

RIVERSIDE LAWYER

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MAGAZINE



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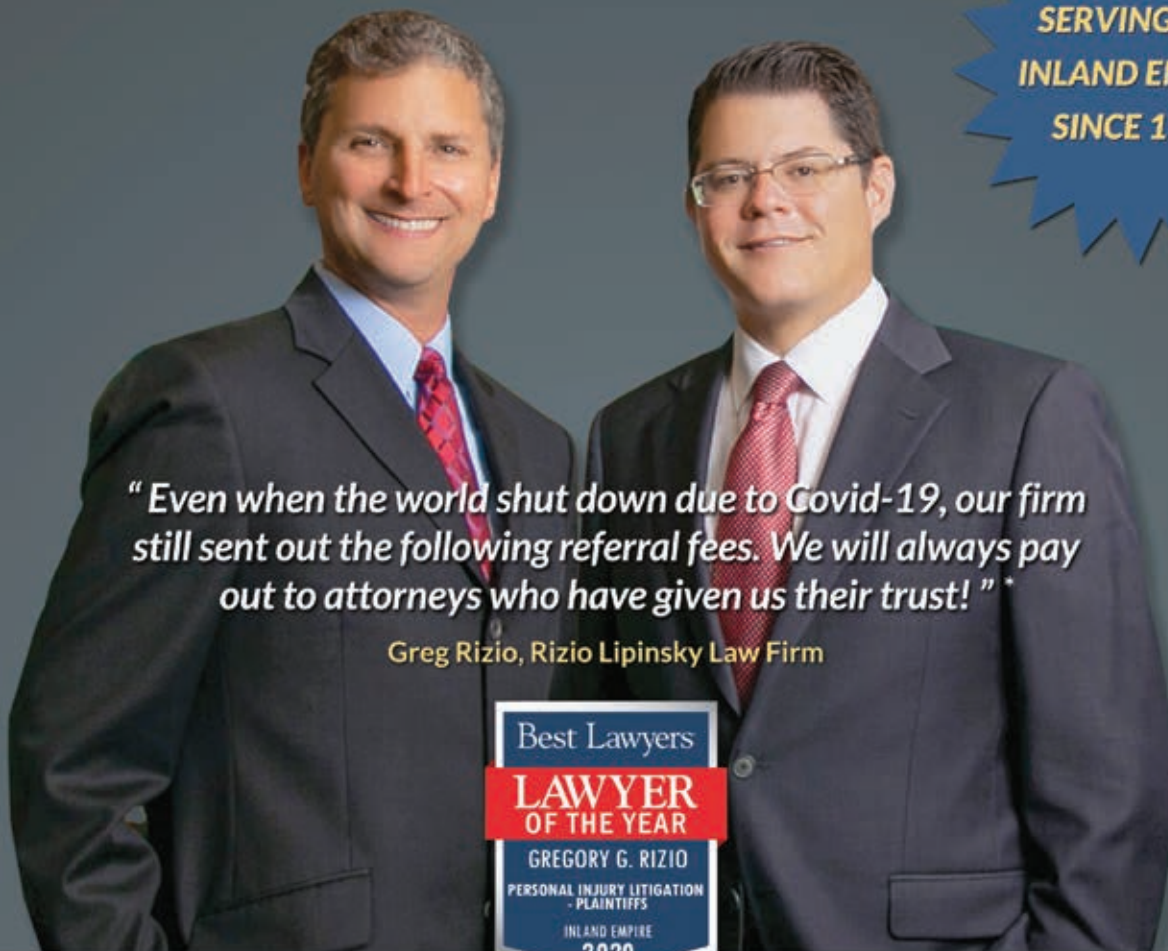


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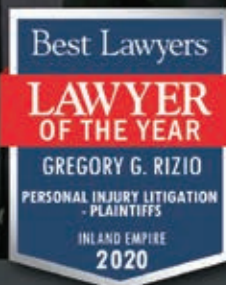
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RIVERSIDE LAWYER

MAGAZINE

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Pictured on the Cover: Top photo – New Attorney Academy Graduates – Class of 2022-2023. Photo by Sophia Choi.
Middle Photo – Recipients and Presenters of the 2023 RCBA Good Citizenship Awards. Photo by Michael Elderman.
Bottom Photo – RCBA Past Presidents, May 10, 2023. Photo compliments of Jacqueline Carey-Wilson.

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

June

8 Civil Litigation Roundtable with

Hon. Craig Riemer

Noon – Zoom

MCLE

12 Juvenile Law Section Meeting

12:15 – Zoom

Speaker: Douglas Parker, Esq.

Topic: “Implicit Bias in the Legal Profession and Strategies to Reduce Bias”

MCLE

13 Civil Litigation Section Meeting

Noon – Zoom

Speaker: Tom Kirkham

Topic: “Defending Against Cyber Threats: Strategies to Prevent Cyber Attacks”

MCLE

14 Criminal Law Section Meeting

Noon – RCBA 3rd Floor

Speaker: Brent Romney

Topic: TBA

MCLE

20 Family Law Section

TBA

23 General Membership Meeting

Joint with the Hispanic Bar Association of the Inland Empire

Noon – RCBA 3rd Floor

Speaker: Ruben Duran, Esq.

Topic: “The State of Diversity in the Legal Profession”

MCLE

EVENTS SUBJECT TO CHANGE.

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



PM President's Message



by Lori Myers

40th Annual Good Citizenship Awards

National Law Day (May 1) is a special day focusing on our heritage of liberty under law, a national day of celebration officially designated by joint resolution of Congress in 1961.

As a part of its celebration of Law Day 2023, the Riverside County Bar Association and Riverside County Superior Court once again sponsored the Good Citizenship Awards (established by the RCBA in 1981) for high school students in Riverside County. The award is presented to those high school juniors who have been designated by their respective principals as exhibiting the characteristics of a good citizen – leadership, problem solving and involvement on campus.

I was honored to speak along with Presiding Judge Judith Clark, and Judges O.G. Magno and Chad Firetag, to the assembled high school juniors and their parents, teachers, principals and counselors, to recognize their exemplary citizenship and accomplishments.

The recipients received \$150 cash stipends from the RCBA and the Lawyer Referral Service, as well as certificates of merit from the Riverside County Superior Court and local



Presiding Judge Judith Clark presents a certificate to Olivia Contreras from Paloma Valley High School.



Good Citizenship award recipients, family, friends and school administrators.

elected officials. This year, certificates of recognition were given by U.S. Congressman Ken Calvert, U.S. Congressman Mark Takano, State Senator Richard Roth, Assemblymember Sabrina Cervantes, Assemblymember Bill Essayli, Assemblymember Corey Jackson and Assemblymember Kate Sanchez.

The awards ceremony was held on Thursday, May 4, 2023 in Department 1 of the Historic Courthouse in Riverside. The following high school students from around the county were recognized for their good citizenship:

Alvord — Lucy Bryan
Alvord Alternative — Kayla Galvin
Banning — Joseph Velasquez
Beaumont — Hailey Mayfield
Desert Hot Springs — Tyler Crcnic
Great Oak — Damien Milton
Hemet — Calvin Brown
Hillcrest — Mohammed Lahlisi
Jurupa Valley — Bryan Gomez
La Sierra — Justin Auld
Martin Luther King — Dania Khan
Moreno Valley — Sarah Abundis
Mountain View — Donald Downs
Murrieta Mesa — Dezirae Gines
Murrieta Valley — Elijah Reading
Norco — Kaiya Cameron
Norte Vista — Kimberly Leon
Notre Dame — Ashley DeGennaro
Palm Springs — Vanessa Bitanga
Palo Verde Valley — Amy Moreno
Paloma Valley — Olivia Contreras
Perris — Angel Zinzun
Poly — Isabel Yrugaray
Ramona — Christina Chimal
Rancho Verde — Leah Welch
Vista del Lago — Alyssa Reyes
Vista Murrieta — Joseph Queriapa
Woodcrest Christian — Grace vanHaaster

Photographs by Michael J. Elderman

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





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BARRISTERS PRESIDENT'S MESSAGE

by Lauren Vogt



Another Amazing Event:

The Barrister's board is proud to announce a very successful 4th Annual Judicial Reception. Once again, we are so very thankful to our many sponsors and for the multiple judicial officers who were able to attend.

We had an unprecedented over 120 people in attendance for this event! More importantly, we were finally able to honor the 2020 award recipients along with the 2023 award recipients.

For those who missed it, the following individuals were honored:

2020 Award Recipients

Judge of the Year – Honorable John Vineyard

Attorney of the Year – Gregory G. Rizio

Clerk of the Year – Lisa Acosta

2023 Award Recipients

Judge of the Year – Honorable Emma Smith

Attorney of the Year – Megan Demshki

Clerk of the Year – Lisa Hamlet

It was an outstanding selection of award recipients and as you can see from the photos, everyone really seemed to enjoy themselves.

Elections:

So, what's next for Barristers?? Well, next is our elections for the 2023-2024 term. Our current nominees are:

President-Elect: Summer DeVore

Treasurer: Kevin E. Collins

Secretary: Priscilla George

Member-at-Large: Alejandro Barraza, Nolan Kistler, Sandra Lattouf, Jack Rafter, and Sharon Ramirez

Elections will be held in person on June 21, 2023, at 5:30 p.m., and Happy Hour is sponsored by Melissa Baldwin, at Baldwin Settlements. Please keep an eye out for our flyer!

Closing Remarks:

As a reminder, if anyone is interested in joining us, I encourage you to reach out to me at 951-781-6500, or shoot me an email, lvogt@riziolawfirm.com, I would love to chat with you!



Back l-r Kevin Collins, Alex Barraza, Ankit Bhakta, David Rivera, Mike Ortiz **Front 1-r** Summer DeVore, Sharon Ramirez, Priscilla George, Lauren Vogt



David Rivera, Lauren Vogt, Greg Rizio, Mike Ortiz



Lauren Vogt, Megan Demshki, David Rivera



Alex Barraza, Goushia Farook, David Rivera, Lauren Vogt, Ellen Peng, Mike Ortiz, Summer DeVore, Priscilla George

Follow us!

For upcoming events and updates:

Website: RiversideBarristers.org

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

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

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



PRACTICING RESPONSIBLY AND ETHICALLY INTELLECTUAL PROPERTY AND COMPETENCE

by David Cantrell and Cole Heggi

To be blunt, the authors don't know much about this month's theme: intellectual property law. We don't practice in that area. But we suspect that, like us, many of you who are not IP lawyers have clients who come to you with IP issues. Before tackling those issues, acquaint yourself with California Rules of Professional Conduct ("CPRC"), Rule 1.1. The Rule instructs lawyers to "perform legal services with competence." (CPRC 1.1(a).) While the competence California requires of lawyers entails general abilities that help most working adults in any profession or trade—like emotional stability, baseline physical capacity, conscientiousness, and diligence—it also includes subject-matter expertise.

If a client or potential client presents you with an issue that involves a complicated area of law in which you lack sufficient expertise, you have three options for ensuring the matter is handled competently. The obvious first option is to refer the matter to another lawyer who is competent in the field. (CPRC 1.1(c)(iii).) The second option is to associate with or professionally consult another lawyer who is competent in the field. (CPRC 1.1(c)(i).) The third option is to acquire sufficient learning and skill in the particular area of law before performance is required. (CPRC 1.1(c)(ii).)

If you choose to refer the matter to, or consult or associate with, a subject-matter expert, be sure to do your research. The Rule requires you to refer the matter to—or consult or associate with—an attorney you "reasonably believe" to be competent. What is reasonable will of course depend on the circumstances. But as a rule of thumb, you might consider finding an attorney who is certified by the State Bar as a specialist in the area at issue.¹ For areas of law that do not have a certified specialty, like IP, ask trusted colleagues for recommendations. If all else fails, use Google. Once you find a candidate, it is advisable to have a conversation with him or her to ensure that they have the requisite experience and get verbal or written confirmation that they can handle the case.

If you choose to educate yourself to gain competence in the subject, you know where to go—case law, statutes, practice guides, treatises, blogs, continuing education materials, conferences, etc. Know before doing so, however, that the bar for competence can in many instances be higher for attorneys who attempt to educate themselves instead of turning to a subject-matter expert. If at any point during the learning process you feel like you are in over your head, it might be time to pursue one of the other options and get the help of a competent attorney.

Rule 1.1 does provide a bit of wiggle room for handling unfamiliar issues for clients in an emergency. In cases where you are not competent in the subject area but "referral to, or association or consultation with, another lawyer would be impractical," you may give such advice or assistance as is reasonably necessary in the circumstances. What is reasonable will, as always, depend on the circumstances. But it is not hard to envision a situation where you can provide limited, necessary services in an emergency. In the IP context, perhaps it would be reasonable to file for a temporary restraining order on the day your client learns a competitor

has recently gone or will soon go to market with a product that infringes on your client's patent. At some point thereafter, the emergency will wane and you should follow one of the options provided in Rule 1.1.

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.



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YOU GOTTA FIGHT FOR YOUR LITERARY RIGHTS

by Juanita E. Mantz

One of the first stories I ever had published was a story in *XO Jane* about infertility. I was so excited to get the acceptance for a story that meant so much to me that I jumped at the chance. They offered me a measly fifty dollars and sent me a pages long contract asking to take the rights to basically all of my stories involving infertility. I scratched out much of the wording and left a pretty basic right to take the rights to that specific story only. Unfortunately, *XO Jane* did sell the article to another venue, Lifetime's website, and I was not paid.

If I had to do it over, I would offer the magazine a right of the first print only and retain all of the reprinting rights and forgo the payment. Yet, I am thankful that I was savvy enough to delete much of the over broad language and wording that the original contract contained. Otherwise, they may have had an argument that they owned the rights to the book I am working on about my infertility struggles, and believe me, that story is all mine.

By the time I published my two books, I had learned my lesson. For my first book, *Portrait of a Deputy Public Defender, or how I became a punk rock lawyer*, which was published by Bamboo Dart press in 2021 (a small independent press and amalgam of Pelekenisis Press in Claremont and Shrimper records), I retained all of my rights. That's right, all of them. The benefit to this is two-fold. First, I plan on expanding the multi-genre chapbook about public defense, punk rock, and social justice into a much longer academic press type publication, so the rights to it mean everything. Second, I am working on a mashup adaptation of my chapbook and my longer memoir into a limited series, and I definitely do not want there to be any question or issue about who owns what.

My memoir, *Tales of an Inland Empire Girl*, the story of my Inland Empire childhood, my chaotic family life, and my punk rock high school dropout year, came out in 2022. I granted my small press publisher *Los Nietos Press*, a *non-exclusive* right to publish the book (the book only as I retain all other rights to put it on the stage or screen) for two years. At the end of the two years, I can retract all rights, retaining everything. This setup allows me to build the following for the book and my platform and hopefully sell the rights to a Big 5 Press in the future for real money. It is really not about the money because ultimately, my dream is to have *Tales of an Inland Empire Girl* picked up by Scholastic and have it in every high school in America. Or maybe, I might just keep the rights to everything and sell it out of my trunk if I have to.

The lesson or takeaway from all of this is that you should value your creative work, whether it be an article in a magazine or a full-length manuscript. Know your value. Your intellectual property that you create on your own time is yours, and do not let excitement or naiveté blind you to the

fact that this is a business. Get representation or at the very least talk to other writers and authors about what a standard contract looks like and do not feel hesitant to negotiate. In the end, you gotta fight to keep your rights.

For me, my words and my books are my children, my life blood, my joy and my heart. I will not ever let them go easily again. Yes, it's true that I want my work read by people everywhere, but I also want to keep the rights so that no one can touch my work but me, especially for adaptations.

In the meantime, I will just keep on writing early morning, cup of coffee by my side.

Juanita E. Mantz (JEM) is a Riverside County Deputy Public Defender and her book, Tales of an Inland Empire Girl, is a finalist for the 2023 Latino Books to Movie Awards and her book, Portrait of a Deputy Public Defender or how I became a punk rock lawyer won a gold medal at the 2022 International Latino Book Awards for best first book, nonfiction, English. (Note that the Riverside Lawyer Magazine takes a right of publication only and the author retains all future rights.)



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USING YOUR LEGAL SKILLS CREATIVELY

by Bob Andersen

For many years, I've pondered who wrote the New Testament book of Hebrews. The authors of the other 26 books are all known. Not so with Hebrews. The authorship has been a matter of debate for nearly 2,000 years. Many have suggested the Apostle Paul, Apollos, or an unknown and unidentified writer. You might consider this a cold case, but because of numerous clues which surface in a deep-dive into the setting, the intended audience, and the text itself, I was confident the author was Silas, Paul's co-leader on his second mission trip to ancient Turkey, Macedonia, and Greece. Because knowing the author and setting vitally impacts the book's message for today, I wanted to correctly identify the author and setting and then convince others with a well-reasoned argument.

I am not a pastor although, I went to seminary for a couple of years. I am also not a theological academician. I am a lawyer. Even though a "theological-lawyer" may be an oxymoron, I realized I could use my legal skills to present this case. I decided to encapsulate my argument in the form of a book, impaneling my readers as members of the jury, and presenting my arguments as I would for a jury trial, starting with an opening statement and then giving the evidence piece by piece. The evidence was complex since this case was 1,960 years old.

Writing 18 chapters felt like writing 18 different legal briefs on slightly different topics.

It is a good thing that Silas was not being accused of a crime. After 2,000 years, it would have been hard to prove the case beyond a reasonable doubt. However, I think I proved it to a preponderance of the evidence and, in my secret life, I imagine that some jury might think I proved it with clear and convincing evidence.

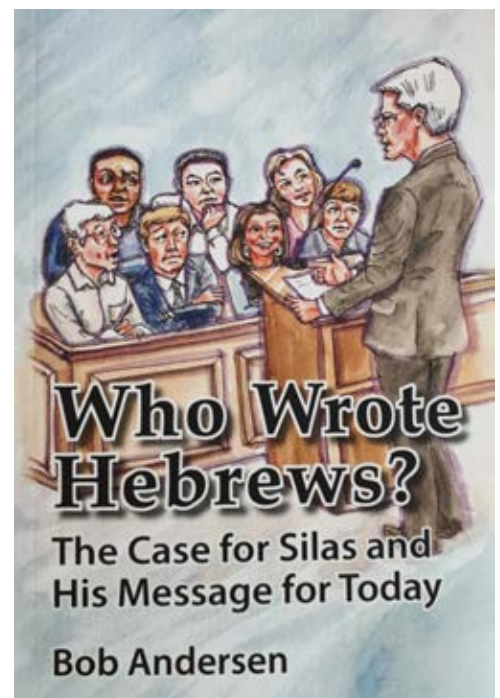
Not only is the author unknown, the setting of the book is not known either. The time of writing, location of writing, and audience are all in dispute. This meant that discovering the correct geography and history were just as important as the author's ability and credibility to write the book. One thing that is generally accepted is that Hebrews was in the form of a letter written from one location to another.

After 2000 years, one might think that there is no interest in discovering the author. But there have been at least four other books in the last 20 years on this subject. These four books argue for three different authors and none of them argue for Silas. I did have a few advantages over a modern-day trial. I didn't have to worry about peremptory challenges, which would eliminate prospective jurors. Also, the jury readers would not have to be unanimous or come to any consensus.

I started assembling the evidence. The text and other New Testament books provided documentary evidence. In Christian circles, this is the most compelling if it is clear. But determining and arguing the clarity of a document is a standard legal skill. Expert testimony was elicited from Roman historians Cassius Dio, Suetonius and Tacitus as well

as Jewish historian Flavius Josephus. The evidence presented from other writers who have suggested alternative authors was analyzed and evaluated with a fresh perspective. Early Christian writer Clement of Rome as well as Christian historian Eusebius and modern historians both Catholic and Protestant were researched and considered. Silas has not generally been considered one of the major "suspects." The advantage for me was that there was not much analysis of any evidence against him. The disadvantage was that most commentators focused on other authors.

Understanding the historical setting was vital. In A.D. 66, Jerusalem was at war. The ruling Romans sent a legion (7000 soldiers) to put down what they considered a rebellion. In a twist of fate, in November A.D. 66, a group of Jewish Zealots capitalized on a Roman military error and wiped out the legion. Rome was not amused.



They responded by dispatching four legions—gravely endangering the 20,000-plus-member church there. While many commentators opine that the letter was written to Rome, contemplating this one historical fact casts serious doubt on that theory.

Second, if Silas is the author, he had to have motive, opportunity, and ability. Silas was a leader in the church in Jerusalem and would have the motive to encourage the church to persevere through this upcoming unpleasantness. I contend Hebrews was written from Rome. Silas had the opportunity since 1 Peter 5:12 puts Silas in Rome at that time. Silas had the ability to write the letter since Hebrews is remarkably like 1 Peter in both content and writing style and 1 Peter claims it was written “through Silas.”

A closing argument summed up the evidence to argue the various geographical, historical, and writing style issues in a more logical fashion than the order the evidence needs to be presented. As lawyers know, the evidence comes in one piece at a time and sometimes the jury cannot understand the importance of one piece of evidence until another piece is introduced. In this case, focusing on the history, geography, and content was complex.

One of the satisfying points was that when the author and setting of the book is known, you can compare the 1st-century setting of the Roman Army invading Jerusalem to “put down the rebellion at all costs” and understand the importance of the message to Christians who find themselves in the middle of a dangerous society. I found the setting of this 2,000-year-old letter is beginning to parallel current-day events and the message pertinent if not urgent for us to consider. Understanding the setting, audience, and author make the message come alive.

My verdict was that Silas wrote Hebrews from Rome to the church at Jerusalem during the Roman-Jewish war in early A.D. 67, three years before Jerusalem fell to the Romans in A.D. 70. If you would like to weigh in on whether you think I proved my case, the book is *Who Wrote Hebrews? The Case for Silas and His Message for Today* and is available on Amazon. You can send your comments to me directly at Bob@AndersenMediations.com or leave them at www.SilasWroteHebrews.com.

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INTELLECTUAL PROPERTY: PATENTS, TRADEMARKS AND TRADE SECRETS

by Boyd Jensen

A very long time ago, a common rear-end automobile accident produced a lawsuit. There was nothing extraordinary about the damage to the vehicles. It was almost nonexistent, except for the striking vehicle, essentially a broken front grill. The driver of the striking vehicle was, however, very uncommon. Dr. Alexander Metherell was a Board-Certified Radiologist who also held a Ph.D. in engineering from the University of Bristol, England ... (which means he also spoke with that English accent, which predicates credibility, especially helpful for a tenderfoot trial lawyer.)

Dr. Metherell advocated that the insurance company should not pay anything on this claim and that the aggrieved driver could not have been hurt from the “forces” of the impact, and thus was not damaged. The case should be defended ... and it was ... successfully. The application of physics and biology, biomechanics for example, was wonderful and remarkable, a specialty filled with the technical articulates of science, preserved with intellectual property, filed at the United States Patent and Trademark Office “UTSTO” and both “trade secret” secured and unsecured except by binding documents such as contracts, policies, and procedures.

Today, perhaps at the apex of known biologic and engineering science, which affects easily over a billion people every year¹ in a very personal way, these forces may be imposed by exciting amusement rides and attractions.



1 Multiple internet sites estimate over 300 million people ride roller coasters every year. That is primarily from “amusement park” statistics, which are tabulated each year by industry associations.

While there are very few courses in engineering schools about extraordinary forces personally imposed on the “public at large” by 80+ miles per hour, upside down, through dark tunnels; or the seemingly impossible experience while over 200 feet in the air rotating forwards in your seat 116 degrees — the tallest beyond vertical drop in the world — *without any lap belts or over the shoulder restraints* — *nothing above the thighs*.² There are engineers, artists, craftsmen, and students around the world, who imagine, dream, invent, design, and create elements to provide such experiences, which like this seat, are patented here in the United States, Europe, and elsewhere. They are protected by California and United States patent and trade secret laws or private contracts. This article will seek to discuss all three methods.

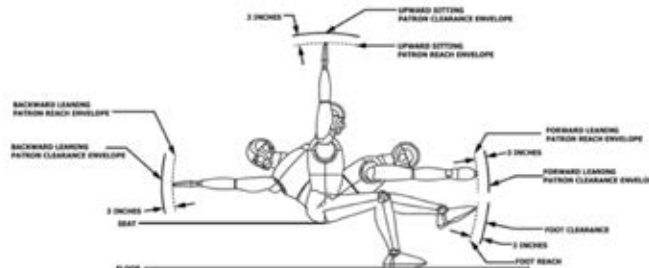


FIG. 5 Sample Patron Clearance Envelope Illustration Side View Configuration

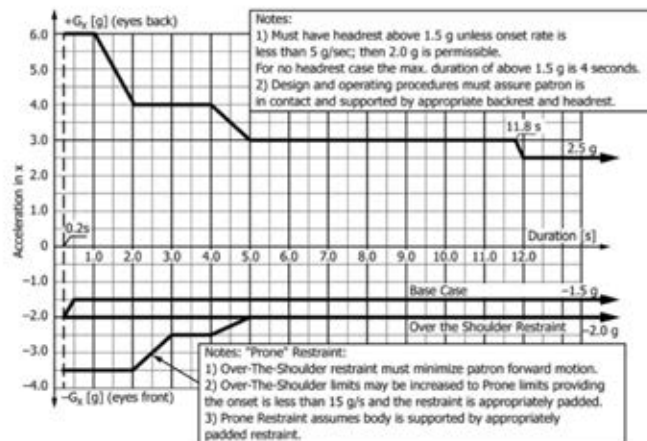


FIG. 6 Acceleration-Duration Limits for Gx (Eyes Front and Eyes Back)

It does not reflect those riding rides at fairs and carnivals or those outside of the United States. One billion riders is undoubtedly very conservative.

2 See USPTO 9,827,503 filed November 28, 2017; also Lagoonpark.com *The Cannibal Ride* and see *Riverside Lawyer* September 2018

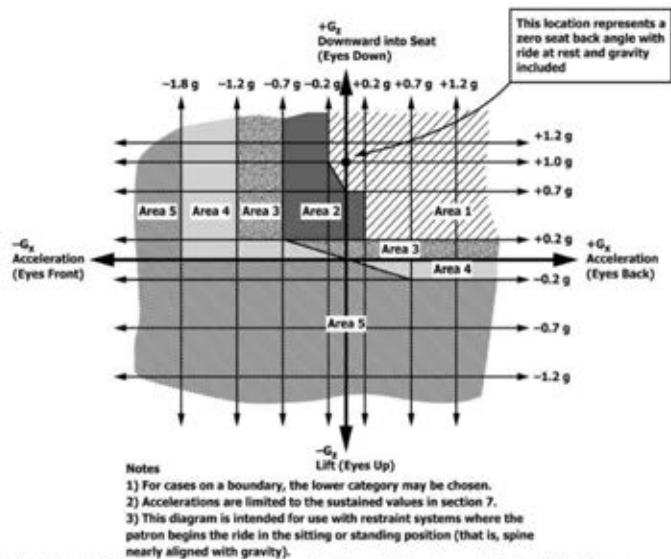


FIG. 2 Restraint Determination Diagram—Accelerations in Design Stage device and shall have adequate strength for the intended forces produced by the ride or device and the reasonably foreseeable actions of the patron(s).

Patents

In 1952, the United States Patent and Trademark Office, “USPTO” was established (Patent Act 35 United States Code) within the Department of Commerce (35 U.S.C. §1). Processes, machines, manufacture or composition of matter, or new and useful improvements could be patented. (35 U.S.C. §101.). Patents must be filed with applications which identify the patent inventor or agent, the specifications of the patent – technical description – with drawings, claims which define the scope of the patent, to be sworn under oath to the accuracy of the application contents, and establishing they are the originator or first inventor. There are three types of patents: utility, design, and plant. Patents can also be provisional and nonprovisional, although design inventions may not use provisional applications.

An example considering the amusement industry, in 1978 they came together with the American Society of Testing and Materials “ASTM” to create Committee F-24 Amusement Rides and Devices. This group over time created thousands of pages of documents organizing how rides should be safely designed, manufactured, operated, and modified. *Standard Practice for Design of Amusement Rides and Devices F2291* is over 120 pages of those criteria. The results of these efforts from minds around the world were that many patents were filed, including the above seat configuration, without restraints, except the thighs or hand bars, which comply with the g-force and restraint limits. When reviewing the “amusement ride” patents for this article, over 70 filings were easily found, primarily from Disney and Universal, albeit there are also many other patents not categorized as an amusement attraction, like trains, for example.³

³ See Figures in ASTM F-24 Standard 2291 sections 7.1.4.4 and 6.2.1.

G-forces experienced, but never ever previously formally calibrated were also measured with accelerometers affixed to 14-year old students, who participated in common activities, with the following results. Note that the g-force levels far exceed those allowed on rides, primarily because the g-forces there can be imposed over time, while the jump rope, though generating over 18 gs was instantaneous.⁴

Research Results table

Activity	Up	Down	Left	Right	Fore	Back	TOTAL
Skate Boarding	.3	3.7	1.1	1.3	1.3	2.6	10.3
Pogo Stick	.7	5.1	3	2	3.2	1.7	15.7
Jump Rope	1.9	9	1	1.7	1.1	4	18.7
Running	1.9	7.8	2	2.2	1	2	16.9
Sitting	.5	2.6	.3	.9	.2	1.7	6.2
Basketball Defense	.9	3.2	2	3	2	.9	12.1
Basketball Offense	.2	4.2	2.9	3.9	1	1.1	13.3
Jump from 50" & Fall	.2	5.5	.5	.7	2	1	9.9
Jump from 50"	.1	6.3	.5	.2	2.4	.9	10.4
Supreme Scream	.5	4.1	.1	.3	.5	.7	6.2
Ghost Rider	.5	4.2	2.1	2.7	.8	1.5	11.8

Blue color indicates the highest recorded g-force per direction.

Patent filings are handled by specialist counsel or practitioners who specialize in helping complete the filing process. The filing process is intended for persons to be completed online. Those seeking aid, however, should consider relying upon individuals registered with the USPTO.

Trademarks

A trademark is a word, symbol, or phrase used to identify a particular product (15 U.S.C. § 1127). When a mark is used to identify services (such as “Jiffy Lube”), rather than products, it is called a service mark, but it involves rights that are no different than a trademark. Exclusive use of the mark is granted to the owner, and infringements upon the mark in the commercial environment can be prosecuted with the collection of damages.

Under some circumstances, trademark protection goes beyond words, symbols, and phrases to include other aspects of a product such as color, shape, or packaging. For example, the distinctive shape of a Coke bottle

⁴ The diagram and data in this article was obtained by the author’s gullible son under the direction of neurophysiologist Dr Richard Brown. Dr. Brown was teaching at the Case Western Reserve University, at the School of Medicine in biomechanics and orthopedic surgery in the early 1970s, when the Cedar Point Amusement Park in Sandusky, Ohio approached him because a rider had suffered a broken collar bone on a new roller coaster. He applied his experience creating breakthrough methods to diagnose and treat spinal cord injuries, in analyzing the ride. He found the weakness and oversaw the ride track modification. Thereafter he continued to work within the amusement industry to provide counsel and guidance on patents and other ride design improvements.

United States of America
United States Patent and Trademark Office



Reg. No. 3,955,767
Registered May 3, 2011
Int. Cl.: 30
TRADEMARK
PRINCIPAL REGISTER

KRAFT FOODS GLOBAL BRANDS LLC (DELAWARE LIMITED LIABILITY COMPANY)
THREE LAKES DRIVE
NORTHBELD, N. 50951

FOR: BAKERY GOODS, BISCUITS, COOKIES, IN CLASS 30 (U.S. CL. 40)

FIRST USE 5-0-2002, IN COMMERCE 5-0-2002.

OWNER OF U.S. REG. NOS. 31009, 1,328,734, AND OTHERS.

THE COLOR(S) BLUE AND WHITE/BLACK CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORD "OREO" WRITTEN ON A SLIGHT DIAGONAL WITH THE FIRST LETTER BEING ON THE LOWER LEFT AND THE LAST LETTER BEING ON THE UPPER RIGHT. THE LETTERS ARE WHITE AND ARE WRITTEN ON A BLUE BACKGROUND.

IN 73-046245, FILED 3-3-2010.

HILL DAVE, EXAMINING ATTORNEY



David J. Kypas
Attorney at Law

might serve as an identifying feature. Such things are called “trade dress” and may be protected if consumers associate that feature with a particular manufacturer or product.

Historically, trademarks were governed by common law, then state law in the United States, followed by federal law, which was most recently amended in 1996. Trademark rights are protected with registration of the mark with the United States Patent and Trademark Office. For example, the marks of “The Cheesecake Factory,” “Oreos,” (above) and “Twinkies” are all registered trademarks. “The Cheesecake Factory” is registered for both a trademark and a service mark because the company sells both products and services.

Registration of a mark is not required for protection (15 U.S.C. § 1551), as the common law still applies, but registration does give a party the exclusive right to use the mark nationwide (15 U.S.C. § 1072), and constitutes constructive notice to others that the trademark is taken. Registration also enables the owner of the mark to bring suit in federal court (15 U.S.C. § 1121), and allows the potential collection of treble damages, attorney fees, and other remedies. There is a five-year window to contest a mark as improperly registered, meaning that after five years the mark becomes incontestable and the exclusive right is conclusively established (15 U.S.C. § 1065).

A trademark owner can sue for trademark infringement (15 U.S.C. §§ 1114, 1125), and can prevail if it can establish likelihood of confusion. The use of a trademark in connection with the sale of a good constitutes

infringement if it is likely to cause consumer confusion as to the source of those goods or as the sponsorship or approval of such goods. According to the International Trademark Association, the use of a logo rather than plain text does mislead as it infers an affiliation, sponsorship or endorsement.

Under federal law, a trademark dilution claim can be brought only if a mark is famous (15 U.S.C. § 1125). Even so, the general rule for state law is that the mark need not be famous, but only must have selling power. Under a trademark dilution cause of action, the owner of the mark must prove that the offending use dilutes the distinctive quality of that mark, either through blurring or tarnishing of that mark. Unlike an infringement claim, the holder of the mark need not prove consumer confusion. Blurring occurs when a mark is weakened by identification with dissimilar products. A California remedy available in a trademark dilution claim is injunction. A party is entitled to injunctive relief with a likelihood of dilution of the distinctive quality of a mark or trade name, notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services. (Cal. Bus. & Prof. Code § 14247.)

If successful in court, the owner of the brand is routinely awarded injunctions against further infringing or diluting use of the trademark [15 U.S.C. § 11116(g)]. Monetary relief may include the taking of the defendant’s profits, damages sustained by the plaintiff, and costs [15 U.S.C. § 1117(g)]. Damages may be trebled upon showing of bad faith.

Trade Secrets

In 1984, California, like almost all states, adopted the federal Uniform Trade Secrets Act which was published in 1979 and amended in 1985, and as late as 2016 with the Defend Trade Secrets Act of 2016. There are also elements of the Economic Espionage Act of 1996, which should be considered in any analysis of the federal laws about trade secrets.

In California, a “trade secret” is information, including a formula, pattern, compilation, program, device, method, technique, or process, that derives independent economic value, ... not being generally known and is subject of reasonable efforts to maintain its secrecy. (Uniform Trade Secrets Act, Civil Code §3426.1(d)). If such information et. seq. is “misappropriated,” injunctive relief is available (Civic Code 3426.2) in addition to damages for actual losses and unjust enrichment, including exemplary damages (Civil Code § 26.3) and attorney fees (Civil Code §§ 3426.4 & 3426.5).

There are also analogous remedies for “trade libel,” which is a form of injurious falsehood like slander of title. This area does not see a lot of appellate review, but see *Polygram Records, Inc. v. Superior Court* 170 Cal.App.3d 543 (1985) relied upon by the Advisory Committee for the California Civil Jury Instructions 2019, at Jury Instruction 1731.

Drafting contracts or policies and procedures to preserve trade secrets and qualify for the protections under the Civil Code will generally require following the basic elements below. The contracts, policies, and procedures should be expressly drafted, implemented and respected by employees, vendors, or commercial associates. Furthermore, as was shown above, these same elements are essential to qualify for a patent or trademark. One will not normally receive a telephone call asking about the trade secret protected by contract. That would imply access, which might create legal exposure. However, officials and reviewer’s with United States Patent and Trademark Office WILL CALL and ask questions and seek clarification and support as they review the intellectual property you seek to protect with these public filings.

1. Ownership: To qualify for trade secret protection, one must own, or have exclusive access (i.e. a license agreement) for the information, formula, pattern, compilation, program, device, method, technique, or process. While references in contracts can be more discrete, the trade secret owner/licensee, AND THEIR COUNSEL should maintain a thorough file to support trade secret protection.
2. Secret: Civil Code § 3426.1(d) essentially describes two elements that the trade secret(s) have economic value and are not generally known to the public or competitors – those who could also derive that same economic value. The success of proving “secrecy” will not so much arise from the words of the contract, policy or procedure, but rather the conduct which follows its drafting and execution. That record of secrecy should be documented over time, that there was compliance, and that the process to respect the trade secret was maintained.
3. Appropriated + (Mis...): If successful, protecting secrecy – number two above – any appropriation, by any outside actor, will be a misappropriation subject to injunctive relief and damages. It is often hard to prove the method of the “mis” part of the “appropriation,” but it really is less significant if one can prove the ownership, maintained secrecy and economic value being used by another without consent. If there are nondisclosure agreements with

vendors of actors who are using one’s trade secret for economic gain, the route to the misappropriation is patent, even though one may never learn the name of the misappropriating actor. “One does not ordinarily ‘acquire’ a thing inadvertently; the term implies conduct directed to that objective.”⁵

It is highly recommended that anyone who seeks to draft contracts, nondisclosure agreements, policies, and procedures, maintain counsel who not only can draft the documents, but have weathered the challenges of enforcement. Also referring to and seeking the counsel and direction from experts such as the individuals mentioned in this article, including footnotes, provides that appropriate foundation for confidence in advising wonderful and creative clients seeking to expand their economic horizons, with vigilance.

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



⁵ *Silvaco Data Systems v. Intel Corp.* (2010) 184 Cal. App.4th 210, 223.

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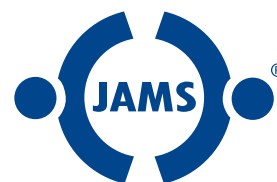
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ANNUAL RCBA PAST PRESIDENTS' DINNER

by Robyn A. Lewis

If you have ever been in the board room in the Riverside County Bar Association or walked down the hallway in its offices on the first floor, you may have noticed the many frames that adorn the walls. Those frames hold the photos of the men and women who have served as presidents of our beloved organization, including the photo of the RCBA's very first president, Alexander Adair.

Every year since 1894, the RCBA has been led by a president. In more recent years, the term of the current president does not reflect just the one year of service during his or her presidency. Each president has spent years serving our legal community by carrying out each position on the executive board, including a two-year term as a director-at-large, secretary, chief financial officer, vice president, and president-elect before assuming the presidency. After that term, the current RCBA president then serves a final year on the executive board as the immediate past president.

The men and women who have devoted their time to serving the RCBA and who have served as its president belong to an illustrious club of attorneys, judges, and justices. Thanks to the efforts of some of our past presidents, that club meets every year to get together for an annual dinner, where those past presidents catch up and celebrate the RCBA and our Riverside legal community.

Justice Jim Ward (retired) can be credited with starting this amazing tradition back in the 1980's. He had served as the RCBA president in 1973. Following that term, he went on to serve in the State Bar, where he explained that "past presidents of local bar associations were often valuable assets because of their knowledge of past activities." Justice Ward commented: "They were the repository of the collective wisdom of their association."

In 1983, legendary attorney Michael Clepper was installed as the RCBA president. At that event, past presidents were invited and almost three dozen past presidents attended. Justice Ward took note. After learning that the Orange County Bar Association had a past presidents' meeting, Justice Ward decided to hold a luncheon, where all of the past



Steve Harmon, Judge Craig Riemer, Theresa Han Savage, Harlan Kistler, Judge Chad Firetag



Past presidents with Presiding Judge Judith Clark and current RCBA President Lori Myers

RCBA presidents were invited in 1989. During that lunch, it was decided that an annual event should take place for the past RCBA presidents to get together and the idea of an annual dinner was born. To the knowledge of Justice Ward, the past presidents' dinner has been held annually ever since.

For years, Justice Ward organized the annual dinner but later turned that responsibility over to past presidents Sandy Leer Mackey (1991) and Judge Steve Cunnison (retired) (1981). Later, past presidents Diane Roth (1998) and Theresa Savage (2005) also assisted in organizing the event. Each year, it has become a tradition to invite the current RCBA president, who provides a state of the bar address. The current presiding judge is also invited to attend and asked to provide the group with comments about the current state of the court.

The most important part of each dinner has been simply getting together and catching up. Perhaps the best part of the dinner is listening to all of the stories of past presidents, especially those older past presidents. Justice Ward remarked: "Every meeting of our group has been congenial and important to me. The recitation of attendees of their activities during the year has always been interesting and often amusing."

Even during the COVID-19 pandemic, the RCBA past presidents found a way to continue to get together. When Sophia Choi (2020) was the current RCBA president, the event was held at her family home in their backyard. It was

continued on page 19



The first Past Presidents' luncheon in 1989.

STATE OF THE COURT

by Honorable Judith Clark

The past few years have posed challenges for the legal profession previously unheard of, and that is especially true for the judiciary. The court has faced unprecedented decisions regarding the interplay of Constitutional and Statutory Rights with the implications of a worldwide pandemic and its attendant public health consequences. I am honored to have been selected by my fellow bench officers to lead the court as the Presiding Judge. Together with our Assistant Presiding Judge Jacqueline Jackson, I look forward to working with the Riverside legal community and all of the court stakeholders to ensure timely access to justice for all our court users.

Riverside is now the fourth largest county in the state with a population approaching 2.5 million residents. The Riverside Superior Court currently has 90 authorized judicial positions comprised of 75 judges, 14 commissioners and 1 hearing officer. We currently operate 14 courthouses, from Corona to Blythe. The 2022 update of the Judicial Needs Workload Assessment compiled by the Judicial Council, concluded that our court needs 22 additional judicial officers to manage the court's current caseload. Senate Bill 75, introduced by Senator Richard Roth and co-authored by several of our local assembly members and senators, is making its way through the legislative process. This bill would create 26 new judicial positions statewide of which Riverside would receive five. The court is hopeful that this bill will pass, the governor will approve it, and that funding will be allocated to allow those positions to be filled. There are currently no judicial vacancies on the court, though four judicial officers will be retiring from the court in the coming months. Having those judicial vacancies filled as soon as possible will be critical. In conjunction with the San Bernardino Superior Court, our court has implemented the Inland Counties Judicial Mentorship Program aimed at providing information and mentorship for attorneys considering applying for appointment to the bench. Already several participants in this program have been appointed and anyone interested in a judicial appointment is encouraged to contact the program so they can be connected with a mentor judge.

Since January, nine new judicial officers have joined the Riverside bench. Four new judges were elected and took their oaths in January. Judge Jay Kiel and Judge Kristi Kirk were both assigned to the family law division. Judge Natalie Lough was assigned to the juvenile division and Judge Jason Stone was assigned to the criminal division. Three new judges have been appointed since the first of the year. Judge Laura Garcia, Judge Jason Armand, and Judge Francisco Navarro were all assigned to the criminal division sitting in either the Riverside or Banning courthouses. Two new commissioners were hired by the court. Commissioner Sharunne Foster was assigned to the family law division and Commissioner Matthew Forsse will also move to the family law division in August.

The court is very pleased to welcome aboard the new Court Executive Officer Mr. Jason Galkin. Mr. Galkin has worked as a CEO in the California courts since 2016, most recently as the CEO of the Nevada County Superior Court. He is a licensed attorney, having graduated from Southwestern Law School, and holds a graduate certificate in judicial administration from California State University in Sacramento. The court's previous CEO, Samuel Hamrick, retired after nine years with the court.

The court's multi-year process of implementing a new case management system is now in its final phase. All case types with the exception of criminal and traffic have already transitioned onto the new eCourt CMS. The criminal and traffic caseloads are expected to transition in early 2024. eCourt provides the court with significant improvements in case management tools, including electronic filing and the delivery of case information internally and remotely, thereby improving the level of service provided to court customers and expanding access to justice.

The court is currently operating 22 criminal trial departments, the largest number of trial departments that we have ever had. These criminal trial departments, along with our civil departments that have also been handling criminal trials, are on track to complete an unprecedented number of criminal trials this year. Our criminal departments are also being called upon to handle an ever-increasing amount of post-judgment litigation including resentencing hearings in response to recent changes in sentencing laws.

In October, the court will open Department 12 in the Historic Courthouse to handle a new combination Probate/CARE Court calendar. Riverside County was chosen as one of the seven Cohort 1 counties to implement the Governor's initiative to combat homelessness and mental illness known as CARE Court. As part of a multi-agency county working group, including the behavioral health department, County Counsel and the Public Defender's office, the court is working to develop and implement this program. CARE Court is designed on the evidence that many people can stabilize, begin healing and exit homelessness in less restrictive, community-based settings. The program will connect persons struggling with untreated serious mental illness-and often substance use challenges-with a court ordered care plan for up to 24 months.

Most exciting for our court is the anticipated opening of two new courthouses. In March 2024 the new Menifee Courthouse will open. This courthouse will have nine courtrooms and will handle a variety of civil case types. All family law operations currently in Hemet will move to the new Menifee courthouse, along with both unlimited civil courtrooms currently based at the Southwest Justice Center. A community court will also be operated from the Menifee court location. The case type for the final courtroom at this

facility has not yet been determined. The courthouse is located off the I-215 freeway at Newport Road in the Menifee Town Center. The second courthouse to open will be the long-anticipated Family and Juvenile Court in Indio. When it opens in late 2024 or early 2025, the Indio Juvenile and Family Courthouse will contain five courtrooms hearing Juvenile Dependency, Juvenile Justice (Delinquency) and Family Law cases. This courthouse is located on the site of the prior juvenile court directly adjacent to the Indio Juvenile Hall.

The past few years have brought into focus the impact of tremendous population growth in the Inland Empire combined with historical inequities in allocating and funding appropriate judgeships to handle the needs of Riverside's

growing population. This judicial shortfall will only become more acute as Riverside County is expected to experience significant additional growth in the coming years. The Inland Empire is projected to grow twice as fast as the rest of Southern California in the next 25 years. Every member of the court remains committed to affording individuals access to justice in a timely and meaningful manner, and the court welcomes the opportunity to work in conjunction with the legal community to better serve the needs of all court users.

Honorable Judith Clark is the presiding judge of the Riverside Superior Court.



RCBA PAST PRESIDENTS' DINNER from page 17

a special evening that night as the group paid tribute to the late and legendary Arthur Littleworth, who had served as RCBA president in 1971.

The past presidents of the RCBA were later organized into a formal committee by past president Judge Chris Harmon (2012) during his presidency. An idea for what later became New Attorney Academy program, which is co-sponsored by the RCBA, the Riverside Superior Court and the Inland Empire Chapter of the American Board of Trial Advocates (ABOTA) was initially developed in that committee.

On May 10, 2023, many of the former Riverside County Bar Association presidents met for this year's annual Past Presidents' Dinner. Having served as RCBA president in 2011-2012, I was honored to be part of the organizing committee for this year's dinner, which also included Sophia Choi (2020), David Bristow (2006) and Jacqueline Carey-Wilson (2013). Lori Myers, our current RCBA President, was in attendance as was Presiding Judge Judith Clark.

The dinner was held at the Victoria Club in Riverside with over twenty-five past RCBA presidents in attendance. We learned about what retired life was like from Judge Cunnison, Sandy Leer, and Mary Ellen Daniels (2003). Jean Simon Serrano (2016) told us about the celebration of his grandmother's 100th birthday. Jim Heiting (1996), Jacqueline Carey Wilson, Diane Roth, and Steve Harmon (1995) spoke about their grandchildren. Judge Irma Asberry (1997) and Judge Craig Riemer (2000) mentioned their plans for retirement. Judge Chris Harmon explained his new position in Department 10 of the Historic Court House, while Judge Chad Firetag (2014) discussed his role as supervising civil judge. Geoff Hopper (1994) explained what life was like this winter while living in Lake Arrowhead. Harlan Kistler (2010) mentioned that his son, Nolan, was now an attorney and was working with him. Brian Percy (2002) proudly reported the success of this year's Elves program, while Judge John Vineyard (1999) talked about his move to Family Law and the engagement of his son. Judge Kira Klatchko (2015) reported on life in the desert and her plans for spring skiing. Theresa Savage proudly spoke about her daughter's journey in transitioning, while Sophia Choi talked about working at the Riverside District Attorney's office. Jack Clarke (2019) explained that he had changed law firms, while David Bristow had to leave to attend his daughter's choir awards. And me, I reported that my triplet sons were going to be thirteen and my daughter is nine!

Also joining us at the dinner, which she does every year, was Charlene Nelson, our executive director. Each year, Charlene is instrumental in helping to organize this amazing event and she was recognized for her efforts with a presentation of flowers, which were given to her by all of the past presidents.

As past presidents and continuing members of the Riverside County Bar Association, each of us are committed to ensuring the historical importance of all of the efforts of those who came before us. Sophia Choi and I have been tasked with organizing this wonderful annual event for now, which is a responsibility that we do not take lightly. I am so honored to be part of such



Jean Serrano, Robyn Lewis and Judge Steve Cunnison (Ret.)



Judge Irma Asberry, Judge John Vineyard and Diane Roth



Sophia Choi, Presiding Judge Judith Clark and Jacqueline Carey-Wilson

an esteemed group and look forward to welcoming future RCBA presidents as they complete their presidencies and join us as a past president.

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.

Photos compliments of Jacqueline Carey-Wilson.



OPPOSING COUNSEL: MARK EASTER

by Megan Kilmer

Growing up in the Philadelphia area watching the Phillies, Eagles, Sixers, and Flyers, Mark Easter could have never predicted that in less than ten years he would be working as a lawyer in Riverside, California. But when his dad was hired by World Vision International in Monrovia, California before Mark's junior year in high school, that journey began. Overnight, Mark found himself in Glendora High School, learning about OP shorts, taquitos and guacamole, Vans shoes, Thrifty Ice Cream, smog days, and of course, In-N-Out Burger.

Surviving the above (and other) cultural shocks, Mark decided, with the encouragement of his father, to pursue a career in law. Mark received his undergraduate degree at the University of LaVerne, and it was at this time that Mark noted the growth and opportunity that lied to the east in something called "The Inland Empire" (IE).

Mark then headed to Northern California for law school at University of California, Davis. But Mark kept a mental note of the IE, and in the summer after his second year, Mark found himself "starring" at third base for the Best Best & Krieger RCBA softball league team. Mark also managed to do enough legal work that summer to get invited to return to BB&K after he graduated. BB&K still has no idea what Mark's grades were in his third year of law school, but 34 years later, it appears that BB&K made a reasonably decent draft choice.

Mark gained experience in a wide variety of litigation his first few years at BB&K. This experience included a front row seat as legendary Riverside trial lawyers Barton Gaut and Donald Powell squared off in a battle over the ownership and control of the Fox Theater—the case that led to the Fox Theater becoming the restored jewel of Downtown Riverside that it is today.

In 1993, Mark then began focusing on eminent domain law, benefiting from the growth potential of the IE that Mark recognized when he was in college. Mark found himself in a firm that represented many cities, water districts, school districts, and transportation agencies. The first major project Mark worked on was MWD's transformation of the Domenigoni Valley into what is now the Diamond Valley Lake. Mark discovered that he really enjoyed the "math and maps" component of eminent domain valuation litigation. As Mark puts it, he was blessed to land in "the ideal practice area for me, in the ideal firm, at the ideal time, and in the ideal location." Mark



Mark Easter

now regularly presents on eminent domain subjects to the International Right of Way Association, the Appraisal Institute, and CLE International throughout the State of California.

Mark has also enjoyed having an active role in the recruitment and training of lawyers at BB&K. Mark has served on BB&K's Recruitment Committee for over 25 years. Since 2010, Mark has been the Chair of BB&K's Associate Development Committee, overseeing the annual evaluation and compensation process for BB&K's associates. Mark really enjoys dialoguing with BB&K associates about how they can develop their practices and advance and succeed at the firm.

Mark has enjoyed being involved in various RCBA activities over the years. But without question, Mark's favorite program has been the annual high school mock trial competition. Mark began as an attorney scorer in the early 1990's, and then served for about eight years on the Mock Trial Steering Committee. Mark was an attorney coach at Woodcrest Christian for ten years (including seven consecutive County Final Four teams) and then enjoyed success coaching for five years at Valley View in Moreno Valley. Mark keeps in touch with many of his former mock trial students, and estimates that 10-15 of his former students are now lawyers or law students.

Since 2010, Mark has been very involved as a fundraising elf, shopping elf, wrapping elf, and delivery elf for the RCBA Elves program each year in December. Mark firmly believes that as an extremely blessed and fortunate person, he needs to actively help the less fortunate. Following on that same conviction, in the last several years Mark has been assisting The Concerned Family ("TCF"), which is a food bank and outreach to poor and homeless people that operates in the Mead Valley area of unincorporated Riverside County. Mark's involvement includes teaching at TCF's Sunday meetings, and helping with TCF events such as backpack and toy giveaways.

After serving several years on the RCBA Board, Mark has served as an RCBA officer for the last three years. Next year, Mark will continue his leadership as president. Mark hopes to be able to promote attorney civility, better judge-attorney collaboration, and more community involvement by attorneys.

Megan Kilmer is an associate at Best Best & Krieger.





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GRADUATION OF 2022-2023 CLASS OF THE RCBA- RIVERSIDE SUPERIOR COURT NEW ATTORNEY ACADEMY

by Robyn A. Lewis

The New Attorney Academy, which is a joint collaboration by the Riverside County Bar Association (RCBA) and the Riverside County Superior Court, and with the assistance of the Inland Empire Chapter of the American Board of Trial Advocates (ABOTA), is pleased to announce the graduation of its eighth class.

The purpose of the New Attorney Academy (Academy) is to provide professional guidance and counsel to assist newly admitted attorneys in acquiring the practical skills, judgment, and professional values necessary to practice law in a highly competent manner, and to encourage sensitivity to ethical and professional values that represent the traditions and standards of the Inland Empire legal community.

This year, the Academy began its eighth term in October 2022 with the curriculum taught by judges and noted attorneys in the community. Topics of the classes included an introduction to the legal community, a practical and intensive primer on pleadings, depositions and discovery, an introduction to practicing in court (court appearances, legal writing, research, pet peeves of the bench, etc.), transition into practice (dealing with clients, how to successfully participate in ADR, relations with other attorneys, case management, etc.). Students were given tours of the Historic Courthouse, including a “behind the scenes look” at the clerk’s office, the Family Law Court and the Court of Appeal, which was personally given by Presiding Justice Manuel Ramirez. The students enjoyed an introduction to trial that included an interactive class on voir dire, tips on openings, closings, and direct and cross examinations from some of the most notable trial attorneys in the Inland Empire.

At every session, the class attended the monthly RCBA general membership meeting, which allowed the members to interact with the legal community. At the May meeting, the academy members were recognized for their participation and received a graduation certificate. This year, our graduating class was the largest that the Academy has ever had.

Once again, the Academy was an enormous success, which is due in large part to the efforts of the Riverside County Superior Court and members of ABOTA, most particularly, Judge John Vineyard, Judge Randall Stamen, Judge Irma Asberry, Judge Jackson Lucky (retired), Greg Rizio, Megan Demshki, Sophia Choi, and Elisabeth Lord.

If you are interested in obtaining more information about the 2023-2024 New Attorney Academy, please contact Charlene Nelson at the RCBA or Robyn Lewis at robynlewis@jlewislaw.com.

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.



Photos compliments of Robyn Lewis.

New Attorney Academy Graduates – 2023

Aily Baldwin	Nolan Kistler
Maryann Briseno	Ruth Lecaro
Gabe Brooks	Sarah Locklin
Zheng Chen	Sean Murphy
Sandra Ciprian	Mario Oropeza
Iliana Colon	Shukan Patel
Lana Cook	John Rafter
Malika Ewart	Jessica Reyes
Julianne Fleischer	Joshua Reyes
Carlos Flores	Cecilia Rojas
Judith Gallardo	Don Ross
Alexis Hall	Phillip Selio
Joshua Imeri-Garcia	Maryam Shafizadeh
Anlai Jiao	Anyse Smith
Shalu Joglin	



New Attorney Academy at the Court of Appeal.



Presiding Justice Manuel Ramirez and New Attorney Academy student Cecilia Rojas.

RIVERSIDE'S OLDEST LAW FIRM — A PROFILE OF THREE

by Chris Jensen

It's not as if there is a competition. But at times, one may hear a comment about or a protestation against a claim of longevity of a local law firm. Reoccurring targets of discussion are three local firms Thompson & Colegate, Best, Best & Krieger and Reid & Hellyer.¹ Perhaps in undertaking a review of each firm's genealogy we may find the answer to the trivia question of which firm is older... or perhaps not.

Each firm has its own logical argument as to seniority. But to make the argument conclusive fact would require a "standard" or "formula" to apply. Determining the standard or formula, in and of itself, will probably be why we may never have a consensus as to who should be deemed "first." To the point, should we simply conclude the beginning of a firm is when its current name came into existence? As an example, the name Reid & Hellyer resulted from a merger of two firms in 1984. Or, similarly, the name Best, Best & Krieger arose in 1949 when John Gabbert was appointed to his judgeship in the Riverside Superior Court resulting in his name being removed from the firm of Best, Best, Gabbert & Krieger. The firm name Thompson & Colegate came into existence in 1945 when George Sarau's name was removed from the firm of Sarau & Thompson and Roy Colegate's name was added.

An alternate standard could be, perhaps, that the inception of a firm should be on the day the firm's progenitor started to practice law? Which leads to who should be deemed the progenitor? Even then, should we modify that standard to be when one commenced to practice in Riverside County? Is that fair? What if one commenced to practice law before Riverside County came into existence? Should any inception claim require something more than a sole practitioner; e.g., a partnership?

Let us look at the three firms and try to reconcile the questions posed.

Thompson & Colegate (T&C)

Thompson & Colegate reports on its web page it can trace its origin to 1915 when the firm of Craig, Sarau & Thompson began. The announcement of the commencement of Craig, Sarau & Thompson occurred in June of 1915, when RCBA President H.L. Thompson (1924) resigned his position as the Riverside County Assistant

District Attorney. Historically, by all rights, it appears the beginning of that lawyer relationship was many years prior to 1915.

Prior to coming to California, Hugh H. Craig was a prominent Iowa attorney. Eventual RCBA President William Collier (1914) had previously partnered in Iowa with Hugh Craig's father, John. In 1906, William was looking for someone to partner with in California and offered Hugh a position if he would relocate to Riverside. Hugh accepted.

William Collier first came to the Lake Elsinore area, then part of San Diego County, in the early 1880's. He and his brother-in-law acquired a substantial amount of land and were busy marketing and selling parcels of their colony, known as Wildomar.² They advertised "Two Churches, One School, No Saloons."

It probably cannot be said that Collier was actively practicing law throughout the 1880's and 1890's although there are reports of him actually practicing as early as 1884. Perhaps, he was simply too busy to be a full time lawyer. During the 1880's, Collier was marketing his Wildomar holdings. He was also busy being the President of California National Bank of Elsinore.³ Then there were all the reported events of him actively participating in Republican Party politics. Add to all that, William and his wife were a regular topic in the press social columns. The most one can find on his practice of law at the time was a brief comment in the press in 1890, "William Collier, although a little rusty, shows himself to be a good lawyer."⁴

In 1893, when Riverside County came into existence, future RCBA President Lyman Evans (1916) resigned his position as San Bernardino County Assistant District Attorney to partner with William Collier in Riverside. That partnership lasted about five years, when in 1898, Lyman Evans became the Riverside County District Attorney. After that it appears William Collier practiced alone until 1906, when Hugh Craig joined him in practice.

By 1910, the partnership of Collier, Carnahan & Craig was considered a standout firm. Carnahan had, years prior, studied law under William Collier to earn his legal status.

1 This discussion distinguished local firms of age as opposed to satellite firms, which may have an even longer lineage or pedigree from out of the area. And even then, one of the profiled firms is accused at times of being "from elsewhere."

2 See *Riverside Lawyer*, February 2021, p. 16, or RCBA web biography, for William Collier.

3 Which sold its assets in 1890.

4 *The Elsinore News*, 14 Jun 1890, p.2.

By 1910, it was widely known William Collier was, for the most part, a gentleman farmer in Wildomar.

George A. Sarau was previously licensed to practice law in Wisconsin. When he was first licensed to practice in Wisconsin, Sarau was considered the youngest practitioner in the state at 23 years of age. Sarau's legal skills were thought of so highly that in 1901, young Sarau partnered in Wisconsin with former state senator, A.B. Whitman. By 1912, Sarau saw California as a necessary career move and relocated to Riverside County to become associated with H.L. Carnahan (then a partner in Collier, Carnahan & Craig).

By 1914, William Collier, the then President of RCBA, was predominantly retired from the practice of law and his name was removed from the firm "shingle". Exactly when that occurred is not known but the revised firm name was Carnahan, Craig & Sarau.

In late 1914, Carnahan was appointed by the Governor of California to be the state's Commissioner of Corporations, a newly created position. Carnahan's name was thus removed from the firm and it became Craig & Sarau. Nevertheless, both Carnahan, although mostly working for the State, and Collier, only working for a few long term clients, maintained offices in the same building with Craig & Sarau and eventually Thompson.

And, as previously mentioned, in 1915 H.L. Thompson, joined Craig & Sarau resulting in the name change to Craig, Sarau & Thompson.

Craig, Sarau & Thompson was short lived with Craig becoming a Riverside County Judge in 1916; the firm name became Sarau & Thompson. The name Sarau & Thompson remained until 1945.

Roy Colegate was licensed to practice in 1930. It was about 1935 when he began to practice in the desert communities of Riverside County. On July 1, 1943, Colegate joined the firm of Sarau & Thompson. Within two years, 1945, George Sarau ceased to be a named partner and Roy Colegate was added to the firm with the name becoming Thompson & Colegate.⁵

Best, Best & Krieger (BB&K)

The beginning of Best, Best & Krieger is the stuff of legend.⁶ The story is that in 1891, Raymond Best purchased the law library of John G. North, son of Riverside's founder, opened a law office, and the rest is history.

However, ... John G. North was not licensed to practice in California until April 10, 1894. One would there-

5 According to John Gabbert, George Sarau and his son Chris, joined Don Adams to create a new Probate firm. *A Tribute to an Honorable Profession* by Associate Justice John G. Gabbert, Retired, 2012, p. 3.

6 The BB&K beginning reminds me of the quote, "when the legend becomes fact, print the legend". It comes from director John Ford's Western, "The Man Who Shot Liberty Valance" (1962).

fore guess John G. North did not have a law library to sell in 1891. John G. North was a prominent attorney, but died in 1910, unexpectedly, at the age of 55 years. One of the assets of his estate, to be transferred to his heirs, after 1910, was his law library.⁷

Raymond Best, on the other hand, was admitted to practice in California in 1891. He put out his first "shingle" in Oceanside in September 1891. Apparently, Oceanside did not amount to much and so Raymond moved to Riverside, a small town in San Bernardino County, where his family resided. What Raymond did from 1892 to 1894 is not reported. However, by May of 1894, Raymond, with four others, created the Riverside Abstract Company.⁸

An Abstractor is what we would now classify as a title insurer. One would hire an abstractor to verify real property legal title being transferred was legally owned by the transferor. The abstractor would review all historical title records for the property in question, verifying all transferees of that title, and any possible lien claims, back to the beginning of statehood. In his early days of abstracting, Raymond would ride by horse and buggy up to the City of San Bernardino to the County Recorder's Office to review all title and record books in undertaking his tasks. This effort had to be undertaken in San Bernardino because it was not until 1893 when Riverside County became an independent county. Prior thereto, what was to become Riverside County was comprised of parts of San Bernardino and San Diego Counties. Even though in 1893 Riverside County was an independent county, an abstractor would still need to search the San Bernardino or San Diego County records for all pre 1893 transfers of Riverside County property records.⁹

7 John W. North died in Fresno in 1890. His son, John G. North, had his father's remains returned to Riverside where he was buried in Evergreen Cemetery. A few of John W. North's legal books were referenced in 1910 as being a part of the estate of John G. North. Perhaps Raymond Best purchased some of John W. North's library?

8 Stated as the attorneys for the Abstract company was "Best & Widaman", listed in the 1893-4 History of and Directory of Riverside County, as able and reliable lawyers and the proprietors of the Riverside Abstract & Title Company, "the oldest and establishment of the kind in Riverside." p. 62. Reported in the *Santa Ana Register* dated 1910, 23 July, p. 1, in Oliver Wideman's obituary following his untimely death by being gunned down by the ex-husband of his client in a divorce case, there is a reference to Wideman being a partner in Best & Wideman 12 or 15 years prior (about 1895-1897). In 1893 Wideman, alone, was an abstractor on a title issue in San Diego County (note half of Riverside County was once San Diego County), but for the most part Wideman was practicing in Los Angeles without reference to a firm. So this reference to Best & Wideman (or Widaman) may have been solely for a short lived partnership and only for the convenience of the Abstract company.

9 A real estate attorney might classify abstracting as the actual practice of law. The abstractor provided a legal opinion as to the adequacy of the title in question.

Raymond's career as an abstractor lasted until 1915 when he sold his interest in the Riverside Abstract Company. At that time, Raymond became what we would all conclude was a sole practitioner.¹⁰

In 1925, Raymond's son, Eugene (who became an attorney in 1918 yet prior to 1925 practiced elsewhere) partnered with his father forming the firm of Best & Best. Eugene would become a RCBA President in 1933.

In 1938, John G. Gabbert joined Best & Best. By 1941, Gabbert accepted an offer of partnership and Best, Best & Gabbert was formed. John became a RCBA President in 1949.

In 1946, James H. Krieger left his position with O'Melveny & Meyers and joined Best, Best & Gabbert. Gabbert and Krieger were high school buddies from South Pasadena High School. Within a year, 1947, the firm became Best, Best, Gabbert & Krieger.

By 1949, Governor Earl Warren needed to fill Riverside County's new third judicial position. It was rumored Raymond, a very active Republican, and one of the deans of Riverside law, would receive the appointment. John Gabbert was also an active Republican and also coveted the judicial position. But he had an ace hidden in his hand. John's father was a prominent newspaperman and very friendly with the Governor. Gabbert became the new Judge and the firm name changed to Best, Best & Krieger.

Reid & Hellyer (R&H)

Reid & Hellyer, as named, was created in 1984 when the two firms of Surr & Hellyer and Reid, Babbage & Coil merged.

Reid, Babbage & Coil was the newer of the two merged firms. It came into existence in June of 1964 when three members of Best, Best & Krieger decided to start their own firm. The three were Enos Reid, John Babbage and Horace Coil. All three were or became presidents of the Riverside County Bar Association (Enos – 1953, John – 1965, and Horace – 1974). None of the three have any traceable law firm longevity in the area as do those with T&C and BB&K.

Surr & Hellyer, on the other hand, had a much lengthier and convoluted past.

In 1927, the name Surr & Hellyer came into existence when Frank Leonard left the then firm of Leonard, Surr & Hellyer, to become a judge of the San Bernardino County Superior Court. Frank Leonard was the dean of that firm.

¹⁰ An intriguing side note to the John Gabbert connection is his recollection in 2012 that his former partner, Raymond Best, did not start his private practice until 1917. (One can only assume such a recollection was from a conversation with Raymond.) "A Tribute to an Honorable Profession" by Associate Justice John G. Gabbert, Retired, 2012, p.13.

Back when there was yet a Riverside County and our County seat was San Bernardino, in 1888 Frank Leonard arrived in San Bernardino.¹¹ About 1889, Leonard partnered with Henry Goodcell operating as Leonard & Goodcell. Variations of that firm name appeared in the newspapers of the time; e.g., Paris, Goodcell & Fox (1888), Leonard & Morris (1896) and Goodcell & Leonard (1900), yet it was generally considered the firm of Leonard & Goodcell.

John Howard Surr was born April 10, 1869, in Islington, England. He tended to go by the name Howard. His mother, Elizabeth (Grabham), was a teacher and activist for education, and his father, Joseph, professed to have been on the London City Counsel alongside famed future Prime Minister of England William Gladstone. Howard's parents became prominent citizens of San Diego, but Howard chose to move to San Bernardino to practice law. Upon passing the Bar exam, Howard was admitted to practice before the California Supreme Court on October 9, 1900. Over time, he became a specialist in Water Law and was special counsel to the City of San Bernardino in that regard. He also provided representation to the San Bernardino School District. Surr partnered with F. W. Gregg in early 1901.

F.W. Gregg commenced his practice in Tucson, Arizona, in 1881.¹² Gregg was a New England transplant and a graduate of Columbia Law School. In 1885, Gregg was appointed a judge in Tucson, hence his moniker of "Judge" or "His Honor". In 1887, F.W. moved from Tucson to San Bernardino. It appears he immediately partnered with William Harris. In short order, Gregg & Harris became Otis & Gregg. In 1901, Surr joined the firm and it became Otis, Gregg & Surr. When Otis died in 1901, the firm name became Gregg & Surr.

In July 1907, Howard Surr left Gregg & Surr to join Frank Leonard. Leonard & Surr began.

On January 17, 1912, George Warren Hellyer passed the Bar exam. George immediately became a member of Leonard & Surr and in 1915, became a named partner. The name Leonard, Surr & Hellyer remained until 1927, when Frank Leonard's judgeship commenced. And, again, the name Surr & Hellyer remained until the 1984 merger of Reid, Babbage & Coil and Surr & Hellyer.

Conclusion

There is the simple fact that each firm has its foundation based upon the shoulders of attorneys who pioneered

¹¹ Frank Leonard had been practicing since 1888 but not until April of 1897 was he eventually assigned a bar number, California Bar No. 2916.

¹² The same year as the famed "Gun Fight at the OK Corral", 71 miles to the east in Tombstone.

our legal community, many who became a president of our county bar association. But which firm can be considered the oldest?

Should Thompson & Colegate's inception be declared March of 1915? Or, can it argue its inception can be traced back to the early 1880's with William Collier as its first attorney?

Is 1891 the true Best, Best & Krieger beginning? Or, should 1915 (or 1917; see footnote 10) be deemed the beginning when Raymond Best ceased to be an Abstractor. Or, perhaps, one might consider the beginning to be 1925, when father and son partnered?

How about Reid & Hellyer? Can it claim its inception to be 1887 when F.W. Gregg partnered with William Harris, or even 1888, when Frank Leonard came to our then County of San Bernardino? How do we reconcile the issue of practice in pre-Riverside County? Riverside City and half of Riverside County was originally San Bernardino County up to 1893, when the new county line was drawn. Can Reid & Hellyer claim the Surr & Hellyer genealogy for Riverside longevity because of the county line change?

If we deem Reid & Hellyer to be burdened by the county line change, then would not Thompson & Colegate too, since William Collier resided in then San Diego County and any practice of law would have been quite the commute of sorts to either court house at the County seats in San Bernardino or San Diego (or a myriad of area justice courts in between)?

How would you conclude?

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



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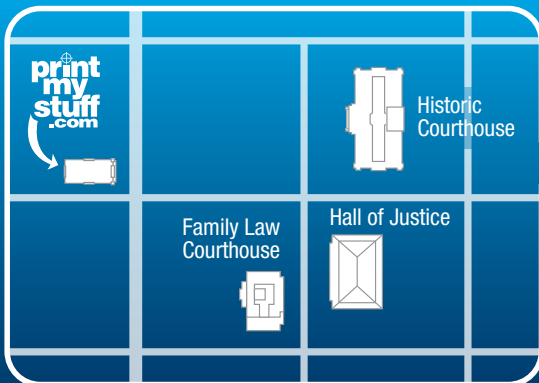
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Business law firm with offices in Corona and Temecula, CA and Las Vegas, NV is looking for a Senior Litigation Associate or Junior Litigation Partner with a transferable book of business. The firm's clients are primarily in southern California and the firm generally handles business litigation, real property litigation, and employment litigation. The candidate should have 5 or more years of litigation experience, including first chair trial/arbitration experience. The candidate is expected to be in the office for meetings, depositions, hearings, trial, and other matters, but there is flexibility to work remotely. Compensation is commensurate with experience ranging between \$150,000.00 - \$200,000.00. Monthly bonuses are available for Associates based on performance. The firm also provides a comprehensive benefits package including 401K (with matching), medical, dental and vision. Please email resumé to lowrance@lp-attorneys.com.

Office Space – RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Charlene Nelson at the RCBA, (951) 682-1015 or rcba@riversidecountybar.com.

Conference Rooms Available

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

Riverside County Superior Court New CEO

The Court is pleased to announce the appointment of Mr. Jason B. Galkin to the position of Court Executive Officer (CEO) and Clerk of Court for the Superior Court of California, County of Riverside. Mr. Galkin began his assignment on Monday, May 22, 2023. He was selected as the top candidate after an extensive nationwide search, following the retirement of the previous CEO, W. Samuel Hamrick, Jr. in December of 2022.

Riverside County Superior Court – Probate Referee Retirement

Effective June 30, 2023, Probate Referee, Joan I. Campbell, will be retiring and closing her office. If she was assigned as Probate Referee for your case and you need a new referee assigned after her retirement, please utilize Riverside County's Local Form RI-PR098 (Application for Order Appointing Probate Referee) and RI-PR099 (Order Appointing Probate Referee). All contact information for the Riverside County Probate Referees can be located on the State Controller's website at the following link: Probate Referee Contact Information (ca.gov).



MEMBERSHIP

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

Stella Espinoza Browne – Law Office of Stella Espinoza Browne, Upland

Daniel A. Caliendo – Solo Practitioner, Thousand Palms

Amal N. Pujol – Law Offices of Castillo & Pujol PC, Corona

Odeha Lynette Warren – Gostanian Law Group PC, Newport Beach





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