

# RIVERSIDE LAWYER

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MAGAZINE

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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 our members, our communities, and our legal system.

## 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 6<sup>th</sup> 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

## NOVEMBER

### 7 FBA – IE Chapter

George E. Brown, Jr. Federal Courthouse, 3rd Floor  
Noon – 1:15 p.m.

Speakers: Andre Birotte Jr., Michael Ramos & Jeffrey Van Wagenen

“Trends & Developments in Criminal Law 2012: This is Not Your Grandfather’s Inland Empire Anymore”  
RSVP: Julius at 951-328-2245

### 8 Immigration Law Section

RCBA 3rd Floor - Noon  
MCLE

### 12 Veterans’ Day Holiday

Courts and RCBA Offices Closed

### 13 Civil Litigation Section Meeting

RCBA 3rd Floor - Noon

Speakers: Judge Craig Riemer, Judge Gloria Trask & Judge Sharon Waters, Riverside Superior Court

Topic: “New Local Civil Trial Rules”  
MCLE

### PSLC Board Meeting

RCBA Boardroom – Noon

### Landlord/Tenant Law Section

Cask ‘n’ Cleaver – Riverside – 6:00 p.m.

Speaker: Judge John Davis

Topic: “How Local Rules Affect Unlawful Detainers”  
MCLE

### 14 Estate Planning, Probate & Elder Law Section

RCBA 3rd Floor – Noon

Speaker: Fay Blix, Esq.

Topic: Advanced Health Care Directives  
MCLE

### 16 General Membership Meeting

RCBA 3rd Floor - Noon

Speaker: Justin Brooks, Esq.

Topic: “The Challenge of Exonerating the Innocent”  
MCLE

### 20 Family Law Section

RCBA 3rd Floor – Noon

Speakers: Sue Ervin & Dr. Patrick MacAfee

Topic: Substance Abuse  
MCLE

### 22 & 23 Thanksgiving Holiday

Courts & RCBA Offices Closed

### 29 Holiday Mixer for the Inland Empire Legal Community

The Law Offices of Heiting and Irwin  
5885 Brockton Ave in Riverside, 92506  
5:30 p.m. to 8:00 p.m.

The event is free; accepting donations for local charities who are aiding families in need during the holiday season

## DECEMBER

### 6 New Admitee Swearing In Ceremony

Riverside Superior Court – Dept. 1 – 10:00 a.m.

### RCBA/SBCBA Joint General Membership Meeting

San Bernardino Hilton – Noon

Speaker: State Bar President Patrick Kelly





# President's Message

by Christopher B. Harmon

Fall is always an exciting time of year. The Inland Empire is finally cooling down, football season is in full swing, kids are back at school, and the RCBA is once again gearing up for our "season." As you know, many of the RCBA sections and committees do not hold meetings during the summer months. I would urge all of you to keep a close eye on our mailers and advertisements for meetings, programs, and events as they start up. The RCBA is blessed with some wonderful section leaders who are planning to put on some outstanding presentations this coming year. One of the benefits of RCBA membership is taking advantage of a very active legal organization, but these programs are only as good as the attendance they draw. The RCBA will only continue to draw good, reputable speakers for our presentations if we can continue to boast of our dedicated membership and their strong participation at the meetings. If you have not yet joined a section or attended a section meeting, I would urge you to give it a try. You will not be disappointed with the information you will learn and the people you will meet, and the free MCLE certainly never hurts, either!

The heart of the RCBA event calendar is always the general membership meeting, held monthly in the Gabbert Gallery on the third floor of the RCBA building. Our Vice President, Chad Firetag, has some wonderful speakers and topics lined up for these meetings this year. These meetings offer a wonderful opportunity to see old friends, meet new ones, and hear from a good speaker. Please come enjoy a good lunch and the social atmosphere these meetings foster.

I am also very pleased to announce that the RCBA website has received a complete makeover by the brilliant Jeff Schaeffer from Mill Creek Networks. If you attended our recent installation dinner, then you were lucky enough to see a short demonstration of what the new site can do, given by our President-Elect Jackie Carey-Wilson. Please take a moment to look at the new site, which can be found at [riversidecountybar.com](http://riversidecountybar.com). The website contains current and past editions of the RCBA magazine, *Riverside Lawyer*, and has links to our affiliated public service organizations. One of the features I am most proud of is our Member Resources section. After a quick and easy free registration process, members will be able to look at the RCBA events calendar and see all of the upcoming events we are putting on. The calendar also allows you to RSVP directly and instantly to an event with a few quick clicks of the mouse.

In closing, please consider turning over a new leaf with the RCBA as we begin our new "season." Make a point of attending our monthly meetings, coming to a section meeting in your own area of practice or even in one you might find interesting, and keeping an eye on our event calendar for other functions to attend. The success of the RCBA and the benefits of membership are realized only through your continued and active participation.

*Chris Harmon is a partner in the Riverside firm of Harmon & Harmon, where he practices exclusively in the area of criminal trial defense, representing both private and indigent clients.*



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# BARRISTERS PRESIDENT'S MESSAGE

by Amanda E. Schneider



As the weather cools down and fall settles in, we can all look forward to the start of the holiday season and celebrating Thanksgiving this month with family and friends. I know that I have so much to be thankful for – a loving family, supportive friends, and wonderful colleagues, among so much more. With the season of giving thanks comes the perfect time to give back.

There are so many ways to give back to the local community or support the worthy causes you feel passionate about. The RCBA affords a number of opportunities for attorneys to give back to the local community, either through financial contributions or, perhaps even more importantly, through giving of one's time and talents.

The Barristers Association focuses on giving back to the community throughout the year. Whether serving as a coach or judge in the Riverside County Mock Trial program or mentoring students in Project Graduate, Barristers and seasoned attorneys alike give back to the youth in Riverside County through their time and talents. The ASUCR Legal Clinic, where attorney volunteers provide legal consultations to college students, as well as the Inland Empire Latino Lawyers Association are both benefited by

the leadership of members of the Barristers Board, Arlene Cordoba and Reina Canale. These are just a few of the worthy programs to which Barristers members donate their time and talents. There are many more! The important thing is to get involved in whatever way you can.

Giving back has become the focus of the Barristers' annual December meeting and social, which will benefit the RCBA Elves Program. The Elves Program provides dinners and gifts to families in need during the December holiday season. Barristers will also learn about a number of other ways to give back through legal aid services at our December meeting.

Thank you to Reina Canale for organizing the October 17 meeting, featuring Carlos Castellanos speaking on "Immigration: The Deferred Deportation Program." The Barristers' November meeting will be held on November 14. The focus will be on financial literacy, both personally and professionally. Our speakers will emphasize issues relevant to attorneys early in their careers, including buying a home and retirement accounts, as well as ways to better serve their clients, providing a look at structured settlements, asset protection, and taxes. Please stay tuned for more information!

As always, I'd like to encourage all young attorneys to become involved in the Barristers. Feel free to contact me directly or to contact the RCBA for information on the Barristers, our monthly meetings, or ways you can give back to the legal community and the community at large through any of the programs mentioned here. You can also find more information on the Barristers on our Facebook page ("Riverside County Barristers Association") or on the Barristers website, [riversidebarristers.org](http://riversidebarristers.org).

*Amanda Schneider is the 2012-13 President of Barristers, as well as an associate attorney at Gresham Savage Nolan & Tilden, where she practices in the areas of land use and mining and natural resources.*



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# PREVENT CHILD ABUSE RIVERSIDE COUNTY

by Tami Alexander

Prevent Child Abuse Riverside County (PCARC) has been around since the early 1980s. Next year, we celebrate our 30th year as Riverside County's designated lead agency for child abuse and neglect prevention. Our organization began as a grass-roots effort of concerned community members and representatives of public and private agencies who came together around the common purpose of preventing child abuse and neglect. Since our inception, PCARC has evolved into its current structure as a private nonprofit 501(c)(3) organization operating throughout Riverside County.

Our role in the community is to build and expand a network to coordinate child abuse prevention efforts throughout our county. We provide education to the community and raise public awareness about child abuse and neglect issues. We also provide a forum for collaboration and coordination between community agencies to help in detection and treatment.

We accomplish many of our goals through our local regional committees, consisting of concerned and dedicated volunteers who work to address critical child abuse issues as well as to implement protective measures. Currently, our organization supports seven regional committees throughout Riverside County: Blythe, Coachella Valley, San Geronio, Perris, Temecula Valley, Corona/Norco and Metro Riverside.

Some of the key topics addressed through our committees are positive discipline and parenting education classes, water safety and drowning prevention, head trauma, prenatal safety, safe surrender advocacy, sexual abuse of boys, abuse of children in the foster care system, safe

touch, substance abuse prevention and recovery, and bullying.

To support PCARC, a group of employees working for the Department of Public Social Services established a golf tournament. What started five years ago as a small tournament netting about \$1,500 for both organizations has grown into the DPSS Fall Classic, with a sell-out field of over 144 golfers. Not only has our field of players grown, but also our support. This year, we increased our sponsorship by over \$15,000, adding an executive sponsor and media coverage and selling more tee signs. In tough economic times, this is no small feat. In addition, we have six NFL alumni, including Craig McEwen, Leonard Russell, Reggie Berry, and Efren Herrera, returning to play in our event and help build community support.

The DPSS Fall Classic is usually scheduled for the first or second week in October and played at the beautiful Menifee Lakes Golf Club. If you missed it this time around, our signature event is just around the corner. On Superbowl Sunday, the first Sunday in February, Kermit Alexander, a 14-year veteran of the National Football League, and over 20 of his NFL alumni friends will come together at the Orange Terrace Community Center for a huge tailgate party! It's a free event that allows the community to watch the Big Game from the grass field (bring a lawn chair) on the "Big Mo," a 10 x 12-foot LED screen mounted high on top of a big rig. This is a family event, so bring the kids to play on the jumpers, eat food from over 10 food vendors, win raffle prizes, or just watch the game. For those who like things a little upscale, we have a VIP tent outfitted with big screen

TVs, free food and a few couches for comfortable viewing. A beer and wine garden is provided by the I.E. Latino Lawyers Association.

The proceeds from this annual event will be used to help to develop our Believe & Achieve Fund. This fund was established to promote opportunities for youth in the foster care system to request grants of up to \$250 to help fund special requests that often are otherwise unattainable. Examples include requests for musical instruments, sports equipment, travel expenses for group activities, and/or extracurricular activities not covered through county funding or foster child stipends. Many of these children are denied opportunities because they lack the resources needed to participate in outside activities or organizations. It is our goal to help these kids believe in their potential and achieve their goals.

If you would like more information about our organization, events or volunteer opportunities, please contact Tami Alexander at [talexander@pcariverside.org](mailto:talexander@pcariverside.org) or check out our website at [pcariverside.org](http://pcariverside.org).

*Tami Alexander is Event Coordinator for Prevent Child Abuse Riverside County.*



# FOUNDATION ON AGING OFFERS HOLIDAY GIFT CARDS

by Gloria J. Sanchez

## Foundation Offers Holiday Gift Cards in Reponse to Growing Numbers of Hungry Seniors in Riverside County

Organized under the mission, "To provide program funds to enhance the quality of life of older adults through the work of the Riverside County Office on Aging and its Advisory Council," the Foundation on Aging has a single purpose – to serve as a complementary funding vehicle, allowing donors to collaborate with the Office on Aging and its Advisory Council to impact the unmet needs of seniors within the county. The Riverside County Foundation on Aging is taking on the responsibility of filling in gaps where public programs and public dollars may be limited.

In keeping with our mission and building on past years' successful initiatives, the Riverside County Foundation on Aging is pleased to announce the Fifth Annual Holiday Gift Card Program. The Foundation is working to strengthen, expand and support senior programs in Riverside County and looks to the Holiday Gift Card program to raise awareness of issues facing seniors, as well as to raise needed funding to provide for necessary support for seniors in greatest need. If our fundraising efforts are successful, the Foundation hopes to donate gift cards to each of the 34 senior centers throughout the county. Working with senior center directors, those identified as the neediest are given a Stater Bros. gift card that allows them to purchase food for the holidays. As one senior said,

"If it hadn't been for the gift card, my family would not have had a holiday dinner."

The Foundation's efforts are especially important this holiday season. Officials estimate that more than 7,000 seniors go without food daily throughout the county, and that number is expected to increase with the current financial crisis. Although hunger is a daily problem for many seniors, the holidays are a time of food and celebration. We hope to highlight the larger issue while providing some holiday joy to our seniors.

In addition to the Holiday Gift Card Program, the Foundation also sponsors an annual golf charity tournament, which is held every October. This past year's event co-chairs were Supervisor Marion Ashley and Supervisor Jeff Stone. The Foundation offered a day of fun and entertainment for golfers and at the same time provided more security for our seniors who are in crisis.

You can help the Foundation achieve its goal of making sure all 34 senior centers in Riverside County receive funds for the sole purpose of providing gift cards to needy seniors this holiday season by sending your tax-deductible donation to the Riverside County Foundation on Aging, 6296 River Crest Drive, Suite K, Riverside, CA 92507. Make the decision to be part of this holiday program and to be part of helping to feed seniors this holiday season. The Foundation will become more and more critical in the future, as the numbers of seniors swell and their needs increase and as resources to respond are shrinking. For additional information on the Foundation, check our website at [foaging.org](http://foaging.org).

The Riverside County Foundation on Aging is a 501(c)(3) tax-deductible organization. If you have any questions, please don't hesitate to contact Gloria J. Sanchez, President, Riverside County Foundation on Aging at (951) 867-3822 or (951) 672-2588.



# GIVE BIG RIVERSIDE DAY

by Robert Neff

Please participate on "Give BIG Riverside Day" and help local nonprofits provide valuable services to Riverside residents. Give BIG Riverside is a 24-hour online giving event engaging Riverside residents and donors for the benefit of local nonprofits.

The Community Foundation, with the vision of "seizing our destiny," and in cooperation with a community task force, is organizing the pilot Riverside Online Giving Day, called Give BIG Riverside, as an opportunity for Riverside residents to support and give BIG collectively to their favorite nonprofit, online.

Give BIG Riverside participants can make contributions from \$10 and up through the website at [giveBIGriverside.org](http://giveBIGriverside.org). There, residents can find their favorite nonprofit or search by areas of interest, such as animals, children, or safety net services. A donation is made using a debit or credit card on a secure, reputable, and safe site.

Golden Tickets, which provide nonprofits with an additional \$250 if one of their donations is selected during a random drawing, will be given throughout the day. Twelve Golden Tickets will be awarded.

Give BIG Riverside will be held from 12:01 a.m. until midnight on Tuesday, November 13, 2012.

By donating to local nonprofits, Riversiders are directly contributing to efforts to enhance our quality of life. All nonprofits participating have provided services to Riverside residents for three years or more.

Through the Give BIG Riverside online campaign, Riverside will enjoy long-term benefits that help expand the philanthropic culture, increase civic engagement, promote long-term fundraising capacity for the nonprofits, and maximize marketing potential and economic growth.

Select the nonprofit you wish to support and Give BIG on November 13!

For more information, please contact Bobbie Neff at (951) 329-4706.

Thank you to our sponsors, Stronghold Engineering, the Press-Enterprise, the Norris Group, Riverside Public Utilities, the City of Riverside, and the Greater Riverside Chamber of Commerce, for your support.

*Roberta Neff is the Chief Financial Officer for Community Connect.*



Please support Inland Counties Legal Services in our **24-hr Give BIG Riverside Fundraiser** on November 13, 2012.

**Who:** Inland Counties Legal Services, Inc.

**What:** 24-hr Give BIG Riverside Fundraiser

**When:** November 13, 2012.

**Why:** We ask that you help us in continuing our battle to provide low-income individuals with top-notch legal services by providing a donation of any size.

**Where:** Mr. Taco 4111 Main Street, Riverside CA 92501 or online. Click on the link below to begin.

<http://www.razoo.com/story/Inland-Counties-Legal-Services>

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# THE MISSION INN FOUNDATION AND GIVING BACK

*by Jennifer Dickerson*

Since its creation in 1976, the Mission Inn Foundation, a nonprofit organization, has had one goal in mind: to preserve, interpret, and promote the cultural heritage of the Mission Inn, a National Historic Landmark. Over time, the Mission Inn Foundation has expanded significantly, not just in numbers of staff and volunteers, but also in the services it offers to the community. Through its museum services, educational programs, and outreach activities, the Mission Inn Foundation has been a vital nonprofit organization in Riverside. The Foundation provides a variety of daily tours led by volunteer docents, offers a public programming series that provides its audiences with the most up-to-date and intriguing information about all subjects related to the Inn and Riverside, and also leads multiple educational outreach presentations centered in low-income areas in Riverside through our Hands on History program. All of these endeavors promote our larger objective of educating guests and making them aware of the rich history of the Inn and Riverside.

In 1987, our docent program began with a group of individuals who were determined to help protect the Mission Inn from demolition by sharing its history and legacy with inquiring tour guests. This group of docents, and the groups that graduated from the docent program in the following few years, were so determined that they conducted tours solely on the outside of the Mission Inn, as it had a chain-link fence around it in the late 1980s and early 1990s! With the grand reopening of the hotel in 1993, our docents were able to finally give guests the whole experience of the Mission Inn by taking them inside, thanks to the graciousness of the hotel's new owners, Duane and Kelly Roberts. Since 1987, our docent program has significantly grown, and today we have over 150 active docents who volunteer their time to give tours of the majestic Mission Inn Hotel & Spa, both to the local community and to those who travel long distances to visit the Inn. Additionally, just within the last few years, the Foundation, in conjunction with the Mission Inn Hotel & Spa, has added custom tours to the daily tours already in existence. Such new tours include the Under the Stars tour, which is comprised of dinner at the Mission Inn Restaurant and a tour of the hotel's top-floor suites, and also the newly instituted Hotel Art Package tour, a hotel package that includes an exclusive tour specific to the wide array of art in the Mission Inn's collection. Each of these tours is conducted so as to provide guests and the community with more information on the Mission Inn in fun and innovative ways.

In addition to our various tours, the Mission Inn Foundation also offers a wide array of public programming,

including our lecture series, summer movie matinees, workshops, and our newly instituted Excursions series, which gives guests the chance to travel to different parts of the Southern California area that have a connection to the Mission Inn and its original founder, Frank Miller. Our first trip was in September, and it was to Mr. Miller's Laguna Beach residence, named Villa Rockledge. This was a rare opportunity to visit this extraordinary site right on the coastline. These programming efforts are open to the public and are provided to offer the Riverside community, and anyone else interested, the opportunity to learn more about Riverside, the Mission Inn, and Southern California.

Another way in which our Foundation connects with the community is through our Hands on History program, an educational outreach program funded by generous grant donations from various organizations that, like us, want to make a difference and educate a younger audience about their communities. Through these grants, we have been able to do projects with children in the Casablanca, Arlanza, and Eastside areas. We were even able to partner with the Riverside Unified School District for our most recent project this past summer by working with children in the AVID program (an organization for first generation college-bound youth) and the English Language Learners program. These projects provide Riverside's youth with the opportunity to create artworks, work with professional photographer Carlos Puma, take walking tours of their neighborhood, and even visit the Mission Inn, thus opening up opportunities previously unavailable to them. Our Hands on History program allows our organization to reach an entirely different audience and helps us to develop relationships with future generations. Additionally, our Foundation takes part in Downtown Riverside's First Sundays program, providing fun activities for children of all ages, which, again, helps us to reach out to local youths.

The Mission Inn Foundation is honored to be able to take such a large part in, and have such an influence on, Riverside and its surrounding areas. Our tours, public programming, and educational outreach allow us to build relationships with others in Riverside and not only give to the community, but also learn from these various organizations and people. We are proud to be in our 36th year of existence, and we will continue our efforts to give back to the community.

*Jennifer Dickerson is the Curator of History for the Mission Inn Museum.*





# YOU DO NOT HAVE TO SUFFER ALONE

by Reina Canale

*Fact: Every 16 minutes, someone in the U.S. dies by suicide. "There are an estimated 8-25 attempted suicides for every suicide death."*

Although it is 2012, suicide remains a hush-hush topic and a taboo subject of conversation. Every year since I became an attorney in 2008, I have come across the annual substance abuse MCLE class. However, I have yet to come across a single suicide awareness MCLE class. While it is possible that I missed the class offering, I have a feeling that attorneys feel more comfortable listening to an AA presentation than one about suicide. This is a shame. "Suicide is the third leading cause of death among attorneys, after cancer and heart disease. Thus, the rate of death by suicide for lawyers is nearly *six times* the suicide rate for the general population."<sup>1</sup> While depression can be suffered by many, the coping mechanism used is not always substance abuse. It can be pills, a razor, or a gun.

In these tough economic times, many young lawyers are finding it hard to cope with layoffs, difficulty securing employment, high student loan debt, feelings of not accomplishing the status they set out to achieve, etc. After losing that dream position or being turned down time and time again despite a seemingly perfect job interview, many attorneys are forced to suffer in silence and shame regarding the depression they feel from the trials and tribulations they are experiencing.

On August 7, 2011, I experienced an aura migraine, consisting of a flash of light followed by strobe-light flashes and temporary blindness. Within an hour, I received a phone call with the shocking news that my brother had died. He had always been the ying to my yang. Although we were polar opposites in education level, interests and family life, we were extremely close, spoke frequently and relied on each other. He had always been a happy and charismatic person. At his funeral, no one could believe that he would have taken his own life. Since we were children, my brother's favorite song was Smokey Robinson's "Tracks of My Tears." It was only after reflecting on the song's lyrics – specifically, "Although I might be laughing loud and hearty, deep inside I'm blue" – that I realized for the first time that my brother had suffered in silence for years without any of us knowing.

1 Facts About Suicide and Depression, [theovernight.donordrive.com/index.cfm?fuseaction=cms.page&id=1034](http://theovernight.donordrive.com/index.cfm?fuseaction=cms.page&id=1034).

2 The Lawyers' Epidemic: Depression, Suicide, and Substance Abuse, [abnormaluse.com/2012/03/the-lawyers-epidemic-depression-suicide-and-substance-abuse.html](http://abnormaluse.com/2012/03/the-lawyers-epidemic-depression-suicide-and-substance-abuse.html), italics added.

On June 9 and 10 of this year, my mother and I participated in the Out of the Darkness Overnight Walk in San Francisco. Prior to the event, we were required to raise \$1,000 each to participate. Net proceeds raised benefited the American Foundation for Suicide Prevention, funding research, advocacy, survivor support, education, and awareness programs. By June 9, we had raised a total of \$2,830, far exceeding our requirement, through the generous support of family and friends. Together, participants raised more than \$2.3 million and, from dusk to dawn, helped to bring issues of depression, mental illness, and suicide out of the darkness and into the light.

Our walk began at Fort Mason, where a few keynote speakers shared their stories, including Kevin Wang. Mr. Wang told about how his sister, a doctor, had killed herself. "[H]e noted the unnerving trend of physician suicides and how little is known about its cause."<sup>3</sup> Therefore, a high level of education does not exempt one from suicide. As we walked, we talked with other families and individuals forever affected by suicide.

My mother and I walked 7.5 miles to a rest stop before hitching a ride back to Fort Mason, whereupon we walked an additional 1.5 miles through seemingly endless luminaria representing those lost through suicide. This was truly an emotional and enriching journey. Thank you to all our family and friends who supported us both emotionally and financially in this truly unforgettable experience.

After participating in this event, it is my hope that I can encourage the RCBA and the State Bar to increase MCLE offerings in suicide prevention and awareness. My brother left behind a widow, four young children, our 94-year-old grandmother, our parents, me, and countless family and friends. In writing this article, it is my hope that another family doesn't have to endure the pain my family continues to go through in coping with his death. If you are in crisis, please call the National Suicide Prevention Lifeline at (800) 273-TALK (8255).

*Reina Canale is the Executive Director and Staff Attorney for Inland Empire Latino Lawyers Association.*



3 Thousands Walk Through San Francisco All Night for Suicide Prevention, [sanfrancisco.cbslocal.com/2012/06/09/1000s-walk-through-san-francisco-all-night-for-suicide-prevention](http://sanfrancisco.cbslocal.com/2012/06/09/1000s-walk-through-san-francisco-all-night-for-suicide-prevention).

# WE GIVE OURSELVES TO OUR SPORTS AND HOBBIES, AND THEY GIVE BACK

by Jon Opsahl, MPH, and Christopher J. Buechler

For many of us, the word “sports” conjures up images of valiant competition – both physical and mental – of striving for that thrill of victory and refusing to accept that dreaded agony of defeat.

Only for a very few of us do these images inspire regular participation in local sports leagues. Whether we participate to relive the glory moments of high school or to finally discover the wonder of the “weekend warrior,” sports sometimes have an allure that can linger throughout a lifetime.

But what about that once-common staple, simple camaraderie? What happened to the once-cherished value of good sportsmanship? What if, in essence, we can have both sides playing for the same team, i.e., their larger community?

So many of us throw ourselves quite passionately into our sports and hobbies – as evidenced by the July/August 2012 issue of *Riverside Lawyer* – that with a little entrepreneurial spirit, we can channel these activities into larger community endeavors that can both engage our friends and neighbors in our active lifestyles and raise money for local charities.

If we remove our lawyer-athlete hats for a moment and don our entrepreneur hats, we can see that, with a little creativity and vision, we can become champions not only on the field, but also among the community at large. Let us analyze how to achieve this vision using the traditional “three-legged stool” of business: operations, marketing, and finance.

## Operating a Sport/Hobby for Charity

When most of us think of a for-charity sport or hobby activity, we probably think of a charity golf tournament. But with some creativity, we can expand this idea into other sports and for periods lasting longer than a day or a weekend. And there are already examples of such expansion around us.

For example, Chris Buechler – as a sanctioned director of the American Contract Bridge League – is able to conduct charity games, in which most of the card fees are directed to the ACBL Charity Fund and/or some local charity of the director’s choosing. Players participating in the games receive extra masterpoints as a reward. Also, there are several organizations in Los Angeles (AIDS Project LA being one of them) that offer marathon training for the L.A. Marathon, organizing groups of runners of similar skill and

providing designated routes, hydration, snacks, and access to coaches and trainers in exchange for a minimum fund-raising commitment.

Once you select an activity, then you may want to find a sanctioning body on a local, state or national level that can arrange for coaching, training and refereeing, if needed, and also formal recognition of the achievements of the participants.

Or you can organize the activity yourself, be it a one-time event or a season-long league sport. Jon Opsahl, MPH, as founder and director of OptiHealth Sports, assists individuals and organizations looking to establish sports leagues in a variety of sports – including baseball, football, basketball, kickball, volleyball, badminton, and soccer – with modifications intended to encourage wider participation by players of all ages and athletic abilities. The modified versions are designed to be more fun, more convenient, more affordable, more fitness-oriented, more family-oriented, more educational, and more meaningful.

The next step in the process is to find a venue for your charity game. In many cases, the venue can be provided by the charity itself; alternatively, you can find suitable athletic venues and recreation rooms for a reasonable price through your local parks and recreation department.

Running a sport or hobby for charity, then, is not limited by the sport involved, or even the structure and rules of the game, but rather your own imagination.

## Charity Activities – A Marketing Trifecta

These charity activities are a “marketing trifecta,” meaning that they provide an overlapping promotion for (1) the activity involved and/or the sanctioning body, (2) the host venue, and (3) the benefited charity. And since most of these entities operate beyond your particular charity game or league, they will usually be willing to grant access to some marketing resources that can promote the other two entities to new audiences. This means that participants would be likely to continue to participate in the activity, patronize the host venue, or donate to the local charity beyond their involvement in the charity game or league.

## Financing a Charity Game or League

In order to maximize proceeds going to a charity through your activity, you must either reduce costs, increase revenues, or both. As far as costs go, these fac-

tors may be set by a sanctioning body, host venue, or professional coach/trainer/referee. Running an activity for charity is a great way to negotiate a reduction in these costs and may even provide a tax benefit to the service provider (but check with your local tax attorney).

Revenues can be provided by the participants directly, or, for activities with larger costs, participants can agree to a certain fundraising level and have the revenue provided by friends, neighbors and co-workers, raising both funds and awareness. Also, some larger law firms may underwrite most or all of these costs to support their attorneys' outside interests and raise the profiles of their firms.

Be aware that these events provide additional fundraising opportunities. You can "pass the hat" to raise direct contributions for your charity, or you can sell concessions to participants and observers and donate those proceeds.

As we saw in the July/August issue of *Riverside Lawyer*, we as lawyers have many and varied interests outside of law. And since we are participating in these hobbies anyway, we should take the opportunity to use them to benefit the larger community. This provides great rewards in terms of altruism, competitive achievement, and raising the profile of the attorney, sport, venue and charity.

*Jon Opsahl, MPH, is founder and director of OptiHealth Sports. For more information, visit [Sport.iGroops.com](http://Sport.iGroops.com) or email [jon.opsahl.mph@gmail.com](mailto:jon.opsahl.mph@gmail.com). Please see Mr. Buechler's profile on page 27.*



## PATH OF LIFE – HOMELESS SERVICES

by *Connie Younger*

There are four facilities in the Riverside area operated by Path of Life, a nonprofit organization:

- (1) Year-round emergency shelter (64 beds, for men and women, 30-60 days);
- (2) Emergency cold weather shelter (72 beds, for men and women, seasonal);
- (3) Family shelter (50 beds, for families, 60-90 days); and
- (4) Transitional housing program (54 units, 142 beds, for families, 12-24 months).

Path of Life's mission statement is "to help people become productive in life by addressing barriers of dysfunction through the process of rescuing, restoring and rebuilding lives."

Qualifying residents are offered a safe environment where basic needs are met and essential services are delivered. A case plan is designed to address the needs of each individual, such as employment readiness, job assistance, housing options, life skills, budgeting, nutrition, and family life. Children at the shelter are provided with homework assistance, a "life music" program, and basic medical care, to name just a few services especially for them.

Patricia Polanco, who is now an employee at the family shelter, is one of their many success stories. Seven years ago, she was a resident there herself, as a drug-addicted single mom who had lost custody of her children because of drugs. Patty had been raised by a single mother herself – a mother who was murdered by a man who broke into their L.A. home and who attempted to rape Patty's

sister. The police shot the man on their front lawn during their rescue. Patty, who saw it all, was only 11 at the time.

To meet Patty today, so warm and always with a big smile, you would never know she had traveled such a dark road. It was with the help of Path of Life that Patty was able to kick her addiction, get her kids back, find a job, and get her own place. Fast forward, and all four of her girls are now educated, productive, and more importantly, happy.

If you would like to be a part of this wonderful organization, it offers over 70 areas of opportunity for volunteers, and yes, attorneys are needed, too. Donations, such as furniture (especially beds) and appliances, are always needed for those transitioning into new homes and new lives. Money donations, of course, are welcome as well.

The Guest Chef program is one of the most popular volunteer opportunities. Since three meals a day are offered to residents, donations of food and the labor to prepare and serve it are always needed, and you can do this either one time only or on a regular basis. The residents will inspire you while you serve.

If you would like more information about Path of Life and volunteer opportunities there, please visit their website at [thepathoflife.com](http://thepathoflife.com). You'll find you'll get more than you give if you do.

*Connie Younger, a member of the Bar Publications Committee, is a sole practitioner in Riverside.*



# A CONTINUING CONFLICT: CHARITABLE DONATIONS AND CHAPTER 7

by Everett L. Green

Every holiday season, millions of Americans participate in a long-standing tradition of donating to charity. According to some measures, Americans contributed \$95.88 billion to religious organizations in 2011.<sup>1</sup> While charitable donations to religious institutions are viewed as altruistic endeavors, the practice is problematic when a donor seeks liquidation in Chapter 7.

## A. The Purpose of Chapter 7 Is to Repay Creditors

Chapter 7 is the liquidating chapter of the Bankruptcy Code. It allows the complete discharge of most debt. One of Chapter 7's primary goals is to maximize the recovery of money and assets for the benefit of creditors. In 2005, as part of comprehensive bankruptcy reform legislation, Congress introduced a means test – a mathematical formula that deducts certain allowed expenses from a debtor's income – to ensure that a debtor repays his or her creditors as much as possible.<sup>2</sup> If, after deduction of these expenses, a debtor's income surpasses a statutory limit, the debtor is not eligible for Chapter 7. In tandem with the means test, bankruptcy courts scrutinize the totality of a debtor's financial circumstances to decide whether a debtor should reduce his or her actual expenses to repay creditors.<sup>3</sup> To further ensure that creditors are paid, a trustee is appointed in every Chapter 7 bankruptcy case to investigate a debtor's assets and recapture any funds paid on the eve of filing bankruptcy, including situations in which the debtor did not receive anything of equal value.<sup>4</sup>

## B. Chapter 7's Goal of Creditor Repayment Conflicts with the Idea of Donations to Serve the Public Good

Bankruptcy's goal of maximizing creditor recovery conflicts with the concept of an individual making charitable donations. Tithing, for example, involves a voluntary contribution of a percentage of income to a

religious institution. From a societal point of view, the support of charity is undeniably perceived to be in the public interest. From a bankruptcy perspective, tithing is problematic. It is voluntary – a debtor controls when he or she will tithe – and thus a debtor can start tithing right after filing bankruptcy and stop after wiping out all debts.<sup>5</sup> Tithing can be unrestricted in amount – a debtor controls how much to tithe. Tithing often is not a requirement of church membership or a mandatory condition of receiving religious instruction – after all, most church services are free to the public.<sup>6</sup> But, in making a charitable donation, a bankruptcy debtor in essence is asking his or her creditors to make the donation at the expense of being repaid.

## C. Responding to the Unfairness to Creditors of Charitable Donations, Bankruptcy Courts Permitted the Avoidance of Charitable Contributions

These issues reflect a more fundamental concern involving fairness. Is it fair to allow debtors to make gifts to charity instead of repaying their debts? Should a debtor who has not been a good steward of his or her own financial affairs be able to make gifts to a church at the expense of creditors? And is it fair that creditors, who may have loaned money or extended credit in good faith, may be denied repayment while a debtor gifts property? In recognition of this unfairness to creditors, bankruptcy courts developed and applied a body of case law allowing Chapter 7 trustees to avoid or nullify charitable donations and recover the money for the benefit of creditors.<sup>7</sup>

## D. Congress Passes Legislation Reaffirming the Special Value of Gift-Giving

In reaction to efforts by trustees to repay creditors by recovering church donations, Congress weighed in. Congress, adopting a policy position that charitable

1 The Center on Philanthropy at Indiana University, available at [www.philanthropy.iupui.edu/news/article/has-americas-charitable-giving-climbed-out-of-its-great-recession-fueled-trough](http://www.philanthropy.iupui.edu/news/article/has-americas-charitable-giving-climbed-out-of-its-great-recession-fueled-trough) (last visited October 18, 2012).

2 *Egebjerg v. Anderson (In re Egebjerg)*, 574 F.3d 1045, 1048 (9th Cir. 2009).

3 See 11 U.S.C. § 707(b)(3).

4 The Bankruptcy Code and state law may allow a trustee to reclaim any funds paid as fraudulent transfers. See 11 U.S.C. §§ 548-550.

5 See *In re Lee*, 162 B.R. 31, 42 (Bankr. N.D. Ga. 1993) ("Because debtors have not tithed consistently and because their church does not require tithing as a condition for full membership

6 The bankruptcy court in *In re Faulkner*, 165 B.R. 644, 648-49 (Bankr. W.D. Mo. 1994) expressed these concerns.

7 See, e.g., *Weinman v. The Word of Life Christian Center (In re Bloch)*, 207 B.R. 944, 948-51 (D. Colo. 1997); *Morris v. Midway S. Baptist Church (In re Newman)*, 203 B.R. 468, 472-478 (D. Kan. 1996); *Fitzgerald v. Magic Valley Evangelical Free Church (In re Hodge)*, 200 B.R. 884 (Bankr. D. Idaho 1996).

donations have spiritual rather than actual value, elevated the principle of gift-giving over the interests of repaying creditors. By enacting the Religious Liberty and Charitable Donation Protection Act of 1998 ("Act"), Congress intended to protect the rights of debtors to continue to make religious and charitable contributions after they file for bankruptcy relief.<sup>8</sup> The Act amended Chapter 7 to prevent a court from considering whether "a debtor has made, or continues to make, charitable contributions" in determining whether a debtor can repay creditors.<sup>9</sup> The Act also amended the Bankruptcy Code

8 H.R. Rep. No. 105-556, at 2 (1998).

9 The Act modified 11 U.S.C. § 707(b)(1) so as to state, in relevant part: "In making a determination whether to dismiss a case under this section, the court may not take into consideration whether a debtor has made, or continues to make, charitable contributions . . . to any qualified religious or charitable entity or organization."

so that a trustee may not recapture or avoid as a fraudulent transfer most charitable contributions. The Act's protections of charitable contributions appear to be quite broad. While a debtor must disclose how much he or she donated prior to the filing and intends to donate after the filing, the court cannot consider the donations as evidence in assessing a debtor's ability to repay creditors.<sup>10</sup>

#### **E. One Bankruptcy Court Denies Special Treatment to Charitable Donations**

At least one bankruptcy court, however, concluded that the Act's protections are not as broad as they appear. In *In re Bender*, 373 B.R. 25 (Bankr. E.D. Mich. 2007), the debtors contributed \$260 a month to their church in the three years before they filed under Chapter 7.<sup>11</sup> After their filing, they proposed to increase their contributions to \$360.<sup>12</sup> The court correctly held that the Act excluded the debtors' past and future \$260 contribution as evidence of their ability to repay creditors.<sup>13</sup> But the debtors' proposal to increase their contributions troubled the court.<sup>14</sup>

In interpreting the Act's provisions, the court held that the Act specifically excludes donations that a debtor "has made, or continues to make."<sup>15</sup> These are past and continuing donations.<sup>16</sup> According to the court, the Act does not permit a debtor to suddenly become more charitable after filing bankruptcy.<sup>17</sup> The Act protects only debtors who have an established pattern of giving

10 See 11 U.S.C. § 707(b)(1). A debtor must disclose continued charitable contributions on the means test form and in his or her bankruptcy schedules.

11 *Id.* at 27, n. 4.

12 *Id.* at 29.

13 *Id.*

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*

a specific amount.<sup>18</sup> The court denied the debtors request to increase their donations to their church.<sup>19</sup>

The court was motivated by the same concerns of fairness to creditors as bankruptcy courts prior to the Act's passage. Still, the court's statutory interpretation and analysis appear to be supported by legislative history.<sup>20</sup> On the other hand, the Act's supporters would find nothing wrong with a debtor increasing his or her financial commitment to the church in a time of financial distress. At present, it is not clear if the bankruptcy court's decision will be followed and adopted by other bankruptcy courts. If the decision starts a trend, Congress may again intervene.

*Everett L. Green is a trial attorney for the United States Department of Justice and represents the United States Trustee for Region 16. The United States Trustee Program is responsible for protecting the integrity of the bankruptcy system. The views expressed in this article do not necessarily represent the views of the United States Department of Justice, the United States Trustee, or the United States Trustee Program.*



18 *Id.* (the Act does not protect "new" contributions or increases in contributions.

19 *Id.* at 30.

20 The House Report urging passage of the Act cites the following subcommittee testimony regarding the Act's effect on a trustee's ability to recapture charitable donations as fraudulent transfers:

"If I have been going along for years putting \$5 a week in the collection plate and all of a sudden, before I file bankruptcy, I clean out my last account and give 15% percent of my last year's income to my church, the trustee and the bankruptcy judge will look at the timing, the amount, the circumstances, the change in pattern, and they will say those are all badges of fraud. They will say I had the actual intent to hinder or defraud my creditors"

H.R. Rep. No. 105-556, at 3 (1998).

# FIVE STORIES

by Diane Catran Roth

Three-month old “Baby Girl” was born premature and drug-addicted. Her twin sister had died in utero. Her mother left her with Grandma, who was indigent. Baby Girl couldn’t get critical medical care because she lacked a piece of paper from a court giving Grandma the authority to act on her behalf.

Three-year old “Jessica” was found in the badlands 11 days after her mother’s car rolled off the highway, killing her mother. She had watched her mother die over three days, and had survived by feeding herself water and dry ramen noodles out of her tea set. She had no father. Her grandmother was also unable to get the medical care she needed without that piece of paper from a court.

“John” was a working husband and father of three young children. After a serious injury, medical bills forced him into bankruptcy. When John was back at work and his young family was just getting back on its feet, he was sued by a creditor prior to discharge, which threatened to devastate the family.

“Bill” was a man living on Social Security with a Tourette’s-syndrome-like disability that sometimes caused him to have verbal outbursts. Although he paid his rent on time, he was served with an eviction notice after his neighbors complained that he was loud and obnoxious. He had been attacked by a neighbor and had cuts and bruises on his face and body when he came for help.

“Barbara” was confined to a wheelchair, almost blind, and living in a board and care home. After she was given the wrong medication for two weeks, her doctor complained to the management and she complained to the state’s ombudsman. Soon after, she was brought to the office and given a set of “rules” to sign. Not being able to see well enough to read them, she asked what they were and was told they had to do with pets and smoking. Within a few days after she signed, she was served with an unlawful detainer for allegedly violating the rule prohibiting “discourtesy to staff” a month before.

These are real people. Ask Ken Minesinger, who helped get Baby Girl into an emergency temporary guardianship. Or Don McKay, who did the same for little Jessica. Or Mark Schnitzer, who represented John and got the proceeding dismissed. Or Katie Greene, who made sure Bill would remain in his apartment. Or Chris Morosoff, who took on the San Francisco lawyers who believed that Barbara was incapable of responding to their illegal eviction.

As stated in an October 2012 *California Bar Journal* article on the Justice Gap, “As legal aid groups struggle

for funding, judicial budget cuts have made it harder and harder for Californians to have their day in court. “Those who have the greatest need have the greatest strikes against them as far as legal services . . . . We just need to find any way we can to open the doors to the courts.”

The Public Service Law Corporation (PSLC) of the Riverside County Bar Association exists to keep the courthouse doors open for the Baby Girls, Jessicas, Johns, Bills and Barbaras of Riverside County. We maintain self-help clinics in family law, guardianships, conservatorships, some civil litigation such as unlawful detainers and debtor-creditor matters, bankruptcy, and federal district court civil litigation. Lawyers sometimes offer to provide direct representation in the most compelling cases. PSLC’s new Joint Federal Bankruptcy/District Court Pro Se Clinic has almost completed its first year, having helped more than 1,500 pro se litigants get through bankruptcies on their own.

Chris Morosoff, who received the RCBA’s Ward W. Albert Award for Public Service last month, will verify that volunteering doesn’t have to be a huge commitment; most of the cases involve things that, to lawyers, are basic. In an hour or two, you can help clients navigate what to us are everyday forms, but to them are insurmountable obstacles to justice. When you meet with them and see what’s on the horizon for them – losing their child or their home – you realize that “access to justice” is not just a slogan or a concept; it has serious, life-changing consequences. As an added bonus, Chris says, it’s fun.

Our clients welcome any time you can give. Even an hour once a month can make a big difference. E-mail me at [droth@riversidelegalaid.org](mailto:droth@riversidelegalaid.org) to get involved. (Or, if you’re a bankruptcy lawyer, just drop by the clinic in the Bankruptcy Clerk’s office on a Tuesday or Thursday, even if it’s just for an hour between hearings. If you do family law, come to our office at the RCBA building on a Tuesday or Thursday evening.)

In addition to volunteer time, PSLC needs money. PSLC has relied on government and State Bar funding, but those funds are dwindling, as the need for services increases.

You can help keep the courthouse doors open for Baby Girl, Jessica, John, Bill and Barbara.

*Diane Catran Roth is the Program Director for the Public Service Law Corporation and former RCBA president.*



# RCBA MEMBERS HONORED FOR PRO BONO SERVICE

by Diane Catran Roth

On October 19, the RCBA presented its Ward W. Albert Award for Public Service to Christopher J. Morosoff. This award is not given every year but is reserved to show our gratitude to those who have made an unusually significant contribution. Through the PSLC's Indio office, Chris regularly shows up a couple of hours a week to assist clients with all kinds of civil and family law cases and frequently takes on the cases himself. In the past three years, he has provided direct representation to many clients. Over the past 12 months alone, he contributed close to 300 pro bono hours. Chris has served the poor throughout his adult life, from representing people denied general relief in San Francisco while he was still in law school, to helping battered women get restraining orders in Van Nuys, to making and serving meals on L.A.'s Skid Row. In Chris's real life, he represents plaintiffs in complex consumer and wage and hour class actions, primarily in federal court. But he finds that his pro bono work is more fun and more gratifying. When asked why he does it, he says, incredulously, "It's the right thing to do . . . People need help . . . We're officers of the court, and it's our duty not to turn our backs on them."

Also on October 19, the State Bar gave Wiley Manuel Pro Bono Awards to the following RCBA members who



*Christopher J. Morosoff receiving the RCBA's Ward W. Albert Award for Public Service.*

contributed at least 50 hours of pro bono time over the last 12 months: Chris Buechler, Ryan Carrigan, Katie Greene, Edward Hu, Donald McKay, Christopher Morosoff, Tonya Rodriguez, Manfred Schroer and Warren Snider. Together, they contributed close to 1,300 volunteer hours to the poor of Riverside County.

On June 21, two of our Federal Pro Se Clinic volunteers, Manfred Schroer and Mark Schnitzer, received the prestigious William J. Lasarow Award for 2012. This award recognizes the contributions of outstanding bankruptcy pro bono volunteers in the Central

District. Public Counsel hosted a gala reception at the Roybal Building to present the awards to this year's recipients and also to celebrate the 90th birthday of Judge Lasarow. Manfred shows up regularly to serve pro se litigants through PSLC's Pro Se Clinic, and Mark is always available to represent pro se litigants in adversary proceedings.

Thanks to all of you, to all of our volunteers, and to our non-attorney staff, volunteers and contributors who support this important work.

*Diane Catran Roth is the Program Director for the Public Service Law Corporation and former RCBA president.*



## Mission of the Public Service Law Corporation:

*To provide pro bono legal services, education, and counseling to the indigent and needy in the western portion of Riverside County.*



*Forest Wright, president of PSLC, and the volunteers who received the State Bar's Wiley Manuel Award for Public Service: Manfred Schroer, Donald McKay, Katie Greene, Warren Snider, Ryan Carrigan, Christopher Morosoff, Edward Hu, and Christopher Buechler.*



*Pro se clinic staff and volunteers who were honored for exceptional service: L-R--Ryan Carrigan (volunteer), Katherine Hardy (former managing Attorney), Shirley Ogata (staff attorney), Manfred Schroer (volunteer), Michelle Lara (clinic paralegal), and Robert L. Simmons (current managing attorney).*

# PROJECT GRADUATE – RIVERSIDE’S COMMITMENT TO FOSTER YOUTH CONTINUES

*by Mona Nemat*

Last year around this time, we told you about an exciting new program called Project Graduate. You may recall that in June 2011, our Presiding Judge, Sherrill Ellsworth, asked the RCBA to take up the challenge of helping Riverside’s foster youth graduate from high school with a plan for a secure future. Out of that challenge, Project Graduate, a joint program of Riverside County, the Superior Court and the RCBA, was born. We told you at that time that Project Graduate was in its infancy and that we needed your help. Many of you heeded our call, and through dedication and hard work, Project Graduate has grown over the last year into a young program well beyond its infancy and is now entering its formative years – with one high school graduation already accomplished and more to come. But guess what? We still need you!

## Goals

The goals of Project Graduate remain unchanged: Help each participating youth graduate from high school with a plan for achieving his or her career goals. Program components include:

1. Matching high school foster youth with trained Educational Representatives drawn from RCBA members or their staff. One key feature of Project Graduate is that students and Ed Reps alike volunteer to participate – the teens in our program have asked for our help. These are students on the borderline between dropping out and graduating, students who know they need attention and prodding from a caring Ed Rep. Our Ed Reps have the right to view transcripts, talk with teachers and counselors, and resolve any issues that are impeding the student’s progress toward graduation.
2. An incentive program to reward the youth for their achievements. Incentives can be as small as a gift card and as big as an iPod. Project Graduate relies on the generosity of the RCBA community and local law firms for these rewards.
3. A monthly Juvenile Court calendar of brief informal hearings with Commissioner Matthew Perantoni devoted exclusively to tracking the students’ progress in school, acknowledging their successes and addressing their challenges.
4. Special events such as career and college days to show the youth that they have options for their future.
5. Celebrations, such as for the holiday season, and perhaps most importantly, for successfully completing high school, such as a graduation celebration.

## The Progress So Far

Over the last school year, Project Graduate has transformed from a concept into a reality. The school year began a little bumpily, but soon the Ed Reps took charge and showed their kids how good things can be. Diligently, the Ed Reps and their kids attended the monthly Juvenile Court informal hearings, and the Ed Reps monitored their kids’ progress at school, worked with social workers, and overall, did whatever it took to make sure the kids flourished.

We are thrilled to report that in June, for the first time, a Project Graduate student graduated from high school, and that student is now enrolled in community college.

Our first Ed Reps were Robert Rancourt, Luis Lopez, Ashley Sedaghat, Barbara Stroud and Kellie Husted. Each one went above and beyond to make the first year a positive experience for his or her student, and we’re happy to say that they will all be continuing as Ed Reps during the 2012-2013 school year!

Project Graduate’s first year was made possible thanks to many sources of support. Best Best & Krieger has generously hosted Project Graduate trainings and Steering Committee meetings, as well as a fundraising mixer last February. We had more than 50 guests, including members of the bench, bar, and business community. Leading the charge in our fundraising efforts was Margret “Peggy” Hosking. Her fundraising skills are second to none!

In addition to fundraising, the Project Graduate Steering Committee met each month to plot out a course to ensure the program’s success. The Steering Committee includes representatives of the RCBA, the court, and county agencies. Magnificently leading the charge through Project Graduate’s uncharted territory was our chair, Brian Unitt.

Our year culminated in a luncheon celebration highlighted by our first student graduation and the enthusiastic participation of students and Ed Reps alike. Special guests included Commissioner Matthew Perantoni, Riverside Superior Court Executive Officer Sherri Carter, and Public Defender Gary Windom. Our inspiring keynote speakers, Shirley Ramirez, Vanessa Hernandez, and Belinda Bobadilla from California Youth Connection, shared their own experiences as former foster youth and highlighted the importance of supportive adult involvement in their lives.

## What Can You Do?

Ed Reps: We have built a strong foundation for Project Graduate, but much work still needs to be done. The County Department of Public Social Services has identified over a dozen kids who are in need of and, more importantly, want our help during this school year, so our immediate need, right

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now, is for a dozen new Ed Reps, lawyers and non-lawyers alike, for the 2012-2013 school year.

**Steering Committee and Special Projects:** You do not have to become an Ed Rep to make a huge contribution to Project Graduate. All you need is a desire to see foster youth, who have had more than their share of difficulties in life, succeed. The RCBA is looking for volunteers (again, lawyers and non-lawyers alike) to contribute their time, ideas and/or money to ensure the success of this program. For example, we need help with career and college day events, rewards-card shopping, fundraising events, support for Ed Reps, and holiday and end-of-school year celebrations. Support from local law firms as well as from individuals would be gratefully appreciated.

### **Where Do You Fit In?**

Time commitments will vary with the degree of involvement.

**Time Commitment for Educational Representatives:** Ed Reps attend a two-hour training session and have a background check and a brief interview with DPSS before being matched with a youth. Depending on the youth's needs, the Ed Rep will spend an estimated two to ten hours per month throughout the school year on Project Graduate. Many commitments can be met by phone and internet, except for the monthly Juvenile Court informal hearings, which are also an opportunity to meet with all the Ed Reps and youths in the program. And two Ed Reps can work together as a team for one student, reducing each Ed Rep's time commitment and providing additional support for the student.

**Time Commitment for Non-Educational Representatives Volunteers:** For other volunteers, the time commitment will vary, depending on what support services they choose to provide. Our Steering Committee meets once a month during the noon hour.

**Financial Assistance:** The RCBA recognizes that not everyone can make a time commitment. Law firms and individuals are encouraged to make monetary contributions or donate items that can be used as rewards for the kids or at special events. This is a wholly voluntary program with no independent source of funding (i.e., no state funding and no grant money). Project Graduate cannot succeed without the financial support of the members of the bar. Any assistance will go a long way to ensuring that these kids will receive the encouragement they need and the rewards they deserve. We ask the members of the bar to help ensure the success of this program any way they can.

### **Contact Us**

For more information about this unique bench-bar-county program, to become a volunteer, or to make a financial contribution, please contact Brian Unit at (951) 682-7030 or [brianunit@holsteinlaw.com](mailto:brianunit@holsteinlaw.com) or Mona Nemat at (951) 826-8215 or [Mona.Nemat@bbklaw.com](mailto:Mona.Nemat@bbklaw.com).

*Mona Nemat is a senior associate at Best Best & Krieger, LLP, specializing in property acquisitions and condemnation litigation.*



# GIVING BACK WITH CHARITABLE GIFTS

by Pamela Valencia

Why should an attorney “give back”? A short answer is: because he or she can benefit financially, socially, emotionally and spiritually. This article addresses the financial element and focuses on gifts for charitable causes. So why make gifts to charitable causes? The obvious reason is “charitable intent” – that is, you want to provide a benefit to an activity of which you approve. But the heavily promoted reason to do charitable giving is because you can deduct the value of the gift on your income tax return or estate tax return.

In discussing charitable gifts, it is common to conflate two issues: tax exemption and charitable deductions. Organizations apply for *tax-exemption* under IRC § 501(c) or (d) or IRC § 401(a). Of the many types of exempt organizations, we are most familiar with “501(c)(3) charities.” Donations to 501(c)(3) organizations generally qualify for income tax deductions under IRC § 170. But there are many tax-exempt organizations under IRC § 501 that will not qualify a donor for a tax deduction, and you need to know the tax classification of your chosen organization. (No donations to an individual, no matter how needy or virtuous, qualify for tax deductions.) A good overview of the rules for reporting charitable gifts and taking charitable deductions is provided by IRS Publication 526, which is available at the Internal Revenue Service website, [irs.gov](http://irs.gov).

## Outright and Entire Gifts – No Control by Donor

Outright and entire gifts are the simplest way to reduce income and/or estate taxes with deductible gifts. You pick an appropriately tax-classified organization, and you make a gift. You give up all control over the gift.

How much might one benefit? If you choose a church, school, hospital, public charity, or other 501(c)(3) organization as donee, you may deduct up to 50% of your adjusted gross income (AGI). Example: Taxpayer has \$60,000 AGI and tithes \$20,000 of that to her church. On Schedule A, she is allowed to reduce her taxable income by \$20,000. If she had doubled her tithe to \$40,000, her deduction would be limited to \$30,000 (50% of her AGI). The excess deduction (\$10,000), may be carried forward for five years.

Suppose the taxpayer donates personal property instead of cash to her church. If the property would have generated capital gains upon sale, she will be limited, generally, to 30% of her AGI as the ceiling on her deduction. Sadly, a gift of her services to the church will not allow her any deduction whatsoever. (This can lead to an interesting question

of what is the deduction, if any, when an artist donates a painting or sculpture to a church or museum.)

If, instead, Taxpayer leaves a gift to her church in her will or living trust, her taxable estate will be reduced by the amount of the gift. For example: Taxpayer died in 2009, leaving an estate of \$4 million. The estate tax exemption allowed \$3.5 million of her estate to escape estate tax. The remaining \$500,000 was subject to estate tax (at 45%). Had Taxpayer designated a gift of \$500,000 to a charitable organization, the estate would have escaped estate tax entirely. (There is no limitation to the estate tax deduction.) The \$500,000 gift would have saved \$225,000 in estate taxes that would otherwise have been owed.

## Split-Interest Gifts – Partial Control by Donor

People often want to give something to charity but retain some benefit from the use of the item. The types of split-interest gifts acceptable for charitable deductions include:

1. A charitable remainder unitrust. This provides a fixed percentage of the value of the trust to the non-charitable income beneficiary each year and the remainder to the charity.
2. A charitable remainder annuity trust. This provides for a fixed dollar amount to be paid to the non-charitable income beneficiary each year and the remainder to the charity.
3. A charitable lead unitrust. This provides for a fixed percentage of the value of the trust to be paid to the charitable income beneficiary each year and the remainder to the non-charitable beneficiary.
4. A charitable lead annuity trust. This provides for a fixed dollar amount to be paid to the charitable income beneficiary each year and the remainder to the non-charitable beneficiary.
5. A pooled income fund. Assets from donors are commingled and administered by the charity. The income is paid to the beneficiary for life, and the charity receives an irrevocable, non-contingent remainder interest.
6. A remainder interest in a farm or personal residence. You can leave a non-contingent remainder interest to a charity and have it qualify for a deduction.

7. An undivided interest in property. For example, you leave a one-half tenant-in-common interest to your daughter and a one-half tenant-in-common interest to the charity. The devise to the charity would be deductible.
8. A qualified conservation easement.
9. A charitable gift annuity. Many charities and educational entities have “planned giving” departments that can offer annuities to persons at a much better rate of return than commercial annuities.

Split-interest gifts are confusing, and many people avoid them because they don't fully understand them. What many split-interest gifts offer is an element of control over a portion of the gift and the possibility of “beating the odds” for a financial gain. Financial gain may be available because the tax deduction you receive for the transfer of assets is based on a standard federal rate. If the assets transferred appreciate at a rate higher than the federal standard rate, you can save taxes.

These are more flexible – but more complicated – options for benefiting from charitable deductions. The most common of them are the charitable remainder trust (CRT) and the charitable lead trust (CLT). Both can provide a taxpayer with significant deductions on income and estate taxes. The success of either the CRT or the CLT in transferring assets from the donor to his or her chosen beneficiaries for a reduced tax amount depends on the ability of the assets inside the trust to appreciate in value faster than the rate set as a standard growth rate by the IRS.

### **Foundations – Control by Donor (but Strictly Regulated)**

A donor who doesn't want to give up all control over a gift, or who

doesn't find a charitable organization that does what the donor thinks is needed for the cause, can set up his or her own charitable foundation. The donor can then solicit donations from other taxpayers to the foundation. Depending on the type of work the foundation will do, gifts to it might qualify for a 30% or 20% of AGI ceiling on charitable deductions.

### **Donor-Controlled Funds – A Middle Ground**

If you don't have enough resources or interest to set up your own foundation, but you want to control where your gift goes, you can donate to a donor-controlled fund. For example, Riverside and San Bernardino are served by the Community Foundation. This organization receives donations that are utilized in these two counties and offers its donors options concerning investments and donees.

In closing, gifts to charities can benefit you financially, socially, emotionally and spiritually. There are many ways of “giving back” that do not involve finances. For example, I read junk books known as sci-fi space operas. In one, a square-jawed protagonist explained his own surprisingly charitable act of restraint from lethal force: “[T]he people with least on their consciences sleep better than others do. I like my sleep.” If you like your sleep, you can “give back” in whatever ways give you pleasure and peace of mind. Giving back to your world, your environment, and your fellow travelers brings a sense of self-worth and satisfaction that balances out the less-fulfilling events of your day.

*Pamela Y. Valencia is an associate attorney at Dennis M. Sandoval, a PLC, where she concentrates her practice on estate planning and tax issues, and is co-chair of the RCBA Estate Planning, Probate, and Elder Law Section.*



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# THE RCBA ELVES PROGRAM – SEASON XI

by Brian C. Percy

As lawyers and judges, you have your “boots on the ground” and have seen at first hand how the tough economic times of the past five years continue to affect our local economy, despite hopeful political prognostications to the contrary. Since Christmas 2002, the RCBA Elves Program has helped local families in need to have a Christmas they could only dream of. Once again, the RCBA Elves Program will be providing the opportunity for you, your family, your staff, and colleagues to share your time, talents, and interests to help out these local families in need. This will also be your 11th opportunity to demonstrate to the community that we, the local legal professionals, do care about and do give back to the community that supports us.

As before, we have four Elf categories to enable you to give back:

**Shopping Elves:** Monday, December 17 at 6 p.m. is our shopping day and time for 2012. All RCBA Shopping Elves will meet at the Big Kmart at 375 East Alessandro Blvd. in Riverside’s Orange Crest Shopping Center. As a Shopping Elf, you will receive Christmas “wish lists” from your adopted families. Your job is simple – shop and fill your basket with as many gifts as possible within the dollar amount given to you at the start of the evening. This is a real opportunity to test or show off your “value” shopping skills. Many of our Shopping Elves have made this a family affair, using younger family members to assist in selecting the “cool” gifts for the kids while learning about the value of charity and the joy of giving to the less fortunate. Some schools have recognized this event as a way for your student to earn public service credits. Whatever the motivation, a good time is had by all.

**Wrapping Elves:** After the Shopping Elves finish their job, the Wrapping Elves will meet in the RCBA boardroom on December 18 and 19 starting at 5 p.m. to wrap all the gifts purchased on the 17th. Wrapping Elves must ensure that all the gifts are tagged and assembled by family for easy pickup and distribution by the Delivery Elves. Experience has shown that even the biggest “Grinch” will get into the holiday spirit by becoming a member of the wrapping team. The motto of the Wrapping Elves is: “The more the merrier!” Excellent wrapping and organizational skills are welcomed, but not required.

**Delivery Elves:** If you are referred to in your office as a cold-hearted Scrooge and need a way to kick-start the warm holiday glow inside and out, this is it! Depending on the total number of families we are able to adopt, teams of two to four Delivery Elves are needed to personally deliver the wrapped gifts to each of our families. The deliveries will be made

between December 19 and 24. To accommodate the Delivery Elves’ personal schedules while efficiently distributing the gifts to the locations of the various households, you may be assigned to deliver to more than one family in the same geographic area.

While delivering gifts to the families is potentially time-consuming, many members have expressed that it was by far one of the most rewarding experiences. When signing up, please tell us if you will be willing to drive and what type of vehicle you have. This will allow us to match the number and size of gifts to the storage area available in your vehicle.

**Money Elves:** This year more than ever, “We need you!” The Money Elves provide the means necessary for the other elves to shop, wrap and deliver to the families we adopt. The funds that are donated allow for the purchase of gifts from Kmart, as well as the purchase of gift cards from Stater Brothers so the families can buy the ingredients for a nice holiday dinner. Obviously, the more money raised, the greater the number of families we can help and the greater the number of wishes our Shopping Elves can fulfill. You can really help us by sending in your donation check early (please have them in by no later than December 14) so we can set the budget for the families we help. However, donations will be accepted through December 20. (We will even accept money after the 20th. Money received afterwards will be applied to any last-minute add-on families or will be saved for next year.)

Please make your checks payable to the RCBA and write “The Elves Program” in the memo section of the check. The RCBA’s tax ID number is 952561338. We thank you for your holiday generosity in advance.

To become a Shopping, Wrapping, Delivery or Money Elf, please phone the RCBA at (951) 682-1015 or email your name and desired Elf designation(s) to one of the following: Charlene Nelson ([charlene@riversidecountybar.com](mailto:charlene@riversidecountybar.com)), Lisa Yang ([lisa@riversidecountybar.com](mailto:lisa@riversidecountybar.com)), Brian Percy ([bpercy@bpearcyllaw.com](mailto:bpercy@bpearcyllaw.com)), or Veronica Reynoso ([vrey-noso@bpearcyllaw.com](mailto:vrey-noso@bpearcyllaw.com)). By contacting us via email, you will assist us by giving us the ability to update each of you via email in a timely manner.

To those who have participated in the past, “Thank you,” and to those who join us for the first time this year, we look forward to meeting you. Don’t forget to “Tell a friend!”

*Brian C. Percy, president of the RCBA in 2002, is the Chair of the Giving-Back Elves Program.*



# YEARLY CAMPAIGN FOR DISADVANTAGED FAMILIES

by *L. Alexandra Fong*

Each year, the Riverside County Department of Mental Health coordinates opportunities to help those less fortunate. Many departments within the County of Riverside, including the Office of County Counsel, participate in all three opportunities.

The Fill a Backpack campaign occurs during the summer and is organized by the Riverside County Stand for Children Committee. The Riverside County Department of Mental Health provides a list of school supplies (paper, pencils, pens, crayons, backpacks, glue, lunchboxes, dictionaries, scientific calculators, etc.) needed to fill multiple backpacks for disadvantaged children (from kindergarten through high school) in the community. Any department within the County of Riverside may participate, as well as any other individuals or businesses.

The Thanksgiving Basket campaign occurs during the fall. In October of each year, county departments receive a list of items to fill a Thanksgiving basket for a needy family. Items requested include rice, potatoes, assorted vegetables, stuffing, beans, bread, cereal, a family board game, and a gift certificate for a ham or turkey.

The Snowman Banner Project begins in November and continues until early December. The Riverside County Department of Mental Health distributes a Snowman Banner to those departments of the County of Riverside that are interested in providing holiday gifts to children who are receiving, or whose family members are receiving, services from the Department of Mental Health. A Snowman Banner, filled with snowflake requests from the children, is delivered to each participating department in early November. Employees select a snowflake from the banner and fulfill the wish of that child. Requests have included art supplies, make-up, jewelry, clothes, gift cards, sneakers, sporting goods, portable music players, movie tickets, and books. Many children request items for their siblings, rather than themselves. The snowflake is then attached to the unwrapped gift and arrangements are made with the Department of Mental Health to collect the holiday gifts.

All three campaigns are open to individuals and companies not affiliated with the County of Riverside. For additional information about these opportunities, please contact Lorie Lacey-Payne or Luz Negron at (951) 358-6858. They may also be contacted via mail at Riverside County Department of Mental Health, Parent Support & Training Program, 9707 Magnolia Avenue, Riverside, CA 92503.

*L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside. She also serves as a Director-at-Large of the Riverside County Bar Association and as a Director on the board of the Leo A. Deegan Inn of Court.*



# FEE ARBITRATION

by *Richard C. Lorenzi*

As chair of the Fee Arbitration Committee, I would like to thank all of our fee arbitrators on our committee for their selfless service to both the RCBA and the public. All of our members are busy professionals with active practices and/or businesses. The members volunteer their time to set up the fee arbitration, conduct the arbitration and prepare the findings after hearing. It is no small feat to set up a three-person panel and get everyone scheduled for a particular date and time. Kudos as well to the administrative professionals who take the laboring oar in getting the panels scheduled.

Also, on behalf of the RCBA, we thank our lay-person members, who so ably assist with the three-person arbitration panels. We could not do this without your help!

We are always seeking new arbitrators. As one would expect, the need is always greatest for family law. However, if your specialty is civil litigation, criminal law (both sides of the fence), bankruptcy, etc., we can use your skills and talents. If interested, please contact Lisa Yang of the RCBA at [lisa@riversidecountybar.com](mailto:lisa@riversidecountybar.com) or (951) 682-1015.

Our members are:

#### **Attorneys:**

Richard D. Ackerman  
Stacy A. Albelais  
Shaaron A. Bangs  
Martin R. Bender  
Lawrence R. Bynum  
Elizabeth A. Campos  
Donald B. Cripe  
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Donald S. Dench  
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Robert A. McCarty, Jr.  
Robert A. McCarty, Sr.  
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Diane Singleton-Smith  
Jeffrey D. Smith  
Randall S. Stamen  
Ted Stream  
Barry R. Swan  
Margaret M. Warner  
Jamie E. Wrage  
Connie L. Younger

#### **Lay Persons:**

Lynn Brown-Lee  
Allen L. Cox  
Louis B. Davis  
Cecil Green  
Julius L. Jones  
Beverly Kreider  
Robert Kreider

*Rick Lorenzi, chair of the RCBA Fee Arbitration Committee, is with the Riverside County Department of Child Support Services.*



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# THE RCBA SUPPORTS WHW AND SUITS FOR A CAUSE

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by Laurie Rowen

The Second Annual Suits for a Cause, held in June of this year, was an overwhelming success, thanks to the support of organizations like the Riverside County Bar Association. Suits for a Cause is an annual clothing drive that engages law firms, law schools, bar associations, and legal businesses to support the clients of Women Helping Women/Men2Work (WHW), a non-profit providing comprehensive employment support services to empower disadvantaged men, women and teens in reaching economic self-sufficiency.



Laurie Rowen

WHW was started by two legal professionals who were survivors of domestic abuse. These women faced the daunting task of rebuilding their professional wardrobes to return to the workforce. Over the past two decades, WHW has grown by adding a men's division and by expanding its scope so as to provide a full array of employment services focusing on job placement, including résumé assistance, interview skills training, computer training, and networking workshops.

In addition to the RCBA, the Second Annual Suits for a Cause included 30 law firms of all sizes – from solo practitioners to some of the largest law firms in the nation – as well as two law schools, Chapman University School of Law and Western State College of Law. The clothing drive brought in thousands of items, which will support job seekers and WHW's programs. Casual and non-business attire was sold in WHW's upscale resale

boutique, Déjà New, proceeds of which went to support WHW's job placement programs.

A spokesperson said, "We are thrilled with the incredible outpouring of support through the Suits for a Cause clothing drive. Hundreds of lawyers throughout Riverside and Orange Counties participated in the second annual drive for professional clothing for disadvantaged men, women and teens. Over 6,000 articles of clothing were donated by this drive. The legal community came through for WHW in a really big way."

The Third Annual Suits for a Cause will be held in June 2013. WHW is again seeking solo practitioners, small law firms, and large law firms in Riverside and Orange Counties to sponsor the event and/or hold clothing drives. WHW also seeks clothing donations year-round. More information about Suits for a Cause and WHW can be found at the website, [whw.org/donate/suits-for-a-cause](http://whw.org/donate/suits-for-a-cause).

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*Laurie Rowen co-founded Montage Legal Group, LLC, a network of former large law firm associates and partners who now work on a freelance basis for other law firms. Laurie has served as Vice-President and President of WHW's Board of Directors and led the efforts of organizing the First and Second Annual Suits for a Cause to support WHW.*



# WHY I AM A SCOUTING VOLUNTEER

by Hon. John Vineyard

Over the past several years, I have committed a substantial amount of time to the Boy Scouts of America, and specifically to the Mt. Rubidoux District and Riverside's Troop 2. There is a saying that is often used to recruit volunteers: "It only takes an hour a week." In scouting, that means an hour a week for each scout you know.

I have enjoyed spending that time as a scouting volunteer for several reasons. As an Eagle Scout, I know what I learned in scouting and how those lessons still guide the way I try to live my life. My son joined scouting, and I have seen the growth in him that is a direct result of the scouting program. I also know the impact that I can have, as a scout leader, on a generation of youth in Riverside.

The Boy Scouts of America was formed in 1910, following the program established in Great Britain by Lord Robert Baden-Powell. The program was created and designed to guide the development of young men into moral and ethical adult leaders. Skills and values were taught in a way that was so fun that scouts almost did not realize they were learning, by incorporating them into an outdoor program of camping, hiking and nature study.

That model has worked for over 100 years. Next weekend, when I lead a group of scouts to the desert near El Centro to camp and to shoot model rockets, the boys will obviously have fun. But they will also learn how to plan an outing, how to work with other scouts as a team, how to cook their meals, how to work and interact with adults, and how to lead others. They will develop their self-confidence and positive peer-to-peer interaction.

A central theme of the scouting program is "servant leadership" – leading for the benefit of others rather than your own. From early in their scouting experience, boys are taught to focus on the needs of others, starting with simple ideas such as the Scout Slogan – "Do a good turn daily" – and moving on to the concepts of leading a team of scouts and serving the community. Scouts are taught to focus on the needs of their patrol, their troop, and their community.

The goal of Boy Scouts is to instill ethics and morality. Scouts are taught to incorporate the Scout Oath and Law into their everyday lives. The 12 points of the Scout Law – "A Scout is: trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent" – are solid guideposts for anybody. As a scout, I learned, memorized and repeated weekly

the Scout Oath and Law. I still try to live my life by those basic principles, and that is the goal of the scouting program.

Scouting provides a safe, structured and time-tested program to build the integrity of our children and prepare them to become responsible adults. The program is constantly evolving, and it faces controversy and challenges, but the results can be remarkable.

As the Boy Scouts of America moves into its second century, opportunities for young women have been significantly expanded. Historically, the opportunities for women in scouting were limited. In the 1960s, my mother was the Den Mother for my Cub Scout den, and that was the limit of her opportunity as an adult leader. In today's Boy Scouts, women are present at every level of leadership. Similarly, young women were limited to Explorer programs. Today, Venture Scouting is open to both young men and women ages 14 to 21 and provides opportunities to participate in this high-adventure program that is so integral to the Boy Scouts of America.

Since I have been involved as an adult scout leader, I have seen my son mature and grow, and I see the foundation beginning to form for a moral, ethical and self-assured young man. I see the same in the scouts I work with as they grow and learn. I look forward to seeing the men they grow to be, and I hope to have a small impact on that growth. And I get to go hiking and camping, too.

*The Honorable John Vineyard is a Riverside County Superior Court judge. He is also the Assistant Scoutmaster for Troop 2 in Riverside.*



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# THE LISA PROJECT: TRYING TO BREAK THE CYCLE OF VIOLENCE

by Lachelle Crivello

Home should be a place of refuge – a safe haven set apart from a hectic world. This is not a reality for victims of family violence.

As a community, most of us have come to the sad realization that violence and abuse touch us all. Not one of us has the luxury of saying, “It doesn’t affect me.” When we spend just a few moments getting to know our clients, victims, or other “customers” in the family law and criminal justice system, we discover that child abuse is often the root cause of many social problems: violent crime, sexual deviance, family dysfunction, emotional disorders, substance abuse, and more.

The way to break this cycle and protect at-risk children is to acknowledge the abuse and get involved. Such an undertaking may seem overwhelming until you break it down into small, “do-able” actions.

That’s where the Lisa Project comes in. Earlier this year, several agencies joined the District Attorney’s office in bringing this multi-media child abuse awareness and prevention exhibit to Riverside County. The project is the creation of Gene Hardin, project creator for the Child Abuse Prevention Council of San Joaquin County.

Here’s how it works: When first entering the exhibit, visitors are provided an audio device (available in English and Spanish) that allows them to listen to a narration of individual scenarios, while being guided through a number of rooms that realistically resemble the environments of true-life victims. A narrator, “Lisa,” will tell her own story, after visitors hear a portion of the terrifying 911 call she made while her drunken stepfather beat her mother. Lisa will then narrate the stories of others – “Evan,” “Michael,” “Maria,” “Kenny,” and “Ashley.” Visitors will also be given an opportunity to view several recent news stories on child abuse cases in Riverside County and to share their thoughts in the “Reflection Room.” The Lisa Project mirrors the stories that social workers, law enforcement, and victim advocates hear from the mouths of abused and neglected children. This PG-13 exhibit is intended to educate the community about this very real threat to our children. At the conclusion of each free 25-minute tour, peer counselors will be available to provide comfort, resources, and a myriad of referrals to local nonprofit and governmental agencies that provide no-cost assistance to the community.

This is a chance to understand the plight of abused and neglected children and to catch a glimpse of their reality. The Lisa Project promises to raise awareness through education and outreach as you “take a child by the hand” and listen to his or her story.

*Dates and locations:*

Palm Desert (Desert Crossings Shopping Center):  
November 2-18

*Exhibit hours:*

Wednesday-Friday: 11 a.m.-7 p.m.  
Saturdays: 10 a.m.-6 p.m.  
Sundays: 1-5 p.m.

Project sponsors: Riverside County District Attorney, Riverside County Mental Health, Riverside County Children and Families Commission First 5, First District Supervisor Bob Buster, Second District Supervisor John Tavaglione, Fourth District Supervisor Jon Benoit, Fifth District Supervisor Marion Ashley, Prevent Child Abuse Riverside County (PCARC), Riverside County Probation Department, the Community Foundation, Riverside County Department of Public Social Services, Inland Empire Health Plan (IEHP), Riverside Community Health Foundation, Soroptomist International of Moreno Valley, and Barbara Sinatra Children’s Center.

*Lachelle Crivello is the Director of the Division of Victim Services at the Riverside County District Attorney’s Office.*



## ATTENTION RCBA MEMBERS

If you are not getting email updates/notices from the RCBA and would like to be on our mailing list, visit our website at [www.riversidecountybar.com](http://www.riversidecountybar.com) to submit your email address or send an email to [lisa@riversidecountybar.com](mailto:lisa@riversidecountybar.com)



The website includes bar events calendar, legal research, office tools, and law links. You can register for events, make payments and donations, and much more.

# OPPOSING COUNSEL: CHRISTOPHER J. BUECHLER

by L. Alexandra Fong

## Serving the Needs of Others

Christopher J. Buechler grew up in Anaheim, California, the eighth of nine children born to an airline pilot father and a mutual fund service representative mother. His father, Richard, was a pilot for the Navy and served in Vietnam from 1965 – 1967. His two eldest sisters were born on base in Japan.

While he attended Orange Coast Community College, he was encouraged to join the speech and debate team after taking a communications course, which started him down the path to his eventual calling. Upon graduating with an associate's degree in communications, he attended California State University, Long Beach, where he graduated, Summa Cum Laude, with a Bachelor of Arts in philosophy and a minor in communications. While in college, he worked at Disneyland and recalls the experience fondly, especially Disney's code of conduct for cast members, proudly known as S.E.R.V.I.C.E. This acronym stands for:

Smile

Eye Contact and Body Language

Respect and Welcome

Value the Magic

Initiate Guest Contact

Create service solutions

End with a "Thank You"

Chris uses this code though out his life, including in his practice as an attorney.

After his first year of law school, he interned for CAL-OSHA, learning about Administrative law and litigation. After his second year of law school, he worked for the Los Angeles City Attorney, shadowing a special prosecutor in their gang unit. In his



Christopher J. Buechler

final year of law school, he externed at Public Counsel in Los Angeles with their Adoptions Unit. As a certified law student, he was able to appear in court to finalize a client's adoption. While attending law school at the University of Southern California, Chris met his partner, Billy Marin, who works and resides in Riverside.

After graduating from law school, he moved to Riverside and waited for his bar results while teaching Law School Admissions Test prep. Chris and Billy registered as domestic partners with the State of California in August 2009 and in December 2009, Chris became a licensed attorney. Unfortunately, due to the state of the economy at the time, he was unable to find a job as an attorney.

Within one month of becoming licensed to practice law, he became a member of the Riverside County Bar Association (RCBA). He met former RCBA president Dan Hantman at an MCLE event, who encouraged him to become involved with Public Service Law Corporation (PSLC). Although Chris volunteers at PSLC's Family Law Clinic, PSLC and their volunteer attorneys also provide legal services in civil cases in the areas landlord/tenant and housing problems and guardianship/conservatorship. Chris goes beyond

the traditional PSLC assistance by providing direct representation pro bono for some family law clients.

Chris also joined the RCBA's Publications Committee and frequently writes articles for the *Riverside Lawyer* on a multitude of topics including family law and legal issues within the LGBT community. He is also a member of the RCBA's Technology Committee, which was tasked with redesigning the RCBA website to better serve its members and attract public interest. The new website, <http://www.riversidecountybar.com>, was unveiled on September 24, 2012.

In 2010, he was awarded the Wiley W. Manuel Award for Pro Bono Legal Services by the State Bar of California for providing fifty (50) hours or more of pro bono legal services. The Wiley W. Manuel Award for Pro Bono Legal Services was created in 1989 to recognize the contributions of the lawyers, law students, paralegals and secretaries in California who volunteer their time and expertise on behalf of low-income clients.

In 2011, Chris was able to find a temporary job through Riverside County's Temporary Assistance Program (TAP) as a Legal Support Assistant for the Department of Child Support Services (DCSS). He then



Chris and Billy (back row, center right) with the rest of the ever-growing Buechler brood

promoted to a TAP-Paralegal for DCSS, until he had worked for six months. Unfortunately, due to the budget cuts with the County of Riverside and issues with PERS, he was unable to stay longer than six months. During the time he was working for DCSS, he had to suspend his involvement with PSLC due to a conflict of interest. After his assignment ended, he resumed this pro-bono work and is now the clinic's go-to guy for indigent clients dealing with DCSS.

In early 2012, he began his own law firm, The Law Offices of Christopher J. Buechler, conveniently located in Downtown Riverside in The Jefferson Building. He specializes in handling family law issues. As Chris said, "Family law was a natural fit for me, coming from such a large family, I'm immune to a lot of the drama." He often recalls Disney's code of conduct for cast members (S.E.R.V.I.C.E.) when dealing with his clients, as he is creative in solving legal issues for them.

In March 2012, Chris was presented with an Outstanding Service Award by Inland Counties Legal Services and PSLC. This Award was for his outstanding service contributions to PSLC.

When he is not helping his clients with their issues, he is an avid bridge player and is a game director and webmaster for the Riverside ACBL Bridge Club.

*L. Alexandra Fong, a member of the Bar Publications Committee, is a deputy county counsel for the County of Riverside. She also serves as a Director-at-Large of the Riverside County Bar Association and as a Director on the board of the Leo A. Deegan Inn of Court.*



## CLASSIFIED ADS

### Office in Rancho Mirage

Nice, large, window office w/ optional secretarial space. Partial law library, conference room, lounge, phone system, built-in cabinets, copier/fax privileges, part-time reception, other amenities. Near Palm Springs & Indio Courts. Thomas A. Grossman, PLC (Desert ADR), (760) 324-3800.

### Office Space – Downtown Riverside

1 block from the Court Complex. Full service office space available. Inns of Court Law Building. Contact Vincent P. Nolan (951) 788-1747, Frank Peasley (951) 369-0818 or Maggie Wilkerson (951) 206-0292.

### Office Space – Downtown Riverside

Lease separately or combined, 1000 or 1400 sq ft. Corner of 13th and Orange Streets. Newly decorated. Front Door Parking. 2-4 blocks from all courts. Owner (951) 505-4888 or (951) 684-6399.

### Office Space – Downtown Riverside

Riverside Legal & Professional Center. Downtown Riverside walking distance to Courthouse. Private Executive Suite offices, virtual offices and conference rooms rental available. We offer a state of the art phone system, professional receptionist and free parking for tenants and clients. Accessible from the 91, 60 and 215 freeways. (951) 782-8089.

### Office Space – Grand Terrace

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3 office suites available. 895 to 8,884 sq ft at \$1.15 per. Lease 1-3 years. Tenant improvements negotiable. Minutes from downtown Riverside. On site parking. Easy freeway access 60, 215, 91. Contact Rene, KRB Properties, to schedule a walk through. Phone (949) 548-0040; Cell (714) 336-8559; krbprop@aol.com.

### Office Space – RCBA Building

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



## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective November 30, 2012.

**Ruthann Elder (S)** – Law Student, Chino Hills

**Lazaro E. Fernandez** – Law Office of Lazaro E. Fernandez, Riverside

**Antoine R. Gadpaille** – Law Office of William Radcliffe, Chino Hills

**Bonnie J. Hiler** – Law Office of Bonnie J. Hiler, Corona

**Rosa Marquez (S)** – Law Student, Law Office of Stacy Albelais, Riverside

**Daniel Pasek (S)** – Law Student, Ontario

**Mary Davis Welch (S)** – Law Student, Riverside



Riverside  
County

# LAWYER

## Riverside County Bar Association

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RCBA 951-682-1015

LRS 951-682-7520

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