

RIVERSIDE LAWYER

December 2016 • Volume 66 Number 11

MAGAZINE



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Editor Jacqueline Carey-Wilson
Copy Editors Yoginee Braslaw & Juanita Mantz
Design and Production PIP Printing Riverside
Cover Design PIP Printing Riverside

Officers of the Bar Association

President

Jean-Simon Serrano
 (951) 682-6400
 jserrano@heitingandirwin.com

President-Elect

L. Alexandra Fong
 (951) 955-6300
 lafong@co.riverside.ca.us

Vice President

Jeffrey A. Van Wagenen, Jr.
 (951) 955-1309
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Jack B. Clarke, Jr.
 (951) 686-1450
 jack.clarke@bbkllaw.com

Secretary

Sophia H. Choi
 (951) 955-6300
 sochoi@co.riverside.ca.us

Past President

Kira L. Klatchko
 (760) 501-0923
 kira.klatchko@lewisbrisisbois.com

Directors-at-Large

Nicholas Firetag
 (951) 684-2171
 nicholas.firetag@greshamsavage.com

Lori Myers
 (949) 300-3596
 loriamyers@me.com

Kelly A. Moran
 (951) 955-6300
 kmoran@co.riverside.ca.us

Matthew Strickroth
 (951) 955-5400
 matthewstrickroth@rivcoda.org

Executive Director

Charlene Nelson
 (951) 682-1015
 charlene@riversidecountybar.com

Officers of the Barristers Association

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 (951) 656-8313
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Riverside County Bar Association
 4129 Main Street, Suite 100
 Riverside, California 92501

Telephone
 951-682-1015

Facsimile
 951-682-0106

Internet
 www.riversidecountybar.com

E-mail
 rcba@riversidecountybar.com

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), Riverside Legal Aid, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, RCBA - Riverside Superior Court New Attorney Academy.

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

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

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

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

DECEMBER

- 12 RCBA Shopping Elves – Big Kmart**
375 E. Alessandro Blvd., Riverside
6:00 p.m.
(contact RCBA for more information)
- 14-15 RCBA Wrapping Elves**
RCBA Boardroom – 4:00 p.m.
(contact RCBA for more information)
- 14 Criminal Law Section**
Noon – 1:15 p.m.
Speaker: Souley Diallo, Esq.
Topic: “Character Evidence”
MCLE
- 20 Family Law Section**
Noon – 1:15 p.m.
Speaker: Ross Mecham, Esq.
Topic: “Ethics and Social Media”
MCLE credit: 1 Hour Legal Ethics
- 26 Christmas Holiday - RCBA Office Closed**

JANUARY

- 2 New Year Holiday – RCBA Office Closed**
- 13 MCLE Marathon**
9:50 am – 2:30 pm
RCBA Gabbert Gallery
RCBA Members - \$25 (includes lunch)
Non-Members - \$95 (includes lunch)
- 20 General Membership Meeting**
- 27 Bridging the Gap**
8:00 am – 5:00 pm
RCBA Gabbert Gallery



ON THE COVER:

RCBA Board

Back row (l-r): Nick Firetag, Jack Clarke, Jr., Matt Strickroth, Lori Myers, Erica Alfaro

Front row (l-r): Kira Klatchko, L. Alexandra Fong, Jean-Simon Serrano, Kelly Moran, Sophia Choi
(not pictured: Jeff Van Wagenen)

Barristers

Back row (l-r): Alexandra Andreen, Priscilla George, Nesa Targhibi, Shumika Sookdeo, David Hamilton

Front row (l-r): Breanne Wesche, Erica Alfaro, Christopher Marin, Julianna Crawford

photos by Michael J. Elderman



President's Message

by Jean-Simon Serrano

The RCBA has always provided a great number of services to its members. Over the years, the services provided have expanded such that the value we provide our members is unparalleled.

A perfect example of this is the *Riverside Lawyer* magazine. Committed members work tirelessly each month to provide a quality magazine that is not only informative but also entertaining. This year, in keeping with advancing technology and being mindful of the changing ways in which people read and consume information, we are providing members with a new option as to how they receive their *Riverside Lawyer Magazine*. In recent years, we have provided members with an electronic copy of the magazine in addition to the print copy which is mailed to members – members could read their physical copy and they also had an electronic copy they could access through email or through our website which could be read on electronic devices. Realizing that many of our members read the electronic copy only, we are now allowing members to “opt out” of receiving the printed

copy. One advantage of the electronic copy, in addition to being available wherever you go, was that it was often available several days before the physical copy arrived in the mail. For those who read the magazine electronically immediately upon release, they need no longer worry about the waste associated with also receiving a physical copy. If you prefer to read the electronic version, or wish to save paper and postage, let us know that you would like to opt out of receiving the physical copy of the *Riverside Lawyer*, by telephone (951-682-1015) or email (rcba@riversidecountybar.com). For those who prefer the look and feel of a physical copy, don't worry it isn't going away.

Another very valuable service provided to our members (and non-members) is the Annual MCLE Marathon. The upcoming marathon will be the fourth such marathon, providing some of the more difficult to get credits (Ethics, Competence & Bias) for a very reasonable fee to our members. This one day event has some fantastic topics and speakers this year. Be sure to read the article in this month's magazine providing more details.

If you are interested in a particular area of law, the Sections provide a great opportunity for learning and leadership. Our sections are semi-autonomous from the RCBA, and are empowered to establish their own procedures subject only to compliance with the RCBA Bylaws and review by the Board of Directors. The activities of most of the Sections are largely devoted to the presentation, discussion and study of matters pertaining to the practice of a substantive area of the law. Most sections use monthly meetings as a means to acquire MCLE credit. We highly encourage members to join Sections and attend their meetings – whether it be in the area of law you presently practice, an area you are thinking of expanding into, or in an area of law that simply piques your interest.

We are here to serve you, the member. If there's something you think we should be doing for our members or if you have suggestions of other programs or services we could offer, I welcome you to let me know, either by calling me at my office (951) 682-6400 or emailing me at jserrano@heitingandirwin.com.

Jean-Simon Serrano is an associate attorney with the law firm of Heiting & Irwin.



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BARRISTERS PRESIDENT'S MESSAGE

by Erica M. Alfaro



'Tis the Season - Barristers Give Back

As the holiday season is upon us, I'd like to reflect upon the activities that Barristers has participated in this year and the support we have provided to our local community. When the new Barristers Board first met in June to establish our year long goals, the board unanimously agreed that giving back to the Riverside community was a priority.

At our first community event on September 24, 2016, Barristers volunteered at Feeding America Riverside/San Bernardino Counties, a 501(c)(3) nonprofit. The mission of the organization is to alleviate hunger in the Inland Empire. The organization first started in 1980 in response to growing concerns about hunger and food waste in the Inland Empire. Presently the organization is the primary source of food for over 600 charities and nonprofit organizations, distributing over 2.5 million pounds of food monthly. Over 400,000 men, women and children each month rely on the food bank's distribution center to survive. Barristers assisted by inspecting, sorting, and boxing product donations.



Shumika T. R. Sookdeo, Nesa Targhibi, and Erica Alfaro sorting and packing donations at Feeding America in Riverside on 09/24/16.



Mike Ortiz, Nesa Targhibi, Erica Alfaro, Shumika T. R. Sookdeo, and Sheldon Sookdeo taking a quick photo break while at Feeding America Riverside on 09/24/16.

On September 30, 2016, Barristers volunteered at RCBA's Annual Wine Tasting Fundraiser for Project Graduate. Barristers members greeted and signed in guests and also assisted with the Silent Auction. An official philanthropic program of the Riverside County Bar Association, Project Graduate is a 501(c)(3) that works in collaboration with the Riverside Superior Court and Riverside County's Department of Public Social Services to assist foster youth graduate from high school and support their future educational endeavors. Specifically, volunteer attorneys serve as mentors to foster youth and also advocate for these young people. Since 2011, Project Graduate has had 15 students graduate from the program and enroll in college. Each year the program has increased the number of program participants.



Lydiana Alfaro, Erica Alfaro, Erika Green, and Priscilla George signing in guests and helping with the Silent Auction at Project Graduate's Wine Tasting Fundraiser on 09/30/16.

Barristers remains committed to assisting the Riverside community at large and invites you to participate in upcoming community events. We will be assisting the Elves Program on Wednesday, December 14th by wrapping gifts in the RCBA Board room. Wrapping begins at 4:00 pm. We are collecting gift wrap donations and monetary donations. If you are interested in donating, please contact RCBAbarristers@gmail.com. The Elves Program supports local families that would otherwise be unable to provide gifts for their children during the holiday season. It's a rewarding program that we are honored to support. We look forward to meeting you at our future community events!

Erica Alfaro currently works at State Fund.



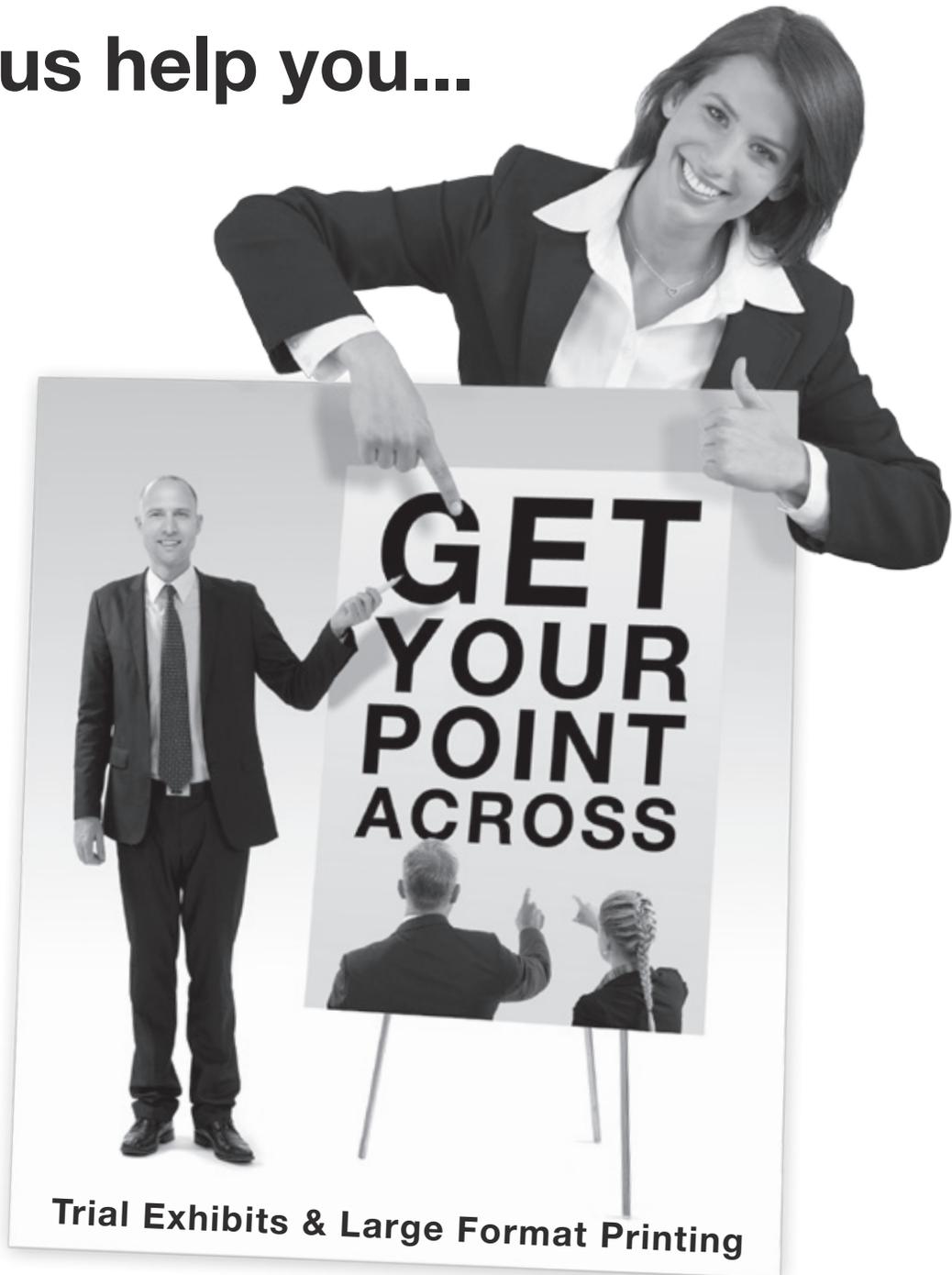
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SOCIAL MEDIA AND ETHICS

by Ken Matejka

For purposes of this article, issues relating to social media for lawyers fall into two general categories:

(1) What can a lawyer say and not say in social media?

(2) What is misconduct in relation to a lawyer's social media-related activities?

Prohibited Communications:

California Rule of Professional Conduct 1-400 deals with what are impermissible "communications." A communication under this rule is defined as "any message... concerning the availability for professional employment..."

While for many years this applied to written material, Yellow Pages advertising and the like, it naturally now applies to your website, blog, online advertising and of course, social media.

An exhaustive list of what Rule 1-400 allows and prohibits is beyond the scope of this article and we're going to focus on the main types of communications to be mindful of when posting content to Twitter, Facebook and the others.

Preliminary, is what you're posting a "communication" under 1-400? If it's about an event or the addition of a new associate, that would likely not fall subject to State Bar scrutiny because the post is not for the direct purpose of communicating your availability for professional employment.

However, if it is established that your social media post is a "communication" as defined under 1-400, the big issues to be particularly concerned with are as follows:

- Is it a prohibited solicitation?
- Is your post false or misleading?
- Is it clearly legal information, not legal advice?
- If it's a testimonial or case result, does it carry with it the required disclaimers?
- Is it clearly marked as an "Advertisement?"

For solicitation, under Proposed Rules of Professional Conduct 7.3(b), if it's directed at an individual but is not in real time, and it doesn't involve "intrusion, coercion, duress," etc. then it's probably not prohibited. If you're chatting with someone through a Facebook chat box, that may be considered real time and should be avoided if you plan to solicit them for business.

If you are directly contacting someone through their social media by means other than chat to solicit their business, it has to bear the works "Advertising Material."

To illustrate how a seemingly normal post can be interpreted under 1-400 and the Proposed Rules, in State Bar of California Formal Opinion 2012-186, they dissected an attorney's Facebook post that read as follows:

"Another great victory in court today! My client is delighted. Who wants to be next?"

While it looks innocent enough, the State Bar didn't like it. Here were their determinations:

- "Another great victory in court today" they decided wasn't a "communication" within 1-400 so it wasn't subject to the Rules of Professional Conduct.
- "My client is delighted" they found to be a testimonial without the prescribed disclaimer: "This testimonial or endorsement does not constitute a guarantee, warranty, or prediction regarding the outcome of your legal matter." (Rule 1-400, comment (2)).
- They had two issues with "Who wants to be next?" First, it could be viewed as a "guarantee, warranty or prediction" and therefore misleading, and it didn't carry with it the required label "Advertisement."

Needless to say, be careful because the State Bar may decide to review your social media content as they had with the lawyer in Formal Opinion 2012-186. And it appears that you have to keep it archived for 2 years (Rule 1-400(F)), so they will have a lot of your social media content to examine.

Misconduct:

When it comes to social media, what constitutes misconduct is hard to define exactly, and it may be best to employ the smell test. If it doesn't smell right, don't do it.

In lieu of a definition of attorney misconduct in social media, here are a few examples of what has been construed as misconduct.

- A Louisiana attorney set up an online petition urging her followers to contact and influence two judges in a custody case.
- A Virginia attorney advised his wrongful death client to remove posts from the client's social media that undercut their argument that he was grieving over the loss of his spouse.
- New Jersey insurance defense lawyers directed their paralegal to "friend" a litigant on Facebook to get information about her injuries.

- An Iowa judge postponed a trial after the plaintiff's attorney posted an inflammatory message about the defendant which was viewed as tainting the jury pool.

Advice to Clients on Confidentiality:

One final note relates to your clients' social media, especially if you're a plaintiff's attorney. If your client enters into a confidential settlement with a defendant, the client would be well advised to remember that when it comes to their own social media. In one Florida employment case, a former employee had to return settlement money after his daughter breached the confidentiality clause of their settlement agreement.

Conclusion:

In sum, we need to be careful about what we post. The State Bar may decide to closely scrutinize the content that you post, and a client may misperceive something they read in your social media as legal advice, not legal information.

My recommendation is that you steer clear of posting anything that may be viewed as a "communication." Keep your social media focused on news, community events and other information that may be of interest to your followers. Especially make sure that nothing you post can be construed as legal advice.

Get your disclaimers in there as much as you can to make sure that nothing in your social media is misleading to your followers.

As for the social media of other parties, it may be a great tool during discovery, don't abuse social media in litigation or it may arise to the level of misconduct.

Ken Matejka, J.D., LL.M., is a California attorney, bestselling author, and President of Matejka Marketing, Inc., a San Francisco-based Internet marketing company for solo practitioners and small law firms. If you have questions about this article or would like a complimentary copy of his book, "The Lawyer's Ultimate Guide to Online Leads," Ken can be reached at ken@matejkamarketing.com.



2016 CONFERENCE OF CALIFORNIA BAR ASSOCIATIONS

by Kenneth W. Minesinger

The 2016 Conference of California Bar Associations was held concurrently with the 89th Annual Meeting of the State Bar of California from September 30 through October 2 in San Diego. For the third year in a row, I was joined by Riverside County Bar Association member Michael Bazzo.

CCBA exists to promote positive changes in the law. To that end, delegates from representative bar associations from around the state propose resolutions to the CCBA which are debated at the annual conference. Assuming a resolution is adopted, CCBA works to ensure it becomes law through an aggressive lobbying effort which includes legislative days in the state capital and a retained lobbyist. CCBA's efforts in 2015 lead to many of the adopted resolutions being signed into law. More information about CCBA can be found on the Conference's website at calconference.org.

In addition to debating and adopting resolutions, the CCBA elects a new Chair and Board of Directors at its annual conference. Serving as Chair for the 2015-2016 term is San Bernardino County lawyer Jack Osborn. The Riverside County Delegation continues under the leadership of Michael Bazzo as its Chair.

Our goal for the 2016-2017 Riverside County Delegation is to grow our numbers and our influence within the conference. We are also looking for potential resolutions to propose so if you are interested in improving the law in your area of practice or in becoming a member of Riverside County's delegation, please contact me at your earliest convenience.

The meeting was adjourned by incoming Chair, Redwood City lawyer Jeff Hayden. Unlike in prior years, the dates and locations were not set given the continuing uncertainty surrounding next year's State Bar annual meeting. As we met, rumors swirled (since confirmed) that due to the state legislature's failure to pass a State Bar dues bill, the 2017 or 90th annual meeting won't take place.

Kenneth Minesinger is a corporate and tax lawyer in Riverside and an Associate Professor of Law at California Baptist University. He also serves as Editor in Chief for the State Bar's Business Law Section Business Law News.



GET THE CLOSURE YOU DESERVE

by Mohammad Tehrani

I. Introduction

An attorney who spends years building their practice should choose how that practice comes to an end. Unfortunately, sometimes attorneys become incapacitated before they are able to close the practice themselves. In this event, the hard work an attorney put into their practice should not fall into the hands of an unknown; an attorney should pass the administrative duties of closing their practice to a hand-chosen candidate with sufficient expertise to ensure the desired outcome.

II. Default: Court Controlled Proceedings

Attorneys have the power to choose who closes their practice. In the absence of a decision, California law provides a default path.

Two things occur immediately upon an attorney's incapacitation, whether by death, illness, resignation, or attorney discipline: (1) the law imposes a duty on the attorney or the attorney's representatives to send notice of the attorney's incapacitation; and (2) California state courts are given jurisdiction to resolve the fallout.¹

The law requires attorneys to provide notice of their incapacitation. The notice must include the reason for the incapacitation if pursuant to a disciplinary order, and in every case must be mailed to: (1) current clients; (2) opposing counsel; (3) courts and agencies in which the attorney has pending matters, and must also identify the matters; (4) to any errors and omissions insurer; (5) to the Office of the Chief Trial Counsel of the State Bar; and (6) any other party in interest.² In the event of the attorney's death or incompetency, the notice requirement falls to the attorney's personal representative, or guardian, or conservator, or, if the attorney has none of the above, that duty falls to the person having custody or control of the files and records of the attorney.³

The state superior court for the country of either the incapacitated attorneys law office or residence is granted jurisdiction to resolve the closure of the attorney's practice.⁴ The superior court obtains such jurisdiction upon either its own motion, or upon the application of a client, the state bar, or any other interested party.⁵ The application must establish two elements: (1) that the attorney is incapacitated in some way; and (2) either (a) court supervision is warranted because

the attorney left unfinished client matters and the client has not yet consented to be represented by another attorney; or (b) the interests of one or more clients or interested parties will be prejudiced without court supervision.⁶

The superior court is required to set a show cause order directing either the attorney or their representative to explain why the court should not assume jurisdiction over the attorney's law practice for the limited purpose of closing the attorney's practice.⁷ The court will assume jurisdiction over the attorney's law practice only if it finds that: (1) the attorney is incapacitated; (2) the client(s) has not consented to representation by another attorney; and (3) the court finds that clients or other interested parties will be prejudiced otherwise.⁸ If all three elements are met, the court will then make an order assuming jurisdiction.⁹

If the court assumes jurisdiction, the court will appoint another attorney to carry out various tasks, including, but not limited to, sending notice of the incapacitation and cessation of law practice, arrange for a receiver to take possession of the law practice's general bank account and client trust accounts, arrange for the delivery of clients' papers or other property, file motions to extend time pending the client's employment of counsel, and, with client permission, file motions as needed in instances of jurisdictional time limits.¹⁰

The attorney who is appointed by the court is neither allowed compensation¹¹ nor allowed to represent the client without additional court approval.¹²

None of the court's orders for this purpose are appealable.¹³ Thus, an attorney who leaves his clients' matters unresolved upon his incapacitation rolls the dice with respect to both the competency of the judge and the judicially appointed and uncompensated attorney.

III. Attorneys May Take Control

There is a simple alternative to the default method of practice closure: make preparations. The State Bar Attorney Surrogacy program provides a sample agreement allowing attorneys to choose which attorney will resolve take the place of a court-appointed attorney in the event of incapacitation.

⁶ Cal. Bus. & Prof. Code, § 6180.3.

⁷ Cal. Bus. & Prof. Code, § 6180.4.

⁸ Cal. Bus. & Prof. Code, § 6180.5.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Cal. Bus. & Prof. Code, § 6180.12. There is a limited exception for reasonable compensation in cases where the attorney was required to devote extraordinary time to necessary services.

¹² Cal. Bus. & Prof. Code § 6180.7.

¹³ Cal. Bus. & Prof. Code § 6180.13.

¹ Cal. Bus. & Prof. Code § 6180.

² Cal. Bus. & Prof. Code § 6180.1.

³ *Ibid.*

⁴ Cal. Bus. & Prof. Code, § 6180.2.

⁵ *Ibid.*

The agreement can be found at: http://ethics.calbar.ca.gov/Portals/9/documents/Surrogacy/AGREEMENT_TO_CLOSE_LAW_PRACTICE_IN_THE_FUTURE_REVISIED_08-1-2011.pdf

IV. Conclusion

Attorneys may not like to think about their own professional incapacitation, but they owe it to themselves, the hard work that they put in their practice, and their clients' interests to have mechanisms in place to ensure a smooth transition. Attorneys should use the California State Bar's resources and make arrangements for such a transition rather than hope that their wishes for their practice's closure will be satisfied through a judge and court-appointed attorney.

Mohammad Tehrani is an employee of the United States Department of Justice as a trial attorney in the Riverside Office of the United States Trustee Program (USTP). The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.



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James J. Manning, Jr.

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THE STATE BAR OF CALIFORNIA: WHERE ARE WE GOING?

by DW Duke

Perhaps one of the most significant issues facing California attorneys today is the role and the future of the State Bar of California. Established on July 29, 1927 by the State Bar Act, the California State Bar is the largest bar association in the United States with over 250,000 members. The main office is located in San Francisco with branch offices in Los Angeles and Sacramento. The predecessor to the California State Bar was the California Bar Association which was established in 1917. Today the California State Bar's responsibilities involves licensing of attorneys, providing legal education, and disciplining attorneys.

The California State Bar is an integrated bar association wherein the fee structure must be approved annually by the state legislature and the governor. Without the annual reauthorization the State Bar can only charge its attorney members a fee of \$77 per year. On several occasions the State Bar has been the subject of controversy which resulted in a loss of funding. In 1997, Governor Pete Wilson vetoed the fee authorization bill for that year. He noted that the annual fee was the highest in the nation at \$478 per year. He also stated that the State Bar was inefficient and bloated and was taking political positions on divisive issues such as abortion. As a result of his veto the State Bar was forced to lay off 500 of its 700 employees.

The State Bar again found itself under criticism in 2009 when Governor Arnold Schwarzenegger vetoed the fee authorization bill for 2010 saying that the same problem of inefficiency that plagued the Bar in 1997, was once again crippling the organization.

Now, we once again face a State Bar crisis allegedly the result of inefficiency and inequitable investigation and prosecution of State Bar complaints. In 2014, former State Senator Joseph Dunn was terminated from his position as Executive Director of the State Bar. On the same day as his termination he filed a whistleblower lawsuit against the State Bar. Earlier this year Jayne Kim, Chief Trial Counsel of the Enforcement Division, resigned. Also, this year, a financial audit determined that the State Bar remains inefficient and that employee salaries are excessive.

Allegations against the Enforcement Division include claims that serious violations are not prosecuted consistently and that the department wastes resources on frivolous complaints that lack merit on their face. Suggestions for dealing with the ongoing problems have included removing the discipline from the jurisdiction of the State Bar and placing it with the courts. Other proposals have included limiting the activities of the State Bar to licensing and discipline and allowing a state wide non-profit association to assume responsibility for education and the annual meetings.

A question often addressed by members of the State Bar is, to what extent should the State Bar regulate non-licensed activity of attorneys? Should the State Bar be investigating matters unrelated to an attorney's law practice? For example, should the State Bar be examining attorney Facebook posts totally unrelated to the attorney's practice of law? Should the State Bar be investigating the conduct of an attorney where

serving as a member of a board of a Homeowner's Association (HOA), for example, where neither the HOA nor any member of the board is his client? Many would be surprised to learn that the State Bar is investigating precisely these kinds of activities. Does this violate the First Amendment Right to Free Speech and Freedom of Association of the attorney? Will this not discourage attorneys from serving on boards or speaking publicly, if he knows that he may be disciplined if an investigator believes his conduct, even though unrelated to his law practice, violates a rule or could be construed to violate the law. At what point has the State Bar exceeded its authority in regulating the private lives of its members?

It is unclear where the State Bar derives the authority to investigate and discipline attorney conduct that occurs completely outside of the practice of law. The rules of professional conduct typically contain a qualifier that the prohibited conduct must occur within the attorney's law practice to be actionable. For example, Rule of Professional Conduct 2-400 (B) provides:

(B) In the management or operation of a law practice, a member shall not unlawfully discriminate or knowingly permit unlawful discrimination on the basis of race, national origin, sex, sexual orientation, religion, age or disability in:

- (1) hiring, promoting, discharging, or otherwise determining the conditions of employment of any person; or
- (2) accepting or terminating representation of any client.

The language of the Rule specifically focuses on conduct in the management or operation of a law practice. Suppose an attorney has another business unrelated to the practice of law, such as a publishing company. And suppose the attorney publishes an article that some might deem discriminatory. Should the attorney be subject to discipline notwithstanding the limitation in the Rule?

Given the trend within the State Bar enforcement division is to investigate attorneys for conduct outside of the law practice, what should we expect to see going forward? Will the State Bar be disciplining attorneys for using rude terms or profanity on Facebook even where the attorney does not identify himself as an attorney or is not involved in conduct within his law practice? What about attorneys who speak out publicly on various political issues? Will they be subject to discipline if they express views inconsistent with views considered acceptable? California may well become a battleground for a test between the First Amendment and the authority of the State Bar to regulate its members. If these issues concern you then I would encourage you to make your concerns known to legislators, State Bar trustees and Governor Brown.

DW Duke is the managing partner in the Inland Empire office of Spile, Leff & Goor LLP and the principal of The Duke Law Group. He is the author of five books and a frequent contributor to the Riverside Lawyer.



2017 *Chapman Law Review* Symposium The Future of the Legal Profession



FRIDAY, FEBRUARY 10, 2017
9 a.m. to 5 p.m. ■ Kennedy Hall, Room 237

SCHEDULE:

- Check-in and Continental Breakfast (9:00 - 9:45 am)
- Panel #1: The Global and Multi-Jurisdictional Practice of Law (10:00 - 11:30 am)
- Luncheon with Keynote Address by Honorable Samuel A. Alito, Jr. (12:00 - 1:30 pm)
- Panel #2: The Future of the Profession (1:30 - 3:00 pm)
- Panel #3: Emerging Areas of Education and Practice (3:15 - 4:45 pm)
- En Banc Reception - Appetizers and Drinks (5:00 - 7:00 pm)

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TERRY BRIDGES AND HIS LIFE OF SERVICE

by Charlene Nelson

E. Aurora Hughes Meritorious Award for Service was established in 2011 to honor Aurora Hughes, who was a past President of the RCBA and a long-time supporter and participant in many bar activities. Unfortunately, Aurora lost her fight to ALS in 2011, but this award allows her spirit to live on. The recipient of the award must have demonstrated a commitment to dedicated service to the Riverside County Bar Association.

Once in a generation comes a person who is truly special. Once in a generation comes an attorney who changes everything. Once in a generation comes someone who will never be forgotten. Actually, if truth be told not every generation is fortunate to see such a person. But our generation has been graced by just such a person's presence in our lives. This person is Terry Bridges.

Terry has practiced law for over 50 years. He is a preeminent civil litigator and trial lawyer. He has represented many clients over the years with the highest degree of professionalism, civility, class, and grace. His list of accomplishments and awards are many, so I will mention just a few.

Terry Bridges was president of the RCBA in 1987. He was a founding director of the Bar's Dispute Resolution Service and a leader in organizing RCBA's Leo A. Dugan Inn of Court program. In 2007, the Inn of Court established the Terry Bridges Outstanding Attorney award to be given annually to an outstanding attorney for his or her contributions to the legal community. For so many years, he has been asked to attend the Inn's first meeting of their program year to address the group on civility.

Terry has been a tireless teacher of many younger lawyers throughout the state. He gives up a week each year to teach at the University of California, Hastings Law School. He was named a fellow by both the American College of Trial Lawyers and the American Board of Trial Advocates. In 2007, Terry received the James H. Krieger Award for Meritorious Service from the RCBA. This award is given to recognize those lawyers or judges who have, over their lifetimes, accumulated outstanding records of community service beyond the bar association and the legal profession. Being a recipient of the Krieger Award was special to Terry because Jim Krieger was a very dear friend.

Last year, Terry was presented with the Erwin Chemerinsky Defender of the Constitution Award by the Inland Empire Chapter of the Federal Bar Association. This award was given to Terry in recognition for his outstanding leadership in the legal community and for his pioneering work in bringing



Charlene Nelson presents the E. Aurora Hughes Award to Terry Bridges

the George H. Brown, Jr. United States Courthouse to the Inland Empire.

Terry has truly been a model of what a lawyer should be for everyone in this community. It is difficult to imagine what this community would be like if Terry had not been part of it for these 50 years. However, since I am not a lawyer, I probably am not the best one to describe to you just what Terry means to this legal community. What I can describe to you is what Terry means to me. He has

generously donated his time and talents to the RCBA. Terry never says no when asked to do something for the Bar. He has given to its programs, activities, and causes. Yet, what is even more impressive to me is how he gives his time to so many individuals in the Bar. All the career accomplishments and recognitions are extraordinary. But what is most special about Terry to me is who he is as a person.

Terry was born and raised here in Riverside. Blessed with wonderful parents, Lynd and Doris Bridges, and two dear sisters. Terry says that his father was especially a great influence in his life. Lynd Bridges was a very ethical man with high standards and Terry watched his father closely as he grew-up and has emulated these same standards in his own life. Terry attended Santa Clara University as an undergraduate and then on to University of Southern California for his law degree. He came back to Riverside to practice law after he passed the bar because it was so good here and he felt an obligation to give back to the community.

One of the most difficult and defining times in Terry's life occurred on March 1, 1981. Terry was travelling up to Big Bear and he stopped to put chains on his vehicle. While he was on the side of the road, an out-of-control car struck him, which caused him to be crushed between the two vehicles. The accident almost killed him. Terry suffered brain damage, a collapsed lung, broken ribs, fractured pelvis, and a shattered hip socket. He was paralyzed and in a coma. Terry said that he could feel himself slipping away, but that he felt a hand pull him back. It was his amazing wife, Sharon. Sharon was there every day, all day through all the weeks and months Terry was hospitalized and was by his side throughout the months of rehabilitation.

The medical professionals gave up on Terry. They told him he would never be able to return to court again. This was Terry's biggest fear but always a fighter, the doctor's prognosis made him angry and all the more determined. Terry put himself on a healing program. Psychiatrists were even brought in to talk to him because they were concerned with the unrealistic goals he had set for himself. The healing process was slow

and arduous. The damage to his body was both physical and mental. Due to the brain damage, Terry could not recognize people, read, or talk. He also had to learn to walk again. Before the accident he been an avid runner, so for motivation, he hung a running shoe by his bed. In re-learning to walk, Terry started with ten steps a day, then eleven, and so on. He set another goal to take his first running steps by Christmas that year. He did not make the Christmas goal, but he only missed it by a few months. Thirteen months after the accident, Terry took his first running steps. He has run every day since, for a total of over 45,000 miles!

Terry tackled his recovery with sheer determination and his natural keen sense of humor. He was given a book in the hospital and each day he would master one word from this book. Terry set a goal to return to court in a year. True to his goal, one year later, Terry was in trial on a small case.

I tell this story because, not only was it inspiring, but it was an event that shaped the rest of Terry's life. It softened him. As he told me, the accident was an ego check from heaven. Fortunately, he was able to continue his legal career, but the accident changed his perspective. He recognized that he had developed a "win at all costs" outlook to the practice of law. The accident caused him to take a reflective look at his priorities and re-evaluate what was important. He became a staunch advocate for civility in the legal profession and has devoted countless hours teaching and encouraging ethical litigation practices.

He has volunteered innumerable hours to help his other lawyers, particularly young lawyers, and our Bar Association by serving as a mentor. Attorney Craig Williams said, "Terry Bridges always reached out to younger, inexperienced attorneys 'to show them the ropes' and teach us how to successfully make opening statements and closing arguments and be prepared for court. A consummate professional, Terry always insisted that we treat each other civilly. He is a guiding light, leading the way and 'walking the talk.'"

Terry really cares about people. He is thankful for the people in his life both personally and professionally. It is important to him that he let people know how much they mean to him. He often takes people to lunch for the purpose of expressing to them the impact they have had on his life.

Terry is also a loyal, trusted, and unselfish friend. He has had long and cherished friendships with so many in this legal community. I know personally of members of the RCBA who are ill or have special needs that Terry reaches out on a regular basis to help and to comfort.

Arthur Littleworth said, "My life with Terry goes back a long time: When he was a young lawyer at BB&K I used to 'red line' his judicial writings. We joke about it to this day. We shared back packing in the Sierras; I watched him as he developed into a distinguished trial lawyer, unparalleled in his civility in court; we walked together with our walking group through the Lake District in England, on the Dingle Peninsula in Ireland, in the Swiss Alps; in Italy, and Provence in France. Since my stroke, Terry regularly visits me to keep connected and to share his busy life. Terry is a true and life-long friend."

Currently, Terry is very active in retirement. He is involved in causes that he believes in and finds great joy in giving. He regularly gives speeches about end of life care to medical professionals. He has great sensitivity for people who are dealing with relatives who are ill. Hospitals call him to talk to those with brain injuries. Terry feels an enhanced responsibility to give back because he has been so blessed.

Terry has a deep love and appreciation for his family. He and his beautiful wife, Sharon, recently celebrate their 46th wedding anniversary. She has been his rock and with him every step of the way, no matter what. They have two children, three grandchildren, and two great-grandchildren.

Terry says that his association with the Riverside County Bar Association has given him so many cherished friends. But, Terry is the cherished one to us. He has lived a life of honor and integrity; all the while teaching us by his example. Terry's heart and character inspires all of us to give of ourselves; to rise a little higher, and to be a little better.

Judge David Bristow said, "Terry is one of the greatest attorneys I've ever known. He is part of that core group here in Riverside who are not just great lawyers but are great people. They actually do something to improve the community. Terry has been a leading lawyer who has strived to improve the legal profession and this community. His actions have inspired lawyers. He has sown the seeds for new lawyers to pick-up the baton and lead. The world is better because of Terry Bridges."

I know Terry lives his life trying to make the world better every day. The author William Arthur Ward wrote, "Greatness is not found in possessions, power, position or prestige. It is discovered in goodness, humility, service and character." This is Terry. Simply the best.

Charlene Nelson is the Executive Director of the RCBA. This article was adapted from the speech given by Charlene in the presentation of the E. Aurora Hughes Award to Terry Bridges at the Installation dinner on September 29, 2016.



MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2016.

Michael K. Dorsey – Law Student, Riverside

Elizabeth Bell Franck – Law Student, Temecula

Amelie A. Kamau – Law Offices of Amelie Anne Kamau, Riverside



INSTALLATION OF OFFICERS DINNER

The RCBA's Installation Dinner was held at the Mission Inn on Thursday, September 29. Jim Heiting served as the master of ceremonies. Judge Chad Firetag administered the oath of office to the RCBA board members. Jean-Simon Serrano was installed as the 2016-2017 President. The other officers who were installed were L. Alexandra Fong (President-Elect), Jack Clarke, Jr. (Chief Financial Officer), Sophia Choi (Secretary), Nick Firetag, Kelly Moran, Lori Myers and Matthew Strickroth (Directors-at-Large). Jeffrey Van Wagenen (Vice President) was unable to attend.

Judge Gloria Trask gave the oath of office to the 2016-2017 officers of Barristers. Erica M. Alfaro was installed as President. The other officers who were installed were Julianna Crawford (Vice-President), Priscilla George (Secretary), Nesa Targhibi (Treasurer), Alexandra Andreen, David Hamilton, Shumika Sookdeo and Breanne Wesche (Members-at-Large), and Christopher Marin (Past President).

Charlene Nelson presented the fifth E. Aurora Hughes Award to Terry Bridges. This award, which is given annually, was named in honor of E. Aurora Hughes, Past President of the RCBA, who passed away in 2011 from ALS (Lou Gehrig's Disease). The award is to honor a distinguished member of the RCBA for his or her service to the RCBA and to the legal community.

Jane Carney presented the James H. Krieger Meritorious Service Award to Chief Judge Virginia Phillips, the highest honor bestowed by the RCBA. The award was established in 1974 to recognize those lawyers or judges who have, over, their lifetimes, accumulated outstanding records of community service. This award is not presented every year. Instead, it is given only when the extraordinary accom-



Judge Gloria Trask swears in the Barristers Board



Judge Chad Firetag swears in the RCBA Board

plishments of a particularly deserving individual come to the attention of the selection committee. The award has since been presented to James Wortz, Eugene Best, Arthur Swarner, Arthur Littleworth, Justice James Ward, Fred Ryneal, John Babbage, Patrick Maloy, Ray Sullivan, Justice John Gabbert, Jane Carney, Judge Victor Miceli, Justice Manuel Ramirez, Kathleen Gonzales, Terry Bridges, James Heiting, Jack Clarke, Jr. and Virginia Blumenthal.

In addition, Terry Bridges was honored for his 50 years of membership in the State Bar of California and the RCBA.

The RCBA would like to thank the following sponsors for their generous contributions:

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Photos by Jacqueline Carey-Wilson and Michael J. Elderman.



Jane Carney and Judge Virginia Phillips



Master of Ceremonies Jim Heiting presents Terry Bridges with a Congressional Resolution from Senator Richard Roth honoring his 50 years as a member of the State Bar.



President Jean-Simon Serrano makes presentation to outgoing President Kira Klatchko



David and Barbara Moore, Chris Johnson, Braden and Marianne Holly



L-R: Judge Chad Firetag, Jacqueline Carey-Wilson, Jean-Simon Serrano, Kira Klatchko, and Judge Chris Harmon



Greg Rizio, Aaron Hicks, Heather Seigler and Margaret Warner



Judge Steve and Liz Cunnison and Lorraine and Dick Anderson



Sharon Bridges, Charlene Nelson, and Terry Bridges



L-R: Hadley Bajramovic, Spenser Kalnin, Eleanor Kalnin



Peggy and Art Littleworth



Don and Kathy Bridges Beeson and Sharon and Terry Bridges



Field Representative Carmen Cuevas with Assemblymember Jose Medina



L-R: Judge Sheri Pym, Stefanie Field, and Judge Gloria Trask



Jean-Simon Serrano with his parents Jean-Pierre Serrano and Hazel Greig



Jack and Sheila Clarke



Jean-Simon Serrano with LaVerne College of Law Dean Gilbert Holmes



Brian Percy and Judge John Vineyard

THE 2016 RED MASS WAS DEDICATED TO THE VICTIMS OF THE TRAGEDY IN SAN BERNARDINO ON DECEMBER 2, 2015

by Jacqueline Carey-Wilson

Judges, lawyers, and public officials of many faiths and their families participated in the 26th Annual Red Mass, which was held at Saint Francis de Sales Catholic Church in Riverside on October 4, 2016. This ancient celebration is an opportunity for those working in the legal profession to invoke God's blessing and guidance in the administration of justice. The Red Mass is held in October to coincide with the opening of the annual term of the United States Supreme Court in Washington, D.C. During the opening procession of the mass, Mitchell Norton carried a banner depicting the Holy Spirit, the Scales of Justice, and the Ten Commandments, symbolizing the impartiality of justice and how all must work toward the fair and equal administration of the law, without corruption, avarice, prejudice, or favor.

The Red Mass was dedicated to the victims of the tragic events in San Bernardino on December 2, 2015. At the beginning of the mass, a red rose was placed on the altar for each life lost on December 2, for each member of the Inland Empire legal community who had passed away in the last year, and three additional red roses for Linda Maynes, Helen Rodriguez, and Louise Biddle, members of the Red Mass Steering Committee who died in previous years.

The chief celebrant was Reverend Erik Esparza, Associate Director of the Office of Priest Personnel of the Diocese of San Bernardino. Rabbi Hillel Cohn, Rabbi Emeritus of the Congregation Emanu El in San Bernardino, read a pas-



The San Bernardino Memorial

sage from the Old Testament and President Franklin Adams representing the Church of Jesus Christ of Latter-day Saints read a passage from the New Testament. During the Prayers of the Faithful, Judge Cynthia Ludvigsen and Jacqueline Carey-Wilson read the names of the individuals who died on December 2, those in the Inland Empire legal community who had passed away during the last year, and the three members of the Red Mass Steering Committee who passed away in previous years. Barbara Keough led the music and Lisa Padilla was

the cantor for the mass.

During the homily, Reverend Esparza thanked those in attendance for their service and pursuit of justice. He remembered the lives lost on December 2 and reminded us that "as we seek greater protection and security for ourselves we must also strive to transform hearts that have been distorted to believe that terror and violence is the only way." Reflecting on the Letter of St. Paul to Colossians, Reverend Esparza said "to put on heartfelt compassion, kindness, humility, gentleness and patience, is no easy task. Many times it is far easier to turn to payback, pride, and prejudice. Despite at times we might refuse forgiving one another or allowing peace to reign in our hearts, the God of justice and mercy will never tire of reaching out to us." Reverend Esparza ended his reflection with a modern day interpretation of the beatitudes by Reverend John Alexander, SJ, including the following: "Blessed are those people who are most sensitive to pain and



L-R: Jacqueline Carey-Wilson, Mary Jo Carlos, Mitchell Norton, Lisa Visingardi, Anthony Sears, and Carol Greene



Roses were presented at the Red Mass in memory of the victims of the December 2 tragedy in San Bernardino and those in the legal community who passed away last year.



Judge John Pacheco presenting the 2016 Saint Thomas Award to Justice Manuel Ramirez



Presiding Justice Manuel Ramirez and Judge John Pacheco



Reverend Erik Esparza, Judge Larry Balderrama, and Ann Balderrama



Franklin Adams and District Attorney Michael Hestrin

injustice around them. They help us to keep our vision clear. By this example they help us to be patient, loving, and forgiving. They inspire us to keep putting one foot in front of the other in our attempts to walk the path of Christ in following the ideals of these beatitudes.”

At the conclusion of the mass, interfaith blessings on the legal community were offered by Reverend Esparza, Rabbi Cohn, President Franklin, and Malek Bendelhoum, the Director of the Shura Council of Southern California.

Presiding Justice Manuel A. Ramirez was Honored with the Saint Thomas More Award

Judge John Pacheco presented Presiding Justice Manuel A. Ramirez with the Saint Thomas More Award at the reception immediately following the mass. The Saint Thomas More Award is presented each year to an attorney or a judge whose conduct in his or her profession is an extension of his or her faith, who has filled the lives of the faithful with hope by being a legal advocate for those in need, who has shown kindness and generosity of spirit, and who is overall an exemplary human being. When speaking about Saint Thomas More, Pope John Paul II stated that “this English statesman placed his own public activity at the service of the person, especially if that person was weak or poor; he dealt with social controversies with a superb sense of fairness; he was vigorously committed to favoring and defending the family . . .”

In November of 1990, former California Governor George Deukmejian appointed Manuel A. Ramirez Presiding Justice of the Fourth District Court of Appeal. Prior to this appointment, Presiding Justice Ramirez had served as a judge of the Superior Court in the County of Orange. Shortly after moving to the Inland Empire, Presiding Justice Ramirez collaborated with attorneys and judges in Riverside and San Bernardino counties to create the Red Mass Steering Committee, which organized the first Red Mass in 1991. This year we are celebrating the 26th Red Mass in the Inland Empire. The establishment of the Red Mass is only one of the many ways in which Presiding Justice Ramirez has made a lasting impact on the legal community.

During his tenure on the court, Presiding Justice Ramirez has authored more than 5,000 opinions, averaging 200 per year. But Presiding Justice Ramirez’ dedication to advancing the cause of justice goes far beyond his hard work in deciding the cases that come before the court for adjudication. When Presiding Justice Ramirez was appointed, the Court of Appeal had a large backlog of cases. To help alleviate this heavy burden, Presiding Justice Ramirez collaborated with attorneys Ken Glube and Kurt Seidler to lay the foundation for a mandatory appellate settlement conference program. The keystone of the settlement program from its inception in 1991 until today is a panel of volunteer attorneys to mediate the cases. Approximately eighty members from both the



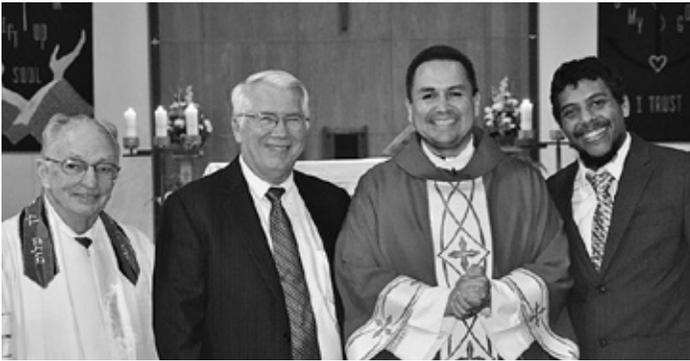
Justice Marsha Slough, Presiding Justice Manuel Ramirez, and Judge Cynthia Ludvigsen



Malek Bendelhoum, Masood Khan, and Mitchell Norton



Patricia Byers, Presiding Justice Manuel Ramirez, and Jacqueline Carey-Wilson



Rabbi Hillel Cohn, Franklin Adams, Reverend Erik Esparza, and Malek Bendelhoum



Jorje Chica, Kim Encinas, Presiding Justice Manuel Ramirez, Christopher Hayes, and Arleen Pruitt

Riverside and San Bernardino County Bar Associations have volunteered hundreds of hours to the program. Since the program was implemented in June of 1991, approximately 1500 cases have been settled, saving hundreds of millions of dollars in costs for the court and litigants. In 1996, the Judicial Council honored Presiding Justice Ramirez with the Ralph N. Kleps Award, which recognizes innovators committed to improving access to justice by solving common problems.

The Court of Appeal's backlog has also been reduced by streamlining appellate procedures. One procedural innovation was to have a staff attorney perform an early review of every civil notice of appeal for timeliness and appealability. The hallmark of the Fourth District, Division Two, is its tentative opinion program. Justice Thomas Hollenhorst was the force behind this court's decision to provide the parties who request oral argument with a copy of the court's tentative opinion prior to oral argument. This program was well-received by the attorneys who argued their cases before this court. Presiding Justice Ramirez perfected the tentative opinion program by providing all attorneys of record with a copy of the tentative opinion and not just the parties who request oral argument. Having a copy of the tentative opinion is invaluable to the litigants as they prepare their cases for oral argument or choose to waive oral argument if the law is

clearly against their position. This process allows cases to be finalized much sooner and removed from the court's docket.

When Presiding Justice Ramirez was first appointed, Division Two was located in downtown San Bernardino, a block from the Historic Courthouse. In 1999, the Appellate Court moved to downtown Riverside. Presiding Justice Ramirez monitored and was intimately involved in the design and building of California's first ever stand-alone appellate court. For the bare walls of the court, the Justice secured donations and loans of artwork from various art foundations, museums, and artists.

In 2000, Presiding Justice Ramirez received the James H. Krieger Meritorious Service Award from the Riverside County Bar Association (RCBA). The Krieger award is presented to a select few RCBA members who have demonstrated a lifetime of service to the community beyond the RCBA.

Presiding Justice Ramirez was the driving force behind two new educational components of the court. The first is the "Outreach Plus" program in which oral argument is held on high school campuses. After oral argument, the justices stop by classrooms and engage the students in discussions about the law.

In addition, Presiding Justice Ramirez created the John G. Gabbert Historical Oral Argument and Lecture Series in which distinguished attorneys re-enact oral argument from landmark high court decisions. The series was inaugurated

We Remember Them

The Red Mass was dedicated to the following victims who died in the tragic event on December 2, 2015:

Robert Adams, Isaac Amanios, Bennetta Betbadal, Harry Bowman, Sierra Clayborn, Juan Espinoza, Aurora Godoy, Shannon Johnson, Larry Daniel Kaufman, Damian Meins, Tin Nguyen, Nicholas Thalasinis, Yvette Velasco, and Michael Raymond Wetzel

During the Red Mass, the victims of the December 2 shooting were remembered, as well as the following members of the legal community who passed away during this past year:

Judge Authur Block, Christopher L. Cockrell, Sr., James W. Dilworth, David Durdines, Ben Echols, David Erwin, Raymond T. Gail, Richard T. Hamilton, Sr., Judge Alan B.

Haber, Stanley A. Harter, Edward Horowitz, Denne Howard, Richard Hughes, Judge Joseph Johnston, Thomas Kendall, Eileen Wilkin Kaufman, Veronica Michels, Jane McCarthy, Ronald A. Miller, Judge Robert Macomber, Gilbert Nishino, Commissioner Robert Padia, Jeffrey Patterson, James Schlecht, Judge Don Turner, Arthur Seidler, Vivian Shallito, Commissioner Pamela Thatcher-Lind, and Phillip B. Wagner.

The following members of our Red Mass Steering Committee who have passed away in previous years were also remembered during the Mass:

Louise Biddle, Linda Maynes, and Helen Rodriguez.



in August 2009, with *Korematsu v. United States*. This was followed by *Brown v. Board of Education* in August 2011, and *Westminster School District of Orange County v. Mendez*—California’s school desegregation case—in August 2015. In June 2016, the Holocaust and the Nuremburg Trials were remembered.

Presiding Justice Ramirez does not just have participants reenact the memorable cases, but wants those in attendance to have a sense of the cultural environment during the relevant time period, the political climate, and the legal significance that surrounded these cases. Recently in the program on the Holocaust and the Nuremburg Trials, Presiding Justice Ramirez invited Associate Justice Richard D. Fybel to provide an overview of Adolph Hitler and the rise of the Nazi legal system. Professor John Q. Barrett described the creation of the Nuremberg War Crimes Tribunal. Don Burris, Esq., recounted the cases he has pursued against insurance companies and nations to provide restitution and restoration of Jewish culture. The most moving speaker of the program was Renee Firestone, a Holocaust survivor. Without a script or notes in front of her, Ms. Firestone slowly retold the horrific saga of being transported to the concentration camp with her family and of being the only member of her family to survive. These enriching programs collectively reflect Presiding Justice Ramirez’s commitment to helping us remember the past as a guide to the future.

In 2011, Presiding Justice Ramirez received the Kaufman-Campbell award from the San Bernardino County Bar Association (SBCBA). The Kaufman-Campbell award is

named for former California State Supreme Court Justice Marcus Kaufman and former Fourth District Court of Appeal Justice B. Campbell. The award honors jurists who have served on the bench with distinction and made substantial contributions to the community and the practice of law.

In addition to his impact in the legal community, Presiding Justice Ramirez is devoted to his family and his faith. He has been married to Rosemary for over 45 years and has raised four children in the Catholic faith. “True justice is the harvest reaped by peacemakers from seeds sown in the spirit of peace.” – James 3:18. As evidenced by his tireless devotion to the fair and efficient administration of justice in the greater Inland Empire, Presiding Justice Ramirez has gone above and beyond the call to ensure that this harvest can become a reality for our citizens rather than merely an unattainable dream. Accordingly, the Red Mass Steering Committee is honored to present Presiding Justice Manuel A. Ramirez with the Saint Thomas More Award for his extraordinary service and devotion to church, community, and justice.

Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, co-chair of the Red Mass Steering Committee, and past president of the Riverside County Bar Association and the Inland Empire Chapter of the Federal Bar Association.

photos courtesy of Jacqueline Carey-Wilson



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THE LEO A. DEEGAN INN OF COURT

by L. Alexandra Fong

The Leo A. Deegan Inn of Court is a professional organization comprised of attorneys and judicial officers and organized under the American Inns of Court. It was founded in 1993 by Sharon Waters, Honorable Robert J. Timlin, Stanley Orrock, James Heiting, and Terry Bridges. The organization focuses on improving the skills and professionalism of the bench and the bar. Each month, the Leo A. Deegan Inn holds a dinner meeting, during which a team of members presents a program that focuses on matters of ethics, skills and professionalism.

The Inn was named for the Honorable Leo A. Deegan, a legend of the Riverside legal community. Judge Deegan first began practicing in Riverside in 1946 as a member of the district attorney's office. After also serving in the county counsel's office, he became the city attorney for the City of Riverside in 1958. He was appointed to the bench by Governor Edmund Brown in 1959. He served on the superior court until his retirement in 1975. In the late 1980s, he served for 14 months on the Court of Appeal, Third Appellate District, in Sacramento.

Each year, the Leo A. Deegan Inn of Court recognizes both an attorney and a judicial officer for their outstanding contributions to the legal community, as well as for their professional accomplishments. The Terry Bridges Award honors an outstanding attorney, while the Elwood Rich Award honors an outstanding jurist. The Inn also recognizes an outstanding younger attorney with the Biddle Book Award. Additionally, the Inn's membership votes on its favorite presentation, and an award is given to that team at the first meeting of the following program year.

At the last meeting of the 2015-2016 program year, the Elwood Rich Award was presented to Justice Betty Ann Richli (Retired, Fourth District Court of Appeals, Division Two), the Terry Bridges Award was presented to Robyn Lewis, and the Biddle Book Award was presented to Andrew Salera.

For the 2015-2016 program year, the theme was "Real vs. Reel" and Team Lucky won the award for best team presentation, based upon their dynamic comparison and contrast of various attorneys in the FOX animated hit "The Simpsons" and real-life shenanigans and cases involving attorneys and judges within the United States. Team Lucky was comprised of Jackson Lucky IV (Judicial Master), Abram Feuerstein (Attorney Master), Eric Keen (Attorney Master), Wendy Seto (Attorney Master), Melissa Cushman (Barrister), L. Alexandra Fong (Barrister), Kristine Borgia

(Associate), Aaron Chandler (Associate), Trent Packer (Associate), and Carolina Duvanced (Law Student).

At the first meeting of the Inn of Court for the 2016-2017 program year, held on September 28, 2016 at the Café Sevilla in Downtown Riverside, Magistrate Judge David Bristow and Jack Clarke, Jr. were presented with The Honorable Douglas E. Weathers Distinguished Honoree Award. The Inn also welcomed two new judicial masters, the Honorable Irma Asberry and the Honorable Daniel Ottolia.

For the 2016-2017 program year, the Inn's theme is "Ripped from the Headlines" and is focused on cases that have been in the news, generating a lot of public discussion into the facts of the case and the decisions that were reached by either the judge or jury. The newsworthy cases chosen by the Board are *People v. Menendez* (aka The Menendez Brothers trial), *Bollea v. Gawker Media* (aka Hulk Hogan's invasion of privacy case), *Harrington v. Sheeran, Thicke, Williams, et al. v. Estate of Marvin Gaye, Skidmore vs. Plant* (aka the musical copyright infringement cases), *Liebeck v. McDonald's Restaurants* (aka the hot coffee case), *People v. Brock Allen Turner* (aka the Stanford University rape case), and *State of Texas v. Andrea Yates*.

The Inn will also honor Emeritus members at its December 7, 2016 meeting, Past Presidents of the Inn at its March 22, 2017 meeting, and Public Safety at its April 26, 2017 meeting.

The Inn accepts applications every summer. Membership is by invitation only, and decisions are made in August. If you have questions, contact an Inn member, an Inn officer, or review the Inn's new website at: <http://www.deeganinnofcourt.org>. This year's officers are President Jeremy Hanson; President-Elect Judge Jacqueline Jackson; Past-President Justice Carol Codrington; Vice-President L. Alexandra Fong; Secretary-Treasurer Sophia Choi; Financial Secretary Dorothy McLaughlin; Board Member Gerald Fineman; Board Member Sylvia Choi; and Board Member Eric Keen. Executive Director Sherri Gomez may also be contacted at (951) 689-1910 or SherriGomez4@gmail.com.

L. Alexandra Fong is a deputy county counsel with the County of Riverside, specializing in juvenile dependency law. Ms. Fong is the President-Elect of the Riverside County Bar Association and Vice President of the Leo A. Deegan Inn of Court.





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PROJECT GRADUATE CELEBRATES FIVE YEARS OF FOSTER YOUTH SUCCESS

by Brian C. Unitt

Five years ago, our Superior Court, and particularly the bench officers of the Juvenile Court decided they needed help improving the prospects of high school age students in the foster care system in Riverside County. What they knew then was that less than 45% of these students were graduating from high school. Leaving them highly vulnerable to becoming homeless, unemployed, subject to victimization and exploitation, or being drawn into criminal activity. So, the Court's request to the RCBA was to find volunteers who would mentor these young people toward the goal of high school graduation and to plan for their future.

Our association answered that request by establishing Project Graduate as an official program, and creating a steering committee that includes representatives of the bar, court, and the county Department of Public Social Services (DPSS). The committee developed a program built around three elements: trained volunteers serving as Court-appointed Educational Representatives acting as mentor/advocates to get their students on track to graduate and plan for their future; monthly hearings at the Juvenile Court to monitor and encourage progress; and, recognition and rewards for the success of the participating students. Along the way the committee learned more about the students we set out to guide.

A study funded by the Stewart Foundation revealed a previously invisible achievement gap, and demonstrated that our students constitute a distinct sub-group compared to the general student population.¹ They are: more likely to be designated with a disability or classified with an emotional disturbance; more likely than other students to change schools during the school year; likely to be enrolled in the lowest-performing schools; less likely to participate in standardized testing; have lower scores when they do participate even compared to other at-risk groups; and they are more likely to drop out, and less likely to graduate.

More recently state officials parsed the results of the new, harder standardized test scores to see how foster youth performed.² For 2014-2015, 18.8% of students in the

foster care system met or exceeded standards in English/language arts, compared with 44.2% of their non-foster peers; in math, it was 11.8% versus 33.8%. The numbers also confirmed lower participation rates for foster youth, and seem to reflect the impact of the instability of the lives of children in the foster system. Two thirds of foster students move during a school year, and one in ten move three times. Each move can cost a student four to six months of academic progress.

Despite these daunting statistics, the RCBA members who volunteer as Educational Representatives have achieved significant results. Last December students, volunteers and committee members gathered in Judge Jacqueline Jackson's courtroom for the monthly education calendar. The informal lunch that preceded the calendar featured a visit from Assembly Member Jose Medina including a lively question and answer session with the students. At the formal calendar, we recognized the graduation of our tenth student.

In June, we held our fifth annual graduation luncheon in the Gabbert Gallery, attended by students, educational representatives, judges, social workers, and committee members. We recognized five more graduates for a total of fifteen in five years.

That success story is the result of the hard work and dedication of the people who saw the need and stepped up to do something about it. From the Court, Judges Jacqueline Jackson and Matthew Perantoni have given their time and enthusiasm to overseeing the monthly Education Calendars, and Deborah White and Tamica Dowel keep the calendars organized. Each of the RCBA volunteer Educational Representatives recognized the importance of adults who took an interest in their own life, and are now paying that forward to the students. Our current volunteers are: Robert Rancourt, Luis Lopez, Kellie Husted, Barbara Stroud, Shumika Sookdeo, Sarah Overton, Angel Coleman, Tatiana Klunchoo, Mike Donaldson, Malvina Ovanezova, and Lyssandra Erwin. We have received great advice and support from Deputy County Counsel Lilia Wilkerson and Warren Chu. Aaron Carpio from DPSS gives countless extra hours identifying students for the program and matching them with Educational Representatives. His supervisor, Michelle Wohl is a tireless advocate for Project Graduate, and for the needs of our county's foster youth.

Finally, though the project is entirely a volunteer effort, there are significant costs. The students who live up to

1 Barrat, V. X., & Berliner, B. (2013). *The Invisible Achievement Gap, Part I: Education Outcomes of Students in Foster Care in California's Public Schools*. San Francisco: WestEd. http://cftl.org/documents/2013/IAG/Invisible_Achievement_Gap_Full_Report.pdf

2 Resmovits, Joy. *For the First Time, California Releases Test Scores for Foster Youth - and They're Not Good*. *Los Angeles Times*, 9/25/2016. <http://www.latimes.com/local/education/la-me-foster-youth-caaspp-scores-20160916-snap-story.html>



Assembly Member Jose Medina presenting a certificate to a student in December 2015



Educational Representatives Shumika Sookdeo, Sarah Overton, Kellie Husted and Bob Rancourt honor two graduates at the June 2016 luncheon



Judge Jacqueline Jackson addressing graduates at the June 2016 luncheon

their participation pledge earn points for improving their grades, attendance, discipline record, and for participating in extracurricular activities. These points translate to cash rewards at the annual luncheon. Each of our graduates so far have enrolled in college, a step most of them could not have imagined when they joined the program. We reward that decision with a laptop computer, an essential tool for their success at the next level. The decision by the RCBA board last year to set up a tax-exempt foundation has improved our ability to raise funds, but at the end of the day, our success comes directly from the generosity of our committee members, our bar association and our friends in the general community.

As we look back with some measure of pride on the accomplishments of the last five years, we know there

is much more to be done. Project Graduate always welcomes new volunteers, not only to serve as Educational Representatives, but to work on fund raising, training, event organizing, and the details of administration. There are at least 4,000 children in the foster system in Riverside County, and those who have reached their high school years will continue to look for an adult to provide a positive influence in their lives. A modest investment of five to ten hours a month makes a tremendous difference in the life of each student we can serve.

Brian C. Unitt is a shareholder in Holstein, Taylor and Unitt, a Professional Corporation, where his practice focuses on civil appeals, personal injury claims, and mediation. He serves as the chair of the Project Graduate Steering Committee.



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COMMITTEES AND SECTIONS OF THE RCBA

To join one or more of the committees and/or sections describe below, simply contact the Riverside County Bar Association (“RCBA”) office. All members are eligible — attorneys, judges, students, retired members, and affiliates.

COMMITTEES

Listed below are some of the committees established by the RCBA:

- Bar Publications – This committee is chaired by Jacqueline Carey-Wilson. It establishes editorial policy for the Riverside Lawyer magazine and assists in article development and web site content.
- Conference of Delegates – Reviews and develops resolutions for the annual Conference of Delegates meeting. If you would like to be a delegate or help with resolutions, please contact the chair, Michael Bazzo, at mbazzo@ljdfa.com.
- Continuing Legal Education (See description of this committee below.)
- Emergency/Disaster – This committee does not meet except in a disaster or upon call of the chair. It has the expertise and means to mobilize a group of attorneys to help the citizens of Riverside County in the event of a major emergency such as an earthquake, flood, fire or other disaster.
- Fee Arbitration – The committee members serve as hearing officers arbitrating fee disputes between clients and lawyers as needed. The committee meets upon call of the chair.
- Membership – Recruits new members, researches new membership services and promotes RCBA activities within the firms. The committee is chaired by the RCBA secretary.
- Mock Trial Steering – It is responsible for activities relating to the annual Mock Trial competitions. The committee meets monthly from September to March at the bar association or at the Riverside County Office of Education.
- Public Bar Relations – Responsible for activities relating to Law Day and Good Citizenship Awards for high school juniors.
- Speakers Bureau - is responsible for helping to increase public awareness of the law and lawyers.
- Special Events – Responsible for coordinating events such as the Wertz Distinguished Speaker Series, fundraising activities and social gatherings throughout the year.
- Committees with Restricted Memberships – Membership in the following committees is determined by either RCBA Board of Directors, Bylaws or both: Advocacy Committee, Judicial Evaluation, Judicial Liaison, Krieger Meritorious Service Award, Law and Media, Nominations, Role of the Judiciary.

Continuing Legal Education Committee

The Continuing Legal Education (CLE) Committee is responsible for overseeing the Riverside County Bar Association’s

(RCBA) Minimum Continuing Legal Education Program. The RCBA is a State Bar-approved MCLE provider. The committee meets monthly to discuss ideas for upcoming programs that will be interesting for RCBA members and will help them comply with State Bar educational requirements. The current committee consists of six active members: Melissa Cushman, Susan Exon, Abram Feuerstein (co-chair), L. Alexandra Fong, Michael Gouveia and Brandon Mercer (co-chair).

Every January, the CLE Committee holds a MCLE marathon, which consists of four of the six specialty (hard-to-get) topics: two hours of Ethics, one hour of Elimination of Bias, and one hour of Competence Issues. This CLE marathon will be held on January 13, 2017 at the low cost of \$25 for members and \$90 for non-members. Lunch will be provided. This marathon is sponsored by Jamee Rashi, Regional Litigation Consultant of Esquire Deposition Solutions.

If you are interested in learning about other topics, please contact the CLE Committee. If you are interested in joining the CLE Committee, monthly meetings are held on the second Thursday of the month in the RCBA Board Room. The committee is always looking for new members and ideas for future MCLE programs that RCBA members will enjoy.

The CLE Committee is also looking for sponsors to provide lunch at the CLEs. Lunch is typically simple in nature (sandwiches, salads, etc.) and the cost of sponsorship is dependent upon the number of attendees at the CLEs. It is preferred if the sponsor caters the lunch so that the sponsor can control his or her costs. Partial sponsorships are also available. If you are interested in sponsoring a CLE, please contact Executive Director Charlene Nelson at (951) 682-1015 or via email at: Charlene@riversidecountybar.com.

SECTIONS

The sections listed below are semi-autonomous from the RCBA, and are empowered to establish their own procedures subject only to compliance with the RCBA Bylaws and review by the Board of Directors. The activities of most of the sections are largely devoted to the presentation, discussion and study of matters pertaining to the practice of a substantive area of the law. Most sections use monthly meetings as a means to acquire MCLE credit.

Appellate Law Section

The Appellate Law Section is gearing up for monthly meetings in 2017. Most of our meetings are held in the John Gabbert Gallery at the RCBA on the fourth Tuesday of the month. We hold a minimum of four MCLE presentations per year, which provide specialization credit. We will also continue working on a project to provide information and materials about civil appellate procedure to help self-represented civil appellate litigants navigate the treacherous waters of civil appeals. In addition, there will be regular meetings where we will discuss various matters of interest to the appellate bar, including proposed rule changes, trends in the Supreme Courts (both California’s and the United States), appellate procedures, and other matters of interest to local practitioners. Suggestions for meeting and MCLE topics in 2017 are most welcome. RCBA members are encouraged to contact the Section Chair, Carmela Simoncini, Fourth District Court of Appeal, Division Two, at (951) 782-2603, or carmela.simoncini@jud.ca.gov with input on possible topics and/or speakers.

Business Law Section

The Business Law Section can use your help. We envision the section as providing valuable information regarding the practice of both transactional business law and business law litigation. In the past, we presented programs on issues such as e-discovery, state government aid available for businesses, business valuation, business formation, and liability insurance. But we would like your input on topics about which you would like to hear. Upcoming programs we are considering include marketing (the business side of law), managing an on-line reputation, and employment law for the small to mid-size business. Because we seek to serve the interests of our members, we would welcome any input you have regarding topics for future presentations and presenters. Please contact the section chair, Stefanie Field, at stefanie.field@greshamsavage.com with any suggestions that you have. We look forward to hearing from you and providing you with informative presentations and forums for discussion.

Civil Litigation Section

The Civil Litigation Section meets at noon in the John Gabbert Gallery of the RCBA Building. Programs will feature a bench-and-bar format, aimed at providing our local practitioners with helpful tips and guidance regarding everyday litigation topics. We solicit your input and suggestions. It is our goal to make the Civil Litigation Section an invaluable resource for educational programs, networking opportunities, and the enjoyment of our wonderful profession. The Civil Litigation Section Chair is Dorothy McLaughlin; she can be reached at (951) 686-1450 or dorothy.mclaughlin@bbklaw.com.

Criminal Law Section

The Criminal Law Section sponsors meetings with speakers relevant to criminal law practitioners. Topics relevant to both prosecutors and defense attorneys are discussed at each meeting, featuring noted speakers of distinction in an area touching upon criminal law. Past speakers include Superior Court Judges, Justices of the Court of Appeals, experts in various disciplines, deputy district attorneys and others with interesting information on exciting topic to RCBA members. The section chairs are Paul Grech (he can be reached at 951-682-9311) and Lori Myers (she can be reached at 949-300-3596 or loriamyers@me.com).

Environmental & Land Use Law Section

The joint Environmental & Land Use Law Sections of the Riverside and San Bernardino County Bar Associations provide local-area attorneys with both MCLE and a forum for discussion of topical issues related to the environment. Whether these issues relate to CEQA, CERCLA or natural resources, clean air or water, the sections strive to provide a place where environmental issues that are of local as well as state and national interest can be discussed. Guest speakers are often used to present a talk on areas of interest to all environmental attorneys, and we are always open to suggestions on how the section can grow and be more responsive to the needs of practicing environmental attorneys in the local area. The section meets during the lunch hour, alternating between Riverside and San Bernardino County. The section chair is Garry Brown who can be reached at (909) 890-4499 or garry.brown@greshamsavage.com.

Estate Planning, Probate and Elder Law Section

The Estate Planning, Probate and Elder Law Section is co-chaired by Lauren Strickroth and Richard Egger. The section provides topical presentations, usually at noon on the third Wednesday of each month (excepting summer months). In the upcoming year we are looking forward to providing speakers on estate planning issues, both transactional and litigation-related, as well as on elder law issues. Please contact Lauren Strickroth at

(951) 826-8346 or lauren.strickroth@bbklaw.com if you have any questions or suggestions on what topics you would like to hear.

Family Law Section

The Family Law Section usually meets at noon on the third Tuesday of the month. Attorneys who practice family law and the judicial officers from the Riverside Family Law Court are often guest speakers, discussing the latest developments in family law, evidence, civil procedure, and how family law interrelates with criminal law, bankruptcy, and probate issues. Suggestions for topics are always welcome. It is the goal of the Family Law Section to provide educational programs, encourage thoughtful discussion, and create civility and camaraderie among its members. The Family Law Section Chairs are David Ruegg (david@qdrodivision.com) and NaKasha Ruegg (sr@swansonandruegg.com).

Human Rights Section

The Human Rights Section focuses on issues pertaining to human rights in our modern society. The goal of the Human Rights Section is to educate lawyers and others about such matters as human trafficking, child slavery, civil rights, political incarceration and related topics, and to provide an opportunity for attorneys to become involved. DW Duke is the section chair and he can be reached at dwduke@spile-siegal.com.

Immigration Law Section

The Immigration Law Section is chaired by Kelly O'Reilly, formerly an immigration officer and now a partner in the boutique immigration firm of Wilner & O'Reilly. As a result of Mr. O'Reilly's former employment with the INS, the section is able to book current administrative supervisors and front-line officers to address real-world problems and to give best-practice advice to immigration attorneys and attorneys who have come across immigration issues. The goal of the section is to supply practical information and to develop agency contacts so that the practitioner will not only know how to solve a client's problem, but have the contacts to make it happen quickly. The section meets bimonthly at noon in the John Gabbert Gallery of the RCBA Building. For more information about the section, please contact Kelly O'Reilly at (714) 919-8880 or kelly@wilnoroireilly.com.

Landlord & Tenant Law Section

The Landlord & Tenant Law Section of the RCBA meets eight times a year as a joint section with the San Bernardino County Bar Association. The meetings are on the third Wednesday of the month, January through May and September through November. About 25 members attend each meeting, with an equal amount from the tenant side and the landlord side. Meetings start at 6:00 p.m., alternating between the Cask 'n Cleaver in Riverside and Napoli's in Loma Linda. Speakers have included various federal judges, state court judges and commissioners. There are various topics that cross over into landlord-tenant issues, and new experts come to the meetings to speak. Contact the section chair, Barry O'Connor, at 951-689-9644 or udlaw2@aol.com for further information and to be added to the section's email list.

Solo & Small Firm Section

The Solo Practitioner/Small Firm Section is co-chaired by Chris Johnson and Mike Donaldson. The section focuses on topics and speakers that cater to the unique needs and interests of the solo practitioner and those in small firms. The section meets monthly on the fourth Thursday of the month. Chris and Mike welcome all suggestions and ideas for section topics and speakers. Please contact Chris at (951) 695-8700 or cjohnson@rhlaw.com, or Mike at (951) 387-4982 or mike@mikedonaldsonlaw.com.



OPPOSING COUNSEL: MATTHEW STRICKROTH

by Juanita E. Mantz

On October 20, I walk into Augie's coffee house in downtown Riverside to meet my interview, old school notebook and pen in hand, feeling very Louis Lane (minus the 1970's tweed). After about five minutes, in walks Deputy District Attorney Matt Strickroth, looking very Clark Kent with his glasses and button down. Matt's arm is in a sling and he informs me that he just had elbow surgery.



Matt Strickroth

Like Superman, Matt is already back at work this week and was just at a Riverside County Bar Association (RCBA) meeting. Matt was elected to his position on the board of the RCBA as a Director-at-Large last year and takes his position very seriously. He states quite earnestly, "I feel honored to serve and am hopeful that we as a board can make a difference in the community." Matt spoke passionately about the many projects the RCBA is working on from the Project Graduate where attorneys mentor at risk youth to the RCBA Elves who collect Christmas presents for needy families in our communities.

Matt and I know each other from when we were both assigned to felony trials in Department 63. I was on one side as a deputy public defender, and he was on the other as a prosecutor, but I came to greatly respect Matt who was always cordial, ethical and hardworking in our many cases and trials together.

Matt states that unlike most attorneys, he never thought he would go to law school as a young man. He thought maybe he would play professional baseball. And he played baseball, both at his Orange County Catholic high school and at Notre Dame. Matt graduated from The University of Notre Dame in 2002 with a dual Bachelor's degree in Marketing and History. With his majors, Matt thought perhaps that he might go into business. But, fate had other ideas and after selling medical equipment for two years, Matt decided he needed to do something he believed in, something that gave him a purpose and he applied to law school.

Matt graduated from Chapman University in 2007 and was almost immediately hired on by the Riverside County District Attorney's Office (DA's Office). He was

happy to find a job so quickly in the tight job market as a prosecutor in Riverside and elaborates that, "When I went to law school, I knew I wanted to go into prosecution. I hoped that it would be rewarding and fulfilling."

Since he came to the DA's Office more than eight years ago, Matt has served in numerous department including Misdemeanors, Juvenile, Drug Court, Felony Trials and is currently prosecuting serious felony DUI's (that include death and great bodily injury) in the Southwest Courthouse. Matt takes on his role keeping the community safe with gusto and adds that, "The serious DUI cases I handle are very sad, but also very important to prosecute."

I ask him whether there are any challenges and he admits that it is an adjustment after handling a wide variety of serious and violent felony cases to being so specialized but adds that, "I like getting really focused into one area of the law."

Ultimately, my takeaway from our interview was that Southwest is lucky to have Matt Strickroth. He is obviously not Superman, but in this era of dirty politics and lack of civility, it was refreshing to talk to someone who is so professional and clearly committed to what they do. Prosecution is not only a job for Matt, it is a calling and a vocation that he works tirelessly at.

Matt lives in Temecula with his wife Lauren who is an equity partner at Best, Best & Krieger LLP in Riverside and their three year old son Luke. They enjoy traveling and have traveled to many places including, but not limited to, Kauai, Hawaii, Antigua and the British Virgin Islands.

Juanita E. Mantz is a Riverside County deputy public defender and is assigned to Mental Health Court handling incompetency proceedings under PC 1368. She is on the RCBA Publications Committee and is a writer of nonfiction. You can view her blog at <http://www.lifeofjemcom-jemmantz.blogspot.com/>.



JUDICIAL PROFILE: CHIEF JUDGE VIRGINIA PHILLIPS

by Young J. Kim

A Judge Grows in Riverside

One early morning in 2008, Judge Virginia Phillips entered her chambers and announced that she had just been mistaken for a secretary. That morning in the elevator, an older gentleman in a suit asked, “Sweetie, can you tell me where Courtroom 2 is?” Courtroom 2 is, of course, Judge Phillip’s courtroom. She laughed heartily as she told the story to her chambers.

That lawyer never appeared before Judge Phillips that day. Apparently, he was not only mistaken about who he was talking to, but also about which courtroom he was appearing in. But, had he appeared before Judge Phillips that morning, it would have been business as usual for her. No matter what happens outside the courtroom, when proceedings start, Judge Phillips is always her calm, composed, and considerate self.

Virginia A. Phillips (born Virginia Ettinger), raised in Orange County, is the fourth of eight siblings. Until her recent move to Pasadena, Judge Phillips had been in Riverside for several decades. She graduated magna cum laude from the University of California Riverside in 1979, and earned her law degree from Boalt Hall. While in law school, she married John Phillips, a rising star in the history department at UC Riverside. After law school, Judge Phillips returned to Riverside and joined Best Best & Krieger as an associate.

A few short years later, Judge Phillips made partner at BB&K and represented many of the biggest companies in Riverside, including the Press Enterprise. Most lawyers would be satisfied spending his or her entire career as a partner at a prestigious law firm. For Judge Phillips, however, this was the first step in a long and distinguished legal career. Soon after, she moved to public service and was appointed a commissioner in Riverside County’s Superior Court. In 1995, she became a United States Magistrate Judge and began serving in the Spring Street Courthouse in Los Angeles.

Three years later, her life took a tragic turn when her husband, John Phillips, died suddenly. Only two weeks after the darkest moment in her life, President Bill Clinton nominated her as a United States District Judge, and she was confirmed by the U.S. Senate in 1999.

Judge Phillips has presided over many high profile cases during her time as a U.S. District Judge, but none more controversial and nationally relevant than Log Cabin



Chief Judge Virginia Phillips

Republicans v. United States of America. In 2010, Judge Phillips ruled that “Don’t Ask, Don’t Tell” was unconstitutional and barred the U.S. military from enforcing the 17-year old policy that prohibited openly gay men and women from serving in uniform. It was not an easy decision. Immediately after her ruling, conservative commentators assailed her as a judicial activist bent on reshaping military policy. She weathered the criticism with her usual calm and grace, never wavering from her conviction that her ruling was correct.

Judge Phillips has received many honors and awards during her legal career. On May 17, 2016, the Inland Empire Federal Bar Association held its Sixteenth Annual Constitutional Law Forum and awarded Judge Phillips the Erwin Chemerinsky Defender of the Constitution Award. This award is a reminder of the legal community’s obligation to protect and uphold the core values of this country, which cannot be taken for granted. Judge Phillips received the well-deserved honor after years of service in defense of those values. This past September, she also received the James H. Krieger Meritorious Service Award, the highest honor given by the Riverside County Bar Association. The Meritorious Service Award was established in 1975 and acknowledges a lifetime of community service and civic achievement by a particularly deserving person. The award is not presented annually. It is presented only when the accomplishments of an extraordinary person come to the attention of the award committee.

Since July 1, 2016, Judge Phillips has served as Chief Judge for the Central District of California. She is only the second Chief Judge to come from outside the Western Division, which is the largest and most populous in the Central District. The first to come from outside the Western Division was the late Judge Alicemarie Huber Stotler. It was a bittersweet moment for the Riverside legal community as Judge Phillips left Riverside after thirty-four years of legal practice to move to Pasadena to serve as Chief Judge. Thankfully, she reports that her two terriers, Teddy and Boo Radley, have seamlessly adjusted to life in the big city. She has adjusted as well and says “I am looking forward to serving the whole district as Chief Judge.”

Judge Phillips is much loved and admired by her many former law clerks, externs and chambers staff. In April of 2015, over seventy of her chambers’ alumni and guests travelled from all across the country to celebrate Judge Phillips’

twenty years on the federal bench. Dinner and festivities were held at the Riverside Art Museum. The night was capped by a mock impeachment trial of Judge Phillips for "High Crimes or Misdemeanors...against law clerks." The trial was presided over by former law clerk Rita Coyne Federman, who is now herself a judge in San Luis Obispo County Superior Court. After heated argument by the prosecution and defense, Judge Phillips was found GUILTY. Her sentence was pronounced by Judge Federman, who said, "your sentence is twenty more years on the federal bench where year after year, in addition to serving justice, you will take young law clerks into your chambers, you will broaden their minds, strengthen their character, embolden them to serve our society, encourage them to be the best lawyers they can be, and most importantly, teach them proper grammar, and set them loose to better this world."

Young J. Kim is a former law clerk to Judge Phillips and is currently a Deputy Federal Public Defender in the Riverside Branch of the Office of the Federal Public Defender.



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