

RIVERSIDE LAWYER

December 2017 • Volume 67 Number 11

MAGAZINE




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RIVERSIDE LAWYER

MAGAZINE

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MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

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

DECEMBER

- 7 New Admittee Swearing In**
10:00 a.m. – Riverside Superior Court, Dept. 1
Annual Joint RCBA & SBCBA General Membership Meeting
Noon – 1:30 p.m.
Court of Appeal, Fourth District Division Two
3389 12th Street, Riverside
Speaker: Michael G. Colantuono, President
State Bar of California
Topic: “State of the State Bar”
MCLE
- 11 RCBA Shopping Elves – Big Kmart**
375 E. Alessandro Blvd., Riverside
6:00 p.m.
(contact RCBA for more information)
- 12 Joint Meeting of the Civil Litigation Section and CLE Committee**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Topic: “Trial Evidence, Part II: Laying Evidentiary Foundations and Evidentiary Objections”
Speaker: Justice Richard T. Fields
MCLE
- 13 Joint meeting of the Criminal Law and Appellate Law Sections**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Topic: “The Wacky and Wonderful World of Criminal Writ Practice – It’s All About the Record”
Speakers: Ivy Fitzpatrick and Laura Arnold
MCLE
- 13-14 RCBA Wrapping Elves**
RCBA Boardroom – 4:00 p.m.
(contact RCBA for more information)
- 19 Family Law Section Meeting**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Topic: “Recent Changes to Military Pensions and How they Impact Family Law Practitioners & Clients”
Speakers: David Ruegg and Richard Muir
MCLE
- 25 Christmas Holiday (RCBA Offices Closed)**
EVENTS SUBJECT TO CHANGE.
For the latest calendar information please visit the RCBA’s website at riversidecountybar.com.



ON THE COVER:

RCBA Board

Back row (l-r): Nick Firetag, Matt Strickroth, Jean-Simon Serrano

Front row (l-r): Stefanie Field, Sophia Choi, L. Alexandra Fong, Shumika T. R. Sookdeo, Lori Myers, Jennifer Lynch

Barristers

Back row (l-r): Kris Daams, Braden Holly, Paul Lin

Front row (l-r): Megan Demshki, Erica Alfaro, Breanne Wesche, Shumika T. R. Sookdeo, Priscilla George, Nesa Targhibi

photos by Michael J. Elderman



President's Message

by L. Alexandra Fong

This month's issue of *Riverside Lawyer* focuses on Riverside County Bar Association (RCBA) and the State Bar of California.

RCBA was established in 1894 to encourage social interaction between the bench and the bar and has evolved into a professional organization, providing many valuable services to our members and the public. RCBA general membership is open to attorneys (retired and practicing) and law students. RCBA affiliate membership is open to paralegals, attorney service providers, business professionals, legal secretaries, and law librarians.

I have been an active member of RCBA since 2005, when I started my employment as a deputy county counsel for the County Counsel of Riverside County. For several years, I have enjoyed attending various section meetings and learning about new areas of law until I became involved with RCBA by joining two committees in early 2009 – the Bar Publications Committee and the Continuing Legal Education Committee. In 2011, at the request of then-President Harlan Kistler, I started the mentoring program for RCBA and became its first chair. Later that year, I became chair of the CLE Committee and in 2013, welcomed Abram Feuerstein as co-chair of the committee. When I became president-elect of RCBA in 2016, I relinquished my role as co-chair of the CLE committee due to many pressing duties on the RCBA Board, as well as my role as chair of the Steering Committee for the Riverside County Bar Foundation, Inc, (the "Foundation"), the charitable arm of RCBA.

RCBA has eleven committees whose membership is open to its members as follows: Bar Publications, Conference of Delegates,

Continuing Legal Education, Emergency/Disaster, Fee Arbitration, Membership, Mock Trial Steering, Public Bar Relations, Speakers Bureau, and Special Events. RCBA has seven committees with restricted memberships as follows: Advocacy Committee, Judicial Evaluation, Judicial Liaison, Krieger Meritorious Service Award, Law and Media, Nominations, and Role of the Judiciary. Additional information about these committees can be found in this issue of the *Riverside Lawyer*.

The RCBA has eleven sections which are semi-autonomous and empowered to establish their own procedures, subject only to compliance with RCBA bylaws and review by the board of directors. These are identified as follows: Appellate Law, Business Law, Civil Litigation, Criminal Law, Environmental and Land Use Law, Estate Planning/Probate & Elder Law, Family Law, Human/Civil Rights, Immigration Law, Landlord & Tenant Law, and the Solo & Small Firm. Additional information about these sections can be found in this issue of the magazine.

Besides these committees and sections, the RCBA has programs under its umbrella, including the mentoring program. After being chair of the program for three years, the program transitioned to other chairs. The current chair of the mentoring program is Kelly Moran, a former RCBA board member and a deputy county counsel for the County of Riverside, specializing in litigation. We are currently recruiting for mentors and protégés, as well as other committee members. I also invite you to read Michael Gouveia's article "Five Reasons to Mentor in the RCBA's Mentoring Program," published in the December 2013 issue of *Riverside Lawyer*.

Throughout its history, RCBA has been engaged in philanthropy and have donated to various organizations and families within Riverside County. In 2015, the RCBA board of directors unanimously voted to create the Foundation, a 501(c)(3) corporation, in furtherance of its charitable works. Additional information about the Foundation can be obtained by reading the article in this issue of our magazine.

Beginning in January 2018, the State Bar of California will eliminate the positions of president and vice president, instead replacing them with the titles of chair and vice chair. The current president of the State Bar of California, Michael Colantuono, who has served on the State Board of Trustees since 2012, will be the last President of our State Bar. Mr. Colantuono will speak at the December 7, 2017 General Membership meeting, which is a joint meeting with the San Bernardino County Bar Association. Additional information about the changes to the State Bar can be obtained by reading James's Heiting's article in this issue of the *Riverside Lawyer*.

I encourage each and every one of you to become involved with RCBA and its Foundation. As a reminder, RCBA board meetings are open to all members, except for executive sessions. I invite you to attend our board meetings, which are generally scheduled on the third Wednesday of the month. Please call the RCBA at 951-682-1015 and let us know if you plan to attend. I look forward to seeing you at one of our upcoming board meetings or one of the many other events hosted at the RCBA!

L. Alexandra Fong is a deputy county counsel for the County of Riverside, handling juvenile dependency cases. She is also president-elect of the Leo A. Deegan Inn of Court.



BARRISTERS PRESIDENT'S MESSAGE

by Breanne Wesche



Riverside County Barristers would like to congratulate our President, Shumika Sookdeo, and her husband, Sheldon Sookdeo, on the birth of their beautiful baby girl, Soraya Aria Sookdeo. Soraya was born on November 6, 2017. As Shumika and Sheldon enjoy their new bundle of joy, it is my pleasure to share news about the exciting and eventful past month the Barristers have had.

We are thrilled to report that we have continued to see new faces joining us at each of our recent events. Our goal as the Barristers is to foster growth and engagement in Riverside's young and new attorneys. We are always very happy to see new members joining us for our MCLEs, social events, and networking events. If you would like to find out more about our upcoming events, you can view our Facebook page ("Riverside County Barristers Association"), visit our website (riversidebarristers.org), or join our listserv (by visiting riversidebarristers.org/maillinglist).

On Wednesday, October 18, Barristers and JAMS held an MCLE entitled, "Tips and Tricks: How to Get the Most Out of Mediation." The seminar was graciously hosted by the JAMS Inland Empire office in Ontario. Before the seminar, we enjoyed getting to know many attorneys and mediators from the Inland Empire during the "Mingle and Network" hour. Then, Honorable Joseph R. Brisco (Retired) and Honorable Jeffrey King (Retired) led an extremely insightful presentation about best practices on preparing for and negotiating in mediations. We all left the seminar with many tools to successfully mediate our cases.

Barristers had a great time attending the annual Ghost Walk, presented by the California Riverside Ballet on Friday, October 27. We started with dinner at Lake Alice, then walked the "Deadly Demons" Ghost Walk tour. This tour made stops at the Historic Riverside Courthouse, Old County Morgue, Riverside Sheriff's Office, and the Lake Alice Alley. The Barristers really enjoyed the theatrical storytelling and one-acts from Poly High School students, and loved seeing the Michael Jackson's "Thriller" performance by the California Riverside Ballet. This was a fantastic community event. We were very happy to sell out the entire block of tickets that we reserved, and downtown Riverside was alive with people enjoying the event and supporting student performers.

On Thursday, November 2, Barristers and Breathe Easy Insurance sponsored a competence MCLE entitled, "Substance Abuse and the Legal Profession." We were honored to have the session led and presented by former California State Bar President, James O. Heiting. Over forty attendees came to this lunchtime presentation. Mr. Heiting and Mr. Michael Razo shared their past personal struggles and taught attendees how to identify similar problems within themselves and those around them. We are thankful to Mr. Heiting and Mr. Razo for sharing such important information with us.

We attended "Geeks Who Drink" Wednesday night trivia at Wicks Brewing Company on November 8. We had a lot of fun competing against other patrons and against each other, as we formed three teams of Barristers for the entertaining trivia rounds. We saw lots of new and familiar faces at this event, and we had a great time supporting this local establishment.

We are so grateful for the ongoing support of the RCBA community as we continue to grow and develop. We greatly encourage the continued participation of our diverse group of young and new attorneys here in the Riverside area.

We have several upcoming activities planned, including gathering to help the RCBA Elves during their shopping and wrapping nights. To be updated on our upcoming events, please view our Facebook page ("Riverside County Barristers Association"), visit our website (riversidebarristers.org), or join our listserv (by visiting riversidebarristers.org/maillinglist).

Breanne N. Wesche, associate at Rizio Law Firm in Riverside, is the president-elect of the Riverside County Barristers. She is secretary of the Women's Caucus of the Consumer Attorneys of California. She is also a board member of the Consumer Attorneys of the Inland Empire and a member of the Leo A. Deegan Inn of Court.



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MAJOR CHANGES IN THE STATE BAR OF CALIFORNIA

by James Otto Heiting

The California State Bar was created by the California Legislature in 1927 when they enacted the State Bar Act.¹ The State Bar of California is a public corporation (not an association), formed to fix qualifications for the admission to practice, adopt rules of professional conduct, and conduct disciplinary proceedings (all with the approval of the Supreme Court). The State Bar was also to aid in the administration of justice. The Bar “may aid in all matters pertaining to the advancement of the science of jurisprudence or to the improvement of the administration of justice, including, but not by way of limitation, all matters that may advance the professional interests of the members of the State Bar and such matters as concern the relations of the State Bar with the public.”²

In 1960, the State Bar was added to the State Constitution, and every person admitted and licensed to practice law was required to be a member of the State Bar except while holding office as a judge of a court of record.

In 1991, the Board of Governors set out the mission and goals of the State Bar that seem very much like what we would expect: to “preserve and improve our justice system in order to assure a free and just society under law.” They set forth goals of equal access to the legal system; assuring that every lawyer would be ethical, competent and professional; protecting the public by regulation of lawyer conduct; improving the administration of justice; providing information to the public about lawyers and the legal system; assuring full and equal opportunity of all to get into, and advance in, the legal profession, maximizing opportunity to be a part of the governance of the legal profession to reflect the full diversity of the profession; providing benefits and programs to promote professional growth and enhance the quality of life of the members; and assuring effective management of the State Bar. The 1991 mission statement was reaffirmed in 1997.

The mission statement was again repeated in 2001. At that time, a “vision statement” was adopted. The ideals in the vision statement included that the public would have greater respect for the lawyers, the profession, and the State Bar; there would be better access to legal services; lawyers would be better prepared; and the discipline system “will protect the public in a fair and even-handed way and the public will be protected through a comprehensive system of malpractice insurance.” The legal system would

reflect the diversity of the State; and the State Bar would demonstrate “high levels of credibility” and “will enjoy excellent and productive working relationships with the Supreme Court, the Judicial Council of California, the Legislature, the Governor, and all members of the State Bar family.” Unfortunately, this was not to come about, and continuing lack of credibility and poor working relationships with the Legislature, the Governor, and members led to mistrust and division, lack of authorization/adoption of a fee bill, and the eventual reduction of the State Bar to a public protection agency.

The (last one ever) State Bar President, Michael Colantuono, during his speech after taking the oath of office on September 7, 2017, said, “We are no longer the leading advocate for the legal profession in California. We are no longer a professional association, or as is typically called in Sacramento, a trade association. . . . We are a public agency that exists to regulate the legal services industry for the benefit of the people of California. We are a public protection agency.” These changes took place over the last 8-10 years.

In 2008, the Board adopted a new mission statement, “to ensure that the people of California are served . . . consistent with the highest standards of professional competence, care, and ethical conduct . . . and to contribute generally to the science of jurisprudence and the administration of justice to the extent and in a manner consistent with the First Amendment rights of its members.” Focus on “public protection” (from lawyers) and the beginning of the end was set in motion. The “vision statement” is somewhat telling. The Board no longer mentioned high levels of credibility of the State Bar or an excellent and productive working relationship with the Legislature, the governor, and its members. Instead, they had a goal of a “productive working relationship” with “all parties with an interest in the legal profession and the administration of justice in the State of California.”

During this time period, a variety of situations arose that reflected poorly on staff credibility and management of the State Bar. Misappropriation of money that went undetected for a period, misrepresentation of needs that would support the amount of dues requested, and other acts and omissions occurred that made legislators seriously question and attack the credibility of the State Bar. Questions and criticisms became more intense and more often. The State Bar was on its heels in trying to defend

¹ Bus. & Prof. Code, § 6000, *et seq.*

² Bus. & Prof. Code, § 6031, subd. (a).

itself, including attempts to justify numbers regarding backed up disciplinary matters and prosecutions, which numbers did not seem to make any sense or reflect reality. These problems have continued through the very recent past even though there have been several changes in the Executive Director position of the State Bar.

As late as 2016, the leaders of the State Bar decided that they would simply take what they determined as “excess” (accumulated) funds of the Attorney Diversion and Assistance Program (a program created by statute and required to be funded by a dedicated \$10 per active member from our dues each year). When the Oversight Committee of the Attorney Diversion and Assistance Program complained, legislative counsel reviewed the matter and advised the State Bar that they had to return the money. The State Bar did so in 2017, only after Legislative Counsel Opinions 1610845 and 1729407 were issued. This involved well over one million dollars. As an aside, even though the State Bar was advised that they could not do this and that said funds were dedicated to be used by the Attorney Diversion and Assistance Program, Senate Bill 36, the 2017 “Dues Bill” and enabling statute to split the Bar, contains a special provision that indicates that the State Bar Clients’ Security Fund will be enabled to take any monies not used by the Attorney Diversion and Assistance Program (Lawyer Assistance Program) each year. In other words, the State Bar quietly added into their dues bill this enabling legislation and the ability to do what legislative counsel told them was wrongful just months before. Although not referring to the LAP, President Colantuono said, “We will keep our eye on the client security trust fund to make sure it is adequately funded to protect Californians.”


In a *Daily Journal* article published November 6, 2017, reflecting on labor issues and executive pay, the author lays out the reasons for the changes: Assemblyman David “Chiu, D-San Francisco, is a member of the Assembly Judiciary Committee. He said he was pleased that after a series of well-documented scandals, the bar agreed

this year to support a number of changes in its funding bill, including the separation of the agency’s specialty practice groups into a private nonprofit.”

In the fall of 2017, the State Bar Fee Bill (Senate Bill 36) was signed by the governor. This law separated the State Bar’s sections from the State Bar, although the State Bar will retain administrative and monetary control/oversight through collection and distribution of money. The State Bar will charge the sections for their services. The State Bar is also expected to ask you/us each to pay for re-fingerprinting (finally catching up with a 1989 law requiring retention of fingerprints to promote notice to the Bar of any subsequent arrest), even though each of us had to submit fingerprints when we were admitted. The State Bar doesn’t want to be stuck for the expected \$15.5 million cost to re-fingerprint everybody. (They have continually discarded all the fingerprints, except some hard-copy cards submitted within the last 3 years, despite the 1989 law.) Many attorneys are objecting. CPAs recently fought similar attempts and won in State Court. Management, labor, and pay disputes are also in issue, with some staffers (over a dozen) paid more than the governor and do not always work 40 hour weeks. Currently, the Bar announced a need to raise dues and tap into reserves to the tune of an additional \$22 million this year. This is also the first year the State Bar has not had an annual convention.

In November of 2016, the California Supreme Court ordered a special assessment on attorneys to fund the State Bar (in lieu of a dues bill approved by the Legislature) in order to fund the discipline system. This was to include not only funding of the prosecution of lawyers, but also

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the Commission on Judicial Nominees Evaluation and the Center to Access to Justice and the California Commission on Access to Justice (even though these do not appear to have disciplinary functions). The Chief Justice said, “The Court acknowledges the State Bar’s highest priority is protection of the public, and that this objective may be achieved not only through its discipline system, but also through the State Bar’s administration of these types of programs. . .” (reflecting on “access to justice” and diversity issues).

At a 2017 planning meeting, the Board of Trustees adopted the position of the Chief Justice. The mission of the State Bar is now found in Business and Professions Code section 6001.1, “Protection of the public shall be the highest priority . . . whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

Of course, over the last ten years or so, the elected representation on the State Bar Board of Governors, later the State Bar Board of Trustees, has eroded. The first move was to reduce the number of members of the Board, which included a reduction in the number of elected members of the Board. For the first time in its history, the number of appointed members was greater than the number of elected members. This year (also in SB 36), the Board of Trustees has become a fully appointed body. None are elected. The Board will include five attorney appointments by the Supreme Court, one by the Senate, one by the Assembly, and six members of the public appointed by the Governor. There are a total of thirteen members (seven attorneys and six members of the public). Each of the members of the Board of Trustees will have a four year term. There will no longer be a president of the Board; but the Supreme Court will appoint a chair and a vice chair for the Board of Trustees. No elections will take place. Any dissenting or independent voices are likely to be an oddity.

As you can see, the State Bar has evolved from being the leading advocate and educator for the legal profession, encouraging and advancing standards in the profession through education, support and practice methods, and from being a professional association (professionals helping other professionals become better at their jobs) to a consumer protection agency generally restricted to the functions of licensing, regulation, and discipline of attorneys. (Including ethics, competence, and greater access to the legal system).

The State Bar also will undertake ongoing comprehensive studies of the California Bar exam and will make recommendations. Recently, after initial study, the Supreme Court has declined to change the pass score required, even though many law schools have requested

changes, and the argument has been made that the higher required pass scores reduce minority admissions. This year was the first time the exam was limited to two days.

Some ideas currently being promoted include more resources auditing lawyers in terms of continuing legal education. “If you can’t get your paperwork in on time to keep your license to practice law, how skillfully can you assert your clients’ interests?” (President Colantuono) Auditing client trust accounts is also being promoted by the appointees to the Board of Trustees. “We don’t have the authority for that yet, but we are working on it.” (President Colantuono) Auditing of CLE providers will also be tightened up, as will attempts to protect Californians from the unauthorized practice of law. Viewing of the Bar’s website seems to make it increasingly easy “to file a complaint against your lawyer.” The State Bar seems to be trying hard to find things to prosecute. The Bar recently went after an attorney on a civil collections matter (to try to impose discipline) for not paying a private court reporter for transcript costs (that he claims he did not even order).

The erosion of credibility, movement to an all-appointed Board of Trustees (with no elections even within the Board), continuing management issues, and defensive and defective responses to situations of their own making are disappointing and disheartening. We are (or should be, must be) better than that. With the split of Bar functions, and difficulties on the horizon in regard to support for sections and specialty areas, perhaps members will be encouraged to join local bar associations and support the great things done, and services provided, locally. I hope so.

On a more positive note, the commitment to diversity remains an important part of the State Bar mission and the leadership of the Supreme Court. The State Bar is moving to develop a mentoring program to help young diverse lawyers flourish in careers and a Bar passage program from all who might wish to benefit from it. Consideration is being given to require a certain initial amount of MCLE of new lawyers relating to how to practice law, office management, and staying out of trouble.

Whatever your view, changes are aplenty . . . and more are coming. If you get a chance, make your own contribution to the betterment of our profession. Let’s go out and do some good.

James O. Heiting, of Heiting & Irwin, was president of the State Bar of California in 2005-2006 and a past president of the RCBA in 1996.





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RIVERSIDE COUNTY BAR FOUNDATION, INC.

by L. Alexandra Fong

Two years ago, after many years of charitable work, the RCBA created Riverside County Bar Foundation, Inc., which is a 501(c)(3) corporation focused on developing its own projects as well as supporting others. With the assistance of Margaret “Peggy” A. Hosking of Best Best & Krieger LLP, articles of incorporation and bylaws were completed and filed in the summer of 2015. The 2015-2016 board of directors was the first board of the Foundation, which changes as the RCBA’s Board of Directors is installed.

The Foundation currently has five programs: Project Graduate, the Elves, Adopt-a-High School, Good Citizenship Awards, and Reading Day. All of these programs were first created by RCBA many years ago and then moved to be under the direction of the Foundation. The Foundation had a successful first fundraiser this past spring at Benedict Castle. The Foundation raised approximately \$12,000 (after all expenses) in this general fundraiser.

Project Graduate is chaired by Brian Unitt. This program pairs foster youth with attorneys and mentors who act as their educational representatives and advocate on their behalf. These youth, dependents of the Riverside County Juvenile Court, are at risk of not graduating from high school. To date, Project Graduate has assisted approximately twenty students to graduate high school. Throughout the year, each student earns rewards for participating in various activities. Every June, those who have successfully completed the program by graduating high school are provided with a laptop computer. Project Graduate needs volunteers to serve as mentors and educational representatives for foster youth attending high school in the Riverside area who are at risk of not graduating. The process of becoming a mentor or educational representative for these students, is straightforward, involving a background check, a short training program, and appointment by the judicial officer who oversees the education court program. If you can’t take on the role of an educational representative or a mentor, there are opportunities to help out on the steering committee, like: helping to organize and present special activities such as career day, keeping track of resources to help education representatives do their work, coordinating volunteer recruiting and training, raising funds for the student incentive program, and many other activities.

The Elves Program is chaired by Brian Percy. The program assists needy families in Riverside County and provides them with gifts and food during the holiday season. RCBA members and their families can serve as Money Elves, Shopping Elves, Wrapping Elves, or Delivery Elves. Donations are collected throughout the year, with the majority of donations coming in November and December.

The Adopt-a-High School program is chaired by Kelly Moran. This program is aimed at introducing 12th grade students to the legal profession. The three-part program consists of: (1) legal careers day; (2) a mock preliminary hearing argued by a deputy district attorney and criminal defense attorney before a judge; and (3) a “teach the class” series where guest attorney and judge lecturers help prepare students for the AP Government exam by hosting discussions on various constitutional law issues.

The Good Citizenship Awards recognize high school students from around the county for their good citizenship and are part of RCBA’s celebration of Law Day. Nominations are obtained directly from the various schools in Riverside County and the annual awards ceremony takes place in either April or May.

Reading Day is chaired by Jacqueline Carey-Wilson and has been a program of the RCBA since 2006, when Theresa Savage organized the first Reading Day as an outreach during her presidency. Members of RCBA donate books and/or funds to purchase books to a selected elementary school in the county and read age-appropriate books to the students. Often after the book is completed, attorneys answer questions from the students about the legal profession.

The Foundation’s Steering Committee is currently chaired by President-Elect Jeffrey A. Van Wagenen, Jr. The four members of the Steering Committee are Marlene Allen, Jacqueline Carey-Wilson, Cathy Holmes, and Greg Rizio. They serve two-year staggered terms and two appointments are set to expire on December 31, 2017. If you are interested in serving on the Steering Committee or on the Fundraising Committee for the Foundation, please send an email to Charlene Nelson at Charlene@riversidecountybar.com.

L. Alexandra Fong is a deputy county counsel for the County of Riverside, president of Riverside County Bar Association and Riverside County Bar Foundation, Inc, and is president-elect of the Leo A. Deegan Inn of Court.



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THE BAR EXAM HAS UNDERGONE CHANGES IN THE PAST SEVERAL YEARS

by Professor Mario Mainero

The California Bar Exam is no stranger to changes. At one time, it was entirely an essay exam. Then, eventually, the Multistate Bar Exam (MBE), a multiple choice exam of 200 questions, was added. It covered six subjects (constitutional law, contracts and sales, criminal law & procedure, evidence, real property, and torts). At one time, applicants were given four essays in each block and could choose to write three of them, but eventually that option disappeared and each block had three essays, all of which had to be answered.

When I took the Bar Exam in 1980, the graded part of the exam consisted of nine essays and the MBE over two and a half days. But that year, the State Bar also experimented for the last half day, and one group of applicants were given an experimental “performance test,” designed to test practical skills and replicate an assignment in a law office.

Based on the results of this experiment, the performance test was added to the Bar Exam—specifically, two three-hour exams that consisted of a call memo outlining the project (often a letter, interoffice memorandum, or a memorandum of points and authorities, but occasionally something like jury instructions, a discovery plan, or a closing argument), a file consisting of letters, affidavits, deposition excerpts and other documents, and a library containing a closed universe of statutory, regulatory, and case law. The number of essays was reduced to six, but the exam was now three full days in length.

From the early 1980s to 2007, there were no significant substantive changes to the Bar Exam. In 2007, several possible subjects were added to the essays: business associations (expanded from corporations to include agency, partnership, and other business forms such as LLC’s); California Evidence, and California Civil Procedure. While agency, partnership, and California Evidence were tested fairly soon after these subjects were added, California Civil Procedure did not find its way onto the essay portion of the California Bar Exam until the July 2016 Bar Exam (service of process and venue), and then again on the July 2017 Bar Exam (work product).

In the last few years, the changes have accelerated. In 2016, the MBE added Federal Civil Procedure as a subject and beginning in July 2017, the Bar Exam has been reduced to two (2) days. The new format includes five one-hour essays and only one 90-minute performance test. Thus, on Tuesday, applicants answer three essays in the morning from about 9:00 a.m. to 12:00 noon, and three essays

and the performance test in the afternoon from about 2:00 p.m. to 5:30 p.m. On Wednesday, applicants still take the 200-question MBE (175 of the questions actually count toward the scoring).

As a result of the continuing changes to the Bar Exam format, the written portion of the exam has again been reduced in influence. Before the MBE was added, the entire exam tested the critical skills of organization and writing. Once the MBE was introduced, the skills tested by the essay portion were reduced in influence. Before the most recent change, the MBE counted for 35% of the score, and the essays and Performance Tests together counted for 65% of the score. Now, there are five essays and a short Performance Test (which counts as two essays), and together they count for just 50% of the score, and the MBE counts for the other 50%.

The State Bar made this change to reduce cost—specifically the cost of grading six one-hour essays and two three-hour performance tests for thousands of applicants. In my view, this was unwise, because it reduces the testing and emphasis on the skills lawyers actually use—thinking, reasoning, organizing the structure of analysis, and writing, and it elevates a skill and part of the exam that has less relevance to becoming a competent California attorney. The MBE may test some knowledge, but much of it is not state-specific. While it is true that Federal Civil Procedure, Constitutional Law, and Criminal Procedure test issues common to federal practice and United States Constitutional issues (including, Fourth Amendment search and seizure, Fifth Amendment interrogations and right to counsel, and Sixth Amendment right to counsel), most of the other subjects are general common law and not at all state specific. So, it seems as if the State Bar has elevated cost savings above a fair determination of competence.

The other possible change—which may have occurred by the time this article is published—involves the “cut score”—the passing score on the Bar Exam. The cut score is a scaled—curved—score, and each state has a different cut score. In California, historically, the cut score has been established by the Committee of Bar Examiners and has been set at 144 for quite some time. To give this number perspective, the average on the MBE over the last several years has dropped to 139-140, so it becomes mathematically impossible for California to have a pass rate much above 50%. Of course, recently it has dropped to the low 40s. More importantly, California is an outlier. Only one state has a

higher cut score—Delaware at 145—but only about 200 people take that exam. Moreover, 35 of the 50 states have cut scores of 135 or lower. On the MBE, this can mean applicants in those states have to correctly answer as many as 15 or more *fewer* correct answers. Since the scoring of the California Bar Exam is linked to the scoring of the MBE, this means that applicants in California have to perform much better to pass than applicants in every other state, including New York, where the cut score is only 133.

Not only are California law students thus disadvantaged due to this high such score relative to the rest of the country, but the cut score has demonstrably resulted in disparate results by race and ethnicity. At a time when lawyers are needed to serve underserved populations, applicants from those populations fail the bar exam in much higher numbers than applicants from non-underserved populations.

The State Supreme Court recently amended Rule 9.6(a) to provide that it would set the cut score. The State Bar Board of Trustees of the State Bar sent three options as their recommendation to the Supreme Court: (1) retain a 144 cut score; (2) reduce the cut score to 141.4; and (3) reduce the cut score to 139. The Court could choose any of these options, as well as the effective date. While the effective date of the amendment is January 1, 2018, the Court could in fact apply a change to the July Bar Exam (assuming they make a decision before the grading is complete), apply it to either the February 2018 or July 2018 exam, or wait for the

results from the next two administrations to decide whether to change the cut score.

When the State Bar asked for attorney comments, it became clear that most attorneys who responded to the State Bar's survey opposed changing the cut score, often characterizing a change as lowering the standards for passing. That would be a fair critique if California were not such an outlier on the cut score as it is. If the cut scores were more uniform nationwide, then any individual state's lowering of the cut score could be seen as lowering standards. But it is hard to argue that a state whose cut score is, in all practical senses, the highest of any populous state's cut score by a country mile, would be lowering standards by reducing to a cut score still higher than that in 88% of all the states.

With these changes, one might well ask what the State Bar means by "minimum competence" anymore.

Mario Mainero is the Professor of Academic Achievement and the Executive Director of Bar Preparation and Academic Achievement at Chapman University's Fowler School of Law. Professor Mainero administers Chapman's bar preparation program, which includes his for-credit bar preparation course and a supplemental bar preparation program.



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INSTALLATION OF OFFICERS DINNER

The RCBA's Installation Dinner was held at the Mission Inn on Thursday, September 28. District Attorney Michael Hestrin served as the master of ceremonies. Judge Jacqueline Jackson administered the oath of office to the RCBA board members. L. Alexandra Fong was installed as the 2017-2018 president. The other officers who were installed were Jack Clarke, Jr. (vice president), Sophia Choi (chief financial officer), Nick Firetag (secretary), Stefanie Field, Jennifer Lynch, Lori Myers and Matthew Strickroth (directors-at-large) and Jean-Simon Serrano (past president). Jeffrey Van Wagenen (president-elect) was unable to attend.

Justice Richard T. Fields gave the oath of office to the 2017-2018 officers of Barristers. Shumika T. R. Sookedo was installed as president. The other officers who were installed were Breanne Weshce (president-elect), Priscilla George (secretary), Nesa Targhibi (treasurer), Kris Daams, Megan Demshki, Braden Holly and Paul Lin (members-at-large), and Erica Alfaro (past president).

Justice Richard T. Fields presented the sixth E. Aurora Hughes Award to Judge Gloria C. Trask. This award, which is given annually, was named in honor of E. Aurora Hughes who served as president of the RCBA from 2008 to 2009. The award is to honor a distinguished member of the RCBA for his or her service to the RCBA and to the legal community.

Jane Carney presented the James H. Krieger Meritorious Service Award to



RCBA Board being sworn in.



Justice Richard T. Fields swears in the Barristers Board.

Senator Richard D. Roth. The award was established in 1974 to recognize those lawyers or judges who have, over their lifetimes, accumulated outstanding records of community service.

The RCBA would like to thank the following sponsors for their generous contributions:

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Photos by Jacqueline Carey-Wilson and Michael J. Elderman.



L. Alexandra Fong & Mike Hestrin



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Justice Richard T. Fields, L. Alexandra Fong & Judge Gloria Trask



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*L. Alexandra Fong and her sister
Li-Ming Fong*



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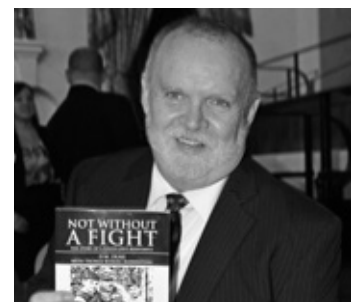
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*DW Duke with his recent novel
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JUDGE GLORIA TRASK RECEIVES E. AURORA HUGHES MERITORIOUS AWARD FOR SERVICE

by Honorable Richard T. Fields

E. Aurora Hughes was an awesome person and past president of the RCBA. During her lifetime, she worked tirelessly for the betterment of the legal profession and the RCBA. Although she was fighting for her life, she managed to continue laboring to improve the lives of others and established a tremendous legacy of service. She was courageous in her battle against ALS, or amyotrophic lateral sclerosis. We all remember how she continued to serve even when it was very difficult for her. I will certainly remember all the encouragement that she gave me when I was presiding judge.

I am very grateful that her legacy continues and we remember her through this prestigious annual award and through the work of other great individuals who demonstrate the same commitment to service that Aurora had.

Candidates for the E. Aurora Hughes Meritorious Award for Service must have accumulated an outstanding record of service to the RCBA. This year's recipient, Judge Gloria Connor Trask, has done just that. She is an outstanding community and public servant. Judge Trask has been with the Riverside Superior Court since 1995—approximately 22½ years. She spent two years as a court commissioner and then was appointed as a judge in 1997. I remember her promise to work hard and do her best at her enrobement ceremony—promises which she most certainly fulfilled.

During her time on the bench, Judge Trask supervised the civil division for approximately ten years. We all observed her masterfully manage the master calendar as well as the trials she personally presided over. It became apparent to all that she was a great judge. That is further demonstrated by her many awards including the 2016 Judge of the Year Award from the American Board of Trial Advocates—San Bernardino and Riverside Chapter—and the 2010 Judge Elwood Rich Outstanding Jurist Award from the Leo A. Deegan Inn of Court.

But this award is all about service. Judge Trask is so modest about all the things that she does. If you are not paying attention, you would not know that she is the one behind the activity. But I noticed, after seeing her involvement time and time again. She is exceedingly thoughtful about honor-



Richard Fields presents the E. Aurora Hughes Award to Judge Gloria Trask



Judge Gloria Trask & District Attorney Mike Hestrin

ing and serving others. She was chair of Judge Charlie Field's retirement party. She planned Judge Victor Miceli's memorial service, which took place in the great hall of the Historic Courthouse. She planned Judge Woody Rich's memorial service, which also took place on the steps of Historic Courthouse.

She helped organize Judge Doug Weather's memorial service at the Historic Courthouse and the Mission Inn. She was chair of the committee for the rededication ceremony for the Historic Courthouse. She was chair of the committee for the centennial celebration of the Historic Courthouse, which featured Supreme Court Justice Anthony Kennedy as keynote speaker.

Judge Trask has participated in RCBA's Bridging the Gap program as the civil law and motion speaker for so long that none of us remember her not doing it. She has scored the Mock Trial finals year after year. She also reconstituted our court's alternative dispute resolution (ADR) program together with one of the court's attorneys.

On the personal side, she is very supportive and loving of her family. Judge Trask often speaks about her husband Gordon's work with the LA County Counsel's Office and has expressed her pride in his accomplishments. She and Gordon have three sons all of whom are naval officers—one who is a ship's captain, one who is a doctor, and one who is in medical school. What an amazing job they have done as parents. She has six grandchildren—three boys and three girls who bring her great joy.

I will always be thankful to her for serving as my supervising judge of the civil division when I was presiding judge and for coming all the way to San Diego to support me at my confirmation hearing for appointment on the appellate court.

As you can see, Judge Gloria Connor Trask has always been there for others. Accordingly, I was deeply honored to present Judge Trask with the E. Aurora Hughes Meritorious Award for Service at the 2017 RCBA installation dinner.

Honorable Richard T. Fields is an associate justice with the California Court of Appeal, Fourth District, Division Two.



BLOGGING, EMAILS, TECHNICAL SKILL & CLIENT CONFIDENCES: AN ETHICAL UPDATE

by Boyd Jensen

The California State Bar has several resources for ethical compliance. The *State Bar Court Opinions*, both published and unpublished, filled with instances of attorney–client contentiousness, State Bar institutional protections, such as the unauthorized or illegal practice of law, and patent lawyer dishonesty before tribunals or enforcement agencies. There are also ethics opinions issued by the State Bar of California Standing Committee on Professional Responsibility and Conduct. Recent public ethics opinions issued by the Committee aid lawyers as they navigate the modern and oceanic world of “lawyer communication” and technology.

Let’s say an attorney’s Facebook post says “Another great victory in court today! My client is delighted. Who wants to be next?” While it looks innocent enough, the State Bar didn’t like it. Primarily Rule 1-400 of the *Rules of Professional Conduct*, prohibits “California Attorneys” communications, which are false or deceptive in content or presentation, or tend to confuse, deceive, or mislead the public; as opposed to clearly and expressly indicating their context.² This Rule also lists standards that describe types of communications presumed deceptive or misleading, and thus prohibited.³ Examples are guarantees, warranties, or predictions regarding the result of representation, without disclaimers including testimonials or endorsements; and “any message...concerning the availability for professional employment” like the Facebook example above.⁴

Under what circumstances is “blogging” by an attorney a “communication” subject to the requirements and restrictions of the *Rules of Professional Conduct* and regulating attorney advertising? Blogging by an attorney may be such a “communication” if availability for professional employment is implied through details or descriptions of other case results. A blog maintained as part of an attorney’s professional website; a stand-alone, legal, subject related blog; or even a non-legal related stand alone blog which expresses the attorney’s availability for employment may be subject to Rule 1-400 and Business and Professions Code §§ 6157-6159.2. The details of attorney blogging is specifically covered by *State Bar of California Standing Committee on*

Professional Responsibility and Conduct Formal Opinion 2016-196 (CAL 2016-196).

Business and Professions Code § 6068(e)(1); Evidence Code §§ 952 and 954; and Rule 3-100 *Rules of Professional Conduct of the State Bar of California* regulate lawyer disclosers of client secrets, which include confidential information communicated between the client and the lawyer; AND publicly available information obtained by counsel during the relationship. Obviously this information must not be communicated using social media including blogging. Yet when counsel discuss results of cases on blogs or other social media sites and invite further representation by others, they risk violation of the ethics opinion above and *California State Bar Standing Committee on Professional Responsibility and Conduct Formal Opinion* 2016-195.

California State Bar Formal Opinion 2015-193 states that an attorney’s ethical duties require competence as new technologies evolve, and that those new technologies be developed and integrated into each counsel’s practice. Thus competence related to litigation, requires, a basic understanding and facility “with e-discovery issues, including the discovery of electronically stored information (“ESI”). On a case-by-case basis, the duty of competence may require a higher level of technical knowledge and ability, depending on the e-discovery issues involved in a matter, and the nature of the ESI”⁵ including timely acquiring needed skills and use of technical consultants and lack of competence in e-discovery.⁶

State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion 2013-188 states that in the “errant email” instance, “if an attorney receives from a non-party a confidential written communication between opposing counsel and opposing counsel’s client,...under circumstances reasonably suggesting that it is a confidential communication apparently sent without the consent of its owner, the attorney may not ethically read the communication.” The attorney must notify opposing counsel and work to resolve the privilege issue. If that fails, they must obtain judicial assistance. Counsel “may not read, disseminate, or otherwise use the communica-

1 Attorney communications are regulated as opposed to vendors whose rules are different.

2 Rule 1-400(D)(1-4).

3 Rule 1-400(E).

4 See Calbar.Ca.Gov and *State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion* 2016-196 page 4.

5 *State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Opinion* 2015-193 page 1.

6 See also Rules 3-100 and 3-110 of the *Rules of Professional Conduct of the State Bar of California*. Business and Professions Code § 6068(e). Evidence Code §§ 952 - 955.

tion or its contents absent court approval or consent of its owner.⁷⁷

Other recent very interesting ethics opinions not covered in this article, include CAL 2015-194: Puffing in Negotiations; CAL 2015-192: Disclosure of Confidences at Motions for Withdrawal; CAL 2014-191: In Rem Bankruptcy Proceedings; CAL 2014-190: Dissolving Firm and Moving to New Firm; CAL 2013-189: Deceitful Conduct; CAL 2013-187: Third-Party Payors; CAL 2012-185: State Bar Complaints; CAL 2012-184: Virtual Law Office; CAL 2012-183: Duty of Confidentiality and Seeking Legal Advice; CAL 2011-182: Serving Subpoenas on Existing Clients of a Law Firm; CAL 2011-181: Communication with Opposing Counsel's Implied Consent; and CAL 2011-180: Gifts from Clients.

Boyd Jensen, a member of the Bar Publications Committee, is with the firm of Garrett & Jensen in Riverside.



⁷ See also Rule 1-100(A) of the *Rules of Professional Conduct of the State Bar of California*; Code of Civil Procedure § 2018.050; and Evidence Code §§ 915, 952, 954, and 956.

MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2017.

Nicole C. Barilla – Lester & Cantrell LLP, Riverside
Alejandro Barraza – Law Office of Alejandro Barraza Paez, Riverside

Domingo Castillo – Castillo & Associates, Indio

Jeffrey R. Dey – Law Offices of Jeffrey R. Dey, Irvine

James M. Fones, II – Law Offices of James M. Fones, Temecula

Kristin Heinrich – Solo Practitioner, Rancho Cucamonga

Sharon L. Nelson – Office of the Public Defender, Banning

Conor Patrick O'Brien – Law Offices of William R. Van Order PC, Hemet



ANNUAL PAST PRESIDENTS' DINNER

The past presidents of the RCBA spanning 46 years of bar leadership, together with then-president Jean-Simon Serrano, Executive Director Charlene Nelson, and guest Presiding Judge Becky Dugan, met for their annual din-

ner on May 19. Participants spent the evening renewing acquaintances, catching up on news, and discussing the state of law practice and the courts.



(front row, seated, left to right) – Art Littleworth – 1971, Jean-Simon Serrano – 2016

(middle row, left to right) – Jacqueline Carey-Wilson – 2013, Judge Chad Firetag – 2014, Theresa Han Savage – 2005; Diane Roth – 1998; Justice Bart Gaut (Ret.) – 1979; Sandy Leer – 1992; Harlan Kistler – 2010

(back row, left to right) – Geoff Hopper – 1994; Steve Harmon – 1995; Judge Kira Klatchko – 2015; Judge Craig Riemer – 2000; Harry Histen – 2009; Dan Buchanan – 2001; Brian Pearcy – 2002; Richard Swan – 1977; Robyn Lewis – 2011; Judge Steve Cunnison (Ret.) – 1981.

Presidents attending dinner but not pictured – Judge Dallas Holmes (Ret.) – 1982; Mary Ellen Daniels – 2003; David Bristow – 2006; Dan Hantman – 2007.

SENATOR RICHARD D. ROTH: RECIPIENT OF THE JAMES H. KRIEGER AWARD

by Jane W. Carney

It seems to me that there are two parts to Richard Roth's life and I would like to start with his work among us as a respected labor and employment law lawyer. Richard received his undergraduate degree from Miami University in Ohio and his law degree from Emory University. Richard began practicing in Riverside in 1981, first with the firm of Reid, Babbage, and Coil. He stayed with that firm through its evolution into Reid & Hellyer, serving as the managing partner for several years. In 2003, Richard moved to a smaller firm setting.

During this period of fulltime active legal practice, Richard engaged in important public service. He taught classes at UCR's Graduate School of Management and in UCR's extension program. He taught numerous seminars for the Greater Riverside Chambers of Commerce and other local business organizations. He held demanding leadership positions, including president of the Monday Morning Group and chairman of the Greater Riverside Chambers of Commerce. He was active with the Raincross Club, the Thomas W. Walthen Foundation Board, the Riverside Police Department Foundation Board, both the Parkview Community Hospital Advisory Board and the Riverside Community Hospital Foundation Board, the Riverside Public Library Foundation, the Riverside Art Museum, the March Field Museum, the La Sierra University Foundation, Path of Life Ministries, and, of course, the RCBA.

If that were not enough, Richard also had another career, which was at least as demanding as that which I have just told you about. During all of his law practice in Riverside until 2007, Richard was also immersed in responsibilities with the office of the Judge Advocate General of the US Air Force. After serving in active duty, Richard transitioned into the Air Force Reserve. He consistently received promotions, culminating in his appointment as Major General in 2004. Yes, he has his own flag. He was the mobilization assistant to the Judge Advocate General of the Air Force, responsible for the professional oversight of more than 900 Reserve judge advocates and



Jane Carney presents the James H. Krieger Meritorious Service Award to Senator Richard Roth.



Senator Richard D. Roth & District Attorney Mike Hestrin

paralegals. He managed the recruitment, training, utilization, and deployment of the Reserve legal forces worldwide and provided legal advice to the Chief of Air Force Reserves and Commander of the Air Force Reserve Command.

Richard's commitment to high standards, his personal integrity, and his breath-taking work capacity were recognized and rewarded by the Air Force, not only through promotions, but also with many awards.

I remember talking with Richard shortly after his retirement from the Air Force Reserve. He wanted meaningful public service. He missed that intense devotion to goals larger than one's personal interest which he had found in the Air Force. He did much in the Riverside community and beyond—but these activities didn't demand all he could give. Fortunately for all of us, he decided to run for the California Senate in 2012. Now that election might have tested anyone's resolve. It

was a battleground race for interests outside of the district with over \$9 million spent by both sides combined and independent expenditures. Not exactly what Richard had anticipated when he started. But he persevered and won, served with distinction for four years, and had basically no opposition when he ran for reelection in 2016.

For a lawyer with a successful practice, serving in the state legislature has aspects of sacrifice. The time demands are high, the pay and benefits are modest, and the political battles, both outside and inside a party, can be brutal. For Richard, his devotion to the public good has outweighed these negative aspects.

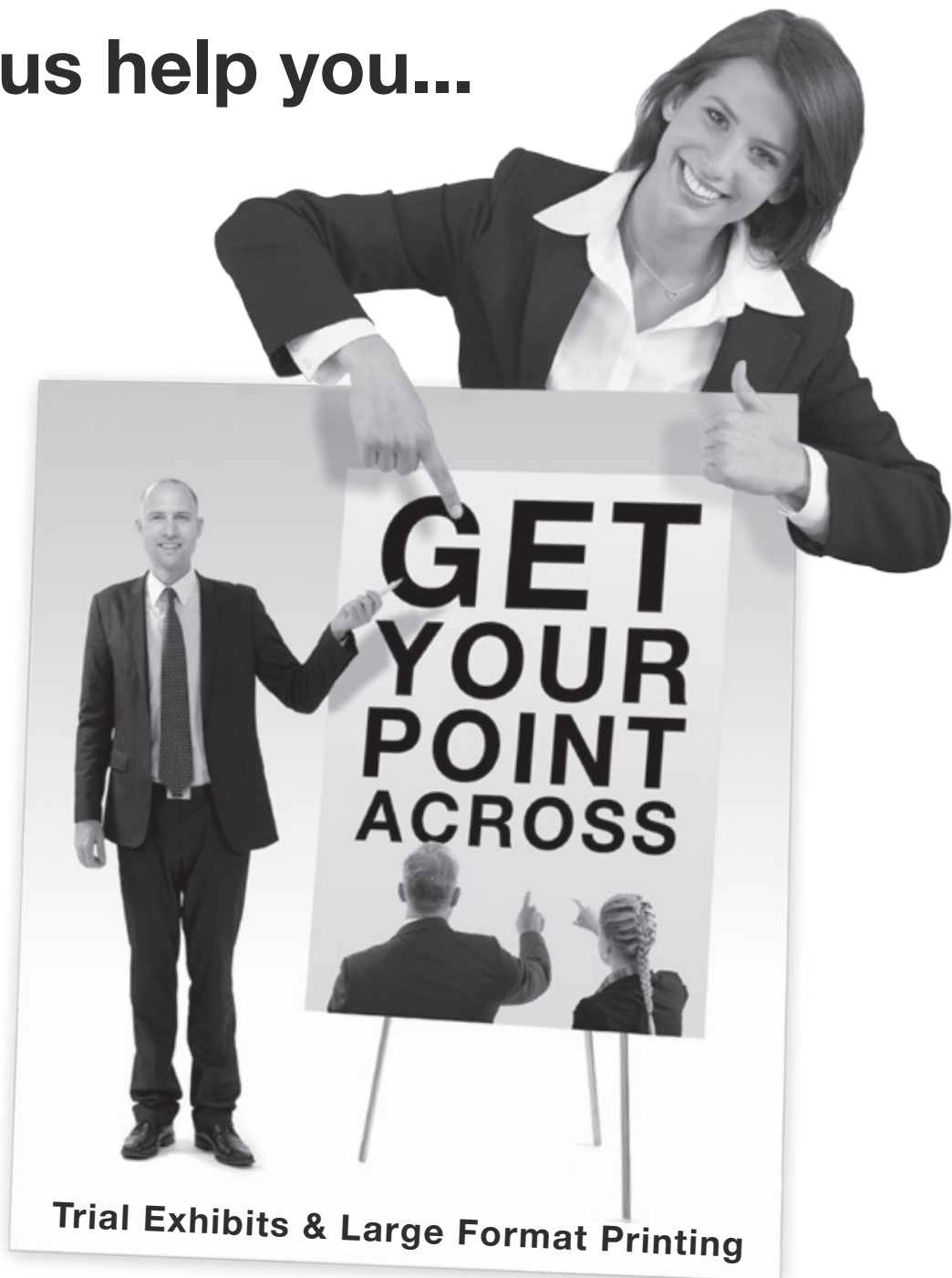
Personally, I have never known a lawyer of more rigor in finding out the true facts, or greater fairness of judgment, or higher personal integrity than Richard Roth.

The RCBA honors itself as well as him when it recognized the outstanding service of Senator Richard Roth when the bar presented him with the 2017 Krieger Award.

Jane W. Carney was president of the RCBA in 1989.



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COMMITTEES AND SECTIONS OF THE RCBA

To join one or more of the committees and/or sections described below, simply contact the Riverside County Bar Association (“RCBA”) office. All members are eligible — attorneys, judges, students, retired members, and affiliates.

COMMITTEES

Listed below are some of the committees established by the RCBA:

- Bar Publications – This committee is chaired by Jacqueline Carey-Wilson. It establishes editorial policy for the *Riverside Lawyer* magazine and assists in article development and web site content.
- Conference of Delegates – Reviews and develops resolutions for the annual Conference of Delegates meeting. If you would like to be a delegate or help with resolutions, please contact the chair, Michael Bazzo, at mbazzo@ljdfa.com.
- Continuing Legal Education (See updated description of this committee below.)
- Emergency/Disaster – This committee does not meet except in a disaster or upon call of the chair. It has the expertise and means to mobilize a group of attorneys to help the citizens of Riverside County in the event of a major emergency such as an earthquake, flood, fire, or other disaster.
- Fee Arbitration – The committee members serve as hearing officers arbitrating fee disputes between clients and lawyers as needed. The committee meets upon call of the chair.
- Membership – Recruits new members, researches new membership services, and promotes RCBA activities within the firms. The committee is chaired by the RCBA secretary.
- Mock Trial Steering – It is responsible for activities relating to the annual Mock Trial competitions. The committee meets monthly from September to March at the bar association or at the Riverside County Office of Education.
- Public Bar Relations – Responsible for activities relating to Law Day and Good Citizenship Awards for high school juniors.
- Special Events – Responsible for coordinating events such as the Wortz Distinguished Speaker Series, all fundraising activities, and social gatherings throughout the year.
- Committees with Restricted Memberships – Membership in the following committees is determined by either RCBA Board of Directors, Bylaws or both: Judicial Evaluation, Judicial Liaison, Krieger Meritorious Service Award, Law and Media, Nominations, and the Role of the Judiciary.

Continuing Legal Education

The Continuing Legal Education (CLE) Committee is responsible for overseeing the RCBA’s minimum continuing legal education programs. The RCBA is a State Bar-approved MCLE provider. The committee meets monthly to discuss ideas

for upcoming programs that will be interesting and will help the members comply with State Bar educational requirements. The current committee consists of seven active members: Melissa Cushman, Megan Demshki, Susan Exon, Abram Feuerstein (co-chair), Stefanie Field, L. Alexandra Fong, and Brandon Mercer (co-chair).

Every January, the CLE Committee holds a MCLE marathon, which consists of four of the six specialty (hard-to-get) topics: two hours of ethics, one hour of elimination of bias, and one hour of competence issues. This CLE marathon will be held on January 12, 2018, at the low cost of \$25 for members and \$90 for non-members. Lunch will be provided. This marathon is sponsored by Jamee Rashi, Regional Litigation Consultant of Esquire Deposition Solutions.

If you are interested in joining the CLE Committee or have suggestions for programs, monthly meetings are typically held on the first Wednesday of the month in the RCBA board room, following the meeting of the Bar Publications Committee. The CLE committee is always looking for new members and ideas for future MCLE programs that RCBA members will enjoy.

The CLE Committee is also looking for sponsors to provide lunch at the CLEs. Lunch is typically simple in nature (sandwiches, salads, etc.) and the cost of sponsorship is dependent upon the number of attendees at the CLEs. It is preferred if the sponsor caters the lunch, so that the sponsor can control his or her costs. Partial sponsorships are also available. If you are interested in sponsoring a CLE, please contact Executive Director Charlene Nelson at (951) 682-1015 or via email at: Charlene@riversidecountybar.com.

SECTIONS

The sections listed below are semi-autonomous from the RCBA, and are empowered to establish their own procedures subject only to compliance with the RCBA Bylaws and review by the Board of Directors. The activities of most of the sections are largely devoted to the presentation, discussion, and study of matters pertaining to the practice of a substantive area of the law. Most sections use monthly meetings as a means to acquire MCLE credit.

Appellate Law Section

The Appellate Law Section is gearing up for monthly meetings in 2018. Most of the meetings will be held in the John Gabbert Gallery at the RCBA on the fourth Tuesday of the month. We hold a minimum of four MCLE presentations per year. We are also currently working on a project to provide informational workshops and materials about civil appellate procedure to help self-represented civil appellate litigants navigate the treacherous waters of civil appeals. In addition, there will be regular meetings where we will discuss various matters of interest to the appellate bar, including proposed rule changes, trends in the Supreme Courts (both California’s and the United States), appellate procedures, and other matters of interest to local practitioners. Suggestions for meeting and MCLE topics in 2018 are most welcome. RCBA members are encouraged to contact the section chair, Susan Beck at (951) 682-5550, or sbeck@tclaw.net with input on possible topics and/or speakers.

Business Law Section

The Business Law Section can use your help with ideas for presentations. We envision the section as providing valuable

information regarding the practice of both transactional business law and business law litigation. In the past, we presented programs on issues such as e-discovery, state government aid available for businesses, business valuation, business formation, and liability insurance. But we would like your input on topics about which you would like to hear. Upcoming programs we are considering include marketing (the business side of law), managing an on-line reputation, and employment law for the small to mid-size business. Because we seek to serve the interests of our members, we would welcome any input you have regarding topics for future presentations and presenters. Please contact the section chair, John Boyd at (951)682-5550 or at jboyd@tclaw.net with any suggestions that you have. We look forward to hearing from you and providing you with informative presentations and forums for discussion.

Civil Litigation Section

The Civil Litigation Section meets at noon on the second Tuesday of the month in the John Gabbert Gallery of the RCBA Building. Programs will feature a bench-and-bar format, aimed at providing our local practitioners with helpful tips and guidance regarding everyday litigation topics. We solicit your input and suggestions. It is our goal to make the Civil Litigation Section an invaluable resource for educational programs, networking opportunities, and the enjoyment of our wonderful profession. The Civil Litigation Section co-chairs are Stefanie Field (951-684-7121 or stefanie.field@greshamsavage.com) and Megan Demshki (866-434-1424 or megan@aitkenlaw.com).

Criminal Law Section

The Criminal Law Section sponsors meetings with speakers relevant to criminal law practitioners. Topics relevant to both prosecutors and defense attorneys are discussed at each meeting, featuring noted speakers of distinction in an area touching upon criminal law. Past speakers include superior court judges, justices of the appellate courts, experts in various disciplines, deputy district attorneys, and others with interesting information on exciting topic to RCBA members. The section co-chairs are Paul Grech (he can be reached at 951-682-9311) and Lori Myers (she can be reached at loriamyers@me.com).

Environmental & Land Use Law Section

This section provides local-area attorneys with both MCLE and a forum for discussion of topical issues related to the environment. Whether these issues relate to CEQA, CERCLA or natural resources, clean air or water, the sections strive to provide a place where environmental issues that are of local as well as state and national interest can be discussed. Guest speakers are often used to present a talk on areas of interest to all environmental attorneys, and we are always open to suggestions on how the section can grow and be more responsive to the needs of practicing environmental attorneys in the local area. The section meets during the lunch hour in the John Gabbert Gallery at the RCBA Building. The section chair is Melissa Cushman who can be reached at (951) 955-6300 or melissa.cushman@gmail.com.

Estate Planning, Probate and Elder Law Section

The Estate Planning, Probate, and Elder Law Section is co-chaired by Lauren Strickroth and Richard Egger. The section provides topical presentations, usually at noon on the third Wednesday of each month (excepting summer months). In the upcoming year we are looking forward to providing speakers on estate planning issues, both transactional and litigation-related, as well as on elder law issues. Please contact Lauren Strickroth at (951) 826-8346 or lauren.strickroth@bbklaw.com, if you have any questions or suggestions on what topics you would like to hear.

Family Law Section

The Family Law Section usually meets at noon on the third Tuesday of the month. Attorneys who practice family law and the judicial officers from the Riverside Family Law Court are often guest speakers, discussing the latest developments in family law, evidence, civil procedure, and how family law interrelates with criminal law, bankruptcy, and probate issues. Suggestions for topics are always welcome. It is the goal of the Family Law Section to provide educational programs, encourage thoughtful discussion, and create civility and camaraderie among its members. The Family Law Section co-chairs are David Ruegg (david@qdrodivision.com) and NaKesha Ruegg (sr@swansonandruegg.com).

Human/Civil Rights Section

The Human/Civil Rights Section focuses on issues pertaining to human rights in our modern society. The goal of this section is to educate lawyers and others about such matters as human trafficking, child slavery, civil rights, political incarceration, and related topics, and to provide an opportunity for attorneys to become involved. DW Duke is the section chair and he can be reached at dwduke@spile-siegal.com.

Immigration Law Section

The Immigration Law Section is chaired by Kelly O'Reilly, formerly an immigration officer and now a partner in the boutique immigration firm of Wilner & O'Reilly. As a result of Mr. O'Reilly's former employment with the INS, the section is able to book current administrative supervisors and front-line officers to address real-world problems and to give best-practice advice to immigration attorneys and attorneys who have come across immigration issues. The goal of the section is to supply practical information and to develop agency contacts, so that the practitioner will not only know how to solve a client's problem, but have the contacts to make it happen quickly. The section meets quarterly at noon in the John Gabbert Gallery of the RCBA Building. For more information about the section, please contact Kelly O'Reilly at (714) 919-8880 or kelly@wilneroreilly.com.

Landlord & Tenant Law Section

The Landlord & Tenant Law Section meets eight times a year as a joint section with the San Bernardino County Bar Association. The meetings are on the second Tuesday of the month, January through May and September through November. About 25 members attend each meeting, with an equal amount from the tenant side and the landlord side. Meetings start at 6:00 p.m., alternating between Riverside and Loma Linda. Speakers have included various federal judges, state court judges, and commissioners. There are various topics that cross over into landlord-tenant issues, and new experts come to the meetings to speak. Contact the section chair, Barry O'Connor, at 951-689-9644 or udlaw2@aol.com for further information and to be added to the section's email list.

Solo & Small Firm Section

The Solo/Small Firm Section focuses on topics and speakers that cater to the unique needs and interests of the solo practitioner and those in small firms. We currently are looking for a chair for this section. If you are interested please contact Charlene at the RCBA at (951)682-1015 or charlene@riverside-countybar.com.



THE RCBA ELVES PROGRAM - SEASON XV

by Brian C. Percy

Your RCBA Elves Program has been helping local families in need provide Christmas to their kids since Christmas 2002. This will be our 16th opportunity as local legal professionals to show that we care about and do give back to the community that supports us. Once again, your RCBA is providing four opportunities for you, your family, your staff, and colleagues to become an Elf and share your time, talents, and interests with these local families in need. Your task is to decide which Elf category(ies) you want to participate in this season. To help you make that decision, this year I'm going to share a few stories from past Elves and what this program means to them.

Judge Charles Koosed shares his thoughts about RCBA Elves Program:

One of the highest callings we have as human beings is to help those in need. This calling is especially true around the holiday season when those in need of food, clothing, and perhaps shelter, cannot afford to buy even the simplest holiday gift for their children or even for themselves. The Elves Program sponsored by the Riverside County Bar Association gives all of us the unique and special opportunity to make a family's holiday season a little brighter. My family (my two boys Sam and Ethan and wife Brenda) have been delivering presents to needy families for many years. My boys look forward to being delivery elves every year. I do not have to ask them or bribe them to do the program. In fact, they have to miss water polo practice to deliver the gifts. They often ask me "when are we getting our families to deliver presents, dad?" They like to look at the "wish" list for each family to see what they have asked "Santa" for. It is the one thing my boys do that they truly give of themselves without asking for or getting anything in return.

Sadly, each year the number of needy families seems to grow. I think this year there was close to 50 families. This was twice as many families from about 7 or 8 years ago. However, remarkably the Elves program is able to rise to the occasion to provide for a larger number of families. This past year, we delivered presents and gift cards to 2 families. Both were in Moreno Valley. It was raining really hard that night. The gentleman met us in his driveway in a pouring rain storm to collect the gifts. He had no lights on in his house and was virtually the only house with no holiday decorations. He thanked us all with a handshake and a big smile on his face as we were drenched in the rain. We had a difficult time finding the second family as they had no phone and no address on their residence. We made an educated guess which house they

were in by other addresses we could find along the dirt road they lived on. Luckily, we guessed correctly. When the door was answered, the first thing that we saw was three little kids, each one wearing only a diaper. I explained that we were from the Elves program and had gifts for them, their eyes became as large as the moon and they smiled from ear to ear. They thanked us when we left and as we drove away on the now muddied road, the father opened the door, stood in the rain, and yelled, "Thank you, thank you!" I can only imagine that he had just opened the envelope full of gift cards and knew it was going to be a wonderful holiday season for his family.

Shopping Elves: Monday, December 11, 2017 at 6 p.m., is our designated shopping day and time. All RCBA "Shopping Elves" will meet at the Big Kmart at 375 East Alessandro Blvd in Riverside's Mission Grove Shopping center. As a Shopping Elf, you will receive a Christmas "wish list" from your adopted families. Your job is simple—shop and fill your basket with as many gifts as possible within the dollar amount given to you at the start of the evening. This is a real opportunity to test or show off your "value" shopping skills. Many of our Shopping Elves have made this a family affair using its younger members to assist in selecting the "cool" gifts for the kids while learning about the value of charity and the joy of giving to the less fortunate.

Bill and Pam Bratton share some thoughts on the inclusion of family with the Elves Program:

We have participated in this program since the very first year and have watched it grow. Over the years, our children have participated with us in both shopping and delivering, which has allowed them to also give back to our community. Each year we are joined by some of our work family, even those who have retired, and it isn't just because we all wear a Christmas hat! While our boys are grown, we love to see the Elves bring their families. Elf children are very helpful in picking out the perfect gift. It would be nice if more families joined us but the prospective Elves may not realize that children are welcome. It would also be nice to have everyone in our small legal community join us. Wouldn't it be fun to have some of our clerks and reporters shop?

Some schools have recognized this event as a way for students to earn public service credits. Some law offices bring their entire staff and are joined by their families and make this a night of bonding. Whatever the motivation, please put on an Elf cap and come and join us. A good time will be had by all.

Wrapping Elves: After the Shopping Elves finish their job, Wrapping Elves swing into action. Breanne Wesche shares about her involvement:

Throughout every step of volunteering with the Elves Program, I am joyously reminded of the strength of our Riverside community as we come together to help make the holidays brighter for our neighbors in need. On wrapping night, I enjoy reconnecting and chatting with my colleagues, as we wrap the gifts while holiday music hums in the background. I am grateful because the recipients are our neighbors and this is our community, and it is a privilege to be able to show them that we love and support them.

As Wrapping Elves you will have two opportunities: **December 13 and December 14, starting at 4 p.m.** We meet in the RCBA boardroom and wrap all the gifts purchased. Wrapping Elves must ensure that all the gifts are tagged and assembled by family for easy pick up and distribution by the Delivery Elves. Experience has shown that the holiday music, food and camaraderie of wrapping gifts together will help even the biggest Grinch shake off the “bah humbug” blues and get them into the holiday spirit. Excellent wrapping and organizational skills are welcomed, but are not required. Santa sightings have occurred in the past. There are rumors that Santa may once again drop in to visit his Wrapping Elves!

Delivery Elves: If you need a way to kick-start the warm holiday glow inside and out or just want to feel like Santa on Christmas Eve, this is it! As Judge Koosed’s boys have found out:

The Elves Program is one of my favorite parts of the holiday season and the year. It makes me feel so privileged for what I and many others take for granted. It truly is one of the main highlights of my year to help out my fellow humans in need, and as a Delivery Elf to actually see the pure happiness that one can bring to another’s life. Samuel Koosed, 16

Hello my name is Ethan Koosed. I have been working in the Elves Program for a very long time. I have only participated in being a Shopping Elf and a Delivery Elf. I am going to tell you about one of the times I went to go deliver the presents. We drove to this very old house out in Moreno Valley. When we arrived, the only Christmas decoration they had up was a snowman crying. This made me very sad and reminded me of how fortunate I was. The Elves Program has really changed the way I think. Ethan Koosed, 15.

Depending on the total number of families adopted, teams of two to four Delivery Elves are needed to personally deliver the wrapped gifts to each of our families from December 15 to 24. This part of the program has been designed to accommodate your personal schedules.

Over the years, many members have expressed that delivering gifts to the families was by far one of the most heart warming Elf experiences. It is also a good opportunity to teach your young ones early the rewarding feeling of helping those less

fortunate than themselves. When signing up, please inform us of the type of vehicle you have, so we can match the number and size of gifts to the storage area available in your vehicle.

Money Elves: The Money Elves provide the means necessary for the other Elves to shop, wrap, and deliver presents to the families we adopt.

Greg Rizio shares his thoughts:

My involvement with the Elves Program has been such a huge blessing in my life. When I started contributing to the Elves, I thought that the satisfaction I would experience would be solely the knowledge that my contribution (big or small) provided a smile on a child’s face. That would have been reward enough. What surprised me was the sense of fulfillment that I received from knowing that what we did provided relief to a fellow parent that is going through a tough time in life. Let’s face it, a parent’s life becomes wrapped around his/her child’s happiness. Just knowing that a parent has the ability to see that smile on their child’s face was a joy that I never anticipated until I got involved with the Elves Program.

You can really help us by sending in your donation early since it allows us to determine our budget for the families we help. The majority of funds need to be donated no later than December 11, to allow for the gifts purchased from K-Mart. Donations received by December 14, will fund the purchase of gift cards from Stater Brothers, so the families can buy food for a nice holiday dinner. Clearly, the more money raised, means a greater number of families we can assist. (Remember our goal is 50+ families this year.) Please note, even if you are a procrastinator, we will accept money after December 14. Monies received this late will be applied to any last minute “add on” families or will be saved to get us ahead on donations for next year.

The RCBA Foundation is a 501(c)(3), so all donations for this project are tax deductible. The RCB Foundation Tax ID# is 47-4971260. Please make your checks payable to the RCB Foundation and write “Elves Program” in the memo section of the check. We thank you in advance for your holiday generosity.

To become a Shopping, Wrapping, Delivery, or Money Elf, please phone your pledge to the RCBA at (951) 682-1015 or email your name and desired Elf designation(s) to one of the following: Charlene Nelson (charlene@riversidecountybar.com), Lisa Yang (lisa@riversidecountybar.com), Brian Percy (bpercy@bpearcyllaw.com), or Veronica Reynoso (vreynoso@bpearcyllaw.com). By contacting us via email you will assist us with the ability to update each of you via email in a timely manner.

To those who have participated in the past, “Thank you” and to those who join us for the first time this year, we look forward to meeting you. Don’t forget to tell a friend or two or three!

Brian C. Percy was president of the RCBA in 2002 and is the chairperson (i.e. “Head Elf”) of the Elves Program.



THE LEO A. DEEGAN INN OF COURT

by L. Alexandra Fong

The Leo A. Deegan Inn of Court is a professional organization comprised of attorneys and judicial officers and organized under the American Inns of Court. It was founded in 1993 by Sharon Waters, Honorable Robert J. Timlin, Stanley Orrock, James Heiting, and Terry Bridges. The organization focuses on improving the skills and professionalism of the bench and the bar. Each month, the Leo A. Deegan Inn holds a dinner meeting, during which a team of members presents a program that focuses on matters of ethics, skills and professionalism.

The Inn was named for the Honorable Leo A. Deegan, a legend of the Riverside legal community. Judge Deegan first began practicing in Riverside in 1946 as a member of the District Attorney's office. After also serving in the County Counsel's office, he became the Riverside City Attorney in 1958. He was appointed to the bench by Governor Edmund Brown in 1959. He served on the superior court until his retirement in 1975. In the late 1980s, he served for 14 months on the Court of Appeal, Third Appellate District, in Sacramento.

Each year, the Leo A. Deegan Inn of Court recognizes both an attorney and a judicial officer for their outstanding contributions to the legal community, as well as for their professional accomplishments. The Terry A. Bridges Award honors an outstanding attorney, while the Elwood Rich Award honors an outstanding jurist. The Inn also recognizes an outstanding younger attorney for his or her professionalism and dedication to the legal community with the Biddle Book Award. Additionally, the Inn's membership votes on its favorite presentation, and an award is given to that team at the first meeting of the following program year.

At the last meeting of the 2016-2017 program year, Justice Thomas Hollenhorst, Associate Justice of the California Court of Appeal, Fourth Appellate District, Division Two, was presented with Elwood Rich Award, John Michels was presented with the Terry A. Bridges Award, and Joshlyn Pulliam was presented with the Biddle Book Award.

For the 2016-2017 program year, the theme was "Ripped from the Headlines" and Team Codrington won the award for best team presentation, based upon their presentation on various musical copyright infringement cases. Team Codrington consists of Judicial Master Carol Codrington, Attorney Master Abram Feuerstein, Attorney Master Ted Stream, Barrister Sophia Choi, Barrister Melissa Cushman, Barrister Jean-Simon Serrano, Associate Tara Hanson,



Judge Jacqueline Jackson presents the the Honorable Douglas E. Weathers Distinguished Honoree Award to John Porter.

Associate Joshlyn Pulliam, and Law Student Melissa Wilner.

At the first meeting of the Inn of Court for the 2017-2018 program year, Justice Codrington and Judge Virginia Phillips, Chief U.S. District Judge of the Central District of California, were bestowed with emeritus status. The Inn welcomed two new judicial masters, Commissioner Kenneth Fernandez and Commissioner Eric Isaac.

John M. Porter of the San Bernardino office of Lewis Brisbois Bigaard & Smith

LLP was presented with the Honorable Douglas E. Weathers Distinguished Honoree Award. The honoree is selected on the basis of distinguished service to the bar, furtherance of Inn objectives, or other noteworthy achievements.

For the 2017-2018 program year, the Inn's theme is "The First Amendment." Teams will present on various aspects of the First Amendment (freedom of religion, freedom of speech, freedom of the press, and right to peaceably assemble). The last two meetings of the 2017-2018 program year will focus on community service.

Each February, all the Inns of the Inland Empire have a joint meeting. On February 21, 2018, joint Inn meeting will be held at the California Citrus State Historic Park, Sunkist Center, in Riverside. The Leo A. Deegan Inn of Court is honored to invite all Inn members to attend "An Evening With Carl E. Douglas." Mr. Douglas is an attorney who specializes in police misconduct cases and is best known for being a member of O.J. Simpson's "Dream Team" in the early 1990s. If room permits, the joint Inn meeting will be open to non-Inn members.

The Inn accepts applications every summer. Membership is by invitation only, and decisions are made in August. If you have questions, contact an Inn member, an Inn officer, or review the Inn's website at: <http://www.deeganinnofcourt.org>. This year's officers are President Jacqueline Jackson, President-Elect L. Alexandra Fong, Vice President Bambi Moyer, Secretary-Treasurer Sophia Choi, Financial Secretary Dorothy McLaughlin, Board Member Sylvia Choi, Board Member Jennifer Gerard, Board Member Eric Keen and Past-President Robyn Lewis. Executive Director Sherri Gomez may be contacted at (951) 689-1910 or SherriGomez4@gmail.com.

L. Alexandra Fong is a deputy county counsel with the County of Riverside, president of the Riverside County Bar Association, and president-elect of the Leo A. Deegan Inn of Court.



DRS PRESIDENT PROFILE: CHRISTOPHER G. JENSEN

by Bruce E. Todd

In the realm of legendary mediators in Riverside County, probably no one surpasses the late Elwood “Woody” Rich. As the designated settlement conference judge for the Riverside County Superior Court, Judge Rich successfully resolved thousands of litigated cases during his long tenure with the court.

There is another individual whose reputation is becoming just as notable as Judge Rich in the field of dispute resolution here in Riverside County. That person is Christopher G. “Chris” Jensen, who is the president and chairman of the board of the RCBA Dispute Resolution Service (DRS).

During its time, the DRS program has developed into a significantly lower cost alternative to other dispute resolution services such as JAMS and Judicate West. Its panel of mediators generally consists of experienced local attorneys who have received specialized training in how to handle a myriad of cases ranging from business disputes to personal injury claims to everything in between.

Jensen, along with his mentor (retired judge) Charlie Field, was one of the individuals who was instrumental in founding the DRS program in 1994.

“In about 1993, Charles Field created a court committee for the purpose of exploring providing mediation services as a new alternative to court process resolution,” said Jensen. “With Judge Field, we explored what, if anything, other courts offered beyond the old text book MSC. We looked to what would make Riverside better. I learned a lot about the system and process thanks to Judge Field.”

He said that prior settlement organizations (such as Settlement Now) morphed into a bar committee organized by then RCBA president Geoffrey Hopper and included, at times, Judge Field, Terry Bridges, Dan McKinney, Peter Mort, Douglas Miller, David Chapman, and Michelle Ouellette. The group became a non-profit which is now DRS. Jensen and Ouelette are currently the only original board members.

Jensen realized early on that creating a mediation program for the court system would be a tremendous benefit to the judges in reducing their caseload.

“It was obvious we were missing opportunities. I was interested in how mediations would help the court with its backlog of cases,” he commented.

During the embryonic years of DRS, Jensen received invaluable assistance from some of the most influential attorneys with the local bar association.

“I consider myself fortunate to have had mentors such as Judge Field, Don Powell, Steve Harmon, David Moore, and



Chris Jensen

many others. I could always walk in and talk to any one of them. These were the ‘name’ guys in town helping me. They instilled in me the benefits of being involved in the bar association and helping the community.”

Jensen understands that there are various legal organizations, such as the American Board of Trial Advocates (ABOTA), which promote mediation as a means to significantly reduce the amount of cases which actually proceed to jury trials but he is quick to point out the following response.

“In the old days, we would go to trial with just some medical records and a deposition.

Now we practice gold plated law—no stone goes unturned. This mentality has increased the litigation expenses for our clients.”

He also points out that the cost of litigating cases has become much more expensive over the years.

“There is an inherent conflict which exists with lawyers. While championing a case to trial may benefit the client, it financially benefits the attorney. An early settlement does not. We have an obligation to our clients to try to resolve each case so that clients don’t spend a lot of money. We as lawyers believe unless we statistically have many trials to verdict, we may not be a true advocate. But I don’t think we lose our advocacy skills just because we mediate a case. Mediation is simply another form of trial but, and here’s the key, within our own control.”

He also sees a benefit in the concept of having several mediation sessions during the course of a lawsuit because many times it is obvious during the initial mediation that the case may not be ready to settle.

“People need to make informed decisions. So sending participants back with ‘homework’ allows more in depth thought and results in a better, more informed resolution.”

Besides being involved in the organizational aspects of DRS, Jensen himself is a very experienced mediator. He reads lots of books on the art of how to be an effective mediator. He has mediated, in his own words, “a couple hundred cases.” He is a graduate of the influential training program called “Mediation: The Art of Facilitating Settlement” which is a 40-hour course presented by Pepperdine University’s Straus Institute for Dispute Resolution.

He has high praise for the DRS program which he helped create.

“A simple review of our webpage and the resumes and bios which are provided would allow anyone to conclude that we have a quality panel of mediators and arbitrators,”

he said. "It takes a highly skilled person to organize, moderate, and successfully complete a mediation nowadays. The variety of legal backgrounds offered by DRS is incredible for achieving the correct result."

Jensen himself has received high marks from many prominent members of the local legal community for his involvement with the DRS program. For example, Judge Gloria Trask has this to say about him.

"He is just so dependable. So consistent and reliable," she said. "When I think of ADR I think of Chris. He has always been my attorney sidekick for all things ADR. The Riverside County Bar Association has been truly blessed to have the benefit of this man's generosity and devotion to ADR for more than 22 years."

Admitted to the California Bar in 1988, he is one of the partners in the Riverside law firm of Reynolds, Jensen, Swan & Pershing, LLP. His legal practice primarily focuses on business litigation and transactions. He has received the prestigious "AV" rating with Martindale-Hubbell. He has served as a fee arbitrator on the RCBA Fee Arbitration Panel. He taught law school classes at California Southern School

of Law for nearly two decades and is an instructor at the University of California, Riverside. He has also served as a judge pro tem for over 15 years.

Born in Arcadia, California, he grew up in Diamond Bar when "it was just a ranch." He now resides with his wife, Lori, in Riverside. They have two adult children—John and Nichole. He noted that Nichole has kept a family tradition alive in that all four of them have worked, at one time or another, at Disneyland—she is currently an employee at California Adventure. In his spare time, he enjoys golf and spending time on his boat (as Capt. Les Capable of the Liki Tiki). He also has become very interested in genealogy.

And so what advice does he have for litigators and mediators?

"Prepare!" he says. "Being prepared and knowing the case is the key to a successful mediation."

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



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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@riversidecounty-bar.com.

Riverside Superior Court – Civil Master Calendar Changes

Effective January 2, 2018, the Civil Division will implement a Civil Master Calendar in Riverside. The Southwest and Desert Regions will not be effected and the Complex Departments (5 & 10) and Limited Civil Department (11) will not be affected.

Effective January 2, 2018, Unlimited Civil cases in Riverside will be assigned to Department 1 for all case management hearings (Case Management Conferences, Orders to Show Cause, Trial Setting Conferences and Trial Call). Those cases will also be assigned to either Department 3, 4, 6 or 7 for law and motion purposes only.



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