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# RIVERSIDE LAWYER

## IN THIS ISSUE

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*Legal Practice in Riverside Superior Court  
Then and Now*

*Unwrapping Copyright in Holiday Music*

*Christmas in the Courtroom?*

*Reflections by Bench Officers*

*Tis the Season for Holiday Bonuses!  
Holiday Bonuses in California:  
What Employers Need to Know*

*A Lawyer's Christmas Eve*



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# RIVERSIDE LAWYER MAGAZINE

# Contents

## Columns

- 2 **Barristers President's Message**  
by Summer M. DeVore

## Cover Stories

- 6 **Legal Practice in Riverside Superior Court Then and Now**  
by Honorable Craig G. Riemer (Ret.)
- 8 **Unwrapping Copyright in Holiday Music**  
by Mary Shafizadeh
- 11 **Christmas in the Courtroom?**  
by Boyd Jensen
- 13 **Reflections by Bench Officers**  
by Presiding Justice Manuel A. Ramirez,, Presiding Judge Judith Clark, Assistant Presiding Judge Jacqueline Jackson, Judge Kenneth Fernandez and Judge Russell Velasquez
- 18 **'Tis the Season for Holiday Bonuses! Holiday Bonuses in California: What Employers Need to Know**  
by Michelle McCoy Wolfe
- 23 **A Lawyer's Christmas Eve**  
by Jeremiah Raxter

## Features

- 20 **Opposing Counsel: Glenn A. Williams**  
by Betty Fracisco

## Departments

- 3 **Membership**
- 23 **Classified Ads**
- 24 **Calendar**



# BARRISTERS

## President's Message

by Summer M. DeVore



I feel like most people who are drawn to the practice of law were exposed to some form of "adversarial" process that triggered a desire to become an attorney. For me, this experience happened in middle school. My class was casting for the "Trial of Ebenezer Scrooge." In our version of events, Ebenezer Scrooge failed to change his ways and was being tried for the death of Tiny Tim. Whoever wanted to be an attorney for the trial needed to write one page of the reasons why Mr. Scrooge was innocent or guilty (depending on whether you wanted to defend Mr. Scrooge or prosecute him). This was not a scripted trial, but improvisational theater, where we would have to convince a jury of our peers.

When I got home from school that day, I went page by page through *A Christmas Carol* until I had one page of reasons why Mr. Scrooge was guilty and one page of reasons why Mr. Scrooge was not guilty. I didn't care whether I was assigned to be a prosecuting attorney or a defense attorney. I just knew I wanted to be an attorney for the "trial." It turns out more people wanted to prosecute Mr. Scrooge than defend him. So, I and another student were given the role of defense counsel. After a one-week trial (i.e., 5 class sessions), the jury found Ebenezer Scrooge not guilty for the death of Tiny Tim. And just like that, I knew what I wanted to do when I grew up.

At a young age, I already knew I had a passion for law. This is one reason why Barristers is actively involved in the local community, including volunteering to help aspiring students, such as speaking at events hosted by the University of California, Riverside and the University of La Verne College of Law and being scoring attorneys for Mock Trial. If you know a student who is considering law school or a career in the legal field, I encourage you to reach out to Barristers as a resource.

### **The Joint Bar Association Mixer was a HUGE success.**

On October 29, 2024, Barristers jointly hosted a Joint Bar Association Mixer at Lake Alice with the Riverside County Bar Association, Hispanic Bar Association of the Inland Empire, Asian Pacific American Lawyers of the Inland



Empire, and Richard T. Fields Bar Association. The Barristers Board would like to thank everyone who came out and joined in the fun. We had more than 50 people in attendance, making the event a big hit!

### **Join us at our upcoming events!**

- CLE (1 hour of Civility): "Playing Nice in the Legal Sandbox: Civility, Decorum, and Protocols in the Modern-Day Trial Court" presented by Hon. Jackson Lucky (Ret.) & Hon. Elia V. Pirozzi (Ret.): December 10, 2024 at JAMS, 3390 University Avenue, Suite 450, Riverside. Networking: 5:30 p.m.; CLE: 6:00 p.m. - 7:00 p.m.
- RCBA Elves Wrapping (followed by a Social Mixer at W. Wolfskill located at 4281 Main Street, Riverside): December 11, 2024 at the RCBA Building beginning at 4:00 p.m. Check Barristers Facebook or Instagram for more details.
- Barristers "Happy Hour" Mixer: Friday, January 31, 2025—Mark your calendars. More details to follow soon.
- Scoring Attorneys for Mock Trial (followed by lunch): Saturday, February 8, 2025 from 8:30 a.m. to 11:00 a.m. at the Robert Presley Hall of Justice—Mark your calendars. More details to follow soon.

If you have an idea for Barristers or are interested in joining a Barristers committee (CLE, social, or community outreach) for the 2024-2025 term, I encourage you to contact me or any of the other Board members. I can be reached at (951) 783-9470 or [summer.devore@streamkim.com](mailto:summer.devore@streamkim.com).

### **Stay up to date by following us!**

For additional information about our upcoming events and updates, please visit Barristers:

Facebook: <https://www.facebook.com/RCBABarristers/>  
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### Barristers Board Spotlight: Sharon Ramirez, 2024-2025 President-Elect

Sharon is an attorney at the Law Office of Kenny S. Ramirez located in San Bernardino, where she specializes in personal injury (catastrophic personal injury, motor vehicle accidents, slip and falls, and wrongful death). This is her third year serving on the Barristers Board. She also serves on the board of the Consumer Attorneys of the Inland Empire (CAOIE) and Hispanic Bar Association of the Inland Empire (HBAIE). The Riverside and Inland Empire community have been a generous fountain of resources and inspiration in Sharon's personal and professional life. Sharon enjoys new challenges, such as learning and improving her golf skills. She also enjoys going to the movies and spending time with her family.

*Summer M. DeVore is an attorney with Stream Kim Hicks Wragge & Alfaro, PC in downtown Riverside where she specializes in business litigation. She is also a member of the Leo A. Deegan Inn of Court. Summer can be reached at [summer.devore@streamkim.com](mailto:summer.devore@streamkim.com).*

# MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective December 30, 2024.

**Lori A. Bonner** – BonnerLawyers PC, Rialto

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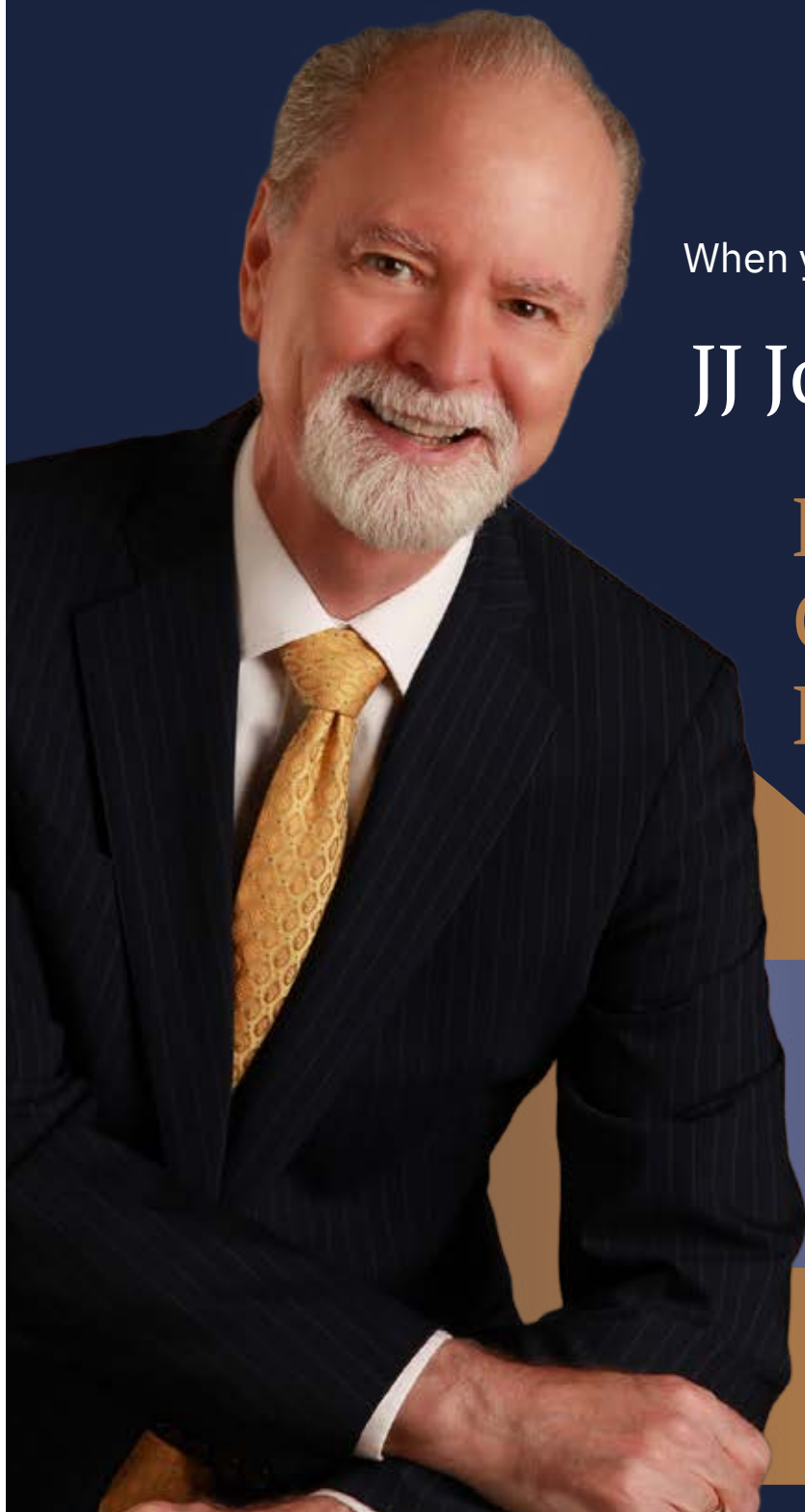


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# Legal Practice in Riverside Superior Court Then and Now

by Honorable Craig G. Riemer (Ret.)

I recently participated in a presentation to prelaw students at UCR. One of the questions posed to the panel asked us to predict the changes in the practice of law in the future. That had me thinking about the changes that have occurred since I started to practice 44 years ago. Join me in stepping back to 1980.

I was an associate at Swarner & Fitzgerald, a ten-man – and they were all men – firm in Riverside. I was assigned to assist one of the partners in business and real property litigation. Imagine that I was going to prepare a motion.

Did I open a new file on my desktop computer and start typing? No. The attorneys had no computers, desktop or otherwise. No one had a personal computer. Although the firm had recently acquired two enormous “mag card” word processing computers, they were reserved primarily for the preparation of standardized documents for which the firm had developed internal forms. Instead of individual word processors, nearly the entire secretarial staff was equipped only with IBM Selectric typewriters.

Without a computer, I prepared a motion by dictation. (As I recall, the partner supervising me wrote his out in long hand.) One of the attorneys was accustomed to dictating the text of a document directly to his secretary to take down by shorthand, but everyone else used a Dictaphone. And forget about a wireless connection to someone or something: this was a microphone attached by cord to a device sitting on my desk that recorded my words onto magnetic tape.

When I had finished dictating the text of the document, the cassette holding the dictation would be given to my secretary. She – they were all women – typed the text of the motion on pleading paper, using earphones to hear my dictation and a foot-pad controller to back up or advance the recording. When she had transcribed the entire tape, she would print out the finished product and give it to me to review.

Would I casually make whatever revisions I wished? Not if I wanted to remain on good terms with my secretary. Any substantial correction or revision on a page meant that the entire page would have to be re-typed. Any addition that changed the length of that page meant that at least the next page, and possibly all subsequent pages, would also have to be re-typed. As a result, you tried to edit in a way that would cause as little re-typing as possible. For instance, if you had added a few words, you would try to find other words somewhere on the page that could be deleted, so the page would end at the same point.

If I needed to research a legal issue, could I simply jump on Lexis or Westlaw? No. Neither was around then. Instead, research was limited to printed sources. And even when Lexis and Westlaw did appear years later, they were painfully slow. Your Boolean inquiry produced a report line by line at a glacial pace over a dial-up modem. It would take several minutes before an entire text of a single page appeared on the screen.

If the motion required a declaration from the client, could I email the declaration to the declarant? No. Email had not yet



*Attorney's desk in the early 1980s: Equipped with a Dictaphone, not a PC.*

been invented. Nor, if I recall correctly, did the firm have a fax machine at that time. To get the “wet” signature that the court required, either the declaration was mailed to the client with a return envelope, the declaration was sent to the client by courier, or the client needed to come into the office to sign it.

When the moving papers were completed, did I then reserve a hearing date with the court? No. In those days, the Riverside Superior Court did not limit the number of motions to be heard on a particular day. The moving party chose the

hearing date unilaterally.

Did we give the opposing side 16-court-days' notice? No. In 1980, only 10-days' notice was required when the motion was personally served, and they were calendar days, not court days.

If I needed to make an *ex parte* application, would I have to include a declaration that I had given the other side notice of the application? No. There was not yet a requirement that you offer proof that notice had been given. If the opposing party did not appear at the hearing on the *ex parte* application, the judge would ask counsel for the moving party whether he had given notice. The legal community was small enough that the judges relied on attorneys' unsworn representation. If the judge discovered that an attorney had lied, he – at that time, all the judges of the RSC were men – would remember that the next time that attorney appeared in front of him.

Besides, the requirement of notice was not universally enforced. I recall at least one instance in which one of the partners and I simply walked into the Historic Courthouse with a proposed *ex parte* order in hand, stopped a judge in the hallway, orally explained what we were asking for, and got the order signed on the spot. Don't try that today.

If my client needed to reach me, could she call me? Sure, but only between 8 AM and 5 PM on weekdays when the receptionist was working. The attorneys did not have individual landlines (a word that was not in the lexicon in 1980) and did not have cell-phones because they did not exist. And as noted, there was no email.

But the absence of those technological innovations was not all bad. Without them, your client could not contact you after hours and on weekends. Because you were not at your client's beck and call 24/7, your evenings and your weekends were your own . . . unless your opposing counsel had personally served your office with a motion late on a Friday afternoon, in which case you would be spending your weekend preparing the opposition that was due the following Monday.

Ah, the good old days!

*Honorable Craig Riemer (Ret.) is a past president of the RCBA and a retired judge of the Superior Court. He was in private practice in Riverside from 1980 to 1990.*







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# Unwrapping Copyright in Holiday Music

by Mary Shafizadeh

Each holiday season, many of us find ourselves humming along to our favorite holiday tunes, whether they're playing in the background of a store, featured in a video, or simply stuck in our heads. Have you, however, ever wondered about the legal implications of using these songs? Well, like a perfectly wrapped present, the answer also has layers to unwrap. While the spirit of the holiday season may be one of giving and sharing, copyright law applies to holiday music just as it does to any other creative work.

## Copyright Basics

Under U.S. copyright law, original works of authorship are protected if they meet certain criteria: they must be independently created by a human, possess minimal creativity, and be fixed in a tangible form so it can be seen, reproduced, or communicated beyond a short moment. This protection arises automatically once the work is fixed, granting the owner exclusive rights, such as reproducing the work, creating derivative versions, distributing copies, performing it publicly, or displaying it. Using a copyrighted work without permission generally constitutes copyright infringement.<sup>1</sup>

## Musical Works vs. Sound Recordings

In the context of holiday music, copyrightable works fall under two categories: musical works and sound recordings. A musical work refers to the underlying composition of a song, encompassing elements such as melody, lyrics, harmony, or notation. A sound recording, on the other hand, pertains to the actual recorded audio.<sup>2</sup> For instance, the 1818 composition of "Silent Night" qualifies as a musical work, while Mariah Carey's 1994 rendition is a sound recording. Although the composition of "Silent Night" is no longer copyright-protected and is freely available for use, copying Mariah Carey's version without permission would violate her sound recording rights.

## Restrictions and Permissions

Copyright law places several restrictions on the use of musical works and sound recordings. Without the copyright owner's permission, individuals generally cannot reproduce, adapt, distribute, or perform the work publicly—as these actions often require a license. Conversely, private, non-commercial uses, such as singing songs at home or at a private gathering, are typically allowed without permission. Moreover, copyright protection covers the specific expression of a song, not its underlying idea or theme. This means that while many holiday songs may share common themes like winter, snow, or holiday cheer, they are still protected because of their unique expression.

If one song, however, closely copies another's specific expression, it could lead to copyright infringement.

## Copyright Expiration and the Public Domain

Copyright protection is not indefinite. Once it expires, works enter the public domain and can be freely used — allowing anyone to arrange, reproduce, perform, record, publish, or use the work commercially without restriction. Each year, on January 1, new works enter the public domain. To determine whether a holiday song is in the public domain, it's important to first understand how copyright expiration works.

Typically, for works created on or after January 1, 1978, the copyright lasts for the life of the author plus 70 years. If the work has multiple authors, the term extends 70 years after the death of the last surviving author. For works made for hire, anonymous works, or works under a pseudonym, the copyright lasts 95 years from publication or 120 years from creation, whichever is shorter.<sup>3</sup> For unpublished or unregistered works created before January 1, 1978, copyright lasts for the author's life plus 70 years, or 95/120 years depending on the creation.<sup>4</sup> In contrast, works published or registered before January 1, 1978, had an initial copyright term of 28 years from the date of publication with notice or registration date. Then, under the Copyright Act of 1909, if a copyright was renewed, the term could be extended another 28 years. The 1976 Copyright Act next increased the renewal term from 28 to 47 years, and the 1998 Copyright Term Extension Act again increased it from 47 to 67 years, bringing the total maximum term to 95 years.<sup>5</sup>

Contrarily, sound recordings have different rules than musical works. Unlike musical works, sound recordings did not acquire federal copyright protection until the Sound Recording Act of 1971, which established rules for recordings made after February 15, 1972.<sup>6</sup> Older recordings are governed by the Music Modernization Act (MMA) of 2018, specifically Title II—Classics Protection and Access Act, which was signed into law on October 11, 2018,<sup>7</sup> and provides federal protection for pre-1972 sound recordings.<sup>8</sup>

<sup>3</sup> Circular No. 1: Copyright Basics.

<sup>4</sup> Id.

<sup>5</sup> Circular No. 15: Duration of Copyright, U.S. Copyright Office (Jan. 2024), <https://www.copyright.gov/circs/circ15a.pdf>; Circular No. 1: Copyright Basics.

<sup>6</sup> Circular No. 56: Sound Recordings.

<sup>7</sup> The Creation of the Music Modernization Act, U.S. Copyright Office (last visited Nov. 16, 2024) <https://www.copyright.gov/music-modernization/creation.html?loclr=eamma>.

<sup>8</sup> Classic Protection and Access Act, U.S. Copyright Office (last visited Nov. 16, 2024) <https://www.copyright.gov/music-modernization/pre1972-soundrecordings/>.

<sup>1</sup> Circular No. 1: Copyright Basics, U.S. Copyright Office (Sept. 2021), <https://www.copyright.gov/circs/circ01.pdf>.

<sup>2</sup> Circular No. 56: Sound Recordings, U.S. Copyright Office (Mar. 2021), <https://www.copyright.gov/circs/circ56.pdf>.



Under Title II, recordings published before 1923 entered the public domain in 2022.<sup>9</sup> Those published between 1923 and 1946 will enter the public domain 100 years after publication, which is an additional five years after the general 95-year term.<sup>10</sup> Additionally, recordings from 1947 to 1956 will be protected for 110 years, as they receive the general 95-year term plus an additional 15 years,<sup>11</sup> while all remaining recordings first fixed prior to February 15, 1972, will transition to the public domain by February 15, 2067.<sup>12</sup>

Accordingly, as of 2024, all musical works released in 1928 or earlier, and all sound recordings released in 1923 or earlier, are in the public domain. This is because musical works from 1928 entered the public domain on January 1, 2024, as their 95-year copyright term expired on December 31, 2023. Similarly, under the Music Modernization Act (MMA), sound recordings made before 1923 entered the public domain on January 1, 2022, while recordings from 1923 entered the public domain 100 years after their publication, on January 1, 2024.

### Popular Songs: Copyrighted or Free?

As mentioned earlier, while the composition of a holiday song may have entered the public domain, its specific sound recording might still be under copyright protection. For instance, "Silent Night," composed in 1818,<sup>13</sup> is in the public domain. Anyone can freely use its melody, harmony, and lyrics to create their own arrangements or recordings without needing permission. Silent Night's 2014 recording by Pentatonix, on the other hand, is a copyrighted sound recording.<sup>14</sup> Copying or distributing their specific recording without permission is copyright infringement.

Similarly, "Jingle Bells," written by James Lord Pierpont in 1857, is in the public domain. Fun fact, although originally titled "One Horse Open Sleigh," it was revised and published in 1859 as "Jingle Bells, or the One Horse Open Sleigh."<sup>15</sup> Accordingly, one can freely use the melody, harmony, and lyrics to create their own arrangements or recordings without needing permission. "Jingle Bell Rock," however, which appears to have been written 1957,<sup>16</sup> won't enter the public domain until 2053.

Alternatively, "White Christmas," written by Irving Berlin in 1938 or 1939, remains protected by copyright law, thus any arrangement or adaptation of the song requires

permission. The same is true for Bing Crosby's 1942 sound recording. Reproducing or distributing Crosby's specific recording without permission would be copyright infringement.<sup>17</sup>

Other holiday songs that have entered the public domain include "Deck the Halls," "Jolly Old St. Nicholas," "Joy to the World," "O Christmas Tree," "O Holy Night," "O Little Town of Bethlehem," "The Twelve Days of Christmas," "Up on the Housetop," and "We Wish You a Merry Christmas."<sup>18</sup>

Notwithstanding, many popular holiday songs remain under copyright protection. These include "All I Want for Christmas is My Two Front Teeth," "Feliz Navidad," "Grandma Got Run Over by a Reindeer," "Have Yourself a Merry Little Christmas," "Here Comes Santa Claus," "I Saw Mommy Kissing Santa Claus," "The Most Wonderful Time of the Year," "Rockin' Around the Christmas Tree," "Winter Wonderland," "Rudolph the Red-Nosed Reindeer," "Frosty the Snowman," "Little Saint Nick," "Santa Baby," "Santa Claus is Coming to Town," "Silver Bells," "Holly Jolly Christmas," and "All I Want for Christmas is You."<sup>19</sup>

### A Legal Battle Over the Holiday Hit

Interestingly, on November 1, 2023, country musician Andy Stone, known as Vince Vance, and his co-author Troy Powers filed a \$20 million lawsuit against Mariah Carey and Walter Afanasieff, alleging direct copyright infringement and unjust enrichment over Carey's 1994 megahit rendition of "All I Want for Christmas Is You." Stone and Powers claim that Carey's song is substantially similar to their 1989 version, particularly in its title and hook, and argue that Carey and her team have exploited the popularity of their work.<sup>20</sup>

Carey's legal team responded by defending the song's originality, emphasizing that the two works differ entirely in melody, lyrics, and structure. They argue that the only similarity is the title and the shared theme of longing to reunite with a loved one for Christmas—elements not protected under copyright law.

In their Motion for Summary Judgment filed on August 12, 2024, Carey's attorneys stated:

"[T]he claimed similarities are an unprotectable jumble of elements: a title and hook phrase used by many earlier Christmas songs, other commonplace words, phrases, and Christmas tropes like 'Santa Claus' and 'mistletoe,' and a few unprotectable pitches and chords randomly scattered throughout these completely different songs. As

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Jason Daley, "A Brief History of 'Silent Night,'" *Smithsonian Magazine* (Dec. 17, 2018), <https://www.smithsonianmag.com/smart-news/silent-night-celebrates-its-bicentennial-180971044/>.

<sup>14</sup> Helen Zeidman, Pentatonix Reinvents Holiday Music with Their New Album 'That's Christmas to Me,'" *York Daily Record* (Dec. 7, 2014), <https://www.ydr.com/story/news/local/blogs/teen-takeover/2014/12/07/pentatonix-reinvents-holiday-music-with-their-new-album-thats-christmas-to-me/31671567/>.

<sup>15</sup> *The One Horse Open Sleigh*, Library of Congress (last visited Nov. 16, 2024) <https://www.loc.gov/item/2023812429/>.

<sup>16</sup> Allison DeVito, *Public Domain Christmas Songs*, The Ohio State University Libraries (Dec. 21, 2018), <https://library.osu.edu/site/copyright/2018/12/21/public-domain-christmas-songs/>.

<sup>17</sup> Tina Benitez-Eves, Behind the Song Lyrics: 'White Christmas' by Irving Berlin," *American Songwriter* (Dec. 24, 2021), <https://americansongwriter.com/behind-the-song-lyrics-white-christmas-by-irving-berlin/>; Christmas Songs in the Public Domain, Easy Song, (Updated Sept. 2024), <https://support.easysong.com/hc/en-us/articles/360047491414-Christmas-Songs-in-the-Public-Domain>.

<sup>18</sup> *Christmas Songs in the Public Domain*.

<sup>19</sup> *Id.*

<sup>20</sup> Complaint for Direct Copyright Infringement, Case No. 2:23-cv-09216, C.D. Cal. Nov. 1, 2023, <https://storage.courtlistener.com/recap/gov.uscourts.cacd.904198/gov.uscourts.cacd.904198.1.0.pdf>.

matter of law, these claimed similarities cannot survive this Circuit's extrinsic test for substantial similarities in protectable expression." The motion further argued that "All I Want for Christmas Is You" by Stone and Powers is "pervasively similar" to Bobby Vinton's 1964 hit "My Heart Belongs to Only You," making it "virtually impossible" that Stone and Powers did not copy Vinton's work.<sup>21</sup> On October 15, 2024, Carey's team also filed a Motion for Sanctions, alleging that Stone's Motion for Summary Judgment was "legally frivolous, factually unsupported, and violates this Court's Order Establishing an Initial Expert Phase."<sup>22</sup>

During the November 7, 2024, hearing, Judge Almadani appeared to lean in favor of Carey's position. The judge indicated a potential inclination to grant Carey's Motion for Judgment and Motion for Sanctions, dismiss the case, and order Stone to pay sanctions. However, the matter has been taken under submission, with no timeline provided for a ruling. Stone's attorney stated they would appeal if

21 Defendants' Memorandum of Points and Authorities in Support of Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment as to the Extrinsic Test, *Stone v. Carey*, No. 2:23-cv-09216-MRA-JDE (C.D. Cal. Aug. 12, 2024), <https://www.courthousenews.com/wp-content/uploads/2024/11/stone-vs-carey-motion-summary-judgment.pdf>.

22 Defendants' Notice of Motion and Motion for Sanctions Pursuant to Rule 11 and the Court's Inherent Powers, *Stone v. Carey*, No. 2:23-cv-09216-MRA-JDEx (C.D. Cal. Oct. 15, 2024), <https://www.courthousenews.com/wp-content/uploads/2024/11/stone-v-carey-sanctions-motion.pdf>.

the case is dismissed, arguing during the proceedings that granting Carey's motion at this stage would amount to reversible error.<sup>23</sup>

## Legalities of Holiday Music

Holiday music holds a special place in our celebrations – bringing many joys, nostalgia, and connection – but using these tunes comes with important legal considerations. Copyright law protects both the compositions and the recordings of songs, shaping how and where they can be shared or performed. While some timeless classics are now in the public domain, others, including many modern favorites, remain protected. Understanding these distinctions ensures creators, businesses, and music lovers can enjoy the season without infringing on someone else's rights. By respecting the rules around copyright, we can all enjoy the magic of holiday music while honoring the work of the artists who bring it to life.

*Mary Shafizadeh, of the Law Office of Maryam Shafizadeh, practices criminal law, family law, and intellectual property. Committed to helping individuals and entrepreneurs navigate new chapters, she provides robust defense in criminal cases, compassionate guidance through family law matters, and strategic support for creative and digital ventures in intellectual property.*



23 Hillel Aron, "Country Crooner's Tussle with Mariah Carey over 'All I Want For Christmas Is You' Hanging by a Tinsel," *Courthouse News Service* (Nov. 7, 2024), <https://www.courthousenews.com/country-crooners-tussle-with-mariah-carey-over-all-i-want-for-christmas-is-you-hanging-by-a-tinsel/>.

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# Christmas in the Courtroom?

by Boyd Jensen

Christmas is important to many of us. I keep a manger scene on the side of my law office as a reminder of the greater good, we as lawyers and judicial officers seek to emulate. But one December I was tested, litigating a jury trial between Christmas and New Years.

I believe the date was Friday, December 23, 1994, and I answered ready in Orange County Superior Court in Westminster. It was another auto accident case, where the plaintiff, a 48-year-old man, claimed he had suffered "cervical disc damage, which resulted in weakness and numbness in his left hand, fingers, a shoulder strain and emotional distress," when his vehicle was struck by my client, the defendant.

In answering ready that Friday, both plaintiff's counsel and I were surprised when the judge calmly informed us that we would go forward with the trial the following Monday, the day after Christmas; and a jury panel would be ready to serve ... as jurors ... a duty for which they did not volunteer ... no less to be held between the days between Christmas and New Years?! I was stunned. I just knew a jury would blame us, as counsel for the parties, and distastefully, probably the judge as well. My client was none too pleased. He asked if he could only be there the first trial day ... it was his auto carrier who was behind all of this. Was he really necessary? It would be tough on both of us; I had seven children at home — off of school — celebrating Christmas with an absent father.

I told him I would see him at the courthouse again the following Monday. I wished him a Merry Christmas and headed to the 91 Freeway for my two plus hour afternoon drive back home to Riverside.

The weekend was very complicated and luckily my older children could fill in. I worried how the jury would handle this "volunteer service" during the holiday. They obviously had families of their own. I felt from the trial readiness hearing, that I was more anxious to continue the hearing than plaintiff's counsel. He obviously was subject to the desires of his client and from taking his client's deposition, and what I observed in the court room on Friday, I felt that the plaintiff was anxious to complete the trial. I knew from his deposition testimony that he felt strong about his physical malady allegations; although from medical records, I could raise some questions about



*Manger scene on side of Boyd Jensen's downtown Riverside law office.*

the credibility of his physical and emotional injuries.

Christmas is always wonderful, even when we are under pressure or life presents seemingly impossible challenges. I had a few hours alone when I prepared my opening statement if we were able to impanel the jury on Monday. I wondered how many jurors would actually come back. I had to decide that I would admit negligence, but not causation and damages. I told my children that I may not be around so much during the holiday and of course they did not seem to mind. But I also told my younger boys who had not seen

their father in a jury trial, that since they had no school, I could perhaps take them, but we would have to plan it so the jury did not know our relationship and believe I was trying to curry favor.

Monday came and it was fairly docile. We impaneled our jury, and they were excused, while the court kept us to go over jury instruction and confirm the schedule for witness testimony. Tuesday started with opening statements, and I did what I have done before, and acknowledged negligence. However, I advised the jury, this accident was not the cause nor responsible for the plaintiff's alleged injuries and loss of earnings.

My client testified and when the plaintiff took the stand in direct examination, he was very confident in his belief about his accident-related injuries. Yet, what I started to notice was distance, seemingly, between the reaction of the jurors, to his testimony. This surprised me.

In other words, the jury wasn't bothered to be there to perform their service, but they obviously believed it must have been a very important matter for them to serve — this special week in all of our lives. They accepted their sacrifice, as good citizens. They would honorably do their job. Yet, I sensed they were surprised their extraordinary commitment was being used for a simple auto accident; with a plaintiff who was enthused about his effort to obtain money for his injuries — perhaps a little too enthusiastic; albeit understandable for any plaintiff, unaccustomed to the exigencies of litigation, and probably just glad to resolve their matter.

On Wednesday when I had the opportunity to cross examine the plaintiff, he eschewed abundant confidence in his case. I was able to find some platitudinous incon-

sistencies in his direct examination. The medical expert presentation from both sides occurred that day and the following day. Thursday was closing statements and the jury was excused to deliberate.

On Friday, we came back for their verdict, which I was grateful to receive in favor of the defendant. I talked to the jury after our dismissal by the judge and they were very talkative, feeling very pleased that they had done their job, during the very personal time.

Of course, I was very happy for the verdict in my client's favor, and a highlight of that strenuous week, was bringing my two young sons to the courthouse. I had asked them to stay in the cafeteria or the car, and then walk into the courtroom late, with notebooks in their hands, like students involved in a school assignment, to watch a jury trial. It was great to have passengers for the long drive between Riverside and

Westminster. The drive was wonderful with family.

Trying jury trials has always humbled me. Almost every time I learn from jurors, opposing counsel, the judge, and witnesses. I learned a lot in this case, but one thing I did not expect came months later, when the plaintiff, without notice, came to my office, and asked me to represent him — this time a work-related matter as I recall. I was surprised and flattered but declined. I don't remember the details of all my trials, however, I remember what I learned from the jurors in this one, and hold dear getting through it because of family.

*Boyd Jensen is a member of the Riverside County Bar Association Publications Committee, an Advocate Member of the American Board of Trial Attorneys, and has been rated AV Preeminent for over 35 years.*



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# Reflections by Bench Officers

## Presiding Justice Manuel A. Ramirez

"Concepts of justice must have hands and feet to carry out justice in every case in the shortest possible time and the lowest possible cost. This is the challenge to every lawyer and judge in America." – Chief Justice Warren E. Burger, United States Supreme Court (1969-1986)



As I reflect on this past year at the Fourth District, Division Two, Court of Appeal, and look forward to what lies ahead for the court in the year to come, I am encouraged, pleased, and thankful, yet challenged. Our court continues to be one of the most productive appellate courts in the state of California all to the credit of our hard-working Justices and staff, which

includes our research attorneys, judicial assistants, and clerks.

The following 2023-24 fiscal year statistics for the Fourth District, Division Two, Court of Appeal were recently compiled by the Judicial Council of California and are soon to be released.

- Opinions Filed per Justice: 101 (the leading number of filed opinions per Justice in the state);
- Criminal Cases (median days—notice of appeal to opinion): 325 days (the state average is 409 days, and our court is well below that);
- Juvenile Dependency Cases (median days—fully briefed to opinion): 63 days (just under the state average of 64 days and the second most productive court in the state at 201 cases); and
- Writs filed per Justice: 65 (most current and productive Court of Appeal).

This is all good news, but the challenge lies in the category of civil cases where our court is significantly less productive than other appellate courts. Our court's timeline is also lagging. I believe this is a direct result of our court having less funding and less judicial resources than the other Courts of Appeal.

While 2024 has seen much growth and success in keeping up with timelines, there are still areas which need our attention and continued commitment. The court's tentative opinion program remains the hallmark and pride of our court. It is because of this program that timelines remain impressive, but there is still work to be done. As the numbers will show, the court is very strong in some areas, yet weak in others. This is where the court's focus and commitment lie – in maintaining the timelines which are strong while working to improve those that are not.



4th District Court of Appeal

photo by Tim Thornton

The Fourth District, Division Two, Court of Appeal continues to be one of the most under-resourced yet most productive courts of appeal in the state of California. This is not a new observation for 2024, but one the court has been battling for years. The vastness of the geographical area this court serves is just one of the many challenges it faces. Add to that the significant lack of judicial resources and funding, and you have a combination of challenges few other California Courts of Appeal face. And yet, this court continues to address those challenges with positive and effective solutions.

In addition to the tentative opinion program, this court utilizes another innovative program which began as far back as the early 1990's. In 1991, as a means to address the backlog of approximately 700 fully briefed appeals awaiting opinions, an all-volunteer-attorney settlement conference program was created. It has been in continuous operation for 33 years. Throughout those years, over 150 attorneys have donated one hundred percent of their time to the program, a fact I would venture to say is unprecedented when compared to other courts of appeal across the country. Equally impressive is the program maintains a settlement rate of 45-50%, all due to the unparalleled efforts and dedication of these volunteer-attorney mediators. They are to be commended, and I do. I, and my colleagues, cannot thank them enough.

With a program that has been operating for this length of time, the court has lost many mediators to retirement, and sadly, death. Writing this article affords me the perfect opportunity to ask the legal community for assistance. If you are interested in serving as a volunteer-attorney mediator at the Court of Appeal, please contact the Settlement Conference Administrator, Jacqueline Hoar, at [jackie.hoar@jud.ca.gov](mailto:jackie.hoar@jud.ca.gov). She welcomes the opportunity to talk with you and share information about the program.

It is with great enthusiasm and commitment that I look forward to 2025 at the Fourth District, Division Two, Court of Appeal, as we continue "to address every case in the shortest possible time and the lowest possible cost." Our justices and entire court staff remain committed to this ideal as they diligently work to be the "hands and feet" in

the administration of justice at our court. The new year will also see the 25th anniversary of the construction of our courthouse. The courthouse has seen hundreds of visitors over the years, and I welcome many more. It is a beautiful courthouse, and I extend an invitation to the Riverside County Bar membership to contact our court any time to schedule a visit. It would be an honor and privilege to welcome you.

### Presiding Judge Judith Clark



As my term as presiding judge comes to an end, I look back upon the past two years and am struck by one recurring theme: commitment. Across the court, from every staff member and every judicial officer, the members of the Riverside Superior Court have never wavered in their commitment to service and their commitment to affording access to justice for everyone in this community.

When I began my term as the presiding judge, the court was dealing with a series of challenges which seemed all consuming. We were just coming out from under the impacts of the pandemic and significant numbers of criminal cases were being dismissed for lack of available courtrooms. The courts' CEO had retired and in addition to the 22 judicial officer positions that we are short, we had multiple judicial vacancies due to retirements with additional retirements looming. The legislature had passed a number of pieces of new legislation increasing the courts' workload yet had not allocated any funds for additional staffing or judicial resources to do this work. I wondered whether my term would be defined by the need for constant crisis management or whether we would be able to focus on efforts to move the court forward.

Now, two years later, I am proud to say that through the unwavering commitment to the mission of this court by staff and bench officers alike, we have taken significant steps forward in spite of the challenges we continue to face on a daily basis. We added an additional mental health focused department, affording those court users additional time before the court for consideration of their issues. We added a dedicated preliminary hearing departments in the Hall of Justice multiple days per week, increasing date certainty for scheduled hearings and improving times to disposition for felony cases. In the desert, we added a misdemeanor calendar dedicated to a mandatory settlement, which helped to curtail criminal case dismissals, affording defendants and victims increased access to have their trials heard on the merits. Lastly, we created and implemented CARE Court as part of the seven initial Cohort 1 courts across the state.

Our Administrative, Operations, Facilities, and Information Technology divisions have all made significant

strides in moving the court forward. A new court executive officer, general counsel, chief human resources officer, and chief financial officer have all joined the court. Our Data Analytics and Decision Support Services Unit has greatly expanded our ability to make data-informed decisions regarding court resources. The operations division has successfully transitioned all divisions except criminal onto the courts' new case management system. IT developed and operationalized our eMagistrate electronic warrant platform improving our ability to review warrants and related documents 24/7, and successfully managed the CrowdStrike cybersecurity attack on the court with minimal impact to court operations. The Menifee Justice Center opened in July of 2024, affording improved access to court services for family law and civil litigants in the south end of the county. We have expanded our in-house training opportunities for our judicial officers and greatly expanded our courts' representation on statewide advisory bodies and working groups.

Between January 2023 and November 2024, 19 new bench officers joined the court. Twelve new judges and seven new commissioners. I have a tremendous amount of respect for all these new judicial officers who have made the commitment to serve this court and this community, knowing that the court they have joined is the second-most judicially under-resourced court in the state resulting in our judicial officers handling calendars between 150% and 200% of what other judicial officers are responsible for. Yet, each of these individuals have jumped right in, rolled up their sleeves, and went to work. And, despite everything they are responsible for on a daily basis, with rare exception, they have always answered my calls with, "How Can I Help."

Since I joined the bench in 2005, I have always known that the staff and judicial officers of the Riverside Superior Court are an exceptional group of individuals, dedicated to doing all they can to ensure that the court is available and responsive to those who need our services. As the presiding judge, I have been involved with every division of the court both judicially and administratively at a level not experienced by a courtroom judge. That involvement has only served to strengthen my respect and admiration for the work that is done, day in and day out, by this group of people.

Governor Newsom's final 2024/2025 statewide budget resulted in a budget cut for our court close to 5 million dollars. To incorporate this budget cut, the court will have no choice but to leave positions vacant, with staff being asked to continue to handle the work of this court with even fewer resources. If experience has taught me anything, it is that we will rise to this challenge just as we have always done, with the same commitment to service and commitment to access to justice that we have always had.

To all those reading this column, I hope that you will take a moment to reflect on the critical role that the court serves in the life of its community. Upholding the public's faith and confidence in its system of justice is a primary part of the mission of this court. That faith and confidence is chal-



lenged daily in our society. The employees of the Riverside Superior Court work tirelessly to fulfill this mission, but they cannot do it alone. We are dependent upon the legal community at large to support this mission, and all of us have a responsibility to do our part as stewards of the law. We are blessed with the opportunity to practice in this exceptional legal community, and we all owe a duty to do our part to preserve it.

I end this column with the sincerest expression of thanks for all those who have supported me during my term as the presiding judge. To the staff and bench officers who serve our community every day, "Thank you." For all those in our community whose efforts impact the work of the court and those we serve, "Thank you." It has been the honor of my legal career to be entrusted with leading this court and I will be forever grateful for the support you have afforded me.

### **Assistant Presiding Judge Jacqueline Jackson**

For me, 2024 has been a time of reflection and change. I began my current Probate Division assignment in



January of 2022. I was asked to consider taking Judge Cahraman's seat upon his retirement the preceding winter. During my introduction to Probate, Judge Cahraman told me that Probate was fascinating and would teach me about life, about death, and about myself. That proved true in December 2023, when my best friend of thirty-seven years died suddenly of cancer.

The word "shocked" barely scrapes the reality of the reaction of the friends and family she left behind, me included.

Professionally, I had spent nearly two years navigating the loss of others. Both of their living loved ones, forever changed by a traumatic brain injury or a dementia diagnosis, or the loss of a person's loved one to death. Even so, I still wasn't prepared for the loss of my friend. So I gingerly entered this current year. A little more tired than I'd left the last one. More adrift than I'd felt in a long time. More resolved to allow space and time for myself while still faithfully discharging the duties of my office. Progressing through this year has been a daily challenge. Upon reflection, I think that I was gentler this year. Perhaps I have been more understanding of attorneys needing a little more time to prepare their cases. Maybe I'm more patient with in pro per persona litigants who are navigating loss, and sometimes tragedy, while figuring out a complex and highly regulated legal system. Maybe I started 2024 a touch more human. Maybe.

As we all prepare to enter 2025, I'm thinking about a fresh year. A chance to breathe deeper and observe life

more closely. To live more fully. I'm not one to make resolutions. Instead, traditionally, I contemplate how to make the upcoming year a positive and productive one. A positive year requires intention and commitment. I am a person of faith and I begin every morning by reading a devotional—so I know that I will be refreshing myself daily spiritually. I also have a reminder in my chambers that challenges me to do a few new things each year. Among other prompts, I am encouraged to learn a new skill, visit a new place, do something good for others, and to take some risks. I've often said that I cannot stop my brain from aging; however, I can try to prevent it from addling. New experiences and challenges slow the aging process. Don't take my word for it, maybe give it a try for yourself. In my experience though—it helps.

Specifically, as I look toward January, of course, I also have professional goals. I will be moving into my new position as the presiding judge of Riverside County. That's quite a large title. I will do my best to be worthy of it and to remember that I am only a steward of that office. Two years from now I will pass it on to Judge Dean Benjamini. Hopefully, in a good and solid condition. I am grateful to Judge Judith Clark for mentoring me and working with me to help prepare me for this role. As our departing presiding judge, she has been incredibly gracious with her time, energy, and knowledge. The shoes that she has left for me to fill are very large.

As a state, and a court, we are back in disappointing and terrible economic times. We have not seen a court budget this tragic since 2012. I look forward to working closely with Jason Galkin, our incredibly talented and dedicated CEO, and his team to keep our courts open and running. The court's primary calling is justice and ensuring equal access to it. We are committed to providing that no matter what.

I am also excited to begin working alongside our Assistant Presiding Judge-Elect Dean Benjamini. He brings a fresh perspective to court leadership and his commitment to this court is second to none. Next year will also be a time of transition for the bench. Some of our judges are actively planning their retirements and will be moving on to their next adventures in 2025. When the time comes, I will miss them and wish them well—while also actively advocating for quick judicial appointments to fill their seats and keep this court operating at our familiar capacity. Additionally, as we look at recently enacted and impending law changes across all divisions of the court, there will likely be some restructuring. I look forward to working with the bench, bar associations, and justice partners to ensure that every area of the court is resourced to the best of our means. There are going to be some challenging times next year. But I feel refreshed and ready to tackle them. After all, every new year begins with go time. Here we go.

## Judge Kenneth Fernandez

In 2025, I will be starting my seventh year of a probate assignment and my fourth year as Supervising Judge of the Probate Division. I want to thank the members of the RCBA Estate Planning, Probate & Elder Law Section for all the support that you have shown me over the years. The collegial nature of the Probate Bar is so helpful to me in recruiting great judges to probate assignments. Due to the budget cuts to the statewide court system in the current state budget, in 2025, there will be many challenges that the Probate Division will face. However, just like previous challenges (a pandemic and judicial retirements, to name a few), the Probate Division of the court will confront these challenges knowing that we work with an attorney group that is the envy of other court divisions. I want to wish everyone a happy holiday season and I look forward to seeing you all in the new year.

## Judge Russell Velasquez

Probate is a terrific assignment for any judge in Riverside County. In what other area of law can you have cases involving very young children and nonagenarians on the very same calendar? One moment you're dealing with a very small estate that nevertheless means a great deal to the heirs and beneficiaries, and the next moment you're presiding over a trust worth tens of millions of dollars.

Best of all for me are the many excellent probate lawyers—both here in the desert and the greater Inland Empire—that regularly appear in front of me. The probate bar is very congenial, very prepared, and very diligent. What more could a bench officer possibly wish for, you might ask?

Well, here goes. I would gently remind everyone to comply with local rule 3116, as even very short declarations filed prior to OSC hearings can be very helpful to the court and its staff. I would remind everyone to submit their documents, be they supplements, notices, proposed orders, etc., well in advance of our local rule-imposed four court day cut off. I would strongly encourage counsel to always use our local forms, and in particular our forms for petitions for final distribution (RI-PR006) and orders for final distribution (RI-PR007). I would encourage counsel to meet and confer early and often, and that includes over the telephone and not just email. Finally, I would encourage counsel and the parties to always be kind to one another, and to always be open to resolution including through creative solutions. I think it's always worth considering that the decedent in most if not all probate cases did not want his or her loved ones to be fighting amongst themselves for many months (and sometimes years) in probate court long after their passing.

I look forward to another great year in probate court in 2025.



## What the Judge Thinks



**What the Judge thinks lawyers look like when they remotely appear.**



**What the lawyer really looks like when they remotely appear.**





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# Tis the Season for Holiday Bonuses!

## Holiday Bonuses in California: What Employers Need to Know

by Michelle McCoy Wolfe

The holidays are here, with cheer in the air, is it time for a bonus – because you care? The holiday season often brings questions about bonuses in the workplace. For employers in California, understanding the legal framework surrounding holiday bonuses is essential to avoid unintended liabilities and ensure compliance with state labor laws. Knowing their rights and what to expect can help employees manage expectations and raise concerns if needed. This article outlines the key legal considerations related to holiday bonuses in California.

### 1. What Are Holiday Bonuses?

A holiday bonus is a discretionary or contractual payment made by an employer to employees during the holiday season. These bonuses are often given as a token of appreciation, tied to company performance, or as part of an employee's compensation package.

Bonuses generally fall into two categories:

**Discretionary Bonuses:** The employer gives these bonuses at their sole discretion, typically without a pre-established agreement.

**Non-Discretionary Bonuses:** Promised in advance, often based on specific criteria such as sales performance, productivity, or meeting company goals.

### 2. Are Holiday Bonuses Required in California?

In California, employers are not legally required to provide holiday bonuses unless they have explicitly agreed to do so through:

- Employment contracts,
- Company policies or handbooks,
- Verbal agreements.

If an employer has promised a bonus or if bonuses are implied through company practices, the employer may be obligated to follow through, making the bonus effectively non-discretionary.

### 3. Discretionary vs. Non-Discretionary Bonuses

The distinction between discretionary and non-discretionary bonuses is crucial because it determines how bonuses are treated under California labor laws.

#### Discretionary Bonuses:

Discretionary bonuses are voluntary and unexpected. For example, an employer distributes holiday bonuses based on the company's financial success without prior notice or criteria. Calculating an employee's regular rate of pay for overtime purposes does not include discretionary bonuses.

#### Non-Discretionary Bonuses:

If a holiday bonus is promised and based on measurable performance criteria, it becomes non-discretionary. Under California law, non-discretionary bonuses must be included in the calculation of overtime pay, as they are considered part of the employee's regular wages.

### 4. Best Practices for Employers

To ensure compliance and avoid disputes, employers should consider the following:

#### Clarify Bonus Policies:

Clearly define the terms of any bonus program in writing. Specify whether bonuses are discretionary or non-discretionary and outline any conditions employees must meet to qualify.

#### Communicate Expectations:

Inform employees of bonus eligibility, criteria, and timing well in advance. Transparency can prevent misunderstandings.

#### Document Decisions:

Maintain records of how bonuses are determined, distributed, and calculated, especially for non-discretionary bonuses that may impact overtime calculations.

#### Avoid Discrimination:

Employers should distribute bonuses fairly and consistently to avoid claims of discrimination under California's anti-discrimination laws.

#### Consider Wage and Hour Laws:

Employers should ensure that bonuses are factored into overtime pay calculations for non-exempt employees. Employers should work with legal counsel or payroll specialists to calculate overtime accurately.

### 5. Tax Implications of Holiday Bonuses

Holiday bonuses are considered taxable income under federal and California law. Employers are required to withhold federal income tax, state income tax, Social Security, and Medicare taxes from bonuses. To ensure compliance, consult with a tax professional or payroll expert.

### 6. Employee Rights and Recourse

Employees who believe they have been denied a promised holiday bonus or who suspect their employer has failed to include a non-discretionary bonus in overtime calculations have the right to file a claim with the California Division of Labor Standards Enforcement (DLSE).

#### Conclusion

Holiday bonuses can be a valuable tool for boosting employee morale and rewarding hard work. However, California's labor laws require employers to carefully navigate the distinctions between discretionary and non-discretionary bonuses, ensure compliance with wage and hour laws, and maintain transparency in their policies. By understanding these legal obligations, employers can foster a positive workplace culture while avoiding legal pitfalls.

*Michelle M. Wolfe is Senior Counsel at the Sloat Law Group, APC in Palm Desert. Her practice focuses on representing employers and management on labor and employment matters in litigation and in providing workplace solutions.*





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# Opposing Counsel: Glenn A. Williams

by Betty Fracisco

Many Riverside County attorneys have never given a thought to utilizing the services of RCBA Dispute Resolution Service (DRS)<sup>1</sup> to settle their cases with the help of a competent mediator, trained in the art of resolution. Glenn A. Williams is one of these generous souls who assists attorneys in settling cases in his specific area of expertise... and at a cost that is more than reasonable.

Glenn's specialties are real estate law and probate/trusts, because those have been the foundation of his almost 30-year practice. However, he has experience in, and is willing to mediate cases involving contracts, eminent domain, corporate issues, LLCs, partnership disputes, landlord/tenant, lien priority title issues, escrow, and civil appeals. How, you ask, has this attorney such a broad scope of experience in such a wide range of legal areas?

Glenn A. Williams was born in Loma Linda as his family resided in Redlands. He was the middle child in a family that included two brothers and two sisters. Both his parents were originally from New York, and his father was a Canadian aeronautical engineer who specialized in rockets. At a very tender age, Glenn moved to Palm Springs with his mother and sister after his father took his two older brothers and disappeared, leaving his mother a single parent. She supported her children first as a waitress on the staff of the Spa Hotel, and then as the food and beverage manager of the Monterey Country Club and then at The Palms. He first remembered seeing his father at the age of 10 or 11, and during his life he only saw him during the two summers he spent with him. Nevertheless, Glenn seemed to have thrived during his years in Palm Springs. He raves about the great scientific and artistic opportunities provided to kids by the Palm Springs Museum, the library, and the school system, and seems to have had an enriched childhood. At Palm Springs High School, he was a columnist at the school paper, had his own radio show, and worked in graphic arts, even doing printing for small companies. And like most teens, he worked at an ice cream store.

Glenn was a political science major at University of California, Riverside, where he was the editor of the *Highlander* student-run newspaper. He also was involved with KUCR, the student radio station, where he had a show



Glenn A. Williams

every Friday night. After graduation, he took an office job as a reporter for a group of weekly newspapers in the Murrieta/Temecula area, where he stayed for five years. Then he started working at the Riverside magazine, *First Tuesday*, that focused on real estate law, which was founded by three lawyers. There he also put together books for brokers. Seeing the possibility for using this real estate knowledge in a more professional setting, he decided to go to law school and found that Western State University in Fullerton was perfect for him. He was so motivated that he graduated in two-and-a-

half years, was in the top ten in his class, and a member of Law Review. His most significant memory was spending one summer as a judicial extern for Presiding Justice Sills, of the California Court of Appeal, Fourth Appellate District, Division Three.

After passing the Bar, Glenn was sworn in by the legendary Judge Miceli in his courtroom (during the days of the Main Courthouse construction). Since he lived in this area, his first legal job was as a real estate attorney in Larry Meyers' firm. He was a real estate attorney for a few years before going out on his own. Then he met his partner, Lawrence Bynum, and they practiced mostly real estate law for the next four to five years.

As with many lawyers, COVID had a major influence on the career of Glenn A. Williams. In 2020, he had his first experience with ADR and that same year he completed Mediation Training with OC Human Relations, a 40-hour certification for California. Then in 2022, he completed the course entitled "Mediation: The Art of Facilitating Settlement, Straus Institute for Dispute Resolution," which was a 40-hour presentation through the RCBA Dispute Resolution Service. Glenn's career was then expanded by his participation in mediation in both the TAM program and DRS, which he thoroughly enjoys.

At this point in time, Glenn has moved his office to his home, because most of his clients are long-time clients who don't require the appearance of a flashy office. And he enjoys mediating cases because it's nice to be able to help people by settling their disputes. The TAM (Trial Assignment Mediation) program involves mediating cases on a Friday that are scheduled to begin trial on Monday. It's a last chance opportunity to settle a case before trial. The DRS program provides three hours of free legal service to litigants who are willing to settle a case or dispute, after which the litigants can continue for a fee. Glenn has

<sup>1</sup> The RCBA Dispute Resolution Service (DRS) is sponsored by the Riverside County Bar Association in conjunction with its members. It is composed of experienced attorneys who have practiced for ten years or more and have met other experience requirements set by the DRS Board of Directors.



a list of practice areas that would serve most litigants: real property, contracts, eminent domain, business law, probate and trusts, discovery disputes, corporate, limited liability, company and partnership disputes, landlord/tenant, lien priority, title issues, escrow, and civil appeals. He is competent in all these areas, but his most significant experience is in real estate and probate.

From a challenging childhood, Glenn A. Williams has risen to be a successful lawyer and mediator whose work is appreciated by both his clients and those whose cases come before him in mediation. He and his wife live in

Riverside, and he is the parent of two grown children, one a librarian in Canada and the other a student at Riverside Community College. In spite of his siblings being separated during childhood, he has managed to keep in touch with all four, who live everywhere from Japan to Missouri. Glenn A. Williams is a credit to our Riverside County Bar Association.

*Betty Fracisco is an attorney at Garrett & Jensen in Riverside, a member of the RCBA Publications Committee and a longtime member of the Board of Governors of California Women Lawyers.*



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DRS is a nonprofit public benefit corporation proudly serving Riverside County since 1995. DRS is the approved mediation service for the Riverside County Superior Court. Located across from the Riverside County Courthouse at 4129 Main Street, Suite 100.

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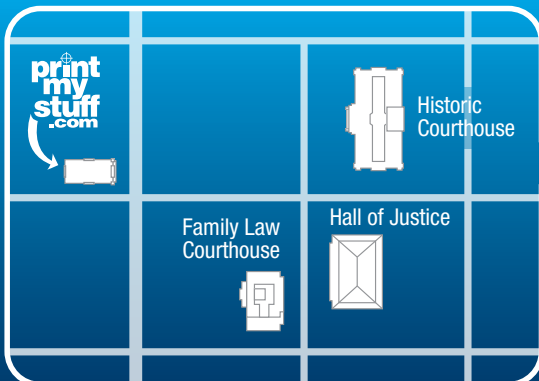
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'Twas the night before Christmas, and all through  
the court,  
Not a motion was stirring, no hearings to sort.  
The files were stacked in their cabinets with care,  
In hopes that no client would call with despair.

The courthouse was dark, its halls still and bare,  
The judges, clerks, and bailiffs are home without  
a care.  
I finished my paperwork, called it a night,  
And shut down my computer, feeling light.

But out in the distance, a jingle arose,  
And I peered out the window, and my curiosity  
grows.  
A sleigh trimmed with ribbon, red, green, and gold,  
Pulled up to the courthouse as if on patrol.

A figure emerged, with a briefcase in hand,  
In a suit red as holly, with an air of command.  
"J.D. Claus, Esquire," he declared with a grin,  
With reindeer dressed in suits —quite the team to  
take in.  
"On Habeas! On Justice! On Probate and Plea!  
On Cases! On Statutes! From hearing, you're free!"  
He stamped each brief with a seal of goodwill,  
Settling disputes like they took no skill.

He pulled out a scroll, checked each lawyer's  
workload,  
And handed me rulings (a lightened-up load!).  
I grinned at the sight of my holiday reprieve,  
And sighed with relief on that cool Christmas Eve.

As he flew from the court, in his sleigh and red tie,  
He waved and he laughed, with a wink in his eye.  
And I heard him call out, as he soared out of sight,  
"Merry Christmas to all, and to all a case-free  
night!"

*Jeremiah Raxter is the principal attorney at Raxter Law, P.A. and is  
the Chair of the RCBA Estate Planning/Probate/Elder Law Section.*



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## Part-Time Bookkeeper Position

RCBA is looking for a part-time bookkeeper. Contact Charlene at 951-682-1015 or [charlene@riversidecountybar.com](mailto:charlene@riversidecountybar.com).

## Office Space – RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Charlene Nelson at the RCBA, (951) 682-1015 or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com).

## Conference Rooms Available

Conference rooms, small offices and the Gabbert Gallery meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance, by contacting Charlene or Lisa at the RCBA office, (951) 682-1015 or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com).



# CALENDAR

## DECEMBER

**5 Admissions Ceremony**  
10:00 AM  
Riverside Historic Courthouse, Department 1  
RSVP/Questions – 951-782-2495

**Estate Planning, Probate & Elder Law Section Meeting**  
Noon, RCBA Gabbert Gallery  
Topic: "Recent Probate Court Changes, and Avoiding Common Probate Pitfalls"  
Speakers: Judge Kenneth Fernandez, Tom Johnson, Sheri Culino  
MCLE

**9 Roundtable with Judge Hopp**  
12:15, Zoom  
MCLE

**RCBA Elves Shopping Night**  
2:00 - 7:30 PM  
Walmart  
1800 N. Perris Blvd., Perris  
Contact RCBA for more information

**10 Civil Litigation Section Meeting**  
Noon, Zoom  
Topic: "No Matter How Thin the Pancake, It Always Has Two Sides: Hardball Tactics for Offense and Defense in Hardball Negotiations"  
Speaker: David B. Coher, Esq.  
MCLE – 1 hour - Civility in the Legal Profession

**11-12 RCBA Wrapping Elves**  
RCBA Boardroom – 3:30 p.m.  
Contact RCBA for more information

### SAVE THE DATE

RCBA Annual Installation of Officers Dinner  
Mission Inn  
**Thursday, January 23, 2025**  
5:30 PM

### Events Subject To Change

For the latest calendar information please visit the RCBA's website at [riversidecountybar.com](http://riversidecountybar.com)

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 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$30.00 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.

## 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 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, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, the RCBA - Riverside Superior Court New Attorney Academy and the Riverside Bar Foundation.

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, Reading Day and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.





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