

RIVERSIDE LAWYER

November 2022 • Volume 72 Number 10

MAGAZINE

NO TRESPASSING
VIOLATION OF FEDERAL
AND TRIBAL LAW

IN THIS ISSUE

Easements within Indian Country

The Erosion of Tribal Sovereignty

Domestic Violence, Jurisdiction & Hope
in Indian Country

Willie Boy & the Last Western Manhunt

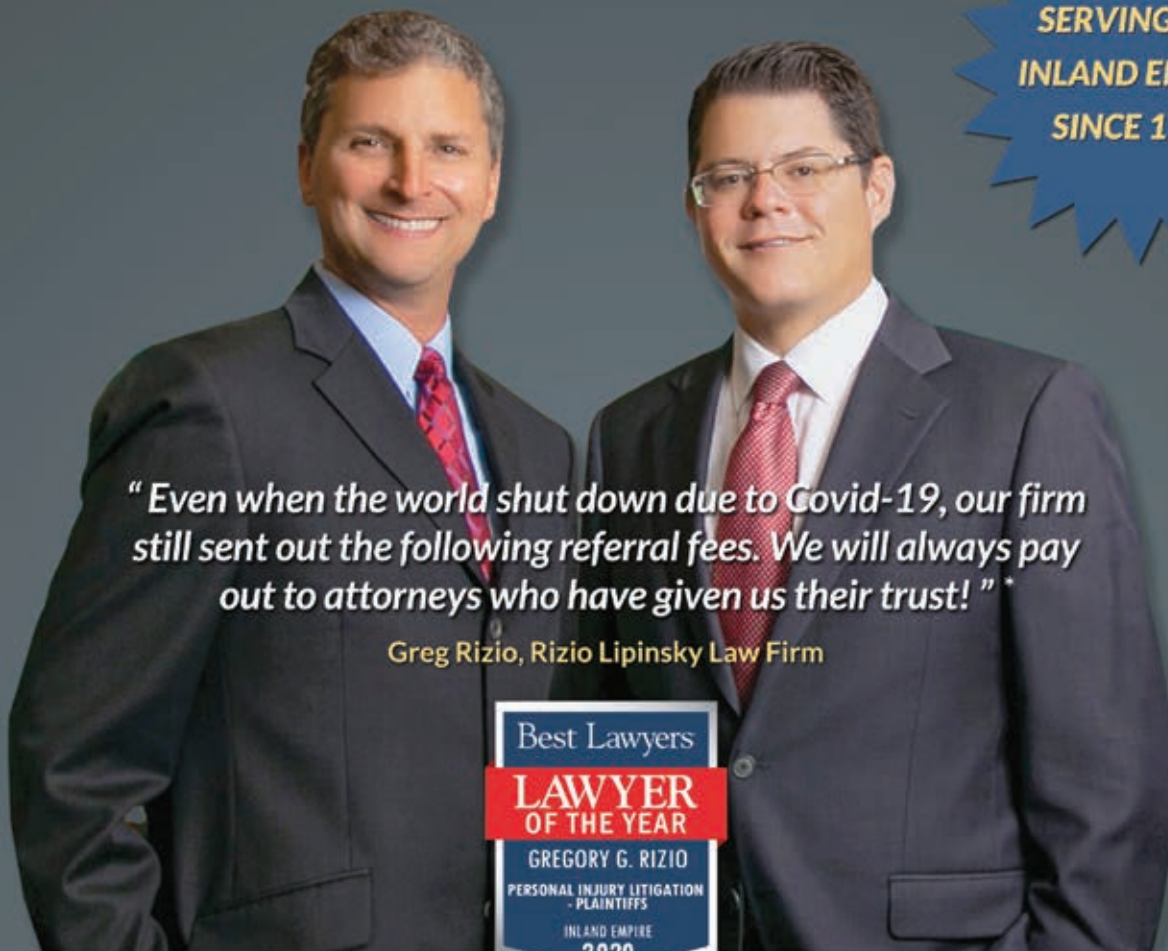


The Official Publication of the Riverside County Bar Association



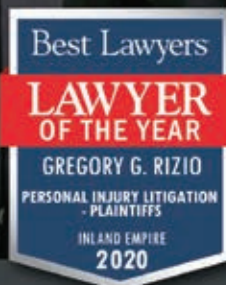
RIZIO LIPINSKY
PERSONAL INJURY & EMPLOYMENT LAWYERS

**SERVING THE
INLAND EMPIRE
SINCE 1995**



*“Even when the world shut down due to Covid-19, our firm still sent out the following referral fees. We will always pay out to attorneys who have given us their trust!” **

Greg Rizio, Rizio Lipinsky Law Firm



ACTUAL REFERRAL AMOUNTS PAID DURING COVID-19:**

\$246,667 PAID \$241,548 PAID

\$65,000 PAID \$56,250 PAID

\$41,667 PAID

888.292.8888

WITH OFFICES IN
SAN BERNARDINO, RIVERSIDE, AND ORANGE COUNTY

*All referrals consistent with California State Bar Rules of Professional Conduct.
**These results do not constitute a guarantee, warranty, or prediction regarding the outcome of future cases.

Publications Committee

Sophia Choi
Melissa Cushman
Megan Demshki
DW Duke
Abram Feuerstein
Stefanie Field
Allan Fong
Alexandra Fong
Betty Fracisco
Andrew Gilliland
Amy Guldner

Boyd Jensen
Megan Kilmer
Robyn Lewis
Juanita Mantz
Charlene Nelson
Wade Pyun
David Rivera
Nesa Targhibi
Gabriel White
Lisa Yang

Editor Jacqueline Carey-Wilson
Copy Editor Juanita Mantz
Design and Production PrintMyStuff.com (PIP Riverside)
Cover Design PrintMyStuff.com, Marian Semic, Shutterstock.com, Michael Vi, Paulista

Officers of the Bar Association

President
Lori Myers
(949) 300-3596
loriamyers@me.com

President-Elect
Kelly Moran
(951) 955-6300
kmoran@rivco.org

Vice President
Mark A. Easter
(951) 686-1450
Mark.Easter@bbkllaw.com

Chief Financial Officer
Megan G. Demshki
(951) 534-4006
megan@aitkenlaw.com

Secretary
Elisabeth A. Lord
(951) 338-5344
elisabeth@lordfamilylaw.com

Past President
Neil Okazaki
(951) 739-4987
neil.okazaki@coronaca.com

Directors-at-Large

Erica Alfaro
(951) 656-8313
erialfaro@gmail.com

Heather Green
(951) 682-5110
hgreen@blumenthallawoffices.com

Goushia Farook
(951) 684-9000
goushia@brattonraza.com

Chris Johnson
(951) 695-8700
cjohnson@rhlaw.com

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

Officers of the Barristers Association

President
Lauren Vogt
(951) 781-6500
lvogt@riziolawfirm.com

Treasurer
Kevin Collins

President-Elect
David Rivera

Members-at-Large
Alejandro Barraza
Ankit Bhakta
Summer DeVore
Sandra Lattouf
Sharon Ramirez

Secretary
Priscilla George

Past President
Michael Ortiz

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

C O N T E N T S

Columns:

3 **President's Message** by Lori Myers

5 **Barristers President's Message** by Lauren Vogt

COVER STORIES:

7 **Willie Boy and the Last Western Manhunt**
by Clifford E. Trafzer

11 **Easements within Indian Country**
by Rahsaan J. Tilford

14 **Domestic Violence, Jurisdiction, and Hope in Indian Country**
by Mark Vezzola & Rami Djemal

16 **The Erosion of Tribal Sovereignty**
by Allan Fong

Features:

19 **RCBA Past President: Raymond Best**
by Chris Jensen

22 **The RCBA Elves Program - Season XXI**
by Brian Percy

24 **Opposing Counsel: Eugene Cristiano—The Mediator**
by Betty Fracisco

26 **Judicial Profile: Honorable Sunshine Suzanne Sykes—
Trailblazer and Role Model for our Legal Community**
by Sophia Choi

Departments:

Calendar 2
Membership 28

Classified Ads 28

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

November

8 Civil Litigation Section
Noon - Zoom
Speaker: Dr. Susan Strauss, EdD, RN
Topic: "Women's Hostility to Women at Work: Myth or Reality"
Work: Myth or Reality"
MCLE

Landlord/Tenant Law Section
6:00 p.m.
Le Rendez-Vous Café, Colton
Speaker: TBA
Topic: TBA
MCLE

11 Veterans Day Holiday
RCBA Office Closed

14 Civil Litigation Roundtable with Hon. Craig Riemer
Noon - Zoom
MCLE

18 General Membership Meeting
Noon - Zoom
Speakers: Judge Mona Nemat, Judge Joshlyn Pulliam, Judge Mark Singerton, Judge Jerry Yang
Topic: Meet the Judges
MCLE

24 & 25 Thanksgiving Holiday
RCBA Office Closed

SAVE THE DATE

MCLE MARATHON
Friday, January 13, 2023

EVENTS SUBJECT TO CHANGE.

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





by Lori Myers

Gratitude and grace is essential through all seasons of life but, during the holiday season I believe it is critical.

Practicing gratitude is one of the most overlooked forms of self-care and the fastest and easiest way of building relationships and a community.

An attitude of gratitude forces you to get outside of your problems and look at the bigger picture. In turn, you are better able to bounce forward when challenges occur in life.

Life is far from perfect. Sometimes things happen that cause us to react negatively. Having a pity party is okay now and then. However, it does nothing good for your mental and emotional well-being.

As the holidays approach I know it is easy to become overwhelmed with responsibilities and get caught up in the stress of everything in life compounded by the additional activities and gatherings during the holiday season. The holidays can be a big reminder to some people of family or friends they have lost over the years and are no longer at their Thanksgiving table to create new memories with. For others the holidays are a great way to get together with family and friends and express gratitude and love to one another. And for some, the holidays can be a lonely season whether or not you are surrounded by friends and family.

A 2014 research study conducted on a sample of students has shown that keeping a gratitude journal on a regular basis can increase optimism between 5%-15%. In short, the more grateful you are, the more reasons you will have to be grateful.

Furthermore, the already mentioned student-sample research from 2014 showed that practicing gratitude can help reduce negative

emotions, such as envy and promote positive emotions, such as joy, serenity, interest, and hope. Practicing gratitude also enhances our self-esteem, consequently leading to higher life satisfaction and greater resilience. Being resilient means having greater capacities for dealing with difficulties in life. For example, another research conducted after the 9/11 attack showed that gratitude played a key role in building resilience among survivors.

Brene Brown, a prolific writer – many of her books have ended up on the *The New York Times Best Seller List* – talks about gratitude, joy, and courage that will inform and inspire you.

Brene Brown says: “We’re a nation hungry for more joy: Because we’re starving from a lack of gratitude.” To become fully human means learning to turn my gratitude for being alive into some concrete common good. It means growing gentler toward human weakness. It means practicing forgiveness of my and everyone else’s hourly failures to live up to divine standards.

1. I don’t have to chase extraordinary moments to find happiness – its right in front of me if I’m paying attention and practicing gratitude.
2. Let go of who you think you are supposed to be and embrace who you are.
3. We do not have to do all of it alone. We were never meant to.
4. You are imperfect, you are wired for struggle, but you are worthy of love and belonging.
5. I define connection as the energy that exists between people when they feel seen, heard, and valued; when they can give and receive without judgment and when they derive sustenance and strength from the relationship.
6. Faith is a place of mystery, where we find the courage to believe in what we cannot see and the strength to let go of our fear of uncertainty.
7. To love someone fiercely, to believe in something with your whole heart, to celebrate a fleeting moment in time, to fully engage in a life that doesn’t come with guarantees – these are risks that involve vulnerability and often pain. But, I’m learning that recognizing and leaning into the discomfort of vulnerability teaches us how to live with joy, gratitude and grace.

Practicing grace is making daily choices to interact in the world with courtesy and good will. That doesn’t mean you disregard boundaries, but you give yourself space to be flexible with your perceived reality with acceptance and kindness

Practicing grace benefits other people and builds community. It’s also the original self-care. Grace is what lets us stumble, fall, get back up and try again. Grace is what welcomes you back after you have failed someone or failed yourself.

I’m wishing everyone strength, gratitude, and grace during this holiday season. I know I’m going to make a bigger effort to practice gratitude because it truly brings nothing but good things in one’s life.

I also want to express my gratitude to the legal community that allows me to walk this journey with you and I want to thank the legal community for showing me grace in the many times I have stumbled along my way.

Lori Myers is a local private criminal defense attorney and founder of the Warrior Attorney Academy©.





Jon King

Justin King

Oliver King



Our family has been providing justice to Inland Empire residents for more than 50 years! It's in our DNA.

REFERRAL TO A TRUSTED INLAND EMPIRE INJURY FIRM IS JUST A CALL AWAY

We would be honored to serve you and your client. We are known for obtaining great results, as well as for our unmatched client care and satisfaction.

What's more, we painstakingly track all referrals to ensure prompt and reliable payments to all referring attorneys.*

CONTACT US AT:

(909) 297-5001

www.justinkinglaw.com

RECENT REFERRAL FEE PAYMENTS:*

\$270,562.70
paid Jan 2021

\$100,000.00
paid Jun 2022

\$30,000.00
paid Jul 2020

\$29,135.50
paid Oct 2021

\$26,400.00
paid Dec 2021



8301 Utica Ave, Suite 101
Rancho Cucamonga, CA 91730

*All referrals consistent with California State Bar Rules of Professional Conduct. These results do not constitute a guarantee, warranty or prediction regarding the outcome of future cases.

BARRISTERS PRESIDENT'S MESSAGE

by Lauren Vogt



Hitting the Ground Running:

This term your Barristers Board is hitting the ground running! Since the installation dinner in late September, Barristers has hosted numerous events. In addition to the unofficial Barristers event to Universal Studios, I shared with everyone last month, we have had a pumpkin decorating party and our very

first Happy Hour event of the term.

Pumpkin Decorating Party:

As you all know, your Barristers Board is all about finding an excuse to get together and have some fun. The fall season brings us many opportunities to do just that! This term, we began our fun and festivities with a pumpkin decorating party, hosted by our wonderful board member Sandra Lattouf.

While understandably, there was no pumpkin carving (far too messy), our board and many others were able to gather together for some delicious food and drinks while painting some awesome Halloween pumpkins, and here is the before and after pictures.



Personally, I think those are some pretty talented attorneys! Note, I do not have a pumpkin pictured because I have ZERO artistic abilities, but the rest of the group knocked it out of the park!



First Happy Hour of the Term:

Just a couple of weeks following the pumpkin decorating, Riverside Barristers teamed up with the Asian Pacific American Lawyers of the Inland Empire (APALIE) and the Hispanic Bar Association of the Inland Empire (HBAIE) for a joint happy hour event. As you can see the event had a great turnout, full of new and newer lawyers from all over the Inland Empire.



The event was held at Lake Alice and was followed by Salsa and Bachata dancing nearby. All in all, it was a great success and we hope to hold a couple more of these types of events in the near future.

What's to Come?

In the meantime, the Riverside Barristers term calendar is jam packed with one event after another for all of you to come out and socialize with your 2022-2023 Barristers Board. Currently, we are gearing up for our next event, November 16, 2022, where we will be teaming up with the American Board of Trial Attorneys (ABOTA) to hold a hybrid MCLE (in person/zoom) entitled, "Civility Matters" (Sponsored by The Law Offices of Kenny Ramirez). So, keep an eye out for that flyer, which will contain all of the information you need to sign up and get the MCLEs.

Additionally, we will be holding another Happy Hour event on November 18, 2022, at Brickwood. This event will follow the New Attorney Academy, so we are hoping for a great turnout and look forward to seeing you all there!

Lastly, as previously announced, when it comes to social events, in addition to the multiple happy hours we have planned for Barristers to hang out and relax, we are looking forward to the return of our Annual Judicial Reception, which always offers an amazing opportunity to network with Riverside's Judicial Bench. Also, we are looking forward to teaming up with Inland Counties Legal Services (ICLS) and logging some pro bono hours, helping those in need. Anyone interested in joining us, is more than welcome and I encourage you to reach out to me at 951-781-6500, or shoot me an email, lvogt@riziolawfirm.com. I would love to chat with you!

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)

Lauren M. Vogt is an associate with Rizio Lipinsky Law Firm.





California Desert Trial Academy College of Law

Top Ten Reasons to Attend CDTA College of Law

1. **Our Distance Learning Option** allows you to obtain your J.D. while completing most of your studies from the convenience of home. "Attend" CDTA in real time, enjoy 24/7 access to all classes online and solidify the week's learning in person with our Saturday writing classes.
2. **LexisNexis is included in your tuition.** Learn how to research and apply case authority with the same tools you will use in your law practice.
3. **ExamSoft is included in your tuition.** All practice, midterm and final exams are given on the same software program the State Bar uses for your bar exams. Repeated exposure to ExamSoft means you will tackle the bar with confidence!
4. **AdaptiBar is included in your tuition.** Practice thousands of actual bar multiple choice questions on the premier MBE program designed to prepare you to conquer 50% of the bar exam.
5. **Fleming's Fundamentals of Law** course reviews are included in your tuition. Substantive video reviews and outlines condense every bar tested subject into a straightforward and understandable format you will find invaluable as you prepare for exams.
6. **Snacks and Drinks** are provided at all CDTA classes and events at no charge to you. Never underestimate the power of a little sustenance to get you through a long day!
7. **Saturday Enrichment Program.** Legal essay writing is unlike any other form of writing. Practicing essays and MBE questions under simulated exam conditions means you walk into the bar exam with the confidence you need to pass.
8. **Student Support** is invaluable to your success. Our students have found that together they can accomplish what might be impossible alone. You will thrive as you establish lifelong bonds with your classmates.
9. **Weekly "Barrister" Luncheons** are provided by CDTA. This allows students, attorneys and judicial officers the opportunity to network and connect while enjoying a meal during the Saturday Classes noon break.
10. **We Commit to Keeping You in School!** It often feels as if law school is an exercise in exclusion, not inclusion. Not at CDTA. We will help you overcome any obstacle.

And...**all of your Casebooks** are included with your tuition!!!

"Educating, Training and Developing Extraordinary Legal Advocates"

California Desert Trial Academy, College of Law

45-290 Fargo Street • Indio, CA 92201 • CDTALaw.com • (760) 342-0900

Classes commence the first Tuesday after Labor Day

Apply Now!

"The method of instruction at this law school for the Juris Doctor (J.D.) degree program is principally in physical classroom facilities."

"Students enrolled in the J.D. Degree program at this law school who successfully complete the first year of law study must pass the First-Year Law Students' Examination required by business and Professions Code Sec. 6060(h) and Rule VIII of the Rules Regulating Admission to Practice Law in California as part of the requirements to qualify to take the California Bar Examination. A student who passes the First-Year Law Students' Examination within three (3) administrations of the examination after first becoming eligible to take it will receive credit for all legal studies completed to the time the examination is passed. A student who does not pass the examination within three (3) administrations of the examination after first becoming eligible to take it must be promptly disqualified from the law school's J.D. Degree program. If the dismissed student subsequently passes the examination, the student is eligible for re-enrollment in this law school's J.D. Degree program but will receive credit for only one year of legal study."

"Study at, or graduation from, this law school may not qualify a student to take the bar examination or to satisfy the requirements for admission to practice in jurisdictions other than California. A student intending to seek admission to practice law in a jurisdiction other than California should contact the admitting authority in that jurisdiction for information regarding the legal education requirements in that jurisdiction for admission to the practice of law."

WILLIE BOY AND THE LAST WESTERN MANHUNT

by Clifford E. Trafzer

Willie Boy's life is shrouded in mystery, half-truths, and outright lies. Newspaper editors, posse members, and the settler population of Southern California had their own views of Willie Boy, Carlota, and the manhunt into the vast Mojave Desert. The events of 1909 were tragic to Southern Paiute people, particularly the southern-most group called Chemehuevi. The people call themselves *Nuwu*, and their lives are closely intertwined with the closing of the American frontier during the late nineteenth and early twentieth centuries. Their lives had changed rapidly in a matter of a few years as the American West and Southern California experienced the rapid growth from enterprising and opportunistic settlers who brought new ways to Indian Country everywhere. Tribal people struggled to understand and survive in a rapidly changing world. Two young Nuwuvi people, Willie Boy and Carlota Mike, watched and learned new ways. They decided on a path contrary to the teachings of their family elders. They fell in love.

When Ocean Woman put the world into motion and created the first Nuwuvi people, she and other actors taught the people proper behavior, including the law against incest. For that reason, for thousands of years, Nuwuvi people followed marriage laws that required couples to be separated by six generations. Settlers did not follow tribal laws or many other cultural norms followed by Native Americans. In spite of knowing tribal marriage laws, Willie Boy and Carlota eloped only to be tracked down and separated by both his family and hers. Still, the couple loved each other, and when they met again at the Gilman Ranch in Banning, California, "they made eyes at each other." They flirted, met secretly, and talked of running away to marry.

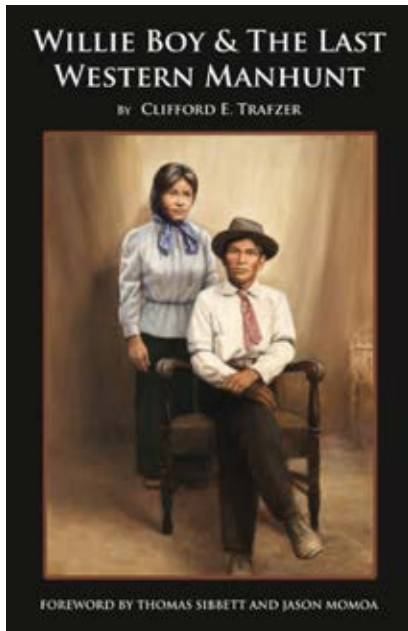
When Carlota insisted that Willie Boy had to ask her father, William Mike, for her hand in marriage, Willie agreed. But Willie feared William Mike who had fought in the Mojave-Chemehuevi Wars of the 1860s, served as the leader of the Twentynine Palms Tribe, and was a shaman, a man of power. William Mike was a formidable man, well-built and dangerous. Willie Boy was thin and a noted runner, but no match for William Mike. When he visited Mr. Mike, Willie Boy carried a 30.-30. loaded rifle. No one was present when Willie Boy entered William's tent, but given the outcome, we speculate that they fought over the gun with William grabbing the rifle's barrel. The gun went off in William's face, killing him instantly.

When Willie Boy found Carlota, she agreed to run off with him. Carlota's mother, María, told them to go but feared for the rest of her family, taking them into the foothills above Banning where she spent the night.

The next day, she told an Indian policeman, Segundo Chino, that Willie Boy had killed her husband. The Indian police on the Morongo Reservation contacted Riverside County Sheriff Frank Wilson who formed a posse to launch a manhunt to find Willie Boy and bring him to justice. Shortly afterwards, the Sheriff of San Bernardino County formed a posse that operated simultaneously, but was far less involved than their counterparts in Riverside County.

The Western Manhunt was afoot. The posse consisted of deputy sheriffs from the Banning area and sworn into action to get Willie Boy and bring Carlota home. While the posse formed, Willie Boy and Carlota traveled east on foot, perhaps catching a train that took them to Whitewater. From there, they turned north toward Mission Creek and up the steep grades into the Mojave Desert. Both Willie Boy and Carlota knew the desert well. They had grown up in the Mojave Desert. They knew the trails, the plants, and animals. Most of all, they knew where to find water. They traveled as fast as possible to separate themselves from the murder scene, but they likely knew a posse would follow them. When they reached The Pipes just west of present-day Yucca Valley, they paused. Among the giant white boulders in the foothills, Carlota rested. Willie Boy ran off to hunt and gather food. He left his leather coat and a water bag to comfort Carlota as she slept. Unknown to them, Deputies Segundo Chino (Cahuilla/Chemehuevi) and John Hyde (Kumeyaay) tracked the couple and rode ever closer to The Pipes.

Something must have spooked Carlota. She rose and began moving among the rocks. Some distance away, the Indian deputies saw someone moving in the rocks wearing or carrying Willie Boy's distinctive coat. John Hyde took a shot at the person in the rocks and hit his mark. The person fell to the ground and the two Indians hurried to find Carlota shot, lying on the ground. Hyde had accidentally shot Carlota in her back shoulder, the bullet coming out of her lower abdomen. According to the Coroner's Report, the bullet wound was "consistent with the trajectory of a long-range shot." Thus, a "falling bullet hit her high in the back and exited low." The posse claimed that Willie Boy murdered his wife, but Hyde and Chino remained silent about the cause of her death, never publicly sharing their account of her death. The posse made their claim to newspaper reporters. The public was told that Willie Boy was a "double murderer." Newspapers claimed he killed Carlota and her father. This version of Carlota's death became the accepted version of the story, repeated by many people for over one hundred years. The posse members under-



Professor Trafzer's book is available on Amazon at: <https://www.amazon.com/Willie-Boy-Last-Western-Manhunt/dp/1735861502>

stood the power of the written word and their version of Carlota's death survived.

Rather than continue the manhunt, the posse returned to Banning with Carlota's body. Maria took Carlota's body onto the Morongo Reservation, just as she had William's body. In a matter of weeks, Captain John of Morongo arranged to hold services for William and Carlota at the Serrano Big House and the Moravian chapel located not far away. At both wakes, Chemehuevi sang Salt Songs, sending their leader and his daughter to *Nuva Kiav*, the opening in the sky where Nuwuvi souls began their journey to the Milky Way, their place in the afterlife. Chemehuevi and Serrano people led the *Yagap* Ceremony before the people took their bodies to the Moravian Mission for a service and burial. During Carlota's wake, Willie Boy planned for the posse's return to the Mojave Desert.

Willie Boy laid a trail from The Pipes to Ruby Mountain where he built a small rock structure that looked like the landscape around him. He gathered food and

water, likely breaking into shacks built by miners. He waited patiently. When the posse returned, he decided to put them on foot. This was his way of challenging the posse to survive in the Mojave Desert. When the posse rode up the trail within a short distance of Willie Boy's fort, he jumped up and started shooting their horses. The horse ridden by Deputy Charlie Reche bolted and he was shot in the hip. The other horses fell dead or ran off, but Charlie fell to the ground with a 30.-30. slug lodged deep in his hip. He laid their all that September day from roughly two in the afternoon until nightfall. Willie Boy kept the posse at bay, not allowing them to help Reche or get to their dead horses for food, water, or blankets. John Hyde got away, running to the base camp for help. It was dark when he returned with a wagon to carry Reche to San Bernardino. Reche lived.

When the posse returned to Banning, they reported the gun fight. About a week after returning, a deputy reported that as they were leaving Ruby Mountain, they heard a gunshot and were convinced Willie Boy had committed suicide. Dubious, the public demanded that the posse return to the desert and get their man. Randolph Madison, a reporter for the *Los Angeles Recorder*, accompanied the posse on the last manhunt. He brought a camera to document the event. When the posse reached Ruby Mountain, they claimed that Willie Boy had committed suicide and took vague photographs of a person hidden in the shade of a rock with a black cloth over his face. The posse claimed the body was that of Willie Boy. They failed to take close up photos of the face or cut off the head of the Indian desperado to prove they had found Willie. This ended the posse's story, but not that of Nuwuvi people.

According to Native accounts, Willie Boy left Ruby Mountain and returned to the Chemehuevi village at the Oasis of Mara, Twentynine Palms. His grandmother and aunts verbally attacked him for violating tribal law, which led to Mr. Mike's and Carlota's deaths. In anger, Willie Boy shook his grandmother, took his gun and ammunition, and ran northward. According to Nuwuvi accounts, Willie Boy entered the village of Pahrump and went

to Red Ant Hill where the shaman learned he came there for redemption. He had violated tribal laws and turned his back on his culture. The community agreed to allow him to stay with him. Willie Boy died of tuberculosis and is buried in an unknown grave in the heart of his homeland.

Clifford E. Trafzer is a Distinguished Professor of History and Costo Chair in American Indian Affairs at the University of California, Riverside, where he has taught for 32 years. His most recent books include Willie Boy & The Last Western Manhunt, Strong Hearts and Healing Hands, and Fighting Invisible Enemies. In addition to his book on Willie Boy, Professor Trafzer served as historical consultant to Jason Momoa's new film "The Last Manhunt." The Professor will be the speaker at the RCBA General Membership meeting on January 20, 2023.

A RCBA History Committee Project.



Barry Lee O'Connor & Associates
A PROFESSIONAL LAW CORPORATION

REPRESENTING LANDLORDS EXCLUSIVELY
UNLAWFUL DETAINERS/
BANKRUPTCY MATTERS

951-689-9644

951-352-2325 FAX

3691 Adams Street
Riverside, CA 92504
Udlaw2@AOL.Com

Need Confidential Help?

Contact Us: The Other Bar
24 hours • (800) 222-0767

The Other Bar is a network of recovering lawyers, law students and judges throughout the state, dedicated to assisting others within the legal profession who are suffering from alcohol and substance abuse problems.

We are a private, non-profit corporation founded on the principle of anonymity providing services in strict confidentiality.



Advanced Office

SMART OFFICE SOLUTIONS™

Over 45 years of innovative technology and exceptional service to improve the way you perform business with:

- Copier and Multi-Function Devices
- Managed Print Services
- Document Management Workflow Solutions
- Intelligent Scanners
- Interactive Whiteboards
- And More... Call to Discuss



www.goadvanced.com

Proud Office Solutions provider for:



ABA Programs available
Sales • Lease • Service • Supply

Contact: Tom Carrasco • (951) 232-4075
tcarrasco@goadvanced.com

RUN YOUR PRACTICE NOT YOUR I.T.

Make your technology work for you and not the other way around by letting Inland Premier I.T. Solutions manage it for you - so you can get back to the business of running your business!

Inland Premier specializes in: Networks | Email & Exchange | Network Security | Data Recovery | Support | Archiving

Quote: RCBA when you call for a free consultation and IT review.



On-Site
Services



Help Desk
Support



Consulting



CALL US TODAY: (951) 530-9609

WWW.INLANDPREMIER.COM

THE ADVANTAGE YOU NEED



Follow Our Courts provides free, unbiased legal news, commentary, and industry updates relevant to local Riverside and San Bernardino county attorneys. We are an online publication designed to shine a spotlight on the local issues you won't hear about on the 10:00 news, giving you the edge to better serve your clients. There's no charge to subscribe. Why pass this up?

You'll get access to all the content in our database covering:

- Case breakdowns
- Event reporting
- Election updates
- Industry news
- Featured stories
- Case coverage

If you aren't subscribed yet, you could be missing out on vital local news that can impact your clients.

GIVING YOU THE TOOLS TO SUCCEED

Staying ahead of the game is no easy feat in an ever-changing legal landscape. Follow Our Courts can give you the information you need to overtake the competition, making you the best attorney you can be.

We welcome letters to the editor and commentary submissions from professionals across the Inland Empire. Email Executive Editor Toni Momberger at tcm@followourcourts.com to share your commentary.



To receive updates from Follow Our Courts as soon as they're available, join the discussion on Facebook, LinkedIn and Twitter today!



FollowOurCourts.com

This free resource for all Inland Empire attorneys is brought to you by McCune Law Group, McCune Wright Arevalo Vercoski Weck Brandt, APC.



EASEMENTS WITHIN INDIAN COUNTRY

by *Rahsaan J. Tilford*

I. Introduction

The recently passed Infrastructure Investment and Jobs Act¹ presents transformational opportunities to rebuild roads and bridges, expand public transit, upgrade electrical infrastructure, replace aging pipes, and establish a national electric vehicle charging network. The hope is that Congress' recent federal investment in critical infrastructure will create jobs and improve communities where infrastructure investments are made. As federal dollars are appropriated for infrastructure projects within Indian country² and adjacent communities, it is important for practitioners and local utilities alike to understand how the federal government grants easements over and across Indian lands.³

While state law generally governs the law of easements, Congress has established the law that applies to easements within Indian country. Congress has established these laws because the federal government has a trust obligation to protect all Indian land, resources, and assets against misuse and misappropriation,⁴ and it is the federal government who holds ultimate title to Indian lands.⁵

II. Statutory Basis for Rights-Of-Way in Indian Country

Congress has adopted several statutes that govern easements within Indian country.⁶ However, most ease-

1 Pub. L. No. 117-58, 135 Stat. 429 (2021).

2 The term "Indian country" refers to "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same." 18 U.S.C. § 1151.

3 Consistent with the definitions found in 25 C.F.R. Part 169, the term "Indian land" as discussed herein generally refers to any tract of land that is held in trust by the United States for the benefit of a tribe or individual Indian, or restricted fee land that is owned by a tribe or individual Indian.

4 *Cohen's Handbook Of Federal Indian Law* § 5.03, at 396 (Nell Jessup Newton ed., 2012).

5 *Johnson v. M'Intosh*, 21 U.S. 543, 592 (1823).

6 See, e.g., 16 U.S.C. § 797(e) (dams, water conduits, reservoirs, power houses, and transmission lines); 25 U.S.C. § 311 (public highways); 25 U.S.C. §§ 25 U.S.C. 312-318 (railway, telegraph, and telephone lines); 25 U.S.C. § 319 (telephone and telegraph lines); 25 U.S.C. § 321 (oil and gas pipelines); 25 U.S.C. § 3504 (energy development or transmission); 43 U.S.C. § 961 (power and

ments within Indian country are governed by the 1948 Indian Right-Of-Way Act, which is codified at 25 U.S.C. §§ 323-328 (the "IRWA"). The IRWA governs most easements within Indian country since it grants the Secretary of the Interior broad authority to "grant rights-of-way for all purposes...over and across any lands now or hereafter held in trust by the United States for individual Indians or Indian tribes, communities, bands, or nations...and any other lands heretofore or hereafter acquired or set aside for the use and benefit of the Indians."⁷ The Secretary, through the Bureau of Indian Affairs (the "BIA"), has adopted regulations at 25 C.F.R Part 169 to implement the IRWA.

III. Obtaining a Right-Of-Way

a. Application

The BIA right-of-way regulations establish a procedural framework for obtaining an easement over and across Indian lands (i.e., tribal lands and individually owned lands). To obtain an easement, an applicant will first need to contact the local BIA in writing to request information necessary for the easement application. The request should (i) describe the purpose of the proposed easement; (ii) state the duration of the proposed easement; (iii) provide a legal description of the proposed easement; (iv) provide the applicant's contact information; (v) request a public title status report (TSR) (i.e., title report) for the affected lands and the name(s) and address(es) of the Indian landowner(s); and (vi) if needed, may request that the BIA correspond by email.⁸ The BIA will typically respond to the applicant's written request within five days.⁹ The response will include the following documentation: the easement application, a standard letter of intent to notify the Indian landowner(s) of the applicant's intent to apply for an easement, Indian landowner contact information, and a public title status report (i.e., title report) for the affected lands.¹⁰ The easement documentation is meant to assist the applicant with its easement application.¹¹ Once the applicant receives the documentation, it should contact the Indian landowner(s)

communications facilities).

7 25 U.S.C. § 323 (emphasis added).

8 *Rights-Of-Way On Indian Lands Handbook*, 52 IAM 9-H, at 11 (Bureau of Indian Affairs, 2022).

9 *Id.*

10 *Id.* at 12.

11 *Id.* at 11

as soon as possible to obtain consent and negotiate compensation.

b. Consent

For tribal lands, an applicant must first obtain the tribe's consent in the form of a written authorization or agreement before the Secretary of the Interior ("Secretary") can grant an easement over and across the affected lands.¹² For individually owned lands, an applicant must first obtain the written consent of a majority of the individual Indian landowners before the Secretary can grant an easement over and across the affected lands; provided, however, the Secretary may grant an easement over and across individually owned lands without Indian landowner consent if certain specified statutory conditions are met.¹³ For these reasons, it is critical that an applicant contact the BIA at the outset so that the BIA can provide guidance on the consent requirements regarding the specific tract of tribal or individually owned land.

c. Compensation

Federal law precludes the Secretary from granting an easement over and across Indian lands without compensation that the Secretary determines to be just.¹⁴ For tribal lands, the BIA will generally defer to the tribe to determine whether compensation is just and will not require a valuation if the tribe submits a written tribal authorization expressly stating that the tribe (i) has agreed upon compensation satisfactory to the tribe; (ii) waives valuation of the proposed easement; and (iii) has determined that accepting the proposed compensation and waiving valuation is in the tribe's best interest.¹⁵ Alternatively, a tribe may request that the BIA conduct a valuation of the proposed easement as part of negotiations.¹⁶ If the BIA conducts a valuation of the proposed easement and provides the valuation to the tribe, the BIA will still defer to the tribe's decision to accept any compensation that the tribe negotiates with the applicant.¹⁷ If the tribe and applicant cannot agree on compensation for the proposed easement, the BIA will require that the applicant pay the tribe the fair market value of the easement based on the valuation.¹⁸ Typically, the BIA will not require a periodic review of the adequacy of compensation or adjustments for tribal lands unless the tribe negotiates for periodic reviews and adjustments.¹⁹ The BIA is not as deferential when dealing with individually owned lands. For these

¹² 25 U.S.C. § 324; 25 C.F.R. 169.107.

¹³ *Id.*

¹⁴ 25 U.S.C. § 325.

¹⁵ 25 C.F.R. 169.110.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ 25 C.F.R. 169.111.

lands, the BIA will generally require compensation of not less than the fair market value set forth in a valuation and require a review of the adequacy of compensation every fifth year unless certain narrow conditions are met.²⁰

d. Process for BIA Approval

The BIA will approve the easement application and grant the proposed easement only after the BIA determines that the easement is in the best interest of the Indian landowner(s).²¹ The BIA makes this determination (i) after review of all the easement documentation; (ii) identifying compliance with the National Environmental Policy Act (NEPA) (i.e., BIA staff reviews and ensures that the environmental document addresses the potential environmental and adverse impacts caused by the BIA's approval of the easement); and (iii) requiring modifications or mitigation measures necessary to satisfy all legal requirements.²² The BIA's decision to grant or deny an easement will be in writing and the BIA will grant the easement unless the applicant has failed to comply with the right-of-way regulations or the BIA finds a compelling reason to withhold the grant in order to protect the best interests of the Indian landowner(s). In most cases, however, the BIA will defer, to the maximum extent possible, to the Indian landowners' determination that the easement is in their best interest.²³

IV. Conclusion

Indian reservations, like all communities, require critical infrastructure in order to attract sustainable development. For many tribes and local utilities, the Infrastructure Investment and Jobs Act presents additional funding opportunities to develop this infrastructure. However, funding infrastructure is only one part of the equation. A successful utility project requires adequate siting, and adequate siting within Indian country requires an understanding of how to obtain the requisite federal approvals to develop infrastructure facilities.

Rahsaan J. Tilford currently serves as Deputy General Counsel for the Agua Caliente Band of Cahuilla Indians (ACBCI) in Palm Springs, California. His transactional and advisory practice focuses on advising ACBCI and its commercial enterprises on sovereignty and jurisdictional issues, economic development, real estate, construction law, land use, environmental law, contracts, and taxes.



²⁰ 25 C.F.R. 169.112, 169.113.

²¹ 25 C.F.R. 169.123.

²² *Id.*

²³ 25 C.F.R. 169.124.

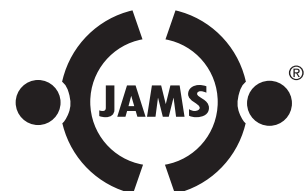


HYBRID ADR AT JAMS

The Best of Both Worlds

Mediation, arbitration and custom resolution processes tailored to meet your needs. Hundreds of skilled neutrals available virtually anywhere. Versatile remote technology. Concierge-level client service and support. State-of-the-art facilities for cases of all sizes. Integrating in-person and virtual proceedings provides the optimum in flexibility, efficiency and convenience. Learn more at jamsadr.com/virtual.

Local Solutions. Global Reach.®



DOMESTIC VIOLENCE, JURISDICTION, AND HOPE IN INDIAN COUNTRY

by Mark Vezzola & Rami Djemal

November is Native American Heritage Month, a time to celebrate the rich culture, traditions, histories, and contributions of the first Americans and learn about the unique challenges they face, both historically and presently. Coming on the heels of Domestic Violence Awareness Month in October, a time dedicated to raise awareness about Domestic Violence and to support survivors, now is a great opportunity to learn about some of the unique challenges faced by Tribal communities regarding domestic violence. Despite recent progress in promoting domestic violence awareness, there is much left to do. Every minute, an average of twenty people are physically abused by an intimate partner in this country – that is over 10 million people per year in the United States alone. Studies show that more than one in three women and one in four men have experienced some form of physical abuse by an intimate partner in their lifetime, while one in four women and one in seven men have experienced severe physical violence (such as beating, burning, and strangling).

While no community is immune from the effects of domestic violence regardless of age, gender, religion, race, ethnicity, socio-economic status, sexual orientation, or education level, Native American communities experience substantially higher rates than others – 55.5% of women and 43.2% of men have experienced physical violence by an intimate partner, higher than any other racial or ethnic group.¹ The National Criminal Justice Center recently concluded that 40% of trafficking victims are identified as American Indian or Alaska Native, while making up only about 2% of the total U.S population. On some reservations, the murder rate of Native women is ten times higher than the national rate.² Unfortunately, data on rates of violence against Natives who identify as members of the LGBTQ+ community are not available.

These numbers are staggering, but also insufficient and under count the actual frequency and severity of domestic abuse and other forms of violence experienced by Native Americans and Alaska Natives. A fraught rela-

tionship with state and federal governments, fears of ostracization from their local community, revictimization by law enforcement, having their children removed from their homes, and until recently, lack of tribal jurisdiction over non-Indian perpetrators are some of the reasons domestic violence goes unreported in tribal communities. The rural nature of many Native communities and, in some cases, a lack of financial resources and scant population mean they are also under-surveyed and underserved. Contrary to popular belief, most tribes do not operate casinos and those that do are not always flush with gaming revenue. The question then becomes, what is being done, what more can be done, and how can you help?

The POWER Act

In September 2018, Congress passed what is known as the POWER Act (“Pro Bono Work to Empower and Represent Act of 2018”). Originally passed with a sunset provision to expire in 2022, in August 2022, the Senate voted unanimously to remove the sunset date. The purpose of the POWER Act is “To promote pro bono legal services as a critical way in which to empower survivors of domestic violence.” It mandates the chief judge of each federal judicial district to “lead not less than one public event, in partnership with a State or local, tribal, or territorial domestic violence service provider or coalition and a State or local volunteer lawyer project, promoting pro bono legal services...” Section 2(5) recognizes the lack of services available to survivors: “According to the National Network to End Domestic Violence, which conducted a survey of almost 1,700 assistance programs, over the course of 1 day in September 2014, more than 10,000 requests for services, including legal representation were not met.”

Section 2(8) recognizes that skilled legal representation is critical to assisting victims of domestic violence to obtain a “protective order...which prevents further mental and physical injury to a victim and his or her family, as demonstrated by a study that found that 83 percent of victims represented by an attorney were able to obtain a protective order, whereas only 32 percent of victims without an attorney were able to do so.” In 86% of the cases in which a victim received an order of protection, the abuse stopped or was greatly reduced.³ Receiving legal

1 Rosay, Andre B., *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016, NCJ 249736

2 Bachman, R. (2008). *Violence Against American Indian and Alaska Native Women and the Criminal Justice Response: What Is Known*. Retrieved from: <https://www.ncjrs.gov/pdffiles1/nij/grants/223691.pdf>

3 Meda Chesney-Lind, James Ptacek, *Battered Women in the Courtroom: The Power of Judicial Response*, 35 Crime, L. & Soc. Change 363 (2001) reviewing James Ptacek, *Battered Women in*

services provides victims with viable solutions to common issues they face involving child care and custody, financial support of themselves and their children, transportation, and housing. This helps break their dependency on their abuser and provides alternatives to their relationships. Unfortunately, only 64% of women who reported needing legal services were able to receive any sort of legal assistance.⁴

Where Can Survivors Get Help and Find Justice?

The field of federal Indian and tribal law is complicated, especially when it comes to tribal criminal jurisdiction over non-Indians. In 1978, the U.S. Supreme Court in *Oliphant v. Suquamish*, 435 U.S. 191 (1978), held that tribes lack the ability to prosecute non-Indians for crimes committed on tribal land (tribes retain this jurisdiction over their own members and members of other tribes) as doing so was inconsistent with their “quasi-sovereign” status. A small, but important shift occurred in 2013 when Congress, in an effort to address the high rate of domestic violence in Indian country, reauthorized the Violence Against Women Act and for the first time offered tribes the opportunity to exercise criminal jurisdiction over non-Indians charged with domestic violence against a current or former intimate partner on tribal land. But there is a tradeoff to enjoy this enhanced jurisdiction: the tribe must provide criminal defendants with certain procedural safeguards that exist in other courts, such as a law-trained judge, laws available to the public, recorded proceedings, and legal counsel available to indigent defendants at no charge.

Despite the groundbreaking changes of VAWA and support for tribal sovereignty, the law is no panacea for tribes or Native American DV survivors. Most tribes have not yet taken advantage of VAWA jurisdiction due to limited resources and/or the costs involved in providing free public defenders. Many rely on local district attorneys to prosecute crimes that occur on tribal lands. Relatively few tribes have adopted domestic violence codes giving tribal courts jurisdiction over non-Indians or domestic violence in general. Some make domestic violence a civil infraction to avoid jurisdictional loopholes but punishments such as fines and exclusion from the reservation are imperfect solutions. Tribal courts can, in some cases, issue protective orders that can then be registered with state courts, but many Native DV survivors worry their privacy is at risk in close knit tribal communities. That leaves the state court system as the sole source of hope and protection.

So where can DV survivors turn for legal assistance? Since 2015, California Indian Legal Services (CILS), originally a sub-grantee of a Legal Assistance for Victims grant awarded to Strong Hearted Native Women’s Coalition (SHNWC) by the Department of Justice, has helped victims of domestic violence to obtain protective orders and

with ancillary legal issues such as divorce, housing, child custody, and support. CILS can provide legal guidance or direct legal representation to clients in Riverside, San Diego, and parts of San Bernardino counties. Our staff consists of a full-time attorney, a part-time attorney, and a legal advocate working exclusively with DV and sexual assault survivors. CILS’s DV legal services are free of charge and we welcome all clients, regardless of Native American ancestry or tribal affiliation. We encourage individuals experiencing domestic violence in Riverside, San Diego, or San Bernardino counties to reach out to CILS for more information and assistance.

How you Can Help

If you are interested in volunteering, you can contact CILS to become part of our “knowledge bank” by contacting:

- Susan Dalati, Esq. at (760) 746-8941 x114 or by email at sdalati@calindian.org, or
- Rami Djemal, Esq. at (760) 746-8941 x117 or by email at rdjemal@calindian.org.

Our staff will also provide an overview of trauma-informed representation, validation, and empowerment, if needed.

Additional Resources

- Strong Hearted Native Women’s Coalition (advocacy, housing and/or financial assistance): 760-644-4781 or <https://www.facebook.com/SHNWCInc>
- Cahuilla Consortium Victim Advocacy Program (advocacy, housing and/or financial assistance): 951-392-1919 or <https://www.cahuillaconsortium.org>
- Avellaka (La Jolla Band of Luiseño Indians) (education, advocacy for women): 760-742-8628 or <https://avellaka.com/>
- Rape Abuse Incest National Network: 1-800-656-HOPE
- National Domestic Violence Hotline: 1-800-799-7233
- National Human Trafficking Hotline: 1-888-373-7888/text 233733
- Native Justice Coalition: www.nativejustice.org
- Global Indigenous Council: www.globalindigenous-council.com

Mark Vezzola is the directing attorney of the Escondido office of California Indian Legal Services. He currently serves as the Chief Judge for the Pala Band of Mission Indians in San Diego County and the Chemehuevi Indian Tribe located in Havasu Lake, California.

Rami Djemal joined California Indian Legal Services as a DV Staff Attorney in 2022 with more than a decade of experience representing and advocating on behalf of Domestic Violence survivors and vulnerable adults, including elders and the disabled.



the Courtroom: The Power of Judicial Response 1999).
4 Michelle C. Black, et al., Ctrs. For Disease Control & Prevention, Intimate Partner Violence in the United States – 2010, at 56 (2014)

THE EROSION OF TRIBAL SOVEREIGNTY

by Allan Fong

Recently in a case captioned *Oklahoma v. Castro-Huerta*, a five-member majority of the Supreme Court of the United States announced that when it comes to crimes committed by non-Indians against tribal members on Indian land, states may exercise their “inherent” jurisdiction over the criminal matter. Justice Gorsuch held no punches in his dissent: “Truly, a more ahistorical and mistaken statement of Indian law would be hard to fathom.”

Dating back to the founding of this country, the history of treaties, statutes, and case law on tribal sovereignty preceding this decision is vast and detailed. And while the holding in *Oklahoma v. Castro-Huerta* ignores much of this precedent, it is still necessary to acknowledge the extensive legal history leading up to this moment in United States history.

The United States Constitution grants the Federal government exclusive authority over Indian affairs, including the ability to enter into treaties with Indian tribes (390 of which have been ratified) or go to war with them.

Despite this explicit grant of power to the Federal government, individual states have continually attempted to claim jurisdiction over Indian affairs through various legislation and lawsuits. In *Worcester v. Georgia*, 6 Pet. 515 (1832), Georgia’s state legislature passed several laws claiming jurisdiction over criminal matters occurring within the territory of the Cherokee nation. The Supreme Court deemed these state laws unconstitutional, holding that “By the constitution of the United States, the establishment and regulation of intercourse with the Indians belonged, exclusively, to the government of the United States.” (*Worcester* at 535.) This holding reaffirmed that Indian tribes were to be treated as separate sovereigns and were not to be interfered with by state authorities (unless and until Congress deemed otherwise).

Then, in 1834, Congress enacted the General Crimes Act (18 U.S.C. § 1152), which granted the Federal government jurisdiction over crimes committed by or against non-Indians on Indian land. Notably, this jurisdiction was not explicitly extended to the individual states.

One year later, the Treaty of New Echota was signed by U.S. officials and representatives of the Treaty Party, a minority Cherokee political faction. Most significantly, this treaty became the legal basis for the Trail of Tears, an infamous relocation of Native Americans that resulted in what could accurately be described as genocide.

As is relevant to the decision in *Oklahoma v. Castro-Huerta*, the Treaty of New Echota also promised that after

relocating, the Cherokee tribe would enjoy the right to govern itself and remain free from “State sovereignties” and “the jurisdiction of any State or Territory.” (Treaty with the Cherokee, 1835.)

Fifty years after the signing of the Treaty of New Echota, Congress enacted the Major Crimes Act of 1885 (18 U.S.C. § 1153). The Major Crimes Act granted the Federal government exclusive criminal jurisdiction over certain enumerated crimes if the defendant is Indian (e.g. murder, assault resulting in serious bodily injury, and most sexual offenses). This was in part a response to concerns with how tribal authorities were handling major crimes committed by tribal members. But still, there was no explicit grant of jurisdiction over such matters to the states.

In 1906, the Senate passed the Oklahoma Statehood Enabling Act, which paved the way for Oklahoma to be admitted into the Union. To become a state, Oklahoma was required to “agree and declare” that it would “forever disclaim all right and title in or to . . . all lands lying within [the State’s] limits owned or held by any Indian, tribe, or nation.”

Forty-seven years later, Congress adopted Public Law 280 (since amended in 1968), authorizing a handful of states to exercise criminal jurisdiction on tribal lands, while establishing a set of procedures (including the procurement of tribal consent) for other states to assume similar authority. Unless a state followed these procedures, it was deemed not to have jurisdiction over such criminal matters. (25 U.S.C. §§ 1321(a), 1323(b).)

Fast-forward to 2020, at which time the Supreme Court decided a case captioned *McGirt v. Oklahoma*. The majority opinion was delivered by Justice Gorsuch, joined by Justices Ginsburg, Breyer, Sotomayor, and Kagan. In *McGirt*, the Supreme Court held that Oklahoma lacked jurisdiction to prosecute a crime committed by or against a tribal member on tribal land.

It is against this extensive historical backdrop that Justice Kavanaugh penned in the majority opinion that Oklahoma enjoys “inherent state prosecutorial authority in Indian country,” without citing a justification for this piece of conclusive judgment. (*Oklahoma* at 2499.)

Although the majority cites various pieces of case law, though none directly on point. Much of the precedent used to decide this case involves civil matters or incidents that either did not occur on tribal land or did not involve an Indian citizen.

In an attempt to justify its outcome, the majority notes that states having jurisdiction over criminal matters on

tribal land can only “help” Native Americans and any victims of crimes committed on their land. More prosecutors and a greater police presence may result in better outcomes for victims and harsher treatment towards criminal defendants, or so the argument goes. But maybe there is reason to believe that Indians’ distrust of state authorities is well-grounded in historical context. Perhaps past attempts of the states to subterfuge Indian tribes into relinquishing themselves of any wealth they obtained from their reservations stand out in the memories of these tribes.

But to focus on the non-jurisdictional questions presented in this case is to miss the argument completely. *Oklahoma v. Castro-Huerta* is a blatant miscarriage of justice that erodes at the already precarious notion of tribal sovereignty. But to those who question the holding of this Court, what is one more broken promise between Native Americans and the New Settlers?

Allan Fong is a deputy public defender with Riverside County. He graduated from the USC Gould School of Law in May 2021, where he served as a board member of the Southern California Review of Law and Social Justice. Any opinions in this article are his personal opinions only.



LAWYER REFERRAL SERVICE of the Riverside County Bar Association

How often do you get a call from a prospective client with a legal need that falls outside your area of practice? You need a resource to quickly refer that caller to a qualified and reputable attorney.

The LRS has been providing referrals to the community since 1968.
(951) 682-7520 or (760) 568-5555

ONE FOCUS.
ONE PRACTICE.
IMMIGRATION LAW.

OFFICES IN ARIZONA, CALIFORNIA, UTAH AND IDAHO

*In Immigration Law, the stakes are always high. It's your business. It's your family. Results matter and you deserve a firm that can deliver. **We are that firm.***



KELLY S. O'REILLY

Founding Partner - Former District Adjudications Officer for the U.S. Immigration and Naturalization Service in Los Angeles and Orange County

W&O'

WILNER & O'REILLY
IMMIGRATION LAWYERS
WWW.WILNEROREILLY.COM

(951) 787-0010

3550 VINE STREET, STE 208 RIVERSIDE, CA 92507

PRINTING & MARKETING SUPPORT

for Legal Firms



Local. Award-Winning. Trusted.

Serving the Riverside County legal community since 1968.

STATIONERY

- Letterhead
- Business Cards
- Envelopes
- Mailing Labels
- Notary Stamps

ORGANIZATION

- Binders
- Custom Folders
- Forms
- Labels & Seals
- Rubber Stamps

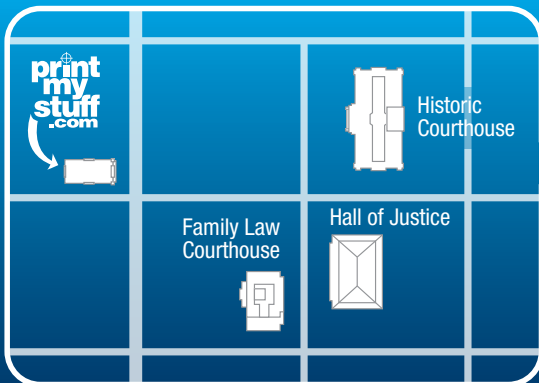
PROMO ITEMS

- Pens
- Notepads
- Sticky Notes
- Thumb Drives
- Tote Bags

SECURE DOCUMENT SERVICES

- Shredding
- Scanning
- Exhibits

...and so much more!



Located in the heart of Riverside's Legal District

Riverside 4093 Market St
951.682.2005

Corona 501 E. Sixth St
951.737.1820

RCBA PAST PRESIDENT: RAYMOND BEST

by Chris Jensen

According to community lore, Raymond Best commenced his law practice in 1892 when he purchased the law library of John G. North, the son of Riverside's founder John W. North.¹ And supposedly, the rest is history.

Raymond was born in Indiana in 1868 to James William Best and Jane Comstock. His father, James Best, was born in Kentucky, married in Tennessee, and farmed in Indiana. By 1860, James was a common school teacher having had two years of a college education. James was an ardent Methodist, purportedly having never touched tobacco or the demonic drink. James' sons, Raymond and Ralph, attended DePauw University. Raymond graduated from DePauw in 1889 and Ralph graduated in 1890.

Raymond's first career was as an elementary school teacher with a salary of \$45 per month. Not satisfied with the income, Raymond sought a career path change and "read the law" for one year. But his time reading was interrupted.

In about 1890, James Best moved his family west to Riverside, California. Raymond described the move being in an "emigrant outfit," a railroad box car filled with all of the family belongings, which included four horses.

In Riverside, Raymond continued his law studies in the office of E. B. Stanton. That effort resulted in Raymond Best being admitted to practice law by order of the California Supreme Court on the morning of April 8, 1891.

Raymond Best's first reported "hanging of his shingle" was in September 1891 in south Oceanside. The community was relatively new; a rail line having been constructed in the early 1880's from Los Angeles to San Diego via Temecula and Fallbrook to the coast. By 1890, Oceanside had a wharf that was being subdivided and growth for the area appeared to be the way of the future. However, Raymond didn't stay long enough to experience it.



Raymond Best

Raymond returned to Riverside in late 1891. Shortly thereafter, Raymond, now 24, met and married 20-year-old Jennie D. Curtis, a native of Arkansas. The marriage took place in Los Angeles.

Unlike Raymond's contemporaries in the law at the time, Raymond was not to be found in common publications regarding any particular legal representation. Raymond's initial success was in the real estate title business.

By May of 1894, Raymond and four others incorporated the Riverside Abstract Company. Abstracting was the precursor to title insurance. In abstracting, an attorney would review a chain of title and provide a legal opinion as to the sufficiency of the title subject of a transaction; is the buyer acquiring title free and clear?²

Over the next decade, Raymond worked to grow his title business, which regularly consisted of a daily trip to the San Bernardino and Riverside County Recorders to review public title records followed by drafting and presenting his findings.

By the turn of the century, Raymond had become involved in the Riverside community. He was respectable enough to be welcomed in public speaking on topics such as "The Foundation of Success" and "Literature" in general.

Raymond became a member of the Riverside Present Day Club, along with fellow attorney's A.A. Adair, W.A. Purrington, and Miguel Estudillo. The Present Day Club's principals were: no rules, no by-laws, no preaching nor profanities, the purpose for which being to encourage discourse on important topics of the time, dining in full dress and occasional musical enlightenment. An example of the topic of discourse was the Monroe Doctrine and diverse opinions thereabout. Another example was the February 1913 ratification of the 16th Amendment to the U.S. Constitution which allowed the Federal Government to tax individuals; our modern income tax system was born. Raymond, as chair of the Present Day Club, organized the discussion of the new process. In 1922 he became a mem-

1 It may be an accurate fact that Raymond purchased the law library as believed, but it seems illogical it occurred in 1892. Most likely Raymond purchased the library, and desk, after John G. North died in 1910. John North was still actively practicing law up to his unexpected untimely death. Moreover, Raymond's profession of choice was running his Title Abstract company up to 1915.

2 Nowadays title insurance companies also complete an abstract of the chain of title, but also provides insurance that the title being purchased is free and clear (or with notable exceptions) of defects.

ber of the Riverside Lions Club and remained as such for the rest of his career.

Raymond was also a member of the Knights of Pytheus with legal colleague Miguel Estudillo. The Pythegoran were known to have their midnight advancement ceremonies under the full moon atop Mt. Rubidoux.

By 1906, discourse arose in the ownership of the Riverside Abstract Company. Fellow shareholder, W. L. Koethen, holder of 171 shares of stock, sued Raymond, holder of 338 shares, and the Company, demanding an accounting. Raymond had appointed his father, mother-in-law and brother-in-law to the board of directors and with a majority gained approval of a hefty annual salary of \$2,500. Koethen contended Raymond's services were only worth \$1,500 a year and that in 1902, Raymond misappropriated \$270.02 and again in 1903, an additional \$389.52. How the dispute was resolved is not known.

The Riverside Abstract Company legal dispute did not hurt Raymond's stature in town. By 1908 Raymond was requested by then Mayor S.C. Evans to join a committee to consider the practicality of building a new City Hall.

By 1913, Raymond expanded his business reach by incorporating with others the banking institution of People's Loan and Trust Company. The purpose was to finance real estate transactions. That venture operated in the same building with the Riverside Abstract Company.

As if he was not busy enough, Raymond was active in his Methodist Church and was reported to be an assistant teacher for the Brotherhood Bible Class. He was also an ardent photographer, actively involved in the Riverside Camera Club and occasionally hosting club exhibitions of his work.

The Best family was like the many others in the Inland Empire, who, if they could afford to do so, escaped to the beach to beat the summer heat. Laguna was the choice for Raymond and his family, as it was for Glenwood Mission Inn owner Frank Miller and his sister.

In 1915, Raymond sold his interest in the Riverside Abstract Company. Raymond's general practice of law followed.³ For the next several years, Raymond's practice included cases covering real estate fraud, divorce, probate, business transactions, to name a few areas.

By 1918, Raymond decided to run for District Attorney. His opponent was Loyal C. Kelley. Raymond did not receive a single endorsement, professing in an advertisement that pandering for endorsements would be un-American. Needless to state, Raymond was soundly beaten by Kelley 4,246 votes to 2,985.

³ As stated in footnote 1, John G. North died in 1910 while in London representing the California Bank of San Francisco; North was still actively practicing law and one would assume still required his law library. John North and Raymond were charter members of the Present Day Club founded in 1902 and more likely than not, good acquaintances. Perhaps Raymond acquired North's library from North's estate.

1918 is also notable as the year, Raymond's son, Raymond Eugene (Gene) Best, passed the California State Bar and was admitted to practice. Gene did not initially commence to practice law as he remained an escrow clerk with Riverside Abstract Company. However, by 1922, after having moved around Northern California in the Title Industry, Gene returned to Riverside to join his father in the practice of law. They announced the team as "Raymond Best & Eugene Best" attorneys.

By 1925, Raymond made his son a partner; Best & Best as it was known. Best & Best continue in that form until 1941 when John G. Gabbert was made a partner resulting in firm being renamed Best, Best & Gabbert.

Raymond Best never wavered from his community involvement. He could be found as a participating citizen at a public meeting to voice concern over the possible danger foisted upon animals at the local animal shelter; the new natural gas recently installed was rumored to be killing animals. Raymond also argued before the City Council to protest against heavy truck traffic on residential streets during the night hours. And as early as the mid 1920's, Raymond decried Riverside was getting too large due to the influx of individuals to the area from out of state.

When Raymond began his actual involvement in the Riverside Bar Association is not known, but he was part of the 1922 Riverside County Bar Association committee to change its Constitution to improve participation.

By 1925, Raymond Best was elected president of the Riverside County Bar Association. His working board included W. G. Irving, vice president, K. E. Schwinn, secretary, R. J. Welch, Jr., treasurer and trustees, C. L. McFarland, Frank Miller, and Lyman Evans.

Raymond Best was a devoted Republican. He supported tariffs to bolster California industry. During the Depression, he was a vigorous opponent of Franklin D. Roosevelt's New Deal and its expenditures.

The 1930's in California politics was not that dissimilar to politics of the decade of 2010. Because of the Depression, social upheaval was at the forefront, including strong movements to create programs considered a move from capitalism to socialism. Opinions were polar opposite, strong and hostile. For example, the famous novel *The Grapes of Wrath* was published in 1939 and described as a great depiction of the national plight of the downtrodden. A book reviewer of the novel described the book as something the "unregenerate conservative" should not read. Raymond Best, a conservative Republican of the time, would have been considered one of those "unregenerate conservatives." Another example of the divide was Upton Sinclair, the Bernie Sanders of the time. Sinclair, an author and radical Socialist, who ran for California Governor, was openly considered by the

Riverside Republican Central Committee,⁴ within which Raymond was very active, the “political enemy.”

By the end of the 1940’s, Riverside County was finally receiving its third Superior Court Judicial position. In 1949, Governor Earl Warren had twelve possible candidates to fill the new position, Raymond Best being known as one of them. However, it was a 13th person who received the offer for the judgeship, Raymond’s partner, John Gabbert. John was an active Republican just as was Raymond. The difference may have been that John’s father was a highly connected and very well-liked publisher. John accepted the governor’s offer. Best, Best & Gabbert became Best, Best & Krieger and has remained such to this day.⁵

For years, Raymond could be recognized driving from his home on little Mt. Rubidoux to his office in his 1929 Cadillac. He drove that same car until he gave up driving at 83 years of age; he regularly claimed cars weren’t made like they used to be.

At the age of 86, Raymond decided it was time to retire from the firm. When asked about his success in life, he credited longevity.

Raymond was fondly described in a 1952 Riverside County Bar Association magazine as having a real wit and a colorful language, which earned him quite the reputation as both a thoughtful and humorous after dinner speaker.

Raymond Best died in 1957 at the age of 89. His extensive library of over 2,000 books and periodicals, undoubtedly still holding some of the original John G. North acquisition, was donated by Raymond’s wife to the University of California, Riverside.

Chris Jensen, Of Counsel in the firm of Reid and Hellyer, is president of RCBA Dispute Resolution Service, Inc. Board of Directors and chair of the RCBA History Committee.



⁴ Raymond was the Chairman of the Central Committee in 1930 and 1931 and eventually was the co-chairman for the 1940 Riverside, San Bernardino and Orange Counties Joint Committee Convention

⁵ In 1952, Best, Best & Krieger had 5 attorneys. One year later the firm had 6



“We provide our clients what they need, when they need it.”

Mediators/Arbitrators with a Proven Track Record

- Hon. Craig Kamansky, Ret.
- Timothy R. Graves, Esq.
- Rande Sotomayor, Esq.
- Hon. Lawrence Crispo
- Donald Haslam, Esq.
- James Spaltro, Esq.
- Comm. Jeff Castner
- Stephen Hewitt, Esq.
- James Tierney, Esq.
- Comm. Kathleen Bryan
- David Jafari, Esq.
- Jason Turner, Esq.
- Jeanne Behling, Esq.
- Mark D. Johnson, Esq.
- David J VanTil, Esq.
- Kevin B. Bevins, Esq.
- Linda Klibanow, Esq.
- Ron Vera, Esq.
- Lt. Col. Darryl Darden, J.D.
- Jay Korn, Esq.
- Thomas Watts III, Esq.
- John Fuchs, Esq.
- Gregory J. Lucett, Esq.
- Steven Weinberg, Esq.
- David Golia, Esq.
- Marina Macchiagodena, Esq.
- Ron White, Esq.
- Steven Geeting, Esq.
- Gerald Mouzis, Esq.
- Erik Woodbury, Esq.
- Timothy Younger, Esq.

and many more!

18013 SkyPark Circle • Irvine, CA 92614

3175 Sedona Court, Suite E • Ontario, CA 91764

215 N. Marengo Avenue, 3rd Floor • Pasadena, CA 91101

Phone: (909) 466-1665

Email: Petere@IVAMS.com

For a complete list of all our mediators and detailed bios, visit www.IVAMS.com

Save the Date

Riverside County Bar Association MCLE MARATHON

In-person at RCBA building

Friday, January 13, 2023

MCLE Credit: 4 Hours Total

(1 hour Competence Issues, 2 Hours Legal Ethics, 1 Hour Bias)

You may attend all or only the session(s) in which you need credits.

More info will be forthcoming.

Compliance Group 3 (N-Z)

Compliance Period: 2/1/20 – 1/31/23
Deadline to Report: February 1, 2023

For compliance groups who must report for the period ending on January 31, 2023, and thereafter.

➤ Special Requirements:

- At least four hours of Legal Ethics

- At least one hour on Competence Issues

- At least two hours dealing with Elimination of Bias. Of the two hours, *at least one hour must focus on implicit bias and the promotion of bias-reducing strategies.*

Compliance information is available on the State Bar’s website.

THE RCBA ELVES PROGRAM - SEASON XXI

by Brian Pearcy

Where were you in 2002? The proverbial “they” say: “Time flies when you’re having fun!” and it is hard to believe that time has flown this much, but the indisputable fact remains—this Christmas, your RCBA Elves Program will have helped to provide Christmas to local families in need for twenty-one (21, yes, XXI) years! This will be our 21st opportunity to show the local community that supports us that we care and do give back. This year we are working with the following organizations to identify families in need: the Riverside County Probation Department, the Family Justice Centers in Riverside, Murrieta, and Indio, Wealthykids.org, and the Lighthouse Social Services.

As I write this, I have no sense of the numbers yet, but I am anticipating that we will still be facing more needy families this year than last year. Hopefully we will not find things to be as bad as they were when the economy faltered back in 2008 and 2009. Regardless, your RCBA will be there to allow the RCBA Holiday Elves to do what we do best... provide opportunities for you, your family, your staff, your colleagues and friends to become an Elf and share your time, talents, and interests with these local families in need.

So, the two big questions for you are these:

1. How many Elf categories do you want to participate in this season?
2. How many people can you recruit to help?



Shopping Elves in 2016: Nesa Targhibi, Priscilla George, Breanne Wesche and Erica Alfaro.



Head Elf Brian Pearcy

Shopping Elves

We will again be shopping at Riverside’s Walmart Supercenter located at 6250 Valley Springs Parkway, Riverside, 92507, this year on Monday, December 12, 2022 starting at 4:00 p.m. Please arrive no later than 5:30 p.m. if you are a Shopping Elf this year, so that we can try to wrap-up at Walmart and get the purchases transported to the RCBA at a “decent hour.”

- As a Shopping Elf, you will receive a Christmas “wish list” from your adopted families. Your job is simple—shop and fill your basket with as many gifts as possible within the dollar amount given

to you at the start of the evening by our Head Elf, Brian Pearcy.

- This is a real opportunity to test or show off your “value” shopping skills. Many of our Shopping Elves have made this a family affair using its younger members to assist in selecting the “cool” gifts for the kids while learning about the value of charity and the joy of giving to the less fortunate.

- Some law offices bring their entire staff and are joined by their families and make this a night of bonding. Whatever the motivation, please put on an Elf cap and come and join us. A good time will be had by all!

- Last year, we also asked every shopping Elf to stay with their shopping carts as they moved through the checkout queue.

- As always, if you’d like to stay and help with the bagging and tagging process (which involves ensuring the bagging of the gifts at the registers is organized by family member), your assistance would be welcomed.

Wrapping Elves

Meet on December 14 and 15 starting at 3:30 p.m. at RCBA

- After the Shopping Elves finish their job, Wrapping Elves swing into action. Wrapping Elves must ensure that all the gifts are tagged and assembled by family to allow for easy pick up and distribution by the Delivery Elves.

- I’m happy to report that “Wrapping Night” is back! COVID protocols kept us away from each other and the RCBA for two seasons and the loss of camaraderie

was felt. However, some people, especially those who wrapped and delivered, like the experience of picking up and wrapping all in one trip. So this year we are going Hybrid.

- Once again, we will also ask those Wrapping Elves who are wrapping off-site to come to the RCBA on December 14 and 15 to pick up a bundle of gifts and wrapping supplies. You will then have 2 days to wrap and/or to take the gifts back to wrap at your home or office (fun for the whole family or staff!) and return the gifts to the RCBA offices by December 16, so they can be made ready for the Delivery Elves to pick up.

- If you happen to be one of those very generous elves who wraps and delivers, then you will not have to return the wrapped gifts back to the RCBA, but you will have to return to the RCBA to turn in your wrapping supplies and pick up the delivery instructions and gift cards so you can make arrangements to deliver to the families with the date and times that work within your schedule.

To help us plan, I would like all Wrapping Elves to contact the RCBA and/or Anna Gherity at agherity@bpearcyllaw.com by **no later than December 9 to identify themselves and their email address**. Remember, excellent wrapping and organizational skills are welcomed, but are not required.

Delivery Elves

December 16 to 24—RCBA

- If you need a way to kick-start the warm holiday glow inside and out or just want to feel like Santa on Christmas Eve, this is it! Over the years, many members have expressed that delivering gifts to the families was by far one of the most heart-warming Elf experiences. It is also a good opportunity to teach your young ones early the rewarding feeling we get in helping those less fortunate than themselves. When signing up, please contact Anna at agherity@bpearcyllaw.com and inform us of the type of vehicle you have, so we can match the number and size of gifts to the storage area available in your vehicle.

- Depending on the total number of families adopted, Delivery Elves are needed to personally deliver the wrapped gifts to each of our families from December 16 to 24, **picking up your packages at the RCBA by December 21**.

Money Elves

Checks are made payable to the RCB Foundation and write “Elves Program” in the memo section of the check; please send in donations by December 9.

- The Money Elves provide the means necessary for the other Elves to shop, wrap, and deliver presents to the families we adopt. Donations received will fund gifts



Delivery Elves in 2009: Pam and Bill Bratton

purchased from Walmart and the purchase of gift cards from Stater Brothers, so the families can buy food for a nice holiday dinner, and the purchase of gas cards, so they can get to the grocery store. The more money we raise means a greater number of families we can assist. Remember our goal is 60+ families this year.

- You can really help us by sending in your donation early since it allows us to determine our budget for the number of families we help. The majority of funds need to be donated no later than December 9, to allow for the big shopping night, but late donations can still be used for the food and gas cards. Please note, even if you are a procrastinator, we will accept money after December 20. Monies received this late will be applied to any last minute “add on” families or will be saved to get us ahead on donations for next year.

- The Riverside County Bar Foundation is a 501(c)(3), so all donations for this project are tax deductible. The RCB Foundation Tax ID# is 47-4971260. Please send your checks directly to the RCBA. We thank you in advance for your holiday generosity.

To become a Shopping, Wrapping, Delivery, or Money Elf (or a combination of these), please phone your pledge to the RCBA at (951) 682-1015 and email your name and desired Elf designation(s) to one of the following: Charlene Nelson (charlene@riverside-countybar.com), Lisa Yang (lisa@riversidecountybar.com), Brian Percy (bpearcy@bpearcyllaw.com), or Mr. Percy’s assistant, Anna Gherity (agherity@bpearcyllaw.com). You can also reach Anna at 951-686-1584.

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

Brian C. Percy is past president of the RCBA and is the chair (i.e. “Head Elf”) of the Elves Program.



OPPOSING COUNSEL: EUGENE CRISTIANO—THE MEDIATOR

by Betty Fracisco

Looking for a mediator who's familiar with many areas of the law? Eugene Cristiano, who is a panelist with the Riverside County Bar Association's (RCBA) Dispute Resolution Service, may be your man. He's been mediating for years and has an impressive success rate. To understand why he's able to mediate cases in a variety of legal areas, one needs to explore his background.

"Gene" was born in Cleveland, but after nine months his parents moved to Alhambra, where he spent his childhood. His father was an insurance underwriter in downtown LA and Pasadena, a graduate of the University of Colorado with two years of law school, who eventually was a surety underwriter and officer of Fremont Insurance. His mother stayed home to take care of Gene and his older brother until he was 12, when she worked as a bookkeeper, eventually becoming a corporate accountant. Gene and his brother played football and became competitive swimmers for the El Monte Aquatics. At the age of 14 he was part of a relay team that placed 4th in the nation in an age-group relay. Every summer, the family would spend time at Huntington Beach and when they got older, the boys would go to the beach after swim practice. Like typical southern California boys, they spent a lot of time at the beach.

In elementary school, Gene was in MGM classes, so his thoughts of the future were limited to going to college and getting a job, maybe as an oceanographer. At Alhambra High School, he swam a while, played football, and was in Key Club. Academically he did okay, enough to get into University of California, Irvine (UCI). He started as a pre-med until he hit chemistry, so his roommate introduced him to social ecology and criminal justice, which led to an interest in law. Although he ended up majoring in social ecology, he had a six-month internship with the Orange County Public Defender's Office and a six-month internship with Professor Dimento, working on a project concerning the police use of deadly force.

During all those years, Gene never lost his love of the water and swimming. He was a lifeguard from the



Eugene Cristiano

age of 17 to 22 or 23. Then at the age of 23, he served as the Aquatics Coordinator for the City of El Monte.

Gene said there were three individuals who greatly influenced his life. The first was Ben Schaefer, from whom he took intro to criminal justice at UCI. Schaefer introduced him to CIGI, a career information guidance computer, which told him that two future careers matched his interests, namely mediator and lawyer, amazingly the two careers in his life at the present time.

From a young age, Gene had law in his life. His godfather was a patent attorney and an uncle was a deputy district attorney. After his experiences at UCI and with Ben Schaefer, he decided to attend Southwestern law school, where he was on the Dean's List "the whole time" and made Law Review. During law school, he secured a job as a law clerk with Kern & Wooley, an aviation defense firm. He started with a summer clerkship, then was a junior assistant for two years. After he passed the Bar in 1983, he worked as an attorney for Kern & Wooley, a firm with "big clients" and an unlimited budget. This is where he met the second individual who greatly influenced his life, Gene Wooley. Wooley taught him the reality of legal ethics and the proper way to practice law. He stressed that a good reputation was the most important thing a lawyer could possess. It was also at Kern & Wooley that Gene was part of a team of lawyers involved in the highly publicized Vic Morrow/Twilight Zone case.

After two years, Gene went to work for Wilson, Elser, Moskowitz, Edelman & Dicker, a New York coverage and litigation firm that stressed billable hours, 2,200 of them for the "partner track." He worked in products liability, aviation, and specialized risk, including marine. He became a proud member of the defense bar, even becoming active in the Association of Ski Defense Attorneys. He says he "learned a lot." In 1986, he had his first jury trial, a products liability case he called "an extension ladder trial."

In 1990, Gene left Wilson, et al, due to "big firm politics" and since he had always wanted to be with a small firm, he went to work for "a guy in Covina," David

Selinger, the third individual who greatly influenced his life. David taught him spirituality and how to balance law and family. David specialized in real estate, and Gene became the firm's litigation department for five years. The Law Offices of David Selinger was well known in West Covina and had lots of business clients who were involved in light industry. At first they would send out their family law cases, but in 1992, Gene started taking family law cases, representing judges, among other clients.

On July 1, 1995, Gene started his own firm. He calls himself a "litigator by trade." One year in, he hired an associate, James Willard, who remained with the firm until he retired two years ago. The firm originally represented clients in family law, business, real property, real estate, personal injury, and bankruptcy. At one point, they stopped handling personal injury litigation. Gene said that he became a lawyer to help people and that has been the guiding principle of the firm since its founding.

In 2002, the primary practice areas became family law and mediations, and that continues to this day. He was on the Los Angeles County Superior Court's media-


tion panel, doing one-two civil mediations a week. Insurers also hired him for mediations.

In 2010, he became active in the RCBA's Dispute Resolution Service, mediating all varieties of cases, including probate and undue influence cases. He assisted in DRS's trial assignment mediation (TAM) program in the Riverside Superior Court and also in the family law (VSC) program in Judge Jackson Lucky's department. In recent years, family law mediations disappeared due to COVID. Overall, Gene estimates he has settled 90% of the cases he's mediated. When he initially interviews new clients, he determines whether their case would be amenable to mediation and then proceeds appropriately.

It would be difficult to find a lawyer with more history and experience in mediations and with such a high level of success. We suspect he had to mediate with his wife of 13 years to get her to agree to take the photo included in this article. Apparently, he's quite persuasive.

Betty Fracisco is an attorney at Garrett & Jensen in Riverside and a member of the RCBA Publications Committee.






CAMS

CALIFORNIA ARBITRATION & MEDIATION SERVICES

PREPARATION · PERSPECTIVE · PATIENCE · PERSISTENCE

(951) 226-1776

PREMIUM ADR SERVICE






Don Cripe



Debbie Kneafoss, CFS




Susan S. Aziz



Thomas C. Watts, II, LL.M.



Susan Ruggs Esq., LL.M.



John F. Lopez



Charles E. Hays, Esquire

JUDICIAL PROFILE: HONORABLE SUNSHINE SUZANNE SYKES— TRAILBLAZER AND ROLE MODEL FOR OUR LEGAL COMMUNITY

by Sophia Choi

As we celebrate National Native American Heritage Month in November, I am so pleased to write about United States District Judge for the Central District of California, Honorable Sunshine Suzanne Sykes, a true trailblazer and role model for our legal community. Judge Sykes was born on the Navajo Nation in Tuba City, Arizona. She spent most of her early years in Tuba City as well as in the border town of Gallup, New Mexico. Judge Sykes is a member of the Navajo Nation. Growing up primarily in Gallup, New Mexico, a town that was on the border of the Navajo reservation, Judge Sykes was no stranger to discrimination, and from that, she instilled within herself a strong sense of duty to the community for equal justice.

Judge Sykes was nominated by President Joe Biden for the federal judgeship on December 15, 2021. Her hearing before the Senate Judiciary Committee was on February 1, 2022, and her nomination was reported to the Senate floor on March 10, 2022. The Senate confirmed Judge Sykes' federal judgeship on May 18, 2022. Having been recognized in our legal community as a true trailblazer, once again, Judge Sykes has paved the way as a role model for so many. She is the first Native American Article III judge in California, the first Article III judge from the Navajo Nation, and the fifth Native American Article III judge actively serving in the country.

It was an honor to be a part of her special day when she was sworn in. Her family and close friends were present to celebrate and congratulate. Judge Sykes said she really enjoys her new journey. When asked what the biggest difference is from a state court judge to a federal district court judge, she said that it is that she is not assigned to a particular area of the law; instead, she is assigned to all areas, civil and criminal, coming within federal court jurisdiction. She has readily accepted this new challenge and commented that she is always receptive to challenges and continued development.

Prior to her federal judgeship, Judge Sykes served as a judge on the Riverside County Superior Court bench for approximately a decade following her appointment



Hon. Sunshine Suzanne Sykes

by Governor Edmund G. Brown in 2013. She became the first Native American judge to be appointed in Riverside County. During this time, Judge Sykes presided over civil matters, including over 90 trials. Since 2019, she presided over matters in the complex civil litigation department and was presiding judge over the Superior Court's Appellate Division, presiding over misdemeanor and limited civil appeals. Judge Sykes also served on the court's Alternative Dispute Resolution, executive, and personnel committees. Additionally, in 2015, Judge Sykes was appointed by California Supreme Court Chief Justice Tani Cantil-Sakauye to the Tribal Court-State Court Forum, an advisory committee of the Judicial Council to bring together tribal judges and state court judges to address issues affecting tribal communities.

I met Judge Sykes in 2006 when we both served the public as a deputy county counsel prior to her appointment to the bench. Since then, we have maintained our friendship, and it has always been nice to watch her trailblaze. Judge Sykes served as a Deputy County Counsel for the Riverside County Office of County Counsel from 2005 to 2013, where she represented the Department of Public Social Services in juvenile dependency matters, enforced subdivision bonds and agreements, assessed risk management cases, and handled Registrar of Voters actions. Prior to that, she was a contract attorney with the Juvenile Defense Panel in Riverside County from 2003 to 2005, providing representation to parents and minors in juvenile dependency and delinquency proceedings. It was this job with the Juvenile Defense Panel that brought Judge Sykes to us in Riverside County. As a deputy county counsel and contract attorney for the Juvenile Defense Panel, Judge Sykes continued to become well-versed in the Indian Child Welfare Act and provided various legal trainings on it. Prior to her experience as a contract attorney for the Juvenile Defense Panel, she worked as a staff attorney from 2001 to 2003 at California Indian Legal Services.

Judge Sykes received her Bachelor of Arts degree, with departmental honors, from Stanford University in



Judge Sykes at the top of Mt. Whitney

1997. She received her Juris Doctor degree from Stanford Law School in 2001.

In her free time, Judge Sykes enjoys spending time with her four daughters and being outdoors, hiking, camping, and going to the beach. She recently climbed Mt. Whitney with her eldest daughter, calling it the most difficult physical feat she has ever accomplished in her life, but also one that was full of beauty. When she has time, she also enjoys reading a good book

Since the beginning of her legal career in 2001, Judge Sykes has strived to make a difference in the community, but particularly through sharing her story to encourage youth from underrepresented communities to seek a career in the legal field. She has strived to ensure that youth from all walks of life know that a career as a lawyer or a judge can be part of their future. I am excited to see her continued contribution to our legal community as she presides over the Eastern Division, in the Central District of the State of California.

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



The Riverside County Bar Association would like to thank the following sponsors for their generous contributions to the Installation Dinner on September 22, 2022.

Platinum Sponsors

Larson LLP

Daniel Hantman



RIZIO LIPINSKY
PERSONAL INJURY & EMPLOYMENT LAWYERS



RCBA Dispute Resolution Service, Inc.
A Nonprofit Corporation



Law Offices of Maryann P. Gallagher



THE LAW OFFICES OF
DAVID HORTON, ESQ.
AND ASSOCIATES

Gold Sponsor

Print Sponsor

Law Office of
Harlan B. Kistler



Silver Sponsors

Judge Gloria & Gordon Trask
Markarian Law Group
Lenita Skoretz, Attorney at Law



HADLEY BAJRAMOVIC
IMMIGRATION LAW



Elisabeth A. Lord C.F.L.S.
Attorney at Law



VARNER & BRANDT



Bronze Sponsors



Judge Stephen Cunnison (Ret.)

Judge Wilfred J. Schneider



Brian Unitt

Canyon Children's Legal Services



Safeguarding a Brighter Future



MEMBER OF AMERICAN ACADEMY OF ESTATE PLANNING ATTORNEYS

CLASSIFIEDS

Office Space – Downtown Riverside

Riverside Legal & Professional Center. Downtown Riverside walking distance to Courthouse. Private Executive Suite offices, virtual offices and conference rooms rental available. We offer a state of the art phone system, professional receptionist and free parking for tenants and clients. Accessible from the 91, 60 and 215 freeways. (951) 782-8089.

Legal Malpractice

Certified Specialist by the State Bar of California Board of Legal Specialization. Referral Fees Paid. California and Nevada. 760-479-1515, Joel@SelikLaw.com.

Judgment Collections

California and Nevada. Referral Fees Paid. 760-479-1515, Joel@SelikLaw.com.

Nevada

Referrals or Pro Hac Vice. Nevada since 1985. 702-244-1930, Joel@SelikLaw.com.

Contract Attorney Available for Legal Research/ Writing

Freelance attorney available to provide legal research and writing services to other attorneys on a project-by-project basis. Former judicial law clerk to federal judge in San Diego for three years. Licensed in California. For more information, please visit www.meghandohoney.com.

Palm Desert Law Firm Seeks Attorney and Paralegal

The Law Office of Karen J. Sloat in Palm Desert seeks a senior paralegal and an attorney with 2+ years experience in labor law for our premier law practice. Please submit resumes to Brittany@KarenSloatLaw.com.

Sale of Law Practice

Sale of existing Personal Injury and Workers' Compensation law practice with staff and lease. Terms negotiable. Turnkey operation of 32-year old practice. Will train. Please contact Owen L. McIntosh at lomac5@yahoo.com.

Seeking Deputy City Attorney, Civil Litigation

Riverside City Attorney's Office is hiring a civil litigator. Apply at: <https://www.governmentjobs.com/careers/cityof-riverside>. We offer flexible work schedule options: 9/80; 4 ten-hour work days with Fridays off; telecommute 2 days a week; and employees select start times ranging from 6:00 a.m. to 9:30 a.m.

Seeking Part-Time or Contract Attorney

Riverside Legal Aid seeks part time or contract attorney to handle family law cases. Hours are flexible but must be on weekdays. California Bar license required. Experience in family law needed. Spanish speaking desirable but not required. Contact Adam Reed at areed@riversidelegalaid.org.

Riverside Law Firm Seeks 2 Attorneys

Thompson & Colegate LLP seeks 2 attorneys – 1 for Tort Litigation/General Liability/Insurance Defense work (2+ years exp.); 1 for Commercial Business Litigation (no exp. req.). Send resume to stamiso@tclaw.net.

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.

Conference Rooms Available

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



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective November 30, 2022.

Carlos Castellanos, Jr. – Thompson & Colegate, Riverside

Christiana Garrett Stephens – Solo Practitioner, San Bernardino

Joelle A. Moore – Office of the Public Defender, Murrieta

Mackensie Peace – Varner & Brandt, Riverside

Monique Perantoni (A) – Law Office of Lori Myers, Riverside

Joshua A. Reyes – Law Office of Joshua A. Reyes, Sylmar

NoRhett Walls (A) – Stewart Title, Redlands

Brittany Nicole Yanni – Albright Family Law Group, Riverside

(A) – Designates Affiliate Member





BUILT WITH YOU IN MIND, INTRODUCING OUR LAWYERS' INSURANCE DEFENSE PROGRAM

Lawyers' Mutual is excited to share our values, services and member benefits with an ever expanding pool of California attorneys.

Built with you in mind, Lawyers' Mutual has redesigned our Lawyers' Insurance Defense Program for firms of six attorneys or more who practice 90% insurance defense work or greater.

Key program features:

- Limits from \$1,000,000 per claim / \$3,000,000 in the aggregate to \$10,000,000 per claim / \$12,000,000 in the aggregate.
- \$50,000 Claims Expense Allowance outside limits included.
- Expert in-house California claims examiners.
- Multi-attorney discount factor.

Our Lawyers' Insurance Defense Program delivers on our commitment to enhance, revolutionize and challenge the status quo of how the traditional insurance industry operates.



**LAWYERS'
MUTUAL**
INSURANCE COMPANY

Our strength is your insurance

www.lawyersmutual.com



Riverside
County

LAWYER

Riverside County Bar Association
4129 Main St., Ste. 100, Riverside, CA 92501
RCBA 951-682-1015 LRS 951-682-7520
www.riversidecountybar.com rcbars@riversidecountybar.com

PRSRT STD
US POSTAGE
PAID
PERMIT #1054
RIVERSIDE, CA

ARBITRATION & MEDIATION SERVICE PROVIDER

RCBA Dispute Resolution Service, Inc.

You be the Judge.

Over 100 experienced Riverside County Bar Association mediators

2 out of 3 private mediations reach full settlement

3 out of 4 Family Law cases referred to our Court program reach full settlement

No administrative fees! Competitive hourly rates!

DRS is a nonprofit public benefit corporation proudly serving Riverside County since 1995.
DRS is the approved mediation service for the Riverside County Superior Court.
Located across from the Riverside County Historic Courthouse at 4129 Main Street, Suite 100.

(951) 682-2132
www.rcbadrs.org

