He is the author of five books and a frequent contributor to the Riverside Lawyer.

California Felons and Their Now Clarified Voting Rights

by Joshua Knight

> *"Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried…"*
> Winston Churchill

There is no more sacred right in a democracy than the right to vote. It is how we ensure our "government of the people, by the people, for the people, shall not perish from the earth." But, it is depressing how so few people vote. In this past year's Presidential Primary only 29% of eligible voters in Riverside County chose to vote according to the California Secretary of State. With felons, however, there is the added confusion about whether they even have a right to vote.

Sadly, during my time at Public Defender's Offices and the Santa Cruz County Elections Department, I have received few questions about voting rights for felons. Either felons are among the disinterested populace or they are unaware their criminal convictions do not render them unable to vote. If it is the latter, it is incumbent on all of us to understand the simple rules which exclude felons from voting and explain them to felons and other citizens questioning whether felons can vote.

Unlike states with highly restrictive rules on voting rights for felons, California's list of restrictions is rather small and ends upon completion. For citizens of the United States, who are residents of California and age 18 on the date of the election, a felony makes them ineligible to register and vote only if they are currently:

- Imprisoned in state prison;
- Serving a prison sentence in county jail OR;
- On parole.

That's it. If a person currently falls under one of these narrow categories, County elections officials cancel their voter registration upon receiving proof the person is presently imprisoned or on parole. (EC § 2201, subd. (a)(3).)

An excluded felon's right to vote is automatically restored once they are released (and not placed on parole) or when they complete parole. They then can vote in state and federal elections. The key is, however, in order to be able to vote, restored felons must re-register 15 days prior to the election.

The Confusion and Controversy Caused by AB 109 or Realignment

Up until recently, California struggled with how to treat felons on mandatory supervision and post-release community supervision (PRCS). After the passage of AB 109, low level felons now serve their prison sentences in county jail rather than prison. Felons can now be imprisoned in county jail or prison, and placed on supervision levels including parole, mandatory supervision or PRCS. These new levels of supervision created a grey area for election officials because election laws did not address what to do with their voting rights. Prior to AB 109, the election code excluded people from voting only if they were "in prison" or "on parole", and in December of 2011, then Secretary of State Debra Bowen issued a memorandum construing this ambiguity against allowing this new class of supervised felons the right to vote, finding their supervision was the functional equivalent of parole.

Civil liberty groups did not take this official opinion lightly which stripped the rights of citizens. In late 2015, in response to civil rights lawsuits over Secretary Bowen's decision, the official rules for those on mandatory supervision and PRCS were changed by the enactment of AB 1020. This bill, which went into effect January 1, 2016, made a number of changes to our election laws including clearing up the confusion caused by realignment.

Instead of the code saying that felons "in prison" could not vote, the new election code denies the right to vote to those "imprisoned," which now includes those serving prison sentences in county jail. Moreover, the bill continues to deny those "on parole" the right to vote but omits those on mandatory supervision or PRCS. As a result, the Secretary of State's official position explicitly says those under the newly created levels of supervisions are eligible to vote. (See "Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison" http://www.sos.ca.gov/elections/voting-resources/voting-california/who-can-vote-california/voting-rights-californians/.)

What may be lost in all of this, is that some felons were told that they don't have the right to vote and may remain unregistered when they can. In order to protect the rights of all citizens, we must make sure to let people know that they need to re-register if they think they are in

this group affected by AB 1020. Registration may be performed online and civic organizations frequently reach out to the community to assist potential voters to register. There is no reason why people should be unable to do it.

Many people in the world do not have the right to vote and others only have the right to participate in sham elections. The United States is different. We should not be engaged in excluding those that can vote from taking part. With felons in particular, there is a growing sense they may feel permanently ostracized from participating in civil governance when the laws of California do not do so. We should encourage people, once they have paid their debt to society, to rejoin the law abiding by taking part in the election process.

Joshua Knight has been a deputy public defender for 11½ years with Kern and Riverside counties and is currently assigned to writes and appeals. Prior to becoming a lawyer he worked for the Santa Cruz County Elections Department during the 2000 and 2004 presidential elections.

ATTENTION RCBA MEMBERS

If you are not getting email updates/notices from the RCBA and would like to be on our mailing list, visit our website at www.riversidecountybar.com to submit your email address or send an email to lisa@riversidecountybar.com

The website includes bar events calendar, legal research, office tools, and law links. You can register for events, make payments and donations, and much more.

26th ANNUAL RED MASS

Tuesday, October 4, 2016, at 6:00 p.m.

Saint Francis de Sales Catholic Church
4268 Lime Street, Riverside

The entire legal community and persons of all faiths are invited to attend the 26th Annual Red Mass on Tuesday, October 4, 2016, at 6:00 p.m. The mass will be held at Saint Francis de Sales Catholic Church, which is located at 4268 Lime Street, in downtown Riverside, across from the Court of Appeal. We are pleased to announce that the chief celebrant and homilist will be Reverend Erik Esparza, Associate Director of the Office of Priest Personnel of the Diocese of San Bernardino. A dinner reception in the parish hall hosted by the Red Mass Steering Committee will follow the mass.

The Red Mass is a religious celebration in which members of the legal community of all faiths invoke God's blessing and guidance in the administration of justice. All who are involved in the judicial system, including lawyers, judges, legal assistants, court personnel, court reporters, court security officers, and peace officers, are encouraged to attend the Red Mass. The mass will be dedicated to the victims of the December 2, 2015 tragedy in San Bernardino.

Justice Manuel A. Ramirez Will Be Honored With The Saint Thomas More Award

Justice Manuel A. Ramirez will be honored with the Saint Thomas More Award for his extraordinary service and devotion to church, community, and justice. The Saint Thomas More Award is given to an attorney or judge in the community whose professional life is a reflection of his or her faith, who give hope to those in need, who is kind and generous in spirit, and who is an exemplary human being overall.

The Tradition of the Red Mass

The Red Mass is celebrated each year in Washington, D.C., where Supreme Court justices, members of Congress, and sometimes the President attend at the National Shrine of the Immaculate Conception. Since 1991, the Red Mass has been offered in the Diocese of San Bernardino, which covers both Riverside and San Bernardino counties. For further information about this event, please contact Jacqueline Carey-Wilson at (909) 387-4334 or Mitchell Norton at (909) 387-5444.

Ethics, Politics, and Supreme Court

by Avetana Dzmitryieva

The Framers of the United States Constitution viewed the main principles governing the judicial branch to be impartiality and separation from political influence. However, it appears that some Supreme Court Justices are becoming more and more comfortable with acting like normal politicians by expressing their views on the merits or demerits of candidates for elected office. Such behavior not only compromises the image of the Supreme Court, but also significantly erodes the credibility of the entire judiciary.

The Code of Judicial Conduct dictates that the judges are not to endorse or oppose candidates for elected office. The prohibition is an attempt to preserve the appearance of impartiality and to promote public confidence in the integrity of the judiciary. But, as Professor Erwin Chemerinsky explains in his recent article in the *Los Angeles Times*, the Code of Judicial Conduct does not apply to Supreme Court Justices. (Erwin Chemerinsky, *Ruth Bader Ginsburg has nothing to apologize for in her criticism of Donald Trump, Los Angeles Times*, July 18, 2016.)

Does it mean that Supreme Court Justices should be free to voice their opinions about candidates whenever and wherever they please? Probably not. As the arbiters on the highest court in the land, Justices should lead by example and adhere to ethical rules, not because those rules can be enforced against them, but because of self-discipline. To expect anything less would result in Supreme Court Justices being held to a lower standard of professionalism than federal or state judges.

Inevitably, compliance with ethical expectation might inhibit Justices' right to voice their sound concerns about candidates for elected office as private citizens. In his article *Ruth Bader Ginsburg has nothing to apologize for in her criticism of Donald Trump*, Professor Chemerinsky poses a good question to all of the commentators who believe that the judges should not interfere with the manner in which the country is run: "Imagine that you see the country heading out a potentially destructive and very dangerous part. Do you sit quietly and if the worst happens always regret your silence, or do you speak out even if doing so will subject you to criticism?" Well, it depends. On rare occasions it might be appropriate for anyone, including Supreme Court Justices, to disregard their roles as public figures and act based on their own set of morals. However, the standard for the deviation from ethical rules should be more manageable and narrow than "when you see the country heading out a potentially destructive and very dangerous part." After all, how to objectively determine what is a "very dangerous part" as opposed to an unpopular or non-traditional approach on matters of race, the economy, or war?

One could argue that Supreme Court Justices should always be able to voice their opinion about a political candidate because such opinion, whether openly expressed or not, does not diminish Justices' ability to analyze legal questions based on their views of the Constitution. If Justices view the Constitution as a living document that constantly evolves and changes over time then they are likely to treat the original meaning of the Constitution only as the starting point for any interpretative inquiry. Conversely, if Justices view the Constitution as an immutable document, they might be inclined to analyze issues based on their interpretation of the original meaning of the Constitution. But either way, a non-neutrality to political candidates has nothing to do with the analysis that Justices apply while adjudicating cases in front of them.

Even assuming that the above-mentioned argument is reasonable and convincing, there is still an issue with its scope and applicability. Ethical standards should be uniform, meaning if the Supreme Court Justices can express their views on political candidates, then federal and state judges should be allowed to do so too. Consequently, if the Code of Judicial Conduct is changed to allow judges to endorse or oppose candidates for elected office, even the minimal appearance of impartiality will be gone. No longer would the judges be protected from political pressure, public pressure, and even personal pressure. It is difficult to imagine that a judge, especially state judges, would not have a direct interest in the outcome of a case if one of the parties is the political candidate who the judge endorsed or opposed during the elections. Unlike federal judges and Supreme Court Justices, state judges get elected by a popular vote, and therefore the outcome of the case might be a determining factor of the success or failure of future re-election campaigns. Those judges' decisions will never be seen as anything other than biased.

As the American judiciary is becoming increasingly politicized, it is essential for Supreme Court Justices to act in such a way that their impartiality cannot be questioned. And "being impartial" most definitely entails a duty to refrain from expressing views on the merits or demerits of candidates for elected office. Washington is more than partisan enough without Supreme Court Justices taking sides and descending to the vagaries of politics.

Avetana Dzmitryieva is a second year student at the University of San Diego, School of Law. She is also a veteran of the U.S. Armed Forces. This summer she did an externship at the Southwest Justice Center under the mentorship of Judge Angel Bermudez.

Spending in Judicial Elections

by Lauren Wood

Every four years voters go to the polls knowing exactly which presidential candidate's box they will check. Many of these voters, though, are not voting with as much gusto in judicial elections. This is because, despite the judiciary having some of the most direct power on a citizen's life, the layperson simply does not have sufficient information to make a meaningful decision in a judicial election. Judges run campaigns to alleviate this problem, for where there are elections there are campaigns and judicial elections are no exception.

These judicial campaigns are typically low-fuss affairs. The amount of money being spent on these campaigns, however, is trending upward. A report titled *Bankrolling the Bench* produced by Justice at Stake, the Brennan Center for Justice at NYU School of Law, and the National Institute on Money in State Politics, puts the number spent just on state supreme court elections for the 2013-14 election year at above $30 million.

For that 2013-14 election year, there was a high correlation between money and winning; 90 percent of the time, the candidates that raised the most in campaign funds went on to win their election. Credit is given to the Supreme Court decision in *Citizens United v. FEC* as a factor for why there has been an increase in spending by outside interest groups. These interest groups include political action committees and social welfare organizations and constituted 29 percent of the total spending for the 2013-14 election. For the same cycle, the top ten spenders contributed almost 40 percent of all the money spent on all campaigns and in most jurisdictions the majority of contributions were from donors able to give over $1,000.

In a subset of states even the non-antagonistic retention elections received an increase in campaign spending. Almost $6.5 million was spent in just three retention elections in 2013-14. Further, the average per seat spending for years 2009-14 shows a tenfold increase over the average of the previous eight years. These trends in retention elections may be contained, though. This spending is frequently only in response to a controversial decision or, in instances of partisan elections, where there may be an opportunity to change the ideological makeup of a bench. The subset of states that saw large spending is made up of only three states: Illinois, Pennsylvania, and Tennessee.

Although California is one of the 38 states that conduct judicial elections, it has been largely protected from any effects of an increase in spending as a result of its electoral system. California uses a heavily modified version of the Missouri Plan to appoint judges at the Supreme Court and Appellate Court levels. The Missouri Plan is also referred to as an assisted appointment because it is a process by which the governor appoints judges with the input from a commission or board. In California, an appointment by the governor is made after a thorough examination by the Commission on Judicial Nominee Evaluations. For all Supreme and Appellate Court candidates this examination includes investigating all statements made on an application as well as reading comment forms sent to a large portion of that candidate's legal community, including: 50-75 personal references, a broad cross-section of attorneys in the same practicing county and area of law, all judicial officers in the county where the candidate practices, all justices of the candidate's appellate district, all California Supreme Court justices, and 75 names selected randomly from the commission's mailing list (with rules in LA County requiring only 50 percent of judicial officers being contacted). Most Superior Court judges are appointed through an almost identical process, however, comment forms are not sent to Supreme Court Justices and they may also win a seat on the bench via a non-partisan election.

The judges appointed to the California Supreme Court and Courts of Appeal are subject to retention elections every twelve years. Retention elections are not contested and appear on the ballot as a judge's name next to a 'Yes' checkbox indicating a voter would like that judge to retain their seat and a 'No' checkbox indicating otherwise. Typically, these do not receive much attention and judges are almost always retained. However, retention elections are the exception to California's insulation from spending in judicial campaigns. Because California participates in non-partisan judicial elections, judges that rule controversially on a case may experience backlash in the form of a failed retention election. This occurred in 1986, when three California Supreme Court justices, including the chief justice, failed to be retained. The campaigns for this election were targeted at the justice for ruling against the death penalty and ultimately cost $11.5 million dollars.

The *Bankrolling the Bench* report argues that all of this spending on campaigns acts to politicize judicial elections and creates an influence on judges which threatens the idea of "equal justice for all." Detractors of this idea such as Chris Bonneau, author of *In Defense of Judicial Elections*, believes that increased spending in campaigns makes judicial elections more competitive which results in a judge that performs better with his electorate. Ultimately, it comes back to the old debate between judicial independence and judicial accountability, and which should be compromised at the cost of bolstering the other.

Lauren Wood is a second year law student at the University of San Diego. She graduated from Murrieta Valley High School.

In Support of Judicial Elections

by Donald P. Wagner

There are two routes to the bench in California, one open largely to the members of the then-sitting governor's party – appointment – and the other open to quality candidates of any political affiliation – election. For many reasons, we should not eliminate the electoral route.

First, in a solidly blue state like California, it is tough to see the Democratic Party's dominance in gubernatorial and legislative elections changing any time soon. But having all three branches under the control of a single party undermines the very idea of checks and balances. Moreover, with the existing Democratic dominance, judges are drawn overwhelmingly from the plaintiff and criminal defense bars, skewing the justice system leftward. (Of course, were the parties and situation reversed, the same checks and balances concerns would exist.) Absent the alternative electoral route, the public will have no direct opportunity to assure that its judges represent the broad spectrum of life in California.

Second, in our system, we trust our citizens to decide who will exercise power over them. We should not suddenly abandon that trust when it comes to the branch of government having the most immediate impact on citizens at a personal level. The executive and legislative branches exercise diffuse power, legislating and administering laws of general applicability. Judges, though, adjudicate individual cases with the affected citizens sitting in the courthouse directly experiencing the state's specific exercise of its power. Citizens should have at least some say over the black robed state official exercising that state power.

Third, direct elections have the salutary effect of making judges accountable. While it is true that any particular judge is rarely unseated at election time, the threat is always out there, and should always be in the back of a judge's mind. This is emphatically not to say that public pressure can or should influence a particular decision. But it is appropriate that a judge consider whether departing from the law – as happened recently in Orange County when a judge ignored sentencing guidelines to give a sexual predator a light sentence – might have an effect on the judge's continued service. After all, judges are appointed to apply the law, not substitute their own policy determinations for that law. Fear of an electorate unhappy with how a particular official exercises his or her office is a healthy fear in our system of government.

Electoral accountability also works to benefit the judicial system. For example, when considering funding decisions for the trial courts, the legislature recognizes that the judges are elected by the public, responsible to the public, and thus are in a better position with respect to each individual court system to decide how best to serve the public with the money they are allocated. Through judicial elections, the legislature can assume that judges are responsive to the public.

The standard objections to judicial elections are insufficient to overcome these advantages to judicial elections. For example, we hear that the Founders preferred appointed, lifetime tenured judges as if we should then do likewise. But that argument does not follow. The federal government is one of limited powers and federal judges work within that limited system. However, state judges are not as limited because the state government is not as limited. The Constitution gives to the federal government only those powers delegated by the states and the people; the reserved powers remain with the states and the people. There is nothing inconsistent with our founding principles for the states to determine for themselves how to select their own judges to exercise their reserved powers.

Additionally, judicial campaigns allegedly make judges into politicians, compromising their ability to judge fairly. But the supposed "corrupting" influence of politics is vastly overstated I believe as both a politician and the husband of a recent judicial candidate. More importantly, the Canons of Judicial Ethics specifically limit the actual involvement of judicial candidates in politics. They may not endorse non-judicial candidates, take positions on political questions, or, when on the bench, sit on cases with even the possible appearance of a conflict of interest. In short, significant institutional protections exist to substantially mitigate this concern.

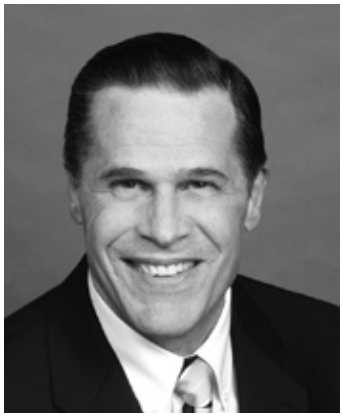
Finally, it is a potentially valid objection to judicial elections that unqualified candidates may sneak onto the bench. This is admittedly a trade-off for the benefits of elections. But it is a fair trade. This is a concern in any election for any position; if we are to trust the electorate, we should trust the electorate. Also, this is a concern mostly in large counties where judicial elections are more anonymous. But precisely in large counties, the problem is least acute as elected judges are the vast minority of all judges and because the opportunity exists for the court system to marginalize weak judges through low stakes assignments.

Assembly Member Wagner is Vice-Chairman of the Assembly Judiciary Committee and represents the 68th Assembly District cities of Anaheim Hills, Lake Forest, Irvine, Orange, Tustin, Villa Park, and surrounding areas.

Opposing Counsel: Michael Grant

by Boyd Jensen

Attorney Mike Grant, transactional real estate specialist and a senior partner with the firm of Best Best and Krieger LLP "BB&K," after practicing 40 years, will retire in early 2017. This quiet and dignified[1] representative of our Riverside legal community has an idyllic story.



Michael Grant

Born in Fairfield, Iowa, the southeast corner of the state, population 7,000, he lived there for eleven years while his dad was working for the United States Department of Agriculture until transferred to Riverside in 1957. After attending Central Middle School (then Central Jr. High), he graduated from Riverside Poly High School (Class of '64) with one of his future partners, John Wahlin…and as if choreographed, his high school diploma was signed by one of BB&K's then senior partners, Art Littleworth, President of the Riverside Unified School Board.

Mike met his future wife, Chris Berkey, at Central Middle School. They became high school sweethearts and later, attended Brigham Young University together. After a year of college, Mike volunteered for a two-year LDS[2] mission in Argentina. He learned to speak Spanish fluently, which he retained, as well as his love for Argentina, its people and cuisine, being reminded when he on occasion has returned. He described his mission as a deeply "spiritual and life changing experience."

He returned to BYU (graduating in 1970 – History & International Relations), proposed to Chris and commenced teaching Spanish at the LDS Language Training Center. Chris accepted his proposal, but so did the United States Navy. Given the Vietnam War and the draft, Mike decided he preferred seeing Vietnam from the air rather than the ground. Not long after their nuptials, Mike began officer and flight training at the Naval Air Station "NAS" in Pensacola, Florida.

His military service included flying 99 carrier combat missions in Vietnam and two cruises to the Western Pacific, after which he continued in the Naval Air Reserves flying the Douglas A-3 Skywarrior, which was used for electronic warfare and air refueling. He accumulated more than 2,000 flight hours, flying from seven different aircraft carriers and was part of a crew that set a record for the longest nonstop flight by a tactical Navy carrier aircraft— from NAS Rota, Spain to NAS Alameda, California (air refueling three times enroute). Mike retired from the Navy Reserves in 1995 as a "Commander."[3]

While serving as legal officer in his Navy squadron, Mike studied and took the LSAT between cruises. He attended Hastings College of the Law from 1974 – 1977 and became a California lawyer in December of 1977. He clerked with BB&K after his second year (summer of '76) and returned full time in 1977 following the bar exam. Mike loved the people and culture at BB&K and they loved him. It was much smaller then, only 25 attorneys in three offices (Riverside, Sun City & Palm Springs), compared to now with 185 attorneys in eight California offices and one office in Washington D.C. He still appreciates the people, the culture, and the friendships. Mike considers Art Littleworth, Justice Bart Gaut, Bill DeWolfe, Judge Dallas Holmes, Chris Carpenter, and others at BB&K as great examples and mentors.

Attorney Grant began specializing almost immediately in transactional real estate, representing a mix of private and public clients. Private clients have included commercial and residential developers, landowners selling/leasing property for development and portfolio investors. Public entity clients have included many cities, water districts, school districts and special districts. Mike became a partner in 1983 and has served on various nonprofit boards including; California Inland Empire Council, Boy Scouts of America; Visiting Nurses Association; Jefferson Transitional Programs; and is currently on the Board of Palm Springs Air Museum. Mike has always been active in his faith and for many years was the President (ecclesiastic presiding leader) of the Riverside units of the Church of Jesus Christ of Latter-day Saints. Practicing in Riverside allowed time for family, church, the Navy Reserves, public service, and the ten minute commute from home to office.

Two of Chris and Mike's five children were born during his college and Vietnam years and all five graduated from Riverside's North High School. Despite contacts with the legal field, none of their children pursued the law as

1 Though he did drive a red Corvette "Sting Ray" for a while.
2 Church of Jesus Christ of Latter-day Saints (Mormon).
3 Navy Commander is equivalent to the rank of lieutenant colonel in the other uniformed services.

a career. Their son was a "runner" at BB&K and is now a firefighter. All four of their daughters were in mock trial at North and had great experiences — one (Amy) being a top prosecutor in 1994. The girls include a CPA and a speech pathologist, although all daughters are also homemakers to Mike and Chris' 15 grandchildren living in Gig Harbor, Washington; Kennewick, Washington; Idaho Falls, Idaho; Las Vegas, Nevada and Aurora (Chicago), Illinois.

The Grant family enjoys skiing together and cycling. Mike and his son cycled across Iowa (529 miles) in seven days as part of the annual RAGBRAI (Register's Annual Great Bicycle Ride Across Iowa.) BB&K partners Frank Adams, Jim Harper, and Mike participate in regional cycling events.

In terms of future plans, Chris and Mike may serve another LDS mission particularly in a Spanish speaking area. "No rocking chairs for us," Mike says, to no one's surprise. This Riverside boy, Navy flier, "Mormon Missionary" and quintessential representative of Riverside's preeminent firm, will be a credit to our Riverside legal community whatever he chooses to do.

Attorney Boyd Jensen of Garrett & Jensen has been a civil practitioner in Riverside County since 1979.

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For its annual Fall Kick Off Event

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6:00 p.m.

Enjoy Wine, Appetizers, Music, and a Seasonal Fashion Show in a beautiful garden setting

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Planning Committee: Ann DeWolfe, Cindy Heiting & Debbie Lee

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Conference Rooms Available
Conference rooms, small offices and the Gabbert Gallery 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.

Membership

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective September 30, 2016.

Sophie Castillo Agopian – Solo Practitioner, Wildomar

Rachael B. Bennett – Bennett & Bennett APC, Temecula

John Craig – Affiliate Member, Thompson Reuters, Los Angeles

Reiko J. Hicks – Law Office of Reiko J. Hicks, Rancho Cucamonga

John-Christopher M. Hughes – Wallin & Klarich, Riverside

Haroon R. Manjlai – Law Student, Gallinger Law, Anaheim

Armando Murillo, Jr. – Law Student, Los Angeles

Matthew B. Neufeld – Law Student, Redlands

Donald W. Ostertag – Office of the District Attorney, Riverside

George Rosenstock – Calabria Law Group, Pasadena

Gabriel N. White – Court of Appeal 4th District Division 2, Riverside

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