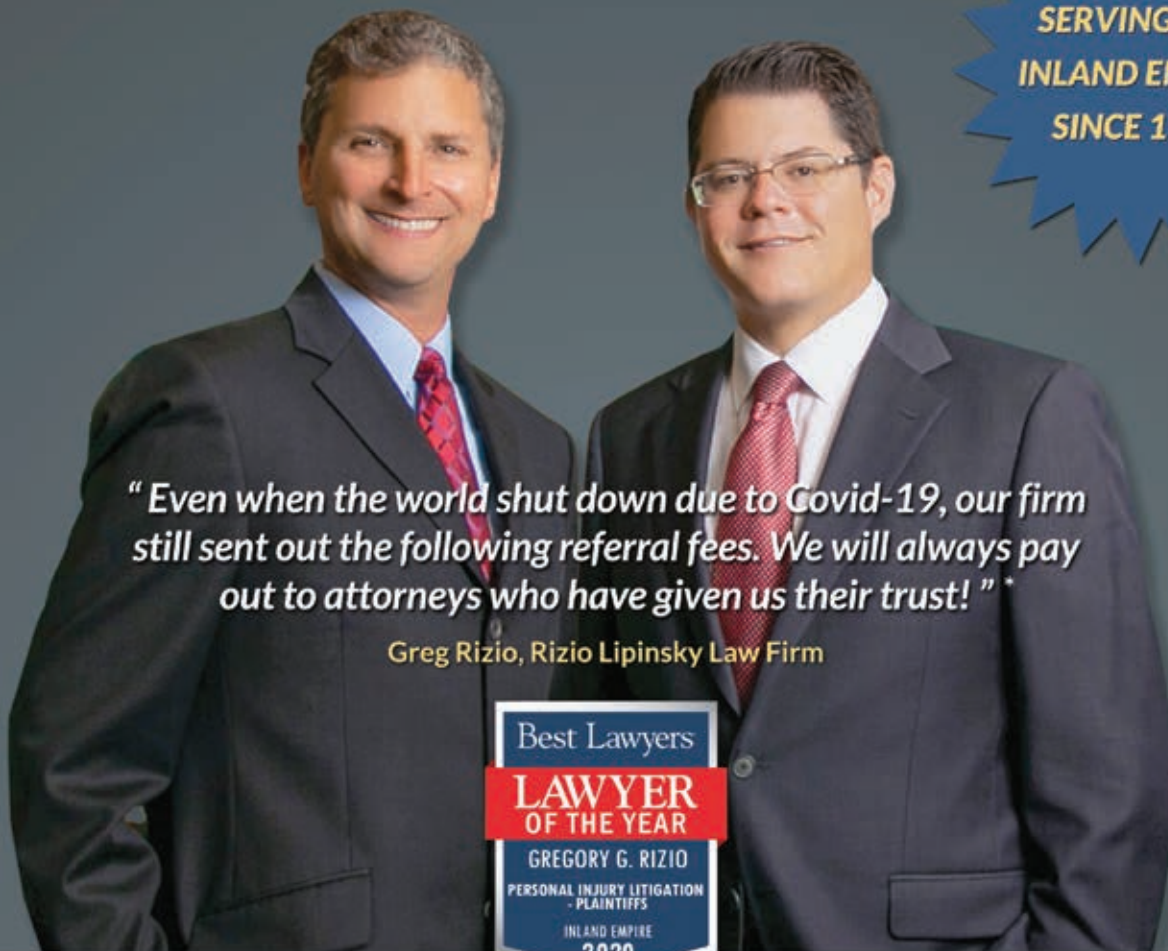




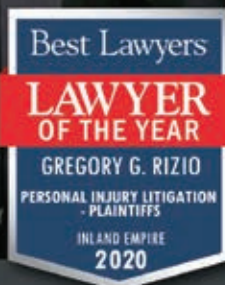
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RIVERSIDE LAWYER

MAGAZINE

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MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Mission Statement

The mission of the Riverside County Bar Association is:
To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, and the RCBA - Riverside Superior Court New Attorney Academy.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of *Riverside Lawyer* published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication, and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$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

February

6 Civil Litigation Roundtable with Hon. Craig Riemer
Noon – Zoom
MCLE

7 Mock Trial – Round 3
5:30 PM – 8:00 PM
Hall of Justice

11 Mock Trial – Round 4
8:30 AM – 11:00 AM
Riverside HOJ

15 Estate Planning, Probate & Elder Law Section
Noon – Gabbert Gallery, RCBA Building
Speakers: Judge Jacqueline Jackson,
Judge Kenneth Fernandez,
Thomas Johnson, Sheri Gulino
Topic: “Probate Court Update 2023”
MCLE

16 Civil Litigation Section
Noon – Zoom
Speaker: Judge Chad Firetag,
Supervising Judge Civil Division
Topic: “Riverside Superior Court
Civil Division Update”
MCLE

Mock Trial – Round 5
5:30 PM – 8:00 PM
Elite 8
Riverside HOJ

17 General Membership Meeting
Noon, RCBA Building, Gabbert Gallery
Speakers: Judge Mona Nemat,
Malvina Ovanezova, Lyssandra Erwin,
Esther Thomas
Title: “Juvenile Court & Promoting Success
For Foster Students through Project Graduate”
MCLE

21 Family Law Section
Noon - Gabbert Gallery, RCBA Building
Speaker - Judge Jackson Lucky (Ret.)
Topic - TBA
MCLE

Mock Trial Semi Finals
5:30 PM – 8:00 PM
Riverside Historic Courthouse

23 Mock Trial Finals
5:30 PM – 8:00 PM – Riverside Historic Courthouse

EVENTS SUBJECT TO CHANGE.

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





President's Message

by *Lori Myers*

Diversity is one of the most important components for creating a safe, vibrant, and productive environment. Each calendar year, we have many celebrations of diversity in our society: Black History in February, Asian Pacific American Heritage in May, LGBTQ+ Pride in June, Hispanic Heritage in September, and Native American Heritage in November. Celebrating different heritages ensures diverse communities can be proud of their cultural identities by working together to create a more unified and understanding society.

February is Black History Month. A few fascinating facts about Black History Month are:

1. It started as a week. Carter Woodson and minister Jesse Moorland were the two that worked tirelessly establishing a week of celebration in 1926. Carter Woodson, aka the Father of Black History, dedicated his career to the study of African American History and wrote many books on the topic.
2. February was chosen for a reason. When it started as a week-long celebration, it was to coincide with the birthdays of Abraham Lincoln and Frederick Douglass. President Lincoln, of course, was the 16th U. S. President and paved the way for the abolition of slavery with his Emancipation Proclamation. Douglass was an escaped slave turned activist and author, and a prominent leader in the abolitionist movement to end slavery.
3. A week becomes a month. The civil rights movement of the 1960's helped elevate the week into a month-long celebration. As a result, in 1976, President

Gerald Ford made things official, proclaiming February to be Black History Month.

4. Honoring African American men and women. You don't have to look far to notice their many impressive achievements in the fields of science, politics, law, sports, entertainment, and many others. Here are a few notable names you may have heard before: Harriet Tubman – Underground Railroad “Conductor” and Civil Rights Activist; Alice Ball – Chemist; Josephine Baker – Singer, Dancer, Civil Rights Activist; Martin Luther King, Jr. – Baptist Minister, Social Activist and Civil Rights Leader; Rosa Parks – Civil Rights Activist; Mary Jackson – Scientist, Mathematician, NASA's First African America Female Engineer; Maya Angelou – Civil Rights Activist, Author, Poet; Joycelyn Elders – First African American U.S. Surgeon General; Colin Powell – U.S. Secretary of State, Four-Star General (U.S. Army); Barack Obama – U.S. President, U.S. Senator, Lawyer.

In Riverside County, we have our own heroes. Someone we all know and love is our first African American Superior Court Judge, Richard Fields, who is now at the Appellate Court. Justice Fields was admitted to the California State Bar in 1983 at the age of 23 and has always been involved with the community in Riverside County. Riverside Superior Court Judge Irma Asberry was the first African American to be president of the Riverside County Bar Association. We have been so lucky to be able to celebrate our local leaders that have been breaking barriers for the rest of the community one step at a time.

March will be Women's History Month and I want to be sure everyone knows who the first female judge in Riverside County was — Judge Janice McIntyre who took the bench in 1981. For the rest of us (women) who go to court, I think it's hard to imagine that just 43 years ago, there were no female judges in Riverside County. I had the honor and privilege to appear before her on a regular basis. I truly loved this woman. She was smart, stern, savvy and sassy. She had personality and was extremely smart and fair. Judge McIntyre passed away in 2010 at the age of 62.

Judge Sunshine Suzanne Sykes is a member of the Navajo Nation and was born on the Navajo Reservation in Arizona. She grew up in Arizona and New Mexico and came to California when she was admitted to Stanford University. Judge Sykes was appointed in 2013 to the Riverside Superior Court and was the first Native American Judge. She is now at the U.S. District Court in Riverside.

Although I never met her, I must thank attorney Janet Wall Williams who, in 1985, became the first female president of the RCBA. She paved the way for the rest of the female RCBA presidents. I am thrilled to celebrate the success of other women who are investing in their community and still breaking barriers for the future female leaders in our legal industry.

At its core, celebrating diversity and heritage serves as a reflection of our interconnectedness as Americans. It is a reminder that our collective identity is not one singular culture, but is rather a mix of many incredible stories, cultures, and traditions that are constantly changing and evolving. It provides us with a great opportunity to learn more about each other, foster mutual respect, and celebrate our collective heritage as Americans.

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





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THE IMPORTANCE OF VOLUNTEER ATTORNEYS WITH DIVERSE BACKGROUNDS IN LEGAL AID

by Darrell Moore, Jaime Cartagena, Marsha Johnson, Barak Berlin, Veronica Garcia, and Matt Kugizaki

INLAND COUNTIES LEGAL SERVICES

Inland Counties Legal Services, Inc. (ICLS) is a 501(c)(3) legal aid organization that provides free legal services to those in the greatest social and economic need in Riverside and San Bernardino counties. Every day, ICLS' staff of 130 legal professionals, including 55 attorneys and 31 paralegals, works to meet the high demand for legal aid in our community.

By way of background, nearly 756,400 people in Riverside and San Bernardino counties are living in poverty. To put this number into context, there is one ICLS advocate (attorney or paralegal) for every 8,795 people living in poverty in our service area. To visualize this number, baseball stadium Petco Park has a capacity of 42,445. If you, as an attorney, go to the pitcher's mound with four of your colleagues, the five of you would need to provide legal aid to a sold-out stadium.

Moreover, while not everyone living in poverty has an immediate legal need, many do, and some do not realize it. In 2019, the [California Justice Gap Report](#) reported that Californians living in poverty received inadequate or no legal help for 85% of their legal problems. A few reasons why people do not seek help include uncertainty about whether a problem is a legal issue, concerns about the cost, and fear of pursuing legal action.

Finally, according to the [State Bar of California Diversity Report Card](#), the attorney population in Riverside County simply does not reflect the diversity of residents. For example, while 51.6% of Riverside residents identify as Hispanic/Latino, only 10.4% of Riverside attorneys do; and while 7.5% of Riverside residents identify as Black/African American, only 4.5% of Riverside attorneys do.

To help us better understand and address these issues, ICLS embarked on a bold initiative in 2021 to incorporate the principles of Diversity, Equity, Inclusion, and Belonging (DEIB) into our mission and daily operation. We are looking at our own practices and community needs, with a goal of helping to ensure that access to high-quality legal services does not depend on



Darrell Moore and Xingshuo Liu

financial means, location, or other demographic characteristics, including ethnicity, gender, gender identity, sexual orientation, age, class, disability, health, nationality, religious beliefs, or language proficiency.

Our self-examination also assesses our connection with our neighbors and communities that need support, recognizing that we can better fight injustice in our community by partnering with organizations and individuals reflecting the diversity of Riverside and San Bernardino counties. To help us achieve this goal, ICLS established a DEIB Committee, working alongside our Community Engagement team, to recruit and retrain volunteers of diverse backgrounds similar to the constituents of Riverside and San Bernardino counties.

This is where you come in. We are each active in different organizations, we take our dogs to different parks, and our kids attend different schools. We engage in different activities and have varied religious, educational, and other social and professional affiliations. Our differences bring strength, we are united by a profession that embraces service and helping others, and we can help more people together than legal aid staff can do on their own.

Xingshuo Liu – one of ICLS' newest board members and a volunteer attorney – exemplifies how our legal aid community is strengthened by the private bar. Xingshuo is a tax attorney with DLA Piper. She leveraged her legal expertise and law firm's pro bono program to help ICLS

expand its Small Business Legal Clinic to serve three times more clients this year. In addition, Xingshuo has brought attention to various issues relating to community outreach. In a beautifully written, and viral, LinkedIn post, Xingshuo captures the significance of cultural heritage in practicing law. In her words:

I am the stubborn Asian who refused to change my name, and 2021 marks my 15th year in the U.S.

I like my name, and I am proud of it.

“Xing” means a star, and “Shuo” means the master’s degree, because my parents had me when they were both pursuing their master’s degrees.

My name is a symbol of my parents’ wishes to me and their hardworking spirits.

I am licensed to practice law in New York and California, yet I constantly get comments like “You can speak English so well.”

On my resume, I still have to put “U.S. citizen” in bold under my name, so people would read a few more lines and realize I can do the job.

It took me years to prove that I am not just a foreigner who passed the Bar, but a good attorney,

by any standard, who embraces her upbringing and cultural heritage.

So, nice to meet you, and my name is Xingshuo.

Since joining ICLS as a volunteer and board member, Xingshuo has not only lent her legal expertise to help our clients, but she has also educated ICLS on issues regarding outreach to communities of which she is a part, including Chinese speaking communities in our region.

With help from Xingshuo and ICLS’ many other volunteers, ICLS has provided increased and enhanced legal services and reached a broader range of diverse communities. We invite you to join our efforts. Perhaps, as part of your 2023 New Year’s Resolution, you will take a few minutes to learn more about ICLS by visiting our website, www.InlandLegal.org, and applying to volunteer with us in 2023.

Darrell Moore, Jaime Cartagena, Marsha Johnson, Barak Berlin, Veronica Garcia, and Matt Kugizaki comprise ICLS’ DEIB Committee on Recruitment & Retention of Volunteers.



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THE STATE BAR'S GOALS TO DIVERSIFY CALIFORNIA'S LEGAL COMMUNITY

by Daniella V. Hernandez

In May of 2022, the California State Bar's Board of Trustees adopted a five-year strategic plan (the "Strategic Plan") that centers on four specific goals for the State Bar.¹ The State Bar is committed to advancing diversity, equity, and inclusion ("DEI") within the State Bar's own operations and the California legal profession. As a result, each goal specified in the Strategic Plan has a detailed emphasis on diversity, equity, and inclusion.

The first goal laid out in the Strategic Plan is to "protect the public by strengthening the attorney discipline system." In 2019, George Farkas, a professor in the School of Education at the University of California, Irvine, conducted a study to evaluate disparities in the attorney discipline system for attorneys of different racial, ethnic groups, and genders.² The report found statistically significant disparities in probation and disbarment, with the largest gender and race disparities being between black male attorneys and white male attorneys.³ In order to achieve Goal 1 of the Strategic Report, the State Bar will introduce reforms to reduce the discrepancies reported in the empirical analysis. The State Bar also plans on conducting additional studies on racial disparities in attorney discipline, in order to discover other areas for improvement and to implement further recommendations, as needed.

Goal 2 of the Strategic Report is to "protect the public by enhancing access to and inclusion in the legal system." With this goal, the State Bar seeks to increase diversity in the legal profession by supporting the law school to profession pipeline, specifically with regards to race and ethnicity. In order to accomplish this goal, the State Bar plans to publish an annual report card on workforce diversity and retention trends in the legal profession. Furthermore, the State Bar plans to produce and support diversity pipeline programs, share practices that support DEI efforts, engage DEI leaders to promote DEI goals among legal employers, continue promoting and creating diversity leadership programs and initiatives, and provide implicit bias trainings for bar exam proctors and graders. On August 8, 2022, the State Bar released its 2022

Report Card on Diversity of California's Legal Profession.⁴ The report found that although white people accounted for 39% of the California's population, 66% of California licensed attorneys are white. Hispanic and Latinos make up only 6% of California's licensed attorneys, but are 36% of California's population.⁵

Goal 3 of the Strategic Report is to "protect the public by regulating the legal profession." In relation to the State Bar's DEI mission, the State Bar plans to focus its attention on disproportionate complaint and discipline rates by identifying competency-related factors that lead to the departure of attorneys from the legal field, specifically connected to race and gender. The State Bar also commits to supporting attorneys from disenfranchised and underserved communities.

The last goal of the Strategic Report is to "engage partners and stakeholders to enhance public protection and restore the State Bar's credibility, reputation, and impact." The State Bar plans to achieve such a goal by expanding multilingual content and outreach, increasing the number of stakeholders to include affinity bar associations and organizations invested in the mission of the State Bar, and engaging diverse representation in the development of State Bar policy.

According to the Merriam-Webster Dictionary, an "affinity group" is defined as "a group of people having a common interest or goal or acting together for a specific purpose." Affinity groups are utilized in a variety of settings, from universities to Fortune 500 companies. Supporting and participating in legal affinity groups can help promote the State Bar's goals by promoting a diverse, equitable, and inclusive legal community. Affinity groups, like affinity bar associations or practice groups serve to create a space for individuals with similar identities, interests, and goals to come together to share experiences, resources, and objectives. Together they can support and provide mentorship, networking, and referrals.

As an active board member and now president of the Hispanic Bar Association of the Inland Empire (HBAIE), I have witnessed how affinity groups, like the HBAIE, promote diversity in the legal community. As mentioned above, only 6% of California's licensed attorneys are Hispanic, even though Hispanics make up a large part of

1 The State Bar of California, Strategic Plan 2022-2027 (2022) <https://www.calbar.ca.gov/Portals/0/documents/State-Bar-of-CA-Strategic-Plan-2022-2027.pdf>.

2 George Farkas, "Discrepancies by Race and Gender in Attorney Discipline by the State Bar of California: An Empirical Analysis" (2019).

3 *Id.* at p. 16.

4 The State Bar of California, Report Card on the Diversity of California's Legal Profession (2022) <https://publications.calbar.ca.gov/2022-diversity-report-card/>.

5 *Id.*

California's population.⁶ There is a need for affinity groups and other organizations to help bridge the representation gap. HBAIE's goal and mission is to uplift the Inland Empire's Hispanic legal community by fostering engagement with communities, businesses, and the bar and celebrating Hispanic culture. This group seeks to cultivate and champion the education and recruitment of Hispanic attorneys in the Inland Empire, and ensure their professional advancement through continued mentorship. The HBAIE is dedicated to promoting networking programs for its members and supporting and mentoring students

⁶ The State Bar of California, Report Card on the Diversity of California's Legal Profession (2022) <https://publications.calbar.ca.gov/2022-diversity-report-card/>.

with interests in the legal profession. The HBAIE also promotes and supports the growth of other affinity groups.

Joining and supporting affinity groups, like the HBAIE or other local affinity groups in the Inland Empire, will further the goals of the State Bar's Strategic Plan by promoting diversity in the legal field through the sharing of resources and experiences. Together, we can mentor, support, and make California's legal community stronger.

Daniella V. Hernandez is an attorney at Best Best & Krieger LLP in the public finance practice group, and is the president of the Hispanic Bar Association of the Inland Empire.



PROPOSED BUDGET 2023

RIVERSIDE COUNTY BAR ASSOCIATION PROPOSED 2023 BUDGET

(Budget to be approved at the February 17, 2023 General Membership Meeting)

REVENUES	
Bar Magazine Advertising	\$65,000.00
Committee/Section Meetings	\$ 3,000.00
Conf. Room Rental Fees	\$1,200.00
DRS Reimbursements	\$90,000.00
Fee Arbitrations	\$ 1,000.00
General Membership Meetings	\$5,000.00
Installation Dinner	\$ 18,000.00
Interest & Dividends	\$ 400.00
Labels & Rosters	\$ 200.00
Lease Income	\$ 200,000.00
LRS Panel Dues	\$ 8,000.00
LRS Percentage Fees	\$165,000.00
LRS Referral Fees	\$ 65,000.00
Mock Trial T-Shirts	\$ 700.00
Parking Space Fees	\$ 3,000.00
RCBA Membership Dues	\$ 115,000.00
Misc Income/Refunds	\$100.00
TOTAL REVENUE	\$740,600.00

EXPENSES	
Bank Service Charges	\$ 10,000.00
Bar Magazine Production/Mail	\$ 60,000.00
Bldg Maintenance & Repairs	\$ 30,000.00
Bulk Mail/Magazine	\$5,000.00
Committee Meetings	\$ 600.00
Conference of Delegates	\$ 2,000.00
CPA/TAX/Payroll Services	\$ 10,000.00
Donations	\$ 500.00
Employee Benefits/Medical	\$ 39,000.00
Employee IRA	\$ 5,500.00
Employee Salaries	\$ 282,000.00

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General Membership Meetings	\$ 5,000.00
Good Citizenship-Photographer	\$220.00
Installation Dinner	\$ 18,000.00
Insurance - Workers Comp	\$ 1,500.00
Insurance - Building	\$ 14,500.00
Insurance - Bond	\$439.00
Insurance - E & O	\$ 925.00
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Interpreter Service	\$200.00
Janitorial Services	\$ 34,800.00
Janitorial Supplies	\$ 5,000.00
Licenses, Dues	\$1,000.00
Loan Interest - Provident	\$15,000.00
LRS Advertising	\$ 5,000.00
LRS Google Ad Campaign	\$27,600.00
LRS Recertification	\$2,380.00
Meeting Refreshments	\$ 2,000.00
Miscellaneous Expense	\$ 250.00
Mock Trial - State	\$ 1,000.00
Mock Trial T-Shirts	\$700.00
Office Equip - Maint/Lease	\$ 10,000.00
Office Supplies	\$ 5,000.00
Payroll Taxes	\$ 24,000.00
Phone Services	\$ 12,500.00
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EXCUSED, BUT NOT FORGOTTEN

by Janate Valenzuela

The diagnosis of a life-threatening disease, like cancer, can completely change a person's life. It is likely that everyone knows someone who has been diagnosed with a life-changing illness. For me, this person was my mother. She was involved in the community as a devoted school volunteer, continued to volunteer even after her own children left school, a years-long scout leader, and organizer of events for schools, churches, and work. She raised her children to respect and contribute to our community. My mother is a fair and reasonable person who genuinely likes other people and wishes no one ill will. When looking for a juror who can be fair and diligently consider the facts, my mother could and would every time.

After being diagnosed with cancer, my mother proceeded with treatments that lasted for the next 18 months. This diagnosis and the subsequent treatment procedures were life-changing events. As a result of the diagnosis and treatments, my mother now qualified for permanent medical excusal from jury duty, which was granted.

When attorneys discuss the diversity of jurors the conversation usually surrounds cases such as *Batson v. Kentucky* or *Reed v. Reed* and the importance of being able to have a diverse panel at the end of jury selection. Discussions involving those who are not in the jury selection pool typically focus on those with a criminal history. I would like to expand the conversation to acknowledge a whole demographic of our society that is not even part of the jury selection pool, those who are granted a permanent medical excusal. Many who are chronically ill are granted a permanent medical excusal from jury duty, and therefore they are no longer a part of the jury selection pool.

Should you care if chronically sick people are not on your jury? If you are a trial attorney, you should care.

To start, let's acknowledge that they are in fact members of our community. Many, like my mother, were very active members of our communities: parents, scout leaders, teachers, and coaches, prior to becoming ill. And even after they become ill, they are still a member of our community. Permanently medically excused people may still have the mental capacity to serve on juries, but they don't have the physical capacity.

If you are a trial attorney, especially a plaintiff's attorney, you should care that your jury pool is missing

people with firsthand knowledge of what it feels like to be in chronic pain. Chronic pain that comes from illness, injury, or treatments. Some are aware that their health may only get worse. You are losing people who know pain and suffering as their existence coincides with pain and suffering.

Those blessed with good health may not fully understand suffering, especially not compared to those persons who live it, and it is your responsibility to teach and to tell the story of those experiencing pain and suffering.

You may have a jury who is sympathetic to pain and suffering, but not empathetic. As a trial attorney, you must be aware that you are missing a whole demographic of society that would completely understand pain and suffering better than anyone else because they will not be sitting for jury selection. Plaintiff attorneys must empower their jurors to embrace all the good they can do for the plaintiff.

When my mother received her permanent medical excusal, she shared that she instantly and unexpectedly felt sadness. She was sad that she was no longer going to be a part of any jury panel and she knows the important role jurors hold in our criminal and civil justice systems.

I thought there would be no way back to the jury pool for my mother, however, I shared a draft of this article to a colleague, Attorney Eurydice Harris, who informed me that under the California Rules of Court Rule 2.1009 (g) there is a reinstatement process by written request to the jury commission for the permanent medical excuse to be withdrawn!

Despite the title of the excusal suggesting it is forever, there is currently a way for my mother, and those like her, to rejoin the ranks of prospective jurors. It is wonderful to know that the legislators have designed a way back into the jury selection pool for those who have firsthand knowledge of pain and suffering on top of being active members of our communities.

Going forward, I would hope to see a more inclusive dialogue of who is and who is not on the prospective juror list and truly hope that there is more awareness for the process of reinstating those who are well enough and wanting to rejoin the prospective juror list.

Janate Valenzuela is currently a deputy public defender for Riverside County.





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FRANK HAMILTON: FIRST AFRICAN AMERICAN ELECTED TO A POLITICAL POSITION IN RIVERSIDE COUNTY

by Chris Jensen

Frank Hamilton was born in 1861 in what is now the Temecula area of Riverside County. At the time, Frank's birthplace was a Cahuilla Village located in the San Luis Rey postal district of San Diego County. Frank's mother, whose name was not documented, was a Luiseno Indian. Frank's father, James, was of African descent and a former slave.

James Hamilton was born into slavery on July 12, 1821, in Virginia. Over the years, James, purportedly half white and half black, was shuffled around until, as family lore would have it, became a slave to a member of the Utah Mormon Church. As the family would relate the story of James coming to California, James arrived in March of 1851 with the Mormon colony as part of the Latter-day Saints attempt to colonize Southern California. Fort San Bernardino, as the colony was known, lasted as a Mormon colony until 1856 when Brigham Young "recalled the faithful."¹ James must have run from the colony before the recall because James' first child, Mary, was born in 1854.

James appears to have started his family living in a Cahuilla village in the modern-day area of Temecula. While the citizens of the United States, who took over California in 1848, were horrifically practicing what has been described as a genocide on California's Native American population, Southern California was somewhat of a subdued place when it came to tolerance of white people living with the indigenous and black population in the region.²

Since the late 1700s, the Spanish did not necessarily deem African Americans as outcasts probably because most of the Spanish founders who colonized California, arriving with the Portolla, Anza, and Rivera expeditions, tended to be mostly of some percentage of black and/or native backgrounds. This did not stop the Spanish record keepers from labeling their citizens with categories rang-

ing from European Spanish, "Español," to a variety of combinations including indigenous and black, e.g., castizo, morisco, mestizo, mulatto, indio, and negro, to name a few. It was a simple fact that very few of the Spanish colonists could claim "pure" or Español blood. As an example of such, the last governor of California under the Mexican government was Pio Pico, whose mother was "mulato," black and white, and his father was "mestizo," native and Spanish. Even the native population was included in society. People of full indigenous status were hired by Spanish soldiers and owners of ranchos, sometimes paying a wage.

But Southern California was not a safe haven. Runaway slave hunters were known to be searching throughout California for escaped "property," including in Southern California. Whatever was the actual circumstance of James' Southern California existence, James Hamilton successfully "hid out" in the Cahuilla village throughout the 1850's with his Luiseño wife. James and his wife eventually had four children: Mary (1854), Joseph (1857), Henry (1859), and Frank (1861).

James was able to grow a cattle operation in the Temecula Valley ranching a significant amount of acreage in the valley. Unfortunately, in 1873, Santiago Arguello pursued his family's claim for an alleged Mexican land grant, which was acquired prior to the Treaty of Guadalupe Hidalgo,³ and eventually succeeded. He sued James and was able to displace James and his family from their ranch.

James did not quit. He moved his family northeast, up into the Anza Valley, adjacent to one of the Cahuilla Reservations. Although James' wife was Luiseño, she was a member of the Cahuilla community and apparently had relatives on the reservation.⁴ The Hamilton family was considered one, if not the first, non-native settlers in the mountain valley.

James, with his sons, developed the family ranching venture. The old west was a way of life what with the nearest town of substance, San Jacinto, a good day ride down the hill.

1 The Family history was related directly from Margaret Jaenke, step granddaughter of Frank's brother, Joseph. Margaret was the director of the Hamilton Museum in Anza, California, and keeper of the family history.

2 No intent is made to diminish the horrendous transgressions of the Catholic Church during the Mission period and its hold over the native population of coastal California.

3 The 1848 Treaty between the United States and Mexico to end the US Mexican War; and by which the US gained California.

4 Her ancestors are current members of the Cahuilla tribe.



Frank Hamilton, EOW April 8, 1895

James made sure his children were well educated. As adults they all displayed fine penmanship and eloquent writing. Letters from the James' children still exist – mostly from Mary, who penned to a friend her usual salutation, “My dear friend,” followed by detailed updates of the day. Each child had a role in running the ranch and if it was accounting, ordering, or branding, all participated. Frank and Henry were cowboys and very good at it. But the Hamilton boys were not angelic: the US Attorney investigated the matter of Henry and Frank taking rifle shots from atop a hill at the Cahuilla tribal members down below.

What Frank did upon becoming an adult is not documented. From the Temecula Valley in the south, to the wild town of San Jacinto in the north, being geographically isolated from the county seat of the city of San Diego, the old west lived. Cattle rustling, “Indian issues,” conflicts between the white population and the “Mexicans,” bar and gun fights, were of common occurrence. And out of this environment during the 1880's, Frank's 20's, Frank must have earned a level of respect amongst the ranchers and businessmen of northern San Diego County. In November 1892, in a contested election of four people running for two constable positions, Frank was elected as one of the two Constables of Murrieta Township, County of San Diego.

A Constable was the peace officer of the Township, with limited authority, as well as the judicial enforcement arm of the Township justice of the peace. Constables were paid for serving process, transporting prisoners, enforcing writs, collecting judgments, to name some of the tasks. By the 1880s, Constables were also considered “special” deputies to the County Sheriff. Early county Sheriffs typically had one, maybe two deputies, which in the southern part of California was never enough for enforcing the law outside of the county seat. Moreover, in the early days of statehood, a California Township constable had no jurisdiction outside his Township. This jurisdictional issue complicated the needs of the Sheriff in using a Constable county wide. It was unwieldy for a Sheriff to try to track down a deputy and “deputize” an area Constable whenever needed. Eventually the law regarding peace officers was amended sufficiently to allow a County Sheriff to designate a Constable a special deputy to work outside the jurisdiction of the Township. And that's what Frank became, a special deputy. Such a designation allowed Constables to track down criminals outside the Township. Constable Frank Hamilton was documented to have searched out suspects in the mountains of North San Diego County or having joined a posse in pursuit of criminals.

Riverside County's official start date is May 9, 1893, when voters carved out an area consisting of Northern San Diego County and Southern San Bernardino County. The county government had to be created from scratch requiring a board of supervisors, a judge, a district attorney, and a myriad of other positions, countywide, regional and local, to be filled.

In 1893, the *Riverside Daily Press* published a *History and Directory of Riverside County, 1893*, in an attempt to account for all its citizens and provide a list of all its newly elected officials. Not surprisingly, the primary elected officials were almost all transplants from elsewhere. Miguel Estudillo, future RCBA president, was acknowledged as “the only county official who is a native son.” What might have been intended as the reference to “native son” is not known, but we can guess it meant of local Spanish descent.

Although the 1893 Directory did include a directory of citizens and their respective occupations, the Directory did not include city or township governments except for the City of Riverside.⁵ And yet the local communities, be it a town or township, did have local governments. It appears the new county adopted, as its own, all township and corresponding positions, which were once within the portions of San Bernardino and San Diego counties now with the new Riverside County. One of Riverside's adopted townships was Murrieta, and its constable was Frank Hamilton. That status was only temporary. Frank now had to be re-elected.

Riverside County's election took place on November 6, 1894. Frank succeeded in his first Riverside County election and maintained his position as Murrieta Constable. Frank's transition was not perfect. Little did Frank know, one's elected position in Riverside County was not official until a Statement of Election Expenses was timely filed.

⁵ The 1893 Riverside County Directory listed the residents of Cahuilla to include Frank with his father James and brother Henry as stock raisers along with 15 other citizens. Omitted was the fact Frank was already the Constable of the Murrieta Township, having been elected while the Township was part of San Diego County.

Frank neglected to timely file such a statement. This neglect required Frank to hire an attorney and complete the burdensome task of filing a Petition in the Superior Court requesting relief from his error. Said relief was granted on December 10, 1894.⁶

The step of Frank Hamilton being re-elected as one of two of the Constables of Murrieta Township, County of Riverside, was of little significance to those outside of Murrieta. But for the locals, Frank was a son of James Hamilton, who, himself, appears to have been a respected rancher. Moreover, Frank was known for his cowboy skills, sought for his tracking ability, and wanted for his good relationship with the people of the area Indian reservations. Frank must have also been considered a respected leader. And as to Frank's racial makeup, it was no secret. For example, even in the 1880 United States Census, the Hamilton family was listed as mulatto.

⁶ Frank's petition asserted his remote residence in Cahuilla, where mail only arrived twice a week, was 60 miles from the county seat and thus he would not necessarily know of such requirements. Therefore, he asserted, he missed the deadline to file the statement. Note, however, Frank was the Constable for Murietta, down in the valley, and Frank was regularly to be found in San Jacinto, at the other end of the valley. In addition, the Riverside newspaper, *The Enterprise*, reported in its regular "personal" column, Frank Hamilton was in the City of Riverside on November 13, 1894, "to get the latest returns from the election."

As best as can be determined, Frank Hamilton became the first African American elected to a public office in Riverside County. But sadly, that's not for which we remember Frank. As unfortunate as it is, about the only modern reference to Frank Hamilton is his being the first Riverside County Sheriff killed in the line of duty. When one visits the Riverside County Sheriff, Ben Clark facility, or the Sheriffs web page, Frank is listed for his death in the line of duty in 1895. Frank's death did not occur as part of some shootout while a posse was in chase, or in the commission of some independent crime. Based on trial testimony in the prosecution of Frank Hamilton's murderer, Frank's death occurred because of a racially motivated hate, initiated by a bigoted person. Frank Hamilton's murderer could not handle the fact someone of Frank's racial background should have a position of authority. The details of the murder are being left for another day, another article.

Now it seems time to give Frank Hamilton credit for a positive first. Frank Hamilton was most likely the first African American to be elected to a public office in Riverside County. Frank Hamilton should also be remembered for that fact.

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.



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COMMENTS ON AN UNCOMFORTABLE TOPIC (DIVERSITY) BY A WHITE, SOMEWHAT CONSERVATIVE BABY BOOMER BORN IN MISSISSIPPI

by Geoffrey Hopper

As a labor and employment law attorney, primarily representing employers (but also many employees) over the years, my own perception is that we, as humans, like to simplify things in nice, neat little packages: Black and white, with very few grays. When we start thinking in those terms, we get a group mentality that is quite divisive and even dangerous, as demonstrated by the events of January 6, 2021. I sincerely used to love discussing / debating positions with others about a multitude of areas including religion, race, environment, politics, immigration, discrimination, etc. These days, I hesitate to discuss even with my own family and friends most of these matters. This is because of the fact that, instead of people being able to exchange ideas and respect the fact that others may differ from you, and perhaps learn from that, we now often have a perception that anyone who differs from us is evil. Candidly, I did go back and discuss with my family, friends, and staff, this particular article and, while my original drafts were brilliant (haha), I did discover that exchanging and discussing matters with others was helpful and that writing this article was quite helpful for me, personally.

I have to admit that I am not sure anymore what is and what is not appropriate to say or do in many situations. In our newer environment, there is certainly greater sensitivity to what people say and do. Accordingly, anymore, I am just generally uncomfortable because I do not want to offend and/or hurt someone's feelings or have them think poorly of me; however, at the same time, I do not want to be silenced simply because of paranoia as to what others may think or say. All of this angst and divisiveness, as well as anxiety and anger, does get a bit frustrating, exhausting, and uncomfortable.

For example, I have no doubts whatsoever that there will be areas of criticism about this brief article, which is why I debated at length as to whether or not I would write such when asked. My perception is that silence does nothing to address the problem.

Consequently, while it is essential to exchange ideas and get information from those who may well be diverse from ourselves, at the same time, it might be more productive if such is done in a manner where one is not talking down to the other person. As I indicate to my employer clients (as well as their supervisors and managers), it is essential in a workplace environment to, at all times, treat their employees with respect. I would suggest that we can do the same outside of the workplace, even if we have disagreements with one another. In essence, do not criticize in such a manner that you are going to prevent that person's progress.

Over my lifetime, I can vividly recall the ongoing struggles with diversity and related issues, including the assassination of Martin Luther King, Jr., the Watts riots, the Chicago riots, the Rodney King riot, the #MeToo movement, Black Lives Matter, the LGBTQ+ movement, immigration, abortion, etc. I recognize that I have limited knowledge and/or experience as to those circumstances, but certainly understand everyone's desire and need to be treated with respect.

Based on the volume of work (our small firm is busier than mosquitoes at a nudist camp), the trend appears to be that things are getting more divisive and folks are getting more vehement as is occurring outside of the workplace. We additionally have had the privilege of doing quite a few seminars and lectures over the years for employers, employees, and students. One of the most common questions asked is what is the standard way of handling these situations as an attorney. The answer has always been that there is no standard approach in these situations in that they are as different as the people involved.

I have been educated by my own experiences as well as by my three kids, along with my wonderful wife, friends, and co-workers as to the growing sense that the overwhelming divisiveness in our country is increasing. The potential claims for damages of diversity discrimination/harassment for both employers,

supervisors, and co-employees, can be in the six- or seven-digit numbers, including loss of wages, punitive damages, attorney's fees, and damages for emotional distress as well as criminal penalties.

The following is a list of some of the more frequent statutes that many of my clients were not aware of that were created, at least in part, to protect and/or promote diversity in the workplace:

- 1. Labor Code §432.3 California Equal Pay Act:** Precludes employers from asking employees anything regarding prior pay history as well as allows, upon reasonable request, employees to obtain the payscale for employers for a position for which an applicant is applying if the employer had 15 or more employees;
- 2. California Senate Bill No. 1162 (effective January 1, 2023) California Pay Transparency Law:** Mandates posting of specific information regarding employee's compensation as well as requiring employers to submit pay data reports;
- 3. California Senate Bill 331 (passed January 19, 2022) Silenced No More Act:** Prohibits non-disparagement provisions in settlement agreements and prohibits confidentiality agreements in some situations;
- 4. Assembly Bill 2143:** Precludes employers from preventing employees from reapplying for re-employment following employee's complaints of discrimination;
- 5. California Assembly Bill 2770:** Permits employers to voluntarily disclose to prospective employers that they would not rehire a former employee because of acts of sexual harassment;
- 6. California Senate Bill 1063 Equal Pay Act (Wage discrimination):** This prohibits differential pay rates to employees of different races / ethnicities, based upon their race as well as procedures for the employees to inquire for the basis for the pay differential;
- 7. California Assembly Bill 1008 (Labor Code §132.7) California Fair Chance Act, aka Ban the Box Law:** Precludes employers from automatically asking about felony convictions based on the assumption that such is discriminatory towards particular protected classes;

- 8. California Senate Bill 188:** Prohibits discrimination against employees of hairstyles due to different ethnicity or race;
- 9. California Senate Bill 142 (Labor Board §1030):** Mandates the provision of lactation breaks so as to prohibit discrimination against individuals based upon sex / pregnancy;
- 10. Title VII of the Civil Rights Act:** Prohibits employers from preventing employees to speak in their native language unless such is required for business operations and also requires employer publications to be in the employee's native language if 10% or more of the employer's workforce speak a language other than English;
- 11. Title VII of the Civil Rights Act:** Precludes discrimination based on actual or perceived sexual orientation, gender identity, and/or gender expression;
- 12. Government Code Section 12950.1:** California's mandated civility training for both supervisors and non-supervisors once every two years if they have more than five employees;
- 13. Assembly Bill 1003 - California's Enhancement of Wage Theft Claim:** It is now a felony if an employer engages in wage theft of more than \$950.00 from an employee or \$2,350.00 total from two or more employees within a 12-month period. It has been argued that such wage theft was disproportionately applied to minorities;

The bottom line is that often when we only work with people similar to ourselves, we are missing an entire world of other perspectives. The most effective way to grow as a person is when we work with others who are different from ourselves. Feeling uncomfortable in dealing with issues of diversity I think is probably beneficial to initially at least give us some pause before we think, act, or speak in this area, keeping in mind the goal of treating all with respect, even if we disagree.

Geoffrey Hopper is the past president of the Riverside County Bar Association having practiced labor and employment law for an excess of 35 years, having received an AV rating from Martindale Hubble, having conducted a multitude of seminars on discrimination topics, representing both employers and employees, and having written a book on the topic entitled Employment Law for Bosses and Supervisors. His website is www.hopperlaw.com and he can be contacted at (909) 798-9800.



THE RCBA CHRISTMAS ELVES PROGRAM 2022 – A RECORD YEAR

by Brian C. Percy

On December 24, 2022, the RCBA's Elves Program concluded its twenty-first annual program of bringing Christmas joy to needy families throughout Riverside County. While we can't say exactly why, perhaps it was a moderate economy, perhaps our program is becoming more widely known (or both), it was a record year. The RCBA Elves provided Christmas gifts, a holiday dinner, and gas cards to 91 families (260 children and 125 adults). A 30% increase in families served! This year we were also excited to restore to our Wrapping Elves the opportunity to wrap and socialize at the RCBA building, after a two-year hiatus due to COVID-19.



Diana Renteria and Jacqueline Carey-Wilson

Every year the success of the RCBA Elves Program is solely due to the great support and generosity of you, our membership. Helping others is infectious, and Elf participation has grown beyond the RCBA members to include their office staff, their families, clients, and friends. This year we worked with the following organizations to identify families in need: Supervising Probation Officers in Riverside, the SAFE Family Justice Centers in Riverside, Temecula, Murrieta and Indio, the Victim Services Division of the Riverside County District Attorney's office, the Riverside County Probation Department, Wealthykids.org, and the Lighthouse Social Services organizations.

As you can see by some of the images, all the hard work you did was worth it!

Now for some recognition.

The Money Elves

As always, our funds came from direct donations and monies raised at bar association events held throughout the year. The money



Bratton & Razo Law Firm

raised provided wrapped gifts for each family member, a Stater Bros gift card to buy food for a holiday dinner, and a Union 76 gas card to help each family's holiday travels. Because of our successful fundraising effort, we addressed the inflationary pressures everyone has been facing and provided more money per family than in years past. I'd like to thank the following Money Elves for their support: Judge William Bailey, Stream Kim Hicks Wrage and Alfaro, P.C., Aarvig & Associates, Lester, Cantrell & Kraus, Lord & Brooker, Kathleen Peach, Judi Murakami, Peggy Barnes, Amanda Brusca, Kimberly Byrens, Lisa Ruiz Cambio, Sonia Carvahlo, Kim-Khue Chieffo, Pamela Crawford, Elizabeth Dittfurth, Ruben Duran, Mark Easter, Ashley Fernandez, Cynthia Germano, Dylan Gunzel, Daniella Hernandez, Julia Hernandez, Ana Horta, Amy Hoyt, Elizabeth Hull, Tammy Ingram, Roxana Jimenez, Mary Karlson, Jennifer Lamb, Christina Lee, Jose Martinez, Chris Moffitt, Leo Navarro, Judge Mona Nemat, Jennifer Oberg, Glen Price, Brittany Reese, George Reyes, Megan Russell, Isabel Safie, Andrew Saghian, Charity Schiller, Mrunal Mehta Shah, Haviva Shane, Ward Simmons, Charisse Smith, Holland Stewart, Mary Stracke, Carol Swanson, Mandy Villareal, Richard Wall, Erica Alfaro, Nesa Targhibi, Jacob Husen, Daisy De Anda, Anne McClure, David Grande, Judge John Vineyard, Brian Unitt, Judge Chris Harmon, Joseph Peter Myers, Judge Kira Klatchko, Sharon Ramirez, Susan Exon, Abram Feuerstein, Michael Ortiz, Barry O'Connor, Dr. Jim Husen, Stacey Martinez Marks, Emily Lerner, Margaret Warner, Judge Jacqueline Jackson, Justice Richard Fields, Diane Huntley, Anthony Beaumon, Thomas Chisum, Christopher Markarian, Aiden McGloin, Aitken Aitken Cohn, Bruce Todd, Bartell Hensel & Gressley, Christine Renken, Chris Johnson, Colleen Peach, Judge Craig Riemer, David Bristow, Erin Peach, David & Ginger Werner, Judge Gary & Janet Tranbarger, Judge Irma Asberry, Jacqueline Carey-Wilson, Judge Jean Leonard, Judge John Monterosso, K H Renken, Lazaro Fernandez, Mary Reyna, Matthew Forsee, Michael Gouveia, Julianna Tillquist, Rosa Marquez, Sandra Leer, Singleton Smith Law, Stacy Albelais.



Judge Randy Stamen and Judi Murakami



Veronica Garcia

I would also like to provide a very special “Thank You” to Sean Varner and his assistant, Carol, of Varner & Brandt, who were able, once again this year, to provide and secure a large donation from their firm and from Stater Bros. This generous donation covered most of our food card needs for the families and allowed much, much more of the cash raised to go toward gifts. Another huge shout out to Mark Easter. Mark did his usual fantastic job of rallying a large number of his colleagues at Best Best & Krieger to the cause by once again raising some of the largest amounts ever. And a very special thank you to Kirstie Donaldson (spouse of RCBA member Michael Donaldson) and her mother, Jodi Helms and the Helms Christian Pre-School in Murrieta. For the last many years, Kirstie and Jodi have conducted their own toy drive at their school and were able to donate several boxes of toys for our families again this year. And of course, a jumbo Santa hug to the Law Firm of Bratton & Razo for their continuing support.

The Shopping Elves

It was a joy to experience the festive mood of various individuals, firms, and families, put on their Elf hats and used their best bargain-hunting skills to shop and find great deals for our families. After a rocky start, this year saw the largest number of shoppers and Walmart changed up their game this year and we moved from one register to four. The pace of checkout was much better and moved seamlessly through the night. They promised to provide more resources in the coming seasons to accommodate all. Thank you to those who moved carts, emptied them and bagged individual family bags with the help of Charlene Nelson, Veronica Garcia, Bruce Larson, Nadine Vargas and her children, and other volunteers, we were able to bag, tag, and deliver hundreds of presents to the RCBA office in record time.

This year’s Shopping Elves were: Sophia Choi, Sylvia Choi and family, Tony Luzuriaga, Jesse Male and family, Kimberly Prendergast, Andrea Torres Law Firm, Angela Viramontes, Mia Mally, Crista Haynes, Judge Sunshine Sykes and family, Judge Randy Stamen, Tinian Martinez, Elizabeth Ditfurth, Shaana Ramos and Wealthykids.org, Barbie Trent, Christine Renken, Veronica Garcia, Megan Demshki and family, Venus Trunnel, Priscilla George, Judi Murakami, Mrs. Steven Anderson, Diana Renteria, Alejandro Marin, Matthew Forse and family, Matthew Kraus, Veronica Foster, Orquidea Cox, Lori Myers, Monique Perantoni, Jacqueline Carey-Wilson, Maria Hale, Marie Myers Law Office, Nadine Vargas and family, and the fabulous staff at Bratton & Razo Law.

Walter’s Auto Sales & Service once again provided a large Mercedes Sprinter Van to use to transport our purchases from Walmart to the Bar Building for the night. A great big “Thank You” to owner Steve Kienle and his Parts Manager Scott Eisengberger for providing our “sleigh.”

The Wrapping Elves

After the shopping was finished, all the gifts were delivered to the RCBA board room. This year we went back to having two wrapping nights at the RCBA and our Wrapping Elves were able to resume the camaraderie and enjoy the sounds of Christmas music and eating goodies while wrapping. For those Elves that wanted to remain socially distant, we retained the option for them to come to the RCBA and pick up bags for wrapping at their homes or offices and then return them to the RCBA for pickup by the Delivery Elves.

In many instances, our Wrapping Elves also became Delivery Elves making the trip back to the RCBA unnecessary. A huge thank you to this year’s Wrapping Elves: the RCBA Barristers – Lauren Vogt, Kevin Collins, David Rivera, Priscilla George, Isaac Yang, Sandra Lattouf, Nesa Targhibi, Summer DeVore, Daniela Tovar-Jalalian, Janate Valenzuela, Goushia Farook, Alejandro Barraza, Nolan Kistler, Jack Rafter, Ellen Peng, Theodore Stream, Kathleen Peach, Anelle Snowball, Maggie Wilkerson, Lynn Venegas, Nithin Reddy, Ginger Werner, Sophia Choi, Sylvia Choi, Tony Luzuriaga, Mary Shafizadeh, Judge Kenly Kato and staff, Judge Sunshine Sykes, Fred Knez, Matthew Knez, Myrna Knez, Jamilex Chaivez, Jessica Tapia, Andy Sunderly, Kizzy Moore, Cynthia Malsed, Elizabeth Cussimano, Xavier Valbuena, Louise Guitierrez, Shaana Ramos from Wealthykids.org, and Tania at the Lighthouse Centers, the SAFE Family Justice Centers who assisted in wrapping in Murrieta, Temecula, Indio, Hemet, and Riverside, and the SAFE Family Justice Centers who assisted in wrapping in Murrieta, Temecula, Indio, Hemet, and Riverside.

Delivery Elves

Our Delivery Elves took flight and sprinkled gifts and good cheer throughout Riverside County, including the cities of Riverside, Nuevo, Indio, Coachella, Desert Hot Springs, San Jacinto, Corona, Moreno Valley, Perris, Hemet, Temecula, Murrieta, and Blythe. A special thank you to the following Delivery Elves who donated their time and fuel: Susan Hernandez Indio Probation, Theodore Stream, Judge Charles Koosed and family, Robert Swortwood, Kathleen Peach, Judge Sunshine Sykes and family, Tony Luzuriaga, Mary Shafizadeh, Angela Viramontes, Shaana Ramos and Wealthykids.org, Veronica Garcia, Michelle Ewing, David & Ginger Werner, Louise Gutierrez, Tania at Lighthouse, and Riverside SAFE Family Justice Centers.



Wrapping Elves at the RCBA

Special Thanks

Once again, big kudos to: the Riverside County Bar Association staff, especially Charlene Nelson and Lisa Yang, who work tirelessly for all events, from the very beginning with shopping, bagging, organizing the wrapping, and coordinating the preparation of all deliveries. This event could not succeed without their energy and assistance. And to the management and social workers of Light House Social Services, Wealthykids.org, Riverside Police Department, and the Riverside County Superior Court, the Riverside County Family Justice Centers, the Riverside County Probation Department, the Riverside County District Attorney's Office, and the SAFE Family Justice Centers in Hemet, Temecula, and Murrieta.

Big thank you to Bill and Pam Bratton, not only for your annual photos, but your financial and personnel support over all of these years. And to Bruce Larsen who not only assisted with bagging all gifts at the registers at Walmart, but then loading the van and delivering all gift bags to the RCBA. And most importantly, a big thank you to my assistant Anna Gherity, who makes it all happen along with all the Elves.

Finally, a jumbo sized "Thank you" to all the Elves for making this happen! Your wonderful spirit and camaraderie, which are represented in the photos accompanying this article, make this entire endeavor so rewarding to yours truly. Lots of holiday spirit.

For those of you who still have not yet volunteered as an Elf, I suggest you put it on your agenda for next year.

Brian C. Percy was president of the RCBA in 2002 and is the chair (i.e. "Head Elf") of the Elves Program.



Sophia Choi and family with Megan Demshki and family



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IN MEMORIAM: REMEMBERING GEORGE SOCRATES THEIOS, 1948-2023

by Brian C. Unitt

When Jacqueline Carey-Wilson called to share the sad news of George Theios' passing, we immediately began recalling all the reasons we appreciated George and how much we will miss him. The main thing to remember about George is that he was a truly nice person, genuine, warm and caring. Those qualities also made him a fine lawyer.

George obtained his law degree from Western State, after working as an adjuster for the Auto Club. I met him in 1989 when he was with Miller and Theios and our firm's were exploring a merger. The merger never happened, but we remained friends and colleagues. For a while he was of counsel with my former firm and was always part of our extended family.

George was deeply committed to ensuring that people had access to justice. He served for many years on the Board of Directors of the Inland Counties Legal Services and on the Board of Directors of the Legal Aid Society of San Bernardino. He also provided pro bono services directly to many individuals in need.

I had the privilege to help him with one of his most noteworthy pro bono cases, in which we filed a habeas corpus petition for a woman who tried to protect her son by pleading guilty to a drug offense. She was not advised that doing so would expose her to deportation to Mexico, a country she had no contact with since her family brought her to the U.S. at age two. I drafted the papers and George argued the petition to Judge Krug in San Bernardino. Commenting on George's advocacy, Judge Krug observed that he had seen a lot of those petitions, and this was the first one that he thought worthy to grant. The



George Socrates Theios

plea was vacated and then the charges were dismissed, and the woman was released after having been detained for 23 months at the federal detention facility at Terminal Island.

George had a real talent for helping clients understand what the best resolution of their claims could be, whether in personal injury, probate, or conservatorship matters. Judges and opposing counsel knew they could count on his civility, but also that he would be unrelenting in advocating for his clients. The next time you are in Riverside's Historic Courthouse, take a close look at the portrait of Judge Rich. You will notice it includes a lawyer counselling his client. George reluctantly agreed to fill that role for the artist, but I think you will agree that the quali-

ties I have mentioned are there for all to see on that canvas.

At the 2007 Red Mass, George was honored with the Saint Thomas More Award, and I was asked to present the award to George. In preparing for that presentation, I learned that in addition to the professional talents and accomplishments I have already mentioned, he was also very active at his parish, Our Lady of the Rosary Cathedral in San Bernardino, participating (among other things) in its program to feed those in need and collect toys for the children at Christmas. In her article about the Red Mass in the *Riverside Lawyer* (Sept. 2007), Jacqueline Carey-Wilson summed it up perfectly: "George is a faith-filled person whose life resonates with the virtues of generosity and compassion."

In my notes from 2007, I found this passage in Book I of St. Thomas More's *UTOPIA*, and think it was meant for George. "... for I do not know if there be anywhere to be found a more learned and a better bred young man: for as he is both a very worthy and a very knowing person, so he is so civil to all men, so particularly kind to his friends, and so full of candour and affection, that there is not perhaps above one or two anywhere to be found that is in all respects so perfect a friend. He is extraordinarily modest, there is no artifice in him; and yet no man has more of a prudent simplicity ...".

Brian Unitt is a solo practitioner specializing in civil appeals.



A memorial mass will be held on
February 9, 2023 at 4pm at
Our Lady of the Rosary Cathedral
2525 N. Arrowhead Ave, San Bernardino

George will be honored with a
"Celebration of Life"
February 10 at 11:30am
at the National Orange Show Renaissance Room
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RSVP your name and number of guests: Memorial@sbcbca.org.



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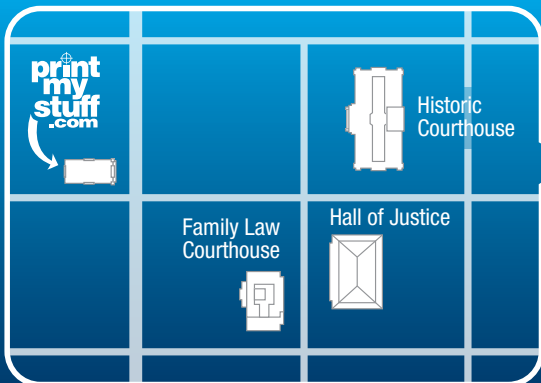
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OPPOSING COUNSEL: ERICA ALFARO

by Sophia Choi

I am excited to introduce you to or tell you a little bit more about my friend, Erica Alfaro. I had the pleasure of meeting Erica approximately seven years ago. I do not know if she remembers the first time we met and may even think it was a later time, but I remember because she left an impression on me. The first time I met Erica was during a Riverside County Bar Association (RCBA) Elves wrapping day at the RCBA building. She was already there wrapping gifts when I arrived. She was very friendly and introduced herself to me; Erica was full of energy and seemed passionate about getting involved in the RCBA.



Erica Alfaro

Years later, it comes as no surprise that she is now on the RCBA board as a director-at-large and the chair of the MCLE committee. Her involvement in our legal community does not end there. Erica is also an active member of the Leo A. Deegan Inn of Court and she has served as president of the Riverside Barristers Association, which is the new and young attorney organization within the RCBA. She successfully led the organization, increasing membership and activities.

Committed not only to the legal community but to the community at large, Erica has served in various leadership roles in the local community. She has served as a board member for Inland Counties Legal Services (ICLS) for the past eight years and currently serves as vice president of the board. In October of 2022, Erica was honored for her dedication to the community with the ICLS 2022 Leader for Justice Award. Erica has been a driving force on the ICLS board for the past eight years. Erica's positive demeanor and disposition and her ability to very effectively get things accomplished make her an invaluable asset to ICLS. Erica is most certainly a leader for justice as she uses her talents, skills, and time to uplift, encourage, and support everyone around her, and our community is fortunate to have a leader like Erica who serves through servant leadership.

Erica is a native of Riverside and loves this county that she lives and works in. She received her undergraduate and law degrees from the University of California, Davis. Erica then secured a position at the State Compensation Insurance Fund doing workers' compensation insurance defense. After eight years in that role, she is now transitioning into her new role as Corporate Legal Attorney

there. As a transactional attorney, she will now focus on intellectual property and privacy. She is eager to fill this new role and expand her legal knowledge and expertise. I have no doubt that Erica will excel.

On her free time, Erica enjoys spending time with friends and family, especially with her nieces and nephews: Alexis, Cassandra, Robert, and Bella. She also enjoys going to sports games, going to the beach, and watching investigative crime and murder mystery shows. Her ways to destress include working out, talking with her friends and family, and occasionally a

dance party in her living room. She also finds prayer to be very powerful and prays the rosary at least once a day as a devout Catholic. Her favorite foods are Italian, Mexican, barbecue, and seafood.

As this issue focuses on diversity, equity, and inclusion, an attorney profile on Erica is completely fitting. Since college, she made strides towards diversity, equity, and inclusion and served as the vice president of the Chancellor's Achievement Award for Community and Diversity Associated Students organization. In law school, she received the Chancellor's Achievement Award for Community and Diversity (Graduate Division). Erica is a member of the State Fund Diversity, Equity, and Inclusion Committee and Emerging Leaders Program. She is also a founding member of the Hispanic Bar Association of the Inland Empire. Erica emphasizes the importance of equity, diversity, and inclusion because she values the lives and personal experiences of everyone she meets and knows. In quoting Martin Luther King, Jr., "An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." Erica said that this is one of her favorite quotes, along with one by late Justice Ruth Bader Ginsburg, "We will all profit from a more diverse, inclusive society, understanding, accommodating, even celebrating our differences, while pulling together for the common good." Erica has been and is devoted to continue to be a voice in support of diversity, equity, and inclusion.

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



JUDICIAL PROFILE: THE HONORABLE GARY POLK

by Francisco Navarro

When asked if I would write the judicial profile for my good friend, the Honorable Gary Polk, I jumped at the opportunity. I have known Judge Polk his entire legal career and I know who he is as a person, a colleague, and a friend. We met when he joined the Riverside County District Attorney's Office in 2008. Our love of basketball and the adult leagues we played for years brought us closer together. Over the years, we have discussed our careers, families, and everything in between. Those conversations led to my respect and admiration for Judge Polk. Judge Polk was appointed by Governor Gavin Newsom in October of 2022 and is currently assigned to the Banning Justice Center. Judge Polk possesses qualities I believe make a great judge. He is humble, has an excellent work ethic, and is truly dedicated to the community.

Judge Polk is the son of two educators who instilled the importance in obtaining an education and becoming a productive member of society. Judge Polk was also blessed to have family friends in the legal field; the very people he turned to when his path towards a career in the law began to materialize. For those who know Judge Polk and how much he gives back to the community you might think he always had his sight on being in public service, but you would be wrong. Initially Judge Polk saw himself going into the world of a sports agent where he would be representing talented athletes and driving a Range Rover. I have heard him many times joke about this because to this date he still has not owned that elusive Range Rover. The world had a different plan for Judge Polk when his experiences in law school ignited a new passion. He participated in the immigration law clinic while attending Chapman Law. He worked on an asylum case involving a minor who had been sexually assaulted. The skills and desire for justice gained from his participation in this clinic led him to apply to the Riverside County District Attorney's Office.

Shortly after joining the District Attorney's office, he quickly but quietly rose through the ranks. Judge Polk is always so well composed that you would not know the tremendous amount of passion behind his calm demeanor. This passion was often displayed during trial on some of the most serious and sensitive cases imaginable. By the time Judge Polk left the District Attorney's office, he was the trial team leader for the Sexual Assault and



Hon. Gary Polk

Child Abuse Unit having conducted dozens of trials and prosecuted hundreds of cases. The backbone of Judge Polk's success came from his humility and work ethic. Judge Polk was never too proud to ask for help and his never-ending reserve of energy allowed him to attack the learning curves that present themselves during a legal career with ferocity. His energy was not all spent on his career though as it is often on display in his personal life.

Judge Polk met his wife in 2011 via a colleague. Their relationship has flourished ever since as they share many common attributes and values. The Polks are people of faith with a passion for giving back. Mrs. Polk is a social worker and together they have conducted presentations on human trafficking. Their work in the community is commendable and a great example to their three amazing children. Like all aspects of life success comes from planning and effort. Judge Polk is a dedicated husband and father who finds the time to coach his kids' sports teams, helps them learn Spanish and remembers the adage, happy wife, happy life, when he plans a mommy/daddy getaway to Costa Rica.

When you spend so much time focusing on others it's easy to forget to think of yourself. Judge Polk only recently began to consider applying for the bench. His humility made him question taking this next step, but it was others who recognized the exceptional judge he could be that helped push him to apply. None of this is lost on Judge Polk who continues to give back. Most recently, he took part in a Christmas event at Mission Bell Elementary as a part of a mentor program he has been involved with for about seven years. Every child received a gift, attended a party with refreshments, and had the opportunity to meet Santa. Judge Polk feels blessed and grateful for the mentors, role models, and friends who supported him throughout his legal career in the county of Riverside. Judge Polk acknowledges that his accomplishments are a reality thanks to the trailblazers from the District Attorney's Office, as well as the bench and vows to pay it forward by helping others achieve success in the way so many helped him.

Francisco Navarro is a senior deputy district attorney in the Riverside County District Attorney's Office, is married to Judge Valarie Navarro, and they are the proud parents of two children.



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Conference Rooms Available

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



RCBA JANUARY GENERAL MEMBERSHIP MEETING

Our monthly RCBA general membership meeting had Professor Clifford Trafzer, PhD., UCR, give us the unique native American perspective of the “Willie Boy” murder and posse chase of 1909. The story began with the homicide of the father of Willie’s love, the urgency of the sheriff to close the issue before President Taft visited Riverside and the Mission Inn, and the methods and problems experienced with the deputy’s and the Tribal Police. The story made the big screen in 1969 in the Robert Redford starring movie, “Tell Them Willie Boy is Here.” Last year Jason Mamoa produced a version entitled “The Last Man Hunt” based on Professor Trafzer’s work.

A full house, presentation enjoyed by all with lunch sponsored by RCBA Dispute Resolution Services, Inc. (DRS) and hosted by the RCBA History Committee.



Photos by Lori Myers

MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective February 28, 2023.

Sam Ansari (A) – Law Office of Antoniette Jauregui, San Bernardino

Garrett R. Behrens – Office of the County Counsel, Indio

Shaloda Chappel (A) – Town & Country Escrow Corp, Corona

Ameca E. DeMers – Office of the County Counsel, Murrieta

Juan Garcia Moreno – Macdonald & Cody LLP, Riverside

Alan J. Gallivan – AJG Law PC, San Francisco

Vincenzina V. Georgousopoulos – Office of the County Counsel, Murrieta

Neelam K. Kahlon-Pfister – Albright Family Law Group, Riverside

Benjamin G. Kaplan – Fabozzi & Miller, Murrieta

Nichole Sanai Kojima (A) – Doctors On Liens Inc, Sherman Oaks

Matthew R. Kugizaki – Inland Counties Legal Services, Riverside

Marla C. Mahoney – Office of the County Counsel, Murrieta

Stuart O’Melveny – Solo Practitioner, Rialto

Delia M. Metoyer – Office of the Public Defender, Riverside

Ellen M. Peng – Solo Practitioner, Temple City

Katherine S. Wilkins (Walker) – Office of the County Counsel, Riverside

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