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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), 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.

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$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 the Riverside Lawyer.

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

CALENDAR

October

6 25th Annual Red Mass

6:00 p.m.

Our Lady of the Rosary Cathedral
2525 North Arrowhead Avenue
San Bernardino

Information –

Jacqueline Carey-Wilson at (909) 387-4334
or Mitchell Norton at (909) 387-5444

8 Barristers

5:30 p.m. to 8:30 p.m.

RCBA Gabbert Gallery

Topic: Juvenile Justice

Speaker: Judge Jacqueline Jackson

Screening of documentary film regarding judicial kickback scandal and the impact it had on the juveniles affected.

MCLE

15 Solo/Small Firm Section

Noon - RCBA Gabbert Gallery

Topic: "Legal Assistance for the Military and Veterans"

Speaker: Captain Matthew Magnus,
Attorney

United State Marine Corps, Camp
Pendleton

MCLE

16 General Membership Meeting

Joint with Riverside Legal Aid

Noon – RCBA Gabbert Gallery

Topic – Giving Back to the Community

Speakers – Chris Marin, Brian Unitt, Kelly
Moran & Carolina Tamayo

No MCLE

20 Family Law Section

Noon – 1:15 p.m.

RCBA - Gabbert Gallery

Topic: "Threshold Appeals/Writs/Stays
Relating to Family Law"

Speaker: Kira L. Klatchko, Esq.

MCLE

22 Family Law Mixer

Mario's Place

5:00 p.m.

Information – Contact David Ruegg at
(951) 268-4479





by Kira L. Klatchko

This month, *Riverside Lawyer* focuses its attention on the topic of poverty. It has been more than 50 years since the Johnson Administration launched its War on Poverty, but the topic is no less pertinent today than it was when President Johnson declared in his 1964 State of the Union address a desire to “help each and every American citizen fulfill his basic hopes.” Chief among the “hopes” listed by Johnson was the “hope [] for fair play from the law.” Unfortunately, the problems plaguing impoverished Americans today are not much different than they were in Johnson’s time.

As of 2013, nearly 15% of Americans hovered at or below the poverty line, representing over 45 million people. In California, nearly nine million people live in poverty. That means there are approximately 7,000 potential clients for every legal services attorney serving the poor. We, as individuals, and as a legal community, have an obligation to ensure that these individuals are not deprived of their chance at “fair play from the law.” If you doubt that, consider the text of California Business & Professions Code section 6073, which reminds us that with the privilege of practicing law comes the responsibility of ensuring access to justice for those who cannot afford the help of a lawyer:

It has been the tradition of those learned in the law and licensed to practice law in this state to provide voluntary pro bono legal services to those who cannot afford the help of a lawyer. Every lawyer authorized and privileged to practice law in California is expected to make a contribution. In some circumstances, it may not be feasible for a lawyer to directly provide pro bono services. In those circumstances, a lawyer may instead fulfill his or her individual pro bono ethical com-

mitment, in part, by providing financial support to organizations providing free legal services to persons of limited means. In deciding to provide that financial support, the lawyer should, at minimum, approximate the value of the hours of pro bono legal service that he or she would otherwise have provided. In some circumstances, pro bono contributions may be measured collectively, as by a firm’s aggregate pro bono activities or financial contributions. Lawyers also make invaluable contributions through their other voluntary public service activities that increase access to justice or improve the law and the legal system. In view of their expertise in areas that critically affect the lives and well-being of members of the public, lawyers are uniquely situated to provide invaluable assistance in order to benefit those who might otherwise be unable to assert or protect their interests, and to support those legal organizations that advance these goals.

In other words, making some form of pro bono contribution is a statutory imperative for all of the members of the Bar. And in making a contribution, each of us helps to ensure that individuals in our local community receive the “fair play from the law” that they deserve.

If you lack the time, energy, or skill to donate your time, consider donating money instead. Funding for legal aid, and other programs designed to assist low-income and impoverished individuals, has declined significantly relative to rising need. At the same time, grants made possible by Interest on Lawyers Trust Accounts (IOLTA) administered by the California Bar Legal Services Trust Fund Program, have also declined. The State Bar has stepped up its efforts to bridge the gap between funding and need through the Justice Gap Fund and Campaign for Justice (<http://www.caforjustice.org>). The Campaign for Justice focuses on increasing tax-deductible contributions to the Justice Gap Fund, which provides legal assistance to vulnerable clients. Monies from the Justice Gap Fund are distributed to approximately 100 nonprofit organizations throughout the state that provide free civil legal services to low-income Californians; Riverside Legal Aid and other local groups have been beneficiaries of those funds in the past.

If you have the time, energy, and skill to donate your time, there are many opportunities for you here locally. For example, Riverside Legal Aid (<http://riversidelegalaid.org>), the public benefit legal services corporation affiliated with the RCBA, is always looking for volunteers. There are also opportunities to work with the RCBA in its efforts to increase access to justice and improve the law and the legal system.

More than an abstract concept for members of the Bench and the Bar, “fair play from the law” is our stock-in-trade. We know it means due process, substantive fairness, and access to a lawyer, a courtroom, and an unbiased decision-maker when you need one. And we each have a role to play in ensuring everyone has equal access. If you have thoughts about additional pro bono contributions that the RCBA should be making, I invite you to call or write me. I also invite you to reach out if you are interested in sharing some of your first-hand experiences with pro bono and access to justice efforts. We would like to hear from you, and I encourage you to post stories on the RCBA members-only forum in the RCBA website or tweet your stories to @RCBA_Bar.

Kira Klatchko is a certified appellate law specialist, and co-contributing editor of Matthew Bender Practice Guide: California Civil Appeals and Writs, she is also a Vice-Chair of the appellate group at Lewis Brisbois Bisgaard & Smith, where she is a Partner.



BARRISTERS PRESIDENT'S MESSAGE

by Christopher Marin



Making Good on Our Luck

If the misery of the poor be caused not by the laws of nature, but by our institutions, great is our sin.

-Charles Darwin,
Voyage of the Beagle

Since I received my bachelor's degree in Philosophy, I was more than a little pleased to have Criminal Law (or Criminal Jurisprudence) taught by a Philosophy professor instead of a Law professor. When it came to the subject of crimes of attempt, our class approached it from the philosophical perspective of the problem of moral luck.

In a nutshell, moral luck can be characterized as the ethical distinction given to identical actions performed by two individuals with two discrete and separate outcomes that have nothing to do with the action itself. So the difference between the crimes of murder and attempted murder may be, literally, inches (i.e. hitting a major organ or just barely missing one). Yet it appears we consider the crime of murder morally "worse" than the crime of attempted murder based on the harsher sentences we dole out to convicted murderers. Same actus reus + same mens rea +/- deceased victim = a difference of eighteen years on the minimum sentence.

In a broader context, the problem of moral luck highlights the illogical moral reasoning we ascribe to actions based on outcomes. Unfortunately, since we cannot read a person's mind, we can only infer intent ascribed to actions based only on the actions themselves and the outcomes of those actions. Furthermore, we tend to have a bias towards ascribing moral praise and blame bad luck on our own actions, and conversely, we ascribe moral blame and attribute good luck to the outcomes of others' actions. In Communication Theory this is called Fundamental Attribution Error (by the way, Communications was my minor).

In talking about poverty in this month's issue, I give this theoretical grounding not only to get more mileage out of my undergraduate education, but also to remind you, gentle reader, that before you pat yourself on the back for all you have accomplished in life due to your hard work and diligence (or, conversely, dismiss the plight of an impoverished individual as a result of their laziness or

some other moral failing) to at least consider the possibility that some of your good fortune is probably attributable to circumstances outside of anyone's control. Would the same hard work and diligence bring you here if you were born in a different country, or as a different gender or race or even sexual orientation, or to parents of a different socioeconomic status than yours? Statistically speaking, the answer is "Probably not."

If, like me, you value the ideal of equality of opportunity, then this issue will highlight the threat that poverty at home and abroad poses to that ideal. These threats tend to be systemic rather than discreet, but as lawyers, we have the opportunity to take discreet actions that can affect change in the broader system. I do my part by volunteering for Riverside Legal Aid and their Family Law Clinic, and for that I get recognition from the State Bar for doing something that they (rightly) recommend that all lawyers do – provide at least 50 hours a year in pro bono legal services to society's most vulnerable individuals.

This month's Barristers event will hopefully motivate you to take up the pro bono mantle by showing the impact that lawyers can have on a broken system that fails one of our most vulnerable populations: our youth. We will be screening the documentary, Kids for Cash, which explores the scandal of two judges in Pennsylvania involved in a kickback scheme to incarcerate juveniles in private detention facilities for even the most minor offenses, and how that scheme came undone when some very dedicated pro bono attorneys got involved.

On Thursday, October 8 we will be in the RCBA Building, 3rd floor Gabbert Gallery. Join us for our usual networking mixer at 5:30 and then at 6:00 Judge Jacqueline Jackson, Supervising Judge of the Riverside Juvenile Court, will give some remarks on the state of juvenile justice in Riverside County followed by the movie screening at 6:15. Since we're talking about judicial corruption and juvenile justice, we are providing one hour of MCLE ethics credit and one hour of general credit for the event. As an added incentive, we will even procure pizza, soda and wine. RSVP to christopher@riversidefamilylaw.com so we can get a rough estimate of how much food and drink to provide. I hope to see you there.

Christopher Marin, a member of the bar publications committee, is an attorney based in Riverside. He can be reached at christopher@riversidefamilylaw.com



IN PURSUIT OF JUSTICE AND EQUALITY: INLAND COUNTIES LEGAL SERVICES, INC.

by Irene Morales

Incorporated as a non-profit on July 1, 1958 by members of the Riverside County Bar Association, Inland Counties Legal Services (ICLS) is a law firm whose mission is to pursue justice and equality for low income people through counsel, advice, advocacy and community education, treating all with dignity and respect.

ICLS case acceptance polices place an emphasis on selecting those cases that have factors such as victims of domestic violence, spousal, child or elder abuse, consumer fraud, loss of public benefits or housing subsidies, or clients who face access to justice barriers, including due process violations, language, illiteracy, disability or homelessness. These are examples of typical cases handled by ICLS advocates. All paralegal work is supervised by an attorney.

Family has Housing Subsidy Reinstated and Avoids Homelessness

ICLS's client, a single mother with part-time work had been receiving welfare and a housing subsidy. She lost her Section 8 housing subsidy when her 14 year old son was arrested for stealing a cell phone. The Public Housing Authority (PHA) terminated the benefit alleging that a household member had committed a crime. The PHA learned of the son's juvenile record through an MOU with law enforcement who provides information on housing program participants.

ICLS attorney Sang Banh filed a Writ of Mandate as the PHA may terminate only for serious violations of program requirements or conditions of occupancy. The attorney argued that under Welfare and Institutions Code section 203, an order adjudging a minor a ward of the juvenile court shall not be deemed a conviction of a crime for any purpose, nor shall a proceeding in the juvenile court be deemed a criminal proceeding. The housing subsidy benefit was reinstated. This case will have an impact beyond this poor family on PHA terminations to vulnerable clients.

Housing Authority Copying Fee Policy Rate Changed

A 53 year old indigent client was accused of violating housing program rules. To prepare for a hearing, the PHA file was needed. It was 258 pages long and the agency charged 25¢ per page. ICLS Riverside Office paralegal advocate Linda Petite researched the statute authorizing copying fees and learned that only 10¢ per page was permitted. After meeting with PHA specialists, they agreed to charge our client 10¢ a page. At the hearing, the PHA announced that County Counsel review resulted in the PHA adoption of a regulation charging the statutorily permitted rate. This was a savings of \$53.70 for the client whose total income from welfare was \$315.00 a month. As a result of this advocacy, the outcome benefits all indigent persons relying on housing benefits and needing copies of their file.

DVRO Granted to Stop Abuse

At the ICLS Indio Office, managing attorney Ugochi Anaebere-Nicholson represented a monolingual Spanish speaking senior citizen in obtaining a Domestic Violence Restraining Order (DVRO) against her spouse for extremely abusive conduct. Married 14 years, the jealous spouse controlled her every move, cut her off from friends and family, sexually assaulted her, and brandished a gun, cocked it and threatened her. Court granted the DVRO (no negative conduct), but denied a move out order. ICLS subsequently represented the client and protected her community property interests in the sale of the home.

SSI Benefits Reinstated and Huge Overpayment Waived

An elderly Chinese married couple each charged with a \$12,000 SSI overpayment and notified of SSI ineligibility because the cash surrender value of their life insurance policies exceeded the allowable SSI resource limits. The policies were properly disclosed to SSI. In 2012, when the "excess resources" issue arose, the clients followed SSA's instructions, designated the policies as "burial funds" and agreed not to withdraw funds for any other purpose. The agency never informed them about SSI resource limits, their responsibilities or consequences for non-compliance in a language they could understand. (The clients could only communicate in Mandarin with interpreter assistance.) At the administrative hearing, the clients testified (through an interpreter). They were represented by paralegal Isabelle Montes Espinoza. SSI benefits were reinstated and the overpayment was waived by the Administrative Law Judge.

Today's Challenges are Greater Than Ever Before

The client population served by ICLS is among the poorest in the nation. There are more than 700,000 persons living in poverty in the Inland Counties. ICLS has a diverse clientele. More than 20% of Latinos and African Americans and about 10% of Asians live in poverty in the service area. In California, 12.5% of the population is 65 years or older; an average of 11% residing in the Inland Counties. In 2014, ICLS senior clients comprised 25% of all clients served.

ICLS needs your help! We provide training and mentoring on assigned cases. If you are an attorney interested in volunteering to accept cases for direct court or administrative agency representation, email me at imorales@icls.org or apply at www.inlandlegal.org, where information on the pro bono programs of Riverside Legal Aid, Inland Empire Latino Lawyers and Legal Aid Society of San Bernardino are also available.

Irene Morales is the Executive Director of ICLS and a member of the RCBA since 1976. She is a UCLA Law School graduate and a UCR undergraduate.



COMMUNITY CONNECT—HELPING THOSE IN NEED

by Rod Ballance

Founded in 1966, Community Connect's mission is to connect people in need with those who can help. Community Connect is a nonprofit organization with an annual budget of \$1,895,535 and employs 48 people and works with hundreds of volunteers to create safe and healthy communities with an emphasis on providing services and referrals to the truly needy. Last year, Community Connect served over 266,000 people throughout Riverside County. Community Connect addresses issues such as homelessness, people in crisis, and senior needs by offering such programs as:

- **211 Riverside County:** 211 Riverside is a 24 hours a day, 7 days a week information and referral hotline that people access by simply dialing 3 digits, 211. The resource database contains 3,579 programs by 1,053 agencies. When individuals need information about obtaining some resource from the community, such as food, housing, clothes, or rental, mortgage, or utility assistance, they can call 211. The staff will respond with appropriate referrals and will instruct callers on how to request help, what to expect, and what documents they should have ready before making the call. Last year, 73,973 people called 211 for assistance and another 47,215 accessed resources using the 211 website.
- **Shared Housing:** This program provides financial assistance to homeless or those at risk of being homeless and matches elderly people in need of housing with those who have housing to share. Last year, Shared Housing assisted 380 individuals with housing needs.
- **Transportation Access Program (TAP):** Nonprofit and government agencies in western Riverside County can register with TAP to receive bus tickets for their clients. Service providers distribute the tickets to their qualifying clients for doctor appointments, job interviews, and other urgent or emergency needs. Last year, TAP distributed bus tickets to 10,898 individuals who have no other transportation option.
- **Long-Term Care Ombudsman:** Volunteers are trained and certified as ombudsmen to make regular facility visits to nursing homes and residential care facilities. The ombudsman investigates complaints of poor care and elder abuse. The ombudsman acts

as an advocate to protect the senior's rights and ensure that the highest quality of care is received. Last year, the ombudsmen safeguarded the elderly with more than 7,500 visits to skilled nursing facilities.

- **HELPLine Crisis/Suicide Hotline:** Twenty-four hours a day people in crisis can call 951-686-HELP (4357) and be connected with a trained counselor who will listen and provide support. Last year, HELPLine counselors answered more than 8,000 crisis/suicide prevention calls.
- **The Nonprofit Resource Center:** Capacity building and sustainability services are provided to other nonprofits. This includes workshops, technical assistance, conferences, funder, and advocacy forums. Last year, the Nonprofit Resource Center provided hundreds of nonprofits with additional development and skill building opportunities through educational workshops, forums, and networking events.
- **Thanksgiving/Christmas Basket Program:** Community Connect keeps a list of all the nonprofit agencies in Riverside County that distribute baskets at Thanksgiving and Christmas. This list also includes the programs that offer Thanksgiving and Christmas dinners. Last year, we coordinated the distribution of nearly 1,000 Christmas Baskets to the needy.

Community Connect assists thousands of men, women, and children each year through a vast array of services throughout Riverside County. As noted above, the organization crosses many platforms of social service and community support, working in diverse focus areas such as housing, long-term senior care, transportation, community service, professional development and more. If you need assistance from one of the resources mentioned or would like more information about how you can help, please call 211 or 951-686-4402. You can also visit the Community Connect website at <http://www.connectriverside.org>.

Rod Ballance is the Chief Executive Officer for Community Connect.



RICH MAN, POOR MAN (WHY BAIL POLICIES NEED TO CHANGE)

by Juanita E. Mantz

As I have said before (quoting Bob Dylan) in this magazine, “the times they are a changin’.” We are in an era when teachers make good probation officers and the tide is turning toward rehabilitation and a more holistic approach in criminal justice. Prison is simply not working and mass incarceration is costing America billions of dollars and AB 109 (which mandated that many prison sentences are to be served in county jail rather than prison) and Prop 47 (which declared most petty theft and simple drug possession offenses misdemeanors) are the result.

I believe the next issue we need to confront as a community is an issue that has largely been ignored: how bail policy in criminal cases discriminates against the poor.

I am a Deputy Public Defender and as a result, all my clients are poor/indigent. Many moons ago, I represented large corporations but I get much more satisfaction from representing the poor and oppressed. Many of these indigent clientele are in custody. Although I am now assigned to Department 31 handling incompetency proceedings under PC 1368, I spent more than two years in Department 63 handling both felony preliminary hearings and trials in the vertical assignment calendar and many years in Drug Court and Banning Court before that. In my tenure in those departments, I saw client after client plead guilty in order to get out of custody.

Recently, some have addressed the concept of bail in a criminal case and whether it is right and just. For example, *The New Yorker* recently ran a story about the detriments of cash bail and why statistically it doesn’t make sense.¹

A study also came out in 2013 detailing how bail and pre-trial detention actually results in an increased rate of recidivism.² This study using data from Kentucky, uncovered strong correlations between the length of time low- and moderate-risk offenders were detained before trial and the likelihood that they would reoffend in both the short and long term.³

The most powerful of the recent writings is an article called “The Bail Trap” by Nick Pinto which uses personal

narratives to show how bail ruins lives and causes innocent people to plead guilty or stay incarcerated. “Every year, thousands of innocent people are sent to jail only because they can’t afford to post bail, putting them at risk of losing their jobs, custody of their children — even their lives.”⁴

If all of these criminal procedures regarding bail seem counter-productive, they are. There is another option that is rarely used in felony cases called a release on “OR” (a release on one’s “own recognizance”), which allows a criminal defendant to be released on their own promise to appear.⁵

But, I am here to give you an allegory for why bail doesn’t make sense. Imagine twin brothers charged with the same crime, one is rich, one is poor. They are similar, except of course for their bank accounts.

Imagine they are arrested on two separate, but almost identical cases. Imagine their bail is each set at fifty thousand dollars (which usually would require a cash bond of at least five to ten percent cash down).

Now imagine that the brothers are estranged and only the “rich man” has the money to pay to bail out. It might be hard to imagine that poverty level as we drive to work in our Mercedes Benz or our colorful Prius in a freshly pressed suit. It might be hard to imagine someone without money, resources, education or friends and family much less a credit card and/or a bank account, but try (it might not be that hard for some of us with crushing student loan debt who are what my mom used to call “bill poor,” but that’s a story for another issue).

What should the “poor man” do? Would you sit in custody and wait for trial? Imagine the “poor man” is offered a deal by a Deputy Public Defender, an attorney who sincerely cares when her client says he is innocent and/or that he has a defense of self-defense, but who also has the duty to convey all offers. The District Attorney is offering “poor man” 180 days on work release and a strike felony with formal probation for three years. That deal lets the “poor man” go home. He knows he has a defense but he also knows he has a kid at home that needs to be looked after, and pets and a job he will lose if he stays incarcerated. What would you do?

We all know what happens. “Poor man” pleads guilty and is stuck with a felony with three years minimum of felony probation and a strike, and “rich man” stays out of

1 See Margaret Talbot, “The Case Against Cash Bail,” *The New Yorker* (8/25/15); and see also Shaila Dewan, “The Collateral Victims of Criminal Justice,” *The New York Times* (9/05/2015).
2 See Christopher T. Lowenkamp, Marie Vannostrand, Alexander Holsinger, and The Laura and John Arnold Foundation, *The Hidden Costs of Pretrial Detention* (2013).
3 See also Leipold, A.D., “How the pretrial process contributes to wrongful convictions,” *The American Criminal Law Review* (2005).

4 *The New York Times Magazine* (8/13/2015)
5 See PC 1318-1320.5 et seq.

custody and eventually gets a misdemeanor on the day of trial. “Poor man” eventually violates probation for not doing his work release because he couldn’t miss work and is sent to prison. “Poor man” eventually ends up losing everything he tried so hard not to lose.

The most pressing question still remains. If we have a presumption of innocence in America, why do we have bail at all? Or maybe the presumption of innocence is, in all practicality, in form only because we know that in real life money talks when it comes to pretrial detention.

Just ask “poor man.”

Juanita Estella Mantz (“JEM”) is a Deputy Public Defender for The Law Offices of the Public Defender in Riverside County and a creative nonfiction writer in her spare time. She also serves on the RCBA’s Publications Committee. You can read more of her writings on her “Life of JEM” blog at <http://www.lifeofjemcom-jemmantz.blogspot.com/>.



THE FACE OF HOMELESSNESS AND THE POVERTY VORTEX

by Damien O'Farrell with an introduction by Jane Carney

"After I retired a few years ago from practicing law, I was fortunate to find Path of Life Ministries and get involved in some aspects of its work. I have learned that the stories behind homelessness are varied. The people I have met at the family shelter are trying hard to get back on their feet--and Path of Life, with expertise, persistence, and compassion, helps them to achieve their goals. It is for this reason that I am proud to have Damien O'Farrell, CEO of Path of Life Ministries share these thoughts with you."

– Jane Carney

When I ask people what comes to mind when they think about homelessness in our community of Riverside, I typically receive the answers that would be common of any major US community – some one sleeping in the park or on the doorstep of a local business, a frazzled person pushing a shopping cart full of belongings, someone pan-handling at a busy intersection or at a freeway off-ramp. And while these are certainly some of the faces of homelessness in our community, they are what we at Path of Life Ministries refer to as the “visible minority.”

The most recent Point In Time Homeless count throughout the County of Riverside in 2015 identified 1,587 unsheltered and 883 sheltered homeless people (total = 2,470) in the county in a count conducted over one 24 hour period. This is a count that takes place every two years which is used to help determine the levels of federal funding provided to each community throughout the country according to its need. The largest portion (399) of these individuals were counted in the city of Riverside, a count which more than doubled any single municipality in the county.¹

What's most amazing to those of us who are “on the ground” in the effort to end homelessness as we know it, however, is not how high the number is in the city of Riverside as compared to cities throughout the rest of the county. What surprises us is how low the number is and how poorly it represents the impact of poverty in our community.

The reality is that as the county seat (where the majority of public services are accessible) within a community in Southern California, with some of the best weather and highest housing prices in the USA, it should be no surprise that Riverside would experience a large share of the homeless population of Inland Southern California.

¹ See <http://riversidehomelesscounts.com/>.

For the informed among us, this is no surprise. We believe that this count fails to capture the scope of our issue. The latest count in the Riverside Unified School District alone totaled nearly 3,000 students who are technically homeless within the district. These are children residing in families who, though they may have a roof over their head, are more than doubling up in sub-sufficient housing, many of whom are living in garages or other places not meant for human habitation. Even the mere mention of this number of technically homeless children in our community is startling for many, and the mention of homeless infants and toddlers is unsettling to even more; it's simply not the picture of homelessness that most hold within their minds. However, it IS one of the most striking images of homelessness in our community that reside in our minds at Path of Life Ministries because it's what we encounter every day within our shelter for homeless families, in addition to those we serve in our Community Shelter for unaccompanied adult men and women (many of whom are veterans, disabled, and seniors). These men, women, moms, dads, and children are what we call the “invisible minority” of homeless in our community. They are people who for the most part, as Ms. Carney has described, are struggling to get back on their feet and doing all that they can day in and out to provide a life of possibility for themselves and their families despite the incredible odds against them. We serve over 1,400 of them every year with shelter and the opportunity to permanently exit the cycles of homelessness and poverty.

What's needed more than safe shelter, however, is more than a safe place to sleep. What's needed is the opportunity to access a life outside of the cycles of poverty and the support structures that make this new life sustainable. This is why we are working both within our own agency and with others throughout the county to create an environment where this is not only possible, but probable.

We at Path of Life Ministries often state that homelessness is merely a symptom of the much larger cultural issue of poverty. For those of us who maintain the mindsets and social support networks of the privileged middle class or above, homelessness – especially that which is experienced by those who find themselves chronically homeless – is almost unthinkable; but for those who's only support network are others in a similar poor position as themselves, or for those who's life skills have only served them well to exist in poverty, homelessness is a much more present reality.

The reality for those who are living amongst the poor (both working and unemployed) in our community is that affordable housing and living wage employment is incredibly difficult to find; and in this situation, an unexpected medical issue, car repair bill, or loss of minimal income can easily force one into a situation where housing becomes unsustainable despite best efforts. When coupled with a mindset of survival or socioeconomic fatalism in which saving for “rainy days” or one’s future is futile at best (both which are not only common but necessary for sustained existence within the cycles and culture of generational poverty according to the extensive research of Ruby Payne), one can more easily perceive how the cycles of poverty become more of a seemingly insurmountable vortex of instability.

It is for these reasons among others that we feel that the issue of poverty, beyond the symptom of homelessness, remains one of the most pressing for our community at this time. Despite the “strengthening economy” the rate of poverty continues to rise. This is an exponentially concerning issue not only due to the fact that poverty is extremely costly to our local economy – when the costs of social services are considered – but also due to the fact that poverty in this generation is likely multiplied in generations to come as the children in impoverished families learn the modes of operation and mindsets that only serve to help them survive in poverty and fail to learn that which will equip them to thrive in our economy while existing in situations that make it difficult to concentrate on anything more than survival itself.

What’s needed now, possibly more than at any time in our nation’s history, are those educated and influential individuals (perhaps such as those reading this article) to use that capital to make the systemic changes necessary that make an exit from poverty (and, in turn, homelessness) not only possible but probable.

Damien O’Farrell is the CEO of Path of Life Ministries and Jane Carney is Past President of the RCBA.



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ADDRESSING HOMELESSNESS IN THE COACHELLA VALLEY: COMMUNITY OUTREACH AND RESOURCES PROGRAM

by Jennifer Bender

In November of 2013, a committee formed at the request of Chief Richard Twiss of the Indio Police Department to discuss the implementation of a homeless court in Riverside County. In an effort to utilize community policing strategies and address the growing homeless population in the Coachella Valley, Chief Twiss called together representatives from various public and private agencies to discuss the available resources. Members of the committee included representatives from the Indio Police Department Quality of Life Team, Department of Public Social Services, the District Attorney's Office, the Public Defender's Office, Conflict Panel, Probation, Judges and Commissioners from the Riverside Superior Court, and the Department of Mental Health. Our partner providers included Coachella Valley Rescue Mission, ABC Recovery and Martha's Village and Kitchen.

Recognizing the stigma of the word "homeless" and the often negative past experiences of this population with the justice system, the program was named Community Outreach and Resources Program (CORP) instead of Homeless Court. CORP is designed to reward positive change and assist participants with reintegration into society by alleviating financial burdens and eliminating obstacles to future job prospects.

There are two ways in which a person can become a participant in CORP. Either they are already participating in one of the partner provider programs and are referred by their case manager, or an Officer with the IPD Quality of Life Team makes contact in the field and the person agrees to begin participation in one of the partner provider programs.

Once the person is in a program, their program case manager submits an application to the Public Defender's Office which is then reviewed for open cases or convicted matters with fines and fees owed. If the person appears appropriate, their case is referred to the District Attorney's Office for a background check. At a quarterly meeting, the person is discussed by all members of the committee including their social history, participation level at the program, and criminal background. The participant also writes a letter to the committee with the assistance of their case manager as to why they would like to be accepted into CORP. If the person does not appear appropriate for CORP due to the severity of the charges, the Public Defender's Office will then assist them through the regular protocol.

If the participant is accepted to CORP, their low-level misdemeanors and infractions are dismissed as well as suspension of fines and fees already owed for convicted cases. Victim restitution remains owed as previously ordered. The benefits to the CORP participant varies. In some cases, removing the financial burden of fines that they do not have

the ability to pay allows them to become eligible for public assistance or obtaining their driver's license. There is also the added emotional benefit of having the positive changes in their lives recognized and encouraging their reintegration into society. Some of the CORP participants remain in their partner provider programs and continue to work in an outreach capacity to inform others who may be distrustful and encourage them to enter one of the partner provider programs.

Within 18 months of the initial meeting, the committee chose the first group of 12 participants. Following completion of at least 90 days in their individual programs, the participants had seven misdemeanor or infraction cases dismissed and a total of \$27,428.63 in fines and fees permanently suspended on cases for which they previously pled. In June of this year, the CORP committee organized a homeless outreach event at Miles Park in Indio. The highlight of the event was a ceremony recognizing the inaugural participants. Both Chief Twiss and Public Defender Steve Harmon gave remarks that highlighted the positive changes made by the participants. Each person received a certificate of recognition from City of Indio Mayor, Lupe Ramos Watson and California State Senator, Jeff Stone. CORP participants addressed the crowd to discuss how the program assisted them with their reintegration. Many of the participants had friends and family members in the audience to support them. For some, this was the first time they were able to invite these individuals to anything positive in a long time. The whole day was charged with positivity and hope.

A second group of participants have already completed their programs since the inaugural group. The second group also consisted of 12 participants who had a total of three misdemeanor or infraction cases dismissed and a total of \$28,174.97 in fines and fees dismissed. Their graduation event is tentatively scheduled for October 9, 2015.

The true success of the program is evident not only in the success of each individual participant but also in the relationships developed between the historically divergent organizations that comprise CORP. Through collaboration, change is possible and is happening here in Riverside County. The CORP program is looking forward to expanding county-wide in the future.

Jennifer Bender has been a deputy public defender for the Law Offices of the Public Defender in Riverside County since 2008 and is currently assigned to Department 31 handling LPS conservatorships.



PROJECT GRADUATE CELEBRATES ITS LARGEST CLASS (AND STILL NEEDS YOUR HELP)

by Robert L. Rancourt, Jr.

A recent study on California foster youth completing high school concluded that “[i]ndependent of such risk factors as having a disability, California youth in foster care are less likely than other students to complete high school, enroll in a community college, or persist in community college once enrolled,” not only compared to students in the general population but also in comparison to other disadvantaged students. The study also found that less than half of foster youth (45 percent) complete high school. It also noted multiple risk factors, such as abuse, neglect, separation from family, and frequent change in placements, schools, and homes. These are the issues foster youth struggle with when trying to complete high school and enroll and graduate from college. The study concluded there is an “overarching importance of providing foster youth with the support they need to complete high school as well as enroll and succeed in college at the same rates as other students.”¹

Riverside County has its own program to address this very issue. Project Graduate, an official mentoring program of the Riverside County Bar Association (“RCBA”), was implemented in 2011 and is a joint effort of the RCBA as well as the Riverside County Superior Court, Riverside County Counsel and the Department of Public Social Services. The program helps youth in foster care graduate from high school and go on to college or work as productive members of the community by matching interested foster students with volunteer educational representatives and mentors who are appointed by the court, and report participant progress monthly to the court.

Recently, however, instead of their usual monthly appearances before Judge Jacqueline C. Jackson, on June 17, 2015, current Project Graduate foster student participants were joined by their educational representatives and mentors, program stakeholders, the bench and bar, and interested community members to celebrate its largest class of graduates yet. This year’s recognition luncheon at the Tamale Factory had the highest attendance since the program began.

¹ Frerer, Kristine, Davis Sosenko, Lauren, and Henke, Robin R., *At Greater Risk: California Foster Youth and the Path from High School to College*, Stuart Foundation (March 2013).



Project Graduate student Antonio and attorney mentor Luis Lopez

Antonio and Luis Lopez

Antonio asked to sign up for Project Graduate after seeing how his older brother, Juan, completed and benefitted from the program. Antonio then went to work with his educational representative and mentor, attorney Luis Lopez, for about two years before finishing the program and graduating from Lee D. Pollard High School on June 2, 2015. Not all foster youth live in great foster homes, but Antonio and Juan are thankful for their foster parents, with whom they have lived for more than three years. Their foster parents have other foster children and just adopted a younger child from foster care. They call their foster parents “mom and dad.” Not only have their foster parents taken them to Mexico to visit their foster parents’ extended family there, but everyone treats Antonio and Juan as members of the family.

Antonio is now pleased to be working. Each morning, his foster dad takes Antonio to work, his foster father then goes to work, and, later in the day, he returns to pick up Antonio and they return home together. Antonio’s foster dad also takes Antonio to work on Saturdays, so Antonio is working on getting a bicycle and using public transportation so that he can get more free time for his foster father. Antonio’s foster parents have welcomed Antonio and Juan to stay with them beyond their official foster care time, mentioning perhaps until they get married. These foster parents are about “their” children and nothing more. Antonio and Luis want to thank these foster parents. These parents are incredible!



Attorney mentor Sarah Overton and Project Graduate student Heather

Sarah Overton and Heather

When foster student Heather signed up for Project Graduate and met attorney Sarah Overton, Heather was in her last year of school but had failed several classes and was credit-deficient, in large part due to Heather's difficult life circumstances. Sarah's legal skill quickly kicked in and showed Heather that she was eligible for graduation under AB 167 if she passed all her classes. Sarah could tell that Heather had a strong determination to succeed and just needed the kind of extra encouragement and support that Project Graduate provides. Sarah likes to brag about Heather that not only did Heather pass all her classes, but she received mostly "As" and "Bs!" Heather graduated from Perris Lake High School on March 6, 2015.

Prior to graduation, Heather wanted to become a doctor. Sarah took Heather on a couple of campus tours of Riverside City College (RCC) as well as another private college. Later, Heather decided on RCC and, with Sarah's able assistance, Heather enrolled and applied for and received financial aid.

Sarah is proud to report that Heather is currently attending RCC and loves it. Sarah has no doubt that Heather will finish college and succeed in whatever profession she chooses. Sarah knows that sometimes a little direction and guidance is all a foster student needs. Sarah is honored to have worked with Heather through Project Graduate.

Shumika Sookdeo and Terraya

Foster student Terraya completed the program and graduated from Banning High School on May 28, 2015. Attorney Shumika Sookdeo mentored Terraya, and they are pleased to report that Terraya is currently attending Riverside City and Moreno Valley Colleges full-time, taking four classes. Terraya loves going to community

college and is an enthusiastic student. She has not fully decided yet whether she wants to be a pastry chef, like she always told Shumika, but Terraya is still considering it. While Terraya is now a proud Project Graduate alumna, Shumika remains committed to the program and has moved on to partner with her third student in as many years with the program.



Attorney mentor Shumika Sookdeo and Project Graduate student Terraya

You Can Help Project Graduate on November 10, 2015

This year's graduating class and luncheon was Project Graduate's largest yet! You can help the program continue on this trajectory.

Please join Project Graduate on **November 10, 2015**, at 5:00 p.m., for its fundraiser at **Zacatecas Café**, 2472 University Avenue, in Riverside, to shore up its resources and ensure that it is able to continue to thrive and support Riverside County foster youth well into the future. Mingle and meet some of the foster youth and program participants and be inspired by their success while contributing and getting a delicious bite to eat. The bench and bar and community at large have always been generous supporters of the program, but it still needs your help to continue its tremendous growth. If unable to attend, please contact Robert Rancourt or the bar association for information on how to contribute, participate in, or support Project Graduate.

Robert Rancourt is a Deputy Public Defender with the Law Offices of the Public Defender, County of Riverside, where he has worked for 13 years and currently represents children in juvenile court. He has volunteered as a Steering Committee Member and Educational Representative and Mentor for Project Graduate since its inception in 2011. He also sits as a judge pro tempore for the Riverside County Superior Court.



AT RISK YOUTH AND ACCESS TO HIGHER EDUCATION

by Stefanie G. Field

In addition to the societal benefits of having an education workforce, obtaining a higher education can have significant impact on an individual's economic status. "The Economics of Higher Education," a 2012 report prepared by the Federal Departments of Education and the Treasury, shows that there is a significant disparity in income level between those with and without a college education and indicates that there are other benefits, such as lower unemployment rates. So, the answer to reducing poverty would seem to be providing college educations to our youth. But such an answer is overly simplistic and does not address the hurdles that many youth face.

For a number of youth, college is a given. They have family or role-models who have instilled in them the importance of obtaining a college degree, led them to believe that college was accessible (financially, academically, etc.), and helped them prepare for college. But not all youth are fortunate enough to be in such circumstances. Some do not have the support systems in place, some may have academic or health issues, and others may face seemingly insurmountable financial barriers. While there can be a variety of reasons why a young person may not seek higher education, there are two classes of youth who may find the process particularly daunting: foster and homeless youth.¹

The financial aspects alone can dissuade these youth from seeking higher education, but they are also among the categories of youth that are more likely to end up in poverty or worse (being trafficked).² While there are various financial resources to help with tuition, the process can be difficult to navigate. In fact, in approximately 2006, the California Community Colleges Chancellor's Office recognized this problem and, in 2007, it launched the Foster Youth Success Initiative ("FYSI"), which is geared towards improving foster youth's access to higher education and completing their college degrees. As part of its launch, it provided statewide training for 100 college representatives on how to work with these students.³

While there are many tuition aids for foster and homeless youth, one of the key ones is the Free Application for Federal Student Aid ("FAFSA"). Public colleges should have representa-

tives able to aid in the FAFSA application process. For foster youth, this application is a bit easier to navigate, because they are already in the "system" and presumably been through the appropriate adjudicative process. In contrast, the FAFSA can be more difficult for homeless youth because such youth may not have gone through the appropriate process to confirm their eligibility as an independent student. Without such a determination, the youth must provide information about family resources to complete the application, information which the youth may not have or may be unable to obtain. That said, the definition of "independent student" in FAFSA has been broadened and eligibility can now be decided by a school or homeless liaison, making it easier for homeless youth to qualify and complete the application. Of course, FAFSA is a resource for the child who has already applied for college.

What about even getting to the door? Both the Scholastic Aptitude Test (SAT) and college applications are not free. For those in poverty, however, there is some help. For example, there is a request for a fee waiver for the SAT exam. For college application fees, however, there is a divergence between the resources for foster youth and homeless youth. The Donahue Higher Education Act supports priority in registration to foster youth, waives the application fee, and provides various other benefits to foster youth, not homeless youth. AB 801 is currently pending, however, and seeks to afford the same benefits to homeless youth as are given to foster youth. While that bill has passed several committees, there is no guarantee that it will be enacted.

There is (in essence) a companion bill to AB 801 also pending. Foster and homeless youth also face another hurdle to attending college: having a place to live. After all, when food and shelter are uncertain, obtaining an education loses its priority. Current legislation gives priority in housing to foster youth and keep those facilities open during school breaks. AB 1228 seeks to give homeless youth the same priority as foster youth. As with AB 801, it has passed several committees, but there is no guarantee it will be enacted.

Above are just a few of the issues and resources available to foster and homeless youth who are seeking a higher education. More information is readily available through research. If you know any foster or homeless youth that would like to attend college, but are confused about the process, please encourage them to get help from their guidance counselors and college admissions and financial aid departments.⁴

Stefanie G. Field, a member of the RCBA Publications Committee, is a Senior Counsel with the law firm of Gresham Savage Nolan & Tilden.



- 1 This topic, in general, is very broad and nuanced. Consequently, this article cannot truly go into the depth that this topic deserves. Instead, the focus will be on briefly identifying some issues and some resources.
- 2 Although this article does not take on the issue of human trafficking, a sample of the correlation between homelessness and human trafficking can be seen in Chicago, cited by the National Human Trafficking Resource Center ("NHTRC"), finding that 56% of the female prostitutes were formerly runaway youth. The education that I have received from my non-profit involvement identified homeless and foster care youth as the ideal targets for human traffickers.
- 3 Providing Effective Financial Aid Assistance to Students from Foster Care and Unaccompanied Homeless Youth: A Key to Higher Education Access and Success, ver. 2.0, by the Foster Youth Success Initiative.

- 4 For homeless youth, please also consider putting them in touch with Operation Safe House, which provides emergency shelter, intervention and outreach services to youths in crisis (9685 Hayes Street, Riverside, CA 92503).

IELLA CELEBRATES 35 YEARS OF FREE LEGAL SERVICES

by Sarah Mohammadi

"If I would not have found IELLA, I would have still thought I could never file for a Temporary Restraining Order or a Divorce. IELLA's services were life changing." - Angelica A. (Restraining Order and Divorce)

"I was very pleased with the paperwork that was prepared for me. It was professionally done, and in a timely manner. No one else would help me because [my case] was too 'complex'. If it wasn't for IELLA, I would not have been able to go back into court and get my case dismissed." - Esther R. (Motion to Set Aside Unlawful Detainer Default)

These are the voices of prior clients of the Inland Empire Latino Lawyers Association (IELLA) whose lives were changed for the better because of their access to free legal services. IELLA is a non-profit Legal Aid program based out of Riverside, California. Over the past 35 years, IELLA's mission has been to provide free legal services to indigent individuals residing in the Inland Empire through its volunteer attorneys and staff. IELLA is able to provide these legal services to qualifying individuals residing in the Inland Empire by holding clinics multiple times a week in Riverside, Ontario, Colton and Corona. During these clinics IELLA staff and volunteer attorneys meet with qualifying individuals to learn about their legal issues and discuss potential solutions.

With the help of its funders, IELLA is able to provide legal help for qualifying individuals who cannot hire private attorneys because of limited financial resources. IELLA offers a number of core services to its clients.

IELLA's Core Services

IELLA primarily assists with limited civil and family law cases. These services include divorces/legal separations/annulments, custody/visitation and custody/visitation modifications, child support and child support modifications, spousal support and spousal support modifications, wage garnishments and wage garnishment appeals, establishing paternity, restraining orders, debt collection actions, landlord/tenant dispute resolution and eviction defense. These types of cases are handled through IELLA's legal aid clinics.

First, a potential client will meet with IELLA's clinic manager to determine their eligibility for IELLA's services, and to provide general intake information. If that potential client qualifies for assistance, then they will meet with a volunteer attorney who will help to determine next steps for their legal assistance. In most circumstances, after the cli-

ent attends a clinic, IELLA will prepare the documentation that needs to be filed with the court. Once that paperwork is complete, the client will be able to submit that completed paperwork to the proper court. IELLA also provides free legal services to qualifying teenage parents through the One Step Further Program.

Expungements are another major focus of IELLA. For many of IELLA's clients, finding a job with a conviction on their record can be difficult. Once a person fully serves his or her sentence, and effectuates any and all payment associated with that conviction, IELLA can seek to have the conviction expunged. In order to do so, IELLA will prepare the documents necessary for an expungement, which essentially reopens the criminal case, dismisses and sets aside the conviction, and re-closes the case without a conviction. This allows IELLA's clients to search for jobs without the conviction on their record. IELLA runs specific expungement clinics a few times each month to meet with potential clients.

IELLA also helps prepare our clients for their small claims cases by hosting various informational sessions covering "How to Present Your Claim" and "What Happens after Court." For those individuals that qualify for assistance, IELLA volunteer attorneys also meet with potential clients to discuss strategy for collection of judgment, appeals, or claiming exemptions from wage garnishments.

On the Horizon

This year IELLA is celebrating its 35th anniversary, and will be hosting a Gala in December to acknowledge the hard work of the organization's volunteers and to highlight the life changing services that this organization is providing to qualifying individuals residing in the Inland Empire. This Gala will also be used to help raise money so that IELLA can continue to provide these services to the community. Community members are encouraged to attend the Gala. It will be held on December 10, 2015 from 5:30 p.m. to 6:30 p.m. for a social hour and 6:30 p.m. to 9:00 p.m. for dinner and a program in the National Orange Show's Renaissance Room.

IELLA is always looking for additional volunteers, both lawyers and non-lawyers alike. Prospective volunteers should email the clinic managing attorney, Claudia Lopez at clopez@iellaaid.org, for more information on how they can assist IELLA in changing lives in the future.

Sarah Mohammadi is an attorney in the Labor and Employment Practice Group at Best Best & Krieger, LLP. She has also been a member of the IELLA Board of Directors since 2014.



MINIMUM WAGES, MAXIMUM POLITICS

by Abram S. Feuerstein

For centuries societies have engaged in efforts to regulate wages. Indeed, the idea that governments can enforce by law a "just" or "fair" price for labor — or other goods and services — is "coterminous with civilization."¹

For example, the almost 4,000-year old Babylonian Code of Hammurabi is replete with articles that dictate rates of pay for numerous professions, including field-laborers, herds-men, wagon drivers, potters, and rope-makers.² A handbook for princes authored by India's Kautilya around 320 B.C. describes the wages to be paid for occupations ranging from musicians to scavengers.³ And Puritan legislators, guided by their religious principles, certainly believed that they could fix wages in a way that would create prosperity.⁴

In the United States, in response to exploitive "starvation wages" paid to women in the labor force, starting with Massachusetts in 1912, states began to adopt minimum wage laws to protect female workers.⁵ With declining wages during the Great Depression, the Fair Labor Standards Act in 1938 created the first federal minimum wage.⁶ That law set the prevailing minimum wage at forty percent of the average hourly earnings of production workers in manufacturing jobs, or at 25 cents per hour.⁷

Since then, the minimum wage has been raised approximately two dozen times, never exceeding a rate of half the average hourly earnings of private sector workers.⁸ The current federal minimum wage is \$7.25, which adjusted for inflation is 1.8 times larger than the 1938 level.⁹ Only about five percent of hourly workers earn the minimum wage.¹⁰

Leaving aside the failure or success of these past efforts in achieving their goals, political leaders today continue the

call for regulating minimum wages. Indeed, mandating a higher minimum wage frequently is heralded as a panacea for anything from the elimination of poverty, to the solution to the perceived problem of "income inequality," or as the key to the re-building of the middle class.

Thus, on September 10, 2015, New York Gov. Andrew Cuomo announced a proposal to establish a \$15.00 state-wide wage from that state's current \$8.75.¹¹ This follows the lead of several U.S. Cities, including Los Angeles, San Francisco, and Seattle, which phase in the \$15.00 level over several years.¹² In California, the current statewide minimum wage is \$9.00, which effective January 1, 2016, increases to \$10.00 per hour.¹³ The minimum wage will rise to \$13.00 in Chicago by 2019.¹⁴

In addition to city and state initiatives, there are perennial efforts to raise the federal minimum wage. President Obama proposed an increase to \$9.00 in his 2013 State of the Union address,¹⁵ former Senator Tom Harkin (D-Iowa) in 2014 sought to increase the minimum wage to \$10.10,¹⁶ and this year congressional Democrats introduced legislation to increase the minimum wage to \$12.00.¹⁷

Typically, raising the minimum wage garners widespread public support.¹⁸ After all, who could be against higher wages

11 J. Dawsey and E. Orden, "Cuomo to Push Highest Wage Floor," *Wall Street Journal*, September 10, 2015.

12 *Id.*

13 See http://www.dir.ca.gov/dlse/FAQ_MinimumWage.htm. This website provides a valuable FAQ explaining some important aspects of California's minimum wage law. It notes that the current \$9.00 rate applies to almost all employees in California, and that the minimum rate cannot be altered by any agreement between the employer and the employee. Upon a conflict between the state and federal rates, the employer must pay the higher amount. Of note, restaurants are unable to offset tip income toward the obligation to pay waiters the mandated minimum. Also, there is an exception recognized for shepherders who, exclusive of meal and lodging benefits, must be paid a minimum of \$1777.98 as of January 1, 2016. Finally, aggrieved workers may file a wage claim with the Division of Labor Standards Enforcement (the Labor Commissioner's Office) or file a lawsuit to recover the lost wages.

14 <http://www.nytimes.com/2015/04/23/business/economy/democrats-are-rallying-around-12-wage-floor.html>

15 A. Lowrey, "Raising Minimum Wage Would Ease Income Gap but Carries Political Risks," *New York Times*, February 13, 2013, at http://www.nytimes.com/2013/02/13/us/politics/obama-pushes-for-increase-in-federal-minimum-wage.html?_r=0.

16 http://www.huffingtonpost.com/2014/04/03/tom-harkin-minimum-wage_n_5084742.html.

17 <http://www.nytimes.com/2015/04/23/business/economy/democrats-are-rallying-around-12-wage-floor.html>.

18 See, e.g., B. Drake, "Polls Show Strong Support for Minimum Wage Hike," *Pew Research Center*, March 4, 2014, at <http://www.pewresearch.org/fact-tank/2014/03/04/polls-show-strong-support->

1 .L. Schuettinger and E.F. Butler, *Forty Centuries of Wage and Price Controls: How Not to Fight Inflation*, 9 (The Heritage Foundation 1978), digital download available at <https://mises.org/library/forty-centuries-wage-and-price-controls-how-not-fight-inflation>. The page reference here and elsewhere in this article is to the digital download version.

2 *Id.*, at 11-12.

3 *Id.*, at 15.

4 *Id.*, at 38.

5 A Mathur and M.R. Strain, "Are minimum wages fair?," July 18, 2012, *American Enterprise Institute*, at <http://www.aei.org/publication/are-minimum-wages-fair/> ("Mathur & Strain").

6 *Id.*

7 *Id.* Arguably, the Davis-Bacon Act of 1931 was the first federal law that established minimum wage rates, mandating the payment of local prevailing wages for public works projects. See generally, https://en.wikipedia.org/wiki/Davis%E2%80%93Bacon_Act.

8 Mathur & Strain.

9 *Id.*

10 See L. DePillis, "Who actually makes the minimum wage in America today," at <http://www.washingtonpost.com/news/workblog/wp/2015/04/24/who-actually-makes-the-minimum-wage-in-america-today/>.

for workers, especially if it is as easy as passing legislation, and what politician wants to be seen as opposing the interests of low income laborers? Indeed, leading up to the 2014 election, the *New York Times* reported that Democrats believed they had found a “wedge” issue that would increase turnout for their Congressional candidates.¹⁹ And just as cutting taxes since Ronald Reagan’s presidency frequently has been the intellectual economic centerpiece for right of center politicians, raising the minimum wage has become the centerpiece for left-wing politicians.²⁰

Minimum Wage’s Harsh Effects

Given today’s political rhetoric about the minimum wage issue, one would be surprised to learn that in the recent past there was a general understanding that raising the minimum wage destroyed jobs and created unemployment, with the hardest hit being the young, the poor, the unskilled, and the disadvantaged. Indeed, a January 14, 1987, *New York Times* editorial concluded: “There’s a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price working poor people out of the job market.”²¹

The impulse to raise the minimum wage generally arises from good intentions.²² Yet it is easy to understand why minimum wage hikes may not achieve their desired result but, instead, cause significant harm to the individuals they are intended to help. If it is illegal to hire and pay an individual whose skill set is not worth the minimum wage some amount less than the minimum wage, assuming the employer is not engaged in an act of charity, that person will not be hired. Similarly, an increase in the minimum wage will provide an incentive to employers to accomplish the same tasks in a less-expensive, more capital intensive man-

for-minimum-wage-hike/

19 J. Martin and M.D. Shear, “Democrats Turn to Minimum Wage as 2014 Strategy,” *New York Times*, December 29, 2013, at http://www.nytimes.com/2013/12/30/us/politics/democrats-turn-to-minimum-wage-as-2014-strategy.html?_r=0.

20 Both of the current leading Democrat candidates for president, Bernie Sanders and Hillary Clinton, support increasing the federal minimum wage. For Bernie Sanders, see <https://go.berniesanders.com/page/s/min-wage>; for Hillary Clinton, see <http://www.nytimes.com/2015/07/17/opinion/paul-krugman-liberals-and-wages.html>.

21 See D.R. Henderson, “The Right Minimum Wage? Zero,” October 30, 2006, Hoover Institution, at <http://www.hoover.org/research/right-minimum-wage-zero>.

22 The motives behind the efforts of labor unions in supporting minimum wage hikes have been questioned by some commentators. They note that union leaders, whose members typically earn substantially more than the minimum wage, advocate increases in the minimum wage as a way of restricting the job market by pricing lower skilled workers out of the job market, leaving more work for union members. As economist Thomas Sowell noted, “(a)ll the unions have to do is camouflage what is happening by using rhetoric about a ‘living wage,’ or ‘social justice’ or whatever else will impress the gullible.” See Thomas Sowell, “Mob Rule Economics,” September 13, 2014, at <http://townhall.com/columnists/thomassowell/2014/09/13/mob-rule-economics-n1888851>.

ner. Therefore, instead of employing an elevator operator at a large department store, the store will automate the elevators. Similarly, installing a salad bar can eliminate wait staff; an ATM can eliminate the bank teller; a web-site can eliminate the bricks and mortar retail outlet and its sales staff; and an IBM Watson-like computer can eliminate call-center employees.²³

In short, the minimum wage negates the one advantage that young and low-skilled workers might otherwise have in the workplace: price competition.²⁴ The somewhat bitter irony is that instead of having a job at, say, \$7.00 or \$8.00 per hour, the young and unskilled, who often are members of minority groups, find themselves unemployed, albeit at \$9.00 per hour.

And the harmful unintended consequences go beyond merely the loss of jobs. Unlike their more affluent college-bound counterparts, if the young and unskilled are deprived of the opportunity to enter the job market, they necessarily are deprived of the chance to learn the basic responsibilities associated with holding down a job (*i.e.*, setting a daily alarm clock, not drinking on work nights, learning how to dress and interact with an employer and its customers, etc.). As unglamorous as these early, low-wage paying experiences may be, their elimination heightens the chances that an economically disadvantaged person, unable to get a foot on the first rung of the economic ladder, will be trapped in poverty, potentially leading to lifelong dependency on government assistance by them and their families.

For this reason, the late Nobel Prize winning economist Milton Friedman, a libertarian monetarist, frequently labelled minimum wage laws “the most anti-black law on the books of this land.”²⁵ To support that conclusion, Friedman, along with fellow conservative/libertarian economists Thomas Sowell and Walter Williams, pointed to the fact that in the late 1940s and throughout the 1950s, at a time when post-war inflation had rendered the existing minimum wage meaningless, black teenage unemployment was actually *lower* than white teenage unemployment, and that teenage unemployment was significantly below today’s

23 An additional reason for a loss of some jobs may be that an increase in the minimum wage increases the cost to employers of producing goods and services. In turn, employers pass some of the increased cost to consumers in the form of higher prices. With higher prices, consumers may purchase fewer of the goods and services, leading employers to produce fewer goods and to hire fewer workers. See generally, “The Effects of a Minimum-Wage Increase on Employment and Family Income,” Congressional Budget Office, February 2014, at <https://www.cbo.gov/publication/44995>. However, this appears to be speculative in that workers who are paid higher wages under an increased minimum wage may consume more goods and services, leading to increased employment.

24 W. Block and K. Sohr, “The Minimum Wage Hurts Those Whom It is Intended to Most Help,” November 1, 1997, at <http://fee.org/freeman/the-minimum-wage/> (“Block/Sohr”).

25 <http://www.aei.org/publication/milton-friedman-responds-to-president-obamas-proposal-to-raise-the-minimum-wage-the-most-anti-black-law-in-the-land/>; see also <http://cafehayek.com/2013/10/milton-friedman-and-walter-williams-on-minimum-wage-legislation.html>.

levels.²⁶ By contrast, as of August 2015, the unemployment rate for White teenagers aged 16-19 was 14.3, while the rate for similarly aged Black teens was 31.3.²⁷

Moreover, liberal Keynesian economists agreed with their conservative/libertarian counterparts. A generation of college students grew up reading, "Economics," a textbook by the late Nobel Prize winner Paul Samuelson, a Milton Friedman rival. In commenting on a proposal to raise the minimum wage to \$2.00 an hour from the then existing rate of \$1.45 an hour, Samuelson noted in the 1970 edition of his textbook: "What good does it do a black youth to know that an employer must pay him \$2.00 an hour if the fact that he must be paid that amount is what keeps him from getting a job?"²⁸

Raising the Minimum Wage Gains Renewed Favor

Notwithstanding what appeared to be the settled nature of the minimum wage debate, in 1994, two economists, David Card and Alan Krueger,²⁹ published a study relating to the effect of an increase in New Jersey's minimum wage on fast-food workers.³⁰ The study surprisingly reported that employment increased in New Jersey, while in neighboring Pennsylvania, where the minimum wage remained constant, employment in the fast-food industry actually declined.³¹

26 For instance, in 1948, the rate of unemployment among black 16-year olds and 17-year olds was 9.4 percent, while it was 10.2 percent for their white counterparts. See Thomas Sowell, "Mob Rule Economics," September 13, 2014, at <http://townhall.com/columnists/thomassowell/2014/09/13/mob-rule-economics-n1888851>. Of note, George Mason University economics professor Walter Williams has observed that from 1900 to 1960, blacks were more active than whites in the labor market, black male participation rates in every age group were equal to or greater than that of whites, and the duration of black unemployment was 15 percent shorter than that of whites. See Walter E. Williams, "Black Unemployment," April 10, 2013, at <http://townhall.com/columnists/walterewilliams/2013/04/10/black-unemployment-n1561096/page/full>.

27 See Economic News Release, United States Department of Labor, Bureau of Labor Statistics, at <http://www.bls.gov/news.release/empsit.t02.htm>.

28 D.R. Henderson, "Why Everyone Read Samuelson: The Late Nobel laureate's mathematical approach to economics has been a mixed blessing," December 14, 2009, the *Wall Street Journal*, at <http://www.wsj.com/articles/SB10001424052748704869304574595823818190240>.

29 Alan Krueger of Princeton University subsequently served as Chairman of President Obama's Council of Economic Advisers and a Member of his Cabinet from November 2011 to August 2013. See Biography, <http://krueger.princeton.edu/>.

30 D. Card and A.B. Krueger, "Minimum Wages and Employment: A Case Study of the Fast-Food Industry in New Jersey and Pennsylvania," 772-293, Volume 84, *American Economic Review*, 1994.

31 The Card-Krueger study has been criticized on a number of grounds, including its data gathering method of telephoning managers of approximately 400 fast-food franchises; the fact that it was conducted too soon after the wage increase so that the market did not have sufficient time to develop alternatives to low-skilled workers, such as automation; and that the increase in the minimum wage was insignificant in that two-thirds of the restaurants were already paying more than the minimum. See

Although the Card/Krueger study appeared to contradict results that economists traditionally would expect from mandated government price increases,³² when combined with the natural, popular appeal enjoyed by measures to increase the minimum wage, union lobbying efforts, and attempts by politicians to try to find a solution to wage stagnation among middle class workers, Card/Krueger gave renewed legitimacy, if not oxygen, to efforts to increase the minimum wage. In January 2015, Senator Elizabeth Warren gave a highly publicized speech in which she claimed that her mother's minimum wage job at Sears helped her family "save (their) home."³³ Vice President Joe Biden on a recent trip to Los Angeles advocated an increase in the federal minimum wage to at least \$12.00.³⁴ And by May 2015, the *New York Times* published an editorial praising Los Angeles' enactment of a \$15.00 minimum wage, noting that the consequences of the legislation were "all good."³⁵

The Congressional Budget Office Weighs In

In the face of efforts in 2013-2014 to raise the federal minimum wage to either a \$9.00 or \$10.10 level, the Congressional Budget Office (CBO) issued a report in February 2014 entitled: "The Effects of a Minimum-Wage Increase on Employment and Family Income."³⁶ In summary, the CBO determined that increasing the minimum wage would have two principal effects on low-wage workers.

Block/Sohr. Perhaps most important, the study failed to analyze the larger economic consequences that emerged from an increase in the minimum wage. Thus, if the minimum wage hike resulted in the closing of a small restaurant or fewer hours for workers employed at the larger fast-food restaurants or, worse, prevented or discouraged a future restaurant from opening, while the Card/Krueger study may have accurately measured increases in hiring at the surviving larger fast-food chain restaurant, it necessarily did not measure the effect on restaurant employment generally. In other words, "reports based on surveying only survivors can create as false a conclusion as interviewing people who have played Russian roulette." Thomas Sowell, "Minimum Wage Laws," in *The Thomas Sowell Reader* (New York: Basic Books, 2011), p. 112.

32 University of California, Irvine economist David Neumark — a self-described "big" supporter of President Obama — has examined more than 100 major academic studies on the minimum wage conducted between 1990 and 2007 and reported that 85 percent of the studies find negative employment effects on low-skilled workers. See David Neumark May 7, 2015 Presentation, at <https://www.youtube.com/watch?v=bwcVFg2YvFY&feature=youtu.be> ("Neumark, May 7, 2015 Presentation"). The research from these studies generally reflected that for every 10 percent increase in the minimum wage, employment among the young and unskilled was reduced by 1-2 percent. *Id.* Similarly, past surveys of economists indicate widespread agreement with the statement that increases in the minimum wage cause unemployment among the young and unskilled. *Id.*

33 http://www.salon.com/2015/01/09/labor%e2%80%99s_new_crusade_bending_the_arc_of_the_moral_universe_toward_higher_wages/

34 See <http://www.dailynews.com/social-affairs/20150722/vice-president-joe-biden-pushes-for-higher-federal-minimum-wage>.

35 http://www.nytimes.com/2015/05/21/opinion/a-15-minimum-wage-bombshell-in-los-angeles.html?_r=0.

36 See <https://www.cbo.gov/publication/44995> ("CBO Report").

Although most would receive higher pay that would increase their family's income, some jobs would be eliminated, the income of most workers who became jobless would fall substantially, and the share of low-wage workers who were employed would fall slightly.

More specifically, the CBO found that an increase in the minimum wage to \$10.10 would likely result in the loss of 500,000 jobs.³⁷ The CBO also determined that a majority of the earnings benefits from an increased minimum wage would flow to people living above the poverty line and, in some instances, families whose income is between three and six times the poverty threshold.³⁸ Indeed, one-third of minimum wage workers are in families in the top half of family income distribution.³⁹

What Do Billionaires Think About the Minimum Wage?

America's two best-known billionaires, Warren Buffet and Bill Gates, separately have commented publicly about the minimum wage. On May 23, 2015, Warren Buffet, published an editorial in the *Wall Street Journal* in which he raised concerns that any plan to increase income levels should not "distort (the) market system, the key element required for growth and prosperity."⁴⁰ He noted that although he might wish to have all jobs pay at least \$15 an hour, "that minimum would almost certainly reduce employment in a major way, crushing many workers possessing only basic skills."⁴¹ To avoid the dire consequences of a minimum wage increase, Buffett advocated an expansion of the Earned Income Tax Credit (EITC), in which millions of low-income workers receive supplemental payments in a manner that does not provide a disincentive to gainful employment. Similarly, Bill Gates has cautioned about raising the minimum wage because it "does cause job destruction" in that it encourages employers to "buy machines and automate things."⁴²

Where Do We Go From Here?

Debates over raising the minimum wage likely will continue long into the foreseeable future. And parties likely will continue to demonize each other in order to try to score points, with those on the left attacking their opponents for lacking compassion and targeting the poor, while those on the right contend that liberals are engaging in "class warfare" in order to win elections.

37 CBO Report, p. 9. The CBO estimate is rounded to the nearest 100,000, and is a "central estimate," i.e., "one that uses values at or near the midpoints of estimated ranges for key inputs."

38 In the CBO Report, the poverty threshold for a family of four is \$24,100. A level of three and six times the poverty threshold would be \$72,300 to \$144,600.

39 See Neumark May 7, 2015 Presentation.

40 W. Buffett, "Better Than Raising the Minimum Wage: Help Americans who need it with a major, carefully crafted expansion of the Earned Income Tax Credit," *Wall Street Journal*, May 23, 2015, at <http://www.wsj.com/articles/better-than-raising-the-minimum-wage-1432249927>.

41 *Id.*

42 See Bill Gates Interview, January 23, 2014, at <http://dailysignal.com/2014/01/23/bill-gates-raising-minimum-wage-can-destroy-jobs/>.

However, all parties share a common goal in attempting to design appropriate public policy measures to help alleviate poverty. Focusing on that common goal should enable parties to think realistically about the best way to get income to needy families. While the minimum wage has a small impact in raising the income of some families above the poverty line, it has potentially significant harmful consequences for the young and unskilled. The elimination of job opportunities for these individuals is too large of a public policy trade-off, particularly because not working – rather than low wages – is the key determinant of poverty. And while some studies contradict a large body of economic literature on the negative effects of raising the minimum wage, embracing these studies seems to be an act of risky partisanship given the potential for significant harm to the most vulnerable in the labor market.

Also, minimum wage hikes as a governmental program miss their mark. A significant portion of the benefit from minimum wage increases goes to families in the top half of family income distribution. By contrast, the Earned Income Tax Credit does target the working poor. And its benefits are paid to the poor, while its costs are paid by general revenues funded by higher-earning taxpayers. Moreover, although there are concerns about EITC fraud and government's failure to police those abuses, the EITC program has broad support on both the left and the right. Individuals who truly are concerned about alleviating poverty instead of demonizing political opponents or creating campaign wedge issues should invest their energy in strengthening and improving the EITC program.

For several decades after World War II, Americans confidently lived in what historians labeled "the American Century." In his 2005 book, *The World is Flat: A Brief History of the Twenty-First Century*, Thomas Friedman noted the emergence of three billion additional consumers and workers participating in a global economy. We may not know for a while whether the flattening of the world has brought an end to the American Century, but it is a good bet that 2.9 of the Friedman three billion likely would be willing to work for less than America's current minimum wage or any of the proposed increased rates. In this environment, alleviating poverty and preserving standards of living will require thoughtfulness about public policy options and, certainly, more thought than simply legislating higher wages.

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OPPOSING COUNSEL: GEORGE F. DICKERMAN

by Krista Goodman

"We protect, and advocate for, the elderly and their loved ones." – Law Office of George F. Dickerman

There could be no truer statement than that above to describe the specialty of attorney George F. Dickerman's legal practice. For more than 20 years, the Law Office of George F. Dickerman has been located in Downtown Riverside on Brockton Avenue serving clients within Riverside County and surrounding areas.

"Regardless of the situation, I always communicate to new clients that my focus is on the elder and the elder's best interests," Dickerman said. Often a new client will be an adult child and their parent.

"If the adult child meets with me without their parent present, and they want to know what their rights are, my typical response is, 'You have certain rights that are to be protected, but we are always focused on the best interests of your parent.'"

Dickerman was a general civil practitioner until about 15 years ago, when he transitioned toward devoting his practice almost exclusively to matters concerning elder law. His practice now extends to matters concerning wills, trusts, financial abuse, conservatorships, estate planning, Medi-Cal planning, healthcare powers of attorney and financial powers of attorney.

He remembers first investigating elder law and the surrounding issues elders face after a deluge of phone calls over a two-week period from seniors and elderly clients, most having gotten swindled by contractors.

"I started making some phone calls to see what could be done and it opened up a whole world of different agencies that existed for helping seniors," Dickerman remembered. "That's really what got me started in elder law and connected me with various groups, such as the Riverside County Office on Aging."

One of the first entities he got connected with was the Curtailing Abuse Related to the Elderly program, which is under the umbrella of the Riverside County Department of Public Social Services. The CARE program is comprised of members from several public and private agencies, such as the Riverside County District Attorney's Office, The California Contractors License Board and Adult Protective



George F. Dickerman

Services, working in collaboration to curtail abuses related to the elderly within Riverside County.

"Everyone works together and roundtables different cases in an effort to try and resolve some of what are mostly fraud actions taken against seniors," Dickerman said.

He cited Margo Hamilton, founding regional manager of the CARE Team, as a driving force behind the establishment of the program.

"What I was really encouraged about through the CARE program was that we, the various agencies, actually got together and worked the problem," He reflected. "Sometimes we were able to get complaints resolved relatively quickly. Sometimes it would be turned over to the District Attorney's Office."

Today, The CARE Team has successfully recovered millions of dollars on behalf of seniors.

"Those involved in the program have done a really good service for the community of seniors," he said. "I'm proud to have been involved as a member in its establishment."

Dickerman is a past member of the President's Counsel for the Independent Living Partnership, a nonprofit corporation established in 1989. The ILP provides transportation and education services to seniors and persons with disabilities in Riverside County. He served on the board of directors for four years, and as president for two years.

The ILP is best known for the organization of the TRIP (Transportation Reimbursement and Information Project) model by which its volunteer driver service is structured. Designed in collaboration by the ILP, the local area Agency on Aging and the regional planning organization, the TRIP model was established with a customer-driven, low-cost, low-maintenance approach that allows passengers to make travel arrangements directly with their drivers. More than 100,000 critically-needed rides are accomplished each year through the program.

"Now other states have picked up on it and it's starting to go nationwide, where communities are using the same model that the ILP uses," said Dickerman.

As it pertains to his private practice, Dickerman has taken up the cause for "beating up bad guys who rip-off old people." Reflecting on some of the horror stories his clients have faced, he remembers a client who was a combat-

disabled Korean War veteran suffering from dementia. The client's son obtained a financial power of attorney over his father's assets, putting his father's five properties within three different states in the son's own name.

"The son put his dad in a nursing home with instructions that no one was to try and contact him because the son was 'afraid someone might take advantage of his dad,'" Dickerman remembered.

He partnered with counsel in the other two states within which the client's properties were located. Lawsuits were filed in all three states and served to the client's son on the same day.

"Through a coordinated effort, we were able to get all of the properties back in the father's name and get him out of the nursing home," Dickerman said.

In another example, an elderly client, who speaks very little English and does not read or write it, met with a prospective tenant regarding a rental property. Within a couple of hours, the prospective tenant had driven the client to a notary on the pretense of signing a rental agreement.

"It turns out that it was a grant deed, where my client transferred title to this person that he had just met for the first time. This happened in two hours. An almost quarter million dollar piece of property was transferred over to this bad guy just taking advantage of someone," Dickerman said.

"I keep getting involved in these types of cases, and I always wonder for how many you find out about, how many are there that no one is talking about? Sometimes family members want to keep everything private because they are either embarrassed or they don't want to get another family member in trouble. Some of these are criminal charges under the Penal Code 368."

Dickerman is an active member of the Riverside County Bar Association. He is currently on the RCBA's Lawyer Referral Service (LRS) panel. For over 17 years, he also volunteered time for the civil clinic provided by its Public Service Law Corporation (PSLC), now known as "Riverside Legal Aid," as a community service to indigent persons in Riverside County.

Dickerman was born in Detroit, Michigan and grew up in Southern California. He attended junior college at Palomar Community College before transferring to the University of California at Berkeley, where he completed a Bachelor of Arts in political science in 1979. Finding great pleasure in his undergraduate education, and not wanting to plateau intellectually, Dickerman moved on to attend Western State College of Law in Fullerton and discovered a passion for law. He passed the California State Bar in 1985.

He started his legal career as an associate in a law firm. However, it wasn't long before he opened his sole private practice in Riverside. "I wanted to be able to choose cases that interested me," he remembered.

"Not always, but from time-to-time, you get to fight the good fight, which is the fun of practicing law."

Dickerman has two grown sons – Brock, who is located in Riverside, and Beau, who recently moved to Phoenix, Arizona. Dickerman resides with his girlfriend and a nine-year-old golden retriever named Moose, and he enjoys fishing in his spare time.

Resources

Law Office of George F. Dickerman
www.elder-law-advocate.com
(951) 788-2156

CARE Program
dpss.co.riverside.ca.us/adult-services-division/care-program
(800) 476-7506

Independent Living Partnership
www.ilpconnect.org
(800) 510-2020

Riverside County Office on Aging
www.rcaging.org
(800) 510-2020

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JUDICIAL PROFILE: HEARING OFFICER JUDITH M. FOULADI

by Christopher Marin

“All rise and face the flag. In the presence of the flag of the United States of America, symbol of the Constitution and the principles for which it stands, the Riverside Superior Court is now in session, the Honorable Judith M. Fouladi presiding. Be seated and come to order.”

Every day in Department B201 at the Banning Justice Center begins in the same way, with the court called to order with the formal opening and Hearing Officer Judith Fouladi taking the bench while greeting counsel, the audience, and even the in-custody defendants with a genial “Good Morning.” However, the formal opening and warm welcome are about the only things that stay the same from day to day. As one of only six judicial officers serving the Pass area – and one of two presiding over a calendar department – the variety of cases in Hearing Officer Fouladi’s courtroom are as wide as the days are long. The calendar in B201 covers misdemeanor and traffic arraignments, traffic trials, unlawful detainer, small claims, and Post-Release Community Supervision (PRCS) and Parole violations.

Hearing Officer Fouladi’s backstory could provide some insight into how she handles such a varied assignment with such patience and grace. She is a third generation California native originally from Orange County, but she spent her entire adolescence in pre-Revolution Iran. She returned stateside after high school to attend college at the “pre-University” Chapman College before transferring to U.C. Santa Cruz where she obtained her B.A. She returned to Orange County for law school at Western State College of Law in Fullerton.

After law school Hearing Officer Fouladi joined the Orange County Public Defender’s office, where she worked for eight years before going into private practice, first doing criminal defense for 10 years, then with a civil litigation firm in Costa Mesa where she became partner. She decided to leave private practice when she had the opportunity to become a Referee for Orange County Superior Court. Unfortunately, referees were eliminated from the O.C. Courts in 2011. However, it was fortunate for Riverside County, because she joined the District Attorney’s office, serving as a Deputy District Attorney in Blythe. Of course, since it’s Blythe, the D.D.A.s handle all manner of criminal cases – except homicide – including drugs, agriculture, fish and game, and prison cases, all with a good measure of independence. She returned to the bench when she was hired as a Hearing Officer by Riverside Superior Court in May 2014.



Hearing Officer
Judith M. Fouladi

Hearing Officer Fouladi’s first assignment for the Riverside Courts was presiding in Department 45 in the Hall of Justice, taking over the department from Commissioner Eric Isaac. But with the opening of the new Banning Justice Center, she was able to open the brand-spanking-new facility in her current assignment in Department B201.

Despite a varied calendar, most of the cases provide Hearing Officer Fouladi an up-close view of poverty in the mid-county region and its effects on the litigants who appear before her. Many of the criminal cases before her enlist the services of the Public Defender’s office, and her unlawful detainer and small claims litigants are almost exclusively pro per litigants. But regardless of how litigants appear before her, Hearing Officer Fouladi is dedicated to ensuring that all individuals “leave the courtroom feeling heard, listened to, treated well, and leaving with a respect and positive impression of the third branch of government.”

Hearing Officer Fouladi credits a large part of her success to the people she works with every day: the court staff, the attorneys, and her fellow bench officers. This cohesive team works together to ensure that the bench officers are able to quickly grasp issues at hand to preside over cases fairly and fulfill the court’s mission of serving the public well.

Hearing Officer Fouladi also brings a unique enthusiasm to the bench, especially when it comes to evidence-based reforms in criminal jurisprudence. AB 109 and the state’s “realignment” program have brought positive change to the court. Hearing Officer Fouladi sees these programs as effective in eliminating the “revolving door” of criminal justice. “We started marketing services and resources available to these populations [PRCS and Parolees] and we’re seeing amazing changes. I am especially thrilled by having access to the AB 109 ‘Exit Plans’ my PRCS Team can request through the Riverside County Mental Health, so that our PRCS population is connected directly with the Department of Mental Health and will receive a ‘road-map’ list of itemized resources to access, along with an assigned case manager. Often, transportation from custody is arranged so that the PRCS inmate is picked-up from jail and taken, first, to check in with their Probation Officer, and then, to a live-in treatment facility. The individual is interviewed while in custody by a clinician, and, when returning to Court, is given a copy of their case plan. I make certain all our PRCS and Parolee population receive a resource list of all programs available to them here in the County. It really brings about positive change, especially when dealing with a population that is

vulnerable to falling into homelessness and turning to self-medication for what are, oftentimes, undiagnosed mental health issues. I really appreciate the support this calendar receives from our Probation Department, County Mental Health, and State Parole – they’ve been really valuable partners in what is clearly a collaborative effort, and my courtroom team is fantastic.”

Hearing Officer Fouladi was also able to share this enthusiasm for these resources with her fellow bench officers when she and Judge Becky Dugan worked with County Probation to introduce services being provided by county agencies and community based organizations in a two-part presentation series for judges and attorneys at the Hall of Justice.

Aside from litigants, Hearing Officer Fouladi is also dedicated to bringing positive change to non-humans who are in troubling situations, too. She has adopted several cats and dogs, and even a retired racehorse. She came across the horse when she was working out in Blythe and would drive past a forlorn-looking horse all alone on a paddock by the roadway. Knowing that horses are social creatures, she offered to adopt the horse and house it in a stable where it would be around other horses and in a better environment. The horse, Indy’s-Anna, turned out to have Triple Crown Winner Secretariat as a great-grandsire and shares a great-great-grandsire, Nasrullah, with Triple Crown Winner Seattle Slew. Beaming, Hearing Officer Fouladi describes Indy as “absolutely gorgeous.”



No matter what their pedigree, though -- horses, cats, dogs and even humans sometimes need help to get through difficult times. Fortunately, we have Hearing Officer Judith Fouladi sitting on the bench and residing in our county willing to devote her energy to ensuring that anybody or anything that needs help is able to get it.

Christopher Marin, a member of the bar publications committee, is an attorney based in Riverside. He is the President for the 2015-16 RCBA Barristers. He can be reached at christopher@riverside-cafamilylaw.com



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The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective October 30, 2015.

Erica L. Bashaw (S) – Law Student, Mission Viejo

Claire J. Chang (S) – Law Student, Costa Mesa

Michael W. Donaldson – Law Office of Mike Donaldson, Murrieta

Richard T. Egger – Best Best & Krieger, Ontario

Amy Fisher – Sole Practitioner, Murrieta

Lizeth Hernandez (S) – Law Student, Bloomington

Christopher B. Keilson – Sole Practitioner, Glendora

Samantha Larsen – Law Offices of Eric K. Chen, City of Industry


Karen J. Sloat – Law Office of Karen J. Sloat, Indian Wells

Julie Ann Smith – Sole Practitioner, Wildomar

William E. Smith – Smith Law Group, Riverside

Brandy D. Tristao – Singleton Smith Law Offices, Murrieta





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