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Know About Riverside County*





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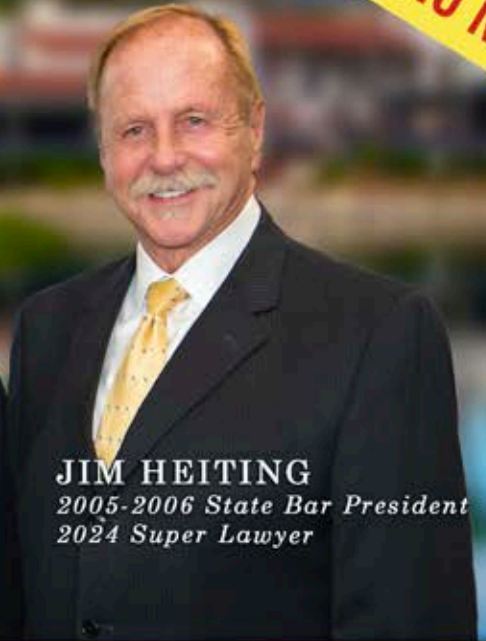
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MAGAZINE

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BARRISTERS

President's Message

by Summer M. DeVore



Happy fall y'all! Pumpkin spice season is finally here. While summer will always be my favorite season (yes, I was appropriately named), I appreciate the cooler weather that fall brings as we head towards the holiday season. Not to mention football season!

This time of year, also reminds me of the waiting period after the bar exam. It was not that long ago that I was eagerly waiting for my results. It was the Friday before Thanksgiving, and I was struggling to stay busy as I counted down the hours until the results were scheduled to be released. When the time finally came, I typed in my information, hit enter, and closed my eyes. When I finally got the courage to fully look at the screen, I was ecstatic! All the months of studying had paid off and I had achieved my goal of becoming an attorney.

I thought waiting for bar exam results was nerve-racking. But after I passed, I felt a different wave of anxiety (i.e., imposter syndrome). Fortunately, this feeling was short-lived, and my confidence quickly grew. I was able to form and build relationships with several attorneys (from the firm I work at in Riverside and through the RCBA) who have provided invaluable guidance and mentorship. I participated in the RCBA New Attorney Academy, where I was introduced to local judges and practiced skills in a supportive setting. I also started attending Barristers events, where I met other new attorneys, who I discovered were going through the same "new attorney struggles" as me. None of this would have happened if I did not take the first step to get involved.

So, what's the moral of my story: Get involved! Whether it be through Barristers or another bar association or legal organization, you will not regret it! The camaraderie this legal community has to offer is special and it is the beauty of practicing in Riverside County. **Join us at our upcoming events!**

Speaking of getting involved, the Barristers Board is busy brainstorming ideas and putting things into motion for this term. Below please find our current upcoming events:

- Joint Bar "Happy Hour" Mixer: Thursday, October 24 beginning at 5:00 p.m. at Lake Alice Trading Co. Bar and Grill located at 3616 University Avenue, Riverside.

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

Barristers Board Spotlight: Nolan B. Kistler, 2024-2025 Secretary

Nolan is an attorney at the Law Offices of Harlan B. Kistler where he practices personal injury and estate planning. This is Nolan's second year on the Barristers Board. Outside of law, he enjoys coaching high school wrestling and competing in jiu jitsu competitions. This Riverside native loves his hometown and is grateful to be a part of such a welcoming and special legal community. His goal is to continue to foster community involvement by inviting attorneys, students, friends, and family to enjoy the many fun events the Barristers has to offer. He and his wife, Katarina, are expecting a son in November of this year!

Stay up to date by following us!

For upcoming events and updates, please visit Barristers:

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

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How Probate Can Affect a Real Estate Transaction

by Elizabeth Miffleton and Veronica Foster

When dealing with real estate transactions, especially those which are probated, it is crucial to seek the assistance of a knowledgeable and experienced real estate agent. Probate is the legal process of distributing a deceased person's assets, including real estate, as per their will or according to state laws if there is no will. Navigating probate can be complex and time consuming, which is why having a real estate agent specializing in probate transactions can be immensely beneficial.

Probates Impact on Real Estate Transactions

Probate can have a significant impact on real estate transactions, and there are several ways in which it can affect the process:

1. **Delays.** Probate proceedings can cause delays in the sale of the property. The process involves the validation of the will, appraisal of the property, settling debts and taxes, and distribution of assets to heirs. These steps can take months or even years to complete, delaying the real estate transaction.
2. **Legal Complexities.** Probate proceedings involve legal requirements and procedures that must be followed diligently. Failure to comply with these requirements can lead to legal disputes and further delays in the sale of the property.
3. **Title Issues.** During probate, issues related to the title of the property may arise. These issues can include unresolved liens, disputes over ownership, or conflicting claims by heirs. Resolving these title issues is essential for the successful sale of the property.
4. **Market Uncertainty.** The uncertainty and delays associated with probate can deter potential buyers from making an offer on the property. This can lead to a prolonged listing period and decrease the likelihood of a successful sale.

Navigating Probate's Impact on Real Estate Transactions

To navigate these challenges effectively it is advisable to work with a real estate agent who specializes in probate transactions. These agents have the expertise and experience to guide you through the probate process and ensure a smooth and successful real estate transaction. Here are some benefits of using a real estate agent that specializes in probate:

1. **Expertise.** Real estate agents specializing in probate transactions have a deep understanding of the legal and procedural aspects of probate. They

can provide valuable insights and guidance to navigate through the complexities of the probate process.

2. **Network of Professionals.** A specialized real estate agent typically has a network of professionals, including probate attorneys, appraisers, and title experts, who can help expedite the probate proceedings and resolve any issues that may arise.
3. **Market Knowledge.** A real estate agent specializing in probate transactions is familiar with the local real estate market and accurately assesses property values to ensure that property is competitively priced to attract potential buyers.
4. **Marketing strategies.** Specialized real estate agents have tailored marketing strategies to reach potential buyers interested in probate properties. They can effectively market the property through targeted channels, such as probate listings and real estate auctions.

A Real-Life Case Study

In the world of real estate, every transaction comes with its own set of challenges. However, some cases require exceptional expertise and perseverance to navigate through complex situations. This is a case study of an estate that encountered numerous obstacles during the process of managing and selling its properties. Despite the difficulties, the estate was able to achieve success with the help of a dedicated team with specialized skills.

- **The Estate and its Challenges:** The estate in question consisted of five properties, each presenting a unique set of challenges. Two properties were occupied by close family friends, while the other two were rented out to tenants. One of the properties had a severe hoarding problem. One of the properties occupied by close family friends was titled in the name of a partnership, adding an additional layer of complexity, the partner was still alive.
- **Honoring the Decedent's Wishes:** The primary objective of the estate was to honor the decedent's wishes and treat all tenants with respect. The family wanted to provide the tenants with the first right of refusal, giving them the opportunity to purchase the units. However, this process required the agreement of all tenants on the purchase price, obtaining loan approvals, and writing the offer. Despite being offered the chance to buy the prop-

erties, the tenants were dissatisfied with the terms, leading to delays and further negotiations.

- **Expressive and Time:** Handling such a complex situation required a considerable amount of time and expertise. A team of experts, including real estate professionals, legal advisors, and property management specialists, were assembled to tackle the challenges. Their collective knowledge and experience were instrumental in finding solutions and guiding the estate through the intricate process.
- **The Hoarding Problem:** The vacant property with the hoarding problem presented an entirely different set of obstacles – a house with over 20 years of hoarding. The house was full of floor to ceiling with what could have easily been dismissed as trash. However, with the help of a dedicated team of experts, the estate was able to identify valuable items buried with the debris. This discovery proved to be a turning point, as the estate made an additional \$200,000 from the sale of these items. The expertise of the team in handling such situations ensured that the estate maximized its total returns.
- **Financial Support:** Overcoming the obstacles faced by the estate required significant financial resources. Here, the real estate broker agents associated with the estate fronted approximately \$150,000 to cover various expenses throughout the process. This financial support was crucial in ensuring that the estate had the resources necessary to address the challenges effectively.

Conclusion

Despite the numerous obstacles encountered, the estate's properties were eventually sold at a fair market value, marking a successful outcome. This case study highlights the importance of specialized skills, expertise, and a dedicated team in overcoming complex real estate challenges. It also emphasizes the significance of financial support in navigating through such situations. This case further serves as a testament to the resilience and determination required to achieve success in the face of adversity within the real estate industry.

Summary

Probate can have a significant impact on real estate transactions. Managing an estate is an emotional and complicated task involving financial constraints, family conflict, repairs, and out-of-area management, all of which contribute to the challenge of selling an estate. The burden often creates a situation that can quickly get out of hand. Therefore, it is crucial to have a team of professionals who understands the processes and procedures integral to probate and real estate sales..

Elizabeth Miffleton and Veronica Foster are both sisters and professional partners at Trust Properties USA. Together they have successfully built a reputation as trusted probate and trust specialists in the region helping hundreds of families maximize the equity in their family homes. Their heartfelt drive and passion enable them to serve their clients' best interest and help them realize the best possible outcome. They share a love for their community and are members of the Riverside County Bar Association, as well as several local estate planning organizations.

Trust Properties USA has over 20 years of experience specializing in probate and trust estates in California and Florida. Our agents have the expertise to handle every case effectively, ensuring the most value at the close of each sale. We sincerely value your business. We are grateful for the opportunity to serve our clients, and help families navigate each transaction successfully.



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Mufasa – A Terrible Estate Planner

by Andrew Gilliland

With the recent death of James Earl Jones, the voice of Mufasa from Disney's *The Lion King*, it pains me to say that as Mufasa, he voiced one of the worst attempts to create an estate plan that led to pain, suffering and literal bloodshed.¹ For those not familiar with *The Lion King*, Mufasa is the King of the Pride Lands and is married to Sarabi. In the opening sequence, Simba, the only offspring of Mufasa and Sarabi, is introduced as the apparent heir to the Pride Lands. Mufasa's brother (and the film's villain), Scar, laments that with Simba's birth "I will never be king" while acknowledging that he "was first in line until the little hairball was born." Mufasa's desired estate plan was to have Simba not only take his place as the dominant male lion in the pride, but also to inherit the Pride Lands as evidenced by the exchange below that Mufasa has with the young Simba:

Mufasa: "Look Simba everything the light touches is our kingdom. One day Simba, the sun will set on my time here and rise with you as the new king."

Simba: "This will all be mine?"

Mufasa: "Everything."

Mufasa's desire to bypass his wife Sarabi, who would be entitled to her community share in the Pride Lands, only works if Mufasa inherited the Pride Lands and maintained their separate property status during his marriage to her. Mufasa could have also had Sarabi sign a premarital agreement. As a general rule, marital property agreements are permitted under Section 1500 of the California Family Code. The California Family Code also has a codified premarital agreement act found in Article 2 Sect. 1610 et seq. The basic definition is that a premarital agreement is "an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage." It must be in writing and signed by both parties and becomes effective only upon marriage. For the premarital agreement to be effective it must be:

- Executed voluntarily;
- Not be unconscionable when it was executed as determined by a court of law;
- The product of a fair, reasonable, and full disclosure of the property or financial obligations of the other party unless there was a voluntary and express waiver, in writing of the right to disclosure of the property or financial obligations of the other party; and
- Executed not sooner than seven days from the presentation of the premarital agreement.

The determination of voluntariness includes an analysis of the factors set forth in Section 1615(c) of the California

Family Code such as whether there was independent legal counsel, or a waiver was signed after the opportunity to discuss with legal counsel was provided. There also cannot be any "duress, fraud, or undue influence." In the absence of factors such as these, a premarital agreement under Section 1612 of the California Family Code may cover "The rights and obligations of each of the parties in any of the property of either or both whenever and wherever acquired or located."

Unfortunately, the writers of *The Lion King* fail to let us know whether there was a premarital agreement between Mufasa and Sarabi leaving the viewer to assume that Mufasa failed to have Sarabi enter into such agreement, which could potentially counter his stated desire for Simba to have "everything."

Mufasa's Oral Will

While Mufasa did state to Simba that he wanted Simba to have "everything," oral wills are not valid in California. Neither are video wills. Section 6110 of the California Probate Code states that "a will shall be in writing" and must satisfy the following:

- Be signed by the testator or at their direction and in their presence.
- Signed by a conservator on behalf of the testator with a court order authorizing such signing.
- Witnessed by two people that witness the signing or to whom the testator acknowledges the signing who also know what is being signed.

Section 6111 of the California Probate Code does provide a single exception to this requirement which comes in the form of a holographic will. A holographic will requires that the testator sign the instrument and that the main dispositions be in the testator's own handwriting. (See Section 6111 of the California Probate Code).

Once again, Mufasa failed on both accounts. There was no written will that was witnessed. There was no holographic will signed by Mufasa. Mufasa simply stated his desires without taking steps to make sure that they were realized and ultimately left Simba a potential lawsuit to determine if he was entitled to any inheritance from Mufasa's estate.

Sarabi v. Simba or In re Simba?

Without a will or a trust, Mufasa would die intestate leaving it up to the California Probate Code to dictate who is entitled to what part of his estate. Section 6401 provides that Sarabi would be "the one-half of the community property that belongs to the decedent." Thus, if the Pride Lands are community property, Sarabi gets "everything" leaving Simba to wait as the "next in line." If the Pride Lands are separate property, Sarabi and Simba would each receive one-half of Mufasa's interest in the Pride Lands.

Since Simba is a minor, a guardianship would need to be established with respect to Simba's ownership in

¹ For the purposes of this article, the assumption is that if animals can talk, socialize, and organize as humans they can also legalize as humans.

the Pride Lands. As the biological parent of Simba, Sarabi would likely be appointed as Simba's guardian. Scar might file an objection and a petition to have him appointed as Simba's guardian over Simba's interest in the Pride Lands. Scar might try to argue that as Mufasa's brother and the dominant male lion in the pride, Scar is better suited to make decisions for Simba with respect to the Pride Lands. Scar could argue that he is the de facto guardian over the Pride Lands due to his dominant male lion status and that the court should simply recognize the status quo by appointing him guardian of the estate for Simba.

Simba the Slayer

Scar initially tried to remove young Simba as the heir by having hyenas attack and kill him. When that did not work, Scar came up with a plan to kill Mufasa and make it look like Simba was the murderer. When Mufasa is trampled to death by a stampede, Scar says to the young Simba as he looks over Mufasa's lifeless body: "Simba, what have you done? What will your mother think? Runaway . . . Murderer." Scar essentially invoked what is colloquially called a "slayer statute" which prohibits the slayer from inheriting as a result of their actions.

In California, the "slayer statute" has been codified in Section 250 of the California Probate Code stating that as a "murderer" Simba would not be entitled to "[a]ny property, interest, or benefit under a will of the decedent, or a trust created by or for the benefit of the decedent" or "[a]ny property of the decedent by intestate succession." If Simba was Mufasa's "murderer," Simba would take nothing leaving it all to Sarabi, who Scar controls as the dominant male lion in the pride. Simba flees believing that he was at fault for his father's death and thus has no interest in the Pride Lands.

The Circle of Justice

After fleeing because he believes that he murdered his father, Simba finds a carefree life with new friends Timon and Pumba and has "no worries." Unfortunately, this bliss did not last, and Simba returned to the Pride Lands to claim his inheritance after reconnecting with his childhood friend, Nala, and being hit upside the head by Rafiki, the Pride Lands trusted advisor. Nala begs Simba to return because the Pride Lands had been destroyed during Scar's usurpation of Simba's reign. Upon seeing the decimated Pride Lands, Simba realizes that "this is my kingdom. If I don't fight for it who will." Justice is served when Simba confronts Scar and learns the truth that Scar killed Mufasa and blamed it on him. Simba also gets Scar to blame the hyenas who turn on Scar leading to his death.

Mufasa's stated desire to leave Simba everything nearly ruined the entire Pride Lands and caused many unnecessary deaths and much suffering, which was counter to Mufasa's desire to continue the Circle of Life. If Mufasa had used a living trust with separate property provisions agreed to by Sarabi, he could have avoided this suffering and provided for an efficient transformation of power and the Pride Lands to Simba. Instead, Mufasa will be remembered as one of the worst estate planners ever!

Andrew Gilliland is a solo practitioner and the owner of Gilliland Law, APC. Andrew is the former co-chair of the RCBA's Solo & Small Firm Section, the Estate Planning, Probate and Elder Law Section and a member of the RCBA's Publications Committee.



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The Conservatorship of Mary Todd Lincoln

by Jeremiah Raxter

Mary Todd Lincoln, the widow of President Abraham Lincoln, is a figure remembered for her complicated personal life and her perceived mental health struggles following the assassination of her husband in 1865. Her life after the White House was marked by understandable and profound grief, financial difficulties, and personal suffering. The most public manifestation of this turmoil occurred in 1875, when she was declared legally insane and placed under a conservatorship by her only surviving son, Robert Todd Lincoln. The case of Mary Todd Lincoln's conservatorship remains one of the most famous and controversial legal actions of its kind in American history, highlighting the intersection of mental health and legal rights in the 19th century.

Mary Todd Lincoln's mental health issues appear to have manifested throughout her lifetime. She lost her mother at the age of six and, throughout her adulthood, endured the loss of three of her four sons. During her husband's presidency, it became known that she was obsessed with spending money she didn't have, especially on clothes and personal luxuries. Ultimately, her grief was compounded by the horrific assassination of her husband, President Lincoln, in 1865, an event she witnessed firsthand. The trauma from these losses contributed to her emotional instability, and after her husband's death, she exhibited signs of severe depression, paranoia, and anxiety. It was generally reported that Mrs. Lincoln believed burglars were invading her home and she suffered from insomnia, sometimes wandering the streets at late and odd hours.

In present times, Mrs. Lincoln's behavior would likely be attributed to mental illness and trauma and might be treatable. However, in 1865 mental illness treatments were sparse at best. It was reported that she was prone to mood swings, irrational fears, and physical ailments, all of which contributed to her family's concern for her well-being.

By 1875, Robert Todd Lincoln, her only surviving son and a successful lawyer, felt he had no choice but to intervene. Concerned for her safety and likely the family's reputation, he initiated legal proceedings to have his mother declared legally insane.

Under Illinois law in 1875, the former first lady was entitled to a civil hearing where she could hear the charges, have an attorney, and defend herself before a jury. Indeed, Illinois offered at that time more legal protection to alleged lunatics than any other state. Most required only a document signed



Mary Todd Lincoln

by two physicians, a formal request from a member of the defendant's family, and a court-issued certificate of lunacy before a person was involuntarily committed. In some jurisdictions, women and children had even less protection than that.

On May 19, 1875, a public jury trial took place in Chicago, during which Mary Todd Lincoln was accused of erratic behavior and was described as unable to manage her affairs. Testimonies from friends, doctors, and acquaintances painted her as mentally unfit. Witnesses for the prosecution testified that Mary shopped excessively, complained about strange pains, and was obsessed about imagined dangers.

For three hours, 12 witnesses, including Robert Lincoln, testified to the former first lady's bizarre actions and statements. Five doctors, none of whom ever examined Mary Lincoln, told the jury that based entirely upon statements made to them by Robert before the trial, the defendant was insane. It is important to note that Mary did not know about the trial until that day. She sat quietly throughout the proceedings and did not testify on her behalf. The lawyer appointed to represent Mary Todd Lincoln did not cross examine any witnesses and did not call any witnesses including Mary Todd Lincoln. The jury of twelve men took only minutes to rule Mary Todd Lincoln was insane and appointed Robert as conservator of her person. Robert Todd Lincoln was appointed the conservator of her estate a month later.

The following day Robert took Mary to Bellevue Place Sanitarium in Batavia, Illinois. During her three-month stay there, it was reported that she cooperated with the staff and was a model patient. Due to Mary's cooperation with the Sanitarium staff, she was not subjected to physical restraints or drugs.

Despite Mrs. Lincoln being a model patient, the superintendent of the sanitarium reported that he could give "no encouragement that Mrs. Lincoln would ever be well." During her time at the Sanitarium her mail was censored, but Mrs. Lincoln sought help by smuggling letters out to various influential figures and past friends. A letter reached Myra Bradwell, one of the first female lawyers in the United States and the wife of a local judge. The Bradwells knew Mrs. Lincoln because they had previously been neighbors, and they believed that Mary was eccentric but was not insane.



Conservatorship declaration for Mary Todd Lincoln

It is reported that Myra Bradwell came up with a plan whereby the former first lady could leave the sanatorium and live with Mary's sister and brother-in-law. Robert Lincoln was furious when he learned that his mother was going to leave the sanatorium and took steps to prevent his mother's release, but when Judge Bradwell threatened to sue the sanitarium, Mary was released into her relatives' custody.

In September 1875, Mary was discharged into the care of her sister Elizabeth in Springfield, Illinois. The following

June, Mary, this time with the representation of her choosing, held a second trial where a jury declared her "restored to reason." Thus ending the conservatorship of the person. Robert Lincoln didn't give up so easy when it came to the estate powers. He continued to manage the Lincoln estate.

On June 15, 1876, a petition to the Cook County Court to terminate Robert's conservatorship over her estate was filed. After a short presentation of evidence. The jury quickly decided "the said Mary Lincoln is restored to reason and is capable to manage and control her estate."

Much to Mary Todd Lincoln's delight, the newspaper headlines on June 16, 1876 read: "A HAPPY DENOUEMENT: MRS. ABRAHAM LINCOLN RESTORED TO HER REASON AND FREEDOM." A few months later, Mary Todd Lincoln left the United States and resided in France until 1880. She returned to the United States and died at a friend's home two years later. To his dying day, Robert remained convinced that his mother was incorrigibly insane.

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



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Minor's Comp Petitions

by Robyn A. Lewis

A Minor's Comp petition, which is short for a Petition to Approve the Compromise of a Disputed Claim of a Minor, is a court hearing that must take place if a minor receives a monetary settlement of \$5,000.00 or more. This comes up often in my personal injury practice in cases where we have represented a minor and we have either come to a settlement agreement or if we have received a verdict that has become a judgment in a case where the prevailing plaintiff is a minor.

Simply put, a minor cannot enter into a legally binding contract. For example, if a minor is injured in a car accident, the minor does not sign the fee agreement with the personal injury attorney. Typically, a parent signs the fee agreement on the minor's behalf. If the minor's case is litigated, a guardian ad litem must be appointed on the minor's behalf. If the case is settled, it is the parent or guardian ad litem that accepts the settlement amount on the minor's behalf. Legally, the minor has no say. However, the minor can attempt to void a release or settlement agreement when he or she reaches the age of 18. Thus, most insurance companies and/or settling parties require that a Minor's Comp petition be filed and a court order approving the settlement is obtained, particularly in cases that settle over \$5,000.00, so that a minor cannot attempt to void that settlement after he or she reaches the age of majority.

The other point of requiring a Minor's Comp in cases where a minor has settled a case and is receiving monies is to protect that minor. Since an approval of a Minor's Comp petition means that the minor's personal injury settlement is final and is not voidable when the minor has reached the age of majority, the court will scrutinize the minor's settlement to make sure that it is fair and that the minor is protected from the attorney (in the amount of attorneys' fees and costs that are being requested) and from their own parent or guardian ad litem.

Minor's Comp petitions are a function of the probate court and will be held in Riverside Superior Court's probate department. If you practice in other counties, the Minor's Comp hearings are often heard by the civil judge that your case has been assigned to under a direct assignment calendar system. For instance, if you are filing a Minor's Comp petition in San Bernardino Superior Court, your case typically will be assigned to your assigned department judge. In Riverside Superior Court, however, the Minor's Comp petition will be heard by one of its probate judges.

The Minor's Comp petition is not a complicated form to complete. However, it does require a significant amount of information and requests a number of mandatory attachments, which will be set forth below in this article in more particularity. There is nothing worse than seeing another attorney appearing before the court with his or her clients and having the petition rejected simply because the attorney did not complete the petition properly. The minor's comp process is not as trying as it seems. You just have to know the rules and make sure that you follow them.

When filing a Minor's Comp petition, it is first important to distinguish the two circumstances in which a minor's claim can be settled: Either there is an action pending with the court or there is not.

If there is not an action pending with the court, the petition is filed under Probate Code section 3500, which states that the following persons have the right to petition the court on behalf of the minor (unless the claim is against such person or persons):

- (1) Either parent, if the parents of the minor are not living separate and apart;
- (2) The parent having the care, custody or control of the minor, if the parents of the minor are living separate or apart.

Under Probate Code section 3500, the petition must be filed either in the county where the minor resides or in any county where suit on the claim properly could have been brought. The proper Judicial Council form to use is MC-350.

If there is an action pending in the court, however, the petition will be governed by Code of Civil Procedure section 372, which states that the petitioner must be the guardian ad litem of the minor. Thus, in addition to the minor's comp petition (Judicial Council Form MC-350), it will be necessary to file an Application for Appointment of Guardian Ad Litem (if you have not done so already when you filed the lawsuit on the minor's behalf). The proper Judicial Council form to use when filing an application for Appointment of Guardian ad Litem in this circumstance is DE-351/GC-101. This is a different Judicial Council form than the one that is used when filing a lawsuit on behalf of a minor for instance (CIV-010).

In years past in Riverside, minor's comp hearings were presided over by the late Judge Victor Miceli. During his tenure, the "Miceli Rules" were created, which were followed by many of the judges who came after him. These rules implicitly imposed a higher standard on minor's compromises than other counties commanded. I mention these as you should consider those rules when you are drafting your petition if you are intending on filing in Riverside County. However, I typically apply these "rules" to a minor's comp petition that I am filing, regardless of county. And I have never had a minor's comp petition rejected by the court in my almost twenty-six years of practice.

The minor's comp petition is lengthy and requires much information. I will try to highlight several sections that are common pitfalls, because attorneys often miss them when completing the petition.

The petitioner in a minor's comp petition is the person who is acting on the minor's behalf, such as a parent or guardian ad litem. The claimant is the minor to the subject action.

Section 11(b) (3) asks whether the petitioner was a plaintiff in the same incident or accident, from which the claim arises. This is very common, particularly in car accident

cases where the parent is driving, the minor is also in the car, and they are involved in an accident. If the answer is yes, the petitioner was a plaintiff in the same accident, the petition requires that you include "Attachment 11(b)(3)" and explain to the court whether the petitioner's own involvement in the case has affected the minor's claim.

CCP Section 372(b)(1) addresses this issue. It provides: "In making the determination concerning the appointment of a particular guardian ad litem, the court shall consider whether the minor and the guardian have divergent interests."

Judge Miceli was always concerned about whether the petitioner has settled the minor's case for a lesser value in exchange for a larger settlement for himself or herself. If you have a parent and child who are both injured, consider using the non-injured parent as the petitioner, so that there is no problem. However, if you have a case in which both parents are injured, or if there is no other parent, try to get a close relative or family friend designated as the petitioner. That way, you can avoid that issue all together.

Section 8 is also a section worth highlighting. The petition clearly states that "[a]n original or photocopy of all doctors' reports containing a diagnosis of and prognosis for the claimant's injuries, and a report of the claimant's present condition, must be attached." Often times, attorneys fail to attach those records but the petition explicitly requires that you do so.

In Section 12, the petition requires you to set forth the medical expenses that you are asking to be paid out from the settlement. For those practitioners who take only the occasional personal injury claim, it is worth noting that most medical bills are negotiable, a fact of which the court is well aware. Thus, if you are preparing a minor's comp petition, be sure to attempt to negotiate the medical liens and bills prior to submitting the petition. I have seen the court reject a petition because the medical bills and liens were not negotiated or because the court feels that a greater reduction is necessary.

How attorney fees and costs are awarded is extremely important to be aware of when handling a minor's comp. Typically, a court will not entertain a request for attorneys' fees in an amount greater than 25% unless you have tried the case. The mere fact that you have a fee agreement that says otherwise might not make any difference to the court.

With respect to costs, it is also important to note that courts will typically not allow any and all costs. Litigation costs or the costs of preparing a case, such as medical record request fees, are usually granted. However, internal costs such as photocopying might not be allowed by the court. I normally will attach copies of receipts of any costs that I am requesting to my petition as Attachment 13(b).

The attorneys' fees section of the petition is in Section 13. That section requires that an attorney provide a declaration as Attachment 13(a) to the court that sets forth what you did to warrant the attorneys' fees that you are requesting. It is not enough to point to your fee agreement and say that you are entitled to 25%. Be as specific and thorough as you can. I can guarantee that if you do not have that declaration attached and you do not thoroughly set forth all that you did to justify your attorneys' fees, your petition will be denied.

With respect to the funds that are ultimately being paid out to the minor, it is important to consider investment before

preparing the petition. Typically, if the amount to the minor is in excess of \$5,000.00, the court will be interested in knowing whether you researched any annuity options and discussed those options with the petitioner. If you are depositing the funds into a blocked account, be sure to prepare Attachment 18(b)(2), which provides the name of the depository as well as its address and branch name.

Other forms that will need to be filed, in addition to the petition and its attachments, include a proposed order (Judicial Council Form MC-351). If you are depositing the funds into a blocked account, a proposed Order to Deposit Money into a Blocked Account must also be filed (Judicial Council Form MC-355).

Once your petition is approved, your job is not done. If the minor's funds were invested into an annuity, you must file a declaration with proof of purchase of that annuity. If the money is deposited into a blocked account, you will need to bring a Receipt and Acknowledgment of Order for the Deposit of Money into a Blocked Account (Judicial Council Form MC-356) to the depository to be completed by a bank representative. This will confirm to the court that you have, in fact, deposited the funds on behalf of the minor. Make sure that you file that form with the court after the deposit has been made or else you will need to appear on an Order to Show Cause.

Finally, the court will require the petitioner, as well as the minor, attend the hearing. I cannot emphasize enough the importance of preparing your client for the actual court hearing.

During the hearing, the court will inquire as to the injuries the minor sustained and whether the minor has recovered from those injuries. As a practice tip, it is always a good idea to know what the last date of treatment that the minor had or when the minor was released from a doctor's care.

If the minor has been physically scarred, the court will generally look for a plastic surgery consultation report, as it is expecting that any future revision surgery was factored into the ultimate settlement amount agreed to between the parties. Let the minor know that the judge may ask the minor to come to the bench, so that the judge can see the current status of the minor's scars.

The judge will also ask if the petitioner believes that the settlement is fair and reasonable. It is always a good idea to prepare the petitioner in advance of this question. Since the petitioner would have agreed to the settlement itself, you might assume that they agree that the settlement is fair and reasonable. However, clients sometimes state otherwise before a judge.

Finally, it is important that the petitioner understand in advance that, by accepting the settlement, the minor can never go back and get more money from the defendant. Further, it should be made clear to the petitioner before the court hearing how the money is being invested, so that they understand that the money cannot be touched until the minor reaches the age of majority (or per the terms of the annuity) without further court order.

While the Miceli rules are good practice to follow, it is important to note that he has been retired from the bench since 2001. To that end, I interviewed Riverside Superior Court

Supervising Probate Judge Kenneth Fernandez to ensure that the practical tips and information contained in this article were current and up to date.

For instance, California Rules of Court 7.950.5 governs the use of the Petition for Expedited Approval of Compromise of Claim or Action or Disposition of Proceeds of Judgment for Minor or Person with a Disability (form MC-350EX). With some exceptions, a petition for expedited approval must be determined by the court not more than 35 days after it is filed. Judge Fernandez encourages attorneys to review that rule to determine whether their Minor's Comp matter is suited for such an expedited approval.

Judge Fernandez also recommends that attorneys appearing in Riverside Probate Court for a Minor's Comp hearing review California Rules of Court 7.955 regarding attorneys' fees. It is important to note that the court will not "rubber stamp" attorneys' fees, simply because they are agreed to in a fee agreement. He explained that "unlike in civil matters, we are used to protecting those who are vulnerable," like minors and conservatees. California Rules of Court 7.955 mandates that "the court must use a reasonable fee standard when approving and allowing the amount of attorney's fees payable from money or property paid or to be paid for the benefit of a minor or a person with a disability" unless the court has approved the fee agreement in advance. That rule sets forth fourteen factors that the court may consider in determining a reasonable attorney's fee.

To that end, Judge Fernandez recommended that attorneys filing a Minor's Comp petition also be familiar with the case of *Gonzalez v. Chen* 197 Cal.App.4th 881 (Cal. Ct. App.

2011), which deals with the issue of awarding attorneys' fees: "We emphasize the important role a trial court plays in awarding attorney fees in a minor's compromise. For instance, attorney fees awarded pursuant to a 'prevailing party' provision in a statute or contract are paid by the other side. In contrast, attorney fees in a minor's compromise come out of, and therefore reduce, the minor's recovery." *Id* at 887.

With respect to filing fees, it is important to note that there are no additional filing fees for a minor's compromise petition if it is filed concerning a pending civil case, GC 70617(b)(13), 70657(b). The clerk differentiates between such a case and one without a pending civil case based on how item 3(b) of MC-350 is completed. It also should be noted that the fees for an expedited petition are the same as those for a regular petition.

Minor's comp petitions and hearings do not have to be complicated. A complete and thoroughly prepared petition, with all required attachments, prepared clients, and knowledge of the "Miceli Rules" as well as the Rules of Court and case law highlighted by Judge Fernandez will ensure your success in any minor's comp hearings that you might have here in Riverside or in any other county.

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.



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We CARE a Lot!

by Eric Stopher

On September 14, 2022, Governor Gavin Newsom signed Senate Bill 1338, which established the Community, Assistance, Recovery, and Empowerment (CARE) Act in the State of California. The stated purpose of the CARE Act is to provide mental health services to individuals facing severe mental health challenges that put the individual at risk for the health and safety, homelessness, incarceration, or conservatorship, and to provide a “path to care and wellness.”¹

The CARE Act statutes allow for a qualified petitioner to file a petition that seeks to have an individual placed on a CARE Agreement or a CARE Plan that outlines both the services to be provided by the county’s Behavioral Health agency and the responsibilities of the individual as part of the CARE Agreement. Qualified petitioners include family members, the local Behavioral Health director, first responders, or even the respondents themselves.² A petition may be filed for an individual who meets the following criteria: (1) over the age of 18, (2) has a diagnosis of schizophrenia spectrum or other psychotic disorder, (3) is not clinically stabilized in on-going treatment, and (4) is either unlikely to survive in the community without supervision or is trending towards relapse or grave disability.³

Once the Court has determined that an individual meets the eligibility criteria, an “Initial Appearance” hearing is set. At that hearing, the county’s Behavioral Health agency is substituted in as the “petitioner” and the original petitioner is removed. Behavioral Health thus becomes the party that is responsible for providing the services listed within the CARE Act, and allows the original petitioner, especially if it is a family member, to focus on maintaining that existing relationship and lets the Behavioral Health staff work on the mental health and housing components of the CARE Act.

If an individual is found eligible for the CARE Act, the aforementioned individualized CARE Agreement or CARE Plan is created that outlines the services and responsibilities of the parties, and the court sets periodic reviews for progress under the Agreement. Each individual is enrolled in the CARE Act for one year, with the potential to extend the process for one additional year.

An attorney is provided for every individual who is the subject of a petition, who represents them at all stages of the CARE Act process. In Riverside County, the Office of the Public Defender represents the individuals at our hearings. The individual may also designate a “supporter” who can provide moral support as well as assistance with decision-making, communication, and helping to maintain autonomy.⁴

Mental health services are generally required to be provided under a county’s Full-Service Partnership (FSP). An FSP is an intensive, out-patient program that provides a “full spectrum of community services” to allow an individual to meet their identified goals.⁵ This can include individual and group therapy, psychiat-

ric services, medication, substance use treatment, case management, job training, and educational support.

A key component of the CARE Act is the provision of housing to the individuals. The county Behavioral Health agencies are required to prioritize housing for individuals in the CARE Act under the Bridge Housing program, and are authorized to use a wide variety of funding sources to locate and pay for housing. This includes the County’s Homeless and Workforce Solutions as well as funding programs like the “No Place Like Home Program,” the “Homeless Housing, Assistance, and Prevention Program,” Section 8 housing, and the “HUD Continuum of Care program.”⁶

As part of the legislative process, the following seven counties were approved in the pilot program, and required to start services under the CARE Act on October 1, 2023: Glenn, Orange, San Diego, Stanislaus, Tuolumne, the City and County of San Francisco, and Riverside.⁷ The remaining fifty counties were required to start offering CARE services on December 1, 2024.

Riverside County – both the County and the Superior Court – were very proactive in preparing for the start date on October 1, 2023. A CARE Court steering committee began monthly meetings in October 2022, immediately after the signing of SB 1338. Attendees included the main parties to the eventual program – the Superior Court, Behavioral Health, County Counsel, and the Public Defender – as well as other groups that were either directly referenced in the statutes or who had an interest in the outcome – the County Executive Office, first responders and local cities, the Department of Public Social Services, the Sheriff, and Housing and Workforce Solutions.

The parties tried to identify the larger issues, the more localized issues, as well as tried to determine contingencies so that when the first petition was filed, we had as much of a head start as possible. The biggest question that everyone had centered on the potential number of petitions. As the qualifying mental illness was part of rather large group – schizophrenia spectrum or other psychotic disorder – a concerted effort was undertaken to get a range of potential individuals that could qualify. That was then used to determine the staffing levels for the involved parties, including how many courtrooms and judges were needed, and how large of a staff Behavioral Health was required.

Ultimately, it was decided that the Court would create one new courtroom and prioritize that for CARE Act. Judge Magdalena Cohen was assigned to the CARE Act, and Department 12 was repurposed and refitted to allow for individuals to appear both in person as well as remotely through Zoom. The Department 12 calendar was blocked off for CARE Act hearings on Tuesdays, Wednesdays, and Thursdays at 1:30 pm.

Riverside County is nearly one year into the CARE Act. As of August 22, 2024, there have been 78 petitions filed. Those petitions have allowed the various parties to identify both the successes and challenges of the CARE Act individuals. The biggest

1 Senate Bill 1338 (2022), Section 1(a).

2 Welfare and Institutions Code section 5974 lists all of the petitioners.

3 Welfare and Institutions Code section 5972

4 Welfare and Institutions Code sections 5980 and 5981.

5 California Code of Regulations, title 9, section 3200.130.

6 Welfare and Institutions Code section 5982(a)(3) and 5982(b).

7 Separately, the County of Los Angeles also agreed to pilot the program, and they went live on December 1, 2023.

hurdle is the voluntary nature of all services and the fact that there is no enforcement mechanism. The Court cannot "force" any of the mental health services on an individual. So, if an individual exercises their right not to participate, while the parties can attempt to encourage treatment and medication compliance, the individual cannot be ordered to comply. Even with that challenge, we have seen the positives in having a dedicated group of people – from Judge Cohen and the Public Defender, to the amazing Behavioral Health staff that is learning, sometimes literally "on-the-job" – and the effect that the CARE program is having on the individuals' "path to care and wellness." The parties work collaboratively to ensure that not only are all CARE Act individuals provided FSP services and housing resources, but

also to ensure that their rights and dignity are maintained at all times in order to provide the best outcome for each individual.

If you know someone who can benefit from the CARE Act, you can reach out to Riverside County's Behavioral Health department at 800-499-3008 or at <https://www.ruhealth.org/behavioral-health/care-act>. The Riverside Superior Court also has a dedicated CARE program in their Self-Help department and can be reached at <https://www.riverside.courts.ca.gov/self-help>.

Eric Stopher is a deputy county counsel with the County of Riverside who practices in the Health and Adult Welfare Section. His department clients include Behavioral Health and the Public Guardian. He is the lead attorney from County Counsel for CARE Court.



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Opposing Counsel: Jeremiah Raxter

by L. Alexandra Fong

"A good plan is like a road map: it shows the final destination and usually the best way to get there."

H. Stanley Judd

Jeremiah Raxter was born and raised in Wildomar, in the Southwest portion of Riverside County. After graduating from Lake Elsinore High School, he attended Mt. San Jacinto Community College, where he received his Associate of Arts (A.A.) degree in criminal justice.

After graduating with his A.A., he worked for Sony Group Corporation, a Japanese multinational conglomerate corporation, commonly known in the United States for its electronics. He was part of its U.S. based team that were the first to receive new electronics and train salespeople across the country about these new devices, including, but not limited to the AIBO Companion Robot Dog from Sony.¹ He also was interviewed by various news organizations and demonstrated the AOBP Companion Robot nationwide.

While working during the day, Jeremiah continued his education at Chapman University and graduated with a Bachelor of Arts degree in Organizational Leadership. He became a peace officer with the Palm Springs Police Department, working the graveyard shift. He can be seen on an episode of COPS which aired in 2005. (Jeremiah wants to be clear to our readers...he was not the suspect!)

After a short time in law enforcement, he left to attend California Southern Law School (CSLS) at night, while taking care of his baby while his wife worked as an elementary teacher for a local school district. He interned at the San Bernardino County District Attorney's Office, where he worked on various criminal law cases, including but not limited to felony murder and gang cases. After working for the police department and this stint in criminal law, he knew that he wanted to learn another area of law when he became an attorney.

Jeremiah began to work part time for Richard Hassen, a local attorney who also taught real property at CSLS. After graduating from law school and passing the bar examination, he continued working with Mr. Hassen and, with the support of his mentor, he started his own practice.

In 2011, he opened his own law firm, Raxter Law, P.A., where he and his team specialize in probate law, real property, and probate litigation. In addition to handling all aspects of probate matters, the law firm assist victims of sexual assault. As principal attorney at Raxter Law, he leads a dynamic team comprising legal assistants, paralegals, and



Jeremiah Raxter

associate attorneys. He takes pride in overseeing their work, ensuring seamless collaboration, and fostering an environment of productivity and efficiency. He also represents the Riverside County and San Bernardino County Public Administrator in court.

From 2013 to 2019, Jeremiah taught ethics, real property, and probate at his alma mater, CSLS. He enjoyed teaching the law to the 2nd and 3rd year law students and sharing his life experiences to help shape the legal minds of future attorneys. Many of his students have stated that Jeremiah was one of their favorite instructors.

He joined the Leo A. Deegan Inn of Court in the 2020-2021 program year. In his first year as a member of the Leo A. Deegan Inn of Court, his team (Notorious RBG) received The Best Team Presentation Award for their presentation titled "Fight For The Things That You Care About" which was based upon Supreme Court of the United States Associate Justice Ruth Bader Ginsburg and the movie about her life, "On the Basis of Sex." The Best Team Presentation Award is voted on by the membership.² In the 2023-2024 program year, the Inns of Court Board of Directors bestowed the Terry Bridges Outstanding Attorney of the Year Award upon him.



Jeremiah with Outstanding Attorney of the Year Award

Since 2022, Jeremiah has served as judge pro tem for Riverside County Superior Court. He has presided over seventy-four days in the areas of probate, traffic, small claims, and criminal court in various parts of the county. He has served as a special master in several matters. He hopes to continue serving the court one day as a commissioner.

Since 2023, he has been the chair of the RCBA Estate Planning, Probate & Elder Law Section, which hosted its first MCLE probate marathon earlier this year. Over seventy people attended the marathon and raised funds for the Alzheimer's Association California Southland Chapter, which has a special place in his heart, due to his father and paternal grandfather suffering from early-onset Alzheimer's disease.

² The members of Notorious RBG are (in alphabetical order and in order of ranking from Attorney Master to Barrister to Associate): D.W. Duke, Stefanie Field, L. Alexandra Fong, Diane Mar Wiesmann, Joshlynn Pulliam, Jean-Simon Serrano, Danielle Linker, and Jeremiah Raxter.

¹ <https://electronics.sony.com/more/aibo/p/ers1000>

The Alzheimer's Association California Southland Chapter provides free educational programs, support services and care consultations across the Los Angeles, Riverside, San Bernardino, Kern, Tulare, Kings, and Inyo counties, while also supporting critical research towards a cure.³ Jeremiah provides estate planning sessions, along with assistance and supportive services to individuals whose family members suffer from the disease.

In addition to raising funds for the Alzheimer's Association California Southland Chapter, he is involved in other charitable organizations, including Project Graduate, one of the programs of the Riverside County Bar Foundation, the charitable arm of RCBA. His donations to the past two years of fundraisers for Project Graduate have raised over \$3,000 to support the program, which assists foster students in their quest to graduate from high school and have a path for a successful future.

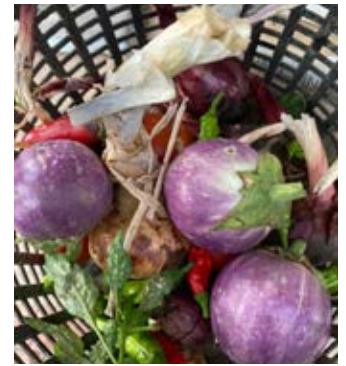
Jeremiah was previously general counsel to REACH (Reflect. Emerge. Act. Courage. Hope) when it was formerly known as the Center Against Sexual Assault of Southwest Riverside County. REACH specializes in the prevention, intervention, and treatment of sexual and domestic violence, childhood trauma and abuse, and human trafficking. REACH provides free and confidential services that are survivor-centered, trauma-informed, and empowerment-based.⁴

³ <https://www.alz.org/socal>

⁴ <https://reachus.org/>



Babydoll Sheep



Harvest

He is a gentleman farmer, who raises honey bees, chickens, and babydoll sheep on his 10-acre farm in Menifee, along with his family, including his father for whom he provides caregiving services. His daughter has flown the coop, to start her first year of college at Embry-Riddle Aeronautical University.

L. Alexandra Fong is a deputy county counsel for the Riverside County Counsel's Office in its Child Welfare Division, chair of the Project Graduate Steering Committee, co-chair of the Juvenile Law Section of RCBA, a member of the Publications Committee, and a past president of the Riverside County Bar Association and the Leo A. Deegan Inn of Court.



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The Top Ten Things That Probate Practitioners Need to Know About Riverside County

by Honorable Kenneth J. Fernandez and Thomas M. Johnson

- 1) All documents for a hearing must be filed at least four court days before the hearing. Local Rule 7101(B)(4).
- 2) Proposed orders or judgments should be submitted upon the filing of the petition. Local Rule 7101(C).
- 3) Any matter continued two times may be ordered off calendar or denied. Local Rule 7109(B)
- 4) Remote appearances are not permitted at evidentiary hearings absent a prior court order. Evidentiary hearings include those for an Elder Abuse Restraining Order, Temporary Conservatorship, Temporary Guardianship, and Report of Sale. Local Rule 7010.
- 5) In Decedent's Estate cases, absent extraordinary circumstances, copying of documents, telephone charges, postage charges, and travel costs are considered business overhead and are covered by statutory fees or compensation. Local Rule 7153.
- 6) As anti-fraud measures in Decedent's Estate cases, we require notice to be mailed to the address of any real property of the estate, proof of a diligent search for intestate heirs, and the filing of a copy of the vesting deed for each parcel of real property. Local Rule 7132.
- 7) We have been using Zoom for remote appearances since February 2022. See our website for details.
- 8) We have mandatory local form attachments for the following forms:
 - a. Petition for Probate (form DE-111, Local Form RI-PR069)
 - b. Affidavit re Real Property of Small Value (form DE-305, Local Form RI-PR076)
 - c. Spousal Property Petition (form DE-221, Local Form RI-PR100)
 - d. Petition to Determine Succession to Real Property (form DE-310, Local Form RI-PR101)
 - e. Petition for Appointment of Limited Conservator (form GC-310, Local Form RI-PR059)
 - f. Order Appointing Limited Conservator (form GC-340, Local Form RI-PR062)
 - g. Letters of Limited Conservatorship (form GC-350, Local Form RI-PR062)
 - h. Guardianship Status Report (form GC-251, Local Form RI-PR040)
- 9) We have many optional Local Forms designed to make your job easier. Please use them.
- 10) We have both 8:30 a.m. and 10:00 a.m. calendars every day. We hear court trials at 1:30 p.m.

The Honorable Kenneth J. Fernandez is the Supervising Judge for the Probate Division of the Riverside Superior Court.

Thomas M. Johnson is the Managing Attorney for the Probate Division of the Riverside Superior Court..



URGENT HELP NEEDED – MISSING WILL, LARGE ESTATE

Please check your old records, or those of an attorney's files you may have acquired re the creation of Trust/Will/Estate for **KENNETH DEAN SODOMA** (aka Ken Sodoma). Retired Los Angeles area fireman living in the 1000 Palms, CA (Desert/Coachella Valley area) and Cheney, WA. His Will/Trust/Estate was possibly created around 2003-2006.

If you recognize the name or person pictured, or have any information regarding this Will, please immediately contact 661-609-3665 or Dien Le at Alvarex Law, 805-246-7272, even if you have spoken with other persons about this matter. There is an effort by others to prevent discovery of the Will.

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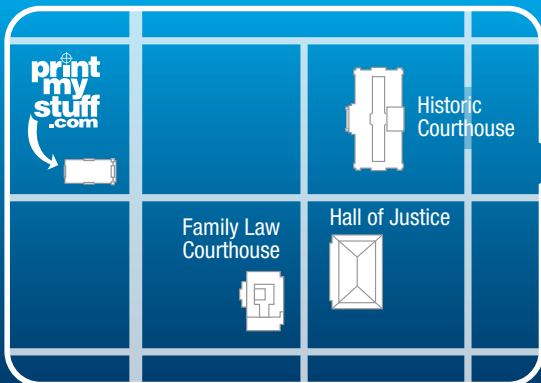
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Riverside Law Firm – Office Manager

Immediate opening for an Office Manager position located in downtown Riverside, California. The ideal candidate is highly organized with excellent verbal and written communication skills and the ability to implement systems and procedures. Submit resumes to Matthew Knez at matthewknez@knezlaw.com.

Part-Time Bookkeeper Position

RCBA is looking for a part-time bookkeeper. Contact Charlene at 951-682-1015 or charlene@riversidecountybar.com.

Wanted: Court Appointed Counsel for Family Law Adoptions/Termination of Parental Rights

The family law court maintains a list of attorneys who are interested in accepting court appointments on Family Law adoption/termination of parental rights cases pursuant to FC § 7860-7863. Currently the court is in need of adding additional attorneys to the appointment list. If you are interested, or would like more info, please contact Marcus Walls, Family Law and Juvenile Director at 951.324.5782 or marcus.walls@riverside.courts.ca.gov.

Court Announces Intention to Close Temecula Courthouse

The Riverside Superior Court is considering the temporary closure of the Temecula Courthouse, located at 41002 County Center Drive, #100, as of December 23, 2024. The court finds it necessary to take this action because the significant reductions in state funding for superior courts and resulting cuts in the Riverside court's budget. The closure would remain in effect until further notice. Services will be relocated to the Southwest Justice Center located at 30755-D Auld Road in Murrieta.

Pursuant to California Government Code, section 68106(b), the court is seeking input from the public regarding the planned closure. Any interested person or entity who wishes to comment must send the comment to the court in writing or electronically. Written comments should be directed to the court at P.O. Box 1547, Riverside, CA 92502. Those interested in submitting comments electronically should e-mail them to courtexecutiveoffice@riverside.courts.ca.gov. Comments must be submitted by 5:00 p.m. on Monday, November 18, 2024.

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@riversidecountybar.com.



MEMBERSHIP

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

Sylvia L. Alvarez - Gaudy Law Inc, Upland

Alyssa Daskas – Aleshire & Wynder, Riverside

Thomas Hagen – Law Student, Riverside

Emily Hernandez – Aleshire & Wynder, Riverside

David Irby-Ebert – Aleshire & Wynder, Riverside

Derek Matthews – Aleshire & Wynder, Riverside

Kristina Moisa – Lewis Brisbois Bisgaard & Smith, San Bernardino

Cody Parker – Aleshire & Wynder, Riverside

Heather M. Seiden – Law Office of Heather M. Seiden, Palm Springs

Namita Thakker – Manzanita Law, San Diego



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CALENDAR

OCTOBER

- 7** Roundtable with Judge Hopp
12:15, Zoom
MCLE
- 8** Civil Litigation Section Meeting
Noon, Zoom
Topic: "It's On My Phone"
Speaker: Judge Jackson Lucky (Ret.)
MCLE
- 15** Family Law Section Meeting
Noon, RCBA Gabbert Gallery
Program TBA
- 16** Estate Planning, Probate & Elder Law Section Meeting
Noon, RCBA Gabbert Gallery
Topic: "The Use of the Private Retirement Trust in California: Statutory-Based Exemption Planning Under CCP Section 704.115"
Speaker: Dustin I. Nichols, Esq
MCLE
- 18** General Membership Meeting
Noon, RCBA Gabbert Gallery
Topic: "AI & Law: Powering Your Practice with Artificial Intelligence"
Speaker: Judge Jackson Lucky (Ret.)
MCLE

- 24** Juvenile Law Section Meeting
12:15, Zoom
Topic: Civility in the Practice of Law
Speaker: Justice Richard T. Fields
MCLE

NOVEMBER

- 1** MCLE Marathon – 4 Hours of Specialty Credits
10:00 a.m. – 2:30 p.m., Zoom
10:00 - 11:00
Civility in the Legal Profession
Practicing Law with Civility – David M. Cantrell
11:10 - 12:10
Implicit Bias
Understanding What Implicit Bias Is and Preventing it from Negatively Influencing Your Decision-Making – Casey R. Johnson
12:20 - 1:20
Legal Ethics
Oh No, You Didn't! The Ethics of Law and Social Media – Judge Jackson Lucky (Ret.)
1:30 - 2:30
Technology in the Practice of Law
Tech and AI Tools to Level Up Your Practice – Kenny S. Ramirez & Sharon P. Ramirez

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.

Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in the *Riverside Lawyer*. The material printed in the *Riverside Lawyer* does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.

MISSION STATEMENT

Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

RCBA Statement

The mission of the Riverside County Bar Association is: To serve our members, our communities, and our legal system.

Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Riverside Legal Aid, Fee Arbitration, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Mock Trial, State Bar Conference of Delegates, Bridging the Gap, the RCBA - Riverside Superior Court New Attorney Academy and the Riverside Bar Foundation.

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

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

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, Reading Day and other special activities, Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.



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