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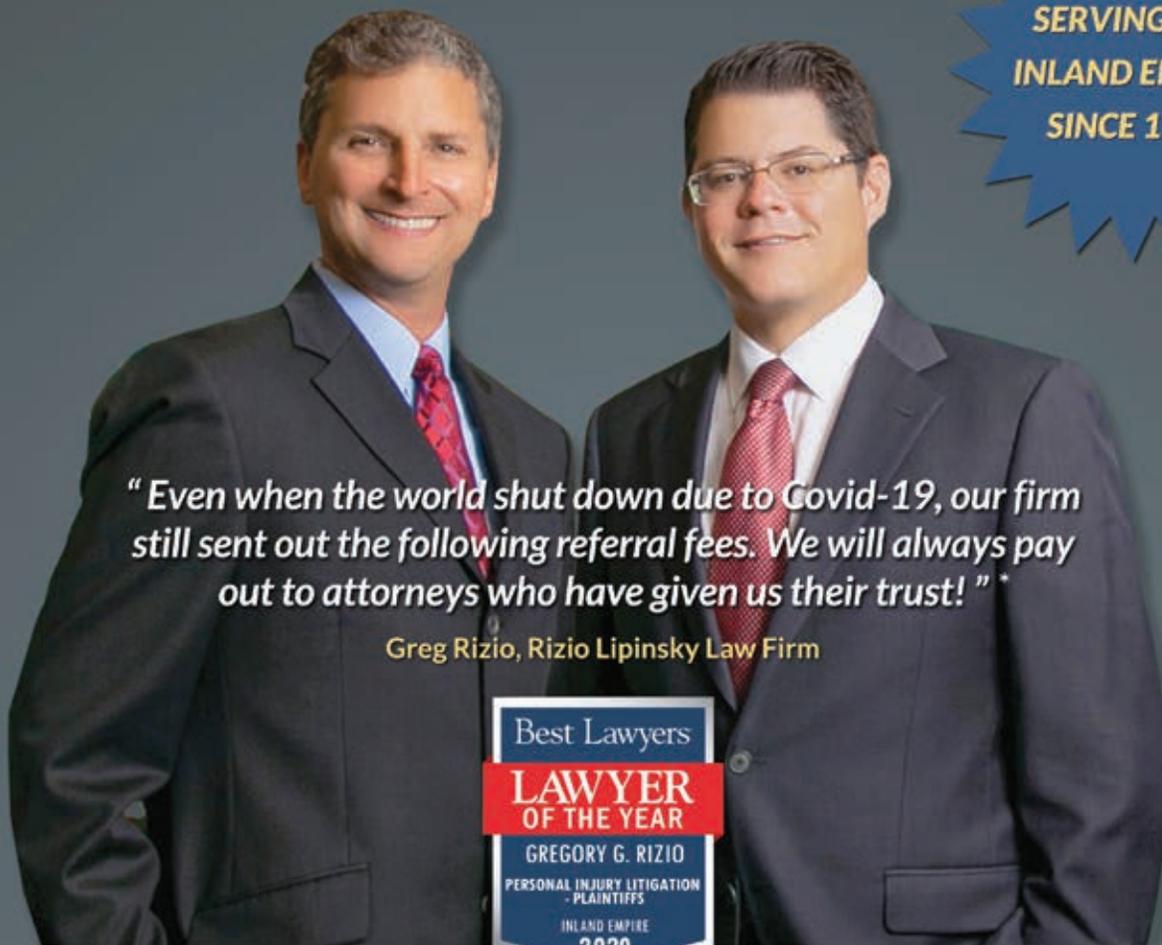
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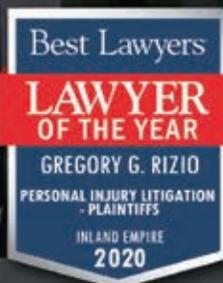
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RIVERSIDE LAWYER

MAGAZINE

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Bottom Photo: (Front Row L-R) Priscilla George, Summer DeVore, Kevin Collins, Sharon Ramirez, Lauren Vogt; (Back Row L-R) Nolan Kistler, Jack Rafter, Alex Barraza, David Rivera, Sandra Lattouf
Riverside Lawyer, December 2023 1

CALENDAR

DECEMBER

11 Civil Litigation Roundtable with Hon. Harold Hopp
Noon - Zoom
MCLE

RCBA Elves Shopping Night
4:00 P.M.
Walmart
6250 Valley Springs - Riverside
Contact RCBA for more information

12 Civil Litigation Section Meeting
Noon, Zoom
Speaker: Cyrus L. Torabi
Topic: "Magic Kingdom Showdown: The Disney-Ron DeSantis Dispute"
MCLE

13-14 RCBA Wrapping Elves
RCBA Boardroom - 3:30 pm
Contact RCBA for more information

JANUARY

12 MCLE Marathon
Zoom, 10:00 a.m. - 2:30 p.m.

10:00 - 11:00
Implicit Bias - Casey Johnson

11:10 - 12:10
Ethics Presentation - Carol M. Langford

12:20 - 1:20
Competence - Jim Heiting & Greg Dorst

1:30 - 2:30
Elimination of Bias - Eugene Kim

Events Subject To Change

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

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.

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 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, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, the RCBA - Riverside Superior Court New Attorney Academy and the Riverside Bar Foundation.

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, Reading Day and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

PRESIDENT'S Message

by Mark A. Easter



Well, I didn't expect to be doing this so soon, but here goes. Allow me to introduce myself: Mark Easter, eminent domain and real estate litigation attorney at Best Best & Krieger (BB&K). I have been practicing with BB&K in Riverside since the fall of 1989, when an earthquake disrupted (among other things) the Bay Bridge World Series between the Giants and A's. I have a daughter named EvanRae who in 1998, left Riverside Community Hospital (RCH) a newborn and in 2021, she returned to RCH as a registered nurse, where she works the night shift in something called telemetry.

ANYHOW, in September, I attended the RCBA installation dinner, to be dutifully sworn in as president-elect. A few short weeks later, our new president, Kelly Moran, called me with the news that she had been appointed commissioner of the California Superior Court in Riverside County. Much congratulations to Kelly! But I will confess, my first thought was one of Justice Barton Gaut's favorite words when I worked for him in the 90's: "FRAP." My next thoughts were, "Now what?" "What am I doing here?" "What's it been like for me to practice law in this community, and what does the Riverside County Bar Association mean to me anyway?" I think it means several things.

CIVILITY

From the time I started my career, it was evident that civility was an important value in this legal community. It was modeled for me internally by the people I worked for at BB&K, such as Bart Gaut, Meredith Jury, Virginia Phillips, Vic Wolf, and Howard Golds. I also saw it exhibited by the experienced litigators I crossed path with those first few years: Don Powell, Dave Moore, Justin McCarthy, John Nolan, and Terry Bridges are a few that come to mind. And civility was expected from the judges who I

regularly appeared in front of: Judge William Sullivan, Judge Victor Miceli, Judge Richard Van Frank, Judge E. Michael Kaiser, and Judge Stephen Cunnison.

COLLEGIALITY

I also discovered early on that collegiality, outside of the four corners of our cases, was important in this community. That there was value in local attorneys forming bonds outside of court. Barristers fostered that. As did Inns of Court. Even the RCBA softball games at University Heights Middle School increased collegiality. Well, most of the time. (That subject may have to be more fully covered in a future article.) But yes, attorneys in this community valued friendship with each other. I did not sense that as much when my cases took me to certain other counties.

COMMUNITY

Finally, it did not take long for me to learn that attorneys in our town value making a difference in this community – volunteering in a myriad of ways. ICLS. Coaching sports. Boy Scouts. The Chamber. UCR events. The Riverside Arts Foundation. Mock Trial. Church events. Elves. Rotary. Kiwanis. The Other Bar. I have only scratched the surface. We have a great tradition of attorneys in Riverside County that give back to their community. We should be proud.

As president, I hope to do what I can to continue promoting these values of civility, collegiality, and community service. Over the next few months, my goal is to get to as many RCBA section meetings and events as I can, meet and get to know as many of you as possible, and learn more about what RCBA means to its members. My sense is that for some, the RCBA events serve as an important outlet for social interaction and networking. For others, RCBA provides chances for training and continuing legal education. And for others, RCBA is a source of opportunities for community service and engagement.

ALL THREE FUNCTIONS ARE IMPORTANT. And we now are living and practicing in a post-pandemic environment of virtual court appearances, depositions, meetings, and mediations, resulting in less in person and informal interaction. We do not have as many opportunities to converse with our colleagues before or after court appearances or depositions, and just get to know each other, never mind being able to informally discuss and resolve issues and cases. So maybe, just maybe, the RCBA plays...or can play...an even more important role in our professional lives. Oh, and that reminds me...

RCBA ELVES: December is ELVES season...we need money elves, shopping elves, wrapping elves, and delivery elves... grinchies need not apply. The shopping will take place on December 11, the wrapping on December 13 and 14, and deliveries will start on the weekend of December 15. Contact the RCBA at 951-682-1015, if you (or your family members) can help.

MCLE: Just in time for the reporting deadline, we will be holding our annual MCLE marathon scheduled on January 12, by ZOOM. One-hour sessions from 10:00 am to 2:30 pm, covering implicit bias, ethics, competence, and elimination of bias. Yes, all of the required subjects. Contact the RCBA for more details.

MOCK TRIAL: We need attorney scorers for the high school mock trial rounds taking place on January 25, January 30, and February 6, at 5:00 pm, and on Saturday morning, February 10. Please contact the RCBA if you can help. The more scorers we have, the more effective and rewarding the competition is for all. Let's keep Riverside County the statewide mock trial powerhouse that it is!

And with that...let me say Happy Holidays, goodwill to all, and thanks for letting me introduce myself as your new prez.

Mark A. Easter is the president of the RCBA, a partner at Best Best & Krieger LLC, and has been residing and practicing law in Riverside since 1989.



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BARRISTERS

President's Message

by David P. Rivera



“[T]his Christmas Thing Is Not as Tricky as It Seems”¹

Jack Skellington. You know him, or I hope you do. He's the master of fright, known throughout England and France, who will thoroughly scare you right out of your pants. I am of course talking about the Pumpkin King, the protagonist of *The Nightmare Before Christmas* (commonly abbreviated as “NBC”), the brilliant stop-motion animated musical originally released by Walt Disney Studios under its adult-oriented film label, Touchstone Pictures, in 1993.²

NBC is my favorite holiday movie. Backdropped against the Halloween and Christmas holidays, it emerges annually on fans' watchlists from October through December. Jack Skellington can be characterized as a holiday event planner who, having mastered the Halloween thing and now experiencing a midlife crisis, resolves to give Christmas festivities a go. Disaster awaits.³

There are countless messages and themes within NBC, each with good feeling all around, but do any of them relate to the law? Sure, sort of. Let's imagine that Jack is an attorney and his antics qualify as the practice of law, albeit for an undetermined client.⁴ Which of California's Rules of Professional Conduct arise as issues? What about guidelines for civility and professionalism?

This article briefly examines the ethical responsibilities for competence, diligence, zealotry, and civility as applied to Jack Skellington in NBC. It begins with an NBC primer for the uninitiated. Grant me some latitude and join me in some ethical holiday fun!

I. NBC Synopsis—“You've Probably Wondered Where Holidays Come From”⁵

NBC introduces us to a fantastical holiday concept by which a set of seven holidays in the real world, including Halloween and Christmas, are organized, planned, and produced by the seven Holiday Worlds of Old, each linked to the

other and led by legendary figures embodying the holidays themselves. Until the events that unfold in the film, the Holiday Worlds were oblivious to one another.⁶

Enter Jack Skellington as his Pumpkin King persona, leader of Halloween Town, the Holiday World responsible for our scariest of holidays. Jack, a tall skeleton whose frightening talents are renowned far and wide, reflects on his peerless accomplishments and his unchallenging Halloween role. Tired of his crown and acknowledging “an empty place in his bones” that leads him to seek something more, Jack accidentally stumbles through a portal to Christmas Town, the Holiday World responsible for Christmas.⁷

Jack observes in Christmas Town a world so unlike his own—one filled with vibrant colors, sparkling snow, electric lights on strings, smiles, laughter, happiness, all sorts of cozy little things, including music in the air. He absorbs the sights and sounds, remarking that he's never felt so good before. He wants Christmas and all its good feeling for his own.⁸

In time, Jack decides to liberate Santa Claus from his leadership role in Christmas Town and over its associated holiday. That is to say, Jack kidnaps Santa and steps into his boots. But Jack is ill-equipped for so much responsibility.⁹

II. Competence—“What Have I Done?”¹⁰

Rule 1.1 of the Rules of Professional Conduct imposes upon California attorneys a duty to perform services competently. Competent representation requires that attorneys possess the legal knowledge and skill reasonably necessary for the representation at hand. When an attorney lacks sufficient knowledge and skill, he or she may nonetheless become competent by acquiring sufficient learning prior to the start of representation.¹¹ Relevant factors that determine competence may include the complexity and specialized nature of the representation.¹²

In NBC, Jack Skellington, the Pumpkin King and the foremost expert on Halloween, abandons his Halloween preparations to take over the Christmas holiday. Yet he knew nothing of Christmas, not even its existence, until his unwitting encounter with Christmas Town. He expresses his lack of knowledge and astonishment in his solo, “What's This?”, by proclaiming every sight and every sound to be a new discovery. He wonders if he's dreaming or if he's possibly gone daffy. He admits there are so many things about Christmas he cannot grasp, asking, “What does it mean? What does it mean?”¹³

Jack's confusion is perhaps most evidenced by his distorted understanding of Santa Claus. Jack describes the ruler of Christmas Town to be a fearsome king, likening Santa to a huge red lobster or a vulture in the sky, who, with a deep mighty voice, sets out to slay on a cold dark night under

1 *The Nightmare Before Christmas* (Touchstone Pictures 1993).

2 *Id.*

3 *Id.*

4 Identifying the client isn't necessary for this discussion, but if it puts you at ease, let's say Jack is a pro per litigant.

5 *Nightmare, supra.*

6 *Id.*

7 *Id.*

8 *Id.*

9 *Id.*

10 *Id.*

11 Cal. R. Pro. Conduct r. 1.3.

12 Model Rules of Pro. Conduct r. 1.1 cmnt. (Am. Bar Ass'n 2020).

13 *Nightmare, supra.*

the name of Sandy Claws. Despite a complete misunderstanding of Santa Claus and everything he represents, Jack aims to usurp Santa's prominence in the Christmas holiday.¹⁴

Jack isn't a complete hack. Realizing he needs to bone up on all things Christmas if he's to be the holiday's lead figure, he embarks on a self-study program. He conducts experiments, reads books, familiarizes himself with Christmas stories and rhymes, and learns all the Christmas carols by heart.¹⁵

It's all for naught. Christmas is ruined as Jack, in a coffin-shaped sled pulled by a team of reindeer skeletons, delivers his version of Christmas gifts. One little boy stares into the grotesque face of a shrunken head. The lengthy vines of a man-eating wreath menace a grandma in a rocking chair. A giant, tree-eating snake sends children running for their lives. A toy duckling bares sharpened teeth, chasing two kids across the room. A jack-o'-lantern jack-in-the-box follows suit.¹⁶

Eventually, military units launch artillery rounds, blasting Jack, sleigh and all, out of the sky. Jack survives, lamenting, "Everything's gone all wrong... I never intended all this madness... What have I done?"¹⁷

Jack Skellington is a poor Santa substitute and exponent of Christmas. Christmas falls outside of his holiday expertise and understanding. He had no prior experience of, or even exposure to, the joyous holiday that is Christmas. Though Jack tried to acquire sufficient learning and skill, he merely mocked and mangled Christmas. Jack clearly failed his duty to competently usher in Christmas.

III. Diligence & Zealousness—"I'm Really Going to Give It All My Might!"¹⁸

Rule 1.3 of the Rules of Professional Conduct imposes upon attorneys a duty to act with reasonable diligence, whereby a lawyer must be committed and dedicated to the interests of a client without neglect, disregard, or undue delay.¹⁹

California's rules require diligence without mentioning "zeal," but the state's courts still invoke zealousness in service to diligent representation.²⁰ The ABA recognizes an obligation to zealously advocate on a client's behalf, both in the preamble to its Model Rules of Professional Conduct and in the comments to its rule 1.3 on diligence.²¹ California's attorney's oath requires attorneys to discharge their duties "to the best of [their] knowledge and ability."²²

As much as Jack is incompetent, he is both diligent and zealous. After discovering Christmas Town, he is exuberant about the possibilities presented by the Christmas holiday and becoming its chief representative. He even has ambitious designs to improve Christmas. "Eureka! This year, Christmas will be ours!", he exclaims.²³

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*

18 *Id.*

19 Cal. R. Pro. Conduct r. 1.3

20 See, e.g., *Finton Constr., Inc. v. Bidna & Keys*, APLC, 238 Cal. App. 4th 200, 204 (Cal. Ct. App. 2015) (recognizing that attorneys are duty bound to zealously represent their clients).

21 Model Rules of Pro. Conduct pmb. (Am. Bar Ass'n 2020) ("These principles include the lawyer's obligation zealously to protect and pursue a client's legitimate interests..."); *id.* at r. 1.3 cmnt. ("A lawyer must also act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf.")

22 Cal. Bus. & Prof. Code § 6067 (West 2022).

23 *Nightmare, supra.*

With Christmas a mere fifty-three days away, Jack doesn't dillydally in his Christmas preparations. He immediately marshals his Halloween Town townies to make Christmas happen, assigning a special job to each of them. The vampire coven and others step into the role of toy-making elves. Sally, Jack's ragdoll female friend who is patched and sewn together with large sutures, is tasked with making a bespoke red and white Sandy Claws outfit for Jack. Dr. Finklestein, a Dr. Frankenstein-like mad scientist, is commissioned to construct skeleton reindeer to pull Jack's sled. The Halloween Town band is recruited to perform eerie covers of Christmas carols. Jack himself conducts various experiments and dedicates himself to the study of Christmas. Jack's persistence shines through as he encourages his helpers to practice, to try again, to not give up. And, perhaps succumbing to over-zealousness, Jack directs Halloween's three finest trick-or-treaters—Lock, Shock, and Barrel ("LS&B")—to kidnap Sandy Claws to create a job opening for himself. All of this speaks to a master plan engineered by Jack with a high degree of care and attention to detail.²⁴

Finally, Jack verbalizes his commitment to diligent and zealous efforts by proclaiming, "By God, I'm really going to give it all my might!" Surprise!—On the heels of his Christmas fiasco, he's referring to his resurgent interest in Halloween.²⁵ Even so, his promise also reflects his dedicated, yet failed, efforts to deliver the best Christmas ever.

IV. Civility—"That's Our Job, but We're Not Mean"²⁶

For well over a decade, the State Bar of California, bench members, attorneys, and bar associations have engaged in an active effort to advance civility and professionalism in the practice of law. The California Supreme Court added a civility component to the attorney's oath for new lawyers, requiring that they conduct themselves with "dignity, courtesy and integrity."²⁷ The State Bar of California adopted the California Attorney Guidelines of Civility and Professionalism. The Riverside County Superior Court adopted its Guidelines of Professional Courtesy and Civility. Both sets of guidelines steer attorneys toward civility in different stages of litigation. Both have been adopted by RCBA. Ultimately, the purpose of the civility push is to balance zealous representation with a professional, courteous, and civil attitude. Lawyers don't need to be bullies to do their jobs well.

Despite Jack's mischievous endgame, he runs a pretty civil racket. When LS&B accidentally kidnap the Easter Bunny instead of Sandy Claws, Jack apologizes, "I'm very sorry for the inconvenience, sir." He then instructs LS&B to "[t]ake [the Easter Bunny] home first and apologize again." More kidnapping instructions follow. "Be careful with Sandy Claws when you fetch him. Treat him nicely." And once LS&B manage a good and proper kidnapping of Sandy, Jack orders them to "see that [Sandy] is comfortable." Jack's civility rubs off on the residents of Halloween Town, two of whom explain their scaring duties: "that's our job, but we're not mean."²⁸ Sound familiar?

Jack promotes civility and professionalism in his dealings with others, notwithstanding his reputation as a master of fright and his bid to take over Christmas.

24 *Id.*

25 *Id.*

26 *Id.*

27 Cal. R. Ct. 9.7

28 *Nightmare, supra.*

V. Summary—"I Hope There's Still Time to Set Things Right"²⁹

Jack Skellington, the Pumpkin King of Halloween Town, bungled his takeover of Christmas. An utter lack of knowledge about the Christmas holiday doomed an undertaking for which he was ill-suited. He's a square peg in a round hole. He's cornered the market on Christmas incompetence, but he earns better marks for diligence, zeal, and civility.

When Jack decides to tackle Christmas, he does so based on a belief that "this Christmas thing is not as tricky as it seems." As attorneys, we might project that same sentiment onto our professional responsibilities for competence, diligence, zealotness, and civility. The rules and guidelines underlying these responsibilities may not seem tricky at first glance. But matters can grow complicated and troublesome if we don't attend to these responsibilities with proper attention and dedication. (In Jack's case, things literally blew up in his face.) Competence, diligence, zealotness, and civility promote our professional and civil practice of law.

Thank you for tolerating my love of *The Nightmare Before Christmas* and humoring my effort to make it legally relevant. Rest assured, I would do the whole thing over again, knowing what I know now and what I knew then.

Upcoming Events

RCBA Elves Wrapping & Happy Hour. Join us in wrapping gifts for RCBA's Elves Program on Wednesday, December 13

²⁹ *Id.*

at 4:00 p.m. in RCBA's boardroom. Get ready to (informally) compete with your fellow Barristers in the categories of wrapping speed and style. This is a great program that could benefit from your participation. Plus, it's loads of fun!

We'll wrap up 🥳 around 7:00 p.m., then head over to W. Wolfskill for happy hour. Appetizers will be provided courtesy of our sponsors, Veronica Foster and Elizabeth Miffleton, at Trust Properties USA.

Friends and family are welcome. Hope to see you there!

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If you have any suggestions as to possible events or activities, or comments on Barristers affairs, please email us at barristers@riversidecountybar.com.

Contact me directly by email at drivera@alumni.nd.edu, or by text or phone call at (909) 844-7397.

David P. Rivera is a solo practitioner of business law in Highland, treasurer of the Hispanic Bar Association of the Inland Empire, treasurer of the Asian Pacific American Lawyers of the Inland Empire, and a member of the RCBA Bar Publications Committee.

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Practicing Responsibly and Ethically: Reporting Professional Misconduct

by David Cantrell and Cole Heggi

On June 21, 2023, the California Supreme Court approved Rule 8.3, which went into effect on August 1, 2023. Rule 8.3 imposes a duty on lawyers to report certain types of misconduct by other lawyers. This rule aligns California—which had on two previous occasions considered and rejected similar so-called “snitch” rules—with many other states that have similar reporting requirements. This article briefly summarizes the Rule and notes some potential implications.

Scope of the Rule. Lawyers are required to report, without undue delay, credible evidence of another lawyer’s misconduct to the State Bar. The Rule generally requires reporting of two types of misconduct: (1) criminal acts and (2) other types of misconduct that are not necessarily criminal acts. Conduct reportable under the second prong must involve (a) dishonesty, fraud, deceit, or reckless or intentional misrepresentation or misappropriation of funds or property, and must (b) raise a substantial question as to that lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.

Limitations of the Rule. The Rule does not apply to violations of the Rules of Professional Conduct or the State Bar Act (unless they meet the above criteria); conduct that is criminal in other jurisdictions but not in California; information obtained through participation in substance abuse programs or mental health programs; information protected by confidentiality rules or laws, including the attorney-client privilege; or information received in a context where a lawyer is consulted regarding their own or another lawyer’s duty to report under the Rule.

Implications and Consequences of the Rule. The Rule was designed to discourage unethical conduct through self-regulation by the legal profession. Whether it is likely to bring about its intended result in the long term is beyond the scope of this article. However, the Rule will have some immediate impacts on California lawyers to which it applies, presenting them with several potential issues worth noting, among others:

1. **Balancing Client Interests:** Reporting must be done in a manner that does not materially prejudice or damage the interests of a client. (See Rule 8.3, comment 3.) Thus, lawyers must evaluate the potential conflict between the duty to report misconduct and the duty of loyalty to their clients, and act accordingly.
2. **Credibility of Evidence:** A lawyer is required to report only when he or she “knows of credible evidence” of reportable misconduct. (See Rule 8.3(a); Rule 1.0.1(f) [definition of “knows”].) Thus, a lawyer who becomes aware of misconduct must assess the credibility of the information received before reporting. Keep in mind that your credibility assessment will be second-guessed if you are accused of breaking the Rule.
3. **Reporting Venue:** Lawyers have the option to report to either the State Bar or a tribunal with jurisdiction, depending on where the misconduct occurred and the tribunal’s ability to investigate or act upon it. For instance, if an attorney commits reportable misconduct in the context of a case you are litigating in a civil court, it may be appropriate to report the misconduct to the judge handling that case. (See Rule 8.3, comment 6.)
4. **Potential Consequences for False Reporting:** While your communications to the State Bar regarding misconduct are privileged, you could face criminal penalties or disciplinary actions if you make a false or malicious report. (See Rule 8.3, comment 10.) Thus, in any given situation, you could face consequences for both reporting and for not reporting perceived misconduct.

Rule 8.3 represents a significant shift in the ethical landscape for lawyers in the state. On its face, the Rule underscores the legal profession’s commitment to integrity and accountability and attempts to balance the need to address misconduct with the protection of client interests and the legal system’s integrity. Whether the Rule will succeed in these goals remains to be seen.

David Cantrell is a partner with the firm Lester, Cantrell & Kraus, LLP. His practice focuses on legal malpractice and professional responsibility issues. David is certified by the California State Bar’s Board of Legal Specialization as a specialist in legal malpractice law.

Cole Heggi is senior counsel at Lester, Cantrell & Kraus, LLP, where he also represents and advises clients on legal malpractice and professional responsibility issues.



Desert Bar Association

by Timothy L. Ewanyshyn

The Desert Bar Association of Riverside County has just entered its 73rd year as a professional association of attorneys, judges, law students, and affiliate members practicing in the Desert Judicial District of Riverside County. Our area where we live and practice law is a close-knit community in which we maintain a spirit of camaraderie, civility, and professional courtesy that seems to be disappearing in larger population centers like Los Angeles. This is one of the reasons that I give when people ask me why I chose to practice law in this place. I am proud and honored to serve this year as president of the Desert Bar Association, especially when I consider all of the wonderfully talented practitioners who have preceded me in the history of our association.

If you did not know, the Desert Judicial District of Riverside County comprises the geographic area of the Coachella Valley. Until a few years ago, most people had never heard of the Coachella Valley, unless you described it as the Palm Springs area. Almost everyone in the world has heard of Palm Springs, the legendary resort populated by the Hollywood elite. Of course, long before the Racquet Club of Palm Springs hosted the stars of the Golden Age of Hollywood, the Coachella Valley was the home for centuries of the Cahuilla Indians. The Cahuilla people knew a wonderful location when they saw it, and made their settlements at the foot of the San Jacinto and Santa Rosa Mountains, where they found an abundance of water and shade from the sun.

Today, the name of Coachella is probably more well known than Palm Springs, thanks to the Coachella Valley Music and Arts Festival held each year at the Empire Polo Club in Indio. Every year, hundreds of thousands of concert goers from around the world make a pilgrimage to the Coachella Valley to see live performances of some of the greatest acts in pop music.

The Coachella Valley has a lot to recommend it, even if you are not fortunate enough to practice in our legal community. We live in a resort community with over 100 golf courses, and at least 10 times as many swimming pools. Our home has been the location of noted celebrity golf tournaments over the years like the original Bob Hope Desert Classic and The Dinah Shore. We still have the local streets named after the likes of Frank Sinatra, Gerald Ford, Dinah Shore, and Bob Hope, but it was not so long ago that you might have crossed paths with these celebrities in our community. I still remember the time that Bob Hope drove by in his golf cart, and I will

never forget the time that I saw Kirk Douglas at Costco in Palm Desert.

Our proximity to Hollywood and our local history as a movie colony may have even rubbed off on our legal community. The Desert Bar Association hosts a Bird Awards and Distinguished Judges Night. Resembling an Academy Award, a Bird Award is a gold laminated roadrunner awarded to members of the legal community who are roasted and honored for having done something funny or strange in the last year. Many say that you have not really made it until the Desert Bar Association has given you "the bird." This annual event began in 1978 as a dinner and awards show, and soon evolved into short comedy sketches presented by lawyers and judges, and a parody of Broadway shows with dance and music with lyrics about lawyers and the court. We have many talented (and a few not so talented) performers in our legal community, which is part of the fun, and the Bird Awards Committee is always looking for fresh faces if you would like to join us.

The Desert Bar Association consists of attorneys, judges, law students, and affiliate members. We are open to have members join us from outside the legal community. Affiliate members are professionals from outside the legal community, whether it be banking, accounting, medical, or any other field, interested in joining us for educational and social events. The Desert Bar Association hosts luncheons and MCLE events to provide continuing education for members of the legal profession.

Our next event will be a Holiday Cocktail Mixer on December 12, which is open to non-members as well. The Desert Bar Association will be joining with the Warren Slaughter/Richard Roemer Inn of Court to host this event. We are also planning our annual "State of the Court" presentation for January, with MCLE credit, to be hosted by the presiding judge of the California Superior Court, Riverside County with details to be announced soon. Please join us for our upcoming events!

Timothy L. Ewanyshyn is the managing partner of La Quinta Law Group. His diverse practice includes criminal, juvenile, civil, family, probate, and appellate law. He is the president of the Desert Bar Association of Riverside County and an active member of the Warren Slaughter/Richard Roemer American Inn of Court.





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Hispanic Bar Association of the Inland Empire

by Michael Ortiz

I am honored and excited to serve as upcoming president of the Hispanic Bar Association of the Inland Empire (the "HBAIE"). For those unfamiliar with the HBAIE, we support the Inland Empire's Hispanic legal community by fostering engagement with communities, businesses, and the bar. We are a family that celebrates Hispanic culture and cultivates the education, recruitment, and professional advancement of Hispanic attorneys.

We are a young organization. Established in 2019, our organization weathered the storm of the recent pandemic and have come out with renewed passion toward fulfilling our mission. Our past presidents, board members, and general members have provided immense support thus far and serve as a foundation for the future success of our organization. Our organization continues to grow in membership and public awareness, and I personally invite any person interested in joining or working with the HBAIE to join our organization or reach out to me personally.

I also want to recognize and thank our outgoing president, Daniella Hernandez, for her leadership and work done to further strengthen the foundations we have established over the past five years. I have big shoes to fill, but I am

grateful and lucky to have a group of great attorneys who will be serving beside me as HBAIE board members in the coming year.

I hope to strengthen and build upon the foundations set by the past presidents and board members by continuing the activities and events we have held in the past. I hope to continue that upward trajectory by increasing collaboration with other legal and non-legal organizations to enhance the effectiveness and reach of our organization.

In the spirit of collaboration and celebration as we end the current year, I look forward to a year of shared achievements, meaningful connections, and the continued success of not just the HBAIE, but also of the Riverside County Bar Association and the other great organizations serving Riverside and the Inland Empire. Together, we will make a difference.

Here's to a year of inspiration, growth, and collective success.

Michael Ortiz practices estate planning and administration at Ortiz Law and is the incoming president of the Hispanic Bar Association of the Inland Empire.



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Installation Dinner 2023

The RCBA's Annual Installation Dinner took place at the Mission Inn on September 14. Jeb Brown served as the master of ceremonies. Michael Marlatt administered the oath of office to the RCBA board members. Kelly Moran was installed as the 2023-2024 president. The other officers who were installed included Mark Easter (president-elect), Megan Demshki (vice president), Elisabeth Lord (chief financial officer), Goushia Farook (secretary), Heather Green, Chris Johnson, Malvina Ovanezova, and Lauren Vogt (directors-at-large), Lori Myers (past president), and David Rivera (as Barristers president he sits on the RCBA Board). Gifts of appreciation were presented to Lori Myers for her year of service as RCBA president.

Robyn Lewis gave the oath of office to the 2023-2024 officers of Barristers. David Rivera was installed as president. The other officers installed were Summer DeVore (president-elect), Priscilla George (secretary), Kevin Collins (treasurer), Alejandro Barraza, Nolan Kistler, Sandra Lattouf, Jack Rafter, and Sharon Ramirez (members-at-large), and Lauren Vogt (past president).

Judge John Vineyard presented the 2023 E. Aurora Hughes Award to now retired Judge Craig Riemer. This annual award was named in honor of E. Aurora Hughes who served as president of the RCBA from 2008 to 2009. The award is to honor a distinguished member of the RCBA for his or her service to the RCBA and to the legal community.

Kelly Moran presented RCBA lapel pins to Robert Andersen, David Bristow, Gary Montgomery, Diana Renteria, John Short, and Diane Weismann for their 25-year or more membership in the RCBA.

President Lori Myers introduced the annual Attorney of the Year Awards. RCBA Section chairs nominated attorneys who have demonstrated their legal ability, commitment, and passion to their field of law and dedication to their colleagues and the legal community. The awards were presented to the following:

Appellate Law	Susan Beck
Civil Litigation	Michael Kerbs
Criminal	Paul Grech
Family Law	Michelanne Hrubic
Juvenile Law	Maura Rogers

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Photos courtesy of Michael J. Elderman and Jacqueline Carey-Wilson.



Kelly Moran (right) presents gifts of appreciation to outgoing president Lori Myers.



Judge John Vineyard (right) presents Judge Craig Riemer with the E. Aurora Hughes Award.



RCBA Past Presidents

*L-R front row – Robyn Lewis, Judge Chad Firetag, Lori Myers, Kelly Moran, Harlan Kistler, Judge Irma Asberry, Neil Okazaki, Jacqueline Carey-Wilson
L-R back row – Brian Percy, Judge John Vineyard, Judge Craig Riemer (ret.), Jean-Simon Serrano, Judge Kira Klatchko, Judge David Bristow, Judge Steve Cunnison (ret.), Jim Heiting*



Megan Demshki and Robyn Lewis



Kelly Moran and family



Judge William Bailey (ret.) and Lori Myers



Sumika Sookdeo and Kamola Gray



Jacqueline Carey-Wilson, Judge Irma Asberry and Neil Okazaki



Blake Brown and Maryann Gallagher



Judge Steve Cunnison (ret.) and Judge Gloria Trask (ret.)



Harlan & Lori Kistler and Katarina & Nolan Kistler



Jean-Simon Serrano and Casey Johnson



Diana Renteria, Diane Wiesmann, Susan Beck



Virginia Blumenthal, Presiding Judge Judith Clark and Court Executive Officer Jason Galkin



Robert Cleek, Michelle Brooker, Judge Eric Keen, and Malvina Ovanezova



Elisabeth Lord, Melissa Cushman, Charity Schiller and Judge Kira Klatchko



Marvin Powell, Jr. and Judge David Bristow



Judge Jacqueline Jackson and Betty Fracisco



Maria & Judge Craig Riemer (ret.) and Judge Sunshine Sykes



Master of Ceremonies Jeb Brown



Brian Percy and Judge John Vineyard



David Rivera, Edna Ibarra and Amanda Perez



Judge Kira Klatchko and Virginia Blumenthal



Judge Sharon Waters (ret.) and Judge Sunshine Sykes



Donald Lee, James Heiting and Judge Harold Hopp

Richard T. Fields Bar Association

by Kamola Gray

Let me reintroduce the Riverside legal community to the Richard T. Fields Bar Association. We were founded in 2010, and we have the distinct honor of being named after Justice Richard T. Fields—an absolute trailblazer in our community. Our bar was formed to represent the interests of African-American attorneys in the Inland Empire. As the local affiliate of the National Bar Association and the California Association of Black Lawyers, we seek to promote initiatives to increase the number of youth of color who pursue careers in law and to promote justice for communities of color in the Inland Empire.



Shumika T.R. Sookdeo

We would like to take the time to honor one of our newest trailblazers. Our past president, Shumika T.R. Sookdeo, became the first attorney from the Inland Empire to become president of the California Association of Black Lawyers (CABL). Her tenure as president of this organization was groundbreaking. Under her leadership, CABL was able to sponsor important legislation with the California Assembly. She also became influential as a board member of the National Bar Association. Shumika expanded the reach of CABL and encouraged attorneys from all over the state to send school supplies to schools in Moreno Valley. Although the supplies were very important, it was encouraging for the young people of Moreno Valley to see someone that grew up in their area excel.

Not only did Shumika expand the reach of community service for CABL, but she also raised record breaking numbers for the annual gala ensuring that CABL was able to give multiple scholarships to deserving students. She does all this while being an excellent wife and mommy to two beautiful little girls. Richard T. Fields Bar Association is so proud of Shumika and we are grateful for her unwavering support to us.

We are looking for more members to follow in the path of our trailblazers. Pursuant to the guidance of our namesake, we actively participate in numerous community service projects. Just recently, we joined in with Good News Hope and Help, Inc., Alpha Kappa Alpha Sorority, Inc. Eta Nu Omega Chapter, and Fidelity Chapter #28 Order of Eastern Star to deliver gift cards to unhoused students from the Riverside Unified School District. Although we represent the interests of African-American attorneys in the Inland Empire, we are not exclusively African-American. Please join us on December 14, at 6:00 p.m., in the Gabbert Gallery on the third floor of the Riverside County Bar Association building, when our new board members will be sworn in. We would love for you to join us and learn more about our organization.

Kamola L. Gray is with the firm of Envision Family Law and will be installed as president of the Richard T. Fields Bar Association on December 14.





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Empowering Justice: The Vital Role of Riverside Legal Aid in Providing Access to Justice

by Adam Reed

Introduction

In the current economic landscape, access to justice for many in our community can be overwhelming. Confusion regarding the law and debt-inducing financial costs are stressful, to say the least. However, for the indigent population in our community, the challenges to accessing justice are paralyzing and can seem just out of reach.

Riverside Legal Aid is a nonprofit legal aid organization that strives to provide hope and a steady source of critical support for the residents of Riverside County who are most in need. As a nonprofit organization, we work tirelessly to bridge the justice gap, to ensure that everyone, regardless of their socio-economic status, has access to legal assistance.

The Mission

Riverside Legal Aid, which is officially named Public Service Law Corporation, was established in 1982 by the Riverside County Bar Association. Our mission has remained unchanged since then, which is to cater to the legal needs of the underserved population in Riverside County. Riverside Legal Aid aids indigent litigants by primarily offering one-on-one consultations with licensed attorneys, legal document preparation services in its Riverside office, and limited-scope attorney representation for those most in need. Starting the Riverside office, Riverside Legal Aid had only two support staff employees and relied on volunteer attorneys to serve their clients.

Today, Riverside Legal Aid serves more than 3,000 clients annually and takes pride in serving our community with a team of over 25 paid staff, including attorneys and support staff, as well as volunteers in its Riverside and Indio offices. Currently, Riverside Legal Aid offers legal assistance to clients in various areas such as family law, probate small estates, conservatorships, guardianships, consumer debt defense, eviction defense, and bankruptcy. It also has probate clinics in the Riverside, Indio, and Temecula courthouses.

In 2022, Riverside Legal Aid was recognized as the Non-Profit of the Year by California State Senator Richard D. Roth for its efforts in assisting low-income residents, including hundreds of University of California, Riverside students, in understanding the constantly changing landlord-tenant laws during the COVID-19 pandemic.

Legal Services for the Indigent

Ensuring that justice is accessible to all is one of the primary goals of Riverside Legal Aid. The organization achieves

this by providing pro bono services from licensed attorneys and experienced support staff, thereby eliminating the financial barriers that prevent individuals from seeking legal help and leading to default judgments. Riverside Legal Aid has countless success stories that demonstrate the transformative power of legal support, from helping those in need of family law assistance to avoiding homelessness for clients facing eviction. The impact of the organization is felt in the lives of individuals who might otherwise be left without a voice.

Commitment to Diversity

Riverside Legal Aid is committed to supporting diversity by ensuring that access is available to all community members, regardless of their background or residency status. We recognize that understanding the unique needs of our diverse community is essential. We strive to provide culturally competent services by hiring staff with diverse backgrounds and language abilities. Ensuring that individuals from different cultural, linguistic, and ethnic backgrounds feel understood and supported is critical. Encouraging diversity within the legal profession itself is an important aspect. The organization actively promotes diversity within its own staff and legal volunteers, ensuring a range of perspectives, and experiences are represented in the provision of services.

Community Engagement

Apart from its work in the courtroom, Riverside Legal Aid is committed to actively engaging with the community through various educational programs and workshops. These programs are designed to provide individuals with knowledge about the legal system and empowering them to become self-advocates who can navigate the legal challenges they may face.

Community Collaboration

Collaboration is at the core of our organization's success. Riverside Legal Aid partners with legal professionals who generously donate their time and expertise to our cause. Their selflessness enables us to extend our services to a wider range of individuals in our community. Additionally, partnerships with other nonprofits, community organizations, and local businesses enhance their ability (and our own) to make a meaningful impact.

Looking Ahead

As Riverside Legal Aid continues to grow, we envision a future where access to justice is a reality for everyone. We remain committed to expanding our services, reaching more communities, and advocating for systemic changes that address the root causes of legal disparities.

Volunteer Opportunities Available

Whether you are an attorney, a paralegal, or someone passionate about social justice, we have meaningful opportunities for you to make a difference. Our volunteers engage

in a variety of roles, from providing direct legal assistance to clients to supporting our administrative functions.

If you are interested in becoming a volunteer with our organization, I invite you to visit our website at www.riversidelegalaid.org to learn how to make a difference. You can also contact our Volunteer Coordinator, Susie Carrillo, at scarrillo@riversidelegalaid.org who will guide you through the application process and answer any questions you may have.

Adam C. Reed is an attorney and the executive director of Riverside Legal Aid.



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Prior serving on the bench, Judge Brisco spent 14 years as a civil litigator in San Diego, where he handled serious and catastrophic injury cases—involving deaths, brain injuries and amputations—arising from products liability, premises liability, and motor vehicle accidents.

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Inland Empire Chapter of the American Board of Trial Advocates

by Robyn Lewis

The Inland Empire legal community again has reason to celebrate the extraordinary accomplishments of some of its members, specifically the members of the Inland Empire chapter of the American Board of Trial Advocates.

The American Board of Trial Advocates, known as ABOTA, is an invitation only organization of the finest lawyers and judges in America. ABOTA is an organization of attorneys representing both plaintiffs and defendants in civil cases. There are also judicial members. All of the attorneys who belong to ABOTA have earned great distinction at trial. In order to be a member of ABOTA, that member must have tried at least 10 civil jury trials to jury verdict or hung jury as lead counsel.

ABOTA was created in 1958 to defend and preserve the rights granted to all Americans by the 7th Amendment to the Constitution, particularly the right to trial by jury. The Foundation of the American Board of Trial Advocates was established in 1993 as the educational arm to instruct the public on the history and value of our civil justice system. ABOTA also promotes professional education aimed at elevating standards of legal professionalism, integrity, honor, and courtesy. ABOTA has 7,000 members within 96 chapters throughout the United States. Here in California, it has 8 chapters and over 1,500 members. One of those California chapters is our local chapter, San Bernardino-Riverside ABOTA. Steve Geeting is the outgoing president of the San Bernardino-Riverside chapter of ABOTA. Charles Mayr is the incoming president of that chapter.

Each year, the national ABOTA organization awards a "Chapter of the Year" award to a chapter who has demonstrated programming, leadership, and diversity, among other qualities, which is given at an ABOTA national meeting. National meetings are held 4 times a year, so that all Chapter National Representatives can meet to take care of general business, vote on resolutions, and meet socially.

At the August 2023 meeting, which was held at the Four Seasons resort in Whistler, British Columbia, Canada, the San Bernardino-Riverside ABOTA chapter was presented with the "Chapter of the Year" award after having been chosen as one of three finalists. The criteria for this prestigious award includes consideration of the advancement of ABOTA's mission to advocate all parties' right to a jury trial under the 7th Amendment, as well as civility in practice, trial advocacy, and involvement in the community. Factors such as programming, creative



Accepting the Chapter of the Year Award for the San Bernardino / Riverside Chapter of ABOTA were: L-R: Past Chapter President Brian Reid, Past Chapter President Bill Shapiro, 2023 ABOTA National President Steve Quattlebaum, Current Chapter President Steve Geeting, Past Chapter President Hon. Bryan Foster.



Judge Bryan Foster, Nancy Foster, Eric Kahn, Heidi Kahn, Mike Marlatt, Sue Shapiro and Bill Shapiro at ABOTA National Board meeting in Little Rock Arkansas just after Bill was elected National Vice President.

activities, and the advocacy of access to justice are some of the other criteria that are considered.

Under the presidency of Judge John Pacheco in 2022, the San Bernardino-Riverside ABOTA chapter was recognized for its outstanding programming. Bill Shapiro, former San Bernardino-Riverside ABOTA chapter president (2008) explained: "We have exceptional programs peaked by our James Otis lecture series where we arrange for local students to participate in a program of history. We did a re-enactment of *Lopez v. Seccum*, a discrimination case out of the 1940s where minority students were not permitted to swim in the community pool."

In 2023, the San Bernardino-Riverside ABOTA chapter's James Otis lecture series featured the *Harada* case, a landmark Supreme Court case involving the California Alien Land Law of 1913, which prevented foreigners who were ineligible for citizenship from owning property. The state of California attempted to seize property from the Harada family under the guise of that Act, but the Haradas

continued on next page

Dispute Resolution Service, Inc.

by Chris Jensen

RCBA Dispute Resolution Service, Inc. (DRS), a non-profit corporation, is one of the Riverside County Bar Association's sibling entities focused on giving back to the legal community. DRS mediators and arbitrators are experienced attorneys who have practiced for ten or more years and have met other mediation and arbitration experience requirements set by the DRS Board of Directors. They provide mediation and arbitration services to the public and to the Riverside County Superior Court at efficient and low cost rates. Moreover, DRS, in conjunction with the Riverside County Bar Association, provides facilities for the private and confidential use of DRS participants.

DRS assists participants towards resolving a myriad of types of disputes, including contract, personal injury/wrongful death, employment, business, real estate, insurance, professional malpractice, landlord/tenant, construction disputes, probate, discovery disputes, to

name just a few. Towards that end, DRS offers a myriad of programs to facilitate alternatives to the traditional dispute resolution path of courthouse litigation, including arbitration, mediation, neutral case evaluation, fact finding programs, mini trials, settlement conferences, and referees/pro tem judge adjudications (if approved and ordered by the court).

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



continued from previous page

ultimately won the case and retained ownership of the house. During the James Otis lecture series, Bill Shapiro explained that "students and teachers came from various high schools to the Historic Courthouse in Riverside [which was] the same exact courthouse the actual case was tried over a hundred years ago. The event was awesome!"

Our local ABOTA chapter was also recognized for its Civility Matters programming series, in which its members present to various legal organizations advocating civility in the practice of law. It is a co-sponsor of the New Attorney Academy, which is also sponsored by the Riverside County Bar Association and the California Superior Court, Riverside County. The San Bernardino-Riverside chapter of ABOTA also has a Masters in Trial series, during which top trial lawyers try a case before members and non-members. Other programming for which the chapter was recognized included its advocacy of judicial independence, Judge's Night, law school sessions, and other social meetings to advocate civility and the 7th Amendment.

That was not the only honor bestowed on our local ABOTA chapter. Judge John M. Pacheco was selected as the 2023 Recipient of the CAL-ABOTA William W. Bedsworth Judicial Civility Award. Greg Rizio is the new President of Cal-ABOTA, which serves the entire state of California. Bill Shapiro was also elected as vice president of the National ABOTA organization, which means that he will assume the role as president of national ABOTA in 2026. He commented: "I am proud to represent the lawyers of the Inland Empire." And we, as members of the Inland Empire legal community, are proud of our local ABOTA chapter, its esteemed members, and its impressive accomplishments.

Robyn Lewis is with the firm of J. Lewis and Associates, APLC, chair of the New Attorney Academy and a past president of the RCBA.



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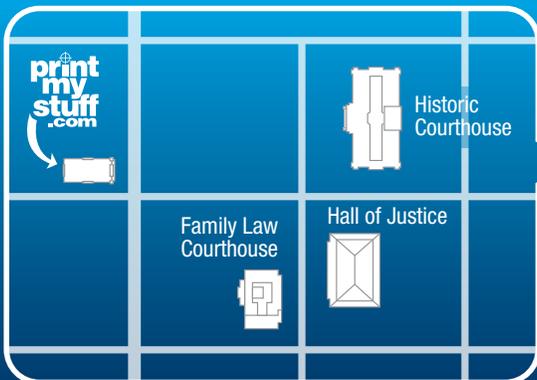
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Southwest Riverside County Bar Association

by Selina Steele

The Southwest Riverside County Bar Association ("SWRCBA") was formed in 1982 as a non-profit mutual benefit corporation to serve the legal community located in Southwest Riverside County. Our membership draws from a diverse group of lawyers who represent a wide variety of legal services. Currently, our membership spans as far east as Hemet and San Jacinto, as far north as Corona, and south to Temecula. Our members practice in varied areas of law, including criminal, bankruptcy, family, immigration, intellectual property, personal injury, workers compensation, employment, estate planning, taxation, and many others. All members are listed by their practice area on the SWRCBA's website: <https://swrbar.org/>.

SWRCBA was established for the primary purpose of advancing jurisprudence, promoting administration of justice, providing ongoing MCLEs to members, and providing opportunities for networking and social legal connections amongst its membership. SWRCBA currently meets the third Thursday of every month at noon for lunch at Richie's All American Diner, which is centrally located at the 15/215 interchange in Murrieta. Each month a program is offered for which attendees receive one hour of MCLE credit. It is a great way to meet other attorneys and satisfy all the California State Bar Association's ongoing educational requirements.

The current board serving for 2023 is as follows: Selina Steele, president; Shalah Fisher, vice president; Allison Tilton, secretary; Neda Aguirre, treasurer; Michael Bender, immediate past president; and Deborah Fujiwara, Marty Nicholson, Kim Roberts and Daniel Ratajczak, board members-at-large.

The 2024 SWRCBA Board has just been elected as follows: Shalah Fisher, president; Deborah Fujiwara, vice president; Allison Tilton, secretary; Neda Aguirre, treasurer; Selina Steele, immediate past president; and Michael Bender, Barack Berlin, Daniel Ratajczak, and Kim Roberts board members-at-large.

In addition to monthly meetings, SWRCBA members also participate in various committees dedicated to giving back to our community. Current committees focus on coaching and awarding local high school mock trial programs, providing law student scholarship opportunities, giving back to our active membership, and offering special events such as the SWRCBA's annual holiday party where members vote to honor a "Judicial Officer of the Year" and a "Local Attorney of the Year." Other events have included a wine tasting party and other legal learning opportunities.

If you would like to obtain monthly MCLEs, enjoy the company of other local attorneys, take part in a bar association, or just get away from the office for lunch once a month come check us out. If you are interested in becoming

a member of the SWRCBA, you can apply online on the SWRCBA's website listed above. If you have any questions about the SWRCBA, please do not hesitate to reach out to us at southwestrcba@gmail.com.

Selina Steele is the 2023 president of the Southwest Riverside County Bar Association.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2023.

Nicholas Beljajev – Solo Practitioner, Huntington Beach

Steven Graham-Pacifico – Cole Huber LLP, Ontario

Christopher W. Jusuf – Office of the District Attorney, Riverside

Ceciah M. Lucero – Office of the District Attorney, Riverside

Michael A. Medrano – Office of the Public Defender, Riverside

Shawna Moore (A) – Sandoval Legacy Group, Riverside

Sandra L. Nassar – Law Offices of Sandra Nassar, Irvine

Colin L. Schmitt (A) – Chronos Investigations, Murrieta

Julian L. Turner – Solo Practitioner, Riverside

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Judicial Profile: Judge Jason Armand

by Honorable Francisco Navarro

In February of 2023, the Honorable Jason Armand was appointed to the California Superior Court, Riverside County by Governor Gavin Newsom. It was the culmination of a dream that Judge Armand never truly believed he could achieve. For those of us who know Judge Armand, this is consistent with who he is, always extremely humble. Judge Armand is extremely humble and is constantly keeping himself grounded despite all the success he has experienced both in his professional and personal life.

Judge Armand grew up in Inglewood California. While living in Inglewood, the Armand home was broken into. This incident led to Judge Armand's first interaction with law enforcement and experience with the impact of crime on those victimized. After the burglary, his mother refused to stay in the home due to the fear she felt. Judge Armand's father was an engineer and his mother was a clerk for a railroad company. Inspiration to go into the legal field struck when his father hired a lawyer and immediately handed the lawyer a check for \$500. The respect his father had for the attorney rubbed off on his son and a future lawyer was born. After high school, Judge Armand went to the University of California, Los Angeles and majored in political science. It was at UCLA that Judge Armand would meet the love of his life, his wife. Mrs. Armand is a highly successful marketing executive working in Orange County. Together they have three beautiful children that are currently in high school, middle school and elementary. After high school and before the kids came along, Judge Armand finished second at a moot court competition and took part in his school's mock trial team while he attended the University of San Diego Law School. His favorite courses in law school were criminal law and criminal procedure. These courses and experiences ignited a love in Judge Armand of advocating in a court room and set the path he would eventually take.

The enjoyment Judge Armand felt of being in a court room arguing a case and his desire to give back to society culminated in his applying to become a deputy district attorney for Riverside County. Judge Armand believed he could be an asset because of his background and upbringing. In January of 2007, Judge Armand began his career with the Riverside County District Attorney (DA). It was at this time in the DA Academy that he met a handsome and intelligent fellow deputy district attorney (yours truly) and the two embarked on a friendship that exists to this day. All jokes aside, I witnessed the amazing person, colleague, husband and father that Judge Armand embodies. As a deputy district attorney, Judge Armand was assigned to most units in the office including misdemeanors, grand theft auto,



Honorable Jason Armand

domestic violence, sexual assault, and child abuse, and became a well respected and seasoned trial attorney. Judge Armand also never forgot the impact he could have as an attorney outside of the court room. Judge Armand mentored, assisted, and provided a positive role model for many of our youth. He was part of the DART program which dedicated itself to intervening into the lives of students who were struggling by promoting and incentivizing positive life choices. Judge Armand understands the importance of encouraging kids to do something as simple as attending school regularly. A goal he has stressed while also being a mentor at Mission Bell Elementary. For over eight years, Judge Armand regularly attended Mission Bell Elementary where he would spend time

with his assigned mentee via a program created by teacher Ramona Sanchez. The program included presentations on relevant subjects such as effects of bullying or importance of higher education as well as some one-on-one time and group activity.

The inspiration to apply for judicial appointment came at a time when Judge Armand was telling his children not to impede on their own dreams yet he was doing just that. A reminder from Mrs. Armand, who has always fully believed and supported her husband, that it would be hypocritical not to apply, coupled with the desire to avoid regret, resulted in Judge Armand applying for appointment to the bench. Despite doubts about his own success, few of those who know Judge Armand, including many pillars in our legal community, were not surprised when news of his appointment broke. Now as he takes the bench every morning, he reminds himself of the man who he hopes to model himself after. Judge Armand believes in the importance of creating a welcoming court room experience, one that promotes confidence in the rule of law and the goal of ensuring justice. In this respect, Justice Richard T. Fields is the perfect model, one that Judge Armand emulates. Justice Fields was the first African American Judge in the history of Riverside County. Judge Armand was always impressed with the knowledge, humility, kindness, and quick wit that effortlessly seemed to flow from Justice Fields when he was a Superior Court Judge. With the bar set high, Judge Armand dons the robe grateful for the opportunity to continue to serve the people of Riverside County and I for one, as one of the many residents of this county am grateful for his service.

The Honorable Francisco Navarro is a judge with Riverside Superior Court.



Opposing Counsel: Michelle Wolfe

by Betty Fracisco

A Seasoned Litigator

Hard charging female litigators who have more than 25 years of litigation experience are hard to find, but Riverside County has one who fills the bill. Michelle Wolfe, presently senior counsel with the Law Office of Karen Sloat in Palm Desert, and for many years a partner at Varner & Brandt in Riverside, and at La Follette Johnson in Los Angeles, has represented major clients and has litigated cases throughout southern California her entire career, even taking one notable case to the California Supreme Court.

Michelle Wolfe was born and raised in Ventura, the daughter of a Sheriff/DA investigator father and nurse mother. Her only sibling, a sister 13 months younger, was classified a dwarf. Michelle's childhood revolved around the beach and its activities, like body surfing and clamming. She also had lemon and avocado orchards to play in. Michelle's sister was always the most popular girl in school, which may have influenced Michelle's being very shy, an avid reader, and a good student.

Michelle graduated from Buena High School, and she traces her interest in the law to the interview of a female lawyer she did during her freshman year. She didn't participate in any activities while in high school, but instead developed a drive to attend college and earn the money to do that. She began working at McDonalds at the age of 14, and at 16 became the manager, a job she held until she completed community college at 20. She wanted to be professional and self-sufficient. After graduating from high school, in addition to community college classes and working at McDonalds, Michelle served as a Sheriff's Department Cadet, with a thought of possibly following her father into law enforcement. But at 20, she left both McDonalds and the Cadet program behind to attend UC Santa Barbara and live at, or close to, school. The experience "changed her world." She started as an economics major, but found that she was "horrible in economics." Thanks to a perceptive counselor, she changed her major to ancient/classical Greek language and literature, an area that really interested her. She was also advised that an unusual major might appeal to law school admissions.

After graduating from UCSB, Michelle took a year off to take the LSAT and work in a law office in Ventura



Michelle Wolfe

before entering Southwestern Law School. During her first year, she worked as a law clerk at Greene Broillet. During her second year, she served an internship with Judge Greenwald in bankruptcy court, followed by third year law clerking at La Follette Johnson, a premier defense firm. She was offered a job after she passed the Bar, but she only accepted after she was unsuccessful in finding a job with a DA's office in several counties, since criminal law was her first love. As a result, after graduating from Southwestern in 1991 and passing the Bar, she began a 10 year career at La Follette Johnson, a large firm with only one female partner, Dorothy Reyes, for whom she worked directly.

Michelle worked in medical malpractice defense, general liability defense and insurance bad faith for the most part. Dorothy Reyes was a hard charging, demanding boss, and as a result, Michelle was well trained and had the opportunity of many trials and depositions. In about 1996, she and Dorothy took over all the southern California labor and employment cases for Dignity Health as part of their responsibilities. They worked diligently and successfully in an environment that was a challenge for women. In 2000, Michelle became the second female partner at La Follette Johnson.

In 2001, both Michelle and Dorothy Reyes left La Follette Johnson and brought 100% of their clients, including 20th Century Insurance and Dignity Health, with them, which did not sit well with the firm. They formed Reyes & Wolfe in Claremont doing general civil liability cases.

In 2002, Michelle represented Union Oil Company in the landmark age discrimination case of *Dan Esberg v Union Oil Company* (2002) 28 Cal. 4th 262. The case involved interpretation of California Government Code section 12941 in the application of education benefits to an employee. The matter went before the California Supreme Court and ultimately resulted in legislative changes to the statute.

In 2006, Dorothy Reyes became a judge in Los Angeles County, and during her entire judicial career, she handled nothing but criminal cases. After Dorothy left the firm, Michelle continued their work until 2009, when she closed the firm. She then did labor and employment litigation with Bradley & Gmelich in Glendale, but decided the commute from her home in Claremont was impos-

sible. She really was looking for a position in the Inland Empire that was a better fit, but in those days Inland Empire firms did not like hiring "LA lawyers". Finally, she interviewed with Sean Varner at Varner & Brandt and was hired as a partner by managing litigation partner Brendan Brandt. From that day forward she was Brendan's "right hand man." For 10 years, they worked on every labor and employment case together, 5 days a week, with great success. They were the same age and had many other similar traits/experiences, and Michelle said that in those years she spent more time with Brendan every week than with her husband.

Then on August 14, 2021, Brendan Brandt, 57, the healthiest man Michelle knew, was running a mini marathon in Ventura to prepare for the Boston Marathon, when he sustained cardiac arrest at mile 3 and died. Brendan's kids had graduated from college, and he and his wife had sold their home in Upland and moved to Corona del Mar, so he had been making changes in his life. But the week before, she and Brendan had been together in depositions all 5 days, so this came as a tremendous shock. Needless to say, this changed Michelle's whole world. Firm founder Bruce Varner had died earlier that year, so she found it too hard to continue going into the office every day, seeing Brendan's empty office, and knowing she no longer had a litigation partner. She and her husband had a long range dream to retire in the desert... someday. However, on New Year's Eve 2021 they decided to sell their big house, downsize, and move to the desert. Michelle's husband, a trust and estates attorney, could commute to his office in Ontario and Michelle hoped to find a new job in the desert.

Michelle was gratified that almost immediately she found a job in Palm Desert as the senior litigator with the Law Offices of Karen Sloat, whom she says is the female version of Brendan. This firm was exactly what she was looking for: ethical and offering the ability to be one-on-one with clients. The firm has 6 attorneys and specializes in labor and employment. Michelle loves her job, because she is able to spend half her time doing litigation and half her time counseling individuals in business and employment laws. She has no plans to retire.

Michelle and her husband of 27 years, Forrest Wolfe, have bought a condominium on a golf course a short distance from her office. Forrest maintains his office in Ontario but now has a satellite office in the desert. Since 2013, she has been involved with the Executive Committee-Litigation Section of the California Lawyers Association (formerly a committee of the California State Bar). Since 2019, she has been an Advisor to the Executive Committee. Recently she accompanied Karen Sloat, a Board member of the Warren Slaughter-Richard Romero Inn of Court, to a Gala in Washington, DC, an awards ceremony, where they had dinner with the Justices of the Supreme Court in the Supreme Court

building. This was, without a doubt, an amazing evening for an attorney who's been practicing for more than 30 years. Michelle has had a great career in litigation, and has been fortunate to be one of those seasoned women lawyers who has put the "old boys network" behind her and is enjoying utilizing her wealth of experience and legal knowledge to help others.

Betty Fracisco is an attorney at Garrett & Jensen in Riverside, a member of the RCBA Bar Publications Committee and a longtime member of the Board of Governors of California Women Lawyers.



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