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RIVERSIDE LAWYER

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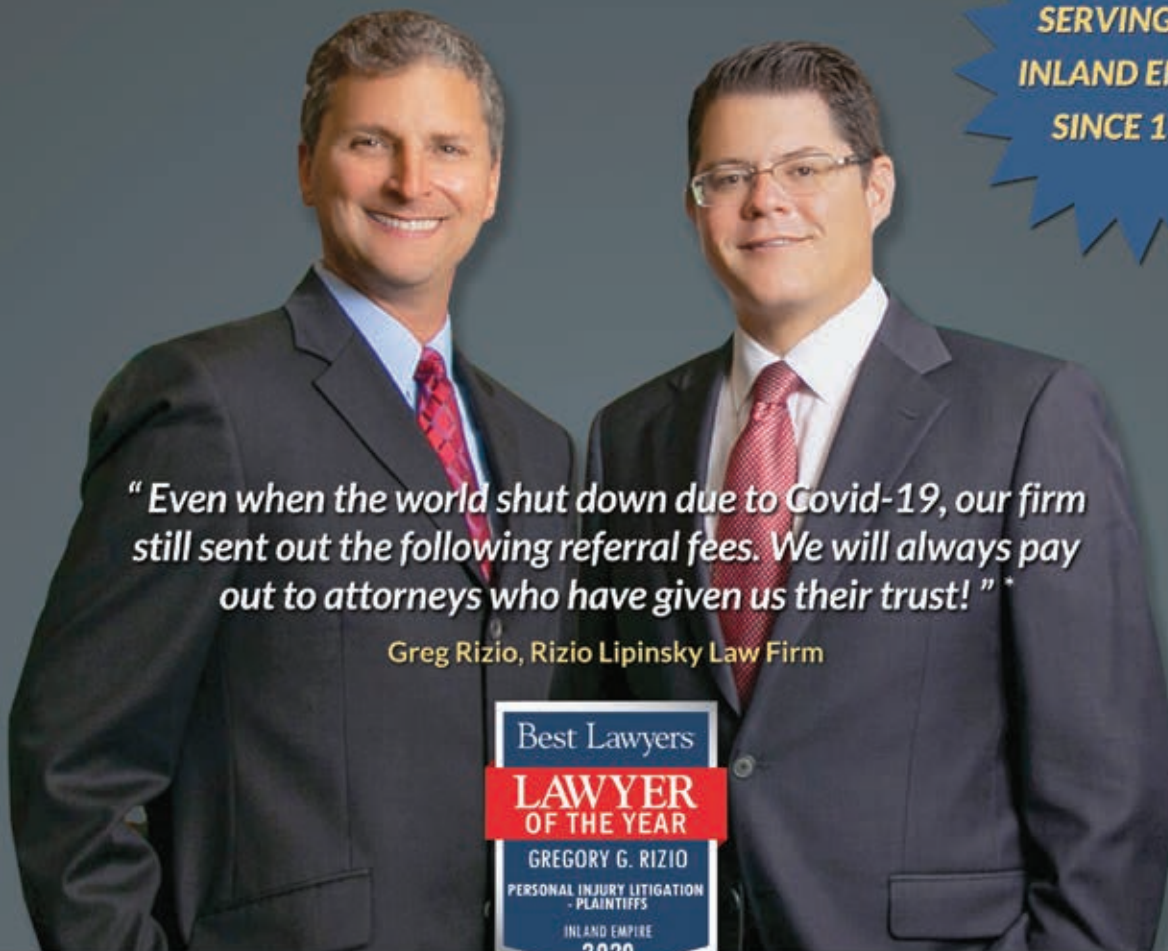
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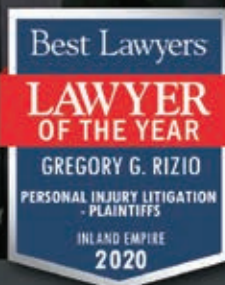
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RIVERSIDE LAWYER

MAGAZINE

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PRESIDENT'S Message

by Mark A. Easter



“SUMMER OF ‘88”

Since the theme of the Bar magazine this month is “Women in the Law,” I’d like to reflect back on the beginning of my legal career, and three women in the law that had a big influence on me right from the get-go. In late May of 1988, I arrived in Riverside to spend two months as a summer clerk at Best Best & Krieger. In my very first week, I met a partner, senior associate and summer clerk, each of them women, and each of whom I would learn a great deal from.

My partner mentor that summer was Meredith Jury. Meredith was actually the very first female partner at BB&K. Over my first five years as an associate, I worked on a variety of cases with Meredith. Meredith seemed to be able to litigate anything: labor, bankruptcy, contracts, the California Environmental Quality Act (CEQA), eminent domain, civil rights, police brutality, etc. Meredith could do that because she was extremely intelligent AND intellectually curious. And she worked very hard. But she also made sure she set aside time for her own well-being—she loved traveling, and she was an avid cyclist. And Meredith was also very open and transparent about her life journey.

As a mentor, Meredith was a great example of civility with opposing counsel. Meredith was also very good at communicating to you not just the narrow assignment, but her thought processes about the case as a whole: her strategy, what she thought opposing counsel would try and do, and how it might play out in trial. This was very valuable to a young litigator who was trying to get a handle on the “big picture” of litigation. Meredith is now a retired United States Bankruptcy Court Judge.

Virginia Phillips was a senior associate at BB&K that summer of 1988, and I can remember her being voted into the BB&K partnership during my clerkship. She was very involved in the recruiting and training of BB&K associates. She emphasized the importance of quality written work, preparation, and timeliness—that personality and charm were no substitute for those

fundamentals. Virginia was great at helping us “newbies” understand what senior partners like, Bill DeWolfe, Bart Gaut, and Dallas Holmes, were expecting.

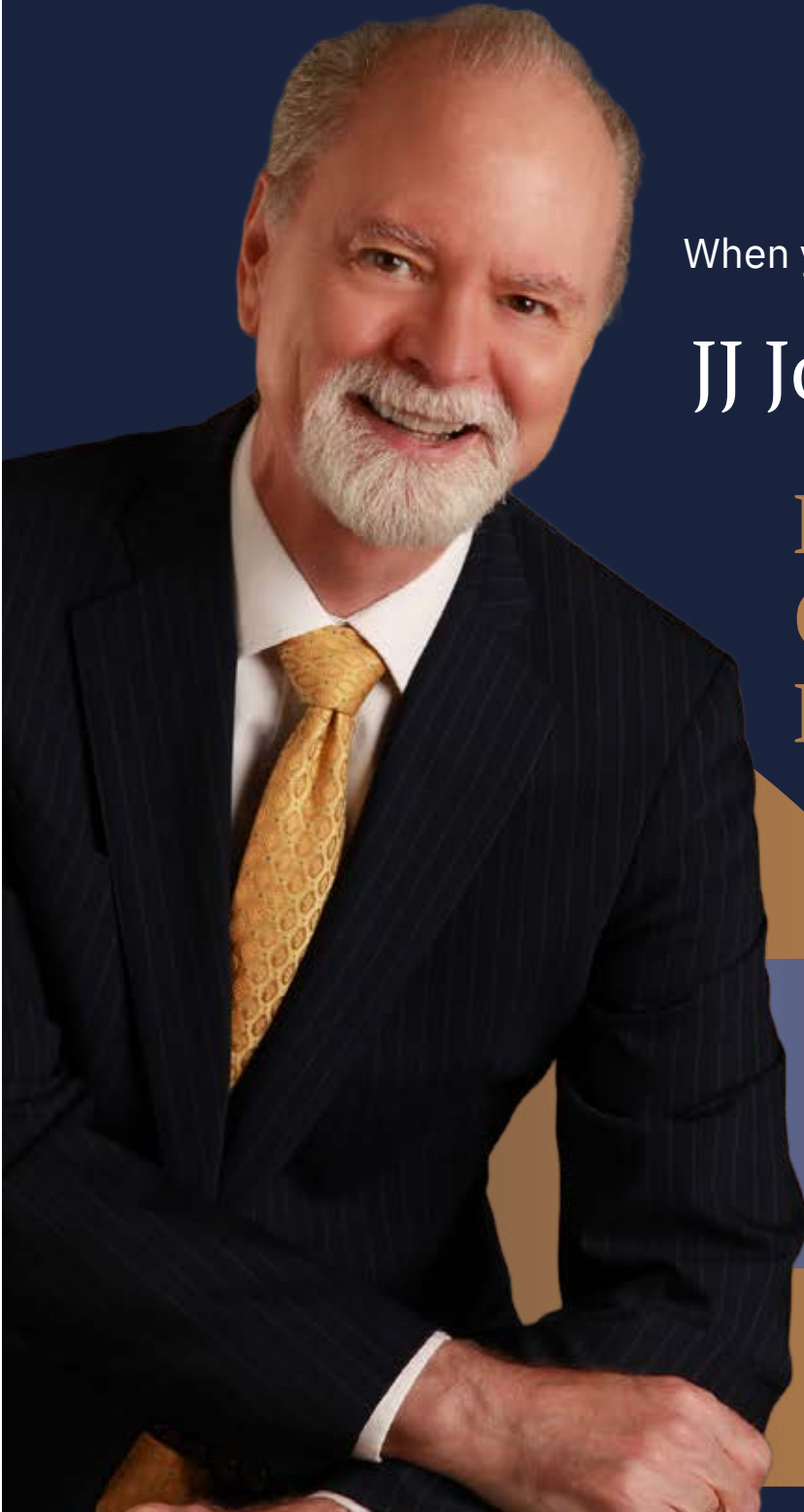
Virginia also stressed the importance of putting in the time and taking ownership of not just our assignments, but our cases, and even our practices and careers. I can remember as a first-year associate, reporting back to her after attending a Trial Setting Conference. Upon telling her about the trial date, her instructions were “Okay, go figure out everything you need to do to get the case ready for trial.” Simple, but yet I understood both the confidence and responsibility she was conveying to me. A few years later, she would be appointed Commissioner of the Riverside County Superior Court, and thereafter, a United States Magistrate Judge, and then a U.S. District Court Judge.

Last but not least, my “partner in crime” that summer of 1988 was Michelle Ouellette. Michelle and I concurrently learned what life at BB&K as an associate was all about—the expectations, the history and tradition, and the whole cast of characters. We were both given a lot of responsibility early on, Michelle even more than me. Michelle and I both became partners of BB&K in 1996. Michelle worked tirelessly to become one of the leading CEQA and environmental attorneys in the State of California, and she spearheaded the effort to create Riverside County’s Multi-Species Habitat Conservation Plan, the first of its kind in the State.

On a personal level, Michelle was also a great sounding board for me about lawyer life and firm life...whether it was my frustrations, funny stories, sports analogies (Michelle’s favorite) or “Joe Cocker” rants. But more important, even though she was my peer, Michelle was an example and model to me of hard work, community service, the importance of diversity, and how to read and understand people. I was always amused by how Michelle didn’t mince words and wasn’t afraid to “emote” to her clients about how she felt about a case or her opposing counsel. Needless to say, clients knew that Michelle cared about them, their projects, and their cases.

I’m very grateful and thankful for these and many other “women in the law” at BB&K that I’ve been fortunate to call my colleagues. HAPPY MARCH!

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



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BARRISTERS

President's Message

by David P. Rivera



Gender Parity in Our Legal System—Emphatic, Yet Undone

We are part of a noble profession, called to excellence, honor, morality, and justice. That may sound a bit stuffy, but I believe it to be true, even if we sometimes miss the mark. One such miss is gender parity in our legal profession and in our legal system. Equality may be consistent with our profession's idealistic goals, but women still labor to narrow the gender gap.

As we enter Women's History Month, this article briefly examines some significant points in the evolution of women's rights, the history of women in the legal profession, and quickly touches on some gains that have been made.

The first women's rights convention in the U.S. was held in Seneca Falls, New York in 1848. It generated a national debate by advancing the equal treatment of women under the laws generally, but specifically in education, employment, and women's suffrage. Resolutions on these fronts were compiled in the Declaration of Sentiments, which was signed at the end of the convention by over 100 attendees, including 32 men.

Twenty-one years later, in 1869, by the time a new generation of men had attained voting age, Wyoming passed the first women's suffrage law. Utah followed suit in 1870, Colorado in 1893, Idaho in 1896, and Washington in 1910. As early as 1870, the chief justice of Wyoming interpreted the territory's suffrage law to include the right to serve on a jury.

The year 1869 also saw the U.S.' first female lawyer in Arabella Mansfield. Mansfield sat for and passed the Iowa bar exam, notwithstanding a state law disallowing women examinees. Iowa amended its licensing statute and became the first state to admit women and minorities to the bar.

In 1872, Susan B. Anthony cast a vote in that year's presidential election in Rochester, New York as a test of the Fourteenth Amendment, which states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Anthony argued that the amendment gave her the right to vote as a U.S. citizen. She was arrested, tried, convicted by directed verdict, and fined. Though she refused to pay the fine, her case did not proceed further.

In 1878, Clara Shortridge Foltz, by way of an interesting path, became the first female lawyer admitted to the California bar. Earlier that year, Foltz began reading law books with an eye toward making a better living. She discovered there were only two prerequisites for admission to the state bar. An applicant must be: (1) "any white male citizen" at least twenty-one years of age and of good moral character, (2) who possesses sufficient ability and learning.

Foltz, with the help of fellow suffragist Laura de Force Gordon, drafted the Woman Lawyer's Bill, replacing the state code's provision of "any white male citizen" with "any citizen or person." After initially failing in the state assembly, the bill was reconsidered and passed by a two-vote margin. Foltz then surreptitiously entered the governor's office and convinced him to sign the bill just prior to end-of-session.

On September 5, 1878, Foltz was admitted to the California State Bar after she passed its three-hour oral bar exam. She joined California's ranks of attorneys by the grace of her own legislative work, the Woman Lawyer's Bill.

Notwithstanding Foltz's success, she and other women attorneys continued to face substantial hurdles in California. Foltz, a licensed but self-taught attorney, sought a formal education at the University of California, Hastings College of Law. She was denied admission based on her gender despite her professional credential. Foltz sued Hastings, eventually arguing and winning her case before the California Supreme Court.

In 1911, decades after Foltz's notable successes, women's suffrage finally passed in California. In 1917, California opened the jury box to women even though they had been arguing cases to juries for nearly forty years. In 1920, nearly three-quarters of a century after the Seneca Falls Convention and fourteen years after Anthony's death, the Nineteenth Amendment to the U.S. Constitution was certified, guaranteeing women's right to vote.

Fast-forward several decades. In 1981, Sandra Day O'Connor became the first female to serve as a U.S. Supreme Court Justice. In 1995, Roberta Cooper Ramo became the first woman to serve as ABA president.

Closer to home, Sandra Carr became the first female to serve as Barristers president in 1978. Janet Wall Williams served as RCBA's first female president in 1985.

As for statistics, the growth of our women's attorney population is encouraging, but it must continue to improve. Women accounted for less than 5% of U.S. attorneys from 1950 to 1970, but grew to 38% in 2022. By way of comparison, California's women attorney population was 44% in 2022. Women comprise 47% of law firm associates, but that percentage decreases significantly when we examine the higher hierarchical ranks. A mere 22% of equity partners are women. Only 12% are managing partners.

Though women have gained rights on several fronts—including in education, employment, and suffrage—and have progressed in the ranks of our attorneys and in the roles they serve, we must continue to be mindful of parity and promote the progress of women in our legal profession and our legal system.

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

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

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



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Practicing Responsibly and Ethically: The Rise of Aiding and Abetting Claims Against Attorneys

by David Cantrell and Cole Heggi

When our firm defends lawyers, most of the claims are brought by their former clients. In the past five years, however, we've noticed an uptick in lawsuits that accuse lawyers of collaborating with their former clients to defraud or harm nonclient third parties. These claims typically arise out of the lawyer's transactional work, like business deals or estate planning, but they can also stem from the attorney's representation of a client in previous litigation. The purpose of this article is to provide a brief description of these types of claims and to highlight a few implications they have for California attorneys.

Typically, these claims accuse the lawyer of either conspiring with their former client to commit a wrongful act or *aiding and abetting* the client's wrongful actions. Although some courts have treated claims of civil conspiracy and aiding and abetting similarly, the prevailing view now distinguishes between the two.

In *Doctors' Co. v. Superior Court* (1989) 49 Cal.3d 39, 44, the California Supreme Court sketched out the elements of a claim for civil conspiracy:

The elements of an action for civil conspiracy are the formation and operation of the conspiracy and damage resulting to plaintiff from an act or acts done in furtherance of the common design.... In such an action the major significance of the conspiracy lies in the fact that it renders each participant in the wrongful act responsible as a joint tortfeasor for all damages ensuing from the wrong, irrespective of whether or not he was a direct actor and regardless of the degree of his activity. [Citations.]

The *Doctors'* court held that a "cause of action for civil conspiracy may not arise, however, if the alleged conspirator, though a participant in the agreement underlying the injury, was not personally bound by the duty violated by the wrongdoing and was acting only as the agent or employee of the party who did have that duty." (*Ibid.*)

To be held liable on an aiding and abetting theory, however, the defendant need not owe a duty to the plaintiff. Instead, liability for aiding and abetting a breach of fiduciary duty "arises when the aider and abettor commits an independent tort" against a person to whom he owes no fiduciary duty. (*American Master Lease LLC v. Idanta Partners, Ltd.* (2014) 225 Cal.App.4th 1451, 1477.) This makes the aider and abettor liable for making "a conscious decision to participate in tortious activity for the purpose of assisting another in performing a wrongful act." (*Ibid.*)

Thus, under an aiding and abetting theory, a plaintiff may be able to hold a lawyer accountable for knowingly assisting his client in breaching duties the client—but not the lawyer—owed to the plaintiff. There are two common scenarios giving rise to these types of claims. The first common scenario involves a business deal gone bad. The plaintiff, who negotiated an arm's-length business deal with the defendant, will claim that the deal was fraudulent, and that the defendant's attorney aided and abetted the fraud by drafting the deal documents. The other common scenario involves estate planning. An aggrieved beneficiary of a trust will sue the trustee for a perceived breach of the trustee's duty to the beneficiary and will

also sue the trustee's attorney for aiding and abetting the trustee's breach.

Of the two theories, aiding and abetting appears to be preferred over conspiracy for plaintiffs seeking to sue their adversaries' attorneys, for at least three reasons. First, as mentioned above, aiding and abetting liability does not require that the attorney owe any legal duty to the plaintiff. Second, courts have generally held that conspiracy claims are limited by the agents' immunity rule—which insulates agents (such as attorneys) from liability for conspiring with their principal when acting in the course and scope of their agency and not in furtherance of their own financial gain—while aiding and abetting claims are not. Third, asserting an aiding and abetting theory might allow the plaintiff to get around Civil Code section 1714.10, which requires the plaintiff to meet certain pre-filing requirements and receive court approval before proceeding with a conspiracy claim against an attorney. (*But see Howard v. Superior Court* (1992) 2 Cal.App.4th 745, 749 [holding aiding and abetting claim "falls within the ambit of former section 1714.10"]; *Berg & Berg Enterprises, LLC v. Sherwood Partners, Inc.* (2005) 131 Cal. App.4th 802, 823 [holding similarly].)

The increasing trend in claims against attorneys for aiding and abetting their clients' tortious acts poses significant implications for the legal profession. One primary concern is the potential erosion of attorney-client privilege. As these claims necessitate a closer examination of the interactions between attorneys and their clients, there's a risk that privileged communications might inadvertently be exposed during the litigation process. Or the attorney will be significantly limited in his defense because he cannot divulge attorney-client privileged information.

Additionally, the rise in aiding and abetting claims could eventually have a significant impact on malpractice insurance for lawyers. As the frequency of such claims increases, so too might the premiums for malpractice insurance, reflecting the heightened risk insurers are underwriting. Insurers might also impose stricter underwriting criteria or require more detailed disclosures from law firms regarding their practices and the nature of the cases they handle.

Overall, these developments could lead to a more cautious legal practice environment, where attorneys are more vigilant about the potential legal implications of their advice and representation. This could have wide-ranging effects on the legal profession, from the way attorneys interact with their clients to how they assess potential cases and manage their professional liability risks..

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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Addressing Youth Homelessness throughout Riverside County

by Jennifer Miechowicz & Sandra Dunn

As Californians continue to face an ongoing housing crisis, the number of women experiencing homelessness is increasing at an alarmingly higher rate. For many young women, homelessness is not entirely a result of economic hardship, but rather a result of deeply rooted issues, such as interpersonal violence, abuse, and lack of available resources.

One of the primary concerns for unsheltered women is the heightened risk of violence and exploitation. Being unhoused can leave one vulnerable to physical and sexual assault. A large number of young women and parenting youth are facing homelessness due to domestic violence. While exiting the cycle of abuse, they are then faced with the possibility of further violence occurring while unhoused. These traumatic experiences can worsen one's existing situation and contribute to a cycle of mental health issues.

Additionally, homeless women encounter many practical challenges, such as clear access to feminine hygiene products and safe shelter. Young women who are experiencing homelessness are more likely to become pregnant and face barriers to accessing maternal health care. Whether its children, family members, or partners, young women often take on caregiving responsibilities that can lead to further housing instability.

In the face of this crisis, organizations like Operation SafeHouse are taking a specialized approach through its offering of emergency shelter and support to homeless and at-risk youth ages 11-24 across Riverside County.

Located in the city of Riverside, Operation SafeHouse, has the only emergency shelter program specifically designed to assist older homeless youth ages 18-24. The Main S.T.A.Y. provides a 30-day emergency shelter program designed to meet the unique needs of young individuals and single parents. The Main S.T.A.Y. offers a safer alternative to larger adult shelters and aims to provide a sense of security and comfort to youth in crisis. Participants are provided a stable living space within apartment-style housing, as well as meals and other necessities.

During their stay, Case Managers guide young adults through the process of securing more transitional and permanent housing. This equips them with the tools and resources needed to start rebuilding their lives. Participants also receive individual counseling, life skills trainings, and aftercare services. Here, young adults are surrounded by a comprehensive team dedicated to their well-being and providing support with their present struggles of life throughout their stay.

One past participant of Main S.T.A.Y., a 22-year-old female, was sleeping in her car and outside of shelters for a couple of months after fleeing domestic violence. While at a community resources event, she came into contact with the Street Outreach Team. That same evening, she was welcomed into the Main S.T.A.Y. and began working with a case manager on applying for transitional housing. She was also assisted with obtaining her identifying documents. Within a couple of weeks, she was accepted into a S.T.A.Y. transitional housing program, which provided her with housing for up to a year. In an after-care follow-up, she shared with her shelter case manager that she had secured full-time employment and started taking ESL classes during the weekday evenings. The Main S.T.A.Y. was able to be a stepping stone towards her stability and personal growth.

Operation SafeHouse also operates two Transitional Living Programs (TLP) for homeless young adults between the ages of 18-21. Participants take part in a structured 18-month housing pro-

gram aimed at cultivating skills needed to live independently. While in our transitional living program, participants are provided fully furnished shared apartments with individual bedrooms, at no cost, allowing them to accumulate savings for their future. Individual Case Managers support participants through employment assistance, financial literacy, and building independent living skills. Each participant works through a uniquely designed, youth-centered service plan based on an assessment of their needs.

We have had many youths who successfully exit the Transitional Living Programs and move into permanent housing. Youth like Sky, who actively voiced her personal struggle when it came to saving and other money management. She was thousands of dollars in debt with minimum credit card payments being over \$100 per month and living paycheck to paycheck. By working with her Case Manager, Sky gained knowledge through our financial literacy classes where she was able to learn how to budget, do her own taxes, decrease her debt and increase her overall credit score, which resulted in being able to successfully secure permanent housing. Sky was able to transition from the program in seventeen months with the financial literacy skills needed to succeed in moving forward and was able to save a total of \$14,645.27 throughout her stay.

Throughout Riverside County, Operation SafeHouse's programs aid in fostering a nurturing environment for youth in crisis. These programs play a key role in helping individuals transition to more stable living situations. We must offer young individuals and parenting youth the compassion and support they need to recover and persevere. Investing in such initiatives is essential for addressing the unique challenges faced by homeless youth.

One of our TLP graduates stated, "The Transitional Living Program helped me grow. I feel like without it, I wouldn't have become as confident and as mature as I am today. The Transitional Living Program changed my view on the world, and I know they will continue to do the same for other people, and that makes me happy."

By recognizing the barriers faced by this demographic, we can create safer spaces and positive futures for those most vulnerable within our communities. SafeHouse continues working towards reducing homelessness and improving outcomes for at-risk youth.

Operation SafeHouse is a non-profit that serves homeless, trafficked and at-risk youth throughout Riverside County. SafeHouse has emergency shelters and transitional living programs within the cities of Riverside and Thousand Palms. For more information on our programs & referral process, please contact our Street Outreach Team at RMarler@operationsafehouse.org. If you are interested in donating to our shelter programs, please contact Julie Hale at jhale@operationsafehouse.org.

Jennifer Miechowicz is the lead case manager for the Main S.T.A. Y. shelter. She has been providing guidance & advocacy for homeless transitional-aged youth for over a year with SafeHouse.

Sandra Dunn is the program director for the Transitional Living Programs and the Main S.T.A.Y. shelter. She has been with Operation SafeHouse for over 26 years, providing support and direction to youth throughout Riverside County.





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Piecing Together the Puzzle of a Human Trafficking Case

by Kaitlyn Lasater

Challenges with Human Trafficking Victim Cooperation

Investigation of a human trafficking case all too often ends with numerous unreturned phone calls and unsuccessful efforts to connect with a victim. Victims who do not want to cooperate with law enforcement to assist in prosecution of their traffickers each have their own individual and complex reasons for avoiding involvement in a case. Sometimes, it is not a matter of avoiding involvement, but instead, due to life circumstances, it is hard to remain in touch with law enforcement, prosecutors, and victim advocates throughout the entirety of a criminal case. Many victims struggle with homelessness, continued victimization by a new trafficker, financial instability, their own criminal cases, or drug addiction. Others fear cooperation with law enforcement and have seen firsthand the punishment that can follow such cooperation. Many law enforcement agencies have learned to adapt to these challenges by continuing to offer victims support throughout the criminal case, but also by creatively gathering evidence that avoids reliance on victim testimony at trial. In the event that a criminal case can proceed without victim testimony, every effort is still made to provide services to victims. Apprehension of a trafficker often just makes space for a new one to step in, which can be avoided by providing a victim services.

Victimless Prosecution

Prosecutors have long since attempted “evidence-based prosecution” in domestic violence cases. This is often accomplished by introduction of evidence such as a 911 call, photos of injuries, law enforcement testimony, and when lucky, an independent witness. Also known as victimless prosecution, this strategy avoids putting a victim through the stress of testifying at trial and can avoid dismissal especially when the defendant is contributing to the victim's lack of cooperation or unavailability at trial. However, victimless prosecution is far more complicated in human trafficking cases due to the large amount of digital evidence that comes from different sources.

In human trafficking cases, the strongest evidence comes from cell phones and the internet. Advertisements for prostitution depicting the victim and often posted by the trafficker are admissible for non-hearsay purposes.¹ These ads are useful to show the victim was in fact engaged in commercial sex work perpetrated by the trafficker. These ads often list phone numbers, social media accounts, and location information that can be tied to the trafficker or unveil additional useful evidence. Communications between the victim and a “John” or undercover officer showing an agreement for a commercial sex act are also admissible for the non-hearsay purpose of showing the existence of a contract.² Undercover law enforcement operations where an agreement is made with the victim for commercial sex work is strong evidence that the victim is being trafficked for commercial sex acts. More importantly, it is an opportunity to make contact with the victim and potentially the trafficker who is often sitting by while the victim works.

1 Cf. *In re Marriage of LaBass & Munsee* (1997) 56 Cal.App.4th 1331, 1338.
2 See Cal. Evid. Code §1200, subd. (a).

Making one-on-one contact with a victim or trafficker avails law enforcement access to personal cell phones, which often contain texts between the trafficker and victim, internet history, information on how money is being transferred, history of internet connections, incriminating photos or videos, location data and leads to other social media applications, which contain this same evidence. Foundation for evidence found on victims' cell phones can often be laid by law enforcement officers and admitting the identifying information or photos saved on the phone in the event that victims are unavailable or uncooperative for testimony at trial. Often there are independent witnesses, receipts, and surveillance videos at the hotel and motel locations where the trafficking occurs which can prove helpful in identifying involved parties and for corroboration.

Victims' hearsay statements can be admitted at trial under certain circumstances. One way is through the Forfeiture Doctrine. When defendant's wrongful conduct results in the victim's unavailability to testify, the victim's hearsay statements may become admissible.³ Preserving victims' testimony through a conditional exam is also an option.⁴ Maintaining contact with victims early on is imperative to become aware of any efforts by the trafficker to dissuade testimony.

New Law: Sex Trafficking of a Minor is Now a Strike Offense

Although there are many challenges in prosecution of human trafficking cases, the punishment for this crime has become more severe in recent months. Human trafficking of a minor is now a strike offense in California, even without any use of force or fear in the commission of the offense. Senate Bill 14 added a violation of Penal Code section 236.1, subdivision (c), subsection (1), to the list of “serious felonies” in section 1192.7(c).⁵ This bill went into effect on January 1, 2024. Subdivision (c), subsection (2) was already a “serious felony” as it carries a sentence of 15 years to life.⁶ However, this subsection of human trafficking of a minor requires “force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.”⁷ Unlike human trafficking of an adult, the crime of trafficking of a minor under subdivision (c), subsection (1), does not require an element of force or fear.⁸ Subdivision (c), subsection (1) punishes any person who attempts or who actually “causes, induces, or persuades” a minor to engage in a commercial sex act.⁹ The punishment for this crime is 5, 8 or 12 years.¹⁰ However, now offenders are subject to the Three Strikes Law.

Resources for All

These resources are helpful for anyone from a concerned citizen, victim, law enforcement officer, district attorney, public defender, or judges:

3 See Cal. Evid. Code, § 1390.
4 See Cal. Pen. Code, § 1335.
5 See Cal. Pen. Code § 1192.7, subd. (c).
6 See Cal. Pen. Code § 236.1, subd. (c), subsec. (2).
7 See *Id.*
8 See Cal. Pen. Code § 236.1, subd. (b).
9 See Cal. Pen. Code § 236.1, subd. (c), subsec. (1).
10 See *Id.*

Riverside County Anti-Human Trafficking Taskforce (RCAHT) Tipline: (855)758-3733

National Human Trafficking Hotline: 1-888-373-7888, text "BeFree", chat at humantraffickinghotline.org.

National Center for Missing and Exploited Children (NCMEC): 1-800-843-5678; <https://report.cybertip.org/>

Victim Programs and Emergency Shelters:

- REACH: (866) 373-8300, reachus.org
- Riverside Area Rape Crisis Center: (951)686-7273, infor@rarcc.org
- Barbara Sinatra Children's Center: (760)340-2336
- Teen Dating Abuse Hotline: 1-866-331-9474, chat at loveisrespect.org, or text "love is" to 22522
- Rebirth Homes: (951)394-8142
- Run-2 Rescue: (888)224-6061 ext. 3

Kaitlyn Lasater is a deputy district attorney in Riverside and currently prosecutes sexual assault, child abuse and human trafficking crimes. She has been an attorney for over 8 years.



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Human Trafficking in Riverside County

by Denise Rodriguez Bowman and Opal Singleton

Thank you for shedding light on this important issue of human trafficking in Riverside County. According to a report from the United Nations Office on Drug and Crime, for every 10 trafficking victims detected globally, five are adult women and two are girls (PDF, 18MB). The same holds true in Riverside County where of the 574 victims recovered since 2020, 91.5% were women and girls. It is concerning to see the disproportionate impact on women and girls.

In Riverside County, women and girls are typically trafficked by someone they know and trust who use manipulation, coercion, and threats of harm to keep them in compliance. Many victims are compliant and actively cooperate with their trafficker sometimes forming strong emotional and sexual ties. To identify and help those afflicted by human trafficking, one should look to under-resourced places within your community. Spotting exploitation is paramount for those in close proximity to women who are single mothers, undocumented, homeless, runaway, isolated, battling drug addiction, and those living in poverty.

Much of the human trafficking spotlight is centered around sex trafficking whereas little to no attention is given to labor trafficking. According to the Little Hoover Commission, labor trafficking in California is often under-reported and is more prevalent in the state than sex trafficking. In Riverside County, much holds the same where in recent years only three investigations of labor trafficking were actually investigated, and 33 labor trafficking victims sought services without wanting criminal intervention.

The true extent of labor trafficking in Riverside County is currently unknown. Victims are challenging to detect, as many are forced to work in remote and or hidden locations and may be afraid to seek help due to fear of retaliation from their traffickers.

Riverside County Anti Human Trafficking Task Force (RCAHT) and the Coalition to End Human Trafficking Coalition Coachella Valley & Riverside County have partnered with grass roots organizations to address these issues. The Coalition partners with Líderes Campesinas, a California leader in advocacy for female farm workers. Líderes Campesinas and similar organizations are an important bridge between Campesinas to examine the cultural landscape among potential labor trafficking victims in areas of their communities where labor can be hidden. The end result is to foster better trust and connections, so that people will come forward. RCAHT and the Coalition commit to reach underserved victims in the community and to provide a culturally competent response for suspected victims of trafficking.

A labor trafficking case in Riverside County where a teenage boy was rescued due to the heroic intervention of an ice cream vendor known as "Paletero" enabled the task force to make a criminal arrest, and victim service providers to assist child protection in his recovery. The actions of a concerned

citizen helped to rescue a child who was enduring child exploitation, child abuse, and human trafficking.

Victims of human trafficking may experience poly-victimization and complex trauma. RCAHT commits to a victim center response where the victims' concerns, safety, and wellbeing take priority in all matters. The needs and concerns of the victim are centered to ensure compassionate and sensitive delivery of services in a non-judgmental way.

In 2021, Riverside County examined victim service providers who were working in silos. Efforts were made to work together to bring a united response to human trafficking by way of the Coalition to End Human Trafficking Coalition Coachella Valley & Riverside County collaborating with the Riverside County Anti-Human Trafficking Task Force (RCAHT).

Barbara Sinatra Children's Center is the lead victim service provider in partnership with REACH and Rebirth Homes in Riverside County. Each agency utilizes a multi-disciplinary approach to provide services to survivors. The multi-disciplinary coalition model for government and non-profit organizations ignites our belief that we can service these injustices better together. The collaborative efforts of the Coalition to End Human Trafficking in Riverside County, along with other key organizations, are crucial in providing support to survivors and working towards ending human trafficking in the community.

It is important for everyone to be vigilant and educated about the signs and indicators of human trafficking. Together, we can make a difference in the fight against human trafficking and provide aid to those in need. To learn more about human trafficking indicators and how to help in Riverside County go to www.coalitiontoendhumantrafficking.org.

To report human trafficking in Riverside County: (951) 776-1099 or call Polaris Project at (888)373-7888 or text Be Free.

Cited: https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

The Riverside County Anti-Human Trafficking Task Force (RCAHT) is led by Sgt. Jeff Hammond and the Riverside County Sheriff's Department and works together with the Coalition to End Human Trafficking Coachella Valley & Riverside County to bring a united response to human trafficking both sex and labor, sextortion and sexual exploitation through prevention, awareness, outreach, education, and intervention.

Denise Rodriguez Bowman is the director of Forensic Services and Victim Advocacy at the Barbara Sinatra Children's Center and leads the Coalition to End Human Trafficking Coachella Valley & Riverside County.

Opal Singleton, president of Million Kids acts as an advisor for the Training and Outreach Efforts of RCAHT to ensure that the public, first responders, and civic leaders are informed of the issue and are empowered to assist in prevention and intervention efforts related to human trafficking.



Clara Shortridge Foltz – The Legacy of a Lady Lawyer

by Monique Ragheb

"She is a woman, she can't be expected to reason."¹ "The courtroom is no place for a lady."² "It's too bad she's a woman."³ These are all comments made to or about Clara Shortridge Foltz, the first woman lawyer in California. Clara Foltz, born in 1849, overcame significant legal obstacles to become the first woman lawyer in California in 1878.⁴ Initially, Foltz was unable to become a lawyer because, at the time, California law allowed only white males to practice. Foltz's relentless determination led to her drafting the "Woman Lawyer's Bill," which replaced "white male" with "persons," allowing her admission to the California Bar and laying the foundation for future generations of women seeking entry into the legal profession.⁵ As a true trailblazer, Foltz was among the first to experience the challenges female lawyers still face today as she pioneered the fight for gender equality in the legal profession.

How much has the legal field really changed in the last 148 years? Foltz faced immense challenges in pursuing legal education due to societal norms that barred women from studying law. In fact, Foltz was forbidden from attending law school initially and was kicked off campus after enrolling in law school at Hastings College School of Law in 1879.⁶ Foltz was told that her presence in the classroom distracted from "serious students."⁷ Undoubtedly, things have improved with respect to female admission to law school. Over the past few decades, there has been a significant increase in the number of women applying for and enrolling in law schools. At the beginning of the 20th century, women made up less than 5% of law students.⁸ In stark contrast, as of 2023, women outnumbered men in law school classrooms across the U.S. for the eighth year in a row.⁹ According to the data, 56.25% of law students are women.¹⁰ This surge in representation has contributed to a more diverse and dynamic legal community, fostering a range of perspectives that enrich the profession.

While women have greater access to legal education, inequalities still exist, with women encountering barriers and gender biases as they advocate for their clients in

the courtroom. Women today continue to face disrespect, microaggressions, and biases in courtrooms. For example, while a man who aggressively represents his client is described as a zealous advocate, a woman who does the same is often characterized as being harsh, emotional, or rude. Likewise, many women lawyers are often mistaken for court reporters, paralegals, or legal assistants when they enter a room with other attorneys or legal professionals.

Even women in leadership and high-power positions are not safe from inequality. An empirical study performed by the Virginia Law Review in 2017 showed that male justices interrupt female justices approximately three times as often as they interrupt each other during oral arguments.¹¹ The study examined the transcripts of 15 years of Supreme Court oral arguments and found that women do not have an equal opportunity to be heard on the highest Court.¹² In 2015, 65.9% of all interruptions on the Court were directed at the three female justices on the bench (Ginsburg, Sotomayor, and Kagan).¹³ Even though Supreme Court justices are some of the most powerful individuals in the country, the study shows that female justices are consistently interrupted not only by their male colleagues but also by male advocates who are attempting to persuade them in court.¹⁴ When these female justices are interrupted, their perspectives are left unheard, limiting their ability to influence the outcome of cases.

Even more egregious, women have faced disrespect on the record and in open court. For example, in 2022, during a hearing, a male attorney said to his female opposing counsel, "I'll see you next Tuesday. See you next Tuesday."¹⁵ At the time, the judge was unaware of this covert insult directed towards women. The female attorney brought the derogatory meaning of this phrase to the attention of the judge. When confronted, the male attorney admitted his transgression while characterizing it as an "inside joke" between him and one of his firm employees, which he expected no one in the courtroom would detect.¹⁶ The

1 Avey, S. (2001) *The Lady Lawyer: Clara Shortridge Foltz*. AV Publishers.

2 *Id.*

3 *Id.*

4 *Id.*

5 *Id.*

6 *Id.*

7 *Id.*

8 2022 Law School Rankings by Female Enrollment, Gender Ratios (2023). Enjuris. <https://www.enjuris.com/students/law-school-women-enrollment-2022/>.

9 Pisarcik, I. (2024) *Women Outnumber Men in US Law School Classrooms, but Statistics Don't Tell the Full Story*. Jurist. <https://www.jurist.org/commentary/2024/01/women-outnumber-men-in-us-law-school-classrooms-but-statistics-dont-tell-the-full-story/#:~:text=According%20to%20the%20data%2C%2056.25,more%20female%20than%20male%20students.>

10 *Id.*

11 Jacobi, T. and Schweers, D. (2017) *Justice, Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments*, SSRN. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2933016.

12 *Id.*

13 Jacobi, T. and Schweers, D. (2017a) *Female Supreme Court Justices are Interrupted More by Male Justices and Advocates*, *Harvard Business Review*. <https://hbr.org/2017/04/female-supreme-court-justices-are-interrupted-more-by-male-justices-and-advocates>.

14 *Id.*

15 Cuniff, M. (2022) *Judge Refers Male Attorney for Possible Discipline After Discovering 'See You Next Tuesday' is 'Covert Insult' to Women*, *Law & Crime*. <https://lawandcrime.com/awkward/judge-to-refer-male-attorney-for-possible-discipline-after-discovering-see-you-next-tuesday-is-covert-insult-to-women/>.

16 Minute Order, 37-2018-00016374-CU-PO-CTL, *Veronica Doyle vs. Vault PK*. (Superior Court of California, County of San Diego Central). <https://www.calbar.ca.gov/portals/0/documents/Minute-Order-Scott.pdf>

court found this to be a “purposefully directed derogatory epithet toward the female defense attorneys who had just prevailed in a nonsuit in this case.”¹⁷ The judge refused to tolerate this reprehensible comment and alerted the State Bar of California of this misconduct.¹⁸ While inequality still persists, this specific example shows strides towards respect for women in the profession and intolerance for explicit insults.

Women are steadily ascending to leadership positions within law firms, corporate legal departments, and the judiciary. However, their progression to partnership positions, executive roles, and judgeships lags. Whether there are discriminatory practices, conscious or unconscious biases, or a lack of mentorship opportunities, contemporary women remain underrepresented in leadership roles as compared to their male peers.

Formal and informal mentorships play a crucial role in helping women navigate the unique challenges of the legal field and advancing their careers. As a new woman lawyer, I am fortunate to be surrounded on a daily basis by strong women and mentors who have conquered the obstacles of being a woman in this field. I am lucky to work with two female attorneys who have extensive experience and success while overcoming hurdles -- one became a partner at a male-dominated law firm, and the other started their own female-forward firm – both have become influential figures in the community. Despite many challenges, these women have grown in their profession, gained leadership

¹⁷ *Id.*
¹⁸ *Id.*

roles, and excelled in the advocacy of clients. I am also lucky to have an informal mentor in my cousin, a female attorney, who inspired me to take this path and has taught me that being underestimated in this profession can be utilized to your advantage. These women are hardworking, accomplished professionals who balance the adversities that women face in this profession with grace and fierce advocacy.

The legal profession has long been considered the platform for justice and equality. And yet, women continue to face discrimination and barriers, just as Clara Foltz did over a century ago. However, with increased awareness, both women and men are reshaping the narrative of gender dynamics within the profession and ultimately shaping the course of justice. As women continue to break barriers, assume leadership roles, and advocate for gender equality, as Clara Foltz did, the legal profession stands to benefit from the diverse perspectives and talents that women bring to the table. The ongoing journey towards greater inclusivity and equality ensures that the legal profession remains a beacon of justice for all.

“Women belong in all places where decisions are being made. It shouldn't be that women are the exception.” Ruth Bader Ginsberg

Monique Ragheb is an associate at the Law Office of Karen J. Sloat, APC in Palm Desert. Her practice focuses on representing employers and management on labor and employment matters.



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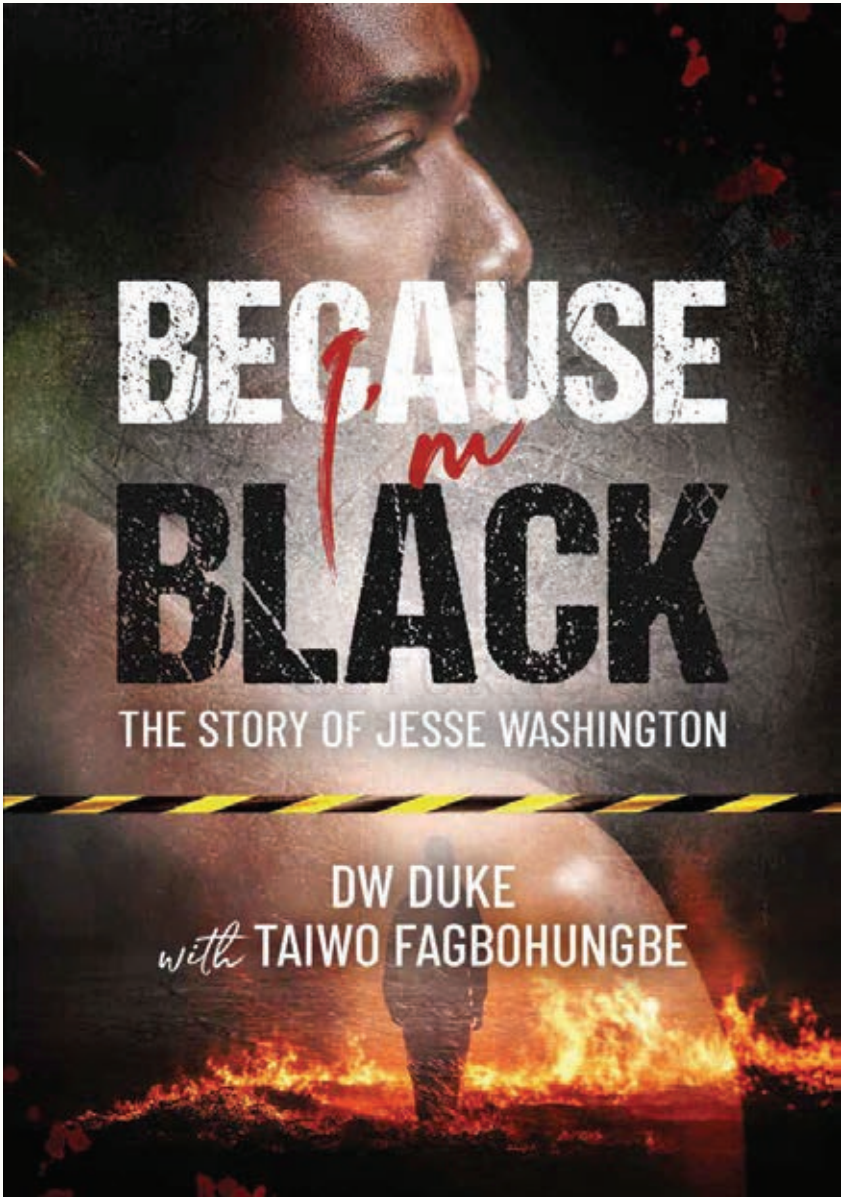
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Living at a time in American history when public facilities were segregated and Black persons were denied equal rights under the law, seventeen-year-old Jesse Washington found himself accused of murdering Lucy Fryer, the wife of the owner of the farm where he worked as a sharecropper. Without the benefit of proper legal representation, he was rushed to trial under the presumption of guilt, with no meaningful opportunity to prepare a defense.

Who was Jesse Washington and how did he come to suffer such a fate? Was he guilty of the crime of which he was accused? Many said no but few spoke in his defense except Samuel Palmer Brooks, the President of Baylor University, who quickly mounted a campaign to ensure that Jesse received a fair trial. But was that enough or were the efforts of Brooks in vain?

Inspired by a true story, this biographical novel examines the evidence surrounding the 1916 trial of Jesse Washington and the circumstances under which he was accused.

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About the Authors



D.W. Duke is an experienced California trial attorney who earned a Bachelor of Arts from the University of Michigan and a Juris Doctor from Washington University School of Law in St. Louis, Missouri. DW is active in civil and human rights and has worked extensively in the area of race relations. He holds a fifth-degree black belt conferred by World Tae Kwon Do in Seoul, Korea, and is the author of eight books.



Taiwo Fagbohunbe, a native of the ancient city of Owo in Ondo State, Nigeria, is a distinguished writer with a passion for literature and international relations. A member of the Yoruba Tribe in Nigeria, Taiwo holds a Bachelor of Arts in English Studies from Adekunle Ajasin University and a Postgraduate Diploma (PGD) in Politics and International Relations from Lead City University. Taiwo is currently completing a Master of Arts in English Studies at Arizona State University in the United States. Taiwo's research and studies focus on the African Slave Trade and the Black experience in American history. With roots in Nigeria and a global perspective shaped by his international studies, Taiwo brings a unique voice and rich cultural background to the world of literature.

Women and Family Law Dynamics

by Maryam Shafizadeh

Although traditionally, many envision women as the ones eagerly dreaming of walking down the aisle in a white dress for everlasting commitment, the reality is, on average, women initiate more divorces than men. Despite this, divorce proceedings in California are governed by a legal framework aimed at upholding fairness and impartiality, irrespective of gender.

According to a 2015 research study conducted by Stanford University, 69% of heterosexual divorces are initiated by women. Surprisingly, non-marital breakups show a more gender-neutral distribution.¹

Michael Rosenfeld, the study's author, and associate professor of sociology at Stanford University, explains that in an era where gender equality is advancing, "marriage as an institution has been a little bit slow to catch up with expectations for gender equality...Wives still take their husbands' surnames, and are sometimes pressured to do so. Husbands still expect their wives to do the bulk of the housework and the bulk of the childcare. On the other hand, I think that non-marital relationships lack the historical baggage and expectations of marriage, which makes the non-marital relationships more flexible and therefore more adaptable to modern expectations, including women's expectations for more gender equality."²

To elaborate, women are working more than ever – comprising nearly half of the United States' workforce. In spite this increase, many women still find themselves predominantly responsible for domestic duties within marriages. A U.S. Bureau of Labor Statistics report reveals that on an average day in 2022, although both men and women contribute to housework and childcare, women tend to allocate more time to these tasks. For instance, while 22% of men engage in such housework as cleaning or laundry on an average day, a higher proportion of 47% of women do the same. Similarly, in households with children under the age of 6, men spend an average of 31 minutes providing physical care to the child, such as bathing or feeding, whereas women devote 1.1 hours to such responsibilities. Conversely, men tend to allocate more time to leisure and sports activities, such as watching TV, socializing, or exercising, spending 5.6 hours on average, compared to 4.8 hours by women.³

In tandem with the evolving landscape of gender equality, the implementation of no-fault divorces played a pivotal role in reshaping marital dynamics. In 1969, California adopted the nation's first no-fault divorce law

with the enactment of the Family Law Act, fundamentally transforming marital dissolutions. Before this law, couples had to establish fault (such as adultery, abandonment, physical inability to have sexual intercourse, or infliction of emotional/physical abuse) to obtain a divorce – often trapping them in unhappy marriages. Upon introducing no-fault divorces, however, couples were granted the ability to part ways based on irreconcilable differences. As other states followed suit, divorce rates notably surged, particularly in the 1970s and 1980s. With increased access to divorce and growing societal acceptance, more women no longer feel compelled to settle in unhappy marriages and are empowered to initiate divorces.⁴ In addition to the observations of M. Rosenfeld regarding the lagging adaptation of marriage to gender equality expectations – marital issues such as infidelity, communication breakdowns, and emotional disconnect, coupled with women's greater financial independence – contribute to their sense of increased freedom in making choices about their marital status.

While there is a difference in the rates of divorce initiation between men and women, this inequality doesn't transfer over to divorce proceedings in California. Under the state's legal framework, gender equality is paramount, ensuring fair treatment and impartial decisions regardless of one's gender.

When determining child custody, California courts consider: (1) legal custody, which involves decision-making authority regarding critical aspects of the child's life such as health, education, and welfare, and (2) physical custody, which addresses where the child resides and visitation arrangements. These decisions are made without bias towards either parent's gender, as courts prioritize the best interests of the children. Factors such as the child's relationship with each parent, stability, and overall well-being are carefully assessed. Thus, despite the common misperception that mothers are automatically awarded custody, the reality is that custody decisions are based on what is most beneficial for the child.

Similarly, child support in California is determined without consideration of gender. Instead, it is calculated using a formula that considers various factors, including the number of children, each parent's income, and the percentage of time the child spends with each parent, among others.

Spousal support decisions in California are made without consideration of gender too. They are based on various factors outlined in Family Code section 4320,

¹ Women More Likely Than Men to Initiate Divorces, But Not Non-Marital Breakups, American Sociological Association (August 22, 2015), <https://www.asanet.org/women-more-likely-men-initiate-divorces-not-non-marital-breakups/>.

² *Id.*

³ American Time Use Survey – 2022 Results, Bureau of Labor Statistics (June 22, 2023), <https://www.bls.gov/news.release/pdf/atus.pdf>.

⁴ Stevenson, Betsey and Justin Wolfers. "Bargaining In The Shadow Of The Law: Divorce Laws And Family Distress," *Quarterly Journal of Economics*, 2006, v121(1, Feb), 267-288. <https://www.nber.org/papers/w10175>

including the duration of the marriage, each spouse's earning capacity, and their respective needs. Subsequently, there are instances where women receive spousal support, and others where they are the ones required to pay it.

Furthermore, in property division, California adheres to community property laws. These laws state that assets/debts acquired during marriage (between the date of marriage and the date of separation) are presumed to be community property and are usually divided equally between spouses. Assets/debts acquired before the date of marriage, after the date of separation, or received through gift or inheritance, however, are considered separate property and typically remain with the original owner. Therefore, the division of property is determined based on factors such as the time of acquisition or the source of receipt – not the gender of the spouses.

In conclusion, while women initiate more divorces, it does not guarantee fairer treatment for them in marital dissolution. In California, spouses are expected to treat each other as business partners, with a fiduciary duty owed to one another. The legal framework aims to ensure fairness and equality, prioritizing the best interest of the children and merit-based decisions over gender-based biases.

Mary Shafizadeh, of the Law Office of Maryam Shafizadeh, specializes in family law and intellectual property. Committed to helping individuals and entrepreneurs embark on new chapters in their lives or businesses, she guides families through family law matters and empowers creative entrepreneurs and digital ventures in the realms of copyright, trademark, and website compliance.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective March 30, 2024.

M. Henry Andriano – Best Best & Krieger, Riverside

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Women in Mediation

by Susan Nauss Exon

I was sitting in a room of eight men; I was the mediator and only female. The eight men consisted of four male attorneys and four male clients. As the mediation progressed throughout the day, one of the attorneys confided in me that they selected me to mediate the dispute because in addition to my experience, I was a woman and they were looking for a diverse perspective to help settle the conflict. According to the attorney, he and the others were afraid that they were getting caught up in their own biases and hyperbole.

What is it about women that might change the mediation process? Lots of research touts gender differences, yet the more contemporary research dispels many of the differences between men and women and assesses differences in people based on education and socio-economic status. If the latter is the case, then male and female attorneys and mediators should be more similar than not. What is it that makes women react differently than men when helping to address conflict during mediation?

As you contemplate these questions, recall that mediation is not an adversarial dispute resolution process. It is on the consensual side of the dispute resolution continuum because of its wonderfully collaborative process in which a mediator serves as a third-party neutral to help facilitate communication of parties involved in conflict. While knowledge of the law can be important in some highly technical areas, the most important characteristic for a mediator is her ability to communicate and help those in conflict settle a dispute on their own terms. A mediator does not serve like a judge or arbitrator; she does not render a decision. Knowledge of the law, therefore, may not be the most important consideration in the mediator selection process.

Like the practice of law, mediation has been a historically male-dominated profession. Many mediators are retired judges and retired senior partners, the majority of whom are male. Women, however, can provide a profound and multifaceted impact on mediation.

Diverse Perspectives: Women mediators bring diverse perspectives to the mediation process, often influenced by their unique experiences, cultural backgrounds, and personal values. This diversity can help shape discussions, include enriched dialogue, and lead to more comprehensive and creative solutions to conflicts. Recall the initial example presented in this article. The male attorneys realized that something else besides knowledge of the law and experience as a mediator might help bring closure to a long-standing dispute.

Like many organizations, mediation and arbitration panels now focus on diversity, equity, and inclusion. I serve on the arbitration and mediation rosters for the American Arbitration Association and am proud of its work to diversify its rosters of neutrals. Its website at adr.org includes the following:

The AAA continues its multi-year undertaking to augment the gender and ethnic diversity of its

Roster of Arbitrators and Mediators and increase diverse appointments to hear cases. Executives across every division and region of the organization actively recruit women and racially and ethnically diverse candidates who meet the criteria established for the AAA and ICDR panels.

As of the end of 2023, AAA's panel reflects that 34% of its active neutrals are women and racially and ethnically diverse; this statistic reflects its full roster, including specialty panels. AAA continues its robust recruiting of diverse panelists because 49% of new additions are women, and racially and ethnically diverse individuals.

Collaboration and Relationship Building: While I hate to overgeneralize and rely on stereotypes, research exists about gender differences; women tend to prioritize relationship-building and collaboration over competition and confrontation. For example, it's easy to focus on a single dispute wherein one business owes money to another company. By looking holistically at the two companies and their past business relationship, a mediator can turn the discussion to relationship issues and this approach can lead to the development of mutually beneficial agreements that preserve or even strengthen relationships between parties, rather than exacerbating animosity or resentment. Focusing on relationships fosters a collaborative, creative environment.

Trust: Engendering trust is a critical component of a mediator's toolkit of skills. Women may excel in building trust and rapport with participants in mediation settings. If mediators can build rapport with the participants, they can engender trust from the participants, opening up lines of communication for enhanced candid and honest discussions. Women are particularly well-versed in establishing a safe and supportive atmosphere. In the end, the participants will reap the benefits of productive and creative negotiations.

Empathy: Women are often perceived to possess higher levels of empathy and emotional intelligence than men, perhaps because of their focus on relationship building rather than competition. Demonstrating empathy is a key quality for any mediator; through active listening they can help parties in conflict feel as though they have been heard. The ability for a participant to tell a story in their own words can be cathartic. Indeed, once parties travel through their emotional dimension of conflict and feel satisfied that they have been heard, it will be easier to engage in objective communication and negotiation. Female mediators can help parties feel heard, respected, and understood, thus fostering an environment conducive to resolution.

Influence on Decision-Making: Research suggests that diverse groups, including those with gender diversity, tend to make better decisions. If a woman is part of a team of co-mediators, whether lead mediator or not, she can influence decision-making processes, leading to more balanced and informed outcomes. Similarly, a female mediator can be

a surrogate team member with lawyers as they help parties in mediation to make informed decisions.

Role Modeling and Mentorship: Women mediators can inspire more women to enter the mediation field, adding to gender diversity in the practice of conflict resolution. New mediators can ask more seasoned female mediators to mentor them. Notwithstanding a formal mentor/mentee relationship, the presence of female mediators serves as role-models for those women who aspire to enter the mediation field, increasing gender diversity. The presence of female mediators also can help challenge traditional gender stereotypes and norms within the mediation profession.

As can be seen, the impact of women involved in mediation is significant. They promote diversity and inclusivity, empathy, and constructive dialogue. These are essential keys to foster conflict resolution and sustain peace in diverse contexts.

Susan Nauss Exon is an arbitrator and MC3-certified mediator with California Arbitration & Mediation Services, the American Arbitration Association, the California Association of Realtors, and privately. She is Professor of Law Emerita at the University of La Verne College of Law, having retired in June 2020. Susan can be contacted at susan@susanexon.com.



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Judicial Profile: Honorable Laura Garcia

by Samuel Stone

In 2023, when Laura Garcia was appointed to the California Superior Court, Riverside County, she took on a role that she'd been preparing for her entire life, even if she didn't know it. Born and raised here in Riverside County, in the City of Coachella, she grew up in a large, diverse, and loving family. Diverse in that her family has experienced all very different walks of life. For example, she has an uncle who is a retired Chief of Police for the Coachella Police Department, an uncle who was a Fire Battalion Chief, and another a Fire Captain. Her dad also served as a volunteer fireman for Coachella, for several decades. However, the flip side was that Judge Garcia also had family members that spent time in the prison system and had lives plagued with drugs.

Judge Garcia's community at the time also had drugs, shootings, and gang violence that was all too common. A community underserved in many areas of life. However, it was this unique family dynamic and community from where she grew up that helped mold her into who she is today. Having such unique life experiences has only helped her gain a valuable perspective on the community, an understanding that people are fallible, and a belief in the importance of a fair and equal justice system.

Along with being a volunteer firefighter, her father worked for the General Telephone and Electronics company, which later became a part of Verizon, while her mother was a librarian at Peter Pendleton elementary school in Coachella. From an early age, she learned from her parents the importance of dedication and giving back to the community as a public servant, which has always been and continues to be her focus as she walks through life.

While in high school, she was active in her school's associated student body. Even taking part in the City's traditional "Miss Coachella" pageant event that was reimaged in 1994, to focus on a student's achievements, speaking abilities, and commitment to the community and growth. To her surprise, she was named 'Miss Coachella' her senior year of high school, and carried that role with honor, representing the City in various events.

Knowing from an early age that she wanted to practice law, Judge Garcia continued her education by attending the University of Redlands where she majored in government. She was the first person in her family to attend college.

Judge Garcia worked while attending law school part-time at the Southern California Institute of Law in Santa Barbara. As part of her path to becoming a lawyer, Judge



Honorable Laura Garcia

Garcia took the opportunity to experience being a clerk in both a District Attorney's Office and the Public Defender's Office, seeing first-hand both sides of the criminal justice system. She also worked for a private criminal defense firm that specialized in appellate work and criminal defense.

After law school, she returned to the Coachella Valley with a desire to work in her community. In 2006, she went to work as a paralegal for the Indio branch of the Law Offices of the Riverside County Public Defender. She began her deputy public defender career in 2008, and practiced in that role for the next 13 years.

In October 2021 Judge Garcia was elected by the judges of the California Superior Court, Riverside, to serve as a commissioner where she was assigned to the Southwest Courthouse. As a commissioner, she presided over thousands of misdemeanor cases. Fifteen months later, she was appointed as judge for the same court by Governor Gavin Newsom.

Judge Garcia started her new role presiding over criminal trials in the Riverside Hall of Justice. She currently presides over a community court, handling a limited civil and unlawful detainer calendar in Corona. Many of the cases she hears are handled by in propria persona plaintiffs and defendants. She strives to ensure that members of the community who come into the courts feel heard and that their case was presided over by a judge committed to ensuring a fair and just process for everyone.

Judge Garcia is married with three young children. As most parents with kids, she fills her free time with their soccer and baseball games, and many other after-school activities. Judge Garcia's oldest son has Down Syndrome, so the family takes every opportunity to be a part of the special needs community.

This author first met Judge Garcia in 2013. I was a young, new law clerk working in the Public Defender's Coachella Valley office. At the time, she was an experienced attorney in the office trying major cases. I found her to be always approachable and available to help me with whatever case I was working on. She was always a dependable, trustworthy, and a steady lawyer to answer any questions. She was a wonderful resource for me, and I am sure she will continue to bring that same level of care, professionalism, and intellectual curiosity to the bench.

Samuel Stone is a deputy public defender with the Law Offices of the Public Defender, Riverside County.



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In Memoriam – Justice Thomas E. Hollenhorst

by Honorable Timothy J. Hollenhorst

Reflections upon the death of retired Appellate Justice Thomas E. Hollenhorst, who was the best guy I have ever known, the person I always wanted to be just like, and the man I called "Dad." I could fill this entire magazine with stories of my dad's life, while detailing all his adventures, experiences, and the positive impact he made on the lives of so many others. There are many personal and professional life lessons that I've learned through my dad's stories and anecdotes – all of which made me either laugh or think, and oftentimes both.

My dad liked to joke that he was "born at an early age." In reality, he was born on November 3, 1946, in St. Cloud, Minnesota where he learned how to ice skate in the backyard when his father would simply leave the water hose on all night; and fish, the latter of which became a lifelong passion. As the son of military parents, he moved around the country frequently. He spent some of his formative years living in the South, notably Alabama and Kentucky. He attended parochial school where, as a left-handed child, he claimed the nuns would beat his left hand when they saw him writing with it because of cultural taboos associated with left-handed people at the time. As a result, he became ambidextrous by necessity, though he still favored writing with his left hand whenever he could. In high school, his family moved to Sunnyvale, CA (near San Jose) where he was a two-sport athlete playing both baseball and football. His most memorable moment on the baseball field was as a pitcher playing against his rival team. A young man named Jim Plunkett came up to bat and hit my dad's first pitch so far that my dad always believed the ball had still never landed. Jim Plunkett later became a legendary quarterback in the NFL playing for the Raiders.

My dad attended San Jose State University where he earned his undergraduate degree in political science with a minor in French. He completed his undergraduate coursework in three years. It was a persuasive undergraduate professor who pushed him towards law school, much to the chagrin of his mother (a nurse) who always dreamed of her oldest son becoming a doctor. My grandmother may have been right, as my dad hated law school. He earned his law degree from the University of California Hastings College of Law in San Francisco, graduating in 1971 at the age of 24. On his first day of law school, he remembered the professors telling students to look to their left and to look to their right at their fellow classmates and remember their faces because one of them would not be there the following year. He once asked a professor for assistance after class while the professor waited for the elevator to arrive. When the elevator door opened and my dad was still asking his question, the professor stepped inside the elevator and told my dad his time was up. Apparently, law school was much more cutthroat in the early 1970s and it made a lasting negative impression on him.



Justice Thomas E. Hollenhorst

My dad married my mom (Elizabeth), who he affectionally called "Beezie," while still in law school. They exchanged vows exactly 364 days after first meeting at a Valentine's Day party hosted by a mutual friend. At the time, my mom was a first-year elementary school teacher in San Francisco and had grown up in the hills of Berkeley, California. My dad's Volkswagen bug broke down in front of Candlestick Park (former longtime home of the San Francisco 49ers) on the day of his wedding, but he still made it on time to tie the knot. Financial resources were scarce for my dad, and he worked his entire way through undergraduate and law school. He worked various jobs including a cocktail fruit packer at a cannery, swim instructor at a local pool, and his favorite – a "bouncer" at a local public library. His in-laws

would make sure he always had leftovers after Sunday family dinners to help him through the week. My dad was fiercely loyal to my mom and vice versa. My parents were happily married for 53 years. When it came time to apply for post law school jobs, my dad applied to only two county district attorney's offices: Ventura and Riverside. I could have grown up on the beach instead of the Inland Empire! When I asked my dad why he chose Riverside, he said he liked the small-town feel, affordable housing, and the possibilities for professional advancement.

My dad began working for the Riverside County District Attorney's Office as a deputy district attorney in 1971. He promoted to the rank of assistant district attorney, and finally acting district attorney until his appointment by Governor Jerry Brown as a Municipal Court Judge in 1981 at the age of 34. Coincidentally, it was also Governor Jerry Brown who appointed me to the bench, during his second term as the governor of California. My dad became presiding judge of the Municipal Court in 1984. Then in 1985, Governor George Deukmejian appointed my dad as a judge of the Riverside County Superior Court and then again in 1988, to the Fourth District Court of Appeal, Second Division, at the age of 41. He worked at the Court of Appeal until he retired at the age of 71.

Law school must not have been all that bad because 25 years after graduating law school, my dad took a sabbatical as an Appellate Justice and spent two summers living in Charlottesville, Virginia earning his L.L.M. from the University of Virginia School of Law. My mom spent one of those summers with him, leaving my older brother and I home alone for the summer with their credit card. His classmates were Supreme Court Justices and federal judges from all over the country. One of his classmates and friends, John Cornyn, later became the senior U.S. Senator of Texas. In 1995, he earned his master of laws and I earned my high school diploma. We attended each other's graduation ceremonies.

My dad loved the law. He thought about it constantly. To him, working in this profession was not something you could simply turn on or off each day. I recall being an undergraduate student at U.C.

Santa Barbara and received more than one 5:00 a.m. phone call from my dad (much to the delight of my roommates) when he wanted to "run a case by me." He cared so much about "getting it right" that he must have forgotten that I might have been tired from studying all night while living in Isla Vista (wink, wink!). When I passed the bar exam and was preparing to start my own career in the law, my dad pulled me aside and asked me what I wanted out of my career. I told him matter-of-factly that I wanted to make a decent living, have a family, and live comfortably. He told me that I had it all wrong. He said working in the legal profession would allow me to "make a positive impact in someone's life every day." He knew we all had to work to survive, but he was never motivated by money. His message in promoting what it took to be successful in the legal business was simple: "Be kind, stay humble, and work hard."

Over the past two decades, my dad, my friend, Chuck Gorian (a local private criminal defense attorney), and I were often invited as a trio to speak to pre-law students at U.C. Riverside for various seminars. The purpose of the seminars was to give advice to budding future lawyers, answer any questions about the ins and outs of law school, and to act as a resource for those interested in a career in the law. Instead, my dad used the opportunity to persuade these future lawyers to not go to law school. He talked about how hard the law school admissions test and bar exam were, how expensive and difficult law school would be, and how much dedication, time, and effort it took to be an effective lawyer. I once asked him why he was so blunt to these students in his description of the law school experience and the legal profession in general. His response was on point: "I want them to understand that being a lawyer is not just a job, it's a calling that requires sacrifice, great effort, and always putting others' interests above your own."

My dad loved having law clerks work with him over the summers. He believed in the value and benefit of learning while on the job and many of these students received credit towards graduation through the externship program. There are so many notable and distinguished alumni of the Justice Thomas E. Hollenhorst extern program that I could fill up an entire article with their names and accomplishments. Assistant District Attorney Jared Haringsma, Jon Lewis, a decorated civil attorney (my dad also played matchmaker to Jon and his wife, former Riverside County Bar Association president and civil attorney extraordinaire Robyn Lewis), and my colleague and dear family friend, the Honorable Judge Kira Klatchko, all worked in my dad's chambers. Before becoming an extern for my dad, you had to pass a test that you did not even know you were taking. During the oral interview, my dad would ask candidates what they thought of law school. If a candidate responded with "I loved it," he or she would automatically be disqualified from working with him. When I asked him why that answer would disqualify a candidate, my dad believed the candidate was either weird or lying because "no one should love law school."

Though my dad worked very hard, he also played very hard. He believed in the value of maintaining proper balance in life. When my dad was not at work, he would either be fishing, riding his motorcycle, or flying his private plane. Together, he and I have fished in lakes and oceans from Florida to Alaska - including annual trips to Mexico. After particularly good days at sea off the coast of San Diego, my dad would rush back, stinky and tired, to make it to the courthouse parking lot to hand out fresh filets to the staff as they left at the end of the day.

My dad always owned motorcycles. He loved the freedom and adventure of being on the open road for days on end. He and his

best friend, the Honorable Judge Dennis McConaghy (ret.) - who was with him until the very end - along with his dear family friends, John Bailey (a local title insurance attorney), and Ron Knoffloch (a retired Riverside Police Department officer) and various others, traveled all over North America together on their motorcycles, including a 5,000 mile, 10-day trip across the United States. When motorcycles became too heavy for him to safely ride later in life, you could see my dad putt-putting around Riverside on his motor scooter.

A strong motivator for my dad was his sincere belief in the service to others through performing community service. He was a lifelong member of the Rotary Club and he participated in countless community service projects, all with the goal of bettering someone else's life. One of his favorite projects, and something he spearheaded for over a decade, was his annual holiday trip to orphanages in Tijuana, Mexico. When I was attending Riverside Poly High School in the early 1990s, my dad encouraged me to create a community service club called "The Interact Club." His Rotary Club sponsored the formation and oversight of the Interact Club. Each holiday season, my dad and I organized clothing, food, diaper, toy, and hygiene product donations from the students and staff at Poly High School. We would collect truckloads of donations. We then organized members of both Rotary and Interact Clubs, as well as their families, to spend a day visiting various orphanages throughout Tijuana. The looks on those children's faces when we brought them gifts and toiletries, and held and played with them, will be forever emblazoned in the hearts and minds of everyone who participated. The Interact Club also spent time each month visiting senior living facilities throughout the city of Riverside to provide companionship to the residents. Long after I had moved on to college and law school, my dad continued to organize and chaperone all the community service projects through the Interact Club at Poly High School. He cared deeply about his involvement with that club.

Another one of my dad's favorite community service commitments was judging the finals of the Riverside County High School Mock Trial Competition every year. As many of you know, he took his role very seriously! He would reach out to me well before the finals to brainstorm legal issues presented in the fact pattern. He would formulate ideas and questions before arguments even started. He loved the give-and-take with the students who were competing. He pushed them hard because he believed in the value of critical thinking while on your feet, but he was also complementary and excited to see who could become the next generation of local lawyers. Undoubtedly, some of you reading this are smiling right now when you remember how dedicated he was to his role as the judge of the finals.

My dad also had many varied interests. He always wanted to learn to play a musical instrument. Well into his adult life, he began taking private piano lessons from an instructor in her home near Riverside Community College. Once a week, before or after work, he would stop by for a 1-hour lesson. This lasted for close to 20 years. If I'm being honest, no matter how much he practiced or how many lessons he took, his piano playing never improved! But since he loved it so much, we always encouraged his playing. When I came home for the holidays during breaks from school, my dad rejoiced while sitting at the piano doing his best Stevie Wonder impression with his head swaying side to side and his beloved dogs laying near his feet. After he finished playing, he would ask the dreaded question, "Can you name that tune?" I would politely say, "I'm sorry Dad, I can't, but it's on the tip of my tongue." To which he replied, "How

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can you not remember the Star-Spangled Banner?" His piano playing was awful, but his dedication to playing was sweet and sincere. He also loved watching the University of Kansas Men's Basketball Team, my law school alma mater, in person or on television. We took an annual trip to Lawrence, Kansas every winter for basketball, smoked ribs at Arthur Bryant's barbecue, and homemade burgers at Johnny's Tavern. His last trip coincided with my son's first trip. We plan to continue that tradition every year, but I am already anticipating the inevitable feeling of imbalance by taking that trip without him.

Losing my dad still seems unreal. He fought a long, hard battle with kidney disease without complaining. During the last few years working as a justice, my dad had to undergo dialysis treatment every other day after work. During that time, he did not have to work. He worked because he believed he was still making a positive difference in someone's life every day. Professionally, his colleagues and peers know him as one of the longest tenured Appellate Justices in the history of California, a brilliant legal mind, an expert on legal ethics, a gifted storyteller, friendly and affable, and someone who never met a stranger. To me, I am that kid who grew up thinking his dad was the greatest person in the world and someone I emulated to be. He had flaws like we all do, but to me, he was almost perfect. My interest in the law, my work as an attorney with the office of the Riverside County District Attorney and serving as a judge with the California Superior Court, Riverside County, and both my living and raising a family in Riverside are all because of his influence. If you have appeared in my courtroom and have heard me say something profoundly witty, sincerely thoughtful, or downright silly, there is a better than good chance he had a hand in helping me with that comment or ruling. I never took for granted the fact that I had a retired appellate justice, who I was lucky enough to call my dad, on my speed dial! I am so proud of the fact that my dad and I are the first set of parent and child judges in the history of Riverside County. He never said it, but I know he was too.

Beyond that, and more importantly, my dad taught me kindness, empathy, and that every person matters and every life has value. He never missed an opportunity to say hello to the support staff who worked behind the scenes. He was just as friendly with the maintenance workers as he was with fellow justices. He appreciated a day-old donut or warm cup of Vietnamese soup at a hole-in-the-wall shop more than a fancy steak dinner. He was a regular guy, humble to the core, who's professional accomplishments far outweighed his ego. The best compliment I regularly received about my dad was when people would meet him, they would have no idea that "he" was a justice on the court of appeal. The simple reason behind that compliment is that his profession never defined who he was as a person.

I talked to my dad almost every day. Sometimes multiple times a day. His voice messages would almost always start with, "Hey Tim, Dad here...I've been thinking about your case and have some thoughts for you..." I am going to miss those voice messages and conversations. In fact, I already do. My beautiful wife, Noreen, has never been fond of the words "good-bye" as they imply finality or the end of something to her. In her honor, during my last conversation with my dad, I told him I loved him and he was the best guy I had ever known, but I never used the words "good-bye." Just, see you soon Dad...

Honorable Timothy J. Hollenhorst is a judge in the California Superior Court, Riverside County.



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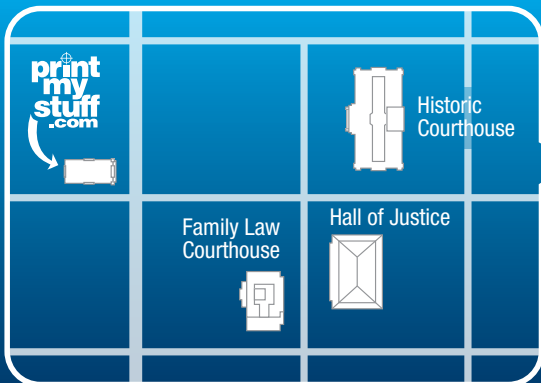
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- 12** Civil Litigation Section
Noon, Zoom
Topic: Civil Court Updates
Speaker: Judge Chad Firetag
MCLE
- 13** Criminal Law Section Meeting
Noon, Zoom
Speaker: Brent Romney
MCLE
- 15** General Membership Meeting
Joint with the FBA-IE
Noon, RCBA Gabbert Gallery
Topic: "The Shifting Legal Landscape of Tribal Sovereignty"
Speaker: UCLA Professor Van Schilfgaarde
MCLE - Elimination of Bias
- 19** Family Law Section Meeting
Noon, RCBA Gabbert Gallery
Topic: "Elimination of Bias in the Legal Profession"
Speakers: Judge Kirk Nakamura and Judge Linda Miller
MCLE - Elimination of Bias
- 20** Estate Planning, Probate & Elder Law Section Meeting
Noon, RCBA Gabbert Gallery
MCLE
- 21** Barristers CLE
RCBA Gabbert Gallery
5:00 - 5:45 pm - Networking
6:00 - 7:00 pm - Program
Topic: "Perspectives from a Former Solo Practitioner and Current Judge of the Riverside County Veterans Court"
Speaker: Judge Randall Stamen

Events Subject To Change

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

MISSION STATEMENT

Established in 1894

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

RCBA Statement

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

Membership Benefits

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

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

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

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

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.



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