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MAGAZINE



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State Bar President Sheldon Sloan
Judicial Profile: Hon. Doug Miller

The official publication of the Riverside County Bar Association

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RIVERSIDE LAWYER

MAGAZINE

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MISSION STATEMENT

Established in 1894

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

RCBA Mission Statement

The mission of the Riverside County Bar Association is to:

Serve 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 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.

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 \$25.00 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 Riverside Lawyer.

The material printed in Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

CALENDAR

DECEMBER 2006

15 Annual Joint RCBA/SBCBA General Membership Meeting

Speaker: State Bar President, Sheldon Sloan
Clarion Hotel, 295 N. "E" St., San Bernardino - Noon
(MCLE)

25 HOLIDAY

JANUARY 2007

1 HOLIDAY

8 CLE Committee RCBA - Noon

9 PSLC Board RCBA - Noon

RCBA/SBCBA Landlord Tenant Section San Bernardino - 6:00 p.m. (MCLE)

10 Mock Trial Steering Committee RCBA - Noon

Barristers "Marketing/Building a Practice" Cask 'n Cleaver, 1333 University Ave., Riverside - 6:00 p.m. (MCLE)

11 Bar Publications Committee RCBA - Noon

12 General Membership Meeting "Entitlement to Attorney Fees" Panel: Judge E. Michael Kaiser, Judge Gloria Connor Trask and Benjamin Getchell RCBA Bldg., 3rd Floor - Noon (MCLE)

13 RCBA/SBCBA Bridging the Gap RCBA Bldg., 3rd Floor - 8:00 am - 3:45pm Free to New Admittees (MCLE)

15 HOLIDAY

16 Family Law Section RCBA Bldg., 3rd Floor - Noon (MCLE)

(continued on page 27)



President's Message

by David T. Bristow

With the holiday season upon us, and another year coming to a close, it is an apt time to reflect and give thanks for our good fortune. As the bar president, I am thankful for our wonderful staff, without whom this organization could not thrive as it has. In particular, no person has had a greater hand in the success of the RCBA than our executive director, Charlotte Butt, a fact made all the more impressive by the absence of her fingerprints. Charlotte is the first to arrive and the last to leave, she always gives 100 percent, and she never – ever – complains. She labors only for the good of the bar, and seeks to avoid the accolades that she so richly deserves. On behalf of our membership, I want to take this opportunity – and there can never be enough – to thank Charlotte and our devoted staff for making the RCBA such an outstanding organization.

I also want to thank the senior members of the bar for cultivating the legal profession in this county with such care, and for setting the standard of excellence in the practice of law in this state. History is such a vital part of our profession that I think we often take it for granted. But if we consider for a moment the fact that the modern law school experience is based, in large part, on the common law of Blackstone's 18th-century England, and that we routinely cite case law from decades – and sometimes centuries – ago, we are reminded of how important the past is to our profession. Indeed, our profession is built upon the past. And so is the RCBA. My skills as a lawyer (such as they are) were imparted largely by the senior members of our community, lawyers like Don Powell, David Moore, Terry Bridges, Michael Bell, Stan Orrock, Pete Mort, and Bill Thomas,

and judges like Vic Miceli. But more than legal skills, our senior members – our most senior members – have imparted the lessons of civility, of honor, of devotion to the profession and to the community. In this regard, lawyers like Art Littleworth, Jim Anderson, and the late Jim Wortz, along with Justice John Gabbert, have been a living example of how lawyers should support the community in which they practice, as well as the profession to which they have committed themselves. These men – along with other men and women too numerous to name – have consistently supported the RCBA, both overtly and covertly, with the singular goal of improving the legal profession in general, and in Riverside County in particular. They have set the standards of ethics and behavior for the generations following them, and I am profoundly grateful and thankful for their personal devotion and contribution to the RCBA.

Which leads me to the introduction of what I hope will be a significant addition to the Riverside legal community for years to come, the James M. Wortz Memorial Address, named in honor of one of the finest brethren, a former president of the RCBA, who passed away in 2005 at the age of 95. Mr. Wortz, who retired as the senior partner of Thompson & Colgate, was a fixture at RCBA meetings long after he had retired from the active practice of law. Despite some of the impediments that creep in with aging, such as loss of hearing, Mr. Wortz made it a point to attend our general membership meetings. It was important to him to continue to participate in the profession, despite his retirement and the physical hurdles that life had thrown up.

The genesis of the Wortz Address came several years ago, when Chief Justice Ronald George came to town to address the RCBA at the Mission Inn. Our members turned out in droves to hear the Chief Justice, and the

Galleria at the Mission Inn was packed. As I made my way through the crowd to my seat, I bumped into a past president of the RCBA, and, as we stared out across the assembled masses, he lamented that the event was a missed opportunity. "We should have charged admission to raise money for legal aid." Voila. From that brief conversation has grown the Wortz Address, which will be an annual RCBA event to raise money for the Public Service Law Corporation (the pro bono arm of the RCBA) and to further our efforts at providing access to legal services for those of limited economic means. The Wortz Address, which will be given in March, will feature dinner and a prominent speaker, and will be held at the Mission Inn. It will be an opportunity for the membership of the RCBA to support our commitment to low-cost legal services while honoring those who paved our way. We are honored to feature as the inaugural speaker Justice John Gabbert, past RCBA president, senior member of the RCBA community and a very dear friend of Mr. Wortz. I am sure our members will again turn out in droves, not only for the opportunity to hear Justice Gabbert, but also to follow in the footsteps of our predecessors.

Also, a gentle reminder: Riverside County needs a strong bar association to safeguard and cultivate its legal system. To ensure future generations of strong leadership for the RCBA, we must all strive to increase our commitment and involvement. This is particularly true with respect to our younger members. We must encourage them to participate in the RCBA, particularly in Barristers. I would ask our senior members to support our younger members and to encourage them to become active in Barristers. All of our members are welcome to attend Barristers meetings, which are held at 6 p.m. on the second Wednesday of each month at the Cask 'n Cleaver on University Avenue in Riverside. Anyone interested can simply show up; call the RCBA office for directions.

Happy holidays, and thank you for helping to make the practice of law in this county such a pleasure.

David T. Bristow, President of the Riverside County Bar Association, is a Senior Partner with Reid & Hellyer in Riverside.



by Chris Peterson

Starting this month, Barristers is mixing things up a bit. The usual format has been for the President to submit our monthly article to the *Riverside Lawyer*. We have decided to change this format and have each Board member participate throughout the year by preparing an article. It is my pleasure, as this year's Treasurer of the Riverside County Barristers, to chime in this month.

Barristers has gotten off to a great start this season. Our second session had strong attendance again, and we were treated to a very special guest speaker, U.S. District Judge Virginia Phillips. The topic of Judge Phillips' speech was "Practicing in the Federal Courts." It focused on physical presentation in the courtroom and written materials submitted to the court. The speech was extremely helpful. Speaking for myself, the federal courts are a bit of a mystery, as I usually practice in the state courts. There are definite differences between litigating in the federal courts as compared to the state courts (e.g., as Judge Phillips reminded us, do not file a "demurrer" in the federal courts!).

For those seeking extra trial experience, Judge Phillips discussed an excellent program for young litigators offered by the federal courts. The

federal courts are in need of trial attorneys to represent clients on a pro bono basis. The cases usually start through the system by way of pro per litigants who eventually get their case to the trial stage. As a young litigator in the private civil arena, I know all too well that trial experience can be hard to come by. An opportunity such as this not only helps a good cause, but can also provide you with great experience at an earlier stage in your career. The Barristers would like to thank Judge Phillips for taking the time to speak to our group.

Since there was no meeting in December, our next meeting will be on January 10, 2007, at Cask 'n Cleaver, located at 1333 University Avenue in Riverside. The guest speakers will be Jim Manning from Reid & Hellyer and Jeremy K. Hanson of the Law Offices of Jeremy K. Hanson. The topic will be "Marketing/Building a Practice." This will be a unique presentation, in that the two speakers come from contrasting backgrounds. Jim has been with Reid & Hellyer his entire career and became a partner. Jeremy has recently started his own firm. Whether you are looking to make your way by advancing through a firm and building a client base or going out and starting your own practice, this presentation will be helpful, as you will hear perspectives from both angles.

Once again, we have had a great start. The attendance at the last two meetings has been excellent. Let's keep this up. Though Barristers is traditionally geared to the younger attorney, we welcome everyone to come by. Barristers is an excellent opportunity to start building professional relationships and getting involved in our great legal community. See you next month!

Chris Peterson, Barristers Treasurer, is an associate attorney at Reid & Hellyer.



by Michael J. Cappelli

My Bad

“Now, Doctor Garrett, as Miss Baker’s treating physician, and based upon all of the previously mentioned factors, have you formed an opinion as to the cause of Miss Baker’s injuries?”

“Objection, your Honor!,” the twenty-something blonde and recent admittee interrupted prior to my expert’s response.

“Grounds, counsel?,” her Honor inquired.

“Hearsay?,” she uncertainly countered.

“Overruled,” the judge replied.

“Grounds, your Honor?”

“What?,” her Honor retorted.

“Well, you asked me for my grounds, I think I’m entitled to know your grounds.”

I kept my mouth shut, as I was interested in this exchange. The trial had already been extended beyond my imagination. My adversary was in a constant battle with the court and with me over routine issues of evidence and procedure. Though I was a little ticked off, I couldn’t stay angry for very long because, most of the time, I had no idea what the hell she was saying. Literally, we spoke a different language.

“Counsel, what precisely don’t you understand about my ruling?,” her Honor asked, trying to maintain her normally patient judicial demeanor.

“Why is it not hearsay?,” she said.

“Because it’s not an out-of-court statement being offered to prove the truth of the matter asserted. For cryin’ out loud, counsel, he was her doctor, he examined her, he treated her and he can give an opinion as to her injuries and their cause, capish?”

“Your Honor, what was that last thing you said?”

“I said it was not an out of court...”

“No, your Honor, not that, the ‘capish’ thing you said?”

“I’m sorry, counsel, I was perhaps a bit hostile with you. ‘Capish’ is actually an

adulteration of an Italian word used on occasion as an idiom in America to mean ‘understand.’ Capish, you get it – you understand what I’m saying – you catch my drift, counsel?,” her Honor stated in a didactic but sarcastic manner.

“I think so, your Honor. My bad.”

“Your what?,” her Honor asked.

“My bad,” counsel responded. “I’m sorry, your Honor, but ‘my bad’ is actually an idiom used in America to mean, ‘I’m sorry, it was my fault,’” she stated in a naïvely sarcastic manner.

“Continue, Doctor” – her Honor now turning her attention back to the witness.

“Objection, your Honor!,” my adversary shrieked.

“Grounds, counsel?,” the judge annoyingly remarked.

“Your Honor, this so-called expert is unqualified. He just treated her, he is not an expert.”

“Overruled.”

“Grounds, your Honor?”

“Are you serious?,” the judge heatedly remarked.

“Well, your Honor, just because dude treated her doesn’t mean dude is an expert on plaintiff’s medical condition and qualified to give an opinion.”

“Counsel, are you suggesting I disqualify this ‘dude’ who has been plaintiff’s physician for 20 years, is intimately familiar with her medical history and treated her on the day of the accident?”

“Exactamundo, your Excellency, that would be the bomb!”

I was looking for cover, as the bailiff put his hand on his weapon. However, her Honor, remaining calm, remarked:

“I’ve heard of Telemundo, a Spanish TV network? And please, do not mention exploding devices in my courtroom!”

“My bad, again, your Honor.”

“Right,” her Honor remarked in mid-yawn.

“Has your Honor sustained my objection?”

“Counsel, just because you may not agree with the doctor’s opinion, I am not about to bar his testimony. Your objection would require me to throw the baby out with the bath water. Don’t worry, you’ll get your chance at cross-examination.”

“Excuse me, your Honor, I don’t get the baby thing,” my adversary retorted quizzically.

“Counsel, when one gives one’s child a bath, one is going to end up with some dirty water. One releases the water, not the child, down the proverbial drain. Ergo . . . strike that . . . thus, I am unwilling to essentially toss out the plaintiff’s case simply because you believe the doctor’s opinion might be tainted in some manner. Understand?”

“Now I get it, your honor, *cherchez la vache*, right?”

“What, counsel?”

“*Cherchez la vache*. . . toss the cow, I capish, judge.”

“What does ‘the cow’ have to do with this litigation?” her Honor asked.

Feeling “udderly” impugned, I jumped into the conversation:

“That’s the last straw!” What does my girth have to do with anything?

“Sit down, Mr. Cappelli” – the judge taking control. “I don’t think she’s talking about you, are you, counsel?”

“Well . . . no,” she said, giving me the once over. “But there is one thing I’d like to state for the record, your Honor?”

“Go ahead, I can’t wait for this one” – her Honor relenting from pure curiosity.

“Okay, your Honor, it’s like this is my first trial . . . whatever, and I know I’ve been sort of a babbling ram ‘cause I’m a little sketchy about the evidence thing, even though I think I have game and can figure it out . . . but I want to give you props because you really are the Magic Jordan of judges and have been extremely patient with me and, well, that Mr. Cappelli, in his pimpadelic suits, with all the bling bling, has made things so difficult for me . . . I guess what I’m trying to say is that your honor has been nothing less than phat during this entire trial, and I thank you for that!”

Judge: “Fat?”

Me: “Pimpawhattic?”

Her Honor needed a recess, I needed some aspirin, my client needed a dictionary, and, well, yada yada yada!

Michael J. Cappelli is a partner in the law firm of Babcock & Cappelli and a member of the Bar Publications Committee..



LEO A. DEEGAN INN OF COURT

by Paul Grech

How many times have you thought to yourself that the practice of law is much different than the lectures we attended during three grueling years of law school? The pressures to make a living, advance in public or private law offices, attract clients, pay bills or just survive the stress of everyday practice are a far cry from the study of case law that largely defines an American legal education. These pressures have taken their toll on lawyers and on the public's perception of lawyers. We all joined the legal profession with a sincere desire to promote positive ideals of justice and the rule of law, but somewhere along the line found ourselves in the rough-and-tumble combination of business and politics that is the "real" practice of law. The media lionize the over-the-edge aggressive litigator, but where is the support in our profession for the quiet excellence and civility of the lawyers and judges who gave birth to the common law?

The Leo A. Deegan Inn of Court is a group of lawyers, judges and commissioners who have joined together in an effort to improve the levels of excellence, professionalism and ethical awareness in our legal community. As a chapter of the larger American Inns of Court, the Leo A. Deegan Inn meets once each month to "break bread," hold programs and host discussions on issues involving ethics, legal skills, civility and professionalism. We draw heavily on the traditional English model of legal apprenticeship, although modified to meet the reality of American practice. Membership in the Inn is composed of legal professionals in three categories: "Masters" – bench officers and highly experienced lawyers; "Barristers" – lawyers with experience, though not as experienced as "Masters"; and "Associates" – members who are relatively

new to the legal profession or to the Inn. In addition, each Associate is assigned a mentor, who is a Master of the bench or bar.

The Leo A. Deegan Inn has 64 members, divided into eight "teams." Each team includes one judicial Master and two attorney Masters, along with Barristers and Associates. The Inn meets once a month from September through May to eat dinner and hear a presentation from one of its teams. The debate and commentary among the presenters and the larger Inn foster a collegiality that reminds us that we are indeed members of a worthy profession.

The real work of the Inn gets done when members of the eight teams meet informally to plan their presentations. This is where the Associates, Barristers and Masters get to know and to rely upon one another, as they conceive, plan and later execute their presentation. In these smaller team meetings, Associates work with federal and state judges, who serve as Judicial Masters, as well as with Attorney Masters and Barristers. The goal is to communicate amongst one another a culture of high ethical awareness, civility and professional excellence.

Riverside has always been a special place to practice law. The Leo A. Deegan Inn of Court promotes a culture that makes our legal community unique. Membership in the Inn is limited to a few years for each member. Every year, during June, July and August, the Inn seeks new members. The goal is to include the larger legal community in the life of the Inn. This larger legal community is you. We are members of a time-honored profession. I invite everyone to play a part in creating and preserving a tradition of legal excellence, civility and keen ethical awareness. If this sounds interesting to you, please contact Sherri Gomez at (951) 689-1200.

Paul Grech, Jr., a partner with Grech & Firetag, is a criminal law specialist and is currently the President of the Leo A. Deegan Inn of Court.



BRIAN UNITT: RECIPIENT OF THE FLORENTINO GARZA FORTITUDE AWARD

by Patricia Anne Law

This award was first given in 2002 to Tino Garza, for his triumph over the poverty and dire circumstances into which he was born, and it has been awarded only once since then.

Unlike other so-called awards, it is not given every year or even every other year. There is no timetable for this award, and therefore there is no “search” for a worthy candidate to fit the award’s schedule, nor is there any necessity to relax the criteria for the would-be recipient.

It is given only when a candidate is so well-qualified and so perfectly exemplifies the qualities it is meant to honor that there is no question but to bestow the award upon the recipient.

Therefore, I had the honor of presenting the Florentino Garza Fortitude award to my dear friend and partner, Brian Unitt, on October 19, 2006.

I spoke with Tino Garza to learn from him what he thought were the qualities that would earn a recipient this award, and because I could never rephrase his thoughts as eloquently as he relayed them to me, I will quote him:

“The person this committee seeks is someone who has achieved a great measure of success in spite of their disability. The purpose of this award is not only to honor the individual, the purpose is to demonstrate to others similarly situated that they should not be afraid to strive forward.”

Brian has a condition known as retinitis pigmentosa, which has left him totally blind. Brian’s vision problems were first recognized when he was a toddler. By the time he was in first grade, he had begun to learn Braille, and of course he picked it up very quickly. He was educated in mainstream classrooms all of his life and was always in the top of his class. In high school, in addition to being a brilliant student, Brian ran track and played trumpet in the marching band. He went to the University of California, Riverside for his undergraduate studies, starting as a music major, then switching to political science, and finishing in four years. He went on to UC Davis for law school and finished in three years. He sat for the bar exam, in Braille, and was given only time and a half to accommodate his disability. He took barely over the standard time and, of course, he passed the first time.

In my conversation with Tino, he went on to say that what impressed him most about Brian, other than the fact that Brian is a truly brilliant lawyer, is that Brian has never

used his blindness as a crutch. In fact, as Tino said, Brian rarely even permits his blindness to be known.

Brian’s mom, Jackie, lent me some insight into why Brian is so accomplished, despite his blindness. Jackie said it quite simply: She and Brian’s dad never treated Brian as if he had a disability. She believes that in Brian’s formative years, he did not ever reflect on the fact that had a disability, and he would never stand for anyone treating him as if he did. According to Jackie, Brian’s dad Stan never allowed anyone to tell Brian – or his sister Janice, who has the same condition – that there was anything that they could not or should not attempt. In high school, in his marching band days, Brian still had the ability to differentiate between light and shadow, so he would march with his head slightly turned to the left to make sure he wouldn’t crash into anyone. The band director would come over and turn his hat to the right to make sure it appeared that everyone was perfectly in line.

In my opinion, that is the most amazing thing about Brian – his disability is practically invisible. What greater way is there to overcome your disability than to make it imperceptible?

I had a case about eight years ago in which I had gotten to know the defense attorney quite well through many depositions and had become quite friendly with him. One day, I was double-booked, and Brian had to make a court appearance on the case. I got a call from the defense attorney that afternoon, and he said, “You know, your partner is a real jerk.” I was shocked. I asked him what he was talking about, and he said, “After our appearance, I approached him to introduce myself; I put my hand out to shake his hand, and he walked right past me. What’s his problem?” “Well,” I said, “he doesn’t have a problem, he’s blind.”

Bob Holstein was the first, out of the hundreds of lawyers to whom Brian applied, to give him a chance. Brian repaid Bob by becoming a brilliant lawyer and, as Bob would always say, the brains of our operation. Today is no different; 24 years later, Brian is still the brains of the operation. As soon as Bob realized what a brilliant legal scholar Brian was, Bob became a mere chauffeur to Brian when an important motion needed to be argued or an appeal was to be filed and argued.

As many of you know, Brian is a truly accomplished appellate attorney. Watching Brian argue a case to the

court of appeal is like being in the presence of one of the great orators. Before the hearing, his appellate briefs are impeccable. At the hearing, his arguments are perfectly polished, his knowledge and recitation of the case law is unflappable and his ability to anticipate and respond to the questions from the bench is amazing. And usually, during an argument, you'll learn a little something about the Magna Carta, as well. I'm still in awe every time I go.

I'm going to give some of Brian's secrets away now. At oral argument, Brian asks me to take him early. I walk him up to and around counsel table. He paces off his walk from counsel table to the podium and back. Then he asks me to tell him who is on the panel and where they will be seated.

When our case is called, he moves seamlessly from counsel table to the podium. When one of the judges addresses him, he turns in their direction and calls them by name. It is a sight to behold. It is practically impossible to tell that he is blind. Don't get me wrong, it's not always perfect, like the time he overshot the podium, ended up in the well and almost got shot by the bailiff. That turned out okay, though.

His other trick is that, when he is arguing, he has his left hand on his suit coat and he is looking directly at the judge. It appears as if he has memorized the entire argument and all of the case law and all of the facts of the case. What few people realize is that he is surreptitiously running his right hand over his Braille notes (which appear to be blank sheets of paper to anyone observing). The court staff in all of the departments love Brian. He is a legend. Brian doesn't generally accept any accommodation for his disability, but I think he takes pleasure in it when the staff offers him a special seat in the jury box or tells another lawyer to move out of the front row and give their seat to Brian. Then the staff says to me (his chauffeur), "You can stand in the back." His sense of humor about his disability is awesome, and he surrounds himself with friends who rib him when he crashes into things and tease him on the odd occasion when his tie doesn't match his suit.

What you probably don't know about Brian is that he is a wonderful musician, playing the mandolin, the harp, the trumpet, the penny whistle and some guitar as well. He is a fisherman and a hunter, although, since Bob Holstein left us, Brian can't find many volunteers to take him hunting. Brian is an excellent golfer. He plays with our partner Bob Taylor, who places the ball for him to hit, lines him up, and watches him swing through. Brian says that the good thing about blind golfing is that if you hit a bad shot, you can always blame the line-up man. Brian also has a vegetable garden that would put most vegetable gardens to shame. He plants it and tends it himself. He uses his fresh vegetables and herbs to cook mainly Italian food. Cooking is another of his passions. Brian dreams of owning a vineyard and winery some day. That tells you another of his passions.

Most important, however, is Brian's immediate aspiration, and that is to become a judge. It is bittersweet for me to present Brian with this award, as I believe that this type of an award is a precursor to him going on the bench. However, I have to be satisfied in the knowledge that what our firm would lose if Brian were to get the nod would result in an incredible gift to this community. Brian has the intellect, the compassion, the sense of fairness and the sense of responsibility that we all hope to find on the bench when we enter a courtroom. His blindness has never hindered him in the past, and will not hinder him when he makes it to the bench.

Patricia Anne Law is a partner and the primary trial attorney at Holstein, Taylor, Unitt & Law, and a member of the American Board of Trial Advocates.



Brian with his daughter Rebecca, mom Jackie, and son Ian



Brian and his wife Trish



Robert Taylor, Brian Unitt, Patricia Law

A MOVER AND SHAKER TAKES CHARGE

by Nancy McCarthy

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Sheldon Sloan is connected. He counts among his friends former Governor Pete Wilson, Chief Justice Ronald George and Los Angeles Mayor Antonio Villaraigosa. Framed photos of Sloan and his wife with President Bush are displayed in his home and office. The phone numbers of prominent businessmen and women are entered in the personal digital assistant that he carries everywhere.

"You'll never have a better friend in your life than Shelly Sloan," says Shelby Jean, Sloan's wife of 19 years. "He has lots of friends, great friends. He knows everyone and people remember him."

The 70-year-old lawyer-lobbyist also has a résumé listing him as president, chairman or director of a wide range of community, legal and political organizations. You can now add to that list one more: 82nd President of the State Bar of California. And he plans to put his connections to use, whether winning a multi-year fee bill for the bar in Sacramento or advocating for a proposed civility pledge he hopes lawyers throughout California will endorse.

Indeed, his goals are far simpler than those envisioned by some of his predecessors. He doesn't believe in reinventing the wheel every year, doesn't want to be involved in the bar's nuts and bolts, favors building on existing programs and wants the bar's five vice presidents to step in for him occasionally. "The bar president doesn't have to be at every single meeting," he says. "The president is the chairman of the board, not the CEO, and I think it's really important to know the difference. I'll do what I have to do and I'll make sure everything's all right. I want to do the right thing."

Sloan has been of counsel to Lewis Brisbois Bisgaard & Smith LLP for eight years, in addition to running his own firm, where he provides political and legal advice and lobbies before public agencies on issues of land use, real estate, construction and business law. He represents contractors, developers, brokers and operators of real property projects; among his clients are Los Angeles World Airports (LAWA), which owns and operates LAX and three other airports, developer Castle & Cook, Parsons Engineering, the L.A. County Sanitation District and K. Hovnanian, a large home builder.

Born in Minneapolis on Christmas Day 1935 to Leonard and Mary Sloan, Shelly grew up with his older sister Roberta in Los Angeles. His physician dad bought a small private practice in Yuba City, but soon decided to become a surgeon and trained in Hungary at the University of Budapest. He moved the family to Los Angeles, where Shelly was educated in public schools, lettering in tennis and basketball in high school. He enrolled in UCLA, earning a B.S. in business administration.

Although he wanted to be a builder, Sloan said fear of the draft prompted him to go to law school, where he was exempted by a



student deferment. Ironically, he walked through a plate glass window while in law school, wrecking his knee and permanently exempting him from the service. In a further irony, Sloan is now the president of the local draft board.

He graduated from the University of Southern California Law School in 1961 and, although he planned to practice construction law, he headed for the Department of Justice in Washington, D.C. One of his dad's patients, U.S. Senator Clare Engel, urged him to go to the capital to learn how the world works. "He said it was important to be in the bureaucracy, to know how it works and how they think," Sloan recalled. "It was great advice," particularly for a man who would eventually work in a world of construction, land use and government agencies. Sloan returned to Los Angeles in 1963, joining Brown & Brown, a leading firm in the construction industry, and

became a trial lawyer primarily representing contractors and subcontractors.

He began to make political connections when Governor Ronald Reagan named him in 1970 to the Board of Registration for Professional Engineers, where he started pressing the board to enforce disciplinary mechanisms already in place. "I thought they weren't doing their job," he said.

His efforts drew the governor's attention, and in 1973 Reagan named Sloan to the Los Angeles Municipal Court. It was not a good match, he said. He gave up a lucrative law practice when he had two small children and a house in Beverly Hills. He quickly grew bored and, he learned, he's not suited for the job temperamentally. "I was disappointed by the quality of lawyering," he said, "and I'm not one to keep quiet." "It was painful," he added. "So painful I didn't want to do it any more."

So after three years, he returned to Brown & Brown, but phased out of litigation and into real estate, representing developers. He went to work to build his budding political contacts, realizing "you had to have access to everyone along the chain to be effective for your client."



Sloan also became active in the Republican Party, and although he turned down a request from then-Senator Pete Wilson to become a federal judge, he agreed to head Wilson's judicial selection committee, whose members included future California Chief Justices Malcolm Lucas and Ronald George.

He later chaired a judicial vetting committee for the Los Angeles County Bar Association and eventually served on the LACBA Board of Trustees, becoming president in 1996. There, under the guidance of executive director Rich Walch, "I learned to listen," he said. "If you have a good executive director, they'll protect the organization and they'll protect you."

Sloan said he's noticed that in the years since he started to practice, "the civility that used to exist has dissipated. A lot of lawyers don't know how to behave." As examples, he cites tactics like setting depositions on the Friday after Thanksgiving or during the Christmas holidays, needless subpoenas, refusals to continue a proceeding or setting two depositions at the same time.

"You don't have to do that to be a successful lawyer," Sloan says. "It doesn't weaken you to be civil or accommodating. It's just that [some lawyers] feel that's what they have to do to get an edge."

As a result, he'll focus in the coming year on developing a pledge, using existing pledges from throughout the state (remember, he doesn't want to reinvent the wheel). The tricky part, he admits, will be getting attorneys to sign on. He hopes to set up meetings with a cross-section of lawyers that will include the heads of large firms, trial lawyers and defense bars, solo and public lawyer leaders and community leaders. "We'll ask them to contact others, sign on and enforce the pledge," he said. In addition, he'll ask that they sign on to existing pro bono and diversity pledges. "Nobody's going to cure the problems, but maybe I can shed some light on them," Sloan said.

He and Shelby Jean, who is chairman and CEO of Tricap Corp., a real estate investment firm, live in a seven-bedroom home in the hills above Santa Monica that once was owned by Johnny Weissmuller, the Olympic swimmer who played Tarzan in 12 films. Each had two children when they married, and the pair dote on their nine grandchildren. The family room of their home is filled with children's toys, including an electric kid-sized golf cart and a pedal-powered Mercedes that Sloan won in a golf tournament.

They recently bought a large home in Rancho Mirage, both for big family gatherings and as a retirement place. The couple usually play golf Sunday morning (Sloan's handicap is 18 or 19) and try to squeeze in an occasional tennis match. Sundays are reserved for the family, and many Saturdays Sloan can be found attending a grandchild's soccer or football game.

Although he has little time to read or watch television, every week Sloan catches "All About Jim," starring son-in-law Jim Belushi.

"I'm not in a hurry to retire," he says. "I don't want to ever retire totally. I'll be happy when I get to spend more time with my family."



OPERATION SAFEHOUSE

by Assistant Sheriff Valerie Hill

In 1989, a group of determined individuals got together and founded Operation SafeHouse, a non-profit organization that offers youth in crisis, including runaways and the homeless, a positive alternative. SafeHouse is located at 9685 Hayes Street in the City of Riverside and serves the western and mid-county areas of Riverside County. I am honored to serve as its Board President.



Assistant Sheriff Valerie Hill

Runaway youths are at greater risk of becoming pregnant or contracting sexually transmitted diseases. Runaway children will often find they are in a situation beyond their control. Unfortunately, some will become victims of crime. Still others will get involved with criminal activities, such as shoplifting, robbery, prostitution, pornography or drug-pushing, because these are methods used to support themselves on the streets. When apprehended, they become statistics in the juvenile court system, which makes them more likely to become adult offenders.

I can vouch for the problem faced by law enforcement prior to 1989. Our deputies would locate runaway youths and return them to their homes, but since their problems had not been dealt with . . . they often just ran away again. Now multiply that by all the other circumstances where a temporary home was needed by a child.

Today, SafeHouse has shelter for 17 youths, both boys and girls. We operate 24/7. We offer a wholesome atmosphere, where cooking meals and growing vegetables are mixed with daily schooling and one-on-one counseling by caring staff. The shelter is designed to be temporary, not permanent housing, and to give our residents the tools they need to return to their families.

Law enforcement officers know they have an alternative to taking a child home who will just run away again, and school resource officers can offer a choice to a youth in crisis.

I would also like to take this opportunity to brag about our Transitional Living Program, which is located at 15th and Main Streets in the City of Riverside. The TLP takes young people who are motivated but lack the necessary basic resources. It is an 18-month contractual program for youths ages 18 to 21, who must agree to participate within the program guidelines. They are required to maintain employment, advance their education, remain drug-free, and establish a savings account. In return, the TLP will provide counseling and shelter to help them reach their goal of self-sufficiency. Many of the young people who come to the Transitional Living Program are former foster children who have turned 18 and have no place else to go.

Another program of which we are extremely proud is Project SafePlace. SafePlace partners with community businesses that open their doors as a temporary haven to youth in crisis. These businesses put the youth in touch with SafeHouse. Look for the SafePlace logo:



SafePlace

The success of SafeHouse has come to the attention of our desert communities, which have asked for our assistance in opening another SafeHouse in their area. Through grants and donations, a new building will house another shelter serving the needs of eastern Riverside County. The new desert facility will be located at 72710 East Lynn Street in Thousand Palms. It will be a 16,000-square-foot, 24-hour emergency shelter providing a total of 20 beds for children between the ages of 12 and 18.

It is estimated that about 5,200 children in Riverside County will run away from home over the next year – 1,000 children from the Coachella Valley alone. This is a growing problem for our community and law enforcement.

We are constantly asking ourselves what more can we do. One of the biggest things we still need to do is get the information out both to those who need the services and to those who want to help us meet our mission. I

am surprised at how many people have never heard about SafeHouse.

If you would like more information about SafeHouse, would like a tour of our facility, or have an interest in finding out how you can help, please visit our website at www.operationsafehouse.org, or feel free to contact me directly.

Those of us involved with SafeHouse believe that no one can go back and make a brand-new start, but anyone can start from here and make a brand-new ending.

Assistant Sheriff Valerie Hill has served the Riverside County Sheriff's Department for 29 years. She was the department's first female field training officer, female hostage negotiator and female Assistant Sheriff. She has been assigned to patrol, investigations, and court services. and her current assignment is as the Assistant Sheriff in charge of the Corrections Division.



TOUR DE CONNOISSEUR

by Richard Brent Reed

A good wine is a good ride.

Around August 24, 2006, three intrepid cyclists – Mark Harrison, Kimberly Richards, and attorney Richard Reed – threw their bicycles in the back of a pick-up truck and headed for a grueling ten-mile tour of the Temecula wine country, thirty miles down the 215 Freeway and two miles up Via Rancho California. There are over thirty wineries in Temecula, and our team of intrepid tasters were determined to sample as many vineyards as pedal power could take us to in one day.

Thornton commands the entrance to Temecula's five-mile wine corridor along Via Rancho California. It's a large facility, complete with restaurant, gift shop, herb garden, and outdoor tasting room. The wine-tasting menu consisted of "flights": an assemblage of four wines for about \$10. I ordered the "New Release Flight": 2005 Sauvignon Blanc, 2005 Sangiovese, 2004 Syrah, and 2004 Merlot. The Sauvignon can only be described as a beautiful woman: sweet disposition, subtle perfume, and great legs ("legs" refers to the transparent film with which a good wine coats the inside of the glass). The "Red and White Flight" consisted of a 2004 Viognier (my favorite red), a 2005 Chardonnay (Kimberly's favorite white), a 2005 Sangiovese, and a Cabernet-Merlot Meritage (mixture). Next flight out was the "Mixed Flight," a non-vintage Brut, a 2005 Sangiovese Rosé, a 2001 Côte Red, and the 2004 Temecula Syrah. Our group named the 2005 Sangiovese Rosé the Best of Show of all the Thornton wines, rivaled only by the excellent sourdough bread and cream cheese served with every flight.

Having killed an hour, two quarts of wine, and a good many brain cells at Thornton, we climbed on our bicycles and headed to the next outpost: Churon Winery, about 200 yards down the road and up the hill on the right. Churon is an inn, boasting rooms with a view of the balloon festival in June. No flights out of Churon, but tasting is \$8 per person. After plowing through their 2003 Petite Syrah, 2004 Cabernet Sauvignon, and 2002 Syrah, we agreed that our hands-down favorite was the 2005 White Merlot. For the record, Merlot is a chick wine, but white Merlot is definitely guy-palatable. Sweet enough for dessert. You can win bar bets with know-it-alls who swear that there is no such thing as a white Merlot.

After careening down from our hilltop tasting, a few pumps of the pedal brought us to the Maurice Car'rie Winery, laid out like a circa-1900 pavilion, complete with



Richard Reed and Kimberly Richards at Churon Winery

gazebo, picnic grounds, a restaurant, a gift shop, and a veranda. The highlights of the tasting room are the 2005 Sara Bella (blush), the excellent 2005 Chardonnay, the tartish Riesling, the unique Pineapple Champagne, and their Sweet Christa, named after the German lady who used to work there.

Four miles down the road sits the mighty South Coast Winery: an enormous, split-level facility, whose cabanas, massage rooms, hot tubs, restaurant, and pavilion are surrounded by vineyards and orange groves. Their 2005 Chardonnay Sans Chêne is fruity and without aftertaste, due to fermentation in stainless steel (which usually deprives a wine of complexity and character). The Muscat Corelli is bubbly, full of blossoms, and sweet without being overpowering. But my favorite was the Olivia Newton-John Viognier, sporting a lot of flavor and nose, and finishing off with a fruity aftertaste.

Retracing our somewhat wobbly tracks five miles brought our expedition to Bailey's. The lunch room closes at 2 p.m. (alas), but the tasting bar was still open. My companions had cut themselves off by then, so I had a man's work ahead of me. I don't remember much about the 2004 Montage or the dry 2004 Riesling, but my notes indicate that the Serenity Late Harvest was complex and very potent.

Piling back into the truck, we found our way to Pat & Oscar's to eat our fill of Mediterranean Pizza, and then headed home – bloated, besotted, and beat, but happy.

Our second bicycle wine tour of the year, undertaken on October 16, 2006, brought us to Ponte Winery. Ponte has some very distinctive vintages, and it offers six tastes for \$10. The 2005 Chardonnay is a decidedly fem-friendly vintage, as it is sweet, smells good, and has those great legs. On top of that, women will find the citrus-and-vanilla

bouquet inviting. Kimberly liked it. The 2005 Beverino is not an Italian sports car, it's a Cab. It's also an anomaly: a Cabernet that's actually sweet, with a potent nose, yet a mild taste that, nonetheless, leaves no doubt that it is a Cabernet. The favorite dessert wine was the 2005 Isabel: clear, crisp taste; subtle pastry bouquet; pleasant aftertaste. But the Best of Show went to the 2005 Barbera. This is definitely a guy wine: grapey, loads of body, not too sweet, and a powerful bouquet that blows up in your face with every swig. It's a good workout for your taste buds – it leaves them cut, pumped up, and thoroughly ripped. What a ride!

Next door to Ponte is Wiens, whose new tasting room had opened just two days prior to our arrival. Here, we encountered yet another wine anomaly: a Cabernet Sauvignon Blush. This pastel oddity, however, pales in comparison to their 2005 Viognier, whose honeysuckle bouquet draws you into its subtle complexity. The 2002 Chardonnay stands out for sheer pedigree: after 22 months in a cask of French oak, it has far more character than the white wines aged in stainless steel. This one is guy-friendly, as are the lovely wine stewardesses. Wiens liked us so much, in fact, that we were offered a sneak



Richard standing over winged sphinx at Bailey's Winery

preview: a thief* of their Estate Meritage (a mixture of Merlot, Cabernet, and a grape of undisclosed variety). This distinctive blend is very dark and full of fruit, has lots of cask, and presents a complex bouquet. Sorry – this vintage won't be available until March 2007. But, if you're looking

for dessert, you've come to the right place. Wiens offers a 2004 White Port that piles the discerning palate high with pineapple, butterscotch, and cheesecake flavors. Not a bad nonfat alternative.

Doubling back and down a side road, our bicycles found Longshadow Ranch: a sleepy, rustic, pine structure nestled in a picnic ground and surrounded by beautiful, blond, enormous draft horses (though draft beer was nowhere to be found). Even sweeter than the surroundings are the 2000 Ponderosa Port (try this one over sherbet or vanilla ice cream) and the light, bright 2003 Muscato, which you will want to take home.

Van Roekel Winery ages in stainless steel and has nice glasses. It claims to have California's best Viognier. It doesn't.

Having had three courses of dessert wines and ports, our group retraced our path to the outdoor restaurant at Ponte Winery, where we ended our adventure with a unique leek-and-truffle pizza. As we savored our dinner, we counted our souvenir glasses, recounted our tasting experiences, and reminisced about our favorite wines. To truly appreciate a wine, it must be tasted in retrospect, for wine tasting – as William Wordsworth said of poetry – ultimately consists of “the spontaneous overflow of powerful feelings from emotions recollected in tranquility.”

Richard Reed, a member of the Bar Publications Committee, is a sole practitioner in Riverside.



* A “thief” is a crooked glass pipette used to take samples of a wine as it ages in the cask.



Mark Harrison and Kimberly wine tasting at Thornton Winery



Kimberly toasts Richard and Mark at Thornton Winery

JUDICIAL PROFILE: ASSOCIATE JUSTICE DOUGLAS P. MILLER

by Donna Johnson Thierbach

Among the people I have profiled, I have not yet found a Riverside County native. However, it seems that, once they do come to Riverside County, they fall in love. Fortunately for us, such is the case with Associate Justice Douglas P. Miller, of the Fourth District Court of Appeal, Division Two. Justice Miller was born in Whittier, California, and grew up in Glendora. His father was an elementary school principal and his mother was a stay-at-home mom. Justice Miller said Glendora was a great place to grow up. It was a small town, with avocado and orange groves. Since his parents were originally from Utah, he also had the additional experience of spending every summer in Utah with family members.

After graduating from high school, Justice Miller attended Citrus College in Azusa for a year and then transferred to Brigham Young University (BYU) in Provo, Utah. He was fortunate, because some of the cousins he had spent his summers with were also attending BYU. He graduated from BYU with a Bachelor of Arts in Economics in 1975. However, he still had no idea what he wanted to do, so he applied to several graduate schools. There were no lawyers in the family, and he had not really considered the practice of law. However, when his first acceptance letter was from Pepperdine University School of Law, he decided to attend.

Justice Miller said he loved law school. He felt the Pepperdine professors were very interested in the students, and he was fortunate that a friend from BYU, Bob Mathews, was a year or two ahead of him to help bridge the gap. After his first year of law school, he began clerking for Patterson, Ritner & Lockwood, a personal injury firm in Los Angeles. He had planned to stay there after graduating; however, after he took the bar, his BYU roommate, Jim Parkinson, told him they were hiring at the firm where he was practicing, the Law Offices of Thomas



Associate Justice
Douglas Miller

T. Anderson in Indio. Justice Miller had been to Indio on only one occasion, for Jim Parkinson's engagement party earlier that year. He did not even interview in Indio for the position so, needless to say, he did not know much about Indio when he accepted the offer. At that time, he thought he would stay about two years and then move to Utah.

Justice Miller said that he fell in love with the desert. He has been there almost 29 years now and commutes to Riverside each day from Palm Desert. He said the desert really suits both him and his wife. Justice Miller is an avid tennis player, and his wife enjoys golf. Justice Miller said he has played tennis since he was a child, and in high school, he was on the tennis team. He and his wife both love to hike, and he has a favorite four-mile hike he takes five days a week.

Justice Miller and his wife have six adult children between them. Justice Miller's wife does merchandising for a country club in the desert, and they feel fortunate that they both have jobs they love. There are no other lawyers in the family, but the youngest is a sophomore at Justice Miller's alma mater, Pepperdine.

Justice Miller said he thinks he made the right choice with law, and with practicing in Riverside County. He said Riverside County is a great community to practice in, because it maintains its small-town feel. He felt especially fortunate to serve as a judge in his "home town" of Indio. He said that his first year, he was assigned to criminal, and then later to civil. He said it was a wonderful experience, because he probably heard every kind of case, with the exception of juvenile matters. He was Presiding Judge of the Riverside County Superior Court for two years; he is proud of the fact, during his tenure, the court set up self-help centers for the public within all Riverside County courthouses. Justice Miller also served on the Judicial Council; that provided additional valuable experiences.

Regarding his new position, Justice Miller said the Court of Appeal is a perfect fit for him, because he has always enjoyed reading and writing. He also looks forward to the new challenges and experiences he will meet.

What about special projects? Justice Miller said that he and his longtime friend, Jim Parkinson, are involved in an academic program at BYU that encourages students to become trial lawyers. He is very excited, because they

just received permission to construct a mock-trial courtroom at BYU. He said the program lasts two full days, but their goal is to extend its length and to open it up to lawyers.

Justice Miller is the Vice-President of the Coachella Valley Boys and Girls Club and is still active in the local Inn of Court. He is very excited to have an appellate team in the desert this year. He said they are also one of only a few Inns of Court in the country that have a community outreach team. Justice Miller said their community outreach team selected Oasis School in Coachella Valley, because it is one of the schools in the district that is least visited by professionals. They go to the school and teach students about the legal system for three days. This is followed by a mock trial and a visit to the courthouse. Both the students and their parents are invited. He said most of the children have never been to a courtroom before, and many had a very negative opinion of courts before this. Justice Miller said the letters received from the students about the program have been very positive, and he hopes someday he will see some of the students practicing law.

When asked how he found the time to be involved in so many projects, Justice Miller noted that he watched Andre Agassi from when Agassi was about



Justice Doug Miller (far right) with his father (far left) and family.

17 years old until Agassi recently retired. Agassi is involved in a lot of community projects, and when asked why, he said, "Why wouldn't I do this?" This is how Justice Miller feels. He said he loves his job and contributing to the community.

Donna Johnson Thierbach was formerly a Deputy Public Defender with Riverside County and is currently the Assistant Director of the Adult Division of the Riverside County Probation Department.



UCR INTERNS – INTRODUCING STUDENTS TO THE LAW

by John W. Cioffi

How did you decide to become a lawyer? Often, college students stumble into law school, and then a legal career, based on vague notions of what lawyers do, how much they earn, and what their own professional options are. The UC Riverside Department of Political Science administers an ongoing internship program that can help students make this momentous decision based on experience, rather than hearsay, half-truths, or TV show portrayals.

Every academic term, between 15-30 students majoring in political science have the opportunity to gain invaluable experience, while earning academic credit, by enrolling in internships. Many prospective interns are keenly interested in law-related positions, and the supply of internships does not always equal demand. The Political Science Department is actively searching for law firms, solo practitioners, government agencies, and non-governmental organizations willing to offer students the chance to work in a professional legal environment. In past years, UCR students have interned in local law firms, at the Riverside D.A.'s office, and with local legal services organizations. And sometimes the experience changes their lives.

The host organization gets a motivated worker free of charge – and may have a critical influence on a student's choice of career. Many UCR undergraduates are first-generation college students (far more than on other University of California campuses). Many interns find themselves in a professional environment for the first time in their lives. These students need greater exposure to the professional world and are driven to work hard and succeed. In addition, the program emphasizes that an internship is a serious commitment by a student.

Interns must work a minimum of ten to twelve hours per week during the ten-week term. Internship hosts are expected to give the intern appropriate work, allow the intern to observe the operation of the organization, grant the intern an interview with a supervisor, and provide meaningful feedback, including a candid final evaluation of the intern's performance. Although the interns should perform duties related to the professional work of the office, they are not expected to advise clients, do

legal research and writing, or do other work beyond their training. In the average law office, that still leaves a lot of work to be done.

Students must be juniors or seniors with a minimum GPA of 2.7. However, internship host organizations may have other eligibility criteria and may request interviews before agreeing to accept an intern. Students must complete a registration form, including the signature of the internship site supervisor, before enrolling.

In addition to work experience in a professional environment, students earn four units in a course coordinated by a faculty internship director. Students must demonstrate, in written assignments, an understanding of what the host organization does and how it works. The academic component of the internship is handled entirely by a faculty member in the Political Science Department.

Students can apply for an internship listed in the pool of open positions submitted by host organizations and maintained by the Department's Undergraduate Advisor, or they may arrange their own position with a host organization, subject to the approval of the internship director. To join the pool, organizations submit a description of the organization and the position it seeks to fill.

If your organization would like to register with the internship pool or has any questions regarding the program, please contact the Political Science Department's Undergraduate Advisor at (951) 827-5502.

John W. Cioffi is an Assistant Professor of Political Science at UCR.



IN MEMORIAM: JOEL BRAND

by Dorothy L. Honn

In September of this year, attorney JoeL Brand passed away. Her name may not be familiar to you, but Ms. Brand was the first female attorney hired by the Riverside County District Attorney's office, in 1954. She left the District Attorney's office in 1957 and went into private practice until 1962, when she was hired by the Riverside County Counsel's office, where she was the only female attorney on the staff.

I did not have the pleasure of knowing Ms. Brand, but I have been told that she was intelligent, independent, and hard-working. All indications are that she was a woman ahead of her time.

While at the office of the County Counsel, Ms. Brand was assigned to county hospital, welfare, probation, and adoption matters, and she advised the newly formed Economic Opportunity Board. In approximately 1972, the Lanterman-Petris-Short Act was passed. The act is commonly known as the LPS Act, and it set the precedent for modern mental health care in the United States. The LPS Act, in effect, ended hospital commitments except in cases of criminal sentencing. According to William Katzenstein, retired County Counsel, Ms. Brand was instrumental in developing the process to implement the LPS Act. Ms. Brand's forms and procedures were adopted by other counties and are still the basis for the procedures currently used by the office of County Counsel.

Bud Miller, formerly Assistant County Counsel, remembers Ms. Brand as a quiet, hard-working woman who was surprisingly athletic. Apparently she was a tiger at badminton! Ms. Brand enjoyed traveling and went to places that women did not usually travel to, such as the Inca ruins at Machu Picchu, Peru.

Ms. Brand was active with the Riverside County Bar Association and in particular with the Legal Aid Society. Ms. Brand's father was a local contractor, and you can still see the name "Brand" imprinted in the sidewalk by the downtown post office and elsewhere in the city.

While researching this article, I reviewed some of the old Bar Bulletins and ran across an interesting article written by Ruth E. McClellan for the 20th Anniversary Edition (1951-1971). Ms. McClellan wrote that when she became a secretary for Estudillo & Schwinn, in 1930, there were no female attorneys in Riverside. In 1934, Mary McFarland (later Hall) was admitted to the bar and went into practice with her father. Ms. McClellan passed the bar exam in 1948 and became the third female attorney in Riverside. She tells a cute story about Mary McFarland walking across the street, finding Ruth absent, and leaving a note saying, "Just to welcome you to the women's group of the Riverside County Bar." Ms. Brand was admitted to the Bar in 1951 and entered a profession very different from the one we see today.

Dorothy L. Honn, a member of the Bar Publications Committee, is deputy county counsel for the County of Riverside.



A WEEKEND EXCURSION TO PIONEERTOWN

by Donna Johnson Thierbach

For a number of years, I have been trying to convince a group of female lawyer friends that we should take a trip to Pioneertown. Generally, we meet once a month, just to socialize and get out of the rut of work, work, work, and occasionally, we even take a weekend trip. Whenever our discussion turns to where we should go, I always suggest Pioneertown. Of course, it is a little hard to compete with Las Vegas and Big Bear. One year, I even had special Christmas cards of Pioneertown made up, thinking that would convince everyone. I think I have 5 votes out of 15 now.

So what and where is Pioneertown? Pioneertown is midway between Palm Springs and Joshua Tree. It was built in 1946 as a western movie set. Gene Autry movies, such as "Last of the Pony Riders," "Indian Territory" and "On Top of Old Smoky," were filmed there, as well as television shows, including "Judge Roy Bean," "Annie Oakley" and "The Cisco Kid." The buildings are not just false fronts, but actual buildings, in which the actors stayed during filming. There are also two restaurants, which have live music on the weekend evenings, and the food is not bad either. Pappy and Harriet's Pioneertown Palace was built within one of the original sets, and the Red Dog Saloon recently opened. There is also a post office that is boasted to be the most frequently photographed post office in the United States. There is a small motel and a camping area, both of which have corrals for horses.

Now, I have horses and love to ride, but I am not much for camping. I mean, I just want to ride the horse, not sleep with it! Now you are catching on. Pioneertown provides some wonderful riding with all the comforts of home. There are corrals for the horses and a motel for me. And none of that campfire cooking to do, either, since there are restaurants! Okay, so none of my girlfriends have horses, but who needs a horse to enjoy the live music, or the gunfight show on Main Street?

When the news broke that a fire was threatening the town, many of my girlfriends sent me sympathy cards! The good news is that the town was saved. I think my girlfriends were secretly disappointed, because they thought they would not have to hear me suggest a Pioneertown trip again. The bad news was that many of the nearby homes were not as lucky as the town itself and were destroyed. Additionally, the desert, which had just been teeming with wildflowers, is now a virtual moonscape. One of my favorite bridle paths was the Sawtooth Trail. As the fire was named the "Sawtooth Fire," I guess you don't have to be a rocket scientist (or even a lawyer) to know what is left of that area.

So, shoot, what does Pioneertown have to do with the practice of law, besides giving me a chance to get some more votes for a Pioneertown trip? Yes, Pioneertown is an interesting place to get a break from the stress of work. The town has its own website, where you can get directions and see what time the weekend gun show starts and what bands will be playing at Pappy and Harriet's. However, the recent fire at Pioneertown also brings to mind the importance of pro bono work. (Do you like how I worked in a legal aspect?) As lawyers, we possess special skills that could provide valuable assistance to families that are attempting to wade through paperwork to receive assistance after a disaster in

their community. I believe each of us became involved in the legal profession because we genuinely want to help people. Recently, there seem to be a lot of derogatory lawyer jokes that cast a negative shadow on our profession. By volunteering in the community after a disaster, even in a small way, we show others what truly wonderful people lawyers are. So saddle up!

Donna Johnson Thierbach was formerly a Deputy Public Defender with Riverside County and is currently the Assistant Director of the Adult Division of the Riverside County Probation Department.



Calendar (continued from page 2)

- 17 Immigration Law Section**
“Unlawful Employee & Employer
Sanctions”
RCBA Bldg., 3rd Floor – Noon
(MCLE)
- 18 Business Law Section**
RCBA Bldg., 3rd Floor – Noon
(MCLE)



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2006.

Arnold B. Abrams – Law Offices of Arnold B. Abrams, Encino

Bradley R. Blamires – Bonnie R. Moss & Associates, Riverside

Gregory H. Comings – Law Offices of Gregory H. Comings, Riverside

Eric V. Isaac – Law Offices of Eric V. Isaac, Riverside

Virna M. Manuel – Thompson & Colegate, Riverside

Scott M. Phillips – Phillips Downs & Simontacchi, San Rafael

Larisa Reithmeier-McKenna – Office of the County Counsel, Riverside

Jordan P. Steinberg – Law Offices of Dayn A. Holstrom, Corona

William E. Windham – Law Offices of William E. Windham, Riverside



CLASSIFIED ADS

Office Suite for Rent

c.10,000 square feet, executive offices (2) secretarial areas (2) reception area and waiting area, work room and file storage facilities, parking & utilities included. Share kitchen and large conference room with personal injury, workers comp, family law firm. Prefer attorneys in area of real property, bankruptcy, or criminal law. 3 blocks from courthouse. 4001 11th Street, Riverside; Kennedy, Jimenez & Pankratz, contact Mari or Atty. Kennedy (951) 784-8920.

Real Estate Services – Coldwell Banker Armstrong Properties

Professional services for you and your clients. Referrals appreciated and contacted without delay. Flexible listing fees, relocation services nationwide, national exposure of all listings on ColdwellBanker.com and Realtor.com. Contact Steve Hill at (951) 203-0651. Licensed California Dept of Real Estate # 01721338

Seeking Scheduling Coordinator for Arbitration/Mediation Service

Civil litigation secretarial experience mandatory. Must have outstanding telephone skills. Full time position available. Salary commensurate with background experience. Only the best need apply. Please fax resume to Redlands Arbitration & Mediation Services, Inc. (909) 798-5477.

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, (951) 682-1015 or charlotte@riversidecountybar.com.

Web Domains for Sale

cathedralcitylaw.com, canyonlakelaw.com, cherryvalleylaw.com, coachellalaw.com, easthemetlaw.com, elcerritolaw.com, glenavonlaw.com, indiolaw.com, laquintalaw.com, lakeelsinorelaw.com, menifeelaw.com, menifeevalleylaw.com, miralomalaw.com, norcolaw.com, perrislaw.com, ranchomiragelaw.com, rubidouxlaw.com, sanjacintolaw.com, skyvalleylaw.com, vallevistalaw.com.

Host stand-alone website or route traffic from these domains to your existing website. Accepting bids through 1-31-07 at mhuseman@1stcounsel.com. Specify domain for which you are bidding in subject line. Bids start at \$100. No reserves. Sales are domain name only, no content. All bids not responded to by seller deemed rejected. Winning bidder will be contacted via telephone on 2-1-07.

Supervising Deputy Public Defender

Countywide vacancies exist with Riverside County's Office of the Public Defender. Candidates will possess active membership with the State Bar of California, have a minimum of two years experience at the Deputy III level with the Public Defender's Office of Riverside County, or as a public defender at an equivalent level with another CA county or city.

Submit a detailed resume to jobmatch@rc-hr.com with a courtesy copy to the recruiter at mfschnei@rc-hr.com. Direct questions to Mary Schneider (951) 955-3586.

City of Moreno Valley – Positions Open

Deputy City Attorney III – The City of Moreno Valley is seeking a Deputy City Attorney III. Salary: \$7,125 - \$9,919/mo. DOQ, plus an excellent benefit package worth \$10,533 plus 4% of salary/yr. and city paid PERS (2.7 @ 55 effective Jan. 12, 2007). This position will serve as a legal advisor to the City Council, City Manager, City staff and various city boards and commissions, when assigned by the City Attorney; prepare and try civil cases including jury trials, court trials and writ proceedings, prosecute violations of municipal ordinances and other regulations; and perform other complex and important legal work as assigned. Qualifications include Juris Doctor Degree from an accredited law school and five years of experience in municipal law and/or civil litigation.

Paralegal – The City of Moreno Valley is seeking a Paralegal. Salary: \$3,621 - \$5,040/mo. DOQ, plus an excellent benefit package worth \$10,533 plus 2% of salary/yr. and city paid PERS Retirement (2.7 @ 55 effective Jan. 12, 2007). This position will perform a variety of responsible para-professional legal and office duties in support of the City Attorney's Office. Other duties will include performing legal research and preparing reports, ordinances, resolutions and other legal documents. Qualifications include Certification of completion of a paralegal program approved by the American Bar Association, or a degree or certificate from a post-secondary institution that requires the successful completion of a minimum of 24 semester units in law-related courses. Two years of increasingly responsible full-time paralegal experience or four years as a Legal Secretary is also required.

To apply for the above positions, submit a completed City of Moreno Valley application to the Human Resources Department at 14177 Frederick St., P.O. Box 88005, Moreno Valley, CA 92552-0805, no later than 5:00 p.m. on Friday, December 15, 2006. For more information, call (951) 413-3045 or visit our web site at <http://www.moreno-valley.ca.us>.
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