

RIVERSIDE LAWYER

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MAGAZINE



RCBA Board
2019-2020



Barristers Board
2019-2020





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RECENT
RESULTS****

\$7,500,000

Wrongful Death - Riverside

\$2,773,693

Wrongful Death - Riverside

\$1,375,000

Head-On Collision - San Diego

\$600,000

Golf Cart Rollover - Riverside

\$2,996,684

Motorcycle Accident - San Bernardino

\$1,900,000

Auto vs. Pedestrian - Riverside

\$850,000

Wrongful Death - San Bernardino

\$600,000

Auto vs. Truck - Riverside

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Editor Jacqueline Carey-Wilson
Copy Editors Yoginee Braslaw & Juanita Mantz
Design and Production PIP Printing Riverside
Cover Design PIP Printing Riverside

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President Jack B. Clarke, Jr. (951) 686-1450 jack.clarke@bbklaw.com	President-Elect Sophia H. Choi (951) 955-6300 schoi1024associations@gmail.com
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Vice President Neil D. Okazaki (951) 826-5567 nokazaki@riversideca.gov	Chief Financial Officer Lori Myers (949) 300-3596 loriamyers@me.com
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Secretary Kelly Moran (951) 955-6300 kmoran@rivco.org	Past President Jeff Van Wagenen (951) 529-4092 JVanWagenen@rivco.org
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Mark A. Easter (951) 686-1450 Mark.Easter@bbklaw.com	Chris A. Johnson (951) 695-8700 cjohnson@rhlw.com

Executive Director
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(951) 682-1015
charlene@riversidecountybar.com

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Riverside County Bar Association
4129 Main Street, Suite 100
Riverside, California 92501

Telephone 951-682-1015	Facsimile 951-682-0106
Internet www.riversidecountybar.com	E-mail rcba@riversidecountybar.com

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

- 9 RCBA Shopping Elves at Kmart**
6:00 p.m.
7840 Limonite, Jurupa Valley
Contact RCBA for more information
- 10 Civil Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Judge Janet Frangie
San Bernardino Superior Court
Topic: “Law and Motion: Tips from a Judicial Perspective”
MCLE – 1 hour General
- 11 Criminal Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Arsany Said
Topic: “Assault Weapons – The Laws You Need to Know”
MCLE – 1 hour General
- 11-12 RCBA Wrapping Elves**
RCBA Boardroom – 4:00 p.m.
Contact RCBA for more information
- 18 Estate Planning, Probate & Elder Law Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speaker: Lisa Rehburg
Topic: “Helping Clients Benefit from Unwanted/Unneeded Life Insurance Policies”
MCLE – 1 hour General
- 19 Solo/Small Firm Section**
Noon – 1:15 p.m.
RCBA Gabbert Gallery
Speakers: Evie Jeang, Esq. & Ritzel Ngo, Esq.
Topic: “What to Do if an Attorney Dies or Becomes Incapacitated”
MCLE – 1 hour General

SAVE THE DATE

January 17 – MCLE Marathon

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): Mark Easter, Jeff Van Wagenen, Jack Clarke, Paul Lin

Front row (l-r): Neil Okazaki, Erica Alfaro, Sophia Choi, Megan Demshki, Lori Myers, Chris Johnson

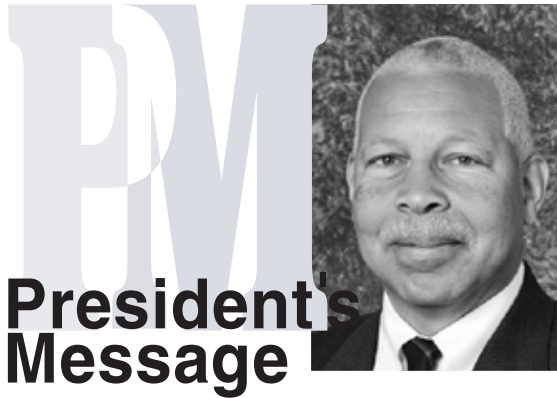
Not pictured: Kelly Moran

Barristers

Back row (l-r): David Rivera, Stuart Smith, Lauren Vogt, Ankit Bhakta, Alejandro Barraza

Front row (l-r): Michael Ortiz, Megan Demshki, Paul Lin, Goushia Farook, Patricia Mejia

photos by Michael J. Elderman



by Jack Clarke, Jr.

Making the Holidays Mean Even More

For this month's column, I wanted to highlight a past-president of the Association who has been a blessing to the community. That past-president is Brian Percy. In addition to being an outstanding attorney, Brian is the primary creator of the Bar Association's Elves Program which will be taking place this month. Much has been written about the Elves Program. But I thought reading about the how and why of the program, would both help him, and the volunteers who serve with him, meet their goals this year and also convey an even deeper message to us all.

Q: Brian, you were the Bar president in 2002. What were the thoughts or events that prompted you to start the Elves Program?

A: I wanted to do something that would help reach three goals: (1) which was to show that attorneys were givers not takers as the community perceived us; (2) give the members of the Bar something that they could feel good about in terms of the community (for example delivering gifts – that's a fantastic experience) and then (3) create a program that going forward, the Bar would be able to utilize as a mechanism to foster good will and camaraderie within the Bar membership.

Q: Why choose something like the Elves Program as opposed to some other initiative?

A: It's like everything, it goes back to personal experience and back when I was working with the Police Department in LA, we had a similar program where we played Christmas elves to underprivileged families in South Central. I thought that it was a wonderful program and beneficial, not only

to the families being helped but also to those doing the helping. I think they got as much out of it as those doing the helping. I thought it would be a great overlay to apply to the Bar Association.

Q: I know, the Elves Program has been explored in articles and public announcements, but would you explain it, how it functions and how members of the community and the Bar Association can help?

A: There's always a segment of the community that, if you will, good times or bad times for them, it's bad times, they have kids and the kids are going to miss out on Christmas. The idea is to provide a mechanism for kids that weren't going to have Christmas to have Christmas. It doesn't mean that they just get gift cards or a toy dropped off in a bag; it's the whole process of Christmas which is a gift that's wrapped that they're going to tear open and have that surprise and experience of Christmas morning.

Q: How are members of the community chosen to receive the help of the Elves Program?

A: At the outset, we reached out through various community groups that would pre-vett the families. We would use the Riverside County Probation Department. In fact, my initial contact was Dan Hantman's significant other, Marsha Gilman. She was the originator of identifying families for us when we first started off. We were much smaller in scale and scope. But the idea was I wanted to go to an agency that had people with boots on the ground that could really identify families in need. Not just someone who made a claim of need and so since that, we've grown and now we have multiple sources. We use US Vets, which provides us families of veterans that are in a homeless shelter. We use City of Riverside Police Department, Riverside County Probation, Riverside County Justice Centers, and a couple private entities that make referrals. One of them is My Learning Studio, which helps families. Their job is to provide educational services to families. There is another non-profit entity called Wealthy Kids. That is the origin of the families. Of course we will have certain referrals that will come in individually.

Q: You are a busy attorney. How do you find time for community service and still run a quality practice?

A: Good staff and good people. Enlisting good people. It's like the old Tom Sawyer. Ask someone to help and a lot of people are willing to help. I've got a good team here at the office. I've got a great team at the Bar and I've got a dedicated cadre of volunteers every year who come in. What's been kind of interesting is on our shopping Elves night, a lot of people dress up in Santa hats when they're shopping. It's gotten the attention of shoppers in the stores who find out what we're about and who've come up and donated money on the spot. And in a couple of instances, we have had families who are not related to the Bar, but wanted to participate in the organization and have done so over several years.

Q: When you say there's a good team at the Bar, who are the team members?

A: Charlene and Lisa. Charlene especially, she's part of my team on shopping night when we are processing all of the gifts that are coming through the registers. She and I, and I've got some other people, my old assistant who's no longer with me, she still comes back to help, Veronica Reynoso, my current assistant, Ann Gherity, they are what

I call the brains and the strong back to make the logistics happen. All credit goes to them.

Q: What would be an optimal outcome for this year's Elves program in terms of helping families and your need for donations?

A: This year, we are trying to break the threshold of 80 families. We were just approaching 70 last year. My goal is always trying to get 10 more each year and the logistics keeps growing because not only do we have more families, we have to raise more money, we have to get more help in terms of people to wrap and shop and deliver but every year, by the grace of God we have enough volunteers, enough money raised and it gets done.

Q: What's your goal in terms of fundraising this year?

A: Right now, I'm trying to raise \$16,000. Last year, we were just a little over \$12,000. I'm waiting to hear back if we are going to have participation by Stater Bros again this year. We did last year which helped immensely but I always have to do holdbacks because not only do we provide the gifts and the wrapping and so forth, but we also provide Christmas dinner for the families. What I mean by Christmas dinner is, we get shopping cards at Stater Bros that are varied in amounts based on the size of the family. I do a formula for that. We also give mom and dad a money card. We sort of say "We make it easy for mom and dad – here's some money to get to the store. Here's some money to actually go buy food." We don't want to force a turkey or ham because some people's dietary desires are different. We try and provide them Christmas day with all of the wrapped gifts and a meal.

Q: In terms of your \$16,000 goal to put it in context, what was your first year in terms of the program, how much was the first year compared to now?

A: I put together a graph of where we were a few years ago. We probably raised about \$2,500.

Q: Can you give any advice to attorneys young and old who might want to add their talents to community service above and beyond their professional endeavors?

A: You look at participating in community events as outward centric or inward centric. As attorneys, we tend to be inward centric – what's in it for me. Here you've definitely got the inward centric benefit, in other words, of the psychic benefit of doing good, helping out and giving which is quite rewarding. Then the outward centric opportunities by reaching out and commingling with, for example, your fellow elves, whether you're shopping or wrapping, you might meet and engage with new people that you've not met or engaged with before which might provide opportunities for either friendships or referrals or both. And the same thing for reaching out with the communities and families. I'm a big proponent of Bar members getting their families involved in this. We've grown this to the point now where a lot of schools recognize this as a community activity so a lot of people bring their kids along and they get credit as a community activity. I look at this as a way to start training your kids at a young age that not everybody is as fortunate as you and this is an opportunity to (1) start having a little bit of a reality check and (2) start training them young as to the process of giving.

We have a lot to be thankful for in the Bar Association. People like Brian Percy and his volunteers are a community treasure from whom we can all learn. (Brian asked me to make special mention of Mark Easter for his fundraising efforts.) Please try and help them or contribute to a positive cause that gives you joy.

Be well and Happy Holidays.

Jack Clarke, Jr. is a partner with the law firm of Best, Best & Krieger LLP.



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BARRISTERS PRESIDENT'S MESSAGE

by Paul Leonidas Lin



Inside Edition: RCBA Barristers Board

In medias res (Latin for “in the middle of things”) is a literary and cinematic¹ plot device where the story begins right in the action. Often used to hook the reader or viewer and make them come back for more. Relevant to this column is

that conclusion amongst the Barristers Board that we have peaked with our October “Meet the RCBA Furristers” article. This column will never be as cute or entertaining ever again. So if you wish to skip this article for the remainder of the term, we do not blame you.

Nevertheless, as required by the *in medias res* plot device, we must now begin at the beginning: Introductions. Meet your 2019 – 2020 Barristers Board.

Paul Leonidas Lin, President

Paul is a criminal defense attorney at The Lin Law Office Inc., who sometimes speaks in the third-person. Given the number of Happy Hours planned during his administration, I think it is no secret why he joined the Barristers Board. Unknown to some, Paul was born and raised in Puerto Rico, where he holds the Puerto Rican National Record for solving the 3x3x3 Rubik's Cube in 24.51 seconds. In his downtime, Paul likes to hit the gym, rock climb, or just be active and moving. If Paul could replace all the grass in the world with something else, he'd choose orange blossoms. How would that work exactly? “I don't know. I'm a lawyer not a botanist.”

Goushia Farook, President-Elect

Goushia practices family law at the Law Offices of Shauna M. Albright. She joined the Barristers Board to be more involved and give back to a great legal community that had been supportive of her. Goushia is fluent in four languages, a lover of reading, painting, and pandas. When she's not working Goushia likes to spend time with her family and travel (sometimes to a place where she is chased by a bull in a very narrow alleyway.)

If Goushia had to choose between sweating melted cheese or having snakes for hair, she'd choose the snakes. Goushia would name each snake and teach them different hair styles. She'd never have to do her hair again, instead

¹ For the unversed, notable examples are *Pulp Fiction*, *Forrest Gump*, *Fight Club*, *Swordfish*, and—the greatest franchise of all time—*Star Wars*.



Top: David Rivera, Stuart Smith, Lauren Vogt, Ankit Bhakta, Alejandro Baraza.

Bottom: Michael Ortiz, Megan Demshki, Paul Lin, Goushia Farook, Patty Mejia.

just telling them to “bun up” and instantly have a snake hair bun. Bad hair day? Just blame it on the snakes since they have a mind of their own.

David P. Rivera, Treasurer

David is a business transactional law attorney for the Law Office of David P. Rivera. Why did he join the Barristers Board? Because in a game of truth or dare, he always chooses dare. With a resting heart rate of 42 BPM, nothing ever fazes David. When he's not working hard, David likes to read. Everything. And had he'd named it, peanut butter would be more appropriately named “Chocolate Entrapment.”

Michael Ortiz, Secretary

Michael is an attorney at Ortiz Law and practices in estate planning. He joined the Barristers Board because of the comradery and opportunity to serve his fellow new lawyers. In law school, Michael won the “life of the party” award. This fact remains true today. When he's not working, he's spending his time upside-down, trying to master the hand-stand. If Mike had to sum up the internet in one sentence, he'd say “Imagine you threw a party and invited Elon Musk, Bill Gates, the Pope, Kanye West, Albert Einstein, Taylor Swift, Beyonce, Jim Carey, Whoopi Goldberg, Dave Chappelle, Madonna, Barrack Obama, Baby Shark, Donald Trump, and that homeless guy that talks to himself at the corner by 7-11 – that's pretty much the internet.”

Alejandro Barraza, Member-at-Large

Alejandro is a criminal defense attorney at the Law Office of Alejandro Barraza Paez, APC. Initially as a barristers member, Alejandro befriended many new people within Riverside Law Community that were doing fruitful work in the community. He decided to join the Barristers Board the following year to get that opportunity to show new attorney members that we are super cool group and invite them to

help our community grow. Preserved in his mom's closet is a 3' by 3' photo of 13-year-old Alejandro from when he was named the "Scholar Athlete" in high school. If you're ever over at his house, his mom will proudly bring it out to show you.

Alejandro likes to spend all his spare time with his fiancé, Ashley and their furrister Mochi. They will watch the English Premier League or just going back home to mom's for flour tortillas and viewings of the giant photo. If held at gunpoint and ordered to dance to impress or die, Alejandro would call up Michael "Life of the Party" Ortiz as his hype man. Then he would "dance a little of this, dance a little of that, and dance all over the place," all while throwing in some Dr. Seuss rhymes. Perfection.

Ankit Bhakta, Member-at-Large

Ankit practices general business litigation, primarily in labor & employment defense, at Varner & Brandt LLP. He joined the Barristers Board to get more involved in the Inland Empire community and join forces with my peers in encouraging and enjoying community involvement. As an undergrad at UCLA, Ankit was part of two separate Indian dance teams, both of which qualified for their respective national competition. When he's not being competitive in court, Ankit likes to bring his competitive nature to sports and board games. Be forewarned, if Ankit plays, he plays to win.

If given the authority to create a holiday, Ankit would create "Teachers' Appreciation Day" in March (given the void of holidays.) This would be celebrated by having students and parents write letters of appreciation to the teachers in their lives.

Patty Mejia, Member-at-Large

Patty is a criminal defense attorney with the Riverside Public Defender's Office. She joined the Barristers Board to get to know the future of our legal profession and to make lifelong friends along the way. Patty is a basketball fanatic. She's been playing and coaching basketball since the age of 8. When she's not working or coaching, Patty loves to travel. When possible, she tries to visit at least one new country every year. If given the ability to shrink any object to put in her pocket, Patty would shrink her sister so she'd always be around to make her laugh.

Stuart R. Smith, Member-at-Large

Stuart is a corporate and business transactions attorney for Varner & Brandt LLP. He joined the Barristers Board to give back to the Riverside legal community and meet his fellow attorneys in the Inland Empire. One day Stuart would like to hike the Pacific Crest Trail from start to finish. "In sections of course, because who has six months to take off work?" For fun, Stuart likes to play golf, hangout with family, and binge Netflix. In response to one of the most controversial topics plaguing America today, Stuart stated "Pineapple on pizza, really? Come on people, let's get it together."

Lauren M. Vogt, Member-at-Large

Lauren practices personal injury and employment law at Rizio Lipinsky. Lauren joined the Barristers Board to get more involved in the Riverside community and the legal community as a whole. Unbeknownst to most people, Lauren is the complete and polar opposite to the Most Interesting Man in the World. So she claims. In her scarcely free time, Lauren likes to spend time with her puppies, whether it's at the beach or just binging a show on the couch. If Lauren could scale up any animal to the size of a horse, she'd choose a bunny so she could hop around Riverside in brilliant style.

Megan Demshki, Immediate Past President

Megan is a traumatic personal injury, wrongful death, and medical malpractice attorney at Aitken Aitken Cohn. She joined and eventually led the Barristers Board to get more involved in the Riverside legal community with who she considers "some of the best people you'll ever meet!" Fun fact: Megan has restored both a 1985 GMC Jimmy and a 1974 BMW 2002. When she's not working into the late hours of the night, she's hanging out with her beautiful golden retriever Zoey, waterskiing, or just traveling. When asked if given the ability to talk, which animal would be the rudest? Megan stated "Flamingos. No explanation necessary."

Upcoming Events:

- **Saturday, December 7** – Hike with the RCBA Furristers! Meet at 8:30 AM, Hike starts at 9:00 AM. Outdoor brunch at Taco Station immediately after.
- **Thursday, December 12** – Elves Wrapping starting at 5:00 PM at the RCBA Building with Happy Hour at Wolfskill to follow.
- **Friday, January 24** – Happy Hour at Mezcal starting at 5:00 PM.
- **Friday, February 21** – Happy Hour at Brickwood starting at 5:00 PM.
- **Friday, March 13** – Happy Hour at Heroes starting at 5:00 PM.

Follow Us!

Stay up to date with our upcoming events!

Website: RiversideBarristers.org

Facebook: [Facebook.com/RCBABarristers/](https://www.facebook.com/RCBABarristers/)

Instagram: [@RCBABarristers](https://www.instagram.com/RCBABarristers)

Paul Leonidas Lin is an attorney at The Lin Law Office Inc. located in Downtown Riverside where he practices exclusively in the area of criminal defense. He is the immediate past president of the Asian Pacific American Lawyers of the Inland Empire (APALIE). Paul can be reached at PLL@TheLinLawOffice.com or (951) 888-1398.



A BAR ASSOCIATION DEDICATED TO BRIDGING THE GAP

by Sharunne Foster

The Richard T. Fields (RT Fields) Bar Association is the only bar association in the Inland Empire committed to bridging the gap between black youth, law students, and attorneys in the legal field. The RT Fields Bar Association wants attorneys to look to the past and use it to inspire a better future.

Our bar association is named after Justice Richard T. Fields who paved the way for attorneys of color as the first African American judge in Riverside County in April of 2000. He entered the legal field in 1983, a time where very few attorneys reflected the demographics of the community that they represented. This was also a time where many southern parts of the country were still fighting for equality against the remnants of segregation.

Many minority attorneys, like Justice Fields, seized new opportunities to advance minority representation in the courtroom and on the bench. More importantly they took the time to return the favor and open doors for young people interested in following the path of a legal career.

This year, the RT Fields Bar Association wants to be a driving force in encouraging all members of the legal community to use the past as inspiration for our future. The RT Fields Bar Association has created outreach programs to give attorneys opportunities to reach out to and interact with law schools, colleges, and grade schools to inspire students to learn about the many opportunities available in a legal career.

I have consistently been amazed at the number of our youth attending our local schools who have never met an attorney of color. Many may think that becoming a lawyer is as unattainable as being the next LeBron James. It's amazing to see their faces when they see a young African

American woman walk into the room to talk about the benefits of a career in criminal law. They want to know about my biggest cases, funniest moments, and especially the impact the outcomes have on their communities. They also ask questions about how to pay for a legal career, which is a stark reminder of the challenges they face. These opportunities are fun and benefit me as much as they do the students. If every attorney took a couple of hours every year to walk on a campus and introduce our legal community to these students, then we could inspire and expand the minds of our youngest generation.

The RT Fields Bar Association hopes that you will join us in reaching out to the next generation of lawyers. We have many upcoming events including; Mock Interviews at La Verne Law School, Giving at Thanksgiving, our MCLE festival in Temecula Wine Country, and much more. Contact us on Facebook or email us at RTFieldsBA@gmail.com to be added to our mailing list or to join the organization.

Sharunne Foster is a deputy district attorney in Riverside and President of the Richard T. Fields Bar Association.



* ATTENTION RCBA MEMBERS *

How would you like to receive (or read) the *Riverside Lawyer* magazine?

Some members have told us they prefer reading the online version of the *Riverside Lawyer* (available on our website at www.riversidecountybar.com) and no longer wish to receive a hard copy in the mail.

OPT-OUT: If you would prefer not to receive hard copies of future magazines, please let our office know by telephone (951-682-1015) or email (rcba@riversidecountybar.com).

Thank you.

THE LEO A. DEEGAN AMERICAN INN OF COURT

by Sophia Choi

The Leo A. Deegan American Inn of Court (“Deegan Inn”), is a professional organization comprised of attorneys and judicial officers and organized under the American Inns of Court. The Deegan Inn is comprised of Judicial Masters, Attorney Masters, Barristers, and Associates. Teams are formed with each team having a member (or members) from each categorical level.

In the 2019-2020 program year, the Deegan Inn Board of Directors¹ extended membership to several new applicants from various legal experience backgrounds. The orientation was held at the Canyon Crest Country Club in Riverside on September 25, 2019, with a presentation by Emeritus Member Peter Mort on the history of the Deegan Inn. Additionally, Honorable Jackson Lucky, judge of the Riverside County Superior Court, was recognized as an Honorable Douglas E. Weathers Honorary Member for this program year, a recognition given to a member of the bench or bar for distinguished service, furtherance of Inn of Court objectives, or other noteworthy achievements. After the main orientation, there was also a separate new member orientation, at which time the new members were welcomed and introduced to the various programs hosted by the Deegan Inn, including “chamber chats.”

“Chamber chats” is a benefit for Deegan Inn members, which is a special mentoring component designed to provide a casual environment for primarily Associate and Barrister level members to ask questions of and “chamber chat” with their local judges. For the 2019-2020 program year, the Deegan Inn will offer four separate “chamber chats” with judicial officers presiding in the Fourth District Court of Appeal (Division Two), family, civil, and criminal assignments.

The Deegan Inn will also host themed dinners, such as government lawyer leaders’ night and a few others. The government lawyer leaders’ night will be held during the Deegan Inn’s December 2019 dinner, with dignitaries from the various local governmental agencies.

Each year, the Deegan Inn Board of Directors selects a theme for the program year, so that each team can col-

laborate with its members to present on a topic within that theme. This year, the theme is “Supreme Court of the United States Cases from the Inland Empire.” The cases selected are: (1) *Stromberg v. People of the State of California* (1931) 283 U.S. 359, (2) *National Labor Relations Board v. Fleetwood Trailer Co.* (1967) 389 U.S. 375, (3) *California v. Superior Court of California, San Bernardino County* (1987) 482 U.S. 400, (4) *California v. Cabazon Band of Mission Indians* (1987) 480 U.S. 202, and (5) *County of Riverside v. McLaughlin* (1991) 500 U.S. 44. Additionally, there is also a Community Service Team that will present on its community service efforts at the last dinner of the program year. Each program year, there is a “Winning Team Presentation.” Last program year, this honor went to the Community Service Team led by Honorable Jennifer Gerard and Honorable Dorothy McLaughlin.

The Deegan Inn is proud to announce that it has achieved Platinum level status (highest level) in the Achieving Excellence Program by the American Inns of Court. The American Inns of Court recognizes individual Inns that achieve excellence and make significant contributions in the following five core competencies: Administration, Communications, Programs, Mentoring, and Outreach.

For more information, you can visit the Deegan Inn website at deeganinnofcourt.org.

Sophia Choi, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside. She is the current president of the Leo A. Deegan Inn of Court and the president-elect of the Riverside County Bar Association.



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¹ The Board of Directors are: Sophia Choi-President, Honorable Eric Keen-President-Elect, Alexandra Fong-Immediate Past President, Abram Feuerstein-Vice President, Honorable Jennifer Gerard-Secretary-Treasurer, Stefanie Field-Financial Secretary, Honorable Randall Stamen-Board Member, Kiki Manti-Engel-Board Member, Gabriel White-Board Member, and Sherri Gomez-Executive Director.

THE OTHER BAR: SAVING LIVES AND CAREERS IN THE INLAND EMPIRE

by Greg Dorst

The Other Bar, Inc., was founded in 1973, as a loosely formed organization of attorneys and judges who were interested in getting together to support their own sobriety. They quickly learned that one of the key ways that they could help themselves was to help other lawyers and judges to achieve sobriety. These visionaries laid the foundation for an organization that 46 years later, supports more than 30 confidential meeting sites throughout California which help countless attorneys, judges and law students to live and work as sober, productive members of society. The Other Bar, Inc., is supported by a 23-person Board of volunteers and two statewide consultants who, along with other members, are dedicated to offering a “way out” of the destructive cycle of addiction for any and all legal professionals who need help.

The Inland Empire is served by Other Bar meeting sites that stretch from Rancho Mirage to West Covina and from San Diego to Victorville. Wherever our attorneys live and practice, there is a place to meet and strengthen our values and professional skills. Accessing these meetings is easy; go to www.otherbar.org to find a meeting near you or call 1-800-222-0767, anytime of the day or night for confidential help with alcoholism or other substance use disorders.

Unhealthy dependency on alcohol or other drugs is not a moral issue. It is a treatable illness that over time creates a seemingly hopeless state of mind and body that negatively affects a person’s personal and professional life. Practicing law is hard; it is only made harder by debilitating hangovers and lost time which wreaks havoc on income, file management, and reputation. Falling behind on professional responsibilities is a constant source of stress, which will lead to further abuse in an attempt to cope with these issues. The cycle is insidious yet completely avoidable.

Lawyers, judges, and law students who have found a new way of life through recovery know that the stigma is not in having the illness but in failing to seek help once the problem is recognized. However, getting honest enough to recognize the problem can be a monumental task. One simple way to get honest with the issue of over-use and abuse is to ask yourself 4 questions:

1. Have I ever felt the need to cut down on my drinking or drug use?
2. Have I ever gotten angry when someone has pointed out to me that I may be overindulging?
3. Have I ever felt guilty around my alcohol or drug use?
4. Have I ever needed a drink or a drug to “jump start” my morning?

Answering yes to any of these questions can be indicative of a problem, but an honest yes answer to two or more of these questions may mean that help is necessary. Along with these questions, it is useful to recognize adverse consequences as a result of drinking or drug use as a sign that a change is necessary. Continued drinking and drug use after arrests, failed relationships, serious health issues or job loss is a sure sign that help is required. Yet, many legal professionals rely on their own intelligence to fix a problem that has progressed beyond intellectual acuity; they do so to their own detriment, as well as the detriment of their family, work associates, and friends. Addiction is an issue that affects not only the person engaged in problematic use, but all those around the person as well. The thought that “I am only hurting myself” is a rationalization and is patently untrue.

Many attorneys, judges, and law students ask whether or not they will be “outed” if they seek a change through an organization such as the Other Bar. They need not fear; the principal of anonymity is strengthened by strict confidentiality in any Other Bar setting. The keystone of the organization is confidentiality. Who attends meetings and what is said at meetings is strictly confidential. Moreover, since each member is in recovery, newcomers receive an outstretched hand of support with no judgement whatsoever. Let the healing begin.

Greg Dorst JD, CADC II is a consultant to the Other Bar in the Southern California region and a long-standing proponent of recovery in the legal profession. As a former Inland Empire attorney and Addiction Specialist Greg has worked as a non-profit CEO in the field of Substance Use Disorders and Mental Health and now consults with non-profit and for-profit organizations to create prevention and wellness policies and an environment that inspires healthy productivity.



THE DESERT BAR ASSOCIATION

by *Christoffer J. Thomsen*

The Desert Bar Association is a non-profit professional organization of attorneys, judges, and other individuals mostly located in the Coachella Valley. It was established over sixty-eight years ago in 1951. Interestingly, the full legal name of the Desert Bar Association, is the “Desert Bar Association of Riverside County”; however, the Desert Bar Association is not a subsection of the Riverside County Bar Association.

The Desert Bar Association is a local bar association that was established to maintain the honor and integrity of the profession of the law, to increase its usefulness in promoting the due administration of justice, to cultivate social activities among its members and to support and administer programs and activities consonant with such goals.

As attorneys and judges, we want to see the legal system evolve in positive directions, so that it effectively provides justice and equity in all areas of practice. Strengthening that system begins with building a robust and ethical community among local lawyers and judges. The Desert Bar Association contributes to building such a community by providing opportunities for legal professionals within the Desert Judicial District to interact outside the conference rooms and courtrooms, to learn together and socialize.

We’ve all had to sit through some educational events that were painfully boring, which is the reason that the Desert Bar Association strives to plan events that our members will enjoy. From luncheons with keynote speakers such as the Chief Justice of California or a U.S. Supreme Court Update luncheon presented by Dean Erwin Chemerinsky, to judicial panels and critical ethics updates, Desert Bar Association members get to enjoy an interactive experience, often over a nice meal, and take part in lively discussions covering topics about which we are all passionate.

The Desert Bar Association also organizes frequent social events, which are much more than cocktail parties or dinners. Bringing practicing and retired attorneys and judges together with law students and other professionals involved with the practice of law strengthens our community in several key ways. Obviously, stronger personal connections within our community create more opportunities over the course of one’s career. Building relationships with law students offers a connection to

the future leaders of our community and a chance to help shape the future they will build. In the immediate picture, establishing better relationships with your colleagues can help you in many aspects of your practice. For example, when you may need a consultation on a point outside your expertise, or you may have a case where you need to collaborate, or when you sit across the negotiating table from each other. Most importantly, we are a fun legal community, evidenced by one of the most unique annual events in the country – our Bird Awards and Distinguished Judges Night – which gives the legal community an opportunity to roast itself and create parodies that raise important issues within the local legal community in a way that is entertaining and thought-provoking, showcasing some of the best talent within our legal community, along with those who just have a passion for having fun.

Creating a successful career path in the field of law takes more than hard work and strong ethics. It also takes the support and respect of an active community of colleagues. Becoming a member of the Desert Bar Association is the first step in surrounding yourself with that community, strengthening your practice, and achieving the level of success you desire.

Applications for membership are accepted on a regular basis and may be made by clicking the link “Apply for Membership” and answering some simple questions on the Desert Bar Association website, desertbar.com. Standard membership for most attorneys is \$95.00 per year, with discounted membership rates available for young attorneys, public attorneys, judges, and law students, and with affiliate memberships available for folks who are not attorneys, judges or law students, but who would still like to be involved with the local legal community.

Christoffer J. Thomsen is an attorney and shareholder in the firm Schlecht, Shevlin & Shoenberger, ALC, located in Palm Springs. Chris focuses his practice in the areas of real estate transactions and litigation, including cases involving Indian land law (leasing and sales) and the Bureau of Indian Affairs. He also represents clients in a wide variety of business law matters, in addition to providing counsel for probate and estate planning matters. Chris is president of the Desert Bar Association, and secretary/treasurer of the Warren Slaughter-Richard Roemer Inn of Court.



RIVERSIDE COUNTY BAR ASSOCIATION'S LAWYER REFERRAL SERVICE

by Julianna Tillquist

You have likely heard of the RCBA Lawyer Referral Service, but maybe you do not know a lot about it and what it does. RCBA established the Lawyer Referral Service (LRS) in 1968 as a non-profit public service to help individuals and businesses with legal matters in Riverside County find qualified legal assistance at a reasonable cost. LRS is certified by the California State Bar and meets American Bar Association Standards for a lawyer referral service.

Those looking for legal help can call or email LRS to request a referral to an attorney for a low-cost consultation. The fee is \$40, which goes to LRS (not the attorney) to cover administrative expenses. Should the referral result in the attorney being retained, LRS receives a percentage of any attorney fees.

LRS maintains panels of attorneys in a variety of practice areas. Please consider joining one or more panel. LRS can always use more attorneys, particularly in the following areas: landlord/tenant (tenant side), trademarks/copyright, military, and medical malpractice. LRS also needs attorneys who are bilingual in one or more languages.

If you are interested in joining an LRS panel, you can find information and application forms on the LRS website at riversidelrs.org or call 951.682.7520 or 951.682.1015.

Julianna Tillquist is general counsel to the San Bernardino County Transportation Authority and San Bernardino Council of Governments and she is the chair of the LRS Committee.



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DISPUTE RESOLUTION SERVICE, INC.

by Chris Jensen

RCBA Dispute Resolution Service, Inc.(DRS), a non-profit corporation, is a service provided by the Riverside County Bar Association in conjunction with its members. It is comprised of experienced attorneys who have practiced for ten or more years and have met other experience requirements set by the DRS Board of Directors. DRS provides mediation and arbitration services to the public and to the Riverside County Superior Court at efficient and low cost rates. The DRS, in conjunction with the Riverside County Bar Association, provides facilities for the private and confidential use of DRS participants. DRS assists with the resolution of various types of disputes, including contract, personal injury/wrongful death, employment, business, real estate, insurance, professional malpractice, landlord/tenant,

construction disputes, probate, discovery disputes, to name a few. Towards that end, DRS offers a myriad of programs including arbitration, mediation, neutral case evaluation, fact finding programs, mini trials, settlement conferences, and referees/pro tem judge adjudications (if ordered by the court).

Visit our website www.rcbadrs.org for an impressive list of experienced, readily available mediators and arbitrators. Unlike other Alternative Dispute Resolution providers in the southland, DRS is a very competitive financial alternative in resolving disputes.

Chris Jensen, partner in the law firm of Reynolds, Jensen, Swan & Pershing, is the president of the Dispute Resolution Service, Inc. Board of Directors.



RIVERSIDE COUNTY BAR ASSOCIATION ~ PROPOSED 2020 BUDGET (BUDGET TO BE APPROVED AT THE JANUARY 24, 2020, GENERAL MEMBERSHIP MEETING)

REVENUE	
Bar Magazine Advertising	55,000
Committee/Secton Meetings	2,800
Conference Room Rental Fees	1,500
DRS Reimbursement	90,000
Fee Arbitration	5,000
General Membership Meeting	9,000
Installation Dinner	18,000
Interest Income and Dividends	1,000
Labels & Rosters	500
Lease Income	165,000
LRS Panel Dues	10,000
LRS Percentage	175,000
LRS Referral Fees	75,000
Mock Trial T-Shirts	1,300
Parking Space Fees	2,400
RCBA Dues	120,000
Misc Income/Refunds	100
TOTAL REVENUE	\$731,600

EXPENSES	
Bank Service Fees	6,000
Bond Insurance	450
Bookkeeping, Payroll & Tax Fees	10,000
Building Maintenance&Repair	27,000
Bulk Mail Magazine	5,000
CLE Committee/Section Meetings	600
Conference of Delegates	2,000
Costs - Magazine	50,000
Donations	2,850
Employee IRA	5,000
Employee Salaries	289,000
Employee Health Benefits	37,000
Florist	200
General Membership	11,000
Good Citizenship Photos	220
Installation Dinner	18,000
Insurance - E & O	925
Insurance - Workers Comp	1,000
Insurance Building	14,750
Interest/Service Fees	18,000
Intepreter Service	500

EXPENSES	
Janitorial Service	34,800
Janitorial Supplies	3,600
LRS Advertising	11,500
LRS Google Ad Campaign	27,600
LRS Recertification	2,000
Meter Mail, Postage	7,000
Misc Expenses	250
Mock Trial State	1,000
Mock Trial T-Shirts	1,300
Office Equipment and Repair	11,000
Office Supplies	5,000
Payroll Tax	27,352
Phone Services	9,600
President's Fund	600
Printing	2,200
Property Taxes	17,652
Refreshments	3,000
Taxes, Licenses, Dues & Fees	750
Utilities	40,000
Website Maintenance/Software	11,000
TOTAL EXPENSES	\$716,669

INSTALLATION OF OFFICERS DINNER 2019

The RCBA's Installation Dinner was held at the Mission Inn on Thursday, September 19. Cathy Holmes served as the master of ceremonies. Justice Richard T. Fields administered the oath of office to the RCBA board members. Jack Clarke, Jr. was installed as the 2019-2020 president. The other officers who were installed were Sophia Choi (president-elect), Neil Okazaki (vice president), Lori Myers (chief financial officer), Erica Alfaro, Megan Demshki, Mark Easter, Chris Johnson (directors-at-large) and Jeff Van Wagenen (past president) and Paul Lin (as Barristers president he sits on the RCBA board). Kelly Moran will serve as the secretary but was unable to attend.



Swearing-in of the 2019-2020 RCBA Board of Directors



Swearing-in of the 2019-2020 Barristers Board

Judge Jack Lucky gave the oath of office to the 2019-2020 officers of Barristers. Paul Lin was installed as president. The other officers installed were Goushia Farook (president-elect), Michael Ortiz (secretary), David Rivera (treasurer), Alejandro Barraza, Ankit Bhakta, Patricia Mejia, Stuart Smith and Lauren Vogt (members-at-large), and Megan Demshki (past president).

Jeff Van Wagenen presented the 2019 E. Aurora Hughes Award to Judge Becky Dugan. This annual award 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. Please see Jeff's full presentation to Judge Dugan on page 17.

After Jack Clarke was installed as president, he took the time to personally thank each past president of the RCBA who was in attendance and gave a thoughtful remark

on his or her achievements and service in the Riverside legal community. Jack then read excerpts from a book entitled, *No Easy Way – Integrating Riverside Schools – A Victory for Community*, and presented Art Littleworth, the author, the first Presidential Award for his courageous efforts to end segregation in the Riverside Unified School District. At the conclusion of his remarks, Jack instructed the youngest attorney at each table to take home a copy of the book, which had been placed in the middle of the table.

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

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Photos by Michael J. Elderman.



Commissioner Nicholas Firetag and Judge Chad Firetag



Jim Heiting & Judge Gloria Trask (Ret.)



Jack Clarke, Justice Richard T. Fields and Judicial Appointments Secretary Retired Justice Martin Jenkins



Jack and Sheila Clarke



RCBA Past Presidents

Back (l-r) Jim Heiting, Jeff Van Wagenen, Judge Dallas Holmes (Ret.), Brian Pearcy, Presiding Judge John Vineyard

*Middle (l-r) Judge Irma Asberry, Judge Kira Klatchko, Geoffrey Hopper, Justice Bart Gaut (Ret.), Steve Harmon, Jean-Simon Serrano, Judge Chris Harmon
Front (l-r) Jack Clarke, Robyn Lewis, Judge Chad Firetag, Sandra Leer, Theresa Savage, Jacqueline Carey-Wilson, Harlan Kistler, Dan Hantman*



Jack Clarke presented 25-year or more RCBA member pins to David Werner, Theresa Savage and Judge Alan Crafts (Ret.).



Krystal Lyons, Judge Wil Schneider, Judge Irma Asberry, and Judge John Pacheco



Arthur and Peggy Littleworth



Judge Jennifer Gerard, Judge Samah Shouka, Jeff Van Wagenen, Judge Roger Luebs



Thomas Fisher, Jack Clarke and Zack Stewart



*Back – Ed Mackey, Sandra Leer and Judge Dallas Holmes (Ret.).
Seated – Merla & Justice Bart Gaut (Ret.)*



Phil and Theresa Savage, and Justice Richard T. Fields



Judge Jack Lucky getting ready to swear-in the Barristers officers.



Judge Steven Councilis and Public Defender Steve Harmon



President Jack Clarke and Master of Ceremonies Cathy Holmes



Presiding Judge John Vineyard and Judge Carol Greene (sworn in on November 8, 2019).



Sophia Choi and Charity Schiller



Judge Gloria Trask (Ret.), Gordon Trask, and Judge Kira Klatchko



Jack Clarke, Arthur Littleworth, and Justice Richard T. Fields



Arthur Littleworth's book No Easy Way



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Congratulations to the new officers - looking forward to a fantastic upcoming year!

THE 2019 E. AURORA HUGHES MERITORIOUS AWARD FOR SERVICE: A TRIBUTE TO THE HONORABLE BECKY DUGAN

by Jeff Van Wagenen

In Chambers

“I don’t know about you, but I get excited every time I am invited back into a judge’s chambers. There’s something special about being allowed ‘behind the curtain,’ whether it’s to discuss a sensitive case or to catch-up with an old friend, I cherish every opportunity. But, as advocates, being invited into the inner sanctum also allows us a different perspective on that judge.

“How a judge decides to decorate his or her chambers says a lot about that judge. The decisions made about what goes on the walls, on the shelves, on the desk, are very personal. Consciously or not, it gives us a glimpse into how the judge sees herself and how she wants to be seen.

Slow and Steady Wins the Race

“Framed on one of the walls in Judge Dugan’s chambers is a beautiful rendering of the classic story of ‘The Tortoise and The Hare.’ But, the closer you look, you realize that it isn’t the classic version. Rather, it was a retelling of the story. Specifically, it was the story of Judge Dugan’s judicial election in 1998. The story and the artwork was lovingly re-worked to cast Judge Dugan in the role of the ‘slow and steady’ tortoise. I think this may be how Judge Dugan views herself. But, I don’t think she’s right.

Good at Her Day Job

“In more than 32 years on the bench, Judge Dugan has seen and done it all.

- Her ability to communicate with lawyers and litigants is unmatched.
- In an environment where everyone wants ‘their say,’ she offered everyone more – the opportunity to be ‘heard.’
- Her collaborative style, matched with an intense drive for achievable results, is unparalleled.
- Many of you are familiar with the African Proverb:
 - o If you want to go fast, go alone.
 - o If you want to go far, go together.



Judge Becky Dugan
with Jeff Van Wagenen

- Judge Dugan is the only person I have encountered that has figured out a way to go far ... fast.
- It is a skill set, that when combined with her sound judgement, was recognized early on by her colleagues on the bench.
- As a result, she has been asked time and time again to serve the court in a variety of leadership roles.
- Judge Dugan has served as the:
 - o Presiding Judge of Juvenile
 - o Supervising Judge of Family
 - o Supervising Judge of Criminal
 - o Presiding Judge of our Court in 2017 and 2018
- For her work, she has received many awards and recognitions. They are too numerous to name them all, but here are just a few of the highlights:
 - o ‘Distinguished Service Award’ from the Judicial Council;
 - o ‘Judicial Officer of the Year’ from the Leo A. Deegan Inn of Court;
 - o ‘Jurist of the Year’ from the Richard T. Fields Bar Association;
 - o And, I would be remiss if I did not mention her efforts to make sure our Court got the resources we so desperately need. Judge Dugan fought for, and won, money and judges for Riverside County.

But, That’s Not Enough

“But, this is the ‘E. Aurora Hughes Meritorious Award for Service.’ You do not get recognized with this for being good at your day job – even if you are great at your day job like Judge Dugan. As you know, this award was created to honor Aurora, who was a past president of the RCBA and who built an outstanding record of service and achievement on behalf of our legal community. While Aurora sadly lost her fight with ALS in 2011, her legacy contin-

ues. So, no. You don't get this award in Aurora's name for being good at your day job.

The Really Good Stuff

"So, let's get to the good stuff

Judge Dugan ...

- Is a nationally known instructor, trainer and presenter on a broad range of topics.
- She served on the Center for Judicial Education and Research Advisory Committee.
- She served on the Statewide Family and Juvenile Advisory Committee.
- She served on the National Violence Against Women Act Advisory Committee.

"Now, the REALLY good stuff:

- She established the first Domestic Violence Court in Riverside County.
 - o For those of you not familiar with DV Court, domestic violence cases involve spouses and other intimate partners and often entail complex processes that require careful consideration by the criminal justice system.
 - o Recognizing that our system was not handling these cases as well as we could be, Judge Dugan became an early adopter of a new theory: a specialized court for judges to ensure follow-through on cases, aid domestic violence victims, and hold offenders accountable, with the assistance of justice and social service agencies.
 - o By specializing in domestic violence offenses, this court processed cases more efficiently and delivered more consistent rulings about domestic violence statutes, and incorporated a stronger focus on rehabilitation of offenders and deterrence of repeat offenses.
- Established the first Mental Health Court in Riverside County.
- In the criminal justice world, there are very, very few 'absolute' truths that everyone can agree on. Here are two:
 - o Our streets, our jails and our courtrooms are filled with folks suffering with mental health challenges.
 - o The court system is not the best place to resolve those challenges.

"Nevertheless, the problem comes to us to solve. Recognizing that traditional processes and procedures were insufficient and inadequate to handle these cases, Judge Dugan went in search of a solution. Before the use

E. Aurora Hughes Meritorious Award For Service

This award is to honor the late E. Aurora Hughes, who was a past president of the RCBA and was a long-time supporter and participant in many of its activities. Aurora sadly lost her fight to ALS in 2011 but her legacy continues. In her honor, the RCBA Board of Directors established an annual award, which is presented to its recipient on the night of the installation dinner.

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

of widespread 'collaborative justice courts,' also known as problem-solving courts, became popular across the country, Judge Dugan established such a court to specifically handle cases involving criminal defendants with significant behavioral health issues.

"By combining judicial supervision with rehabilitation services that are rigorously monitored and focused on recovery to reduce recidivism and improve offender outcomes, we are better able to meet the needs of defendants while keeping our communities safe.

"Over the last 20 years, our Mental Health and DV Courts have become such an integral part of our system that we cannot imagine life without them. And, because of Judge Dugan, we don't have to.

"A quick side note, the District Attorney's Office, the Public Defender's Office, the Sheriff's Department, the Behavioral Health Department, and the Court recently met with the Department of State Hospitals about establishing a pilot program to be run out of Mental Health Court with \$7 million of new funding from the state. This opportunity is a direct result of the efforts of Judge Dugan in this space.

"Judge Dugan established the Bridge Program. She identified another gap in the system and took the steps to fill it. Generally speaking, we have two criminal justice systems: the juvenile system for those under 18 years old and the adult system for those over 18. As a result, similar facts can result in vastly different results depending which side of the line of demarcation you fall. But, biologically, there may not be much difference between the old minor and the young adult.

“Judge Dugan worked with our Probation Department to create the Bridge Program, a program that works with a select group of 18-23-year-olds to help them successfully complete probation and reduce recidivism. The program is only a couple of years old and is being studied by different outside partners, but it is showing early signs of success. And, in typical Judge Dugan fashion, her idea is proving to be trail blazing. There are currently efforts in Sacramento to try and figure out if a third criminal justice system for young adults is viable.

On A Personal Note

“I have had the distinct pleasure of witnessing Judge Dugan do her thing for almost 25 years. And, the angles from which I have observed her have been relatively unique. I have appeared before her as a prosecutor and as a defense attorney. I have covered her calendar as a Judge Pro Tem. I have worked with her on courthouse facility projects and on J-SCI.

“It was my distinct honor and personal pleasure to let her know that the Riverside County Bar Association Board of Directors had unanimously decided to name her as this year’s recipient of the ‘E. Aurora Hughes Meritorious Award.’ I was excited that we would all be able to thank her for her unmatched service on behalf of our community. I was really looking forward to giving her the great news.

“So, what happened? She turned me down. She said ‘no.’ Here are some exact quotes:

- ‘I do not deserve the award.’
- ‘I’m just getting it because I am retiring.’
- ‘There are other really deserving people.’
- ‘...this important award should go to somebody that exemplifies the courage and commitment Aurora showed.’
- ‘All I have done is my job.’

“I was at a loss. For a moment, I didn’t know what to say. But, like any good trial lawyer (or recovering trial lawyer), I treated this ruling against my case like a tentative decision and went to work trying to change her mind.

- Yes, I said, you are getting the award now because you are retiring, but not for the reason you think.
- Judge Dugan, your work and commitment on behalf of the bench, the bar, and, more importantly, the people we serve in the legal system has earned you this award many times over.
- We, the Riverside County Bar Association, could and should have acknowledged your activity many years ago.
- But, frankly, we thought that you would say “no” – like you just did.

- And, put simply, we were afraid of you.
- While there was a chance that we could find ourselves in your courtroom none of us wanted to cross you.
- Now that you are retiring, we are getting braver.
- You are the very definition of courage and commitment.

I thought I was on a roll, so I kept going.

- You are getting this whether you like it or not.
- All you need to do is let me know if we can honor you in your presence or just talk about you behind your back.

Back to the Slow and Steady Wins the Race

“I want to finish where I started – the Tortoise and the Hare. As we all know, the moral of that story is that you can be more successful by doing the things slowly and steadily than by acting quickly and carelessly. While, Judge Dugan is definitely not careless, she is quick and steady. So, the allegory of the tortoise is not quite right.

“Staying in the same general area of the animal kingdom, I think a better symbol for Judge Dugan is the Energizer Bunny. Throughout her career, and for 32 extraordinary years on the bench, Judge Dugan has kept going and going and going. Along the way, she has knocked down walls, pushed aside barriers, ignored obstacles and perceived limitations. And, thank goodness.

“Our profession ... our community ... is better because of Becky Dugan.

“And, since she agreed to come, please join me in congratulating one of our heroes, Judge Becky Dugan.”

Remarks delivered by Jeff Van Wagenen, immediate past president of Riverside County Bar Association, at the annual installation dinner on September 19, 2019.



NOTICE: The Riverside County Bar Association currently has fee arbitration cases on file going back more than twenty years. This is about to end. All “Findings and Awards” more than 6 years old (from date of decision) and all other fee arbitration materials more than three years old will be destroyed effective March 2, 2020. Parties who wish to do so may pick up their own materials up until February 28, 2020. Please call the RCBA office (951.682.1015) to make pick up arrangements.

EVERYONE IS WELCOME AT APALIE!

by Judy Beck

Inclusion and tolerance: notions that are difficult to keep in our sights during these tumultuous times when we are bombarded daily with news domestically and internationally that seem to chip away at these ideals.

We at the Asian Pacific American Lawyers of the Inland Empire (APALIE) are an affinity bar association representing the interests of the Asian-Pacific American (APA) community. APALIE hosts several MCLE workshops and events throughout the year, and co-sponsors events with other local bar associations, such as the Richard T. Fields Bar Association. We feel it is critical to work with other bar associations to collaborate to promote events where we can all feel included and accepted regardless of race, gender, sexual orientation, and gender identity.

This past year we held several mixers and MCLE workshops with great reviews for The Honorable Jackson Lucky, who shares his wealth of legal knowledge several times a year with Inland Empire legal community. We will be offering additional MCLE workshops and events in 2020. During the meantime, please stop by our monthly Happy Hour,

held the first Tuesday of every month, at the Riverside Food Lab on Market Street in Riverside. Our next Happy Hour will be Tuesday, January 7, 2020, at 5:00 p.m.

Membership in APALIE is only \$25, and you don't have to be Asian or Pacific Islander to join. The membership fee covers entrance to many of our excellent MCLE programs and social events. Come get to know us. All are welcome!

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President-Elect: Dave Kim

Treasurer: Wade Pyun

Secretary: Tavie Nguyen

Board Members at Large: Alejandro Barraza & Julius Nam

Judicial Liaisons: Honorable Winston S. Keh & Honorable Jackson Lucky

Immediate Past-President: Paul Lin

Judy Beck is a prosecutor at the Riverside County District Attorney's Office and president of APALIE.



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EXTORTIONATE LAWSUITS: WHEN EXPLOITATION OF THE CIVIL JUSTICE SYSTEM CONSTITUTES A CRIME

by Lauren Dossey

The Riverside County District Attorney's Office commitment to protecting the community extends to both individual citizens and businesses. Businesses may be victimized in extortionate "shake-down" lawsuits filed by suspects whose goal is to exploit business owners' naivete of laws and the legal system. Common scams in this area include lawsuits alleging violations of the American Disability Act, California's Unruh Civil Rights Act, and gender discrimination laws. In these scams, a suspect will file a civil lawsuit against the victim business for minor or non-existent violations, then demand thousands or even millions of dollars in damages for alleged losses, including, pain, suffering, inconvenience, emotional distress, and punitive damages. Often times, the suspect will conspire with a licensed attorney to make the lawsuit appear legitimate and further perpetuate the fraud. Victim businesses often fall prey to these scams because the suspects offer to "settle the lawsuit" for less than it would cost the business in attorney's fees to fight the lawsuit.

The filing of a legitimate civil lawsuit or even the threat to file such a lawsuit, is generally protected as a constitutional right to petition and free speech. However, when one or more suspects file a lawsuit based on false or fraudulent allegations, the lawsuit may be considered criminal extortion. California Penal Code section 518(a) defines criminal extortion as "the obtaining of property or other consideration from another, with his or her consent... induced by a wrongful use of force or fear, or under color of official right." The purported plaintiff in a fraudulent civil lawsuit, along with anyone else who helped perpetuate the fraud, may subject themselves to prosecution as defendants in a criminal extortion case. The Riverside County District Attorney's Office has investigated and prosecuted several of these cases involving suspects who exploit the judicial system for financial gain.

One such case is *People v. Rodolfo DeHoyos* (RIF1502647), which was filed in 2015. Defendant Rodolfo DeHoyos, a 57-year-old Menifee man, held himself out to the public as an advocate for the disabled and operated a business called "ADA Advocates and Consulting." DeHoyos or someone who worked for him, would enter a business, look around for a short time, and then accuse the business owner of violating very minor infractions of the American Disabilities Act/California's Unruh Act. DeHoyos

was never denied access to any of the businesses and was able to move about freely in each of them. DeHoyos would then give the business owner a written settlement demand on letterhead stating it was from "ADA Advocates and Consulting." DeHoyos would threaten the business owners with an expensive civil lawsuit, usually between \$25,000 and \$35,000, if they did not pay him the amount of money he requested. In one instance, a victim business offered to make a donation to a charity that assisted the disabled, but DeHoyos declined that offer and demanded the victim business pay him. Several businesses paid DeHoyos a reduced amount, typically between \$500 and \$10,000, because they believed he had been denied access due to his alleged disability. DeHoyos defrauded or attempted to defraud more than 1,000 businesses throughout California.

The Riverside County District Attorney's Office filed a 143-count felony complaint against DeHoyos for his extortionate scheme, alleging extortion by letter, grand theft, attempted grand theft, and elder abuse. In 2017, DeHoyos pled guilty to all charges and allegations. Several victim business owners presented statements at the sentencing hearing. After hearing all of the evidence presented by prosecutors and DeHoyos' defense attorney, the Honorable T. Kelly sentenced DeHoyos to serve 60 years in prison, with 20 of those years to be served in custody and 40 years on mandatory supervision.

The Riverside County District Attorney's Office remains committed to bringing justice to individuals and businesses in the County who have been victimized, as well as ensuring a fair marketplace in which businesses operate and compete on a level playing field. Any complaints regarding unfair and/or unlawful business practices can be submitted to the Riverside County District Attorney's Office by completing the Special Prosecution Complaint Form found on the Office's website: <http://rivcoda.org/opencms/resources/index.html>.

Lauren Dossey is a deputy district attorney with the Special Prosecutions Section of the Riverside County District Attorney's Office. She has been a prosecutor for 11 years and currently specializes in consumer protection prosecution. For more information about the Special Prosecutions Section, please visit the Riverside County District Attorney's Office website at rcda.org.



THE 2019 CONFERENCE OF DELEGATES

by Michael L. Bazzo

Each year the California Conference of Bar Associations (CCBA) assembles delegates from participating bar associations from all over the State. Delegates draft resolutions to change California law. Over the last 16 years, I have had the privilege to have witnessed many significant resolutions come to the floor where eloquent arguments and heated exchanges appropriately decided their fate. In past years, we have even had one of our own delegates draft a resolution concerning estate planning issues that was passed unanimously.

This year, a serious debate regarding rules for mediation took place. With court budget woes and delays in trial setting, mediation has become an increasingly viable alternative to the courts, but with it comes concerns of confidentiality with regard to disclosure of information. Another raucous debate involved a proposed resolution to require gun manufacturers to design and produce guns that would electronically work with GPS and automatically disarm when its user comes within 1,000 feet of any school, church, or government building. Of course, this is all well and good unless you live within that distance from a school and are being robbed in your own home. The resolution did not take into account that a victim of deadly violence could have their only means of defense deactivated at the most critical and inopportune time. The resolution went down in defeat. Who knows what drama next year will bring?

Participating in the Conference of Delegates not only promotes improvements in the California system of justice to serve the changing needs of society, it helps to educate the delegates concerning all areas of the law, including those areas not typically practiced in. Though our Riverside Delegation is small, we have a voice in the proposed changes to the laws of this State.

While sometimes the reason we meet annually as a Conference of Delegates has become clouded by political agenda and other topics not affecting the legal community of our State, the paramount business for delegations is still discernable. Resolutions to improve upon existing law or to propose new laws effecting the practice of law in our State is an honorable pursuit and the Riverside Delegation would like you to be part of the decision process and participate in the Conference by becoming a Delegate to promote improvements in the California system of justice to serve the changing needs of society. Your Riverside County Bar Delegation needs you.

Next year's Conference will take place in San Diego on September 24-27, 2020.

Michael L. Bazzo, Esq. is a managing shareholder of the Riverside branch office of LaFollette, Johnson, DeHaas, Fesler & Ames and chair of the Riverside County Bar Association Delegation to the California Conference of Bar Associations.



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, 2019.

Angelica A. Andrade – Office of the County Counsel, Riverside

Alberto Avila – Avila & Oliver LLP, Upland

Jacob M. Devane – Office of the County Counsel, Riverside

Mark R. Oliver – Avila & Oliver LLP, Upland

Jessica R. Witham – Office of the County Counsel, Riverside





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THE HBAIE IS HERE (FINALLY!)

by Mario H. Alfaro

As lawyers, we have a duty to uplift our communities. As Hispanic professionals in the Inland Empire, this means reaching out to the local Hispanic community to ensure that we are building relationships, while celebrating our culture, and helping the next generation of lawyers. We are mentors, teachers, friends, and, most importantly, role models. Last year, three Hispanic lawyers decided to reach out to other lawyers in the Inland Empire to determine whether there was an interest in creating an organization that sought to further these goals. One year, over 40 members, and multiple events later, I can safely say that the interest exists, has found a home, and the Hispanic Bar Association of the Inland Empire (HBAIE) is flourishing!

To say that there existed pent-up enthusiasm for an organization by Hispanic lawyers for Hispanic lawyers (current and future), is an understatement. From the first meeting, the quality of our membership, from both the local bench and the local bar, has been humbling and is a tribute to the quality of lawyers that we have here in the IE. And from that initial meeting until today, our members, especially the board, have been using those talents to create the foundation for an organization that we hope will be here for decades to come.

Our goals are simple, but lofty. We believe that the best way to make a lasting difference for the local legal community is to work with current and future lawyers at all levels. This means reaching out to students – from elementary school to law school – new lawyers, and even seasoned attorneys. At each level, we want to make sure that they know that there is an entire community behind them that not only expects them to succeed, but also is ready to help them along the way. As lawyers who look like them, understand where they come from, and have had similar experiences, we believe that our outreach will be uniquely effective.

I have lived in the Inland Empire since 1992 and have practiced law here since 2006. Throughout that time, both the Hispanic community and the legal community, in general, have flourished. Unfortunately, the number of Hispanic lawyers has not grown at the same rate. And while we recognize that there are a plethora of reasons why this might be the case and that this is an exceedingly complex issue, our goal is to make sure that one of those reasons is NOT because the next generation of Hispanics does not have enough support or enough role models.

For decades, the number of bar organizations for Hispanic lawyers, at least those not focused on providing

legal services, had remained the same – zero. Now, the HBAIE is extremely proud to say that we have arrived and that the Hispanic legal community is ready to move forward. We would love to invite anyone interested in what we are trying to do to attend our general meetings, which should begin early next year.

Mario H. Alfaro practices business litigation as a shareholder and the CTO of Stream Kim Hicks Wrage & Alfaro, APC, in Riverside. He is the founding president of HBAIE and the president-elect of the Federal Bar Association, Inland Empire Chapter.



CLASSIFIEDS

Office Space – RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Charlene Nelson at the RCBA, (951) 682-1015 or rcba@riverside-countybar.com.

Office Space – Downtown Riverside

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Conference Rooms Available

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





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Bang v. BMW

Class Action Settlement valued in excess of \$25 Million

Product liability action alleging design defect in certain BMW engines resulting in excessive oil consumption and premature battery failure.

Lowry v. Johnson Marine | **\$4.28 Million Trial Verdict**

Product liability action in which Plaintiff proved that the inboard-outboard drive system had been improperly assembled by the boat dealer that sold the boat. Defect resulted in the boat's transmission becoming stuck in the forward direction resulting in a collision with a seawall and traumatic amputation of Plaintiff's leg.

Doe v. Doe | **\$8 Million Settlement**

Product liability action alleging automobile defect.

Gurau v. Travel Centers of America

\$800,000 Trial Verdict

Trucking case alleging negligent brake repair on tractor/trailer truck.

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BE WATCHFUL. CHANGES MAY BE IN THE WIND.

by James O. Heiting

The State Bar formed a task force over the last couple of years to study improved access to the courts through innovation of legal services. They have proposed several changes as possibilities and they have asked for comments on those options. I hope that you have studied these changes and have forwarded your comments, because your comments are seriously considered by the State Bar, and they can make a real difference in the direction the State Bar or Supreme Court may take.

One of the most interesting “reforms” advanced by the State Bar Task Force encompasses non-attorney direct involvement in the practice of law. This would involve relaxation of regulatory prohibitions on non-attorney ownership participation in the practice of law. The hypothesis was advanced that non-attorney investments in law firms could have a positive impact on access to legal services. The legal services could be standardized, more available to the general public at a cheaper rate, and offered more widely. This might sound good to the uninformed consumer who has had no experiences with the law, its interpretation, and/or litigation involving it. However, it seems somewhat odd to me that a consumer protection agency, which is the role the State Bar now occupies, would move to expose consumers to services that have relaxed regulatory prohibitions and standards. This is especially true when these ideas have been tried in other places and no public benefit has been demonstrated.

An article, with a very telling title as to the real reasons that non-attorney ownership would be involved, is written by Nick Robinson: “When Lawyers Don’t Get All The Profits: Non-Lawyer Ownership, Access and Professionalism.” I guess others think they should share in these perceived large profit centers. The article explores the impact to the public in locations where this has been tried in the United Kingdom and Australia. The business form is called an “Alternative Business Structure” (ABS). The ABS offers legal and non-legal services and can be partially or fully owned by non-lawyers. Profits do seem to be the driving force, and not public protection or public access to justice. For example, in a very short time (only two years) ABS’s controlled over a third of the market share of all per-



James O. Heiting

sonal injury claims in the UK (according to comments on this proposal provided by our state’s Judicial Council). Even with such a share of these claims held by non-attorneys, there was no finding that this resulted in greater access or improved results for potential clients.

Another form of delivery of legal services was in the form of a “social good” co-op: legal services provided through a co-op of pharmacies, grocery stores, banks, and funeral-related services (it’s true: funeral related services) in the area of family law. In fact, in 2014, the co-op

was very successful in getting clients, and, in fact, was the “largest provider of family legal aid in the United Kingdom.” In final analysis, however, it was determined that, even so, there was a “massive increase in the number of unrepresented litigants in the UK family courts,” as other legal aid cuts had taken place.

Critics of the business models of non-attorney ownership remarked, as to personal injury matters, that this “has led to an unhealthy consolidation of the . . . personal injury market leading to a decrease in choice for consumers without necessarily improving the quality of services or making them less expensive.” (Emphasis added). The article of 2016 (“When Lawyers Don’t Get All The Profits”) and studies failed to establish any benefit for consumers, or expanded access, in those jurisdictions. In fact, they led to a “lack of progress towards greater competition in the legal services industry,” per the United Kingdom’s Legal Services Board of 2017.

The State Bar Task Force reported, and made recommendations, on self-help centers in all the counties, partnership with legal aid agencies to provide self-help services, self-help web pages, county law libraries and access, document assembly programs (to help with completion of legal documents without advice or representation), and other “innovations.”

The Judicial Council studied the Task Force’s recommendations and found that they needed further work and, at best, should be revisited. “We are unaware of, and the Task Force does not include, data to support the hypothesis that non-attorney investment in law firms has any positive impact on access to legal

services. . . [W]e are concerned that current access initiatives underway in California, both technological and human-based are not adequately addressed in the Task Force report. The materials presented do not paint a full picture. . . [W]e urge the Task Force to revisit these proposals.”

While the Judicial Council indicated that they appreciated the efforts of the State Bar in this undertaking, the Judicial Council concluded by stating that, “We would encourage the Task Force to examine any potential reforms through the lens of consumer protection and enhanced access in order to ensure that we uphold the highest standards for legal accuracy in all legal materials, provide in-person assistance supported by technology, and provide qualified attorney supervision of all self-help efforts.” I am sure we all agree.

On a different topic, the Discipline Defense Counsel have advised me that the State Bar is “prosecuting decades old crimes resulting from . . . fingerprinting . . . and it is absurd . . . minor when considered with the length and time that has passed.” If you have any worries about your past, you might contact one of the very good lawyers in the Association of Discipline Defense Counsel group (www.disciplinedefenceseounsel.org).

The practice of law is changing. The State Bar is changing. It is important that we remain attentive and thoughtful about how these things will affect the practice of law, and especially how these things will affect our clients and potential clients. We are engaged in a noble and extremely important profession. Sometimes we need to pay attention and take action to make sure it stays that way.

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 past president of the RCBA in 1996.



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OPPOSING COUNSEL: CHRIS JOHNSON

by DW Duke

In 1971, at a location near Red Bluff, California, Chris Johnson, a six-year old boy, played in the grass as his father surveyed land near a railroad track. “Be careful of rattlers,” his father cautioned. Following 50 feet behind, Chris noticed that his father had dropped some shiny coins. Dad must have a hole in his pocket, he surmised. Striving to be a good son, Chris decided to help his father by picking up the coins he had dropped. When he finally caught up, and proudly showed his father what he had done to help, his disappointed father explained the term “surveyor’s markers.” Chris learned that even the best efforts can have unintended consequences and he decided that it is important to understand the situation before undertaking to assist others. Today, Chris describes this as one of his worst acts of childhood misconduct notwithstanding his honorable intentions.

As a child, Chris’ family moved with frequency as his father obtained work in various locations around the United States. Born in 1965, Chris lived in Bellflower the first six years of his life. The family moved to Redding for two years, to Tampa, Florida for two years, then to Albuquerque, New Mexico and finally back to Norwalk, California. The frequent moves taught Chris social skills and the importance of making friends quickly, a talent he possesses to this day.

As he grew into his teen years, Chris incessantly looked for ways to contribute to the efforts of others. He believed that by working in concert people achieve more than when working in isolation. It was perhaps that spirit of community that caused a keen interest in the study of law, after all, law is built on centuries of contributions by many people. Although he enjoys studying, Chris was not extreme in his activities and always strived to be reasonable. Even as a young man, he often reflected on the words of the Roman comic Plautus (c.250-184 BCE) “moderation in all things is the best policy.”

It was no surprise when Chris decided to attend law school. He was a good student and always had goals to achieve. But the single most significant event that convinced him to study law was a summer internship at the City of La Palma, California, while a student at Cal State Long Beach University. His supervisor and mentor, Joel Kuperberg, an attorney with Rutan and Tucker, displayed a kind and helpful demeanor, which gave Chris a sense of worth and a desire to become a lawyer like Joel. With this motivation, Chris applied to law school and was accepted into The University of San Diego School of Law where he graduated cum laude in 1993.



Chris Johnson

After graduating from law school, Chris took a position with the San Diego law firm McInnis, Fitzgerald, Rees & Sharkey where he specialized in insurance defense. To acquire more knowledge of the internal workings of insurance companies, he obtained a position as in-house counsel at the Insurance Company of West in 1998. With years of litigation under his belt, Chris decided to open his own firm in 2002 and moved with his young family to the quiet community of Temecula, California in 2003. Having shared an office with Chris in Old Town Temecula for several years, I had the pleasure getting to know him quite well and can attest to his integrity, high morals, and

knowledge of the law.

In November 2015, Chris joined the law firm of Reid and Hellyer, and today is the senior attorney responsible for the Temecula/Murrieta office of the firm where he works with Dan Hintzman, Marie Wood, and Kiki Manti Engel. Chris’ practice entails transactional matters in real estate, land use and development, title review, bond refinancing, along with mergers and acquisitions. In addition, Chris is an experienced litigator and trial attorney in business and real estate litigation.

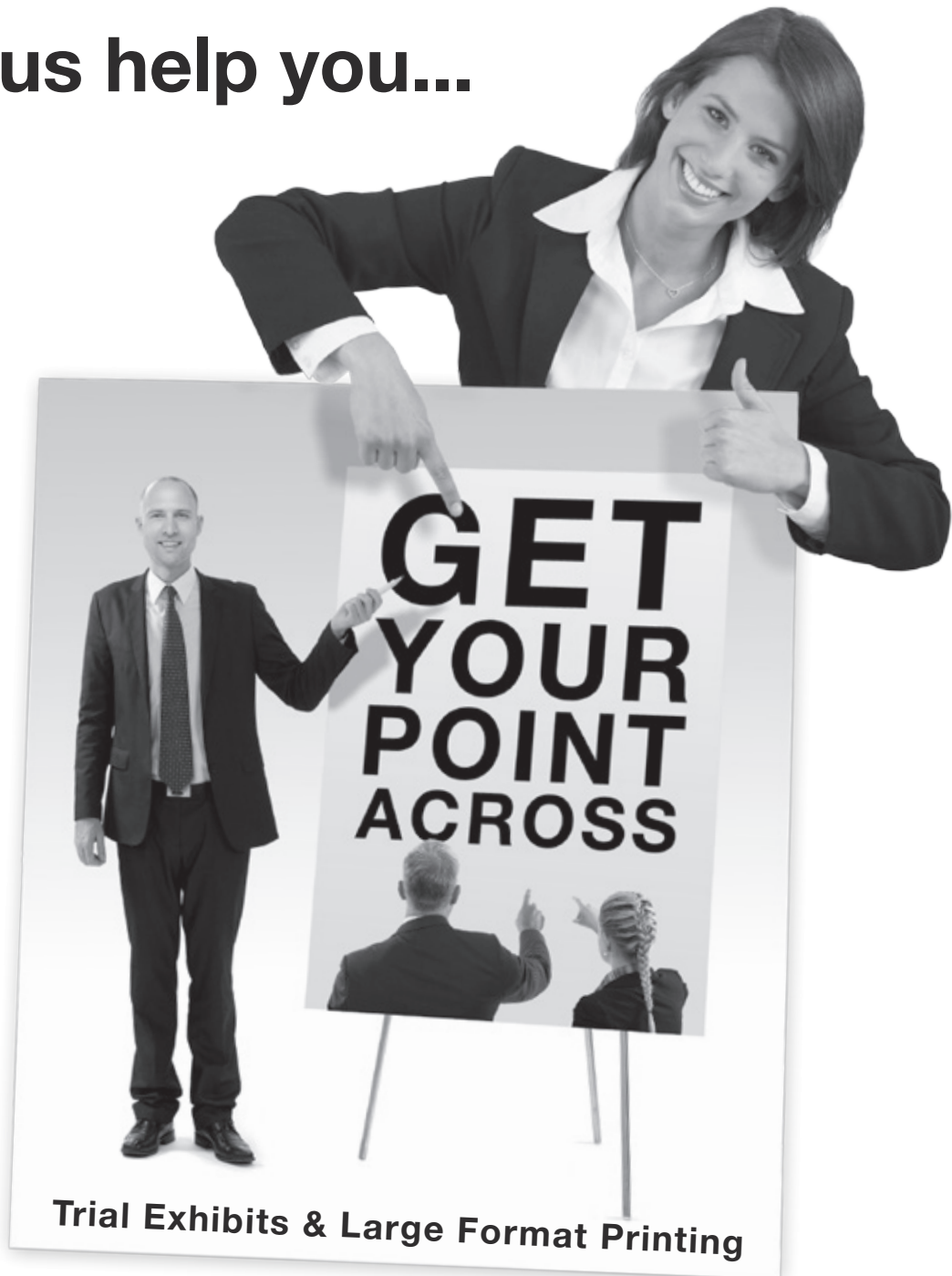
While living in Temecula, Chris became active in the Southwest Riverside County Bar Association and joined the Riverside County Bar Association (RCBA) in 2010. Since joining the RCBA, Chris has participated as a panel member during a day of “Access to the Courts” and has served as a scoring attorney in the High School Mock Trial Competition. Chris has also co-chaired the Solo/Small Firm Section of the Riverside County Bar Association. Active in church, and in social activities, Chris and his family achieved the reputation of persons of integrity and he has served on the Board of Directors of Rancho Community Church in Temecula. Chris, his wife, and two daughters often volunteer at the homeless outreach on 4th Street in downtown San Diego and at the Doors of Faith Orphanage near Ensenada, California. He recently retired from coaching in competitive youth soccer. Today, Chris has two daughters in college, one at Point Loma and the other at the University of California at Los Angeles.

Always with a smile on his face, Chris was recently elected to the RCBA Board of Directors. As an important asset to the Inland Empire, we are privileged to have Chris Johnson in the Riverside County legal community.

DW Duke is the managing partner of the Inland Empire office of Spile, Leff & Goor, LLP and the principal of the Law Offices of DW Duke.



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