

Riverside  
County

# LAWYER

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## 2004 Mock TRIAL WINNERS



## POLY HIGH SCHOOL 1ST PLACE

The official publication of the Riverside County Bar Association

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Riverside  
County

# LAWYER

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# MISSION STATEMENT

## Established in 1894

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

## RCBA Mission Statement

The mission of the Riverside County Bar Association is to:

Serve its members, and indirectly their clients, by implementing programs that will enhance the professional capabilities and satisfaction of each of its members.

Serve its community by implementing programs that will provide opportunities for its members to contribute their unique talents to enhance the quality of life in the community.

Serve the legal system by implementing programs that will improve access to legal services and the judicial system, and will promote the fair and efficient administration of justice.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

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

Eleven issues of Riverside County 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, Annual Joint Barristers and Riverside Legal Secretaries 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.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.



# CALENDAR

## April

- 7 Bar Publications Committee**  
RCBA – Noon
- 8 CLE Brown Bag**  
RCBA, 3rd. Floor – Noon  
MCLE
- 13 PSLC Board**  
RCBA – Noon
- 14 Barristers**  
Cask 'n Cleaver – 6:00 p.m.  
MCLE
- 15 Business Law Section**  
RCBA, 3rd. Floor – Noon  
MCLE
- 16 General Membership Meeting**  
RCBA 3rd Floor – Noon  
(MCLE)
- 20 Family Law Section**  
RCBA 3rd Floor – Noon  
(MCLE)  
**RCBA Board**  
RCBA – 5:00 p.m.
- 22 CLE Brown Bag**  
RCBA, 3rd Floor – Noon  
MCLE  
**Law and Media Committee**  
Bossa Nova – 6:00 p.m.  
MCLE
- 26 Judicial Liaison Committee**  
RCBA – Noon
- 28 EPPTL Section**  
RCBA 3rd Floor – Noon  
(MCLE)

## May

- 1 Law Day at the Malls**  
Galleria at Tyler  
Moreno Valley Mall  
10:00 a.m.- 4:00 p.m.
- 3 Red Mass**  
St. Francis de Sales  
4268 Lime  
6:30 p.m.
- 5 Bar Publications Committee**  
RCBA - Noon
- 7 Good Citizenship Awards**  
Historic Courthouse  
Dept. 1 – 1:00 p.m.





by *Mary Ellen Daniels*

## March in Review

### **Brown v. Board of Education**

As President of the Riverside County Bar Association, one thing I bring with me to this position is my blackness. This year it seems like there is so much happening in the black community that I hesitate sometime to write about it. But it's me, it's who I am. I do not desire to bore my membership but it seems this year is quite a special one for the Black Minority.

This month is the prelude to one of the most important months for Black Americans. The State Bar of California has sent a directive to Bar Leaders throughout the State that we must recognize and support the important role of the legal profession and the judicial system in achieving and mainlining equal justice before the law, whether federal, state or local; and encourage all local, minority, specialty and women bar associations to engage in local programs and activities to commemorate the 50th anniversary of this historic decision.

In preparing for May 17, 2004, I recently spoke with Judge Douglas Miller who is the supervising Judge of the Superior Court. This great man volunteered to go into the community with members of the Bar Association and present information to students and any community groups that would be willing to have us do a presentation on the importance of *Brown vs. Board of Education*. Not only has Judge Miller volunteered, but I have had similar offers from Judge Jean Leonard and Judge Sichel. At this time I am contacting High Schools in our area in an effort to request that they allow the Riverside County Bar to do a presentation to the Student Membership. I know, in the Black Community, that we need role

models to let them know that anything is possible if they work hard I know. I am a testimony to hard work.

I do not ever remember being discriminated against as it relates to educational limitations. I do remember being denied the right to move into an apartment complex that was new and in a white area shortly before I married. I recall my father, who was born and raised in Riverside, talking about how difficult it was in his time. My father attended elementary school in Riverside and was one of the first black Americans to attend Riverside City College, of which he was very proud I remember my father talking about the fact that even in Elementary School back in the early 1930s, he and his black friends could not drink from water fountains at the school where the white students drank and the fact that when his mother needed public transportation, she had to sit in the back of the bus I remember my father telling me that he and his friends could only swim in the public pool on Friday before they changed the swimming pool water so that the white kids could use it when it was clean. I, however, do not remember that.

### **Mock Trial**

This has been a very busy month for those attorneys that have spent the better part of their lives giving to others. Those attorneys are volunteers who have spent countless nights with students who have participated in Mock Trial Competition. Watching the students in their presentation, you could not avoid watching the eyes and expressions of those attorneys who have put so much time and effort into these children's presentation. Children who have been given the Kind of time these attorneys have given, cannot but benefit throughout their lives from this gained.

It is amazing and scary to see such young minds with so much talent. These students were so prepared and could already think on their feet, which some of us still have not mastered.

Congratulations to Poly High School who was the winner of this year's Mock Trial Competition and participated in the State Championships April 2-4 in Orange County. Martin Luther King came in second place.

### **Barrister's Mixer**

This week many of you attended the Barristers First Mixer. This mixer was focused on bringing the old and the new together. Many of you attended the affair and many stuffed animals were collected that will be given to children attending Juvenile Court Proceedings.

It was nice spending time talking to the Judges and other attorneys without the stress and strain in the Superior Court House. There was a jazz vocalist present that added spice and calmness to this classy affair. The event was entitled, "Old Timers Reception". Speaking to some of the members, I do not believe that our attorneys understood that we were all invited, the new

*continued on page 5*



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**President's Message** *(continued from page 3)*

and the older attorneys. We thank Robyn Beilin the Barrister Board and Attorney Harlan Kistler which was instrumental in helping fund this affair. We look forward to the "Annual Old Timers Mixer" next year.

**Judicial Forum**

As most of you are aware, Judge Douglas Miller, Supervising Judge of the Superior Court is a man who has the Superior Court constantly on his mind. Recently, Judge Miller met with several members of the Judicial Community and members of the Bar Association about focusing our attention on a Judicial Forum scheduled for June 11, 2004. Judge Miller would like the Bar Associations in Riverside County and the Judiciary to meet and talk about the State of the Courts, the State of the Bar, numerous community programs, and other matters which are important to all of you.

**March 17**

And, of course, to all of those of Irish descent, hope you celebrated St. Patrick's Day by "wearing the green."

**And There Is... April**

April Fool's Day. In sixteen-century France, the start of the new year was not observed on January first, it was observed on April first. It was celebrated by great parties and dancing that lasted into the night. In 1562, Pope Gregory introduced a new calendar for the Christian world beginning on January first. There were those that did not hear about the change or did not believe the date had changed and continued to celebrate New Year's Day on the first day of April. Others played tricks on them and called them "April Fools." To quote Mark Twain, "The first of April is the day we remember what we are the other 364 days of the year." The cleverest April Fool joke is one where everybody laughs, especially the person to whom the joke is being played.

**And Spring**

Someone once said...

"Spring shows what God can do with a drab and dirty world."

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*Mary Ellen Daniels is president of the RCBA and is a sole practitioner in Riverside.*



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# Barristers

*by Robyn A. Beilin*

As we enter the final months of the 2003-2004 year for Barristers, we look back to a season of accomplishment. We have had increased interest in our organization and a higher rate of attendance at our monthly meetings than ever before. Speakers such as Diane Roth, Terry Bridges, and retired Judge John Kennedy have taken time out of their busy schedules to share their thoughts with freshman attorneys who are eager to benefit from their experience.

This year has also been an exciting year for Barristers, as we have hosted the Oldtimers' Event as a social reception at BMW of Riverside. Thanks to the generosity of BMW of Riverside, the Law Offices of Harlan B. Kistler, and IVAMS, more established members of the RCBA had the opportunity to meet with our Barristers members, who are new to the legal community. Thank you again to all sponsors for their donations that allowed this event to take place.

I would again encourage all recently admitted attorneys to consider becoming involved in Barristers by attending our monthly meetings. Our next gathering will take place on April 14, 2004, at 6:00 p.m. at Cask 'n Cleaver, which is located on University Avenue in downtown Riverside. We are pleased to announce that we will be joined by local attorney Randy Stamen, who will lead a discussion on "Carving Your Niche" in the legal market today. In June, Aurora Hughes, who is President of the Federal Bar Association, will join us for a discussion on "Taking an Effective Deposition."

If you would like more information regarding Barristers, please contact Robyn Beilin at (909) 686-8848 or [beilinro@yahoo.com](mailto:beilinro@yahoo.com).

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*Robyn Beilin is with the Law Offices of Harlan B. Kistler and Secretary of Barristers.*

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# MOCK TRIAL 2004

by John Wahlin

**T**wenty-eight teams from twenty-four Riverside County high schools competed in February and March of this year for the county mock trial championship. The case, *People v. Casco*, involved search and seizure issues in the pretrial motion and charges of credit card fraud in the succeeding trial.

Under a new format, all twenty-eight teams participated in the first four rounds of competition, held in courtrooms throughout the county. Individual participation awards were presented at an awards ceremony following the fourth round. The eight highest ranked teams then went on to a single elimination tournament. In the quarter final round in the Riverside Hall of Justice on March 3, these "elite eight" teams were paired as follows: Corona v. Arlington; Temecula Valley "Gold" v. Woodcrest Christian; Riverside Poly v. Santiago; and Temescal Canyon "Silver" v. Martin Luther King Jr. "Scarlet."

The semifinal round on Saturday, March 6, in the Historic Court House, matched Corona against Poly and Temecula Valley Gold against King Scarlet. King Scarlet and Poly moved on to the championship round in Department 1, before a capacity audience. As in the past several years, Justice Thomas Hollenhorst of the state Court of Appeal presided over the trial. The distinguished panel scoring the round included Superior Court Judges Douglas Miller, Gloria Trask, and Sharon Waters, Public Defender Gary Windom, and Assistant District Attorney Rod Pacheco.

King's Scarlet team prosecuted the case against Poly's defense in a closely contested round in which Poly emerged as the county champion. RCBA president Mary Ellen



MLK High School - 2nd place winners



Corona High School - Tied for 3rd place winners



Temecula High School - Tied for 3rd place winners

Daniels presented a \$500 check and the championship award to Poly in the team awards ceremony in Department 1. Riverside County Assistant Superintendent of Schools Dr. Jock Fischer presented the second and third place awards. Earning third place recognition were the other semifinalists, Corona and Temecula Valley Gold.

In winning the 2004 competition, Poly earned its third consecutive county championship. In the 22 years of the mock trial program, only the 1990 to 1992 Poly teams had achieved this distinction. Poly, the defending state champion, went on to the state competition, which for the first time was held in Orange County.

Riverside County is recognized as one of the



Rod Pacheco with  
Julia Malkina - MLK High School  
Prosecution Trial Attorney  
Internship Award Winner



Vicky Degtyareva High School  
Defense Trial Attorney  
Internship Award Winner

strongest mock trial programs in the state, as reflected by four state championships and one national championship. In addition, Judge Helios (Joe) Hernandez of the Riverside Superior Court presided over the

state final in 2003 and was invited to participate in the preparation of the 2004 case materials.

As always, the competition was made possible by countless hours volunteered by the judiciary, the bar, and legal secretaries, acting as presiding judges, coaches, scorers, members of the steering committee and court room administrators. As the program grows, it has become increasingly difficult to find sufficient volunteers. Those who have not participated are encouraged to do so in the 2004-2005 competition.

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*John Wahlin, Chairman of the RCBA Mock Trial Steering Committee, is an attorney with the law firm of Best Best & Krieger, L.L.P.*

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# VENGEANCE: A MOCK TRIAL COACH'S STORY

by Robyn A. Beilin and Jonathan Lewis

**O**n a Saturday morning in 1992, observers in a courtroom filled to capacity watched anxiously as two local high school teams competed in a mock trial competition. Arlington High School's defense team was up against Polytechnic High School's prosecution team. The crowd was on the edge of its seats as the two teams competed for victory. As the competition came to end, one stellar member of the defense team smiled to himself as he thought of the job that he and his team had done against Poly – the infamous team that seemed to sweep county competitions every year. He just knew that his team had unseated the expected winner.



As the courtroom administrator collected the score sheets from the judging attorneys, the crowd barely drew a breath in anticipation. That is, everyone but this one defense attorney from Arlington. No sweaty palms or racing heart for him. He leaned back in his chair to accept the sweet words of victory, then heard the judge say the unthinkable – Poly had won the competition.

Devastated, this young man wondered what had gone wrong. As he scratched his head in disbelief, his coach approached him and informed

him of a fact so devastating that it was actually worse to hear than the news of the loss itself. Arlington had lost to Poly by a mere point. One single point, and Poly advanced in the round while the kids from Arlington went home.

It was at that moment that the young man vowed to avenge this loss . . .

We had the privilege of coaching twenty students from Santiago High School in Corona for this year's Mock Trial Competition. When we entered the classroom for the first time in October, the room was filled with nameless faces. It was our job as attorney coaches somehow to turn these high school kids into attorneys, clerks, bailiffs, and witnesses.

For those of you unfamiliar with the Mock Trial program, it is definitely worth learning more about. High school students from all over the county practice for a period of several months to put on a criminal trial, which is based on a hypothetical case and limited case and statutory law. At the end of the preparatory period, the students compete in several rounds of competition, with one high school ultimately winning the county title. The county champion goes on to compete in a state competition, with the possibility of winning and moving on to nationals.

After selecting our team and assigning the various roles, we started with bi-weekly practices at Santiago High School, each session teaching the students evidentiary objections, how to lay a foundation, and the art of cross-examination. As relatively young attorneys ourselves, this required dusting off old evidence books from law school at times and remembering mantras from law school like, "an out-of-court statement offered for the truth of the matter asserted." Preparing for trial is difficult for any attorney, but imagine what it would be like with every participant in a trial being a novice.





At times, we wanted to strangle the team members, as they fooled around or ran down the hallways while we tried to go over a direct examination or opening statement. We sometimes forgot that these students were kids and not attorneys, as we pushed them harder and harder to prepare themselves for the impending competitions in February. But ultimately we saw great potential in these young minds as they blew us away with their thoughtful questions and their innovative approaches to trying to get evidence admitted through examination.

As the months went on, we got to know the students and encouraged them each to do their best. With each face now familiar, we were touched by the dedication and hard work of the students as they strived to perfect their respective roles. Suddenly, competition was upon us, as we focused on last minute details like insisting on haircuts and approving wardrobe choices.

*It seemed like only moments later in time as the young man entered the courthouse for the first round of competition – although this time, he was not a competing student but a coach. He recognized judges who had once judged him as a student and whom he now appeared before as an attorney. He saw attorneys he once knew as coaches but now knew as colleagues. As he looked for his team in the crowd, he noticed a group of well-dressed, confident students walking in unison with their coaches by their side. He knew in an instant it was the Poly team and he suddenly saw a light at the end of the tunnel. His revenge on Poly would finally be realized if only his team could unseat his nemesis in competition!*

Neither of us knew what to expect when our team finally entered the first round of competition. At times, our hearts were filled with pride as our students shone during a pretrial motion or while testifying on cross-examina-

tion. At other moments, we were disappointed when a student failed to nail a direct examination, and our hearts sank when a witness was impeached.

After every competition, we spent time with the team to point out their strengths and weaknesses that evening. Even during the first round, countless hours were spent perfecting arguments and characters, as our students became more and more excited about the prospect of winning. We lived and breathed the case that last month as if it were one of our own cases. And we felt the thrill of victory and the sting of defeat along with our students.

With four rounds of competition completed, we were scheduled to go to an assembly for the announcement of the Elite 8, or the top eight teams that would advance to the next round of competition. Although we were pleased with our team's performance, we were uncertain whether our name would be called. Suddenly, we heard the high school's name announced and the name of our next competitor – we would advance to the next round with our defense team paired against Poly.

The next two days were spent in devoting long hours to prepare. Our team worked tirelessly to get ready for this important competition, as they understood that a loss would mean that our season was over. And they understood they were going up against a tough team, as Poly students have a reputation for excelling in the program.

We were so proud of our team's excitement as the night of competition drew near. And, as our kids competed, we could not have asked for a better performance from any of them.

*Because the scores were not announced until the day following the competition, the young man sat around at his office to hear if his years of waiting were finally over. When he was informed that Santiago had lost the round, he learned that once again Poly had taken it from him. However, it strangely did not tear him apart, as he realized that the experience of participating in the program and getting to know the kids was worth more than the shallow thrill any victory could have brought him.*

Unfortunately, it turned out that Poly had a better round than we did as we lost to them that evening. But as we sat with our kids on the night of our last practice, after having received the disappointing news, we were again reminded of the invaluable experience that coaching a Mock Trial team has brought to each of us. So our thanks go to all of the students of the Santiago Mock Trial team, as you have reminded us of why we became attorneys in the first place – for the sheer love of lawyering. And for those of you who are not involved in this program, we would strongly urge you to participate next year as a coach or scoring attorney. We think you will be as amazed as we were at the talent of the students and their hard work and dedication.

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*Robyn Beilin is an Associate Attorney with the Law Offices of Harlan B. Kistler and is Secretary of Barristers and a member of the RCBA Publications Committee. Jonathan Lewis of J. Lewis and Associates is in private practice and is a former member of Arlington High School Mock Trial Team (1992).*

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by Gayle Webb

## What's Happening at the Law Library?

The Law Library recently partnered with the Research Institute of America (RIA) to provide patrons with up-to-the-minute tax information and analysis through *Checkpoint*, the RIA's Internet-based tax and accounting research product. *Checkpoint* has been enhanced over the last few years. Some of the special features of *Checkpoint* include 40% more case and ruling annotations, full-text reprints of cases, and headnotes than any other tax reporter; annotations organized by code section and legal issue; commentary in the form of "Observations," "Examples," "Cautions," and "Tax Tips," providing advice and professional insights; multiple document searches at one time; new search templates; and special "hot links" and "go-to" buttons to help zero in on the information you need.

As we are in the second month of a one-year evaluation of *Checkpoint*, we would appreciate your opinions on this new product. An online self-help training section is offered for this

program; if you would like additional assistance, just ask our new Reference Librarian, Bret Christensen, and he'll be happy to show you how to use it.

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Do you have something needing to be notarized? The main Riverside Law Library is now offering notary public services for a nominal fee. Our Reference Librarian, Bret Christensen, will be on hand to provide this convenient service to all library patrons.

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Be sure to mark your calendar for National Library Week, April 11-24 (or as we law librarians call it, the National Legal Research Teach-In). We will be giving computer demonstrations all week, distributing new handouts on the best legal Internet sites, displaying collection highlights, and giving away free gifts to all those who participate. See you here!

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*Gayle Webb is the Riverside County Law Library Director.*

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# SUMMER LINEUP: NEW REALITY TV SHOWS

1. BIG FIRM EYE FOR THE SOLO PRACTITIONER
2. PROSECUTOR EYE FOR THE CRIMINAL DEFENSE ATTORNEY
3. 15 RULES FOR APPEARING BEFORE JUDGE WATERS
4. LAW FIRM SURVIVOR
5. THE ASSOCIATE
6. THE I.E.
7. MY BIG FAT OBNOXIOUS DIVORCE CLIENT



Before he became president of the United States, Abraham Lincoln practiced law in Illinois. Not everyone was happy with attorney Lincoln. Therefore, the Illinois State Bar brings you:

## THE TOP TEN COMPLAINTS AGAINST ABRAHAM LINCOLN, ESQ.

1. His hat is too tall.
2. His office is under his hat.
3. He's never in his office.
4. His briefs smell funny.
5. He won't take a stand on anything.
6. He writes with a Mont Blanc quill.
7. He wants four chickens up front as a retainer.
8. He never passed the bar exam.
9. He'd look better with a moustache.
10. He never answers my telegrams.



# DO YOU SPEAK LATIN?

*Fill in the blank with the correct Latin term:*

1. At large. \_\_\_\_\_
2. In the civil law, letting for hire. \_\_\_\_\_
3. A thief. \_\_\_\_\_
4. Among; between. \_\_\_\_\_
5. A measure of land; a yoke. \_\_\_\_\_
6. For the public good;  
for the welfare of the whole \_\_\_\_\_
7. Without. \_\_\_\_\_
8. On that day; on the same day. \_\_\_\_\_
9. A citation or summons to court. \_\_\_\_\_
10. Well \_\_\_\_\_



### ANSWERS:

1. AD LARGUM; 2. LOCATIO; 3. FUR; 4. INTER; 5. JUGUM; 6. PRO BONO PUBLICO; 7. SINER; 8. EO DIE; 9. CITATIO; 10. BENE

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# DARWIN AWARDS

Mon, February 23, 2004

## “Spitter takes fatal plunge”

BY SUN MEDIA

OTTAWA — A Carleton University engineering student participating in a spitting contest with friends plunged 11 floors to his death off an Ottawa highrise late Saturday night. Police said it appears Ameer “AJ” Jinah took a running start to try to spit further than his two friends when he unintentionally vaulted himself over the 11th-floor balcony railing. Police said Jinah was celebrating his 20th birthday with a dozen friends when the accident happened.



12 February 2003

Three men wielding knives tried to rob a slaughterhouse. But when it comes to hand-to-hand combat with sharp blades, butchers working in a slaughterhouse are more than a match for your average thief. They stabbed two of the intruders to death. The third man escaped from the angry butchers and fled in his car.

Police soon spotted him, and after a brief car chase, the would-be thief pulled over and leapt from his vehicle. But instead of fleeing into the underbrush, he tried to dodge heavy traffic and escape across the highway. Perhaps he thought that threatening butchers with knives was not a sufficient demonstration of his intelligence. Within seconds, the natural justice system meted out his punishment in the form of a large truck, which struck and killed him.

DarwinAwards.com © 1994 – 2004

Submitted by: *Wieger van der Meulen, Eye Wiersema*



9 April 2003, New Zealand

Phil needed to make repairs to the underside of his car. But when he jacked it up, there wasn't enough room for him to work. So he removed the car's battery, placed the jack on top of it, and set to work again, this time with plenty of elbow room. Unfortunately for Phil, car batteries are not designed to carry much weight. The battery collapsed and the jack toppled, trapping him beneath the car. Unable to breathe due to the weight on his chest, he quickly expired in a pool of battery acid. This incident is illuminated by two additional facts: First, Phil's occupation was Accident Prevention Officer at a large food processing plant. And second, ten years previous, he had been working under a car when the jack collapsed, trapping him and breaking one of his legs. Some people just don't learn – even from their own mistakes.

DarwinAwards.com © 1994 – 2004

Reference: *Personal account of his work mate, and The Daily News, Taranaki, New Zealand*



2 August 2002, Kansas

Police said an Olathe man was struck and killed by a train after his vehicle broke down on Interstate 35. His attempts at repairing his car had failed, and he had stepped away from the busy freeway to call for help, when the train engineer spotted him standing on the tracks. The engineer said the man was holding a cell phone to one ear, and cupping his hand to the other ear to block the noise of the train.

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Submitted by: *Sharol*

Reference: *Kansas City Star & TV news*



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3 February 1990, Washington

A man tried to commit a robbery in Renton, WA. This was probably his first attempt, as suggested by the fact that he had no previous record of violent crime, and by his terminally stupid choices as listed below:

1. The target was H&J Leather & Firearms, a gun shop.
2. The shop was full of customers, in a state where a substantial portion of the adult population is licensed to carry concealed handguns in public places.
3. To enter the shop, he had to step around a marked police patrol car parked at the front door.
4. An officer in uniform was standing next to the counter, having coffee before reporting to duty.

Upon seeing the officer, the would-be robber announced a holdup and fired a few wild shots. The officer and a clerk promptly returned fire, removing him from the gene pool. Several other customers also drew their guns, but didn't fire. No one else was hurt.



So you think you're having a bad day? In California, wildfires are part of the natural cycle of the forest. They are caused by lightning, by arson, by acts of God. Brave firefighters earn their livings extinguishing these ravenous blazes.

Recently, fire marshals found a corpse in a rural section of California while they were assessing the damage done by a recent forest fire. The deceased male was dressed in diving gear consisting of a recently-melted wetsuit, a dive tank, flippers, and face mask. Apparently the man had been participating in recreational diving fairly recently.

A post-mortem examination attributed death not to burns, but to massive internal injuries. Salt water was found in his stomach. Dental records provided a positive identification of a man who had been reported missing a week before, and the next-of-kin were notified. Investigators then set about determining how a fully clad diver ended up in the middle of a forest fire.

It was discovered that, on the day of the fire, the deceased had set out on diving trip in the Pacific Ocean. His third dive was 20 kilometers away from the location of a large brush fire which was threatening the safety of a nearby town.

Firefighters, seeking to control the conflagration as quickly as possible, had called in a fleet of helicopters to saturate the area with water. The helicopters towed large buckets, which were dropped into the ocean for rapid filling, then flown to the fire and emptied.

You guessed it! One minute our diver was marveling at the fish species of the Pacific, and in the next breath, he found himself in a fire bucket 300 meters in the air. He experienced rapid decompression caused by the altitude change, suddenly followed by a plummet into burning trees.

As a consolation to bereaved relatives, investigators calculate that the man extinguished roughly 1.78 square meters of the fire, approximately the area covered by a splattered human body. The bereaved are also consoled by the knowledge that he had enjoyed two rewarding dives preceding his fatal third dive.

Divers and pilots alike are being warned to remain on the alert. Divers are encouraged to remain calm if scooped from the water, and to hang onto the bucket when the water is dumped on the fire. Decompression chambers will be available immediately upon landing.

Classified Urban Legend 17 October 1997



Taken from darwinawards.com.



# WORD SEARCH

T	R	A	I	L	Y	Q	E	L	C	M	P	C
N	O	I	T	A	S	N	E	P	M	O	C	O
E	B	R	H	Y	Z	S	E	R	R	O	R	U
M	B	W	T	R	N	K	A	C	E	T	X	R
N	E	C	J	U	D	G	E	P	R	C	F	T
O	R	V	O	J	B	E	N	A	S	A	I	E
S	Y	C	O	D	E	D	F	R	D	E	L	V
I	N	E	G	L	I	G	E	N	C	E	R	I
R	V	E	R	D	I	C	T	E	M	T	U	T
P	X	T	N	E	T	N	I	I	D	O	P	O
M	R	E	T	H	G	U	A	L	S	N	A	M
I	C	L	I	T	I	G	A	T	I	O	N	Z
Y	T	N	E	M	E	L	T	T	E	S	B	Q

CODE  
 CODICIL  
 COMPENSATION  
 COUNSEL  
 COURT  
 DEED  
 ERROR  
 IMPRISONMENT  
 INTENT  
 JUDGE  
 JURY  
 LARCENY  
 LIEN  
 LITIGATION

MANSLAUGHTER  
 MCLE  
 MOOT  
 MOTIVE  
 NEGLIGENCE  
 NOTE  
 ROBBERY  
 SANE  
 SETTLEMENT  
 TORT  
 TRESPASS  
 TRIAL  
 VERDICT  
 VICE



# ANAGRAMS

1. TIANFAF
2. ABR SSOIATACNIO
3. KCOM AIRTL
4. RRBERSASIT
5. YLARWE
6. NRDEL CIAOAT
7. XGDNADNKADNDNSADN
8. OFLO
9. NAFEEDDNT
10. PIDUTS LIRIN CMA
11. SECITJUS



11. JUSTICES

10. STUPID CRIMINAL

9. DEFENDANT

8. \$\$\$

7. FOOL

6. DECLARATION

5. LAWYER

4. BARRISTERS

3. MOCK TRIAL

2. BAR ASSOCIATION

1. AFFIANT

**ANSWERS:**

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# HOLY DEADLOCK

*by Richard Brent Reed*

Marry 'em and bury 'em: these are the priestly duties in France, but not necessarily in that order. In the country that brought you the Marquis de Sade, optional bathing, and the Scion, a woman whose fiancé kicks the bouquet can force the poor stiff to go through with the ceremony. In France, a deal is a deal. There's no way out but through.

Recently, in *Lawrence v. Texas*, the U.S. Supreme Court overturned the Lone Star State's sodomy law, bemoaning that America is out of step with European customs and "international law." If Europe doesn't have a problem with it, why should we? Well, I don't hear a clamor to adopt France's open-casket policy toward necrophilic marriage. But why shouldn't the dead be allowed to marry? If the dead can be contractually bound in French courts, why shouldn't they have standing in ours? Critics will no doubt protest that permitting dead people to marry will open the door to other excesses: same-sex necrophilic unions; marriage between a brother and his dead sister; and, inevitably, graveyard polygamy. Why should two people who love each other be denied the benefits of marriage, just because one of them is dead? Those who wish to practice an alternative deathstyle should not be discriminated against. A constitutional amendment extending equal protection to dead people will lay this issue to rest.



# CALIFORNIA STATE BAR ASSOCIATION DISTRICT 6 RECEPTION JAMES O. HEITING, LAW OFFICE / RESIDENCE



Tony Capozzi, State Bar President; John Van de Kamp; Jim Heiting;  
 Judy Johnson, State Bar Executive Director; Judge Dallas Holmes; Cindy Heiting



Wilfred Schneider, Mary Ellen Daniels, Richard Irwin



Vivian Kral, Board of Governors; Sheldon Sloan, Board of Governors;  
 Judy Johnson; Shelly Kaplan Sloan



Aurora Hughes; Alan Turner, Executive Director San Bernardino;  
 Charlotte Butt, Executive Director RCBA



Justice James Ward, former Board of Governors member  
 and Carole Ward



Windie Scott; Justice Betty Richli; Jim Heiting;  
 Justice George Nicholson, Presiding Justice Sacramento; Mrs. Nicholson; Tony Capozzi



Peter Norell, PJ, San Bernardino; Judge Dallas Holmes;  
Jim Heiting, District 6 Board of Governors representative; John Van de Kamp,  
Board of Governors, L.A.; David Marcus, Board of Governors, L.A.



Tony Capozzi; Jim Heiting; Demetrius Shelton, Board of Governors,  
Alameda County; Starr Babcock, Assistant Executive Director, State Bar



Brian Percy; Cindy Heiting; John Van de Kamp; Dan Hantman



Mary Ellen Daniels, RCBA President and Richard Irwin

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**NOTICE — RCBA Members:**

**Have you moved? Has your telephone, fax or email changed?**

**Please contact the RCBA office at (909) 682-1015**

**or [rcba@rcba.net](mailto:rcba@rcba.net) with any changes.**

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# BARRISTERS' OLDTIMERS RECEPTION

by Robyn A. Beilin

I am pleased to report that the Barristers' Oldtimers Reception, which was held on March 10, 2004, was a huge success. Despite grumbles from the more established members of the RCBA about the usage of "Oldtimers," many former Barristers stopped by to meet Barristers' newest members.

The reception, which was co-sponsored by BMW of Riverside, the Law Offices of Harlan B. Kistler, and IVAMS, was held in the BMW showroom on Adams Street in the Auto Center.



Guests were treated to catered edibles and spirits while listening to the musical accompaniment of jazz singer Darvy Traylor. Among those who were treated to view the newest additions to BMW's showroom were Justices Gaut and Ward, Judge Dallas Holmes, Judge Craig Riemer, and Commissioner Robert Nagby, to name a few.

Lisa Visingardi Vahl, a senior research attorney at the Court of

*continued on next page*

After Jim Davis, General Sales Manager for BMW, extended a warm welcome, Jeremy Hanson of Heiting & Irwin, Vice-President of Barristers, thanked all participants in the event. Mary Ellen Daniels, President of the Riverside County Bar Association, commended Barristers for its active role in the Riverside legal community this year.

"I was so pleased to be asked to participate in this event," said Harlan Kistler, one of the co-sponsors. "I am proud to pass on the torch, so to speak, as a former member of Barristers myself."



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**Barristers' Oldtimers Reception** *(cont.)*



*continued on next page*



as well as Harlan Kistler, for their support of Barristers. Finally, I would like to thank RCBA affiliate member Phil Black for making this event possible.

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*Robyn Beilin is an associate with the Law Offices of Harlan B. Kistler, Secretary of Barristers, and member of the Publication Committee.*

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Appeals, recalls her experience as a former Barristers member. “Participating in Barristers gave me the opportunity to become part of this great legal community and helped me make lifetime friends and colleagues along the way.”

All of those in attendance were asked to bring a stuffed animal to the event to donate to Judge Leonard’s courtroom at the Juvenile Court. The toy drive was also a great success!

On behalf of Barristers, I would like to thank everyone who joined us for what I hope will be an annual event. A special thank you to Jim Davis and Gidget Santoliquido from BMW of Riverside for all of their hard work and assistance and to Randy Grams and Pete Eggertson of IVAMS,





# LAW DAY 2004

by David T. Bristow

**T**he American Bar Association's annual Law Day celebration can easily be glossed over by busy practitioners, who spend most days contending with the very tangible woes of their clients. Not often do attorneys have the luxury of sitting back and reflecting on the ideals of their profession. However, Law Day was created for that very reason: to remind ourselves and our community of the importance of the practice of law to our nation.

This year, the May 1 Law Day will focus on the fiftieth anniversary of the United States Supreme Court's landmark ruling in *Brown v. Board of Education*, which ended the legal doctrine of "separate but equal" racial segregation that had been created by the same court almost 60 years earlier in *Plessy v. Ferguson*. Few cases in the annals of modern legal history have had such an impact on our nation as *Brown*, which tore down the high court's official sanction of racial discrimination and set the country on the path toward the realization of the idea that all people are created equal.

While the *Brown* case stands out as an shining example of justice realized, it must also always remind us not to take such justice for granted. The road leading to the *Brown* decision was an arduous one, and it was littered with examples of hatred and bigotry which stain the nation's soul. It is painful to think that a mere half-century ago, it was legal for the government to force citizens of this country to endure separate hotels, restaurants, bathrooms and drinking fountains because of the color of their skin. And perhaps even more painful to think that members of our profession fought to perpetuate such discrimination.

The greatness of being a lawyer is truly borne out when we fight for a cause against superior forces, be they superior in number, funding or simply power. To take on the cause of the oppressed, to throw all of your might behind such a cause regardless of the hardships which you may have to endure, and to wage battle until justice is done, is to realize the power which all of us have, but few of us wield. The Supreme Court's decision in *Brown* was due in no small part to the efforts of such lawyers, who believed in the cause, and who fought on several fronts in order to force the court to take up the issue, with the hope that it would render the right decision. These attorneys included those affiliated with the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund, a group of primarily African-American attorneys, which included Supreme Court Justice Thurgood Marshall, Charles Hamilton

Houston and William T. Coleman, to name just a few. Any remembrance of *Brown* should also be a remembrance of the lawyers and citizens who gave all – including their lives – to fight segregation.

Reflecting back on the court's ruling in *Brown*, it now seems inconceivable that the court could have ruled otherwise. However, the lessons of *Brown* are the lessons of today, as we continue to accept and foster discrimination and myriad other injustices. Now, as always, the importance of our profession must not be forgotten amidst the monthly invoices and status conferences. We are fortunate in this county to have a courthouse which stands as a monument to the concept of justice, and which should remind us of the glory of our profession and inspire us as we walk through its hallways to rise to the challenge posed by that little phrase, that all men are created equal.

David T. Bristow is a partner with Reid & Hellyer APC and Chief Financial Office of the RCBA.



## TO WIN EQUALITY BY LAW

*Brown v. Board* at 50

**LAW DAY** may 1, 2004



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Annual Joint General Membership Meeting of the  
**RIVERSIDE COUNTY BAR ASSOCIATION**  
&  
**RIVERSIDE LEGAL PROFESSIONALS ASSOCIATION**

Friday, April 16, 2004 ~ 12:00 p.m. to 1:30 p.m.  
RCBA Building, 3rd Floor

**“Everything You Need to Know About the New Jury Instructions”**

Guest speakers:

**Justice Bart Gaut, Justice James Ward, and Attorney Terry Bridges**

RSVP by April 13 to: (909) 682-1015 or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com)  
Cost: RCBA/RLSA Members \$18, Non-members \$25

*0.75 Hour MCLE (RCBA is a State Bar of California approved MCLE provider.)*

# 14TH ANNUAL RED MASS



## 14TH ANNUAL RED MASS

Tuesday, May 4, 2004, at 6:30 p.m.

Saint Francis de Sales Church  
4268 Lime Street, Riverside



**T**he entire legal community and persons of all faiths are invited to attend the 14th Annual Red Mass on Tuesday, May 4, 2004, at 6:30 p.m., at Saint Francis de Sales Catholic Church, located at 4268 Lime Street, in downtown Riverside, across from the Court of Appeal. A reception in the parish hall hosted by the steering committee will follow the Mass.

The Red Mass is for members of the legal community and their families to invoke God's blessing and guidance in the administration of justice. All who are involved in the judicial system, including lawyers, judges, court personnel, court reporters, court security officers, and public officials are encouraged to attend the Red Mass.

The principal celebrant will be Bishop Gerald R. Barnes, D.D., of the Catholic Diocese of San Bernardino. The homilist and honored guest will be Abbott Francis Benedict, O.S.B., Abbott of Saint Andrew Abbey in Valyermo.

### Judge Robert Timlin Will Be Honored for His Outstanding Public Service

Judge Robert Timlin will be the recipient of the second annual Saint Thomas More Award for his extraordinary service and devotion to church, community, and justice. The Saint Thomas More Award is given to a lawyer in the community whose profession is an extension of

his or her faith, who has filled the lives of the faithful with hope by being a legal advocate for those in need, who has shown kindness and generosity of spirit, and who is overall an exemplary human being. Jane Carney will present the award to Judge Timlin at the reception immediately following the mass.

### The Tradition of the Red Mass

The Red Mass has a rich history. The name "Red Mass" is derived from the liturgical color used in the vestments worn at the Mass, symbolizing the gifts of the Holy Spirit bestowed through tongues of fire. The Red Mass is a Solemn Votive Mass of the Holy Spirit – the word "votive" indicating that the Mass is offered for the special intention of those present.

The first recorded Red Mass was celebrated in Europe in 1245. In the United States, the tradition of the Red Mass was inaugurated in 1928 in New York, where a Guild of Catholic Lawyers met with judges and members of law faculties in old Saint Andrew's Church in the courthouse district. The Red Mass is celebrated each year in Washington, D.C., where Supreme Court justices, members of Congress, and the President attend at the National Shrine of the Immaculate Conception. Since 1991, the Red Mass has been offered in the Diocese of San Bernardino, which covers both Riverside and San Bernardino Counties.

For further information about this event, please contact Jacqueline Carey-Wilson at (909) 387-4334.



## CLASSIFIED ADS

### Appeals & Writs

Full-service appellate practice. Flat, hourly or contingency rates. Highly qualified. Jeffrey S. Mintz, Esq., phone or fax (909) 927-4227.

### Free Skip Tracing

We want to be your Process Serving Company. Our local fees are only \$35.00 per defendant/witness, which includes a FREE basic skip trace (if needed). Call us anytime, at (909) 544-0140, or you may fax your case to us at (909) 653-3202. Judgment Collection and other services available. (License #713)

### Attorney Wanted

New admittee, some experience preferred, for growing litigation firm in Corona. Fax resume to (909) 734-8832.

### Litigation Attorney Wanted

Established AV-rated law firm seeks 2+ years associate for new Temecula office. E-mail resume to mgrace@gbhlaw.com.

### Immediate Need for Attorney

Well-known Riverside general, civil, law firm has an immediate need for an additional attorney in Riverside office. Applicants should be a member in good standing of the California Bar Association and have 3-5 years experience, preferable with some knowledge of transactional matters. Salary is negotiable. Firm provides health insurance and has a 401(k) plan available. Those interested should submit resumes to Mr. Eagans or Mr. Matheson at 1950 Market Street, Riverside, CA 92501 or call (909) 684-2520.

### Office Space for Rent

San Bernardino – Downtown, next to Courthouse. Great location, 500-700 sq ft.; \$1.37 per sq. ft. Full service lease with limited parking. Call (909) 906-9304.

### Office Space for Lease

Great location. Half way between Riverside and San Bernardino Courts, 22545 Barton Road, Grand Terrace. 1052 sq. ft., \$900/month; 2 months free rent with 3 year lease. Call (909) 689-9644.

### Office Suites Available

Office suites available in RCBA building. Contact Sue Burns at the RCBA, (909) 682-1015.

### Conference Rooms Available

Conference rooms, small offices and the third floor 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 Charlotte at the RCBA, (909) 682-1015.



## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective April 30, 2004.

**Marlene Allen –**

Gresham, Savage, Nolan & Tilden,  
Riverside

**Patricia M. Ashcraft –**

The Ashcraft Firm, Temecula

**Mary Bader (S) –**

Law Student, Etiwanda

**Justin Janzen (S) –**

Law Student, Rancho Cucamonga

**Felix M. Martin –**

Chapman, Glucksman & Dean, Riverside

**G. Spencer Mynko, M.D. –**

Heiting & Irwin, Riverside

**Emma E. Navarro (S) –**

Nakada & Silva APLC, Riverside

**Michael T. Rickard (S) –**

Law Student, Redlands

**Jerelynn O'Leary Sanchez (S) –**

Law Student, Hemet

**Maia Smith (S) –**

Law Student, San Bernardino

**Keith Fredric Willis (S) –**

Law Student, Moreno Valley

(A) Designates Affiliate Member

(S) Designates Student Member

