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MAGAZINE



IN THIS ISSUE

All In: An Autobiography by Billie Jean King

My Aborted Career as a Sports Reporter

Appealing Sports: California's Changing
"Baseball Rule"

Question: What Are Your Favorite Sports Movies?

The Leo A. Deegan Inn of Court Knocks It
Out of the Park

Major League (1989)

California Amusement Rides, Attractions &
... Cannabis!?!



The Official Publication of the Riverside County Bar Association

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RIVERSIDE LAWYER

MAGAZINE

C O N T E N T S

Columns:

3 **President's Message** by Neil Okazaki

4 **Barristers President's Message** by Michael Ortiz

COVER STORY:

5 **California Amusement Rides, Attractions & ... Cannabis!?!**
by Boyd F. Jensen II

8 **My Aborted Career as a Sports Reporter**
by Bruce Todd

10 **Appealing Sports: California's Changing "Baseball Rule"**
by Gabriel White

12 **Question: What Are Your Favorite Sports Movies?**

16 **All In: An Autobiography** by Billie Jean King
Reviewed by Abram S. Feuerstein

20 **The Leo A. Deegan Inn of Court Knocks It Out of the Park**
by L. Alexandra Fong

21 **Major League (1989)**
by Bruce Todd

Features:

22 **Judicial Profile: Honorable Otis Sterling III**
by Mary Gilstrap

24 **Opposing Counsel: Aaron Chandler**
The Journey from Professional Athlete to Attorney
by L. Alexandra Fong

27 **Nominees for the 2022-2023 RCBA Board of Directors**

Departments:

Calendar 2
Membership 32

Classified Ads 32

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

May

9 Civil Litigation Roundtable with Hon. Craig Riemer
Noon - Zoom and RCBA Boardroom
MCLE

10 Civil Litigation Section
Noon - Zoom
Speaker: Judge Chad Firetag,
Judge Kira Klatchko, Daniel Wolfe
Topic: "Views from the Bench on Motions for Summary Judgment"
MCLE

**12 Project Graduate Fundraiser
Riverside Community Players**
Social 5:00 p.m.
Theatrical Performance – 7:45 p.m.
For more information contact 202-961-8715

13 General Membership Meeting
Noon - RCBA Gabbert Gallery
Speakers: Judge Carol Greene, Judge Randall Stamen, Erica Alfaro and Jennifer O'Farrell
Moderator: Sophia Choi
Topic: "Mentorship May - The Benefits of a Mentor/Mentee Relationship in Practice & Life"
No MCLE

18 Estate Planning, Probate & Elder Law Section
Noon - Zoom
Speakers: Richard Pershing and
Charles Schoemaker
Topic: "Mediation in Probate: What Is It and What Can It Do For Your Clients?"
MCLE

23 Appellate Law Section
Noon - Zoom
Speaker: Erwin Chemerinsky, Dean of the University of California at Berkeley School of Law
Topic: "A Momentous Time in the Supreme Court"
MCLE

25 Juvenile Law Section
12:15 - Zoom
Joint Meeting with Public Defender's Office
Speaker: Larisa Reithmeier-McKenna
Topic: "New Laws in Juvenile Dependency 2022"
MCLE

EVENTS SUBJECT TO CHANGE.

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





by Neil Okazaki

Last month, Judge Ketanji Brown Jackson's nomination to the United States Supreme Court was confirmed in a Senate vote presided over by the first African American Vice President Kamala Harris. Future Justice Jackson will become the first African-American woman on the Supreme Court. Her seat amongst the nine-member court is not expected to ideologically shift the court, but will mark a significant historic milestone in American history.

Also last month, this country celebrated the 75th Anniversary of Jackie Robinson breaking the color barrier by becoming the first African American athlete to play modern major league baseball. At the time, there were segregated leagues, and Robinson played in the Negro Leagues. He had to endure racial slurs, insults, and even death threats by fans merely because of the color of his skin. He played his first game with the Brooklyn Dodgers on April 15, 1947. In his first year with the Dodgers, he helped the Dodgers win the National League pennant and was named Rookie of the Year.

A baseball team fields nine players and Jackie Robinson was the only African American on the team. His integration of baseball opened the door to others like Roy Campanella, Hank Aaron, Willie

Mays, and Satchel Paige. But more importantly, his signing with the Dodgers was a landmark event in the history of the civil rights movement. Robinson integrated baseball long before *Brown v. Board of Education* was passed, Rosa Parks refused to move to the back of the bus, or the Civil Rights Acts were signed into law.

Like to a baseball team, the Supreme Court has nine justices. Ketanji Brown Jackson will soon be the only African American female amongst the nine justices on the highest court in the land. At a White House event, she said she hopes her appointment "will inspire future generations of Americans." Much like Jackie Robinson.

All of this reminds us of the intersection of sports and the law. And that is the theme of this month's magazine. Professional athletes throughout history have used the courts to transform the law. Professional basketball player Spencer Heywood and professional baseball player Curtis Flood sued their respective sports all the way to the Supreme Court.¹ Professional boxer Muhammad Ali challenged his conviction for refusing to report for the Vietnam War and won a unanimous 8-0 ruling reversing his conviction.² Even college athletes have sought the help of the courts -- in a 9-0 unanimous decision, the Supreme Court upheld the lower court's decision that NCAA restrictions on "education-related benefits" for college athletes violated antitrust law.³

The connection between sports and law is deeper than historical figures and lawsuits. There are many parallels in their setup. Whether on the playing field or in a courtroom, both operate within rules that are put into place to ensure fairness to be judged by referees in black robes or striped shirts. Each side may have talented competitors, but the result is never predetermined and either side could win on any given day. (Remember Buster Douglas?) You do your best, but sometimes you lose. And it is in those moments that you learn how you can do better and compete at a higher level next time. As NBA legend Michael Jordan once stated: "I've failed over and over again in my life. And that is why I succeed."

Fans are back at sporting events, and courts are conducting in-person jury trials. The world is not yet back to "normal," but we are on a path to a new normal. I hope you are maintaining a sense of optimism during these challenging times. Go Dodgers!

Neil Okazaki is an assistant city attorney for the City of Riverside.



¹ *Haywood v. National Basketball Association*, 401 U.S. 1204 (1971); *Flood v. Kuhn*, 407 U.S. 258 (1972).
² *Clay v. United States*, 403 U.S. 698 (1971).
³ *NCAA v. Alston*, 141 S. Ct. 2141 (2021).

BARRISTERS PRESIDENT'S MESSAGE

by Michael Ortiz



"You make a living by what you get; you make a life by what you give." - Winston Churchill

As lawyers, we tend to give a lot. Sometimes we might feel we give too much. But if you have ever been the recipient to someone's giving, especially when you really need it, you know just how meaningful giving can be.

I still remember my first Barristers event. I was a year out of law school and feeling exhausted. After law school, the bar exam, job seeking, and realizing what it was really like to be a lawyer, I started questioning my career choices. But then I went to a Barristers happy hour and met a bunch of really cool people. That one event led to many more and those events led to many sincerely close friendships. Barristers is a big reason why I am still a lawyer today.

There is something meaningful in the ability to complain about work with someone who knows exactly where you're coming from. It's therapeutic. Making your way as a new lawyer today takes everything you've got. Sometimes you want to go where everybody knows your name.¹ And just like the bar patrons in the classic show *Cheers*, the Barristers are here to provide an atmosphere for all new and young lawyers to take their coats off and be themselves.

It might not seem like much, but in my eyes the 2016 Barristers Board gave their time and energy to organize all the events I attended and for that I am grateful. As president, it has been my goal to create opportunities for budding friendships to blossom between other lawyers as well. Although that goal was impacted by COVID, I am excited for what we will be doing over the next few months. Most notably, on June 23rd we will hold our elections for the 2022-2023 Riverside County Barristers Board of Officers.

2022-2023 Barristers Elections

For the 2022-2023 term, Lauren Vogt, the current president-elect, will assume the position of president. I will assume the position of immediate past president. As required, the Barristers Nominating Committee has nominated at least one individual for each officer position as follows:

President-Elect: David Rivera

Secretary: Priscilla George

Treasurer: Kevin Collins

Member-at-Large: Ankit Bhakta

Any RCBA Barrister in good standing,² who has attended three total Barristers events (including elections), may be nominated for any officer position except president-elect. Nominations for president-elect are limited to currently serving officers. In addition to the positions of secretary and treasurer, we have five (5) total member-at-large positions.

Nominations may be submitted via the Google Form emailed to RCBA Membership or by email directly to RCBABarristers@Gmail.com. Nominations must be received by 12:00 midnight on May 31, 2022. Please provide the contact details of the nominator and nominee, and the positions for which the nomination is made. Candidate statements will be emailed and posted on our website at RCBABarristers.com.

In-person voting will be held on Thursday, June 23, 2022 at 5:30 p.m. Ballots may be submitted by email for those who cannot attend in-person. Ballots must be emailed to RCBABarristers@Gmail.com by 5:30 p.m. on June 23 to be considered. In addition, only RCBA Barristers in good standing who have attended three events (including elections) are eligible to vote. The Barristers Nominating Committee will determine whether eligibility requirements are met.

Upcoming Barristers Events:

Do you need to attend more events to be eligible to participate in elections? No problem! Come to one of our events below:

Friday, May 13 @ 12 noon @ RCBA Gabbert Gallery – RCBA General Membership Meeting

Friday, May 13 @ 4pm @ Riverside Food Lab & Game Lab – Happy Hour and Games!

Thursday, June 9 @ 12 noon @ RCBA Gabbert Gallery – Donuts and Speed Networking

Thursday, June 23 @ 5:15pm @ Mission Inn Presidential Lounge – Elections & Happy Hour

Also, keep an eye out for other pop-up events! The best way to stay up to date on future Barristers events is by following our Instagram and Facebook accounts or visiting our website:

Facebook: Facebook.com/RCBABarristers/

Instagram: @RCBABarristers

Finally, I am always available to answer questions. You can email me directly or the Barristers Gmail account at RCBABarristers@Gmail.com.

Michael Ortiz practices estate planning and administration at Ortiz Law. email: Mike@MikeOrtizLaw.com



¹ An ode to and parody of the *Cheers* theme song, "Where Everybody Knows Your Name," by Gary Portnoy and Judy Hart-Angelo.

² "Good standing" means a member of the California State Bar and member of the Riverside County Bar Association, with all RCBA dues being paid.

CALIFORNIA AMUSEMENT RIDES, ATTRACTIONS & ... CANNABIS!?! -----

by Boyd F. Jensen II

Coming out of the pandemic, with the Angels and Dodgers competing, historic amusement parks thrilling millions, fairgrounds readied for local events, and our own Coachella Music and Art Festival in full swing, the last topic I prefer discussing is cannabis. However, California Assembly Bill AB 2188 makes marijuana use a protected class under FEHA and makes it illegal to conduct metabolite-based testing. I am informed and believe that there are multiple methods to consume cannabis aka marijuana: smoking and vaping; pills, capsules, tablets and powder; balms, gels and lotions; transdermal patches; tinctures (concentrated additives); and edibles like brownies. Like alcohol, they are easy to procure and thus, have been heretofore prohibited for many classes of employees, enforceable by physical and blood testing.

AB 2188 would elevate marijuana use to a protected trait under California's Fair Employment and Housing Act (Gov Code 21900 et seq., "FEHA") – in line with protections against discrimination that are provided for such important traits as race, color, national origin, religion, age, disability, sex, gender, sexual orientation, marital status, or military status.¹ Specifically, AB 2188 would prohibit employers from taking any disciplinary action against an employee, based on the employee's "use of cannabis off the job and away from the workplace."²

Do we prefer the person at the control panel on Raging Waters brand new drop slide, "Bombs Away," which opens on May 1, 2022 – a six-story tower encapsulated tube which,



without notice, retracts the floor, dropping patrons down a 70-degree "Aqua Drop" in which they fall 30 feet per second?³ Or other amusement ride equipment, which propel our loved ones 80+ miles an hour in less than 3 seconds, hundreds of feet in the air, spinning upside down multiple times and from light to darkness to light ... and that person

NOT cleared for alcohol, marijuana, and other compromising chemical influences? As this article goes to print, hearings in Sacramento will consider the seemingly obvious answer to that question and more.

The COVID-19 pandemic has had a complicated and subtle effect on many commercial entities and cultural prepositions, such as Family Entertainment Centers "FECs." FECs are expanding their demographics beyond families,

increasingly eyeing businesses.⁴ As companies rethink their corporate retreats for safety reasons, they are planning smaller events closer to home at FECs. "In lieu of the traditional golf outing or sporting event, salespeople can also bring their clients or prospects to an FEC."

In early January 2022, Southern California students descended upon a nondescript office. Inside a vibrant factory, and outfitted in white lab coats, Redlands, California-based Garner Holt Productions representatives displayed animatronics, similar in nature to the story-telling robotic figures made famous by Walt Disney Imagineering. Students participated in hands-on art, connected electrical circuits, learned pneumatics and hydraulics, sculpted with clay using ratios and fractions for the right proportions, painted, and added feathers to their creations...to bring the animatronic songbirds they crafted to life using a controller and soundtracks.⁵

Unfortunately, besides overcoming the effects of the COVID-19 pandemic with shifting business models and expanding creativity, we must transparently face increased challenges, in particular their effect on our growing youthful population as it affects our ability to counsel and represent clients. The findings reported in the *Journal of the American Medical Association*, "... in this systematic review of 36 studies from 11 countries, school closures and social lockdown during the first COVID-19 wave were associated with adverse mental health symptoms (such as distress and anxiety) and health behaviors (such as higher screen time and lower physical activity)"⁶ The internet is rife with evidence of these deleterious effects, and they affect the approach of counsel advising clients and talking to juries about doctrines such as assumption of the risk.

Although the landowner's duty may be higher for business invitees, the longstanding basic rule of law is that the defense of assumption of risk applies when the plaintiff has knowledge of a hazard, but nonetheless proceeds to encounter it – when he freely and voluntarily exposes himself when he knows, or in the exercise of ordinary care should know, that a hazard exists. Judicial Council of California Civil Jury Instructions 2019 Instruction 1004 states: "If an unsafe condition of the property is so obvious that a person could reasonably be expected to observe it, then the [owner ...] does not have to warn others about the dangerous condition. However, the [owner ...] still must use reasonable care to protect against

4 International Association of Amusement Parks & Attractions, *Fun World March, 2022* by Susan Johnson.

5 International Association of Amusement Parks & Attractions, *Fun World March, 2022* by Scott Fais.

6 Jamanetwork.com. January 18, 2022 *School Closures During Social Lockdown and Mental Health, Health Behaviors, and Well-being Among Children and Adolescents During the First COVID-19 Wave A Systematic Review* by Russell Viner, PhD1; Simon Russell, PhD1; Rosella Saulle, MD2; et al

1 See the DFEH's website <https://www.dfeh.ca.gov/employment/#whoBody>.

2 See *April 7th Amended Bill 2188* Section 2.

3 See [RagingWaters.com](https://www.RagingWaters.com).



the risk of harm if it is foreseeable that the condition may cause injury⁷ Other jury instructions codify the law of numerous cases about the defense of assumption of the risk, whether express or implied. 470. *Primary Assumption of Risk—Exception to Nonliability—Coparticipant in Sport or Other Recreational Activity* when the landowner “acted so recklessly that [his/her] conduct was entirely outside the range of ordinary activity involved in [e.g., touch football].... Conduct is entirely outside the range of ordinary

activity ... if that conduct (1) increased the risks ... above those inherent in (the activity) and (2) it can be prohibited without discouraging vigorous participation or otherwise fundamentally changing the (the activity) ... (Defendant) is not responsible for an injury resulting from conduct that was merely accidental, careless, or negligent.”⁸

7 Photo of the inexplicable and tragic behavior of a ride patron, which resulting in his death at the Lagoon Park in Utah. YouTube.com *Lagoon Ski Ride*.

8 See also Jury Instruction 472 *Primary Assumption of Risk—Exception to Nonliability—Facilities Owners and Operators and Event Sponsors*

Does this apply to the amusement ride participant, though warned, contacts disease, while participating in an amusement event without a mask or other protective devices, including vaccinations? While there may be a right to refuse vaccinations, does one thereafter assume the risk of infection? Does the landowner avoid liability because he warns of mask usage only, but doesn’t require it? How does the landowner know which interactive participation in an amusement attraction on land or water may contain a COVID variant pathogen when the United States Center for Disease Control doesn’t yet have it isolated, evaluated and warnings issued?

Back to cannabis. The Mayo Clinic advises that cannabis use can have effects on muscle strength, sensory skills, hearing, speech, vision, coordination, and balance.⁹ In environments such as the extraordinary beaches, mountains, parks, and fair grounds in California, to which millions yearly descend, and following a pandemic, the consequences of which are not yet fully known, it seems more than logical, but imperative, to provide the most experienced and capable persons operating and supervising amusement ride participation. That reduces the risk for all.

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



9 MayoClinic.org ... neurological influences of marijuana....

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As a Riverside County legal professional, you care about the legal matters that affect you. Our journalists have already covered some of the most important stories in the area such as:

-  [Riverside Judge Sykes advances in federal judge process](#)
-  [Yucca Valley motion in motorcycle death suit denied](#)
-  [A look at who has filed to run for judge in SB, Riv counties](#)
-  [And more](#)

We welcome subscriber submissions. Have something to say? Email Executive Editor Toni Momberger at tcm@followourcourts.com.



MY ABORTED CAREER AS A SPORTS REPORTER

by Bruce Todd

We all travel various paths throughout our life-times. Some are straight, some are circuitous, and some are downright mystifying.

From 1977-1978, I was employed as a sports reporter for the *Daily Sun Post* in San Clemente. Having been a huge sports fan throughout my childhood, this was a dream job. It was also the poorest paying job I ever had the pleasure to hold.

But first a little background. I became interested in journalism during my years at Foothill High School in Santa Ana. I took journalism classes and wrote—mostly sports articles—for our school paper, *The Knight Life*. I also developed an interest in photography and spent many hours in the darkroom as part of my photography courses. Someday, I thought, I will become a great photojournalist working for *National Geographic* magazine and traveling the world.

In 1972, I traveled with my distance running buddy and best friend from high school to Eugene, Oregon to watch the United States Olympic trials for track and field. We were both successful runners on our high school's track and cross-country teams. I was aware that the University of Oregon had a fine journalism school and the best distance running program in the country (featuring the legendary Steve Prefontaine). We were there for about 10 days and on every one of them, the July temperature was in the 80's. No rain and gorgeous verdant scenery. I made up my mind then and there that I was going to become a Duck.

I discovered one potential hurdle about being accepted into the school's journalism program (which a student couldn't enter until their sophomore year). A typing test would be administered on the first day of Journalism 101 and the journalism school candidate had to be able to type 30 words per minute with no more than five errors. While I was fortunately successful on my first attempt, my friend from the dorms failed miserably. He failed again the next quarter. He somehow realized that the same few paragraphs were being used each time for the typing test. On his third quarter attempt, he concocted a pre-typed test response with several "fake" errors in it and deviously submitted it at the test's completion. This got him into the program and he is now an extremely successful advertising executive in Chicago. Good old American ingenuity. I was also on my way to a journalism career as an Oregon Duck.

But, alas, the Oregon weather gods had fooled me. Although I had experienced beautiful sunny weather during the days when I first visited Eugene in July of '72, it seemed like I never saw a day like that again during my freshman and sophomore years. All we experienced were drizzle and dreariness. Thus, having been a beach kid growing up in So Cal, I decided to take another path and transfer to San Diego State University which also had a respected journalism program. It was there that I completed my journalism and photography studies under bright sunny skies.

Upon graduation, I applied for jobs with various newspapers (remember those?). I ultimately accepted a job as a sports reporter in sunny San Clemente with the *Daily Sun Post*. Craig "Thorny" Thornburg, the sports editor, briefed me about my reporting responsibilities on day one of the job. Since I was to be covering various high school sports—some of which I had limited knowledge of the rules (hey, I was a distance runner) such as wrestling, water polo, and field hockey—I knew that I would need to quickly familiarize myself with regulations and nuances of many different sports.

I also learned that Thorny was not a baseball fan. He had always utilized the Associated Press (AP) stories about the local Angels (then the "California" Angels) in our newspaper. I inquired about whether it would be acceptable for me to obtain a "press pass" from the team, so that I could actually attend the games and we could provide personal coverage (instead of AP coverage). He told me to go for it.

Soon I was sitting in the press box with extremely experienced sports reporters from large newspapers (*L.A. Times*), radio stations, and television networks. I was initially intimidated, but I was also in hog heaven. Imagine a kid who loved sports being "paid" to sit in the press box of a major league baseball team. To top it off, the Angels always provided a pre-game buffet of food (including free beer and wine) for its reporters. I suspect that this does not occur anymore.

When the last out of a game was recorded, all of the reporters hastily converged into the clubhouse to interview the players. I was in the presence of sports greats—Nolan Ryan, Frank Tanana, Bobby Grich, Joe Rudi, and my favorite Angel as a kid (then manager Jim Fregosi). Initially, I was terrified and just listened to other reporters ask the questions and I would record the players' quotes

for use in my own stories. I eventually gained the courage to interview the players on my own.

There are a couple of things which I particularly remember about those heady days covering the Angels. I asked Tanana and Ryan (does anyone remember the phrase “Tanana and Ryan and two days of cryin’”) to autograph a baseball so that I could give it to my much younger brother. They kindly did so and I proudly presented it to my brother the following day. Imagine my chagrin when, about two days later, I saw him playing catch with it on an asphalt street with another kid (ugh). I also remember that our press pass was good for two people (a reporter and a photographer). The photographers were allowed to position themselves in the photographer’s well next to the dugout. Due to the small size of our paper, we did not send a separate photographer. My other brother was taking some photography classes in college at the time and so I brought him with me to one game so that he could take photos from the photographer’s well. I now had another family member who was in hog heaven.

During my brief career with the *Sun Post*, I also covered PGA golf events, AVP volleyball, and auto racing. The primary focus of our sports section, however, was to cover high school sports since it was considered a local community paper. I met some extremely friendly and hardworking coaches and interviewed many wide-eyed high school athletes.

In reminiscing now about my coverage of high school sports, one event I particularly remember occurred while I was covering a nighttime high school football game. I was standing along the sidelines when the team on offence ran a sweep toward my side of the field. The running back was tackled about five feet from me and slid along the grass toward my feet. His helmet contacted my shoe right in the area of my big toe. Man, was I in pain for several weeks! It was then and there that I realized the courage and brutality experienced by football players (hey, I was just a distance runner).

The wonderful part of my job was that I was doing something which I loved. The horrible part was that I was earning just \$400—not a week but a month! One day I was expressing this to my dad who was an Orange County judge. He had always wanted me to become a lawyer (and, frankly, I had previously given some thought to that occupation). He applied the pressure on me by stating that, if I enrolled in law school the upcoming fall, he would foot the bill. If I waited until a future date, I would be financially on my own.

After mulling this over for a few days, I changed paths again and decided to enter law school in the fall of ‘78 (although I did “continue” with my journalism for a while during law school by working as a reporter/photographer

for the *Los Angeles Daily Journal*). By 1981, I was a full-fledged member of the California bar.

In looking back at my days as a reporter, it occurs to me that many of the skills I developed in my journalism classes carried over to my career as a lawyer. I learned the art of “interviewing” (back then a coach or athlete and now a client or witness). I developed the ability to investigate facts. And, most importantly, I learned that everything in life is not black and white, but rather colored in shades of gray. That is, there are always “two sides” to a story and that sometimes you might have to accept a client’s version of the facts with a grain of salt.

Although I have fully enjoyed my career as an attorney, I do sometimes longingly reflect on those halcyon days sitting in the Angels press box—with good grub and drink at the ready—while watching Nolan Ryan construct a potential no hitter.

Bruce Todd is a current member of the RCBA, a former long time member of the RCBA Publications Committee and who is now happily enjoying the life of retirement



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APPEALING SPORTS: CALIFORNIA'S CHANGING "BASEBALL RULE"

by Gabriel White

There are any number of ways sports may come up in appellate opinions. A sports law textbook, of which there are many, might be expected to include cases on contract law, tort law, employment law, antitrust law, constitutional law, and intellectual property law, among other areas.¹ For example, in the antitrust context, the United States Supreme Court recently addressed NCAA rules regarding non-cash education-related benefits for college athletes.² A professional golfer's discrimination claim under the Americans with Disabilities Act made it to the United States Supreme Court.³ Labor disputes between professional athletes and sports leagues are common, and the lawsuits stemming from those disputes sometimes generate appellate decisions.⁴ Efforts to publicly finance sports stadiums often (if not always) give rise to taxpayer lawsuits, some of which come up on appeal.⁵ Of course, criminal matters may involve athletes, coaches, or spectators, whether as defendant or as victim, and criminal behavior may also be raised in civil litigation.⁶ Although the usual sports fan might be disappointed by the promisingly-titled *Oakland Raiders v. National Football League* (2007) 41 Cal.4th 624, those like me who also enjoy delving into the esoteric details of civil procedure and appellate standards of review will find much of interest.⁷ The list could go on.

Perhaps the most likely way a law student will first come across sports-related cases would be torts class, in the chapter on defenses to tort liability, and specifically assumption of the risk. I will focus in this article on California's so-called "baseball rule," which is grounded in this concept and has been the subject of several recent California appellate cases. The baseball rule, simply stated, is that professional baseball teams and stadium owners "are not liable for inju-

ries suffered by fans hit by bats or balls leaving the field of play, so long as the teams have taken minimal precautions to protect their spectators from harm."⁸

California's baseball rule was adopted by *Quinn v. Recreation Park Association* (1935) 3 Cal.2d 725 (*Quinn*).⁹ In *Quinn*, a teenager watching a professional baseball game had been injured by a foul ball while seated in an area along the first base line, in an area unprotected by screens.¹⁰ Our Supreme Court observed that "it has been generally held that one of the natural risks assumed by spectators attending professional games is that of being struck by batted or thrown balls; that the management is not required, nor does it undertake to insure patrons against injury from such source."¹¹ Applying that premise, the Court reasoned that a baseball team's "management is not obliged to screen all seats, because . . . many patrons prefer to sit where their view is not obscured by a screen."¹² The Court further specified that "management is not required to provide for screened seats for all who may apply for them," and that spectators assume the risk of injury from foul balls if they choose to sit in unscreened seats, no matter whether or not screened seats are available.¹³

Until recently, the baseball rule as articulated in *Quinn* was applied with some rigor. For example, in *Neinstein v. Los Angeles Dodgers, Inc.* (1986) 185 Cal.App.3d 176, the Court of Appeal ruled against another spectator injured by a foul ball while in an unscreened seat, commenting that baseball stadium owners "have no 'duty to protect spectators from the natural hazards generated by the way in which the game itself is played.'"¹⁴ The *Neinstein* court went so far as to suggest that, if *Quinn* had not held otherwise, it "would not be persuaded that there is a need to impose a duty to provide any screened seats," since "[a] person who fears injury always has the option of refraining from attending a baseball game or of sitting in a part of the park which is out of reach of balls travelling with sufficient velocity to cause harm."¹⁵

1 E.g., Wong, *Essentials of Sports Law* (4th ed. 2010)

2 *National Collegiate Athletic Assoc. v. Alston* (2021) 141 S.Ct. 2141. This ruling, of course, also triggered major changes in the limitations on cash payments to student-athletes through sponsorship and advertising deals, which are now generally allowed under the NCAA's new name, image, and likeness rules.

3 *PGA Tour, Inc. v. Martin* (2001) 532 U.S. 661.

4 E.g., *Brady v. National Football League* (8th Cir. 2011) 644 F.3d 661.

5 E.g., *Rand Resources, LLC v. City of Carson* (2019) 6 Cal.5th 610.

6 E.g., *Rufo v. Simpson* (2001) 86 Cal.App.4th 573.

7 The Raiders lost the case at trial, but prevailed on a motion for new trial based on juror misconduct. (*Oakland Raiders, supra*, 41 Cal.4th at pp. 630, 632-633.) The Court of Appeal reversed the order granting a new trial. (*Id.* at p. 633.) Our Supreme Court granted review to consider "the appropriate standard of review on appeal when an order granting a new trial on the ground of jury misconduct lacks the statutorily required statement of reasons for granting a new trial on that ground." (*Ibid.*)

8 *Summer J. v. United States Baseball Federation* (2020) 45 Cal. App.5th 261, 265 fn.2 (*Summer J.*), quoting Grow & Flagel, *The Faulty Law and Economics of the "Baseball Rule"* (2018) 60 Wm. & Mary L.Rev. 59, 63-64.

9 California was not the first state to adopt some variation on the baseball rule. See, e.g., *Murphy v. Steeplechase Amusement Co.* (1929) 250 N.Y. 479, 482-483.

10 *Quinn, supra*, 3 Cal.2d at p. 730.

11 *Id.* at p. 729.

12 *Ibid.*

13 *Id.* at pp. 729-730.

14 *Neinstein, supra*, 185 Cal.App.3d at p. 181.

15 *Id.* at p. 182. The *Neinstein* court's hostility toward protective

Meanwhile, however, in contexts other than baseball, California law on assumption of the risk was evolving. In *Li v. Yellow Cab Co.* (1975) 13 Cal.3d 804, our Supreme Court adopted comparative fault principles, abandoning the common law contributory negligence rule. In *Knight v. Jewett* (1992) 3 Cal.4th 296 (*Knight*)—a case arising out of an informal touch football game—the Court granted review to consider “the proper application of the assumption of risk doctrine in light of the adoption of comparative fault principles”¹⁶ In a later case, the Court described *Knight* as its “seminal decision explicating and applying primary assumption of risk in the recreational context,” which includes, but is not limited to sports.¹⁷

The phrase “primary assumption of the risk” refers to a rule of “limited duty,” designed to balance the need to avoid “chilling vigorous participation in or sponsorship of recreational activities,” which are valuable but have inherent risks, with the general duty of care we all have, not to cause an unreasonable risk of harm or injury to others.¹⁸ The primary assumption of risk doctrine can be summarized as follows: “In any case in which the primary assumption of risk doctrine applies, operators, instructors, and participants in the activity owe other participants a duty ‘not to act so as to increase the risk of injury over that inherent in the activity.’ [Citation.] But owners and operators of sports venues and other recreational activities have an *additional duty* to undertake reasonable steps or measures to protect their customers’ or spectators’ safety—if they can do so without altering the nature of the sport or the activity.”¹⁹ Thus, “[as] a general rule, where an operator can take a measure that would increase safety and minimize the risks of the activity *without also altering the nature of the activity*, the operator is required to do so.”²⁰

At the same time, our understanding of the nature of baseball and its relationship to spectators also evolved. In the 1986 *Neinstein* decision, the Court was convinced that, “since players are often able to reach into the spectator area to catch foul balls,” extending screens to protect spectators risked “changing the nature of the game itself.”²¹ In 1997, in a case involving the Rancho Cucamonga Quakes, the Court of Appeal expressed a similar sentiment, observing

screens at baseball stadiums is extreme. California law has long “imposed on operators a duty to take reasonable steps to minimize the inherent risks of their activity.” (*Grotheer v. Escape Adventures, Inc.* (2017) 14 Cal.App.5th 1283, 1300.) In the baseball context, that has meant at least some amount of protection for spectators in the area closest to home plate. (See *Ratcliff v. San Diego Baseball Club* (1938) 27 Cal.App.2d 733, 736 [“It seems . . . to be generally recognized that a duty rests upon the management to reasonably protect that part of the grandstand behind and near the home plate, where the greatest risk from flying balls exists.”].)

16 *Knight, supra*, 3 Cal.4th at p. 303.

17 *Nalwa v. Cedar Fair, L.P.* (2012) 55 Cal.4th 1148, 1155.

18 *Id.* at pp. 1154, 1156; see Civ. Code, § 1714, subd. (a).

19 *Mayes v. La Sierra University* (2022) 73 Cal.App.5th 686.

20 *Grotheer v. Escape Adventures, Inc., supra*, 14 Cal.App.5th at p. 1300.

21 *Neinstein, supra*, 185 Cal.App.3d at p. 181.

that foul balls hit into the spectator’s area “clearly create a risk of injury,” but opining that “[i]f such foul balls were to be eliminated, it would be impossible to play the game.”²² By the 2020 season, however, all 30 major league baseball teams and many minor league teams had expanded protective netting “substantially beyond the end of the dugout” on each side of the field, and some ran netting “all the way to the foul poles.”²³ Once that happened, it became harder to say that adding protection for spectators beyond the area closest to home plate would necessarily change the nature of the game.

Several recent appellate opinions have addressed the baseball rule in this new context. *Summer J., supra*, 45 Cal. App.5th at p. 261, involved an injury to a spectator at the national team trials of the United States Baseball Federation (US Baseball), held at a college stadium.²⁴ The Court of Appeal reversed the trial court’s order sustaining US Baseball’s demurrer, in part because allegations that extending protective netting would “minimize the inherent risk of being injured by a foul ball without fundamentally changing the game” were sufficient to identify “an enforceable duty, at least for pleading purposes.”²⁵ *Mayes v. La Sierra University* (2022) 73 Cal.App.5th 686 involved an injured spectator at an intercollegiate baseball game between two private universities.²⁶ The Court of Appeal found triable issues of fact precluded summary judgment, including as to whether the defendant university “had a duty of care, or breached its duty of care, in failing to (1) install protective netting over and beyond its dugouts; (2) warn spectators that there was no protective netting over its dugouts; (3) provide a greater number of screened seats [. . .], and (4) exercise crowd control, in order to remove distractions and reduce the risk that spectators who sat in the unscreened areas along the first- and third-base lines would be hit by balls leaving the field of play.”²⁷

Are these recent cases a sign that the baseball rule is a dead letter? Or is it still generally in effect, but to be applied with an evolved understanding of the minimal precautions that can and should be taken to protect spectators from the most dangerous foul balls? For now, it is difficult to say, but spectators and stadium owners alike might want to keep an eye on the (legal) ball, and maybe even have a glove ready to catch any fouls.

Gabriel White is a senior appellate court attorney at the California Court of Appeal, 4th District, Division 2, assigned to the chambers of Justice Michael J. Raphael. The views expressed in this article are his own.



22 *Lowe v. California League of Prof. Baseball* (1997) 56 Cal.App.4th 112, 123. In *Lowe*, the plaintiff survived summary judgment nonetheless on the theory that the distracting “antics” of the Quakes’ mascot (a caricature of a dinosaur, named Tremor) had increased the assumed risk posed by foul balls. (*Id.* at p. 124.)

23 *Summer J., supra*, 45 Cal.App.5th at pp. 265-266, 274.

24 *Summer J., supra*, 45 Cal.App.5th at p. 267.

25 *Id.* at p. 274.

26 *Mayes, supra*, 73 Cal.App.5th at p. 690.

27 *Id.* at p. 709.

QUESTION: WHAT ARE YOUR FAVORITE SPORTS MOVIES?

When we decided to do a sports theme issue, as a committee we knew we needed a “top sports movie” article. Little did we know, however, the volume and variety of responses we would receive. As you will see, our survey of local attorneys and judges yielded a treasure trove of responses guaranteed to please any film fanatic. The responses speak for themselves, so here goes:

Presiding Judge John Monterosso

My youthful dream was to be a major league baseball player, so it is natural that *Field of Dreams* is one of my favorite films and this is my favorite scene: Ray Kinsella, played by Kevin Costner, finds himself traveling back in time where he meets an elderly doctor, Archibald “Doc” Graham,” played by Burt Lancaster.

”Doc” Graham tells Ray that he regrets never getting the chance to have a major league at bat during his brief time in the major leagues. After “Doc” turns down Ray’s offer to go to his baseball field to fulfill his dream, Ray exclaims that most people would consider it a tragedy to come so close but failing to achieve their dream.

”Doc” replies, “Son, if I’d only gotten to be a doctor for five minutes...now that would’ve been a tragedy.”

Judge John W. Vineyard

I have a bunch of favorite sports movies. Probably at the top of the list are *Remember the Titans* (because I played high school football in the South at about the same time, and the movie reminds me of my team in Louisiana), *Number One* (starring Charlton Heston as the aging quarterback of the New Orleans Saints Championship dynasty), and *Bull Durham* (just because I love minor league baseball).

Judge Randy Stamen

My favorite sports movie is the original *Rocky*, which was nominated for ten Academy Awards and won three, including best picture. *Rocky* embodies the ideal that with hard work, grit, and determination a person can accomplish anything — in Rocky Balboa’s case, going the distance with antagonist Apollo Creed. On a very per-

sonal note, seeing *Rocky* (and watching my father stay in shape) inspired me at a very early age to begin working out. Being in good physical condition has served me well throughout my life, and in particular, when being listed, receiving, and recovering from a kidney pancreas transplant. So, yes, *Rocky* is near and dear to me.

Commissioner Robert Nagby (Ret.)

Being addicted to sports, I have an array of sports videos to watch during non-season periods to “take off the edge.” I would not be able to make it through without them!

Baseball

Field of Dreams: Come on, it’s Kevin Costner! He loves baseball and it is evident from this feature film. It’s got baseball and human history. The kind of players only true baseball fans can relate to (they’re not in it for the money but for the love of the game). It touches on the 60s and those turbulent times. Great cast: Kevin Costner, Amy Madigan, James Earl Jones, Ray Liotta, and Burt Lancaster. I hear “the speech” in James Earl Jones’ voice every night before going to bed:

“Ray, people will come, Ray. They’ll come to Iowa for reasons they can’t even fathom. They’ll turn up your driveway, not knowing for sure why they’re doing it. They’ll arrive at your door as innocent as children, longing for the past.

Of course, we won’t mind if you look around, you’ll say. “It’s only twenty dollars per person.” They’ll pass over the money without even thinking about it. For it is money they have and peace they lack.

And they’ll walk out to the bleachers and sit in shirt-sleeves on a perfect afternoon. They’ll find they have reserved seats somewhere along one of the baselines, where they sat when they were children and cheered their heroes. And they’ll watch the game, and it’ll be as if they’d dipped themselves in magic waters. The memories will

be so thick, they'll have to brush them away from their faces.

People will come, Ray.

The one constant through all the years, Ray, has been baseball.

America has rolled by like an army of steamrollers. It's been erased like a blackboard, rebuilt, and erased again. But baseball has marked the time.

This field, this game — it's a part of our past, Ray. It reminds us of all that once was good, and it could be again.

Ohhhhhhhh, people will come, Ray. People will most definitely come."

Yes, the game has not changed (except for the DH in the AL and now in the NL, advertising on the uniforms and helmets, man at 2d in extra innings, no Farmer John Dodger Dogs, etc)).

Major League: A feel good film about the underdog Cleveland Indians (yeah, I know) and the evil owner. Baseball, sex, kindred spirit, it's got it all. Triumph over adversity (the evil owners).

A League of Their Own: Another great cast with a theme almost forgotten: Women's Professional Baseball. Historical. Triumph over adversity (the evil owners).

Football

The Replacement Players: Another underdog movie. What can I say? A "rag-tag" group of former players take over for rich snobby players who are locked out by the owners (sound familiar?). A little bit for everyone (brutality, romance, strippers, etc.). Triumph over adversity (the evil owners and over-paid players).

Any Given Sunday: The booze and drugs of football. What happens when you stay in the sport too long! Triumph over adversity (the evil owners).

Hockey

Miracle: The 1980 Olympic Hockey Team (underdogs) sticking it to the Russians (a timely theme). Triumph over adversity (the evil country).

Slapshot: The all-time classic Paul Newman "old-time" hockey movie! Hockey and fighting (am I being redundant?! Gotta love the Hanson Brothers. Triumph over adversity (the evil owner).

Mystery Alaska: The small time hockey town of Mystery takes on the New York Rangers. A lesson regarding small-town justice systems (Burt Reynolds, a judge?). Triumph over adversity (the evil State of New York — everyone hates New York).

Neil Okazaki, Esq.

My favorite sports movie is *Rudy*. It is hard not to be inspired by the true life story of a 5 foot six inch, 165 pound student working towards his dream of playing college football at Notre Dame, a premier collegiate football program. The movie reminds us to set high goals that challenge us and to never give up trying to attain them.

You're 5 feet nothing, a 100 and nothing, and you got hardly a speck of athletic ability. And you hung in with the best college football team in the land for two years. And you're also going to walk out of here with a degree from the University of Notre Dame. In this lifetime, you don't have to prove nothing to nobody — except yourself.

Aaron Chandler, Esq.

Ladybugs. A great soccer comedy.

Sophia Choi, Esq.

Rocky because he trains so hard as a boxer and gives it his all.

Mike Donaldson, Esq.

The Sandlot. The movie perfectly captures the joy, freedom, and excitement of playing baseball as a kid.

Michael Marlatt, Esq.

My favorite sports movie is *Hoop Dreams*.

Had the good fortune of being a college basketball commentator on a few radio stations over several years and would regularly interact and interview college players who had their own "hoop dreams." Observed first-hand the realities of balancing basketball, academics, and a family/social life as is the focus of *Hoop Dreams*. Just a wonderful sports movie/documentary that stands the test of time.

Michael Ortiz, Esq.

The Blind Side.

I like it because it encapsulates the power of sport in its ability to positively change lives.

Boyd Jensen, Esq.

My favorite sports movie is *The Pride of the Yankees*. This biographical drama follows the professional life of baseball player Lou Gehrig played by Gary Cooper. It is told from the perspective of a sportswriter Sam Blake played by Walter Brennan. It is largely a love story between Gehrig and his eventual wife, Eleanor, played by Teresa Wright. Babe Ruth and other Yankee standouts are featured in the movie until Gehrig ends his historic 2031 consecutive game streak and is sidelined by "Lou Gehrig's Disease" also known as amyotrophic lateral sclerosis or ALS. Gehrig died on June 2, 1941, and the film premiered in New York City on July 14, 1942, a little over a year later.

Upon seeing the movie and being overcome by the courage, determination, and humility of his speech, that in spite of his disease he considered himself "the luckiest man in the world," I went to the library and checked out the biography of Lou Gehrig. I read it and have read every other published biography since. It so inspired me that if you come to my office on the wall next to my picture of Willie Mays, is the poster of Lou Gehrig. I have had it for over 40 years. Great movie. Great man. Thanks to all those who produced, directed, and starred in it!

Jacqueline Carey-Wilson, Esq.

My favorite sports movie is *We are Marshall*, which is based on the real-life events that devastated the football team at Marshall University in Huntington West Virginia. In November 1970, the Marshall football team, coaches, and boosters were returning home from a game when their chartered plane clipped the top of some trees about a mile from the runway and crashed into a nearby gully. All 75 people aboard were killed, including 37 members of the Thundering Herd football team, the head coach, and five members of the coaching staff.

Following the tragic event, the president of the university was going to suspend the football program, but the students of Marshall and the residents of Huntington persuade him to continue football at the school. The president of the university hires Jack Lengyel, played by Matthew McConaughey, who begins the slow and painful process of rebuilding the team, which will include the few players from the team who were not on the plane. The football team, the coaches, the students, and the residents of Huntington are a testament to resolve in the face of tragedy as they show us all--*We are Marshall*.



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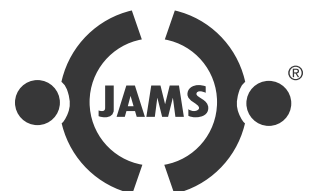


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ALL IN: AN AUTOBIOGRAPHY BY BILLIE JEAN KING

Reviewed by Abram S. Feuerstein

The last 35 pages of *All In*,¹ the nearly 500-page autobiography by Billie Jean King, dryly recount the results of professional tournaments in which the former tennis great played. For instance, it appears that in 1965, on a grass, outdoor tennis court located at the Kooyong Club in Melbourne, Australia, Billie Jean King – then known as Billie Jean Moffitt – defeated in Round One of the Quarterfinals a player named Lea Pericoli.² Yawn. The first 450 pages of the book, too, are loaded with scoring details and packed with statistical information about King’s now half-century old matches against various opponents, many of whom have long passed over the other side of the tennis net. Another yawn.

So, in the face of stale, well warmed-over sports news, and with nightstand piles of other books to read and bundles of movies and TV shows streaming by, there is a strong temptation to say, “Who cares.” But the temptation should be resisted because King’s life is a remarkable one.

At an early age King recognized that her tennis racquet could do her talking and, later, that her accomplishments at the top of the sport could and did give her a platform to address equality and justice issues. Born in 1943 to a lower middle class Long Beach, California family, her father, Bill Moffitt, was a firefighter and her mother, Betty, “a homemaker who sometimes sold Tupperware and Avon products to help (the family) get by.”³ Bill had played college basketball, Betty was a strong swimmer, and they encouraged their two children to play sports. Indeed, Billie Jean’s brother, Randy Moffitt, would go on to a successful major league pitching career.

But the idea of tennis only suggested itself to Billie Jean in the fifth grade when a school friend asked her, “Do you want to play tennis,” and she replied, “What’s tennis?”⁴ She saved her money doing chores for neighbors and purchased a racquet. Early coaching available through a local parks and recreation program instilled a belief that she might become a great player. Her determination guaranteed it.

The American Twist Serve

At first there were some small but life impression-making slights. After watching her coach teach a young boy to learn what today is called the “kick serve,” but then was known as the “American twist,” she asked to learn it

too.⁵ “Girls don’t do the American twist,” her coach replied, reflecting a belief that certain types of physical activity for young girls should be limited because it could harm their reproductive organs.⁶ At a youth championship tournament in Los Angeles, as the players lined up to take photos, the president of the Southern California Tennis Association singled her out for wearing shorts.⁷ “You can’t be in the picture,” he said, noting that she had to either wear a skirt or a dress.⁸

She evidenced a small awareness of racial discrimination issues while attending the Pacific Southwest Championships as a spectator during the summer of 1955. As the 11 and ½ year old Billie Jean looked down from her bleacher seats at the grandstand court, she “was struck by how white everything was. Everybody played in white shoes, white socks, white clothes. Even the balls were white. Everybody had white skin. Where was everybody else?”⁹

She observed: “I told myself that day that I would spend my life fighting for equal rights and opportunities for everyone, so no one felt scorned or left out. I believed our church’s teaching that I was put on this earth to do good with my life.¹⁰ Now I had a better idea what my calling could be: I could bring people together through tennis. If I was good enough and fortunate enough to be No. 1 in the world, tennis would be my platform.”¹¹

As Billie Jean advanced in her career, so did her recognition that “things just were not right. Things were not equal.”¹² Meals for boys at amateur tournaments were paid for by the tennis clubs; girls bought or brought their own food.¹³ In a pre-Title IX world, the male high school tennis

5 *All In*, p. 29.

6 *Id.*

7 *All In*, p. 35.

8 *Id.*

9 *All In*, p. 40.

10 King and her family attended the First Church of the Brethren in Long Beach. The church was led by a minister named Rev. Bob Richards, a pole vaulter who won bronze and gold medals at the 1948, 1952 and 1956 Olympic games and who also was the first athlete to be featured on a Wheaties cereal box. *All In*, p. 32. He seems to have incorporated sports into his sermons (“Champions in life and sports are made, not born”) and made a strong impression on King.

11 *Id.* King also recounts that at age 13 she was inspired to work for change having watched Althea Gibson compete at the LA Tennis Club. Gibson had broken the color barrier in tennis in 1950, and became the first African American to win a grand slam tournament in 1956. *All In*, pp. 43-45.

12 See Billie Jean King Prepared Comments, US Senate Committee on Health, Education, Labor and Pensions, June 19, 2012 (“BJK Senate Comments”).

13 *All In*, p. 5.

1 Billie Jean King (with Johnette Howard and Maryanne Vollers), *All In: An Autobiography* (Knopf 2021) (hereafter, “*All In*”).

2 *All In*, p. 451.

3 *All In*, pp. 3, 53.

4 *All In*, p. 9.

athletes at her high school, Long Beach Poly, a sports powerhouse, travelled to play against other California schools; the girls could only compete against their fellow students. King notes that “the closest a girl could get to a varsity sport was cheerleading.”¹⁴ The Ladies Professional Golf Association, founded in 1950, represented the only professional sport available to women.¹⁵ And the lack of women’s sports scholarships – which did not exist until 1974¹⁶ – made even day-dreaming about a career as a pro athlete near unimaginable.

She achieved early tennis success, and *All In* recounts a series of patrons that helped shape Billie Jean’s career. A local businessman here; a retired tennis player there; and several renowned coaches. Within a few years, at the age of 17, on a shoestring budget, she was able to compete at Wimbledon and incredibly won the female doubles title in 1961 and, again, in 1962. Grand Slam Tournament wins and Federation¹⁷ and Wightman Cup¹⁸ triumphs, in which she represented Team USA, piled up in the mid-1960s. By 1966, she became the No. 1 ranked female tennis player in the world.

In between tennis matches, King attended college at California State University, Los Angeles. In her sophomore year in 1964, she met fellow student Larry King, who also played tennis. She was attracted to his blonde good looks, describing him as “gorgeous,” with an easy going, charming manner.¹⁹ They would have what Billie Jean described as “an old-fashioned courtship,” and he was the first boy from college that she had brought home to meet her parents.²⁰ They became engaged and discussed their plans together. She would drop out of college to pursue tennis; he would focus on a legal career.

Larry also showed a sensitivity to feminism, telling her: “You realize you’re treated like a second-class citizen because you’re a girl.” He continued: “I’m the seventh man on a six-man tennis team and I’m treated better than you are. You’re the best athlete at this school. You should be getting special treatment, not me. And yet you get zero.”²¹ Indeed, top male college players received “full rides,” while Billie Jean worked two jobs, including handing out gym equipment in the locker room.²² Billie Jean King credits Larry’s comments

14 *All In*, p. 50.

15 *All In*, p. 3.

16 See generally, https://en.wikipedia.org/wiki/Association_for_Intercollegiate_Athletics_for_Women, noting that Ann Meyers became the first female to receive a full scholarship as a basketball player for UCLA.

17 The Federation Cup, which is the largest international women’s tennis team tournament, changed its name to the Billie Jean King Cup in 2020.

18 The Wightman Cup, which ended in 1989, was an annual competition of female teams from the United States and Great Britain.

19 *All In*, pp. 97, 99.

20 *All In*, p. 98.

21 *All In*, p. 101

22 BJK Senate Comments.

with opening her eyes to feminism and, certainly, the unfair treatment received generally by female athletes.²³

Unequal Prize Money

Billie Jean continued to confront societal expectations concerning the role of women even after marrying Larry and becoming the world’s top women’s player. Male sports reporters constantly asked if she was sacrificing “motherhood” for her career, and when would she retire and have children.²⁴ If she could tolerate this nonsense, she was unwilling to accept the tremendous disparity between prize money awarded to male players versus what the females received. By the early 1970s, the male winner of the Italian Open would receive \$7,500, the female \$600; \$20,000 would go to the U.S. Open men’s winner, while the female’s prize was \$7,500.²⁵ In some tournaments, men would receive guaranteed payments simply for participating, while females were in the money only if they made it to quarterfinals.²⁶

Organized tennis defended the lopsided purses, arguing that women only played three sets and the men played five, crowds came to watch the male players not the females, and that male contests not female ones brought network coverage and sponsorships. King tried to work within the system, supplying survey information demonstrating strong public support for women’s tennis and threatening tournament boycotts.²⁷ These efforts were unavailing. A determined King, along with her husband, lawyer Larry, then set about organizing other female players and creating a women’s tennis tour. Large swaths of *All In* describe in compelling detail their fledgling efforts, including the risks taken by the early players that signed contracts with the new league, promotional efforts at creating a tennis “brand,” and the league’s formative relationship with tobacco company Philip Morris and its new brand, “Virginia Slims.”²⁸

In addition to her on-court abilities, it turns out Billie Jean had strong business skills, and the book chronicles efforts by her and Larry to manage deals with sneaker and equipment labels and to create various tennis-associated businesses, including tennis camps and clinics, tournaments, pro shops, and even a women’s sports magazine. *All In* makes one thing clear – to be all in and thereby empowered means not just political activism on behalf of women’s equality but seizing upon and pursuing business opportunities.

23 *All In*, p. 101.

24 *All In*, p. 5.

25 *All In*, p. 165.

26 *All In*, p. 166.

27 *All In*, p. 169.

28 Of note, notwithstanding certain reservations about working with a cigarette company, King still believes that the partnership with Philip Morris, which did not require the players to smoke or expressly endorse their product “was the greatest in the history of sports” and made the women’s tour possible. *All In*, pp. 178-79.

Private Lives

The early 1970s were filled with challenges of a personal nature for Billie Jean, more difficult than those she confronted on the tennis court or in the business arena. Her marriage to Larry was under increasing strain. When they dated, she had confided in Larry that she was attracted to women, and after they married she had had several affairs with women and was wrestling with her sexual identity.²⁹ She feared that public disclosure of her homosexuality would result in economic ruination, but also jeopardize the progress she and others had made on behalf of women's tennis. So, she burrowed deeper into the closet.

Fate, too, conspired, and in 1971 she became pregnant. With instability in their marriage, she and Larry decided that an abortion was the best option. Abortions were legal in California but they required spousal consent and had to be approved by a hospital medical panel.³⁰ She had the procedure. A year later, without fully consulting her, but as part of efforts to promote the legalization of abortion, Larry returned Billie Jean's signature on a petition to *Ms.* magazine for publication to be included on a list of celebrities who had had abortions. The newspapers got hold of the story. She was questioned about the abortion in a *60 Minutes* interview. Billie Jean resented that her private decision had been made public and felt deep emotional scars that her parents learned about the abortion from media sources.³¹

Battle Of The Sexes

Then, with Billie Jean King at its center, one of the most extraordinary cultural events in American history unfolded, you know, the type where people ask each other years later, "Where were you when . . ." -- and you can fill in the blank -- when Kennedy was shot; when men landed on the moon, etc. King herself notes that five decades later, "it is not an exaggeration to say not a day has gone by without someone talking to (her) about the Battle of the Sexes match."³² Here's what happened.

In 1973, a former No. 1 ranked male tennis player, Bobby Riggs, whose heyday had been in the 1930s and 1940s, emerged at age 55 looking for a large payday. He challenged the current top female tennis players, boasting that as an old man he could still beat them. A huckster and a gambler, he knew how to generate publicity by clothing himself in the language of male chauvinism, ranting to media sources sentiments common then and now unacceptable that males are superior, that a women's place was in the kitchen or that women can't handle pressure in business, politics, or sports.

Riggs told Billie Jean King, who was 25 years his junior, that he would put up \$5,000 of his own money in a winner-take-all match. She initially refused to accept Riggs' repeated

challenges, recognizing that "there was nothing in it for me or women's tennis."³³ At some level, she also feared that if she lost it could set back the efforts that she and others had made to achieve a level tennis court for women. Title IX had been enacted into law a year earlier and King realized, too, that a loss to Riggs could jeopardize what the legislation hoped to achieve.³⁴

Riggs was persistent, and when Billie Jean did not agree, he signed up top-ranked Margaret Court. By most accounts, Court should have been able to beat Riggs handily, but his shenanigans and sex-baiting achieved their intended psychological damage and Court lost in what became known as the "Mother's Day massacre." Riggs then assembled more prize money and sponsorships and renewed the challenge to King. In the face of Court's loss, King felt that she had no choice but to accept.

In retrospect, it was not really a tennis match. Possibly a circus? A spectacle? *Tonight Show* appearances and press conferences preceded the match as if it were a heavyweight prize fight. Celebrities voiced their opinions about who would win. Schoolkids bet each other on the outcome. Households around America debated the roles of the sexes, with the lobber vs. the libber at center stage.³⁵

True to form Riggs spent the time before the match enjoying the limelight, betting on the outcome, and harvesting sponsorships. As a substitute for getting in shape, he swallowed hundreds of vitamin pills daily in front of cameras. For the candymaker of Sugar Daddy, in exchange for tens of thousands of dollars, Riggs agreed to wear a yellow and red-colored windbreaker jacket bearing the distinctive Sugar Daddy logo while playing his opponent. For her part, King, who understood the significance of the match and the consequences of losing, with determination and discipline prepared herself physically and mentally.

On the evening of September 23, 1973, all eyes were on the makeshift tennis court assembled hastily at the Houston Astrodome. Over 30,000 people attended in person, by far tennis' largest crowd, and an estimated 90 million watched on TV.³⁶ The distinctive and familiar voice of ABC's Howard Cosell framed the proceedings.³⁷ In Cleopatra fashion, King was carried out on a gilded Egyptian litter by six bare-chested athletes dressed in togas, with the Helen Reddy song "*I Am Woman*" playing over the loudspeakers.³⁸ Riggs entered

³³ *All In*, p. 223.

³⁴ BJK Senate Comments.

³⁵ Although it may take liberties in its portrayal of King and Riggs, the 2017 film, *Battle of the Sexes*, starring Emma Stone as Billie Jean King and Steve Carell as Bobby Riggs, accurately captures the drama and hype surrounding the match.

³⁶ *All In*, p. 247

³⁷ A symptom of the times, Cosell commented on King's entrance into the stadium: She's "A very attractive young lady. Sometimes you get the feeling that if she ever let her hair grow down to her shoulders, took her glasses off, you'd have somebody vying for a Hollywood screen test." *All In*, p. 250.

³⁸ *All In*, p. 250.

²⁹ *All In*, p. 155.

³⁰ *All In*, p. 189.

³¹ *All In*, pp. 202-204.

³² *All In*, p. 263.

by rickshaw pulled by young Houston women dubbed “Bobby’s Bosom Buddies.”³⁹ The combatants greeted each other. Riggs handed King a table-sized Sugar Daddy caramel pop; King presented Riggs with a live piglet.⁴⁰ The battle lines were drawn.

And then . . . shortly after the match began and some initial success against King, the wind visibly left Riggs’ sails. King beat him in three straight sets. At the end of the match, a deflated Riggs summoned the energy to jump over the net to congratulate King, telling her “You’re too good. I underestimated you.”⁴¹

As amazing as it sounds, America was never the same after the King-Riggs battle. King had realized her hope that the match would change people’s hearts and minds and bring about social change.⁴² King understood that Riggs had mocked women “across the board,” and in rising to Riggs’ challenge King was every woman’s “stand in.”⁴³ Identifying with her victory, many women felt empowered and gained a self-confidence and a belief that “it was ok to compete and win . . . and that they did not have to be one of the boys to beat the boys.”⁴⁴ By challenging long-ingrained societal notions of the role of women, King opened people’s eyes to what women could do if given the opportunity.

At a more personal level, King had realized her childhood goal, observing: “I found myself with influence that leaped the firewall of sports and spread into the worlds of entertainment, business, and politics. This was the biggest platform I had ever had, and I intended to keep championing the cause of equality. I wanted any little girl to have the same dreams as any little boy.”

But, King also paid a price in becoming a public figure. She felt she needed to go deeper into the closet in order to retain a little privacy. Not yet comfortable in her own skin, fighting for the equality for others oddly had thwarted her pursuit of personal freedom. She worried that disclosure of her sexual identity would harm women’s tennis. She worried about her parents. She worried about the financial hit she and Larry would take.

In 1981 when news broke that a former female partner filed a “galimony” lawsuit against her, King was scared. A press release was issued with a full denial. Uncomfortable with having not revealed the truth, she embraced half-truths and attended a press conference with her husband, portrayed themselves as a loving couple, denied that she was a lesbian, and said that sleeping with a woman once did not make her one. In reality, it would be decades until Billie Jean King

³⁹ *All In*, p. 251.

⁴⁰ King agreed to the pig idea based on reassurances that the pig “would never be sent to market.” In the bedlam of the evening, the pig escaped but later was located in a corner of the stadium. According to King, the pig lived out its existence on a farm. *All In*, p. 251.

⁴¹ *All In*, p. 257.

⁴² BJK Senate Comments.

⁴³ *All In*, p. 261.

⁴⁴ *All In*, p. 262

could feel truly liberated from the prison in part erected by her success against Riggs.⁴⁵

Title IX And Billie Jean King

After the Battle of the Sexes, as *All In* capably chronicles, King served up many other accomplishments, including founding and participating in important political action groups and social justice causes, and investing in business ventures and sports teams. In 2009, she received the Medal of Freedom from President Barack Obama.⁴⁶ Along the way, Elton John even wrote a song for her, “Philadelphia Freedom,” to celebrate her participation with Philly’s tennis team, the Freedoms.⁴⁷

But King’s greatest contribution arguably is to Title IX, which in calendar year 2022 marks its 50th anniversary.

Title IX consists of only 37 words. It provides “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.”

Over time, the legislation has become associated in the public’s mind with achieving equality of the opportunity to participate in sports at educational institutions. However, fifty years ago, the words were merely words on paper, and even those responsible for its passage did not foresee the impact Title IX has today.

To be sure, Billie Jean King did not have a significant role in Title IX’s enactment. Nor in its drafting. Yet, the King-Riggs battle a year after Title IX’s passage breathed life into the legislation and enabled Americans to go beyond the statute’s text and visualize what equality looked like. And, admirably, it kind of looked a lot like Billie Jean King.

King and Riggs remained friends through the years until Riggs’ death from cancer in 1995. From time to time, she tried to tell Riggs that they were involved in more than just a “hustle,” but something that was “historical.” In their last telephone conversation a day or two before his death, with a weak voice Riggs told her, “We did make a difference, didn’t we?”⁴⁸

Abram S. Feuerstein is employed as an Assistant United States Trustee by the Department of Justice. The mission of the United States Trustee Program is to help protect the integrity of the bankruptcy system for all its constituents. The views, if any, expressed in the article belong solely to the author and do not represent in any way the views of the United States Trustee, the United States Trustee Program, or the US Department of Justice.



⁴⁵ King has been with her life partner, Ilana Kloss, for four decades.

They were married in 2018 at a private wedding ceremony presided over by former NYC Mayor David Dinkins. King wore a sweat suit and, for a little glamor, a strand of pearls. *All In*, pp. 414-15.

⁴⁶ *All In*, p. 396. The medal is the highest civilian award and King was the first female athlete to receive it.

⁴⁷ *All In*, p. 279.

⁴⁸ *All In*, p. 362.

THE LEO A. DEEGAN INN OF COURT KNOCKS IT OUT OF THE PARK

by L. Alexandra Fong

The American Inns of Court inspire the legal community to advance the rule of law by achieving the highest level of professionalism through example, education, and mentoring.¹ The Leo A. Deegan Inn of Court (“Deegan Inn”) is the Riverside chapter of the American Inns of Court and was chartered on April 3, 1992. As the Deegan Inn celebrates its 30th anniversary during the 2021-2022 program year, Abram Feuerstein, president of the Deegan Inn suggested the theme for the year: Sports and the Law.

Six teams were formed during this program year. Five teams were provided sports-related themes and presented from October to April. The sixth team is the Community Service Team, which began in the 2017-2018 program year when Honorable Jacqueline Jackson was its president.

Team Billie Jean King presented in October 2021 on the topic “Title IX and Equal Opportunity to Participate in Athletics.” Team Simone Biles presented in December 2021 on “USA Gymnastics

and Lawsuits.” Team Jim Thorpe presented in January 2022 on “NCAA and SCOTUS.” Team Jackie Robinson presented in March 2022 on “Representing the Athlete.” Team Kawhi Leonard on “Crime in Sports.” Team Ricky Fowler will present in late May 2022, after this article is published, and is expected to discuss the community service performed throughout the program year.²

The Leo A. Deegan Award for best team (highest scoring) presentation will be awarded at the September 2022 orientation meeting of the 2022-2023 program year.

L. Alexandra Fong is a deputy county counsel for the County of Riverside, practicing juvenile dependency in its Child Welfare Division. She is a member of the Bar Publications Committee and CLE Committee. She is co-chair of the Juvenile Law Section of RCBA. She is a past-president of RCBA (president in 2017-2018) and the Leo A. Deegan Inn of Court (president in 2018-2019.)



¹ This is the Mission of the American Inns of Court, as detailed here: https://home.innsofcourt.org/AIC/About_Us/Our_Vision_and_Mission/AIC/About_Us/Vision_Mission_and_Goals.aspx

² Additional information about each of the team’s presentation can be found on the Deegan Inn’s blog, located on its website here: <https://deeganinnofcourt.org/blog>



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MAJOR LEAGUE (1989)

by Bruce Todd

When I was eight years old in 1963, I became a life-time Los Angeles Dodger fan after my dad took me to Dodger Stadium to watch the Dodgers—then led by my childhood sports hero Sandy Koufax—defeat legendary Whitey Ford and the mighty New York Yankees in the World Series.

Although I had become a Dodger fan, I also developed a soft spot for the Angels since I grew up in Tustin—about 20 minutes from Angel Stadium—and, due to that proximity, I have actually attended many more Halo games than the ones featuring the Boys in Blue.

Fast forward to 1983 when my old college friend Scott Borzi and I were attending a late season Angels game while they were muddling through a long losing season (70-92). As they were suffering another defeat, he turned to me and said “Bruce, if we are going to watch a losing team, let’s pick a real loser to follow”. After mulling over the possible candidates for an inning or two, we decided that we needed to become Cleveland Indian fans. After all, they had garnered only two winning seasons (and only 81-78 and 81-80 at that) since 1969.

Determined to fully support our “new” team, we drove to Chick’s Sporting Goods (now Dick’s) in Upland the next day and purchased Indian caps and jerseys. We then tried to attend virtually every game during the 1984 season when the “Tribe” came to Angel Stadium to play. We thoroughly enjoyed watching two struggling organizations (Angels, 81-81; Indians 75-87) battle it out that season.

Some may remember that the Angels used to play their Spring Training games in Palm Springs. In 1986, we drove out to Palm Springs while the Indians were in town only to discover that they had switched the logo on their cap to the now politically incorrect Chief Wahoo. Of course, we drove directly after the game to Chick’s to purchase new caps. We also made plans to fly to Municipal Stadium in Cleveland for the Indian home opener that season. We had become immersed in Tribe baseball and, for our efforts, the team rewarded us by continuing with its losing ways (including 100+ loss seasons in ’85 and ’87).

So, imagine our surprise when we learned in 1989 that Paramount Pictures was going to be releasing a movie that year called *Major League* about the hapless Cleveland franchise. The film was to star Tom Berenger,

Corbin Bernsen, Rene Russo, Wesley Snipes, and long-time Indian fan Charlie Sheen.

The plot was purposely similar to what seemed like a real Indian baseball season—a group of hapless ballplayers (in this case, has-beens, a felon, under-performers, etc.) were expected to wallow through yet another dismal season. The team’s owner (former Las Vegas “showgirl” Rachel Phelps—played by Margaret Whitton) intentionally constructs a band of baseball misfits in hopes that the team will have such a horrific season that she will be able to exercise an escape clause in the franchise’s contract which will allow her to relocate the team to Miami.

The interaction between the players (Berenger, Bernsen, Snipes, Sheen, et. al.) is delightfully hilarious as they make their way through spring training and into the actual season. Real life Tribe fans are treated to the inimitable Harry Doyle (played by ultra-humorous former real life player Bob Uecker) as the team’s long-suffering announcer. The “Ueckerisms” which roll out of Doyle’s mouth just may be the highlight of the entire film. There is also an enjoyable side story about the redemptive love relationship between Berenger and Russo. I won’t spoil the ending for those of you who have not yet seen the film.

The movie was made for \$11 million and grossed a worldwide box office of \$75 million.

After the film was released, my friend Scott and I started noticing many people wearing Chief Wahoo caps. To this day, I still wonder whether they were doing so because of their love for the movie or rather that they had become real life Indian fans (or, perhaps, both).

The actual Cleveland team continued its losing ways for several more seasons after the movie’s release until 1995 when the team broke through with a 100+ win season. Thereafter, the team went on a winning roll and has since become a very reputable franchise. It even made it to the World Series in ’95, ’97 and ’16 only to lose all three series (the team’s last WS championship still resides in 1948).

Of course, the Indians are now (beginning this season) named the Guardians but the film itself remains a movie sports classic. And I still remain a life-long fan of the Boys in Blue.

Bruce Todd is a current member of the RCBA, a former long time member of the RCBA Publications Committee and who is now happily enjoying the life of retirement.



JUDICIAL PROFILE: HONORABLE OTIS STERLING III

by Mary Gilstrap

There are not too many judicial officers who can say that they were signed by the San Diego Chargers as a free agent while being simultaneously approached by the Miami Dolphins, all before they ever set foot in a law school. But Judge Otis Sterling III can.

The former wide receiver at Brigham Young University was in his senior year when he received a call from the Chargers, asking him to come to San Diego. While Judge Sterling excelled at the game (one Utah newspaper referred to him as the “Patron Saint of College Football Walk-ons”), he had already been accepted into the Brigham Young University J. Reuben Clark Law School. The die had been cast.

Judge Sterling is the proverbial American success story. He grew up in Riverside (he went to North High School) in an environment that was plagued with drugs, gangs, and violence. He excelled at sports although he did not compete until his junior year in high school. He lettered in football and set North High School records for the most receptions and most yards in one game. The unknown kid from Riverside started garnering attention from college football recruiters, which abruptly ended when his father went to prison. At the age of 18, he became homeless with no hope of a scholarship to attend college. He was rescued by his close friend, Shawn Rios, and his family, who took Judge Sterling in and gave him a home and ultimately, paved the way for his admission to BYU. He was the first in his family to attend college and would never have been able to attend, but for the kindness and support of the Rios family.

While Judge Sterling did very well academically at BYU, where he majored in English, his prowess on the field garnered him additional accolades. While playing football for BYU in his junior and senior years, Judge Sterling was named a Western Athletic Conference scholar/athlete from 1990-1992. Former San Francisco 49ers running back Jamal Willis, also a BYU alumnus, posted some old video clips of Judge Sterling making some great plays on Twitter, where he gave a shout-out to Judge Sterling, saying that “Otis was highly intelligent and a great role model/example of coming



Hon. Otis Sterling III

from nothing and achieving greatness. I looked up to Otis, and he paved the way for so many players, he was also a dang good WR BYUfootball@Derwin Gray.” (For football fans, Derwin Gray was another BYU alum who went on to be a defensive back for the Indianapolis Colts and the Carolina Panthers).

Judge Sterling recognized that the gridiron was a completely different environment than a law school. “I went from one extreme to another,” he said. “One was physically challenging, the other was mentally challenging.” While in law school, Judge Sterling worked as both a summer associate for a Salt

Lake City law firm and an extern with the Utah County Public Defender’s Association and participated in moot court. After graduation in 1995, he worked in the Office of Equal Opportunity and Affirmative Action for the University of Utah and after several years, transitioned to becoming a criminal defense attorney for the Salt Lake Legal Defender’s Association, where he routinely handled felony cases, including murder and sex crimes.

His background in defending violent crimes led to a job offer from the Riverside County District Attorney’s office, where he worked from 2002 through 2011. While there, he prosecuted violent felonies and worked his way up the ranks to becoming the managing supervising D.A. in 2008. He held that position for several years, until Governor Edmund G. Brown Jr. appointed him to the bench, along with fellow Judges Raquel A. Marquez and John Vineyard in 2011.

Judge Sterling has been handling criminal trials since he took the bench in 2011. He has had little exposure to civil cases (three, to be exact), but has presided over very serious felony criminal cases, including capital murder, rape and robbery. Fellow bench officer Judge Russell Moore praised Judge Sterling’s work ethic. “Judge Sterling has made some major contributions to the appellate division ever since joining it in the last year or so,” Judge Moore said, who also pointed out that along with those duties, Judge Sterling had also taken over the master calendar department at Larson Justice Center, which was itself a very challenging assignment, particularly given the impact that the COVID pan-

demic had on the courts generally. Most recently, Judge Sterling has been assigned to the drug court and mental health court. "It's a different world," he said, but one that he is enjoying. He recognizes that in these courts, the process can be more collaborative yet nonetheless formal.

Judge Sterling has been married for over 20 years to Jeanette Marie Morales and they have four children: Tatiana (currently following in her father's footsteps by attending Cardozo School of Law in New York), Otis IV (a former ballet dancer), Pierce (a basketball player at college in Arizona), and Joaquin the baby, just 14-years-old, who plays the piano. Some of Judge Sterling's favorite things to do are working out, hanging out with his family, and, no surprise, playing sports.

He is assisted by court assistants Celine Delgado and Toni Davis, court reporter Whitney Cardenas and Riverside County Sheriff's Deputy Garrett Lee.

Mary E. Gilstrap is a partner of the law firm of Roemer & Harnik LLP and a past president of the Desert Bar Association.



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OPPOSING COUNSEL: AARON CHANDLER — THE JOURNEY FROM PROFESSIONAL ATHLETE TO ATTORNEY

by L. Alexandra Fong

Aaron Chandler was born in Denver, Colorado. His family moved to Riverside when he was young and he graduated from Woodcrest Christian High School in 2002. While attending high school, he played varsity soccer, volleyball, and baseball. He also played in youth leagues for basketball, bowling, golf, tennis, badminton, football, and golf.

He attended the University of San Francisco (USF) from 2002-2006 and obtained a Bachelor's of Science degree in Business Administration. While attending USF, he played for the Men's Division I soccer program. He was the West Coast Conference Player of the Year in 2004 and an All-American athlete. He was inducted into the Riverside Sports Hall of Fame in 2005 and his plaque on the Wall of Distinction, located at the corner of 14th Street and Magnolia Avenue in Downtown Riverside, was placed in 2010 during the annual Wall of Distinction Recognition Ceremony.¹

Aaron played professional soccer from 2007-2011. He was drafted by the Columbus Crew in the 2007 Major League Soccer (MLS) draft. He also played for D.C. United and California Victory. He played overseas in Norway for a first division team, Idrottslaget (IL) Hødd Ulsteinvik. He retired in 2011, after being injured.²

After retiring from professional soccer, he attended law school, having been inspired by his attorney father, Robert Chandler.³ Had he remained a professional soccer player, he believes his career as an attorney would only have been briefly delayed. He began Western Michigan University Cooley Law School in 2011, where he met his wife Anna Zagari. While in law school, he participated in Moot Court, was an associate editor of law review, and provided pro bono services as a member of the mediation clinic. He also worked as an extern at the California Court of



Aaron Chandler

Appeal, Fourth District, Second Division, with Associate Justice Jeffrey King.

In September 2013, Aaron graduated from law school after only two and a half years with magna cum laude honors and returned to California where he passed the February 2014 California Bar Exam. He was admitted to practice law in California in May 2014.⁴ He interned at the Riverside County Public Defender's Office while awaiting results, first as a post-bar clerk and then as a full-time attorney.

He began working for the Riverside City Attorney's Office in November 2014. He currently works in the Public Safety Division as the legal advisor to Code Enforcement,

Fire Prevention, and the Police Department. He litigates civil rights matters in federal court on behalf of the City of Riverside and provides legal updates to various departments.

In September 2014, Aaron joined the Leo A. Deegan Inn of Court ("Deegan Inn"), the Riverside Chapter of the American Inns of Court. For the 2021-2022 program year, he is a member of Team Ricky Fowler, which is the Deegan Inn's Community Service Team, and will present in May 2022.⁵ Despite his assignment to Team Ricky Fowler, he graciously agreed to participate as a guest speaker in Team Jackie Robinson's presentation "Representing the Professional Athlete" in March 2022.

He was elected as Director-at-Large of the Riverside County Bar Association (RCBA) in 2020 and will complete his two-year term on August 31, 2022. During his free time, he enjoys surfing and snowboarding.

L. Alexandra Fong is a deputy county counsel for the County of Riverside, practicing juvenile dependency in its Child Welfare Division. She is a member of the Bar Publications Committee and CLE Committee. She is co-chair of the Juvenile Law Section of RCBA. She is a past-president of RCBA (president in 2017-2018) and the Leo A. Deegan Inn of Court (president in 2018-2019).



1 <https://www.pe.com/2010/10/20/riverside-sport-hall-of-fame-honors-47-with-spot-on-wall/>

2 Photographs of Aaron during the 2007 Major League Soccer Draft can be obtained from Getty Images and ISI Photos.

3 See *Opposing Counsel: Robert Chandler*, written by Aaron Chandler, in the May 2020 issue of *Riverside Lawyer*.

4 In May 2019, Aaron became a licensed attorney in Pennsylvania.

5 This is the second program year in which Aaron has participated on the Deegan Inn's Community Service Team since its creation in the 2017-2018 program year.

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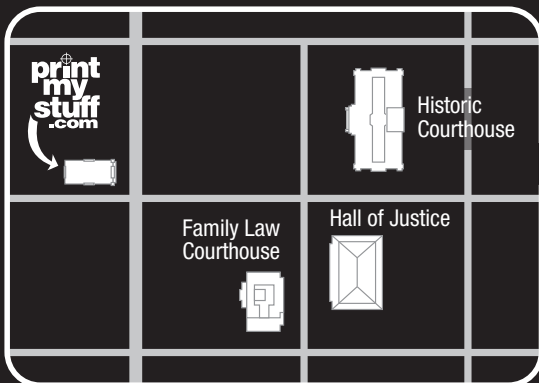
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NOMINEES FOR THE 2022-2023 RCBA BOARD OF DIRECTORS

The Riverside County Bar Association's Nominating Committee has nominated the following members for the 2022-2023 RCBA Board of Directors. The term for each office begins on September 1, 2022. Below are the biographies submitted by each candidate. The election will be conducted by a web based electronic voting system. Please watch your email for voting information. Election results will be announced in June.



Lori Ann Myers
President

As President-Elect for 2021-2022, Lori Ann Myers will automatically assume the office of president for 2022-2023.



Kelly Moran
President-Elect

I am incredibly honored to have been nominated to continue as a member of the Riverside County Bar Association Board of Directors. I have had the opportunity to serve as a board member for six years, first as the 2013-2014 Riverside County Barristers president, then later as a director-at-large from 2015-2017, secretary from 2019-2020, chief financial officer from 2020-2021, and most recently as the vice president during the 2021-2022 term. I would be privileged to continue that experience in the future as the 2022-2023 president-elect of the Riverside County Bar Association.

As a Riverside native, I strive to give back to the community that I am so proud to call my hometown. I am a graduate of Notre Dame High School and U.C. Riverside. After obtaining my JD and a Certificate in Dispute Resolution from Pepperdine University School of Law, I returned to Riverside where I have been fortunate enough to practice law for the past thirteen years. I currently serve as a chief deputy county counsel for the County of Riverside in the Public Safety & Litigation Services Division.

Throughout my time as an attorney, I have had many wonderful experiences in the Riverside legal community. Most near and dear to my heart has been my work in helping to establish and coach the mock trial team at my alma mater, Notre Dame High School (the 2022 Riverside County champions!). This experience has been a challenging and rewarding endeavor that has allowed me to form deeper friendships in the legal community, strengthened my appreciation for the law, and has given me a continued sense of pride and optimism for the future of the Inland Empire.

In addition to my work with mock trial, I am also privileged to have been included as a member of the Leo A. Deegan American Inn of Court, the Civil Bench and Bar Panel, Riverside County Bar Association's Mentoring Program, and the Riverside County Bar Foundation's Adopt-a-High School program. Outside of the legal community, I volunteer as a "Wish Granter," member of the Speaker's Bureau, and member of the Medical Outreach Team for the Orange County and Inland Empire chapter of Make-A-Wish.

I am extremely grateful to be a member of the Riverside legal community and would be honored to have the opportunity to continue my journey on the Riverside County Bar Association Board of Directors as the president-elect for the 2022-2023 year.



Mark Easter
Vice President

Mark Easter is a partner at Best Best & Krieger LLP, where he has worked since graduating from U.C. Davis Law School in 1989. Mark serves on BBK's Recruitment Committee, Associate Development Committee, and Nominating Committee.

Mark specializes in real estate litigation, receivership litigation, public agency acquisitions, eminent domain, and inverse condemnation. Mark is a board member and is actively involved in the Inland Empire Chapter of the International Right of Way Association ("IRWA"), a professional organization that focuses on public agency acquisitions, right of way, and valuation. Mark has taught courses and seminars on eminent domain, expert witnesses, and trial advocacy for the IRWA, the Appraisal Institute, CLE International, and the RCBA.

Mark has been actively involved in the Riverside County High School Mock Trial program for over 25 years, as an attorney scorer from 1992-1995, as a member of the Steering Committee from 1996-2004, as an attorney coach for Woodcrest Christian from 2004-2014, and as an attorney coach for Valley View in Moreno Valley from 2015 to 2020.

Since 2010, Mark has assisted in RCBA's Elves Program as a money elf, shopping elf, wrapping elf, and delivery elf. Since 2014, Mark has served on RCBA's Bench Bar Committee. Mark has served two years as a member at large of the RCBA Board and one year as secretary. Mark believes that attorney professionalism and civility, clear, and consistent communications between the bench and the bar, virtual/technology training, and attorney outreach to the community are very important as we work through this period of transition in how litigation is conducted and legal services overall are provided.



Megan Demshki
Chief Financial Officer

Megan G. Demshki is a trial lawyer at Aitken Aitken Cohn in Riverside where she specializes in traumatic personal injury, wrongful death, and medical practice matters.

Megan has been active in the Riverside County Bar Association for many years and currently serves as secretary on the RCBA Board of Directors. She is a past president of the Barristers, the new and young attorney organization of the RCBA. Megan also served as the chair for the RCBA Civil Litigation Section for several years. Megan currently sits on the Steering Committee for the Riverside County Bar Foundation. Megan is a proud graduate of the RCBA's New Attorney Academy, which she now also sits on the Steering Committee for the Academy.

Megan currently serves as past president of the Consumer Attorneys of the Inland Empire (CAOIE). Megan was awarded the 2018 CAOIE Presidential Award for Distinguished Service.

Outside of her involvement with the legal community, Megan serves as president for the Pick Group of Young Professionals, chair of the Janet Goeske Foundation, and vice president of Community Development for the Magnolia Center Business Council. She is a graduate of the Greater Riverside Chambers of Commerce Leadership Riverside program.

Megan is eager to continue her involvement with the RCBA as chief financial officer by bringing quality opportunities for members of the RCBA to network and form meaningful relationships.



Erica Alfaro
Secretary

Erica Alfaro is a native of Riverside, CA. She obtained her undergraduate and legal education at University of California, Davis.

Erica serves as staff counsel at State Compensation Insurance Fund and practices workers' compensation insurance defense. She is a member of the State Fund Diversity Council, a statewide task force and the State Fund Emerging Leaders Program which develops future leaders within the organization.

Erica has been active in the RCBA since 2015. She currently serves as a director-at-large on the RCBA board and also served in this position 2018-2020. She is past president of the Barristers, the new and young attorney organization of the RCBA, and was successful in reviving the organization.

Committed to the community at large, Erica has served as a board member for Inland Counties Legal Services for the past 7 years and currently serves as vice president. She is a founding

member of the Hispanic Bar Association. Erica is an active member of the Leo A. Deegan Inn of Court.

Erica's attention to detail and thoroughness make her a great fit for the Secretary position. She is eager to serve the Riverside legal community and enjoys helping and giving back to Riverside. She would love the opportunity to serve another term on the RCBA board as secretary.



Elisabeth A. Lord
Secretary

I have been honored to serve our legal community for the past two years as a director-at-large. I am asking for your support to elect me as secretary. I love being able to participate with my fellow bar members in helping our community and feel that I will be able to do more in this position.

I have been part of the Riverside County legal community since 2005. I am currently a sole practitioner in the area of Family Law having opened my own office in January 2022. I received my B.A. from University of California Santa Cruz in Language Studies. I received my J.D. from Santa Clara University and was admitted to the California Bar in December 1999. Prior to moving to Riverside County, I practiced Juvenile Dependency, Criminal Law, and Family Law in Santa Cruz and Santa Clara counties. In 2005, I relocated my family and practice to Riverside County.

Since that time, I have been involved in the local legal community serving as president and vice-president of the Mt. San Jacinto Bar Association and as a volunteer mediator to assist the court with resolving family law cases involving self-represented litigants. I have been an active member of the Riverside County Bar Association for many years. I am a regular participant in the Elves program having served as a money, wrapping, and shopping elf. I participate yearly in our excellent mock trial program by serving as a scorer. I have been a member of the Leo A. Deegan Inn of Court for seven years and currently serve as an Attorney Master. Prior to the pandemic, I served as an attorney mentor for the Youth Court program assisting high school students with presenting the sentencing phase of a case.

Since being elected as a director-at-large, I have been an active member on our board. I served in organizing our 2021 Reading Day at Anna Hause Elementary School. I served as a participant to mentor UCR students interested in entering the practice of law. I look forward to having the opportunity to further serve our community as secretary and would consider it a privilege.

I thank you for your consideration to allow me to continue to serve our great legal community and our community at large as secretary of the Riverside County Bar Association.



Amanda Daams

Director-at-Large

Amanda Daams is of counsel in Best Best & Krieger’s Environmental Law & Natural Resources practice group, where she assists public and private clients in navigating complex issues related to the California Environmental Quality Act, the National Environmental Policy Act, and associated environmental and land use laws. She advises on projects including those related to general plan updates, large scale specific plans, residential, commercial, mixed use, industrial and transportation projects, as well as mining projects across California. She also advises on cultural resources issues and environmental justice concerns.

Amanda grew up in Riverside and graduated from Notre Dame High School as valedictorian. She received her law degree from the University of Notre Dame in 2009. During law school, she participated in the San Diego Volunteer Lawyer Program, providing a variety of pro bono legal services as part of the HIV/AIDS Legal Services Project. After finishing law school, she knew she wanted to return to Riverside to practice law. She began her legal career at Gresham Savage Nolan & Tilden before joining Best Best & Krieger in 2017.

Ms. Daams became active in the RCBA since her first days as a young lawyer. She was Barristers president in 2012-2013, is a contributor to Riverside Lawyer magazine on environmental topics, and served as a mentor for the New Attorney Academy. In addition to writing and speaking on environmental law issues, Amanda has served as the Chapter Director of the Inland Empire Chapter of the Association of Environmental Professionals (AEP) since 2010. AEP seeks to enhance, maintain, and protect the quality of the environment through research and education and advising on legislative matters. She represents the Inland Empire on AEP’s state board of directors.

Amanda enjoys spending time with her husband and their three children. She is excited to give back to Riverside’s legal community through increased involvement in the RCBA and would be honored to use her talents on the RCBA Board of Directors.



Abe Feuerstein

Director-at-Large

I hope I can contribute to the RCBA Board if entrusted with that opportunity, drawing on many varied experiences in a 35-year legal career.

In the past, I have served as a co-chair of the RCBA CLE Committee and in that role institutionalized the committee’s January CLE Marathon. I also enjoy serving on the RCBA Publication Committee and frequently contribute articles for *Riverside Lawyer* magazine, including articles about Abraham Lincoln’s legal career; Perry Mason’s creator, Earl Stanley Gardner; walking up Mount Rubidoux; the 200th Anniversary of Mary Shelley’s *Frankenstein*; the World War I Museum in Kansas City, Missouri; the Sherlock Holmes collection at the

University of Minnesota; and the Shaw Memorial at the National Gallery of Art. For the past nine years, I have participated as a member of the Leo A. Deegan Inn of Court and this year am honored to serve as its president.

In my legal career, since September 2009, I have served as an Assistant United States Trustee employed by the United States Department of Justice. As an Assistant U.S. Trustee, I supervise Riverside’s Office of the United States Trustee. The mission of the United States Trustee Program is to serve as a “watchdog” to help protect the integrity and promote the efficiency of the nation’s bankruptcy system.

Prior to joining the U.S. Trustee Program, I was a principal of the Central Valley, California based law firm, Suntag & Feuerstein, where I practiced business litigation with an emphasis on bankruptcy. Previously, I practiced business litigation and bankruptcy with two large national law firms based in San Francisco, California: Thelen, Marin, Johnson & Bridges (1987-1990); and Heller, Ehrman, White & McAuliffe (1990-1992). I then became a partner in a smaller San Francisco-based firm where I continued to practice business litigation and bankruptcy, with an emphasis on the representation of Chapter 7 bankruptcy trustees. I attended Vassar College (A.B. 1984) and Boston University School of Law (J.D. 1987).

I previously served on the Board of Governors of the San Joaquin County Bar Association and understand the central role local bar associations play in a legal community. Some of my business experiences include owning and operating a commercial nursery, Stockton Iris Gardens, in the Central Valley, and a sports memorabilia business on Fisherman’s Wharf in San Francisco.



Heather A. Green

Director-at-Large

Heather A. Green is a criminal defense attorney at Blumenthal & Moore. She handles all types of criminal defense cases, with a specialty in mental health. In addition to her private practice, Mrs. Green also accepts indigent defense cases

through the Riverside conflict panel. Prior to her work as an attorney, Mrs. Green interned with the 4th District Court of Appeals and worked as a clerk and courtroom assistant in the Riverside County Superior Court.

As a Riverside native, Mrs. Green earned her Bachelor of Arts degree in Political Science from the University of California, Riverside before obtaining her law degree from California Southern Law School. Mrs. Green has been involved in the Riverside County Mock Trial program for many years, starting from participating as a team member in her high school years to serving as an attorney scorer today. She is truly honored to have been nominated for a position on the Riverside County Bar Association Board of Directors and looks forward to an opportunity to give back to her community, especially the legal community.

She is a long time member of the Riverside County Bar Association, the Greater Riverside Chambers of Commerce, California Attorneys for Criminal Justice, California Public Defenders Association, Riverside County Criminal Defense Association, amongst others.

Chris Johnson
Director-at-Large



As a lawyer for over twenty-five years, Chris has handled transactional and litigation matters in real estate, land use & development, title review, bond (re)financing, merger & acquisitions, and business law.

After receiving his Juris Doctorate from the University of San Diego cum laude in 1993, he obtained his initial training as an associate working with the trial

lawyers in the San Diego law firm formerly known as McInnis, Fitzgerald, Rees & Sharkey. In 1998, he worked as in-house counsel for the Insurance Company of the West. From 2002-2015, he was the principal of his own law practice: Single Oak Law Offices in Temecula. In November of 2015, Chris joined Reid & Hellyer. He became a partner in February of 2017. Chris is the senior attorney responsible for the Temecula/Murrieta office.

Chris has been a member of the Riverside County Bar Association since 2010. Since that time, he has participated as a panel member during a day of "Access to the Courts" for the public and as a scoring attorney in the High School Mock Trial competitions. Chris co-chaired the Solo/Small Firm Section of the Riverside County Bar Association from 2014-2017.

As a director-at-large, Chris would strive to enhance several facets of the ongoing enterprise:

- Increase the participation and coordination of private, public, and governmental practitioners in the Association;
- Garner greater inclusion of those practitioners who practice outside of the traditional downtown area such as southwest county and the desert communities;
- Emphasize greater civility and professionalism in practical legal training curriculum such as the ongoing academy training program. Also explore the possibility of bringing that program to other regions of the county.

Chris has lived in Temecula with his wife and their two daughters since 2003. As empty-nesters, Chris and Cheryl spend their "free" time meeting the needs of their 5-year-old English bulldog "Titus."

Trenton Packer
Director-at-Large



Trenton C. Packer graduated high school from Riverside Poly and from there he received his Bachelor's Degree with high honors from the University of California at Berkeley. He received his law degree from the University of Virginia. In seventeen years of practice, Trent has handled hundreds of cases in state and federal courts throughout California.

Trent was an associate with the Law firm of Best Best & Krieger, where he developed an expertise in, among other things, California Government Code section 1090, the Political Reform Act, and the Brown Act

In 2014, Trent joined the Law Offices of Grech & Packer. Trent was named a partner in 2018. Trent has handled hundreds of criminal cases in appellate and trial courts throughout Southern California.

In addition to his expertise in handling high-stakes litigation, Trent is also an experienced civil rights attorney. Trent's cases range from police brutality, excessive force, and wrongful arrest cases to lawsuits challenging the use of force within jails and prison facilities.

Prior to moving back to Riverside, Trent lived and practiced law in San Diego. Trent served on the Executive Board of the Federal Bar Association in San Diego, California and was a member of the Louis M. Welsh American Inn of Court and the Leo A. Deegan Inn of Court in Riverside. In addition, Trent actively participates in the County's Mock Trial Program at the elementary, middle, and high school levels.

Trent is passionate about practicing criminal defense and advocating on behalf of victims of civil rights violations.



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MEMBERSHIP

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

Aily Baldwin – Law Office of James M. Blucker, Ontario

Sandra J. Ciprian – Metropolis Law Group, Rancho Cucamonga

Savannah R. Dao – Inland Counties Legal Services, Ontario

Deborah L. Fujiwara – The Grey Legal Group, Murrieta

Adam M. Jackson – Inland Empire Criminal Defense, Ontario

Earl Robertson III – Solo Practitioner, Riverside

Cecilia Rojas – Office of the City Attorney, Riverside



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