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RIVERSIDE LAWYER
MAGAZINE

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PRESIDENT'S Message

by Mark A. Easter

Remind Me... Independence from What?

In this month in which we celebrate our independence, and given the times in which we live, taking a moment to review the actions, orders, and rulings that our founding leaders were declaring independence from, and revolting against, is probably not a bad idea. Included in the Declaration of Independence is a 27-point rant of gripes against the King, Parliament, and Great Britain, extending far beyond the oft-cited "taxation without representation." Some of the more compelling of these charges were:

- The King, or his governors, simply refusing to pass beneficial laws for no good reason;
- The King dissolving or suspending legislative bodies simply for passing (or refusing to rescind) resolutions that the King disagreed with. Assemblies in Massachusetts, New York, Virginia, and North Carolina, were all dissolved in this fashion;
- The King "endeavored to prevent the population of these States." The King was trying to prevent or hinder the immigration of German families to the Colonies;
- At the same time, the King was "transporting large Armies of foreign mercenaries to complete the works of death, desolation, and tyranny." The King may have been restricting German immigration, but meanwhile he was, perhaps hypocritically, hiring German soldiers to wage war against the Colonies;
- The King had "made American judges dependent on his Will alone" — both in terms of length of office and salary;
- The King and Parliament's Stamp Act resulted in more taxes, but also more stamp distributors, tax officers, and tax courts, which Jefferson characterized as "swarms of officers to harass our people and eat out their substance;"
- The signers were also outraged at the abuse and presence of the military, including "standing armies without the Consent of our legislatures," the military assuming control and making itself "superior to the Civil Power," the "quartering [of] large bodies of armed troops among us," and "for protecting them, by a mock trial from punishment for any Murders which they should commit against the Inhabitants of the States." "Quartering" seems like such a foreign concept 250 years later, but it was a big deal in colonial times. The practice was so thoroughly done away with that not only was quartering prohibited by the Third Amendment in the Bill of Rights; the Third Amendment has never been the subject of a U.S. Supreme Court decision;
- Colonists were also being transported "beyond Seas to be tried for pretended offenses." The offending bill, which was apparently vigorously opposed in Parliament, stated: "In that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or Great Britain."
- The signers also complained that the King and Parliament had taken "away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments." This basically referred to the governor having the power to remove and appoint judges, and appoint sheriffs, who chose jurors—thus undermining any right to trial by jury;
- The King's governors were also "suspending our own legislators, and declaring themselves invested with power to legislate for us in all cases whatsoever." The governors of Virginia, Georgia, and South Carolina all dissolved Colonial Assemblies and claimed the right to make proclamations stand in the place of statute law;
- "He has abdicated Government here, by declaring us out of his Protection and waging War against us." This was known as The Prohibitory Act, and in John Adams' mind, it made declaring independence a fait accompli: "It throws thirteen colonies out of the royal protection, levels all distinctions, and makes us independent in spite of our supplications and entreaties... It may be fortunate that the act of independency should come from the British Parliament rather than the American Congress;"
- Perhaps most egregious, Parliament passed an act in December of 1775, which directed that Colonists be forced to attack other Colonists—that crews captured on American vessels be required "to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands."

This is not all of the grievances, but it provides a sense of the breadth and severity of British tyranny. Sooooo....since we now enjoy independence from these things, let's not only celebrate, but also take care to educate, and stand up for:

- the right, privilege, and duty to vote
- representative government
- the separation of powers
- an independent judiciary
- the right to trial by jury, and the right, privilege and duty to serve as juror
- the peaceful transfer of power
- and perhaps most of all....the RULE OF LAW AND NOT MAN...

Mark A. Easter is the president of the RCBA, a partner at Best Best & Krieger LLC, and has been residing and practicing law in Riverside since 1989.

BARRISTERS
President's Message

by David P. Rivera

"So Long, Farewell, auf Wiedersehen, Adieu"[1]

Time flies when you're having fun!

As you likely know, our 2023–2024 term will end on August 31. That's not to say that Barristers will disappear. Hardly. Our group of new and young attorneys has operated as a recognized activity of RCBA for more than 60 years. We're practically an institution.

Since Barristers' inception, its membership has turned over time and time again. Eventually, our members "age out" or "practice out" of Barristers, no longer meeting eligibility criteria.[2] From term to term, new members step up to serve on our board.

Due to turnover, the personality of Barristers might change.[3] Notwithstanding turnover, our tradition persists: Barristers is a fun group and a great networking vehicle that contributes to the professional development of its members.

Just ask former Barristers. Older, seasoned, experienced attorneys—even bench members—recall their time in Barristers fondly. It's evident in the stories they share. Fun times with good people. Valuable connections are established through Barristers. Real and lasting friendships are formed here.

I believe the continued success of Barristers has been highly dependent on cultivating a fun and welcoming atmosphere for our members to connect. It is my hope that Barristers is known for embracing new additions to our ranks. To this end, our 2023–2024 board made a true effort to pay forward the characteristic welcome that so many of us found upon attending our first Barristers event.

Our board's efforts have realized arguable success. Over the term, Barristers members have occasionally commented on the pleasant reception they've found at our (fun!) events and activities. Their gratitude has been expressed in person, and through texts and emails.

I want to take this opportunity to thank our 2023–2024 board for its success and behind-the-scenes hard work on so many fronts: President-Elect **Summer M. DeVore**, Treasurer **Kevin E. Collins**, Secretary **Priscilla George**, Members-at-Large **Alex Barraza, Nolan Kistler, Sandra Lattouf, John ("Jack") Rafter, Sharon P. Ramirez**, and Past President **Lauren M. Vogt**. You have been incredible!

I would also like to congratulate our incoming 2024–2025 board members on their successful election bids during our June elections: President **Summer M. DeVore**, President-Elect **Sharon P. Ramirez**, Treasurer **Kevin E. Collins**, Secretary **Nolan Kistler**, and Members-at-Large **Henry Andriano, Derek Diemer, Ellen Peng, Amanda K. Perez**, and **John ("Jack") Rafter**. I cannot wait to see the strides Barristers makes in the coming term!

Darren M. Pirozzi (left) and the Hon. Randall S. Stamen (right), Barristers' 2024 Attorney and Judge of the Year, respectively, at the Barristers' 5th Annual Judicial Reception, May 16.

And finally, to our members who are the core of Barristers, *thank you!* Thank you for being active in our group and contributing to the community that is Barristers. The success of Barristers is dependent on you and your involvement.

I want to close my last column with this message: I am honored and grateful to have served as the President of Barristers. I have received so much more from Barristers than I have given. I know other Barristers and former Barristers who echo this sentiment. If you are a new or young RCBA attorney member who is not yet active in Barristers, come hang with us. You have nothing to lose and so very much to gain.

mic drop

Upcoming Events

Happy Hour. July 18, 5:30 p.m., at Retro Taco. Sponsored by Veronica Foster and Elizabeth Miffleton at Trust Properties USA.

Barristers General Membership Meeting and Free CLE. August 1, 5:30–7:00 p.m., at the JAMS Riverside Resolution Center. The Hon. Jackson Lucky (Ret.) will discuss Ethics in Social Media. The event is hosted by JAMS, including complimentary food and beverages. See our Instagram for details. Please register by July 26: https://JAMSRCBA-CLE.eventbrite.com.

Happy Hour. August 15, 5:00 p.m., at Killer Queens. Sponsored by Varner & Brandt.

Follow Us!

Website: RCBABarristers.com
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If you have any suggestions as to possible events or activities, or comments on Barristers affairs, please email us at barristers@riversidecountybar.com.

Contact me directly by email at drivera@alumni.nd.edu, or by text or phone call at (909) 844-7397.

David P. Rivera is a solo practitioner of business law in Highland, treasurer of the Hispanic Bar Association of the Inland Empire, and a member of the RCBA Bar Publications Committee.

1 *The Sound of Music* (Argyle Enterprises, Inc. 1965).

2 Barristers are RCBA attorney members who are (1) younger than 37 years old, or (2) have been in practice fewer than 7 years. RCBA attorney members who have "aged out" or "practiced out" of Barristers are nonetheless welcome to attend Barristers events.

3 Shout-out to Paul L. Lin, 2019–2020 Barristers President, who coined the term "furristers" in the October 2019 issue of *Riverside Lawyer* to lovingly identify the pets of Barristers.

Practicing Responsibly and Ethically
Discipline of Attorneys in Federal Courts

by David Cantrell and Cole Heggi

Many, if not most RCBA litigators concentrate their practice in state courts and only have a passing familiarity with federal court practice. For those members, we provide a brief overview of attorney discipline in federal courts.

Federal Courts Have Inherent Disciplinary Authority

Federal courts have inherent authority to discipline attorneys practicing before them, which can include disbarment or suspension. These powers are inherent because, without them, the court cannot function: "It has long been understood that '[c]ertain implied powers must necessarily result to our Courts of justice from the nature of their institution,' powers 'which cannot be dispensed with in a Court, because they are necessary to the exercise of all others.'" (*Chambers v. NASCO, Inc.* (1991) 501 U.S. 32, 43 [citations omitted].) However, this authority is subject to constitutional limitations, ensuring that attorneys are afforded due process, including notice and an opportunity to be heard. (*See Standing Committee on Discipline of U.S. Dist. Court for Southern Dist. of California v. Ross* (9th Cir. 1984) 735 F.2d 1168, 1170.)

Federal Courts May, But Are Not Required To, Impose Reciprocal Discipline

Federal courts may impose reciprocal discipline based on disciplinary actions taken in other jurisdictions, such as California state courts. But federal courts are not bound by state disciplinary decisions. Imposition of reciprocal discipline requires the federal court to independently review the state discipline to ensure due process was followed, sufficient proof of misconduct exists, and no grave injustice would result from the discipline. (*In re Kramer* (9th Cir. 1999) 193 F.3d 1131, 1132.) The attorney has the burden of proving that these conditions preclude reciprocal discipline. Thus, if you have been disciplined by the California State Bar, there is at least a decent chance that a federal court will impose the same discipline.

Discipline in Federal Courts of Appeals

Under FRAP 46, federal circuit courts of appeals have the authority to impose reciprocal discipline (FRAP 46(b)(1)(A)) and to discipline attorneys for conduct unbecoming a member of the bar (FRAP 46(b)(1)(B)). This can, again, include suspension or disbarment. The process requires due process protections such as notice and an opportunity to be heard. The Ninth Circuit, for example, mandates that attorneys must inform the court of any disciplinary actions taken against them in other jurisdictions. (9th Cir. Rule 46-2(c).)

Discipline in Federal District Courts

In federal district courts, the standards for attorney conduct and the procedures for addressing misconduct are defined by local rules, which often incorporate one or more of the California Rules of Professional Conduct (CRPC), the State Bar Act, and the ABA Model Rules of Professional Conduct. (*See, e.g.*, C.D. Cal. L.R. 83-3.1.2.) These local rules typically set up a "Standing Committee on Discipline" tasked with investigating charges of unprofessional conduct by a lawyer in that court. (*See, e.g.*, S.D. Cal. L.R. 2.2(e).) Like California's State Bar Court, these tribunals typically have the power to subpoena documents and witnesses to aid in their investigation. (*Ibid.*)

Attorneys practicing in federal district courts in California are advised to familiarize themselves with the court's specific local rules governing professional discipline. (*See generally* C.D. Cal. L.R. 83-3-3.1–83-3.4; E.D. Cal. L.R. 184; N.D. Cal. L.R. 11-4, 11-6, 11-7; S.D. Cal. L.R. 2.2.)

Federal Courts Have Independent Sanctions and Contempt Power

In addition to disciplinary actions, federal courts have the authority to impose sanctions and hold attorneys in contempt for improper conduct. These powers are separate from disciplinary proceedings and are used to address litigation-related misconduct. (*See, e.g.*, F.R.C.P. 11(c) [sanctions for improper, unwarranted, and unfounded submissions signed by counsel]; 28 U.S.C. § 1927 [counsel's liability for excessive costs]; 18 U.S.C. § 401 [courts' contempt powers].)

David Cantrell is a partner with the firm Lester, Cantrell & Kraus, LLP. His practice focuses on legal malpractice and professional responsibility issues. David is certified by the California State Bar's Board of Legal Specialization as a specialist in legal malpractice law.

Cole Heggi is senior counsel at Lester, Cantrell & Kraus, LLP, where he also represents and advises clients on legal malpractice and professional responsibility issues.

FBA Judges' Night

by Bethany Balchunas and Katie Tanaka

On June 26, 2024, the Inland Empire Chapter of the Federal Bar Association (FBA-IE) hosted Judges' Night, an annual dinner honoring the judges of the Central District of California. The dinner was held at the historic Mission Inn in Riverside. The event was attended by members of the legal community, including federal and state court judges, and heads of various federal agencies, including United States Probation and Pretrial Services, the Office of the Federal Public Defender, and the United States Attorney's Office. Among the dignitaries in attendance were the Honorable Terry J. Hatter Jr., Chief United States District Judge Emeritus; the Honorable Dolly M. Gee, Chief United States District Judge; and the Honorable Virginia A. Phillips, Chief United States District Judge Emerita.

Outgoing FBA-IE President Veronica Rivas Mittino opened the evening by providing welcoming remarks and speaking about the Chapter's recent initiatives, including Capitol Hill Day, during which FBA-IE representatives traveled to Washington, D.C., to advocate for passage of the JUDGES Act – a bipartisan bill that would create 66 new federal district judgeships in overburdened district courts nationwide, including the Central District of California – and funding for a new or expanded courthouse in Riverside that could accommodate more judges, thereby increasing access to justice for Inland Empire residents. Ms. Mittino then handed over the event to current FBA-IE President Krystal Lyons, who emceed the evening with warmth and wit.

Chief Judge Gee was introduced by District Judge Kenly Kiya Kato, who highlighted the historic passing of the gavel in March from Chief Judge Emeritus Philip S. Gutierrez, the first Latino Chief Judge of the District, to Chief Judge Gee, the first Asian American woman to hold that position. Judge Gee then presented "The State of the Central District of California." The Central District of California is the most populous federal judicial district in the nation, with jurisdiction over the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

Since 2023, four new United States District Judges have joined the Central District of California bench: the Honorable Wesley L. Hsu, seated in Los Angeles; the Honorable Hernán D. Vera, seated in Los Angeles; the Honorable Kenly Kiya Kato, seated in Riverside; and the Honorable Mónica Ramírez Almadani, seated in Los Angeles. Additionally, United States Magistrate Judges Brianna Fuller Mircheff, Stephanie Christensen, Joel Richlin, and David T. Bristow have joined the District in the past year. Three Central District of California judgeships are presently vacant with nominations pending before the Senate.

In 2023, the Central District of California had 616 weighted filings per judgeship, the second highest in the Ninth Circuit and the eighteenth highest in the nation. Despite this heavy caseload, cases are handled efficiently and the median time from filing to disposition for civil cases in the Central District of California was four months – the third lowest in the nation. Judge Gee expressed optimism about the State of the District, and concluded her remarks by stating that the State of the District is strong.

Chief Judge Emerita Phillips was then introduced by a founding member of the FBA-IE, Ted K. Stream, shareholder in the law firm Stream, Kim, Hicks, Wrage & Alfaro, P.C. Judge Phillips presented the keynote address, "A Brief History of the Eastern Division." She described the history of the Eastern Division and the original efforts to designate Riverside as the site for a new federal courthouse. She vividly described the hardship that residents in Riverside and San Bernardino counties faced prior to the establishment of the courthouse, including traveling hours to downtown Los Angeles to litigate cases, provide testimony, or serve as jurors. The push for a federal courthouse in Riverside culminated in the construction of the George E. Brown, Jr. Federal Building and United States Courthouse, named in honor of longtime local Congressman George Edward Brown, Jr. At present, three United States District Judges and three United States Magistrate Judges are seated in the George E. Brown, Jr. Federal Building and United States Courthouse, which also houses the Riverside Division of the United States Bankruptcy Court for the Central District of California. The Eastern Division serves a rapidly growing population of 4.625 million – making it larger than 26 states – and encompasses approximately 27,000 square miles, including five military installations and 15 federally recognized tribal nations.

After Chief Judge Emerita Phillips concluded her engaging remarks regarding the creation and evolution of the Eastern Division, the Eastern Division judges joined each other at the podium to offer special remarks and recognition to Chief Judge Emerita Phillips for her leadership, friendship, and support. Following installation of the FBA-IE's 2024 officers and board members by District Judge Jesus G. Bernal, President Lyons provided closing remarks thanking everyone for their support of the chapter and expressing particular gratitude for the support of the sponsors of the event.

The Federal Bar Association is a non-partisan national bar association devoted to the practice of federal law and the vitality of the federal court system. There are nearly 100 local FBA chapters across the country and roughly 15,000 members engaged in federal practice. FBA members work in law firms, corporations, associations, and federal agencies and include approximately 1,500 federal district and magistrate judges. The Inland Empire Chapter of the FBA supports attorneys who practice in Riverside and San Bernardino counties as well as the administrative priorities of federal judges who are seated at the George E. Brown, Jr. Federal Building and United States Courthouse in Riverside.

To join the Inland Empire Chapter of the FBA, please visit the FBA website at www.fedbar.org.

Bethany Balchunas and Katie Tanaka are current law clerks for United States District Judge Kenly Kiya Kato.

Constitutionality of Registering the Trademark "Trump Too Small"

by Maryam Shafizadeh

The gavel fell on June 13, 2024, when the Supreme Court determined in *Vidal v. Elster* whether size really matters — at least regarding the constitutionality of registering names as trademarks. The Court faced the question: Does the government's denial of a trademark application containing a living person's name, absent their consent, violate the applicant's First Amendment right to free speech, even if the denial restricts political expression? Centered around the proposed trademark "Trump Too Small," this landmark case marks the first time the Court had to consider the constitutionality of a content-based, yet viewpoint-neutral, restriction within trademark law.

Background

Following Senator Marco Rubio's 2016 joke about Donald Trump's hand size during the Republican presidential primaries, attorney Steve Elster sought to trademark the phrase "Trump Too Small" alongside an illustration of a hand gesture, for use on merchandise such as shirts and hats. Elster intends the mark to be a political critique of Trump, suggesting that both Trump's physical attributes and his policies are small and lack substance.[1]

U.S. Patent and Trademark Office ("USPTO") Opinion

The USPTO examiner rejected Elster's trademark application, citing Sections 2(a) and 2(c) of the Lanham Act. Section 2(a) bars registering trademarks that "falsely suggest a connection with persons, living or dead,"[2] and Section 2(c) bars registering trademarks that "[c]onsists of or comprises a name... identifying a particular living individual" without their "written consent."[3]

Trademark Trial and Appeal Board ("Board") Opinion

Elster, arguing that the rejections violated his constitutional rights, appealed to the Board. He claimed the denials were unconstitutional restrictions on his First Amendment right to free speech. Specifically, he argued that strict scrutiny should apply and that neither section was narrowly tailored to serve a compelling government interest. He further contended that any government interest was outweighed by the First Amendment's protection of commentary and criticism regarding political figures.[4]

The Board, however, found it unnecessary to address the 2(a) rejection and instead upheld the 2(c) rejection, reasoning that it "is narrowly tailored to advance two compelling government interests: protecting the named individual's rights of privacy and publicity and protecting consumers against source deception."[5]

1 *In re Elster*, 26 F.4th 1328, 1330 (Fed. Cir. 2022)
2 15 U.S.C. § 1052(a)
3 15 U.S.C. § 1052(c)
4 *Elster*, 26 F.4th at 1330
5 *Id.*

U.S. Court of Appeals for the Federal Circuit ("Federal Circuit") Opinion

Subsequently, the Federal Circuit ruled in favor of Elster, finding that Section 2(c) of the Lanham Act unconstitutionally restricts free speech in violation of the First Amendment. The Federal Circuit drew from precedents set in *Matal v. Tam*[6] and *Iancu v. Brunetti,*[7] where the Supreme Court struck down similar provisions for infringing on free speech.

In *Tam*, Simon Tam, lead singer of the Asian-American rock band "The Slants," sought to register the band's name as a trademark. The USPTO denied registration under Section 2(a) of the Lanham Act, which prohibits registering trademarks that may disparage individuals, living or dead,[8] deeming "The Slants" offensive to people of Asian descent. The Supreme Court found this clause unconstitutional because the government cannot censor speech solely on expressing offensive ideas.[9]

Two years later, in *Brunetti,* Erik Brunetti attempted to register "FUCT" as a trademark for his clothing line. The USPTO again cited Section 2(a), which also bars registering trademarks deemed "immoral … or scandalous[.]"[10] The Supreme Court once more found this clause unconstitutional, emphasizing the government cannot impose broad content or viewpoint-based restrictions on speech.

The Federal Circuit recognized that while a Section 2(c) refusal is not the same as a Section 2(a) refusal, "a trademark represents 'private, not government, speech' entitled to some form of First Amendment protection."[11] While Section 2(c) wouldn't prevent Elster from expressing his message, it disadvantaged him by denying him the benefits of trademark registration.[12]

The key issue was whether the "government has an interest in limiting speech on privacy or publicity grounds if that speech involves criticism of government officials—speech that is otherwise at the heart of the First Amendment."[13] The Federal Circuit ruled that the government has no legitimate interest in protecting the privacy or publicity rights of public officials such as President Trump from hurt feelings due to political criticism, especially absent actual malice.[14] Additionally, "[t]he right of publicity does not support a government restriction on the use of a mark because the mark is critical of a public official without his or her consent."[15] Therefore, the Section 2(c) restrictions couldn't be

6 *Matal v. Tam*, 137 S. Ct. 1744 (2017)
7 *Iancu v. Brunetti*, 139 S. Ct. 2294 (2019)
8 15 U.S.C. § 1052(a)
9 15 U.S.C. § 1052(a)
10 15 U.S.C. § 1052(a)
11 *Elster*, 26 F.4th at 1331
12 *Elster*, 26 F.4th at 1331-32
13 *Elster*, 26 F.4th at 1334-35
14 *Id.* at 1335
15 *Id.* at 1337

justified under strict or intermediate scrutiny standards, leading to the ruling in Elster's favor.

Supreme Court Opinion

The Supreme Court agreed to review the case to determine whether the names clause, which bars registering a mark consisting of or comprising a name identifying a living individual without their written consent, violates the First Amendment's right to free speech. In a unanimous decision on June 13, 2024, the Court sided with the USPTO, reversing the Federal Circuit's decision.[16] Though arriving at their conclusion through different reasoning, all nine justices agreed that Section 2(c) is constitutional. Supporters of this provision argue that it upholds the principles of the right of publicity and privacy, preventing others from using someone's identity for commercial gain without permission. This protection ensures individuals can benefit from the commercial use of their identity and guards against unauthorized intrusion into their personal life.

Justice Clarence Thomas, writing for the majority, declared that the names clause does not violate the First Amendment. Despite being a content-based restriction on speech, it's viewpoint neutral and aligns with history and tradition.[17]

Traditionally, a content-based regulation — which restricts speech based on the subject matter or specific message being conveyed — is presumptively unconstitutional unless the government can demonstrate that the restriction is necessary to achieve a compelling government interest and is narrowly tailored for that purpose. A viewpoint-based regulation represents an extreme form of content discrimination that targets not just subject matter, but the views or opinions expressed by the speaker. Such regulations are presumptively unconstitutional because the government is essentially taking sides when discriminating based on a viewpoint — as in *Tam* and *Brunetti.* Here, the names clause is content-based as it turns on whether the proposed trademark contains a person's name; however, it's viewpoint neutral as it does not discriminate against any speaker's perspective or opinion.[18]

Justice Thomas elaborates that historically, trademark restrictions have focused on content to prevent consumer confusion, mistakes, and deception, thereby ensuring that trademarks accurately represent their source. Determining whether a trademark is confusingly similar to another requires examining the content of the marks. Given the long-standing practice of content-based trademark regulations alongside the First Amendment, the Court concluded that heightened scrutiny is not always required in this context.

Furthermore, there's a long tradition of limiting the ability to trademark names. Historically, these restrictions have been grounded in the principle that individuals own their own names and cannot be barred from using them because of someone else's trademark. Under common law, it was not possible to trademark a name by itself; rather, a person could obtain a trademark containing their own name provided it did not prevent others with the same name from using it. The Supreme Court has consistently held that trademarks safeguard the reputation of the trademark holder, which is particularly crucial when a trademark incorporates a person's name. Exploiting the goodwill associated with another's name does not constitute a First Amendment right. Therefore, the registration of names must respect and preserve another person's reputation and goodwill, thereby aligning with the protection of privacy and publicity rights.

The names clause embodies this tradition by requiring written consent to trademark another living person's name. This safeguards both their reputation and prevents consumer confusion about who is responsible for the product. Federal trademark laws have consistently supported this common-law approach. The Lanham Act reflects these principles by prohibiting the registration of trademarks that primarily consist of a surname[19] or another person's name without written consent.[20] This tradition ensures that trademarks accurately represent their source and protect individual reputation and goodwill. Therefore, the names clause is narrowly tailored to serve compelling interests, such as protecting privacy and preventing consumer confusion.[21]

Regarding viewpoints, Elster alleges it is easier to register a trademark that flatters someone than one that mocks them. The Court, however, disagrees — finding it doesn't matter whether the trademark is neutral, belittling, or flattering. The owner of a name can still withhold consent for neutral or complimentary usage to prevent any association with the product or exploitation of their name for someone else's gain. In fact, the USPTO has refused registering trademarks such as "Welcome President Biden," "I Stump for Trump," and "Obama Pajama," not because of the viewpoints they convey, but because they contain another person's name without their consent.[22]

In conclusion, the Supreme Court's decision in *Vidal v. Elster* reaffirms the government's authority to regulate trademarks to prevent consumer confusion and protect individual rights. It highlights the delicate balance between free speech and trademark protection, ensuring that the registration process considers not only the content and viewpoint of speech, but also broader implications for public interest and commercial practices. The government may impose content-based restrictions as long as they are viewpoint-neutral and serve to prevent consumer deception and protect individual rights. In a practical sense, although the ruling prevents Elster from registering "Trump Too Small" as a trademark, it does not prohibit him from selling merchandise with that slogan. At the time of this writing, Elster's "Trump Too Small" items are available for purchase at $24.99.[23]

Mary Shafizadeh, of the Law Office of Maryam Shafizadeh, specializes in family law and intellectual property. Committed to helping individuals and entrepreneurs embark on new chapters in their lives or businesses, she guides families through family law matters and empowers creative entrepreneurs and digital ventures in the realms of copyright, trademark, and website compliance.

16 *Vidal v. Elster,* No. 22-704 (U.S. Jun. 13, 2024)
17 *Id.*
18 *Id.*
19 15 U.S.C. § 1052(e)(4)
20 15 U.S.C. § 1052(c)
21 *Id.*
22 Id.; PTO, Office Action of Dec. 8, 2020, Serial No. 90226753; PTO, Office Action of Oct. 15, 2015, Serial No. 86728410; and *In re Hoefflin*, 97 USPQ 2d 1174, 1177–1178 (TTAB 2010)
23 *Trump Too Small,* https://trumptoosmall.com/ (last visited June 21, 2024)

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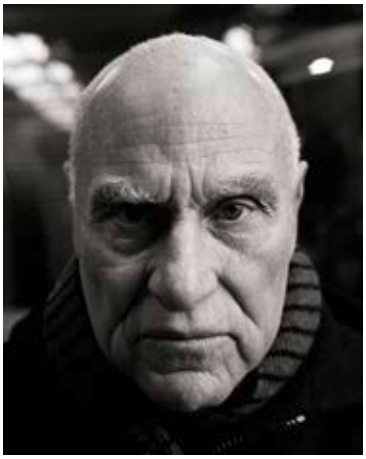
Unmending Walls: Richard Serra and the *Tilted Arc* Legal Controversy

by Abram S. Feuerstein

If in poet Robert Frost's words "Something there is that doesn't love a wall," than surely no one loves a giant rusting steel wall. And in the early 1980s, after Richard Serra's 12 foot tall and 120 foot long *Tilted Arc* had been completed and installed at a federal plaza in lower Manhattan, public hostility quickly erupted.

"The pigeons had barely begun to roost on '*Tilted Arc*' before the sculpture became the object of intense public criticism," noted the 1988 Second Circuit Court of Appeals decision[1] that adjudicated whether Serra, who died in March 2024 at age 85, retained any rights in his sculpture after he had sold it for $175,000 to the General Services Administration (GSA). Spoiler alert – Serra lost.



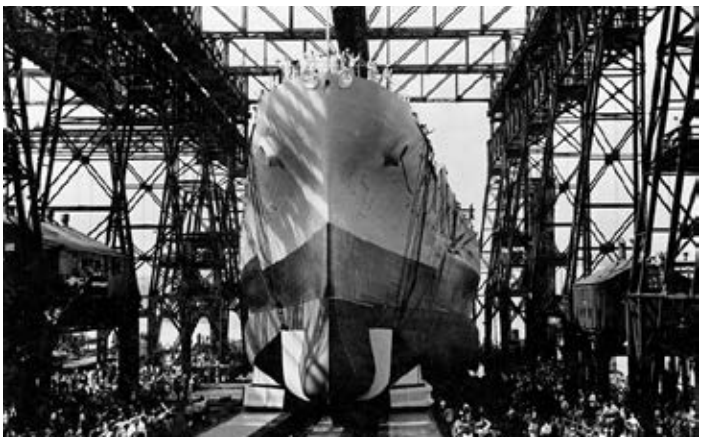
Richard Serra photographer: © Oliver Mark / CC BY-SA 4.0.

Serra, an internationally acclaimed sculptor, had spent two years planning the GSA commissioned work,[2] which was part of the GSA's "art-in-architecture" program. The program then and now allocates one half of one percent of federal building costs for artwork featuring living American artists supposedly to "enhance the civic meaning of federal architecture and showcase the vibrancy of American visual arts."[3] According to the GSA website, "(t)ogether, the art and architecture of federal buildings create a lasting cultural legacy for the people of the United States."[4]

By the time of the commission, Serra already had forged a reputation for creating massive if not gargantuan geometric steel sculptures. He claimed to be influenced early in life by a trip to his father's workplace, a World War II San Francisco shipyard, where with awe and amazement he watched the launching of massive ships.[5] As a teen during school breaks, he worked in steel mills.[6] He was brainy and well educated and was befriended and mentored by numerous top-shelf modern artists while attending prestigious universities and traveling on international fellowships. Experimenting in the 1960s with various materials, including rubber, latex, neon tubing, fiberglass, and lead, by the end of the decade he started using in his sculptures giant plates of hot-rolled steel.[7] Serra claimed that no one understood the artistry associated with steel the way he did.[8] During the 1970s, the slabs of steel got bigger and bigger, and so did his reputation as his work started to litter the landscapes of numerous world class cities.

Tilted Arc, Richard Serra, 1981

However, the medium was not the message. "I don't get off on steel," Serra bluntly said. "It's just a material I use to control and define space."[9] For that reason, Serra considered his mature works to be architectural and "site specific." By site-specific, Serra meant that his sculpture was "conceived and created in relation to particular conditions of a specific site," and that the work itself was "not intended to be displayed in more than one place."[10] And mostly through their immense if not imposing size, his sculptures re-defined the space they occupied and forced a viewer to confront the sculpture and



commons.wikimedia.org/wiki/File:Launching_of_USS_North_Carolina_(BB-55),_June_1940.jpg

1 *Serra v. United States General Services Administration et al.*, 847 F.2d 1045, 1047 (2d Cir. 1988) ("Serra v. GSA").
2 *See* Jennifer Mundy, "Lost Art: Richard Serra," retrieved at https://www.tate.org.uk/art/artists/richard-serra-1923/lost-art-richard-serra.
3 *See generally,* "Art in Architecture," *located at https://www.gsa.gov/about-us/gsa-regions/region-11-national-capital/buildings-and-facilities/enhancing-the-community/art-in-architecture#:~:text=The%20GSA%20Art%20in%20Architecture,vibrancy%20of%20American%20visual%20arts.*
4 *Id.*
5 *See* Roberta Smith, "Richard Serra, Who Recast Sculpture on a Massive Scale, Dies at 85," March 26, 2024, updated March 29, 2024, The New York Times, retrieved at *https://www.nytimes.com/2024/03/26/arts/richard-serra-deat.html* ("NYT Obituary").
6 *Id.*
7 *Id.*
8 NYT Obituary.
9 *See* essay by Richard Shiff collected in an exhibition catalog entitled: *Richard Serra, Forged Steel* (David Zwirner Books/steidl Undated), p. 119.
10 *Serra v. GSA*, 847 F.2d at 1047.

Band by Richard Serra at The Broad Contemporary Art Museum at LACMA on March 5, 2016 in Los Angeles, California.

East-West West-East sculpture by artist Richard Serra on March 6, 2015 near village of Zekreet, Qatar.

move around or through the space rather than just stand and admire the art.

"My sculptures are not objects for the viewer to stop and stare at. The historical purpose of placing sculpture on a pedestal was to establish a separation between the sculpture and the viewer. I am interested in creating a behavioral space in which the viewer interacts with the sculpture in its context," Serra observed.[11]

Angry New Yorkers vs. *A Tilted Arc*

In 1981, after the GSA and Serra agreed upon a final location for its placement, *Tilted Arc* was installed and anchored into the substructure of the plaza in front of the Jacob K. Javits Federal Building.[12] Contrary to the artist's intentions, *Tilted Arc* did not inspire the governmental employees who worked in the area. Instead, they complained – about the need to walk around the sculpture because it blocked their way, about its ugliness, and about the graffiti and litter it attracted.[13] By bisecting the open area of the property, they claimed it obstructed views from benches where workers ate their lunches.[14] Some even voiced safety concerns, including that the cloaking height and length of the wall would encourage muggers and expose the building to bomb threats.[15] Indeed, a security inspector suggested that the sculpture could be weaponized as a blast wall so that in the event a bomb was placed in front of it, the entire building would explode.[16] They even blamed a rat problem on the sculpture.[17]

For his part, Serra understood that people could have different reactions to and opinions about art. "Doubtless, to some people, *Tilted Arc* was an eyesore," he later wrote, but adding "(t)here will always be viewers who will react negatively to any given work."[18] What Serra found disconcerting, however, was not just the criticism of his sculpture but of his personality as the public attacked not just the art but the artist. "I was hammered constantly," he told an interviewer.[19] Serra even received death threats.[20]

The GSA initially took no action, hoping that with time the work would be better received.[21] However, based upon mounting public complaints (thousands) and petitions signed by area workers and residents, in 1985 the GSA conducted a three-day hearing to determine whether *Tilted Arc* should be re-located. Over 150 people, including artists, civic leaders, area workers and residents, and Richard Serra himself, testified at the hearing.[22] The majority supported the sculpture.[23] Others denounced it as "a calculated offense" and "scrap iron."[24] The regional GSA issued a report recommending *Tilted Arc*'s re-location, which was approved by GSA's Acting Administrator. The GSA expressly stated that its decision was not based on the "aesthetic value" of *Tilted Arc*, but mostly "on the views of federal employees and community residents that the sculpture interfered with their use of (the plaza)."[25]

Serra deeply believed that to relocate his site-specific sculpture would be to destroy it,[26] and contended that "permanency" had been implicit in the work's commission. He blamed shifting politics on GSA's decision to re-locate *Tilted Arc*. "My sculpture had been approved, commissioned, and installed

11 See Press Release, Museum of Modern Art, retrieved at: *https://www.moma.org/momaorg/shared/pdfs/docs/press_archives/6260/releases/MOMA_1985_0114_113.pdf.*

12 Jacob Javits, who died in 1986, had been a prominent New York politician who served in the U.S. Senate from 1957 to 1981.

13 *See* ARTBLOC/Medium, "*The People vs. Tilted Arc*," ("ARTBLOC/Medium") retrieved at https://medium.com/artbloc/the-people-vs-tilted-arc 9ea04c3e44b7#:~:text=The%20people%20of%20New%20York%20absolutely%20despised%20it!&text=Tilted%20Art%20was%20not%20inspiring,and%20litter%20around%20the%20plaza.

14 John Yau, "Some Thoughts About Richard Serra and Martin Puryear (Part 1: Serra), Hyperallegic, November 16, 2014, retrieved at https://hyperallergic.com/162490/some-thoughts-about-richard-serra-and-martin-puryear-part-1-serra/.

15 ARTBLOCMedium.

16 Richard Serra and Hal Foster, *Conversations about Sculpture* (Yale University Press 2018), ("*Conversations*"), p. 217.

17 *Id.*

18 Richard Serra, "The *Tilted Arc* Controversy," Cardozo Arts & Entertainment, Vol. 19:39 (2001), p.41-2.

19 *Conversations*, p. 217. In a subsequent interview with filmmaker John Waters, Serra acknowledged that his "personality is not one that makes people like me." *See Forged Steel*, p. 109. And, his somewhat principled albeit highbrow defense of *Tilted Arc* at the time, delivered with a characteristic combativeness combined with an abrupt speech pattern, gave an impression that he cared little about what an uninformed and cynical public "who knew nothing about art" might think of his work. *See e.g.*, Public Hearing re the Trial of the *Tilted Arc* with Richard Serra, retrieved at *https://www.youtube.com/watch?v=uxyhgUAYvB4; see also Conversations*, p. 221.

20 *Conversations*, p. 219.

21 *Serra v. GSA*, 847 F.2d at 1047.

22 *Id.*

23 *Conversations*, p. 219. Apparently, Senator Jacob Javits, for whom the federal plaza had been named, wanted the sculpture retained in its location. *Id.*

24 *See* Fred A. Bernstein, "Richard Serra, sculptor of massive masterworks, dies at 85," *The Washington Post*, March 26, 2024 ("WAPO Obituary"), retrieved at *https://www.washingtonpost.com/obituaries/2024/03/26/richard-serra-sculptor-dead-obituary/.*

25 *Serra v. GSA*, 847 F.2d at 1048.

26 *Serra v. GSA*, 847 F.2d at 1047; *see also* Serra, "The *Tilted Arc* Controversy," Cardozo Arts & Entertainment, Vol. 19:39 (2001), p.40.

under a Democratic administration. A Republican administration decided that it should be destroyed," he later asserted.[27]

Serra filed suit in District Court in December 1986, contending among other things that the GSA violated his First Amendment free expression rights and his Fifth Amendment due process rights. He sought an injunction against *Tilted Arc*'s removal and damages of $30,000,000. In two separate decisions, the District Court dismissed Serra's claims against the individual GSA defendants on qualified immunity grounds, and the non-constitutional federal and state claims for lack of subject matter jurisdiction.[28] As to Serra's constitutional claims, the court granted summary judgment in GSA's favor on the grounds that relocating *Tilted Arc* "was a content-neutral determination made to further significant government interests and that the (three-day) hearing provided all the process that was due."[29]

Serra and *Tilted Arc* Lose Their Appeal

Serra appealed only the rejection of his free expression and due process claims. With limited resources to continue the litigation, lawyers from Paul, Weiss in New York represented Serra *pro bono*.[30] They told him in no uncertain terms that he would lose, but Serra hoped to set a precedent for the moral and legal rights retained by artists in their work.[31]

The Second Circuit threw a wet blanket on Serra's hopes. It determined that Serra had "relinquished his own speech rights in the sculpture when he voluntarily sold it to GSA," and that "if he wished to retain some degree of control as to the duration and location of the display of his work, he had the opportunity to bargain for such rights in making the contract for the sale of his work."[32] Given that *Tilted Arc* was entirely owned by the government, the Court observed that GSA's actions did not contradict the purpose of the First Amendment, which was "to protect private expression" and not the "government from controlling its own expression or that of its agents."[33]

But even if Serra retained some First Amendment interest in the continued display of his sculpture, the Court noted its agreement with the District Court that "removal of the sculpture is a permissible time, place, and manner restriction" because "GSA ha(d) a significant interest in keeping the Plaza unobstructed, an interest that may be furthered only by removing the sculpture."[34] Besides, it noted that since 1981 when Serra had erected his sculpture, he already had six years to communicate his message and the First Amendment "protects the freedom to express one's views, not the freedom to continue speaking forever."[35]

As to his due process claims, the appellate court decided that because Serra had no protected property or liberty interest, he had no constitutional right to a hearing before the sculpture could be removed. Indeed, the Court described the three-day hearing at which Serra was given an opportunity at length to defend his position "a gratuitous benefit" to Serra, who it said received even "more process than what was due."[36]

***Tilted Arc*'s Fate**

After the Court denied Serra's appeal, the GSA removed *Tilted Arc* at night on March 15, 1989.[37] It was cut up into its three component sections and moved initially to a government-owned parking lot in Brooklyn. It remained in storage in Brooklyn for approximately ten years.[38] From there the *Tilted Arc* pieces were sent "indefinitely" to a GSA depot in Maryland, where they remained stacked on one of the facility's loading docks.[39] In 2005 the GSA sold the depot, so *Titled Arc* was sent to the GSA's Fine Art Storage center in Virginia. It has been mothballed there for the past nineteen years.[40]

In the aftermath of the controversy, Serra learned to protect the site-specific nature of his work through contract. "Given the character of the work, we needed a good lawyer," he said.[41]

At a more personal level, although Serra continued to work during the *Tilted Arc* legal battles, the case had consumed a tremendous amount of time and energy. He said the consequences were "agonizing, daily and continuous."[42] Serra had experienced controversy before in his career when, in 1971, a rigger was killed at the Walker Art Center in Minneapolis installing one of Serra's sculptures.[43] But for Serra the *Tilted Arc* saga "was an albatross that wouldn't go away. Even twenty years later people would bring it up. It was the first thing people wanted to talk about."[44]

With the immense scale of his work and the medium in which he worked, Serra hoped to change human experience and impact the way in which people interacted with space. Even though he lost his Court battle, the decades-long public reaction generated by *Tilted Arc* means of course that Serra achieved his artistic goals. Albatrosses – particularly when worn around the neck – certainly can be heavy, but so is steel.

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27 *Id.*, at p.41; *see also, Conversations*, p. 219.
28 *Id.*
29 *Id.*
30 *Conversations*, p. 220.
31 *Id.*, pp. 220-21.
32 *Serra v. GSA*, 847 F.2d at 1049.
33 *Serra v. GSA*, 847 F.2d at 1048.
34 *Serra v. GSA*, 847 F.2d at 1049. Serra argued that the prior Supreme Court case of *Board of Education v. Pico*, 457 U.S. 853 (1982) supported his position. A plurality in *Pico* had held that a school board could not remove books from a school library in order to deny students access to ideas with which the board disagreed. But the Second Circuit determined that nothing in the record suggested that *Tilted Arc* had been removed because of the work's content or the ideas expressed by the artist.
35 *Serra v. GSA*, 847 F.2d at 1050.
36 *Serra v. GSA*, 847 F.2d at 1051-52.
37 *See* Greg Allen, "The History of the *Tilted Arc* is Long," published April 2024 at greg.org, retrieved at *https://greg.org/archive/2024/04/03/the-history-of-tilted-arc-is-long.html ("Greg Allen Blog").*
38 Greg Allen Blog.
39 Greg Allen Blog.
40 Greg Allen Blog.
41 *Conversations*, p. 222.
42 *Conversations*, p. 221.
43 Serra had been branded a "murderer" in some media accounts of the accident. At a subsequent trial, Serra was held not to be responsible for the worker's death, but he said that the event "sent (him) into therapy for eight years." *Conversations*, p. 223.
44 *Conversations*, p. 221. One online comment from a reader of Serra's *Washington Post* obituary wrote: "*Tilted Arc* was an abomination in downtown Manhattan and its removal was a blessing. It's unfair of me to judge an artist by one work, but that piece left a bad taste in my mouth that I could never rinse away." *See* WAPO Obituary.

Amendment or Revision: Changing the California Constitution

by Gabriel White

The California Supreme Court recently revisited an issue that has popped up on occasion for as long as our state has had a constitution, namely, the distinction between an amendment and a revision. An amendment to the California Constitution "may be proposed to the electorate either by the required vote of the Legislature or by an initiative petition signed by the requisite number of voters."[1] In contrast, a revision to the California Constitution "may be proposed either by the required vote of the Legislature or by a constitutional convention (proposed by the Legislature and approved by the voters)."[2] Thus, "although the initiative power may be used[3] *to amend* the California Constitution, it may not be used *to revise* the Constitution."

In *Legislature of the State of California v. Weber,* the California Supreme Court directed that an initiative measure named the "Taxpayer Protection and Government Accountability Act," or TPA, may not be placed on the November 2024 election ballot or included in the voter information guide.[4] The Court found the measure, although framed as a constitutional amendment, was in substance a revision, and therefore could not be adopted as an initiative.[5]

In reaching that conclusion, the Court applied an analytical framework with 19th century origins, distilled in more recent caselaw.[6] A measure may be a revision if it "makes 'far reaching changes in the nature of our *basic governmental plan*'" or, put another way, if it "'substantially alter[s] *the basic governmental framework set forth in our Constitution*.'"[7] Particularly in the preelection context, where the question is whether the initiative may appear on the ballot at all, the court "examine[s] the challenged measure in its entirety."[8] "While a single provision of an initiative may constitute a revision standing alone [citation], a proposed initiative may also be revisionary based on its combined effects. [Citation.]"[9] The analysis is both "quantitative"—looking at how many changes the measure makes—and "qualitative"—looking at how significant the changes are—though since the adoption of the single-subject rule for initiative measures in 1948, cases have "focused primarily on the qualitative analysis."[10]

The analysis of the TPA under this framework was straightforward. The measure proposed to change to the structure of California's government in multiple substantial ways. It "would prevent the Legislature from enacting any new tax without voter approval," and thus "would substantially transform the process for enacting new statewide tax legislation that has existed since the state's founding."[11] It would prevent both state and local governments from delegating fee-setting authority, undoing the modern administrative state by requiring instead that state and local legislative bodies consider and vote on fees currently set by agencies.[12] And it would "subject every revenue-raising measure enacted by state or local governments to voter approval or referendum."[13] It is hardly a surprise that our Supreme Court concluded the TPA would "clearly 'accomplish such far reaching changes in the nature of our basic governmental plan as to amount to a revision' of the Constitution," and therefore "exceeds the scope of the power to amend the Constitution via citizen initiative."[14]

It seems to me the word "clearly" here is significant. The existing analytical framework for distinguishing between amendments and revisions works well enough on cases that are not close. But in the right case, the difference between a *substantial* or *far reaching* alteration to the basic governmental framework and something less than that may be a harder call, ultimately turning on subjective perception. That makes it harder for authors of initiatives to understand how to draft their proposals in a manner that will pass judicial muster. It also may tend to produce judicial decisions that are hard to reconcile with one another.[15]

The thought experiment known as the ship of Theseus also comes to mind. In that thought experiment, Theseus and the youth of Athens returned from Crete after slaying the minotaur in a wooden ship, which was then preserved

1 *Strauss v. Horton* (2009) 46 Cal.4th 364, 414, abrogated on another ground in *Obergefell v. Hodges* (2015) 576 U.S. 644, 685.
2 *Ibid.*
3 *Ibid.*
4 *Legislature of the State of California v. Weber* (June 20, 2024, S281977)___Cal.5th___(*Weber*), 2024 WL 3059632, at *21.
5 *Ibid.*
6 See *Livermore v. Waite* (1894) 102 Cal. 113, 118-119.
7 *Weber, supra,* ___Cal.5th at ___, 2024 WL 3059632, at *8, quoting *Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization* (1978) 22 Cal.3d 208, 223 (Amador Valley) and *Legislature v. Eu* (1991) 54 Cal.3d 492, 510.
8 *Weber, supra,* ___Cal.5th at ___, 2024 WL 3059632, at *9, citing *Amador Valley, supra,* 22 Cal.3d at p. 221.
9 *Weber, supra,* ___Cal.5th at ___, 2024 WL 3059632, at *9, citing *Raven v. Deukmejian* (1990) 52 Cal.3d 336, 340-341 and *McFadden v. Jordan* (1948) 32 Cal.2d 330, 345-346.
10 *Weber, supra,* ___Cal.5th at ___, 2024 WL 3059632, at *8.
11 *Id.* at *11, 13.
12 *Id.* at *20.
13 *Ibid.*
14 *Id.* at *21.
15 I am not the first to make such an observation. See, e.g., Carrillo et al., *California Constitutional Law: Popular Sovereignty* (2017) 68 Hastings L.J. 731, 739 [criticizing current approach as "lack[ing] a reasoned methodology for line drawing"].

by the Athenians for generations. Over time, many pieces of the ship were replaced, one at a time, to the point that philosophers began to ponder: what if at some point the ship no longer shares a single plank with its original self? Is it still the same ship?

It is not hard to imagine a series of initiatives that takes a similar piece-at-a-time approach to changing California's basic governmental framework, or some part of it. Say, the authority of state and local legislatures to generate revenue through taxes and fees. I'm thinking here of Propositions 13, 218, and 26, each of which has passed judicial muster.[16] How substantially and how often do the planks have to change before courts should step in and say this is a revision instead of an amendment?

As best I can tell, the analysis modeled in *Weber* does not yield a satisfactory answer. *Weber* tells us the TPA was too much, too fast, and previous cases tell us Propositions 13, 218, and 26 were not. But this doesn't teach us much about how the next case will come out. In *Weber*, our Supreme Court offered no opinion as to whether "any individual component of the TPA would constitute a revision standing alone."[17] As the philosophers teach us, though, focus on the individual planks of the ship may or may not yield an answer to the question we mean to ask.

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16 See *Weber, supra*, ___Cal.5th at ___, 2024 WL 3059632, at *10-11 [discussing "Proposition 13 and its progeny"]

17 *Id.* at *20.

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The Need for a New Federal Courthouse to Serve the Inland Empire is Even Greater Than We Thought

by Daniel S. Roberts

Frequent readers of this publication may recall the multiple articles I have written for the *Riverside Lawyer* in recent years to bring attention to the extreme need for additional resources for our local Federal Court – the Eastern Division of the Central District of California. You know that the Eastern Division covers all of Riverside and San Bernardino counties, and by population and land mass is larger than nearly half the states. Practitioners in the area are also acutely aware that notwithstanding our size, the Inland Empire is the most under-served region in the country in terms of federal judicial resources. We have the fewest judges per capita – by far – of any state or region. By way of comparison, our community of roughly 4.7 million people is served by now six judges (three Article III District Judges and three Magistrate Judges); and this is massive PROGRESS from where we were only a few years ago. By comparison, the State of Wyoming, with less than 600,000 people, has four Article III District Judges and three Magistrate Judges. Moreover, our six judges have only four courtrooms to share, only three of which have a jury room.

In 2018, I wrote about the lengthy periods our Division has been short staffed with Article III judges to hear our federal cases, the resulting mass reassignment of cases that should be heard here in the Inland Empire instead to judges seated in Los Angeles, and the substantial burden such reassignments put on litigants in our community. In 2021, I was able to report some good news – the appointment of the Hon. John Holcomb as a District Judge seated in the Riverside Federal courthouse – but noted that much worked remained because we were still in dire need of additional Article III judges, and the case reassignments under the Court's "blackout date" system still continued. Last year, I was able to report the good news that the Hon. Sunshine Sykes had been appointed as District Judge, and the Hon. Kenly Kiya Kato was awaiting a confirmation vote on the Senate floor. Since then, we've gotten more good news in that Judge Kato was finally confirmed in November 2023.

While these articles tracked substantial progress on our community finally getting the judicial appointments we have so badly needed for so long, they also raised our next under-resourcing problem – physical space to house the new judges. In 2021, I wrote that the appointment of the third district judge would "only beg[] the question of where he or she [would] actually sit once appointed," but chocked that looming physical-space challenge up to "a nice problem to have [] once we secure another district judge" and kept the focus on the need for a third District Judge. By last year, however, that "nice problem to have" was staring us in the face – we had indeed received our third District Judge appointment, with a fourth pending – but physical space constraints had already cost us one of those jurists when Judge Holcomb moved his chambers to Santa Ana to make room for Judge Sykes to set up court in Riverside. I made the case for our need, as a legal community, to press hard for a new federal courthouse in the Inland Empire, because once Judge Kato was confirmed, we would be rootbound in the current space and unable to add any more judges to address our constantly growing caseload.

While the Court administration, on both the local and national level, foresaw that situation rapidly coming and was already working on a long-term solution (unfortunately a VERY long-term solution – 20 years as explained in my article last year), no one at that time knew just how dire the need was to address the inadequacy of our physical space at the current Riverside federal courthouse. A Christmas surprise revealed that not only is the courthouse too small for our community's needs, it also has substantial security deficiencies.

On the night of December 25, 2023, the Riverside federal courthouse suffered a substantial physical security breach. An individual was able to enter the courthouse after hours by – of all things – opening and entering the front door to the courthouse. Unbeknownst to anyone, neither the front doors nor the perimeter alarm were functioning properly. Additionally, both the interior and exterior video cameras were unmonitored and outdated. And while an interior panic alarm was inadvertently tripped by the intruder, there was no security response. The assailant had his run of the building for hours, traversing multiple floors, stealing and damaging electronic equipment, and generally thrashing the insides of our outlet for the delivery of federal justice. It was not until court staff arrived early the next morning that the individual was scared away.

Thankfully no judges or court staff were harmed physically. This was due only to the fortune of timing, however, being a holiday night. Had it been a regular work day, the odds of a potential confrontation between a judge or court staff with the assailant would have been much greater.

Court staff and the U.S. Marshal's office have been working diligently to plug these security holes, and to discover what others may exist, but the Christmas 2023 security breach has revealed that the current courthouse is not only too small to meet the needs of a federal courthouse for our community, but it is also not secure enough to meet those needs. The need for a new federal courthouse to serve the Inland Empire is even more stark than we previously realized.

Fortunately, some progress is being made in that regard – albeit painfully slowly. The Administrative Office of the U.S. Courts has been working with the General Services Administration (G.S.A.) nationally to increase the capacity to complete feasibility studies for new courthouse projects, the next step on our journey to a new facility. It is now expected that the feasibility study for the Riverside federal courthouse project should begin in late 2025. While that is progress (last year we were looking at four more years to get our feasibility study; now that has potentially been shortened to two more years), it is still far too long. More importantly, an even bigger problem awaits once we get our feasibility study. There are already several other courthouse projects nationwide with completed feasibility studies that are awaiting project funding from Congress. Most of the top four projects on that list have been awaiting funding for 3-4 years, and remain waiting because in each of the past several years Congress has appropriated only a fraction of the need for those projects. Meanwhile costs of land acquisition, building materials, and labor only go up. The longer it takes to fund those projects,

the more expensive they get. The longer it takes to complete funding for those projects, the longer it will be before Congress even considers our project. While the urgency of our project is readily acknowledged by the Court administration, and we therefore should be able to move near the top of the waiting list once our feasibility study is complete, we are not likely to see any funding until the projects currently only partially funded get the rest of the needed Congressional appropriations.

Robust federal courts are of course fundamental to our system of government. That system cannot exist without adequate (and secure) physical space for the court itself. Our local Representatives in Congress have expressed strong support for a new federal courthouse in the Inland Empire, but it is going to take dedicated and sustained financial support from the whole of Congress to make that happen by fully funding the courthouse construction program nationwide. This is admittedly no small task. Hundreds of millions of dollars will be required overall. Our community must therefore continue to press our elected officials on the importance of this project if we in the Inland Empire are ever going to get our fair share of federal judicial resources.

Dan Roberts is the office managing partner of Cole Huber LLP's Southern California office in Ontario. He practices frequently in federal court and is a member of the Board of Directors of the Inland Empire Chapter of the Federal Bar Association, and is a past president of the board.

Another Momentous Term in the Supreme Court

by Dean Erwin Chemerinsky

By any standard, it was another momentous term in the United States Supreme Court. It was a year in which the justices were often deeply divided. There were a total of 59 opinions, and 23 were 6-3 and another five were 5-4.

Of course, the most apparent division was between the six conservative justices and the three liberal justices, and that split was crucial in some of the most important cases, particularly at the end of the term. Then there were the 6-3 decisions with Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch in dissent, as they are now clearly the most conservative justices on a conservative Court.

But even in cases where the Court was unanimous or nearly unanimous, there often were many different opinions. In *United States v. Rahimi*, the Court, 8-1, upheld a federal law prohibiting those under restraining orders in domestic violence cases from having guns. But there were seven different opinions.

Beyond all of this, there was the tone of many of the opinions. The justices often seemed angry, not just at the results, but with one another.

In terms of individual justices, this year showed that it is clearly the Roberts Court. John Roberts was in the majority more than any other justice, 96 percent of the time. He also wrote many of the most important opinions, including *Trump v. United States*, two crucial decisions restricting administrative agencies, and *United States v. Rahimi*.

It was a term when Justice Barrett's emerged as a distinctive voice. Occasionally, she joined the liberal justices, such as writing the dissent in *Fischer v. United States*, which involved the federal statute used in the January 6 insurrection prosecutions. In some notable cases, she wrote separately to offer a more moderate view than the other conservatives justices, most notably in the two cases involving Donald Trump, *Trump v. Anderson* and *Trump v. United States*. To be sure, she was with the conservatives in virtually every ideologically divided 6-3 decision.

Justice Thomas continued to write separately in a number of cases to urge the overruling of precedents. Justice Alito seemed especially angry, especially in some of his dissents. Justices Sotomayor, Kagan, and Jackson each had occasions for writing blistering dissents.

These are the cases that I regard as most important.

Abortion. For the first time since it overruled *Roe v. Wade* two years ago, the Court faced issues with regard to the availability of abortions. Neither case involved a constitutional right to abortion and neither was decided by the Supreme Court on the merits. In *Food and Drug Administration v. Alliance for Hippocratic Medicine*, the Supreme Court unanimously dismissed a lawsuit on standing grounds that challenged the FDA's rules that made mifepristone – a drug to induce abortions – more readily available. In an opinion by Justice Brett Kavanaugh, the Court ruled that no plaintiff in the case could show an injury from the FDA's actions.

In *Moyle v. United States*, the Court dismissed as certiorari having been improvidently granted a case that posed the issue of whether a federal statute — the Emergency Medical Treatment and Labor Act — which the Biden administration has interpreted to require abortions to protect the health of a pregnant person, preempts an Idaho law that allows abortions only to save someone's life. Although the Court dismissed the case apparently on the grounds that the federal court of appeals had not yet ruled, there were four different opinions and three justices (Alito, Thomas, and Gorsuch) dissented and would have ruled in favor of Idaho.

The Administrative State. The term was especially important in the Court narrowing the powers of administrative agencies. In *Securities and Exchange Commission v. Jarkesy*, the Court, in a 6-3 decision, held that it violates the Seventh Amendment right to jury trial for administrative agencies to impose civil penalties. Chief Justice Roberts wrote the opinion for the Court. Justice Sonia Sotomayor wrote a strong dissent for the liberal justices, noting that this will affect the powers of over a dozen agencies under over 200 federal laws.

In one of the most high-profile decisions of the year, *Loper Bright Enterprises v. Raimondo*, overruled the 1984 decision, *Chevron, USA v. Natural Resources Defense Council*, which held that federal courts should defer to federal agencies when they interpret ambiguous federal statutes. Chief Justice John Roberts wrote for the Court in a 6-3 decision and said that "the reviewing court – not the agency whose action it reviews — is to decide all relevant questions of law and interpret . . . statutory provisions." Justice Elena Kagan wrote for the dissenting justices and said that this is likely to produce a "large scale disruption." She explained that Chevron deference has been a crucial part of "modern government, supporting regulatory efforts of all kinds – to name a few, keeping air and water clean, food and drugs safe, and financial markets honest."

Criminal Law. In *City of Grants Pass v. Johnson*, the Court held, 6-3, that it does not violate the Eighth Amendment for a city to apply its anti-camping ordinances to criminally prosecute unhoused individuals for sleep-

ing in public. In an opinion by Justice Gorsuch, the Court reversed the Ninth Circuit, which held that it is cruel and unusual punishment for the government to punish people for sleeping in public when there are not adequate shelter beds. Justice Sotomayor wrote a blistering dissent and said that the decision means that for the homeless the message is "[e]ither stay awake or be arrested."

In *Fischer v. United States*, the Court again 6-3, but this time with Justice Barrett writing a dissent joined by Justices Sotomayor and Kagan, narrowed the scope of a federal law that had been used in the prosecution of individuals involved in the January 6 insurrection. A provision of federal law, 18 U. S. C. §1512(c)(1), prohibits anyone who "otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so." The Court said that this is limited and the government must establish that the defendant impaired the availability or integrity of records, documents, objects, or other things used in an official proceeding, or attempted to do so. This case involved a defendant from the January 6 insurrection and will affect many convictions for actions on that day.

First Amendment. The most closely watched free speech case, *Moody v. NetChoice* left undecided whether states can prohibit social media companies from engaging in content moderation. In an opinion by Justice Elena Kagan, the Court said that this was a facial challenge to Florida and Texas laws, but the lower courts had not engaged in the proper analysis and sufficiently examined the full reach of the laws. Although the cases were remanded to the courts of appeals, the Court made clear that social media companies are private entities and generally have the First Amendment right to decide what to include or exclude on their platforms. This indicates a great likelihood that the state laws ultimately will be struck down, something that drew a strong disagreement in opinions by Justice Alito and Justice Thomas concurring in the judgment.

Second Amendment. In *United States v. Rahimi*, the Court upheld the constitutionality of a federal law that makes a crime for a person under a restraining order in a domestic violence case from having a firearm. The Court's held that a person can be prohibited from having a gun "once a court has found that [the individual] represents a credible threat to the physical safety of another."

Although it was an 8-1 decision, with only Justice Thomas dissenting, there were six opinions in the case. The Court adhered to its approach from *New York State Rifle and Pistol Association v. Bruen*, that gun regulations are allowed only if supported by history and tradition. But the justices sharply disagreed on how a court should apply this originalist approach.

Donald Trump. In *Trump v. Anderson,* the Court ruled that Donald Trump was not disqualified from being elected president by Section 3 of the Fourteenth Amendment. In a per curiam opinion, the Court ruled that it is not for the states to enforce Section 3, but rather there must be a federal statute. Although the result was unanimous, Justices Sotomayor, Kagan, and Jackson filed an opinion concurring in the judgment, which had the tone of a dissent. Justice Barrett wrote an opinion concurring and concurring in the judgment, chastising these justices and said "this is not the time to amplify disagreement with stridency. . . Particularly in this circumstance, writings on the Court should turn the national temperature down, not up."

Finally, in what many will regard as the most important case of the term, *Trump v. United States*, the Court broadly defined the scope of an ex-president's immunity from criminal prosecution. In an opinion by Chief Justice John Roberts, the Court said that a president has absolute immunity for his official acts. The Court expansively defined this as anything done in carrying out the constitutional powers of the president or in implementing a federal statute. The conservative majority then went further and said that there is "at least a presumptive immunity from criminal prosecution for a president's acts within the outer perimeter of his official responsibility." And Chief Justice Roberts said that a court cannot look at a president's motives.

Justices Sotomayor and Jackson each wrote blistering dissents. Justice Sotomayor explained the scope of the decision: "Orders the Navy's Seal Team 6 to assassinate a political rival? Immune. Organizes a military coup to hold onto power? Immune. Takes a bribe in exchange for a pardon? Immune. Immune, immune, immune." Justice Sotomayor in her dissent says that the Court's decision "in effect, completely insulate Presidents from criminal liability."

At a time when our country is deeply divided, it should be no surprise to see similar schisms on the Supreme Court. The conservative and liberal justices look at the law and our society so very differently. And that will surely continue for years to come.

Dean Erwin Chemerinsky is the dean and Jesse H. Choper Distinguished Professor of Law, University of California, Berkeley School of Law.

NOTICE

Notice is hereby given that the RCBA Board of Directors has scheduled a "business meeting" to allow members an opportunity to address the proposed budget for 2025. The budget will be available after August 9. If you would like a copy of the budget, a copy will be available at the RCBA office.

Tuesday, August 13
at 5:15 p.m.
Zoom

Opposing Counsel: Krystal Lyons

by Linda A. Lindsay

Serving as the 2024 president of the Inland Empire Chapter of the Federal Bar Association is a position that Krystal Lyons is proud to hold. She is halfway through her term, which will end December 31, 2024. Through her leadership, the Inland Empire Chapter continues fulfilling its' goal to provide improved access to justice for Inland Empire residents by supporting the judges who preside at the George E. Brown, Jr. Federal Courthouse in Riverside, court administration, and local attorneys. The Chapter supports the legal community by offering continuing legal education programs. The Chapter's annual events are: a Constitutional Law Forum led by Dean Chemerinsky; a bi-annual writing deminar "How to Make a Brief Engaging" which is facilitated by Judge June Rosenbluth; and Judges' Night and Installation of Officers, which is held yearly at the Historic Mission Inn.

Krystal Lyons

This year Krystal traveled to Washington, D.C., where she participated in the Federal Bar Association's Capitol Hill Day. As a representative of the Inland Empire Chapter, she met with members of Congress to promote the needs of the Central District Courts, which includes the need for a new federal courthouse in Riverside. Krystal encourages local attorneys to get involved with the Chapter and emphasizes that the Chapter is always accepting new members (fedbar.org/inland-empire-chapter).

Krystal's legal journey began in the state of Michigan. She was born in Detroit, Michigan; and she has one brother and one sister. Most of her family still resides in the metropolitan Detroit area. After graduating from high school, Krystal attended Western Michigan University, where she graduated in 1995 with a Bachelor's Degree in Business Administration. After working as a business professional for a couple of years, she thought of her professional future and decided she wanted more control. Krystal made a strategic decision to pursue a career in law. In 1997, she attended Wayne State University Law School in Detroit Michigan.

Krystal graduated from Wayne State University in 2000, and she began her career as an attorney at Howard & Howard, PC, where she had served as a law clerk while attending law school. Krystal accepted opportunities at a few other firms before ultimately spending seven years at Williams Acosta, PC, where her practice consisted of commercial litigation, eminent domain, employment law, environmental law, and transactional business matters. She practiced in Michigan from 2000-2010. In 2011, Krystal went to North Carolina to visit her friend, James Dinco, for what was supposed to be a short trip; she never left. She and James have been married for thirteen years. They have two sons and three cats. While in North Carolina, Krystal continued working long distance. Krystal and James remained in North Carolina until 2012 when they relocated to Savannah, Georgia. Krystal took the Georgia Bar and passed. Once licensed in Georgia she opened the Krystal N. Lyons Law Firm in Savannah, Georgia.

In 2013, Krystal received a phone call from a law school classmate who worked at the University Of La Verne College Of Law in La Verne, California. The law school was hiring a new dean and increasing its faculty and staff in connection with its efforts to seek accreditation from the American Bar Association. The classmate encouraged Krystal to apply for a position in the law school's Center for Academic and Bar Readiness. Krystal applied, was hired as an instructor, and one year later she took and passed the California Bar. In 2014, she was promoted to director of external relations, and in 2017, Krystal was promoted to director of operations and budget, where she held responsibility for a myriad of administrative duties including leading the student affairs and career services department and overseeing the law school's day-to-day operations. During her time at the University of La Verne, Krystal earned her Doctorate of Education in Organizational Leadership. In the academic world, she is addressed as Dr. Lyons. While at the University, Krystal enjoyed teaching and working with the faculty, staff, and students.

In February 2020, Krystal took a position with the San Bernardino County Superior Court as general counsel/director of legal research. The transition to her new job was approximately one month before the 'lockdowns' during the early stages of the COVID-19 pandemic. This was a period when the United States, along with numerous countries, implemented interventions such as stay-at-home orders, curfews, quarantines, cordons sanitaires, and similar societal restrictions. These restrictions were established with the intention to reduce the spread of SARS-CoV-2, the virus that causes COVID-19. By April 2020, about half of the world's population was under some form of lockdown, with more than 3.9 billion people in more than 90 countries or territories having been asked or ordered to stay at home by their governments. The courts were not immune; Krystal states it was a trying time, but the leadership of the San Bernardino County Superior Court worked hard and were diligent in developing procedures to keep the employees, attorneys, and the public safe. She held the position until June 2023. Working for the courts was interesting and challenging, yet enjoyable. Overcoming challenges and obstacles professionally and with a smile is one of Krystal's strengths.

Krystal is currently employed with the firm Stream, Kim, Hicks, Wrage and Alfaro located in Riverside. The firm handles a variety of matters, but Krystal's primary practice areas are commercial litigation, business law and employment defense. She loves litigation and is honored to be part of the team.

How does she like California? Krystal and James have adjusted to our great state. When she does find time to relax, Krystal calls herself 'A Gamer.' She loves playing video games. Her favorite video game is Fall Out: New Vegas. She also enjoys reading and listening to audible books about history.

In addition to serving as the 2024 President of the Inland Empire Chapter of the Federal Bar Association, Krystal also serves on the board of the Joseph B. Campbell Inn of Court, where she serves as co-chair of community outreach, and she is chair of the Health & Wellness subcommittee of the Federal Bar Association's Professional Development Committee. Krystal is an advocate for attorney civility, professionalism, and ethics in the legal profession.

Linda A. Lindsey, is president of Lindsey Law, A.P.C. San Bernardino, a boutique law firm serving all of Southern California in areas of family law, probate, guardianship and conservatorship, bankruptcy, criminal, and business transactional law.

Graduation of 2023-2024 Class of the RCBA-Riverside Superior Court New Attorney Academy

by Robyn Lewis

The New Attorney Academy, which is a joint collaboration by the Riverside County Bar Association (RCBA) and the Riverside County Superior Court, and with the assistance of the Inland Empire Chapter of the American Board of Trial Advocates (ABOTA), is pleased to announce the graduation of its ninth class.

The purpose of the New Attorney Academy (Academy) is to provide professional guidance and counsel to assist newly admitted attorneys in acquiring the practical skills, judgment, and professional values necessary to practice law in a highly competent manner, and to encourage sensitivity to ethical and professional values that represent the traditions and standards of the Inland Empire legal community.

This year, the Academy began its term in October with the curriculum taught by judges and noted attorneys in the community. Topics of the classes included an introduction to the legal community, a practical and intensive primer on pleadings, depositions and discovery, an introduction to practicing in court (court appearances, legal writing, and research, pet peeves of the bench, etc.), transition into practice (dealing with clients, how to successfully participate in ADR, relations with other attorneys, case management, etc.). Students were given tours of the Historic Courthouse, including a "behind the scenes look" at the clerk's office, the Family Law Court, and the Court of Appeal, which was personally given by Associate Justice Richard T. Fields. The students enjoyed an introduction to trial that included an interactive class on voir dire, tips on openings, closings, and direct and cross examinations from some of the most notable trial attorneys in the Inland Empire.

At every session, the class attended the monthly RCBA general membership meeting, which allowed the members to interact with the legal community. At the May meeting, the academy members were recognized for their participation and received a graduation certificate.

Once again, the Academy was an enormous success, which is due in large part to the efforts of the Riverside County Superior Court and members of ABOTA, most particularly, Judge John Vineyard, Judge Randall Stamen, Judge Irma Asberry, Judge Jackson Lucky (retired), Judge Sophia Choi, Greg Rizio, Megan Demshki, and Elisabeth Lord.

If you are interested in obtaining more information about the 2024-2025 New Attorney Academy, please contact Charlene Nelson at the RCBA or Robyn Lewis at robynlewis@jlewislaw.com.

Robyn Lewis is with the firm of J. Lewis and Associates, APLC, chair of the New Attorney Academy and a past president of the RCBA.

RCBA Probate Section is Alive and Well

by Jeremiah Raxter

The Probate/Elder Law Section of the RCBA hosted its inaugural MCLE marathon on May 3, marking what is hoped to become an annual event. This marathon provided participants with an opportunity to accrue five hours of MCLE credits, including ethics and bias, in a single day.

The successful execution of the MCLE marathon was spearheaded by section chair, Jeremiah Raxter, and was made possible by the generous support of the Riverside County Superior Court probate examiners, court staff, the Public Guardian/County Counsel, and Mr. Sam Price. Additionally, the event received sponsorship from Blanca Alfaro of Cal Bank, who graciously provided breakfast, a substantial lunch, and afternoon snacks for all attendees. To enhance the learning experience, each participant received a binder containing relevant handouts.

The marathon garnered significant interest, attracting a total of 71 attendees, including 2 attorneys and 11 legal staff who joined the RCBA as part of their attendance. Beyond its

educational value, the event also served a philanthropic purpose by raising funds for the local chapter of the Alzheimer's Association. This blend of professional development and community support made the MCLE marathon a truly impactful and rewarding experience. If you practice in the areas of probate or elder law, please come join our section.

Jeremiah Raxter is principal attorney with RAXTER LAW, P.A., practicing in all areas of probate and probate litigation, and he is the co-chair of the RCBA Estate Planning, Probate and Elder Law Section..

CLASSIFIEDS

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Available opportunity for a Civil Litigation/Premises Liability Attorney to join our highly successful civil litigation team. Potential candidates must possess a strong background in civil litigation and/or premises liability matters (at least 5 years of premises liability and/or insurance defense experience). The following are requirements for this position: Prior civil litigation experience; Insurance defense experience; Excellent written and oral communication skills; Excellent organizational and interpersonal skills; Acute attention to detail and ability to multi-task; Must have initiative, be able to act decisively, work independently and exercise excellent and ethical judgment. Competitive salary with performance bonuses. Great benefit package including Health, Dental, Vision, Life and Disability Insurance, paid parking, and a great working environment. Salary Range $120,000 to $160,000 per year based on experience. Please send resumes to vb@varnerbrandt.com.

Wanted: Corporate Transactional Attorney
Available opportunity in our Riverside office for a corporate transactional attorney to join our highly successful corporate/real estate transactional team. Potential candidates must have a minimum of three years of business and transactional law practice experience (practice areas include: mergers and acquisitions, commercial contracts, real estate development, conversions, and business formation). The following are requirements for this position: Prior business/transactional experience; Excellent written and oral communication skills; Excellent organizational and interpersonal skills; Acute attention to detail and ability to multi-task in a fast-paced culture; Must have initiative, be able to act decisively, work independently and exercise excellent and ethical judgment. Salary Range $150,000 to $200,000 per year based on experience. Please send resumes to vb@varnerbrandt.com.

Part-Time Bookkeeper Position
RCBA is looking for a part-time bookkeeper. Contact Charlene at 951-682-1015 or 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.

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@riverside-countybar.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 July 30, 2024.

Michael Cazares – Law Student, Riverside
Keaton A. Choi – Reid & Hellyer, Riverside
Janinda Gunawardene – Office of the District Attorney, Riverside
Elena G. Harinck – Inland Counties Legal Services, Ontario
Brittany L. Hernandez – Cor Meum Law, San Marcos
Rajinder Singh Kalsi – Solo Practitioner, Fontana
Soo J. Kim – Howe Engelbert, Los Angeles
James M. Kosareff – Copenbarger & Copenbarger, Santa Ana
Kevin Lee – Law Student, San Jacinto
Jennifer L. Nagel – Law Office of Jennifer L. Nagel, Glendale
Matthew E. Ramirez – Solo Practitioner, Rancho Cucamonga
Daniel S. Reilly – Law Office of Melissa E. Reilly, Menifee

CALENDAR

AUGUST

21 Estate Planning, Probate & Elder Law Section Meeting

Noon, RCBA Gabbert Gallery

Speaker and Topic TBA

MCLE

SEPTEMBER

19 RCBA Annual Installation of Officers Dinner

5:30 pm Social Hour, 6:30 pm Dinner

Mission Inn

3649 Mission Inn Avenue, Riverside

Events Subject To Change
For the latest calendar information please visit the RCBA's website at **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 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 $30.00 and single copies are $3.50.

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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