

RIVERSIDE LAWYER

October 2020 • Volume 70 Number 9

MAGAZINE

In This Issue

The Risks of Halloween

The Fear of Practice

**A Criminal Approach to Civil Discovery –
Not as Scary as it Sounds**

**The Terrifying Traumatic Effects of
Family Separation on Children**

The Salem Witch Trials

The Fall of Halloween and the Scary Future



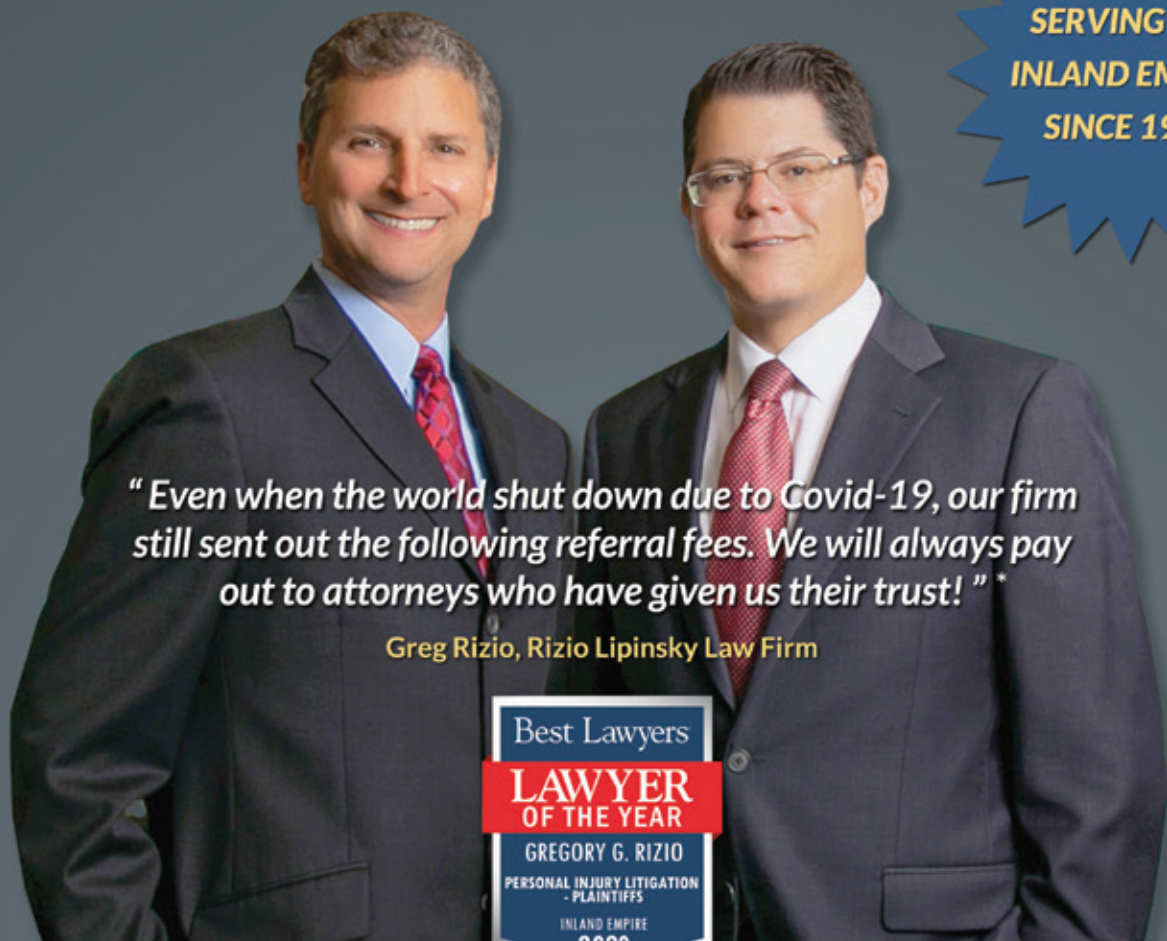
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RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

- 3 **President's Message** by *Sophia Choi*
 6 **Barristers President's Message** by *Goushia Farook*

COVER STORIES:

- 8 **The Risks of Halloween**
Boyd F. Jensen, II
 10 **The Fear of Practice**
by Robert L. Rancourt, Jr.
 12 **A Criminal Approach to Civil Discovery —
 Not as Scary as it Sounds**
by Hon. Gary B. Tranbarger (Ret.)
 16 **The Terrifying Traumatic Effects of
 Family Separation on Children**
by Valerie Keval
 18 **The Salem Witch Trials**
by DW Duke
 19 **The Fall of Halloween and the Scary Future**
by Juanita E. Mantz

Features:

- 21 **In Memoriam: William R. DeWolfe**
by John E. Brown
 23 **Opposing Counsel: Jennifer Mizrahi**
by Jamie Wrage

Departments:

- Calendar 2 Membership 24
 Classified Ads 24

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 \$30.00 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

October

- 5 Zoom**
Noon
Civil Litigation Roundtable with Judge Craig Riemer
MCLE
- 13 Zoom**
Noon – 1:15 p.m.
Civil Litigation Section
Speakers: Eugene Kim, John Lande, Greg Rizio
Topic: “Litigation Interests and Risk Assessment”
MCLE
- 16 Zoom**
12:15 p.m. – 1:30 p.m.
General Membership Meeting
Speakers: From Riverside County Superior Court
Hon. John Vineyard, Presiding Judge
Hon. John Monterosso, Assistant Presiding Judge
Hon. Judith Clark, Supervising Judge, Juvenile Court
Hon. Jennifer Gerard, Supervising Judge, Family Court
Hon. Raquel Marquez, Supervising Judge, Civil Department
Title: “How to Navigate the Court Systems During COVID-19 (Civil, Family, Juvenile, and Criminal Courts)”
MCLE
- 21 Zoom**
Noon
Estate Planning, Probate and Elder Law Section
Speakers: Rosemary B. La Puma, LL.M. and Andrea L. Kushner, LL.M.
Title: “Navigating the Conflicting Rules of Transmutation by Deed”
MCLE
- 29 Zoom**
Noon
Appellate Law Section
Speakers: Judicial Officers from the Court of Appeal
MCLE

Please see the calendar on the RCBA website (riversidecountybar.com) for information on how to access the Zoom meetings.

EVENTS SUBJECT TO CHANGE.

For the latest calendar information please visit the RCBA's website at riversidecountybar.com.



PM President's Message



by *Sophia Choi*

Happy October, RCBA members! Can you believe it is already October? October is actually one of my favorite months of the year. It starts to get cooler, and it is the start to three months of fun events and holidays. Halloween is a fun time for our family. How many of you dress up? I still do because it is a fun day to be silly and pretend to be someone or something else. I hope that although Halloween will look different this year, everyone finds a way to still have fun and enjoy the day. For those that do not celebrate Halloween, I hope you enjoy Fall Harvest.


I would like to pay tribute to United States Supreme Court Associate Justice Ruth Bader Ginsburg who passed away on September 18, 2020. As a role model to me and so many others, her legacy lives on. As a lover of inspiring quotes, I will share one of her most iconic quotes, "Women belong in all places where decisions are being made." I will be committed to make decisions to benefit the RCBA, its members, and the community. In the words of the "Notorious RBG," "Real change, enduring change, happens one step at a time." I will, step by step, do my best with the RCBA board to make positive changes. Although Justice Ruth Bader Ginsburg has passed away, her words will continue to inspire me, as I imagine they will for many future generations.

Although this article is published for the October issue, I am writing this article mid-September, and the RCBA virtual installation has not yet occurred. Therefore, I cannot report to you about how it went quite yet, but I am very much looking forward to it. I am hoping to use the President's Column to give updates to the members of what the

RCBA Board has accomplished, is working on, or intends to do. Doing this will also help motivate me to work even harder, so that I will have something to report back each month to you. There are many things I am hoping to accomplish this year, so that we can increase benefits for members, increase the number of members, bring greater awareness of the RCBA to the Riverside community, including through greater virtual presence, to give back to the community, and to preserve the RCBA's rich history. I will do my best in my role and work tirelessly so that the trust you have given me in this role is deserved.

As promised, here are some updates. We have a new Instagram page, @rivcobar. Please follow if you have an Instagram account. As of the time of writing this column, in about a month's time, we are at 105 followers. We will continue to keep this page active this year, so please follow us. Another update, I have is one that I am so grateful for. As you know, RCBA's installation will be held virtually and it was unknown at the time planning began how many sponsors would show their support. Well, I am so thankful and happy to report that we have raised the MOST in sponsorships EVER for our annual installations. I wanted to express a heartfelt "thank you" to all the sponsors who I, RCBA board members, and Executive Director Charlene Nelson have reached out to and who have committed to such generosity, as well as to the sponsors who reached out directly to the RCBA to offer their sponsorship. I also want to thank Charlene Nelson and board members Mark Easter, Megan Demshki, Chris Johnson, Elisabeth Lord, Aaron Chandler, and Goushia Farook for their hard work in reaching out to sponsors and making this accomplishment possible.

At the time the sponsorship packet was drafted, I was hopeful that we can raise enough in sponsorships to buy new, high quality training tables for the Gabbert Gallery, I did not know if it would become realized. However, not only have we raised enough to buy the tables, we have raised enough to buy chairs to go with them, with even more remaining sponsorship raised to use for the RCBA's purposes. Therefore, we have purchased 20 training tables and 120



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chairs to account for the maximum occupancy of the Gabbert Gallery. Thank you for making this possible, and I hope that members' experiences in the Gabbert Gallery will be more appealing and comfortable. As we provided in our sponsorship packet, sponsors at Silver level or higher will be recognized by an individual name plate on a table that identifies the name of the sponsor and level of sponsorship. Some tables will have two name plates, one on opposite ends of the table, because we have exceeded 20 sponsors at Silver level or higher (and we are so grateful). I look forward to seeing everyone in the Gabbert Gallery hopefully soon. Special recognition of all sponsors will be made in a future column, as at the time of my writing this column, the sponsorships still are coming in.

Another thing planned for the very near future is to order RCBA lapel pins for members to purchase. I am currently working on its design, so hopefully everyone can see them very soon. If these lapel pins are in high demand, we can start ordering more, and perhaps we can order additional items.

Finally, the RCBA board is working on ideas to increase benefits for members. One thing we are planning to do is to reach out to local businesses, such as restaurants, coffee shops, or any other business, to partner with the RCBA to offer RCBA members discounts or special offers, while at the same time promoting their business and attracting RCBA members to their businesses. In this mutually beneficial relationship, it is hoped that we can not only increase benefits for RCBA and its members but also help out local businesses. If you have any businesses in mind that you like the RCBA to partner with, please share your suggestions with me.

These are all the updates I have for now. I hope everyone enjoys the month of October. In the words of Walt Disney, "The way to get started is to quit talking and begin doing." Therefore, I will end this column now and get to work!

Sophia Choi is a Riverside County deputy district attorney, past president of the Leo A. Deegan Inn of Court, inaugural president of APALIE, and past vice president of the Korean Prosecutors Association.



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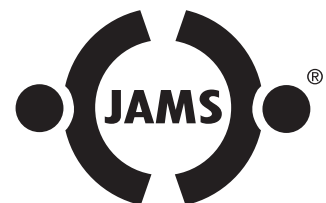
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BARRISTERS PRESIDENT'S MESSAGE

by Goushia Farook



Scary Good Times

Our present world is full of far too many scary things and events. In my ongoing spirit of optimism and spreading smiles, I would like to focus on pets and our love for them! Most of the present Barristers board members are pet owners and we refer to our pets as

Furristers. As much as I miss in-person meetings, I do love having pet participants during virtual board meetings. While Furristers hold no voting rights pursuant to our bylaws, they may sway votes on events, like hikes, where they are welcome!

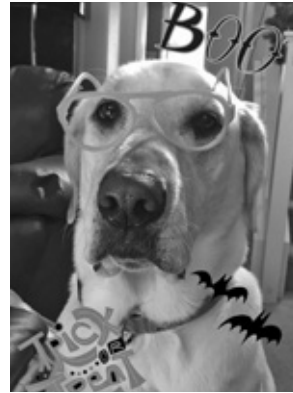
Pets inject joy and happiness into our lives, making them more fulfilled and enriched. I recognize that not everyone is an “animal person” or they are unable to own pets due to allergies or other reasons. This does not mean we cannot appreciate a silly pet photo, a cute puppy or adorable kitten. Of course, pets are not limited to our precious dogs and cats. People have an array of pets, from parrots, iguanas, fish, ferrets, turtles, spiders, snakes, chinchillas and so on. For most people, these animals are far more than just pets; they are family members. They are included in our social media posts, travel adventures, family portraits, and my personal favorite, yearly Christmas cards.

During difficult times, pets can provide a reprieve from our woes and bring us laughter and happiness. During COVID-19, animal shelters have seen an increase in pet adoptions. In April 2020, Riverside Animal Shelter found itself empty due to adoptions and foster placement of its animals.¹ This is no small feat considering the difficulty many shelters face in arranging suitable adoptions for the many animals in their care. Personally, I was thrilled when I heard this news. I know many people who were holding off on adopting a pet until their schedule allowed suitable time to train or adjust to their new pet. Many individuals have faced new fears, depression, and difficulty with the pandemic and have found emotional relief because of their new pet. This is a wonderful example of the deep impact pets can have on our lives.

¹ <https://abc7.com/riverside-county-animal-shelter-adoptions-covid-coronavirus-covid19-covid-19/6089550/>

Return of the “Furristers”

In the spirit of Halloween, I asked the Barristers Board to submit photos of their pets in Halloween costumes. While not everyone was able to secure a photo in time, I present to you some of our beloved Furristers.



Behold, Marley, Furristers legal researcher extraordinaire! For those unfamiliar with this most awesome Labrador, Marley is the late nephew of David Rivera, treasurer of the Riverside Barristers, and to whose solo practice in business law Marley pledged his service. Marley is seen here, deep in research on the multibillion-dollar merger agreement between The Great Pumpkin, Inc. and Jack Skellington, Inc. Alas, the merger fell apart in spectacular fashion, through no fault of Marley's (or David's).



Meet Simba, the pride of Barristers Rock! Everything the light touches is his kingdom. And that shadowy place? That is where he likes to take naps. Simba walked into Paul's life over a decade ago off the street and decided that he was going to live in this house now. Aptly named, Simba—like other male lions—sleeps an average of 20 hours per day and can eat a quarter of his body weight. But, like the character he is named after, Simba is a constant reminder of the “Hakuna Matata” mentality. While some people choose to see the ugliness in this world, the disarray, Simba always chooses to see the beauty.

Introducing our newest Furrister, Meeko! Named after Disney's Meeko from *Pocahontas* because of his ring tail and chonky soul! Meeko is obsessed with birds, friendly, vocal, and loves annoying the



dog, whether in costume or not! Is he mischievous? We leave that for you to decide!



Lilo is Goushia's incredibly spoiled cat and a total cuddle bug. Lilo was adopted six years ago and is in his FURever home! He loves treats, but does not enjoy being tricked into wearing panda hats. If looks could kill! When not being submitted to his human's treachery, he loves belly rubs, treats, and long naps on the patio!

I hope you enjoyed reading

this article as much as I enjoyed writing it. If you have a great pet photo you would like to share with the board, feel free to email it to me!

Upcoming Events

October 17, 2020: 12:00 p.m. to 9:00 p.m. Fall-O-Ween at Knotts Berry Farm (participants must purchase their own tickets); additional information to come!

October 22, 2020: Virtual Happy Hour at 5:30 p.m. (Zoom link will be provided).

November 17, 2020: Social Distance Hike at Mt. Rubidoux 9:00 a.m. (meet at Ryan Bonaminio Park). Pets are welcome!

Follow Us!

For upcoming events and updates:

Website: RiversideBarristers.org

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

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

If you have events you would like to see the Barristers host, MCLE topics you would like to see covered, or community outreach options, please contact us and we would love to explore those ideas with you. You can also reach me personally at goushia@brlfamilylaw.com.

Goushia Farook is an attorney at Bratton, Razo & Lord located in downtown Riverside where she practices exclusively in the area of family law. She is a member of the board of directors of the Inland Counties Legal Services (ICLS) and a member of the Leo A. Deegan Inns of Court and the Asian Pacific American Lawyers of the Inland Empire (APALIE). Goushia can be reached at goushia@brlfamilylaw.com.



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THE RISKS OF HALLOWEEN

by Boyd F. Jensen, II

At a Canadian resort and waterpark, a 16-year-old girl was found naked, drugged and unconscious. The girl and eight others, required hospitalization with allegations of assault. All on a Friday night following a sponsored Halloween event. After another Halloween event, one man was killed with a knife, while another suffered critical injuries in the parking lot. Why were “Halloween” events associated with these acts of brutality? Was it more than logistics – “It happened in the adjacent parking lot after the event?”

Halloween litigation in this author’s practice involved many situations, including a fall during a “Halloween Haunt” at Knott’s Berry Farm. Allegedly, a plaintiff had improperly acquired a “green feather” which was an issued Halloween Haunt prop. She refused to give it up and in the alleged tussle, fell down a flight of stairs at Uncle Ernie’s Madhouse. There were allegations that Knott’s Berry Farm’s stair, lighting, and intrusive environment on Halloween constituted a dangerous and defective condition. Creating an aggressive environment where what happened to the plaintiff was a risk, which should have been anticipated and abated.

Another case involved a pantomimed “pet rat” which, when brilliantly performed, seemingly raced free up the trunk of the performer, and in jumping out towards those captivated and smiling spectators, allegedly caused a plaintiff to recoil, falling backwards into a planter injuring herself.

Present jury instructions, which are reflective of the law at the time of these jury trials, state actionable “outrageous conduct” is conduct so extreme that it goes beyond all possible bounds of decency . . . not . . . trivialities . . . indignities, annoyances, hurt feelings, or bad manners that a reasonable person is expected to endure”¹ Isn’t intentionally shocking patrons – invitees – with a pet rat actionable conduct? Or doesn’t behavior causing emotional distress, suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame . . . with which an ordinary, reasonable person would be unable to cope”² qualify for compensable damages? Doesn’t it seem plausible this would be precisely what would occur in Uncle Ernie’s Madhouse?

Besides Halloween “events,” a casual survey of Halloween “programing” on local non-streaming televi-

sion channels revealed twelve scheduled movies and four television programs with the word Halloween included in the show’s title. This does not include all of the offerings that did not include the word Halloween, but with characteristically horrific, suspenseful, and violent content. This without the routine and currently circulating *X-Men*, *Avengers* and *Star Wars* variety with their individual main hero outtake movies saturated with brutality and large-scale mayhem. Alongside all of those is the panorama of video games with viciousness and death executed by youthful competitors, and being accompanied by sadistic or militaristic background music with concomitant explosions and gunfire.

A sampling of recent scientific research – amid the thousands – demonstrates the seemingly obvious effects of Halloween type exposure or participation: “Media Violence Exposure and Physical Aggression in Fifth-Grade Children,” Coker TR, Elliott MN, Schwebel DC, et al. *Acad Pediatr.* 2015;15:82–88; “Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A Meta-Analytic Review of the Scientific Literature,” Anderson CA, Bushman BJ. *Psychol Sci.* 2001;12:353–359; “The Influence of Violent Media on Children and Adolescents: A Public-Health Approach,” Browne KD, Hamilton-Giachritsis C. *Lancet.* 2005;365:702–710; “The Role of Media Violence in Violent Behavior,” Huesmann LR, Taylor LD. *Annu Rev Public Health* 2006;27:393–415; and also in the *Journal of the American Medical Association* (JAMA) a peer-reviewed medical journal published 48 times a year by the American Medical Association, on May 31, 2019, “Effect of Exposure to Gun Violence in Video Games on Children’s Dangerous Behavior with Real Guns A Randomized Clinical Trial,” Justin H. Chang, MA1; Brad J. Bushman, PhD., leave us with proof of the risks of exposure to violent video games increasing children’s dangerous behavior around firearms.³

But Halloween does not always get a pass. The landmark Supreme Court case of *Masterpiece Cakeshop LTD v. The Colorado Civil Rights Commission*, 138 S. Ct. 1719 (2018), presented successful petitioners at the cake shop who refused to bake cakes containing alcohol, racist, or

3 “Cures” the Course-based Undergraduate Research Experience provides easily accessible academic articles online, with literally thousands of articles a few of which were included herein. They may be found at scholar.google.com.

1 CACI 1602.

2 CACI 1604, 1620-1623

homophobic messages or even cakes celebrating Halloween, even though Halloween is one of the most lucrative seasons for bakeries.

Finally, there are routine cases, involving copyright laws based upon the screenplay to the original *Friday the 13th* film⁴. The legally non-citable, but very interesting, and close to home, a Rubidoux High School teacher who dressed up in a Halloween costume from a television show handed out bags of rock candy, which look like methamphetamine, on top of objectionable statements causing 300 students to walk-out, among other distractions to education. Other excesses applicable to Halloween include the behavior of law-enforcement, who were restrained from posting signs in front of the homes of dormant sex offender registrants, that their homes were dangerous for children out trick-or-treating⁵.

With Halloween, we seem to be constantly at an intersection of risk versus ben-

efit, not just culturally, but demographically. Is it what we want for our communities or our children of all ages? Knott's Berry Farm last year used the age of 13 as a gradient age for exclusion for certain Halloween events. Colorado's Masterpiece Cakeshop will not support Halloween. Clearly, the nature of Halloween portrayals can easily fit within many actionable civil remedies. Thus, practitioners must be aware not only of the nuances of precedential authority, but also very well aware of the community in which they practice, and its citizenry, who make up the jurors who serve as our judges.

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



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4 *Horror Inc. v. Miller*, 335 F. Supp. 3d 273, 283-284 (2018).

5 *Reed v. Long*, 420 F. Supp. 3d 1365 (2019).

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THE FEAR OF PRACTICE

by Robert L. Rancourt, Jr.

Have you ever been afraid of catching a physical illness by going to court or the law office? Did you ever think that you could die as a result of just doing your job? While first responders and other professionals are regularly called to take these risks bravely, practicing law usually happens from the desk, phone, computer, hallway, or counsel table.

This pandemic haunts everyone, no exceptions. The possibility of exposure to transmission of the novel Coronavirus disease looms daily for all workers fortunate enough still to be employed in an economy already spooked by the pandemic to a 13.7% unemployment rate.¹

Before the pandemic, the stress of meeting routine time deadlines or the pressure of preparation for a contested event or hearing may have evoked an “ordinary” work-related sense of anxiety upon entering the courthouse or office to begin the workday. Today, though, routine tasks like seeing or conferencing with others or appearing on the client’s behalf bring with them the invisible ever-present ghost of the virus as an additional looming threat.

On March 19, 2020, Governor Newsom ordered all residents to heed current state public health directives to stay home, “except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and safety, as well as economic and national security.” With this large

exception, the “essential worker” was born.

Essential workers include those in the “Government Facilities Sector,” which includes a wide variety of buildings, located in the United States and overseas, that are owned or leased by federal, state, local, and tribal governments. These facilities include government office buildings, special-use military installations, and courthouses, cyber elements that contribute to the protection of office, installation, or courthouse assets, and individuals who perform essential functions or possess tactical, operational, or strategic knowledge in these facilities.

Many stayed home for a few months, but some and more courthouses are opening and many of us have gone back to work as essential workers. After the fact, many of us learn of our past personal exposure on multiple occasions. Yet the essential legal worker goes back to the workplace again the next day, where the workplace (hopefully) practices robust Coronavirus harm-reduction and mitigation practices.

For example, while the pandemic keeps the courthouse closed to the public now, the court mitigates the closure by offering livestreaming of its proceedings, which is evidenced by the red “ON AIR” sign that the courtroom assistant alights when court begins each session.

The court also encourages operations through remote telephone and video opportunities to the greatest extent possible, directs court attendees to comply with social distancing guidelines wherever possible, and to wear a face covering at all times while in public spaces, tries to avoid more than 10 participants present in

a courtroom at any time (although this is not often possible), and uses courtroom layouts to facilitate social distancing separation (e.g., standing on either sides of the “bar” or counsel table). New in-custody criminal arraignments went virtual effective March 30, 2020, per order of the Presiding Judge John Vineyard. There are staggered calendars for out-of-custody court users and public hours have been reduced (for the courts, 2:00 p.m., and, for many county public safety offices, 12:00 p.m.). Bail schedules have been adjusted on an emergency basis to encourage more pretrial releases and less county jail incarceration, where transmission risk is greater.

Temperature and health-question screening of courthouse visitors help to decrease the risk of admittance of an infected individual. Prospective court users have been turned away when they (1) exhibit temperatures over the established threshold for the building, (2) answer health screening questions affirmatively, or (3) will not wear a face covering.

New county protocols include requiring successful response (shown

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¹ Report 400 C, Labor Market Information Div., Employment Development Department, State of California (Aug. 21, 2020) (both the Riverside County and the total state rates are 13.7%).

by a green “go” screen) to health-question screening via an app on a smart device also helps to decrease the likelihood that an infected individual will be admitted to a county facility. Such harm reduction measures are appropriate, welcome, and important.

Still, anecdotal reports suggest something like fifty percent of disease carriers do not exhibit symptoms. Thus, the threat of exposure is constant and the prospect of transmission, despite all possible precautions, is scary.

One interesting side effect of this pandemic was the expedited transition to the virtual or paperless office and the telecommuting work schedule. Where many once frowned upon working untraditional business hours, now we are encouraged to telecommute and enjoy the flexibility of the compressed work schedule. This too helps decrease, but, of course, not eliminate, the chance of exposure.

It’s spooky. It’s fearful. It haunts us every day and everywhere we go.

But we’re essential. Isn’t justice essential, even amidst a pandemic?

Bob Rancourt is a deputy public defender with the Law Offices of the Public Defender, County of Riverside, where he has worked for 18 years, and is currently assigned as a lead attorney of the Banning Justice Center Office.



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A CRIMINAL APPROACH TO CIVIL DISCOVERY — NOT AS SCARY AS IT SOUNDS

by Hon. Gary B. Tranbarger (Ret.)

Introduction

COVID-induced boredom has reached the point where I am writing an article for the *Riverside Lawyer* advocating for a good idea that has zero chance of happening.

It is a complete transformation of civil discovery.

When I was first assigned to an unlimited civil department in 1996, all my lawyer and judicial experience had been in criminal law. To this outsider, the civil discovery process seemed strangely attorney centric. I assumed that experience would teach me the wisdom of attorney drafted interrogatories, attorney conducted depositions, and attorney drafted requests for admissions.

I ultimately spent over eleven years, off and on, in a civil trial assignment. After retirement, I came back to sit on assignment handling civil mandatory settlement conferences (MSC). So now, after over 200 civil trials, over 1,500 civil settlement conferences, and uncounted discovery motions, the wisdom of attorney centric discovery still escapes me.

Some Observations

Observation #1: In criminal law, professional investigators investigate and lawyers do lawyer things. In criminal law, investigators talk to witnesses without any attorneys in the room. Sometimes they talk on the phone. No one puts anyone under oath. Sometimes the conversation is recorded, sometimes not. Important decisions are based on these reports. A witness accusation that the investigator lied is very rare. Such an accusation being believed is very, very rare.

Observation #2: I have watched countless civil litigators attempt to impeach a witness on cross-examination using the witness' prior sworn deposition testimony. I have also watched countless criminal litigators attempt to impeach a witness on cross using the witness' prior unsworn statement reflected in a police report. The criminal lawyers do it better. There is absolutely no way to say the words "referring to page 74, line 12 to page 75, line 8" without blunting the impact of the impeachment.

Observation #3: I have observed about half a dozen civil lawyers attempt to use Interrogatory Responses during cross examination. It never goes well. I have heard civil lawyers boast about their ability to make their own interrogatory responses as worthless as possible.

Observation #4: A law degree is an impediment to having good interview skills. Being an advocate is an impediment to having good interview skills. The best interviewer is not trying to win a case. The best interviewer simply wants to learn whatever the witness has to say. The best interviewer does not ask follow up questions in hopes of tripping the witness up. The best interviewer asks follow up questions to better understand the witness.

Observation #5: Because of the high expense of civil discovery, many civil litigators delay engaging in it until the last possible moment. At a typical MSC, 30 days before trial, much of the time is spent engaging in informal discovery since neither side has done any formal discovery beyond engaging in a next-to-useless interrogatory exchange and deposing the plaintiff.

Observation #6: Open, candid, inexpensive, non-adversarial discovery promotes settlements. Combative, adversarial, and expensive discovery promotes trials.

Observation #7: A cynic would say that the expensive and wasteful aspects of civil discovery are not "bugs" in the system, but are intentional "features" of the system. I am not that kind of cynic. I would, however, say that the attorney centric nature of civil discovery is widely considered a feature and not a bug, and that widely held view is wrong. Biased attorneys are NOT better fact gatherers than neutral non attorneys.

The Proposal

First, abolish all interrogatories, request for admissions, document demands, and non-expert depositions.

Second, replace the above with the creation of a new profession — A licensed Civil Litigation Investigator (CLI),

The Details

The choice to hire a Civil Litigation Investigator will be a voluntary one. However, the use of a CLI will be the only permissible choice when it comes to compelling non-expert discovery from the other side.

All sides of the litigation will have an equal duty to make all relevant documents, all percipient witnesses, and all PMK's available for CLI copying and/or interviews. CLI interviews will NOT be under oath.

The CLI will have an ethical duty to keep no secrets. Whatever the CLI learns, regardless of the source, will be revealed to all sides of the litigation. If a party wishes to engage in secret investigation, such as sub rosa surveillance, it will have to hire someone other than a CLI.

Should an attorney wish to use information gathered by a CLI in support of a pretrial motion, it will be the obligation of the attorney, not the CLI, to convert that information into the form of a sworn declaration. CLI's are not part of any side's litigation team. They are neutral professional fact gatherers.

The CLI will have discretion to conduct interviews in person, by phone, or by videophone. Witness convenience will be a priority.

The CLI will have discretion to do unlimited follow up interviews.

Each side can hire their own CLI if they wish, or, they can agree to share costs on a single CLI. Again, regardless of who pays, all CLI's will be ethically bound to reveal everything to everybody.

At trial, CLI's will, by statute, be precluded from expressing an opinion of any kind. CLI's will be permitted to form and express opinions in their report, but not in court.

The work product of the CLI will take the form of a written report(s) summarizing what the CLI learned, plus copies of supportive documents, and/or, written transcripts of interviews, and/or video or audio recordings of interviews.

The CLI will have professional discretion to either produce a series of small reports or a single comprehensive report. Once a report is produced, every individual mentioned as a source in the report will have a statutory right to receive a copy of the relevant portions of the report. They will also receive a written notice of their right to inform the CLI of any error or omission they believe occurred. The CLI will have a statutory duty to prepare a supplemental report reflecting any new information received.

Copies of any documents gathered by the CLI will be available to all sides. Compilations of such docu-

ments prepared by the CLI, such as spread-sheets, will be equally available for use at trial by all sides.

CLI's will be ethically prohibited from making abusive, oppressive, or overly burdensome document requests on any party. Should such an issue arise, the CLI will convene a meet-and-confer conference with all relevant sides. After the conference, the CLI will announce a course of action. Any side may then choose to seek relief from the court.

A witness's attorney may be present while the witness is being interviewed. The CLI will have no authority to overrule or sanction an obstructionist attorney. But, the CLI will have authority to record the obstruction and give the recording to all sides. All sides will have the option to seek appropriate relief in court.

Why This is Better than the Status Quo

Lower Cost. The marketplace will determine how much money CLI's will charge. It is inconceivable that they will have an hourly rate anywhere close to an attorney's hourly rate (or a court reporter's hourly rate). A brief phone interview will cost peanuts. Best guess: a CLI report re: a single witness would cost less than one-tenth the cost of a depo (when you add the fees of at least two attorneys into the cost of a depo, plus the cost of paying yet another attorney to write a depo summary).

Higher Quality. My assumption is that most CLI's will be competent. (Particularly if they are retired law enforcement.) If so, I am confident they will get more information from each witness, in less time, than current discovery methods.

Because costs will be so low, and quality so high, CLI's will be retained early in the case when memories are fresher. Both sides will discover the strengths and weaknesses of their case much sooner.

CLI's will hope for repeat business from both sides. All witnesses will be treated with respect and dignity. But, all interviews will also be thorough and complete.

CLI's will have much more flexibility to avoid inconveniencing witnesses.

Bias and the Marketplace

It is anticipated that some CLI's will market themselves as having expertise and experience in particular kinds of cases. The marketplace will decide if such expertise is valuable.

It is avidly hoped that CLI's will NOT market themselves as a "plaintiffs' CLI" or a "defense CLI". If they do, they really don't understand their jobs. Hopefully the marketplace will discourage such marketing.

While this proposal removes attorneys from the center of the discovery process, attorneys will still control the process because attorneys will control the marketplace. This proposal is designed to make a CLI reputation for being objective more profitable than a CLI reputation for bias. The marketplace will decide.

Is there a reason to be skeptical about CLI bias? Sure. Experts. But, CLI's will work in a world of black and white, no opinions. Witness X said the light was red; witness Y said the light was green; and witness Z wasn't sure. Attorneys (the marketplace) need to appreciate that a CLI who accurately predicts trial testimony is more valuable than a CLI who makes a case sound better, or worse, than it is. Criminal trial lawyers know that discovery has only one overriding purpose — no surprises at trial.

Settlements

An article twice as long as this one could be written with speculation as to how this proposal might affect settlements. Such speculation should be neither a reason to support this proposal, nor a reason to oppose this proposal.

Experts

CLI's should not interview experts. This proposal makes no changes in existing rules regarding expert designation and expert depositions (young litigation attorneys need a place to learn their craft).

Cost Recovery

This article takes no position on whether CLI costs should be recoverable by the prevailing party in some fashion.

Conclusion

Civil litigators, try to imagine a world where all you had to do in order to accomplish non-expert discovery is call a trusted CLI and say "please interview the other side's witnesses, and please get a copy of any relevant documents they have." That's it. A few weeks later you'll get a written report. If it is incomplete, you pick up the phone again and say "Please contact X again and ask about A, B, & C." What a world! It is a world your criminal counterparts have been living in their entire career.

Gary B. Tranbarger is a retired judge from the Riverside County Superior Court.



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THE TERRIFYING TRAUMATIC EFFECTS OF FAMILY SEPARATION ON CHILDREN

by Valerie Keval

In fiscal year 2019, 473,682 individuals traveling in family units were apprehended at the Mexico-United States border, a number four times higher than the next-highest recorded annual total of family apprehensions (107,212 in fiscal 2018).¹ In recent years, the demographic of individuals migrating across the border has drastically changed from adult males from Mexico to entire family units from the Central American countries of El Salvador, Guatemala, and Honduras.² At the root of this shift are high levels of violence, food insecurity, poverty, and political instability.³ Unfortunately, upon arriving to the U.S. after a treacherous journey, these families were greeted with more terror as they faced the consequences of the Trump Administration's infamous family separation policy; a policy which has resulted in long-lasting psychological trauma in children.

Under the "zero-tolerance" policy, 100 percent of parents illegally crossing the border with children were to be criminally prosecuted regardless of whether they were crossing at a port of entry.⁴ Because parents are unable to take their children to federal jail with them, separation was inevitable.⁵ Once children were separated from their parents by the Department of Homeland Security, they were treated as unaccompanied minors and taken to the overcrowded Office of Refugee Resettlement. To "fix" the overcrowding issue, the Trump Administration opened "tent cities" along the Texas border causing children to be kept in unsafe conditions.⁶ Some children were even kept in cages and in a place called the "ice box" due to its icy cold temperature.⁷ Additionally, in May 2018, the American Civil Liberties Union (ACLU) released a report documenting hundreds of claims of "verbal, physical,

and sexual abuse," of unaccompanied children by Border Patrol.⁸

Physicians for Human Rights, an organization that investigates and documents human rights violations, evaluated nine children (six boys and three girls) who had been separated from their parents under the policy for an average of 60-69 days.⁹ Eight of the children were under ten years old, and the ninth was seventeen years old.¹⁰ Part of the investigation assessed the traumatic events that children experienced during and after apprehension.

Children reported feeling sad and scared as a result of the separation. They feared they would never reunite with their parents, some thought their parents were dead, and others felt abandoned.¹¹ One nine-year-old boy stated that he was beaten by people working in the detention center, that they would yell at him and force him to eat and hit him with his own shoes to wake him up. Another six-year-old girl referred to foster care as "jail," because she slept on the floor and all she was given to eat were apples, cookies, and bottled water.¹²

Clinicians noted in their reports that the children exhibited reactions that indicated regression in their age-appropriate behaviors such as crying, not eating, having nightmares, clinging to their parents, inability to hold their urine, and feeling scared following reunification.¹³ Specifically, one six-year-old girl from Guatemala that was placed in foster care engaged in a lot of crying, had difficulty sleeping, as well as getting out of bed in the morning and refused to engage in daily activities such as brushing her teeth and eating. Another Honduran boy showed a fear of strangers because he believed that they were going to take him away from his father. A psychologist came to

1 <https://www.pewresearch.org/fact-tank/2019/11/01/whats-happening-at-the-u-s-mexico-border-in-5-charts/>.

2 <https://www.politifact.com/factchecks/2018/jun/21/donald-trump/1700-percent-increase-asylum-claims/>.

3 <https://www.migrationpolicy.org/research/trends-unaccompanied-child-and-family-migration-central-america>.

4 https://americasvoice.org/blog/separation-of-children/?gclid=CjwKCAjwwMn1BRAUEiwAZ_jnEuOkWYdyfQIUgQm5_ZAsp_pV7iW3GewJuezzvAwfhcZL_7jphlTS_hoCwQUQAvD_BwE.

5 <https://www.vox.com/2018/6/11/17443198/children-immigrant-families-separated-parents>.

6 https://americasvoice.org/blog/separation-of-children/?gclid=CjwKCAjwwMn1BRAUEiwAZ_jnEuOkWYdyfQIUgQm5_ZAsp_pV7iW3GewJuezzvAwfhcZL_7jphlTS_hoCwQUQAvD_BwE.

7 *Id.*

8 <https://www.vox.com/2018/6/11/17443198/children-immigrant-families-separated-parents>.

9 https://phr.org/our-work/resources/you-will-never-see-your-child-again-the-persistent-psychological-effects-of-family-separation/?CID=701f40000018pCMAAY&ms=FY20_SEM_GoogleGrant&gclid=CjwKCAjwwMn1BRAUEiwAZ_jnEh2xGEvkhU4RkPxY-nURykGAVoQsszjsKldZJFKxQ5HD5DcJS9yeuRoCXQkQAvD_BwE.

10 https://phr.org/our-work/resources/you-will-never-see-your-child-again-the-persistent-psychological-effects-of-family-separation/?CID=701f40000018pCMAAY&ms=FY20_SEM_GoogleGrant&gclid=CjwKCAjwwMn1BRAUEiwAZ_jnEh2xGEvkhU4RkPxY-nURykGAVoQsszjsKldZJFKxQ5HD5DcJS9yeuRoCXQkQAvD_BwE.

11 *Id.*

12 *Id.*

13 *Id.*

his home four times weekly in an attempt to work on his trauma, but each time the boy would refuse to cooperate, would throw things at the therapist, and would pace and suck his thumb.¹⁴

These findings are greatly supported by a study conducted by the American Psychological Association where psychologists studying neurobehavioral development in 110 adolescents discovered that young children who are subjected to an institutional environment may show irreversible changes in the brain.¹⁵ Those who had spent their first year of life in an institution such as an orphanage showed significantly lower volumes of the prefrontal cortex compared to the control group.¹⁶ The prefrontal cortex is important for executive function tasks, working memory, inhibition control, and cognitive flexibility. Further, the length of time participants spent in the institution correlated with smaller volumes of the hippocampus, a part of the brain that plays an important role in consolidating information from short-term memory to long-term memory.¹⁷

Despite the result in *Ms. L v. ICE* where the court granted a preliminary injunction to halt family separa-

¹⁴ *Id.*

¹⁵ <https://www.apa.org/monitor/2018/09/crisis-border>.

¹⁶ *Id.*

¹⁷ *Id.*

tions, families continue to be separated in cases where governmental authorities allege that the parents have a criminal history, gang affiliation, or a communicable disease.¹⁸ On its face, it may sound that they are doing it for the safety of the children. However, parents with something as simple as an outdated traffic violation or that are HIV+ are still being deprived of custody without a proper assessment by child welfare professionals.¹⁹ From June 2018 to December 2019, after the court injunction, DHS reported the separation of at least 1,142 families,²⁰ showing that this is still an ongoing nightmare that needs to be addressed.

Valerie Keval is a third year law student at Loyola Law School, Los Angeles. As a 2L, she participated in the Immigration Law and the Border Practicum at Loyola where she traveled to El Paso, Texas to represent clients in Immigration Court. Valerie was also a law clerk at the Law Offices of the Riverside County Public Defender over the 2020 Summer and her goal is to become a deputy public defender after graduation.



¹⁸ https://phr.org/our-work/resources/you-will-never-see-your-child-again-the-persistent-psychological-effects-of-family-separation/?CID=701f40000018pCMAAY&ms=FY20_SEM_GoogleGrant&gclid=CjwKCAjwwMn1BRAUEiwAZ_jnEh2xGEvkhU4RkPxY-nURykGAVoQsszjsKldZJFKxQ5HD5DcJS9yeuRoCXQkQAvD_BwE

¹⁹ *Id.*

²⁰ *Id.*



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THE SALEM WITCH TRIALS

by DW Duke

In 1692, in Salem Massachusetts, two young girls named Abigail Williams and Betty Paris, succumbed to an illness of unknown etiology, with symptoms of fits, contortions of the body, screaming, and throwing of objects. They were seen by a Salem Village physician named William Griggs who concluded that their illnesses were of a supernatural order. On February 1, 1692, Dr. Griggs's maidservant, a 17-year-old girl named Elizabeth Hubbard, threw a fit, exhibiting symptoms similar to those exhibited by Abigail Williams and Betty Paris. Hubbard would eventually become the primary witness in the Salem witch trials that resulted in over 200 individuals being accused of witchcraft, with 30 being found guilty, 19 being executed by hanging, 5 dying in jail, and one being crushed to death. Elizabeth Hubbard, because of her age, was permitted to testify in court and became the primary voice of those accusing others of witchcraft. During her 15 minutes of glory, which finally ended with her last testimony on January 7, 1693, Hubbard filed 40 legal complaints and testified 32 times resulting in 17 arrests, 13 hangings and two deaths in jail.

Elizabeth Hubbard was born on 1674 in Massachusetts Bay Colony. She was orphaned when her parents died and was taken in as a handmaiden by her uncle Dr. William Griggs. Hubbard along with several other girls age 12 to 20 were the primary instigators of this mass hysteria. The others were Ann Putnam, Jr., Mary Walcott, Elizabeth "Betty" Parris, Abigail Williams, Elizabeth Booth, Mercy Lewis, and Mary Warren. Relying on a hysteria and fear of witches, generated in part by the sermons of Rev. Cotton Mather, and the writings of another clergyman Joseph Glanvill, they took the community like a storm. Glanvill is most noted for his 1668 publication *Against Modern Sadducism*. These men claimed to prove the existence of demons and witches. To bolster their argument, they alleged that deception was the key to identifying witches. In their world, the righteous could recognize witches and demons and those that denied that they existed, were in fact, witches themselves. Anyone who denied the existence of demons and witches was also denying the presence of angels and ultimately the existence of God. This circular logic created a need for others to claim they saw the witches because if they could not, they were likely a witch too which meant they could be prosecuted upon pain of torture and death.

The grand juries and trials were conducted by a Court of Over and Terminer in 1692 and by a Superior Court of Judicature in 1693 in Salem Town, where the hangings also occurred. It was the deadliest witch hunt in the history of colonial North America.

One of the most tragic victims of the witch hunt was a four-year-old girl named Dorothy Good. The daughter of William Good and Sarah Good, she and her mother were accused of practicing witchcraft. Mary Walcott and Ann Putnam alleged that Dorothy had attacked them acting in a deranged manner, like an animal striking and biting them. Dorothy was interrogated by local magistrates during which she confessed to being a witch and consorting with the devil and further claimed that her mother had a snake that would suck Dorothy's blood from her finger. As a result of these accusations and the testimony of Dorothy, her mother Sarah was executed by hanging. Dorothy was held in jail from March 24, 1692 until December 10, 1692, when she was finally released on bond for £50. Dorothy had a younger sister who died shortly after birth while her mother was imprisoned.

It is perhaps ironic that the Puritans who came to America to escape what they considered persecution by the Church of England, inflicted their own style of persecution on their own congregants. Fortunately, many years later, the framers of the Constitution recognized that when people begin passing judgement on others, based on their own religious beliefs, the aberrations can become as fanatical as the human imagination can conjure. It is unfortunate that the 200 victims in Salem did not have the benefit of the establishment and free exercise clause in their Westminster Confession of Faith. If they had, perhaps this tragic story of mass hysteria could have been avoided.

"Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof . . ."

Excerpt from the First Amendment of the Constitution of the United States.

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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.

THE FALL OF HALLOWEEN AND THE SCARY FUTURE

by Juanita E. Mantz

Last year, I wrote about how I was deprived Halloween due to widespread power outages in my unincorporated North San Bernardino neighborhood. As a former goth girl turned criminal defense attorney, I love Halloween. Hence, I mourned the death of Halloween last year by listening to Bauhaus and drinking a glass of wine in a spooky goblet.

Most years, we take Halloween very seriously in my family, planning the costumes for me and my husband at least a month prior. My best friend and I often choose a theme, everything from *The Wizard of Oz* to *The Rocky Horror Picture Show*. I always play the bad witch. I have always said, I am no Sandra Dee.

This year, Halloween is probably out the door due to the pandemic. The pandemic, however, has changed how we see and experience everything. And, the idea of Halloween seems very nostalgic to me at present. Think to the time in the future when we will say, "Do you remember when kids used to walk the neighborhoods in costumes demanding a treat at every house . . . how risqué!"

Other things seem similarly risky: the economy, education, the criminal system, mental and physical health, and even our very futures. What once seemed dystopian is now our new normal.

And while we may think that everything will eventually go back to normal, I am not too sure anything will ever be normal again.

Like some, I am reevaluating what is important in life. Money has never had a primary importance to me. I have been poor and grew up that way. While I am definitely comfortable now, I never take it for granted. I see too many stories as a criminal defense attorney of life changing in an instant.

Instead, I am grateful for my privilege and believe that my goal should be to help

change the world. As a deputy public defender, I used to try and do it one client at a time, but recently I have also decided that is not enough and have vowed to do more. More as a lawyer, as a writer, and as a performer.

Perhaps, this essay is my way of urging everyone else to try and do more. That may be the silver lining in all of this. This pandemic and recent upheavals and protests have forced us to reconcile our values and actions. No longer is it allowable to sit idly by and watch others suffer without saying a thing. Instead, our new normal demands that we stand up and be heard and amplify ourselves and our clients' stories. Our very futures depend on it.

Juanita E. Mantz ("JEM") is a writer and a deputy public defender in Riverside County. She is a member of the Macondo Writer's Workshop and is pursuing her MFA in creative writing part-time. She has been widely published in literary journals, magazines and anthologies. Check out her video podcast and blog on her "Life of JEM" Facebook page.



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IN MEMORIAM: WILLIAM R. DEWOLFE

by John E. Brown

An Old School Litigator

William R. DeWolfe, a member of the Riverside County Bar Association for almost 60 years, passed away on April 16, 2020. Known to his friends as Bill, and many, most affectionately, as DeWolfe, he practiced law his entire career with the law firm of Best Best & Krieger LLP, having joined the firm in 1962. Many recall him to be fiercely protective of his clients and a fearsome litigator who spared no quarter in representing the interests of his clients. Bill was also a loving and devoted husband and father, as well as a lifelong civic promoter of the City of Riverside, longtime supporter of Idyllwild Arts, and most importantly a lifelong advocate and benefactor of the University of California, Riverside.

Born in Maine, Bill came to Riverside with his father and mother following World War II. He was a product of Riverside public schools and a very proud Summa Cum Laude graduate of UCR's first graduating class. His childhood and adolescence in Riverside, and later, his and his wife Ann's involvement in the emerging town and gown societies of postwar Riverside in the 1950s and 60s cemented lifelong commitments to both the City of Riverside and UCR. Although Bill left Riverside for the University of California's Berkeley School of Law, he soon returned to Riverside to marry his bride of 53 years, the former Ann Straubinger, after they met at the wedding of Jim Krieger's son, James Krieger Jr. Ann and many of their friends fondly remember Bill for his droll sense



Bill and Ann DeWolfe

of humor perhaps having something to do with his New England origins.

As an associate of his for many years after I joined the firm in 1975 I recall Bill's penchant for decorating his office with 19th century sensibilities in mind. Its centerpiece was an antique secretarial desk, somewhat similar to Art Littleworth's desk, both remnants of the many years the firm spent in the 19th Century Evans Building in Downtown Riverside. Both desks were rescued from that soon to be torn down building when the firm relocated to its mid-

century modern building at 4200 Orange Street in the late 1960s. Bill and Art took those desks with them decades later when the firm relocated to even more modern offices at 3750 University Avenue. When those offices were remodeled some ten years later in an even more modern genre, I recall Bill and several other senior partners worrying the new interior decorating scheme was "too modern." I kidded Bill about his fondness for the antique wood look even as we approached the 21st century. Bill's fondness for "old school" also extended to his sartorial style, often involving three piece woolen suits, which I told him had to have been influenced by the Bests and his former colleague Enos Reid, who I recall still wearing a top coat and hat to court in the 1970's.

Bill, one of only twelve lawyers with the firm in 1962, practiced civil litigation, specializing in general civil litigation, title insurance defense, and estates and trusts litigation during his long career. In 1962, he joined Best Best Krieger lawyers Eugene Best, Jim Krieger, John Babbage, Gerald Brown, Enos Reid, Arthur Littleworth, Jim Corison, Glen Stephens, and John Barnard. Fellow associates in those heady growth years of the 1960's also included Horace Coil, Bart Gaut, Terry Bridges, Charlie Field, and Chris Carpenter. Although the firm had practiced civil litigation since its founding in 1891, Bart and Bill, both hired in 1962, continued thereafter to remain the nucleus of the firm's growing litigation practice for more than three decades. Bart Gaut was appointed to the bench of the Riverside Superior Court in 1996. Throughout their time together at the firm they were commonly referred to "Bart and Bill" by their colleagues and that practice affectionately continues to this day among many of the firm's litigators. Notwithstanding



Barton Gaut and Bill DeWolfe

their many years as Riverside litigators, Bill and Bart both deserve credit for setting the stage that enabled their successors to expand the firm's litigation practice statewide. For much of those three decades, both Bart and Bill were known for their extraordinary work ethics and expected the same of their colleagues. Both left the office late in the day, went home for dinner, and returned to the office for several hours of additional work for most of their careers. I remember distinctly their two offices being lit up late into the night time and again, year after year.

Some of Bill's other habits were decidedly more modern. When he was interviewed for his position at Best Best & Krieger, Art Littleworth recalls he and Jim Krieger, and Jim Corison inviting Bill to join them at the Mission Inn for lunch. When the waiter offered cocktails, Art recalls Bill ordering a martini and Jim Krieger noted rather quickly that firm members did not drink alcohol at lunch. Both Raymond Best and his son, Gene, were lifelong teetotalers, having maintained more than half a century of abstinence from alcohol at firm functions. Art remembers ordering a glass of white wine to ease the tension and Bill of course got the offer of employment.

After joining the firm, Bill invented and maintained throughout his legal career a rather unique system of "horizontal filing." His caseload was large and those files and accompanying law books were arranged on every available flat surface throughout his office, particularly his office floor. Art Littleworth recalls having a difficult time getting to Bill's desk without stepping over and on files and books. What I recall even more vividly, were the hundreds of handwritten yellow post-it notes attached to each and every one of those files and legal citation as well. I am not sure how Bill made due before 3M invented post-it notes. Art also recalls once he made it to Bill's desk that Bill could immediately find every single needed paper or brief or legal citation wherever it might be arrayed across the floor. Art, on one occasion, attempted to clear a pathway and Bill politely refused his help and ever after affectionately referred to Art as the "Boss."

Bill will be particularly remembered for his random and repeated acts of kindness and many friendships. Even after fifty years of legal practice, it was not uncommon for Bill to reach out to the firm's new associates to provide an array of help, hints, advice and counsel. Many of the firm's partners today recall Bill's friendship. His sense of welcome was open and warm hearted. I was the beneficiary of his take-charge and up-close and personal outreach in 1976, several months after joining the firm. I had elected to move to Claremont after I joined the firm. I was delighted to accept senior partner Bill DeWolfe's invitation to lunch at the Victoria Country Club not knowing that the focus of that luncheon was to be Bill's

concern about my commute and more particularly my not living in Riverside. Bill had long since embraced the long tradition of the Bests and Jim Krieger, and others, to be involved in community service and to Bill, community meant the City of Riverside. At that luncheon Bill told me he wanted me to become a partner in the law firm and said that effort would undoubtedly be more successful if I moved to Riverside. He said he had lined up just the place for me to live and at a follow up lunch at the Club a week later, we were joined by Hazel Kent, a citrus pioneer still living in her 19th Century Victorian home towering above Canyon Crest Drive and a good friend of Bill and Ann. Parts of the surrounding subdivisions, portions of UCR and the Canyon Crest Country Club were all apparently once the Kent's orange groves. That began a six year very affordable tenancy in Hazel's guest house down past the main house, which once housed her butler and maid, and the rest of course is history. Hazel and I would occasionally share on Friday evening a daiquiri, her favorite cocktail, and I am sure Hazel would join me in fondly remembering our friendships with Bill DeWolfe. Here's looking at you Bill, and yes, you can have a martini if you prefer. You are dearly missed.

John E. Brown is a partner with Best Best & Krieger, LLP.



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OPPOSING COUNSEL: JENNIFER MIZRAHI

by Jamie Wrage

A Fortuitous “Fall”

After law school, Jennifer Mizrahi “fell into” municipal law without truly understanding what would be involved. In 2004, she was hired by a law firm representing public entities for her fluency in Spanish. It proved to be a fortuitous hire, because over 15 years later, she is devoted to the practice.

According to Jennifer, the excitement and frustrations that municipal lawyers face both stem from the breadth of the practice. Municipal law includes practicing in many different areas, including land use/planning, ethics, voting, solid waste, regulatory compliance, labor and employment, code enforcement, torts, tax, public contracts, and environmental law. Municipal lawyers also have to know how to draft legislation and be familiar with laws involving police, firefighters and other municipal employees. You need to be quick on your feet because there is “never a dull moment.” This is part of what keeps the practice fresh.

A native Californian, Jennifer attended college at the University of California, Santa Cruz. She was always interested in an international career, so she became fluent in Spanish and majored in Latin American Studies with an emphasis on economics. In 2003, Jennifer graduated from Southwestern Law School.

Since 2004, Jennifer has served in some aspect or another as counsel for numerous public agencies, among them, Desert Hot Springs, Cathedral City, Rancho Mirage, Victorville, the Glendale Oversight Board, and the Victorville Water District. In 2019, Jennifer joined the law firm of Stream Kim Hicks Wrage & Alfaro, PC in Riverside, where she advises developers and public entity clients. She is the current appointed City Attorney for the City of Desert Hot Springs.

When not working, Jennifer focuses on family. She is married and dotes on her six-year-old son. Right now, the family is enduring the COVID-19 restrictions like the rest of us. To relax, Jennifer gardens and she has a particular love for hoyas, bromeliads, and succulents.

In an average week, Jennifer’s work consists of about 70 percent land use, planning and development work,



Jennifer Mizrahi

both on the municipal and developer side. This distinct knowledge gives her an edge in helping her clients, as she understands both the private and government aspects of development.

The most interesting and unexpected aspect of Jennifer’s career was becoming an expert in California cannabis law and regulations. While serving as City Attorney and Planning Commission Counsel for the City of Desert Hot Springs, a community that has embraced the business aspects of the cannabis industry, Jennifer had no other

choice but to dive into this regulatory space. Jennifer’s cannabis work began in 2006, when various municipalities were dealing with then-current laws decriminalizing medical marijuana. Some of Jennifer’s public opted not to prosecute marijuana collectives, while others took a hard stance to avoid them. Due to her experience in this area, Jennifer began to work with state officials to draft regulations for recreational use of cannabis in 2015. Once that measure was approved by California’s voters, Jennifer collaborated with the elected officials in Desert Hot Springs to attract the best in the industry by creating an environment that is highly regulated, while still being developer friendly.

Jennifer’s experience in this new and rapidly changing area has made her a regular speaker at industry and legal conferences on cannabis law topics. Noting that she never in a million years imagined she would be a cannabis law expert, Jennifer explained that this new facet of her work has only served to increase her enjoyment of the practice.

In sum, municipal law is her passion — a fun and exciting mixed bag of tricks. There are not many other areas of law where one day you find yourself across the table from multi-millionaire developers pushing the envelope, and the next day you find yourself in a meeting regulating signs and speech. Jennifer would not have it any other way.

Jamie E. Wrage is a shareholder at Stream Kim Hicks Wrage & Alfaro, PC, who practices employment law and complex business litigation.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective October 30, 2020.

John Robert Byerly – Law Student, Riverside

Iliana L. Colon – Mireles Law Office, Claremont

Shaylene Cortez (A) – Office of the City Attorney, Riverside

Heather K. Gray – Law Office of Heather Gray, Murrieta

William H. Gregg – Law Office of William H. Gregg, Beaumont

Bansri Digvijay Patel (A) – Immigration Law Offices of Hadley Bajramovic, Riverside

(A) – Designates Affiliate Member



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