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Editor Jacqueline Carey-Wilson
Design and Production PrintMyStuff.com (PIP Riverside)
Cover Design PrintMyStuff.com
Cover Image Marian Semic

Officers of the Bar Association

President
Megan G. Demshki
(951) 534-4006
megan@aitkenlaw.com

Vice President
Goushia Farook
(951) 684-9000
goushia@brattonrazo.com

Secretary
Christopher G. Jensen
(951) 682-1771
cjensen@rhlaw.com

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(951) 656-8313
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Alejandro Barraza
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ab@thebarrazalawoffice.com

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

President-Elect
Elisabeth A. Lord
(951) 338-5344
elisabeth@lbfamilylawyers.com

Chief Financial Officer
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(951) 781-6500
lvogt@riziolawfirm.com

Past President
Mark A. Easter
(951) 686-1450
Mark.Easter@bbklaw.com

Summer DeVore
(951) 783-9470
summer.devore@streamkim.com

Chris A. Johnson
(951) 695-8700
cjohnson@rhlaw.com

Officers of the Barristers Association

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shramirez@kennysramirezlaw.com

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RIVERSIDE COUNTY BAR ASSOCIATION

4129 Main Street, Suite 100
Riverside, California 92501

Phone (951) 682-1015 | Fax (951) 682-0106

rcba@riversidecountybar.com
www.riversidecountybar.com

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PRESIDENT'S Message

by Megan G. Demshki



Mock Trial is in the Air

As a Riverside Poly High alumna, I was well aware of the prestige of Riverside County Mock Trial long before I was an attorney. I had the privilege of watching my peers compete and knew of the fierce competition in our county.

What I did not appreciate as a high school student is the dedication of the judge coaches, attorney coaches, teacher coaches, attorney scorers, competition judges, and other volunteers throughout our legal community that make this program a reality.

The strength and viability of this program truly depend on the legal community coming together to volunteer their time and talent to the student participants.

Over the last decade or so, I have watched many members of this community step up in this way. I have seen some schools create new teams that have gone on to become tenacious competitors. I have seen struggling programs revived. I have seen the way that this community fills the void to ensure that students throughout our county have a great opportunity to compete in this program.

If you've ever had the opportunity to score (and I highly encourage you to do so—you even get some MCLE credit!), you have seen the Judicial Plaza come alive with students, parents and coaches engaging in competition.

This program not only teaches students important skills, but it is also an opportunity for the students and their parents to engage with our legal community in a unique way, helping to build bridges into the community that extend far beyond a student's mock trial days. The attorneys and judges that participate become mentors, role models and friends of the students and parents, creating a dynamic that pulls our members into the future of our community at large.

Last year I had the privilege of scoring the final round of the Mock Trial competition for the county. Wow! What a treat! I was truly blown away with the professionalism, dedication and quality of the final round. (And, frankly, I was left wondering if I was remotely qualified to score such a high-stake round!)

The Riverside County Bar Foundation is proud to support the student competitor with monetary donations for top students and the winning team to help fund their trip to the statewide competition.

I encourage everyone to come watch the Riverside County Mock Trial Competition Round 7 (Finals) at 6 pm on Thursday, February 19, 2026 in Department 1 of the Riverside Historic Courthouse. It is sure to be another fierce competition for the county title.

Get Involved with the RCBA

I would love to hear from you! If you have any feedback or see an opportunity to grow the RCBA programming, please do not hesitate to reach out. I'm also happy to introduce you to new colleagues at any of our events. My email is megan@aitkenlaw.com and my phone number is (951) 534-4006.

Megan G. Demshki is the president of the RCBA and a partner at Aitken Aitken Cohn.



VOLUNTEERS NEEDED

Experienced Family Law and Criminal Law Attorneys are needed to volunteer their services as arbitrators on the RCBA Fee Arbitration Program.

If you are a member of the RCBA and can help, or for more info, please contact Lisa Yang at (951) 682-1015 or lisa@riversidecountybar.com.

ATTENTION RCBA MEMBERS

If you are not getting email updates or notices from the RCBA and would like to be on our emailing list, visit our website at riversidecountybar.com to submit your email address. Or send an email to lisa@riversidecountybar.com.



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BARRISTERS

President's Message

by Sharon P. Ramirez

It's hard to believe we are already at the midpoint of the 2025-2026 term. This moment has offered a meaningful opportunity to take stock of the goals we set at the beginning of the term, and more importantly, how we are actively working toward them as a board and as a community.

1. Continue to Increase Membership Participation.

One of our primary goals this term has been to continue growing and engaging our membership, and we've approached this intentionally and consistently. Through personal invitations, announcements at RCBA general membership meetings, outreach via email and social media, and simple word of mouth, we've worked to make sure members know they are welcome and encouraged to participate. We've been especially grateful to see new faces at our events this year, including those from this year's New Attorney Academy, alongside familiar ones, and that growth is a direct reflection of the effort our board and members put into creating a welcoming environment. Increasing participation isn't just about numbers, it's about opening the door, extending the invitation, and making people feel seen once they walk in. I'm incredibly thankful to our board and our members who consistently help foster that sense of belonging.

2. Offer Valuable and Enriching Experiences to Members through our Events.

Another core focus of this term has been offering experiences that genuinely add value to our members' professional and personal lives. That has meant bringing back classic, much-loved events, such as Disneyland Day and CLE programming, while also being willing to try new ideas. This year, we've explored different happy hour locations, introduced events like puppy yoga, and planned a Barristers Brunch, all while continuing to invest in professional development opportunities. We are also looking ahead to experiences like golf



lessons and other skill-building events that allow members to connect in new ways. At the same time, we remain committed to celebrating our legal community through cornerstone events like our annual Judicial Reception. Our goal has been balance: honoring tradition, embracing creativity, and ensuring there is something for everyone.

3. Bring Joy and Have Fun!

At its core, Barristers is about community. Creating a space where young attorneys and professionals feel excited to show up, comfortable being themselves, and genuinely happy to connect with one another matters. That joy comes from board members who lead with enthusiasm, from members who arrive with openness and expectation, and from shared experiences that remind us why community is so important in this profession. When we prioritize fun and connection, we create an environment where the practice of law feels less isolating and far more fulfilling. Seeing new members step into this community and quickly feel like part of the Barristers family has been one of the most rewarding aspects of this term so far.

Past Events Recap

- **Barristers Happy Hour – January 23, 2026**

Our January Barristers Happy Hour at the California Lounge at the Mission Inn was a wonderful opportunity to kick off the year by reconnecting with colleagues and welcoming new faces. Thank you to Imani Injury Firm for generously sponsoring the



appetizers and helping create a relaxed, welcoming environment. Thank you to everyone who joined us!

- **CLE & Networking Reception with HBAIE – January 29, 2026**

In partnership with the Hispanic Bar Association of the Inland Empire and JAMS Inland Empire, Barristers hosted a CLE and networking reception featuring a presentation by Hon. Chad W. Firetag (Ret.). Judge Firetag's discussion, "The Mirror Test: Seeing Your Case Through the Other Side's Eyes," offered valuable insight and practical perspective for young attorneys navigating litigation and strategy. We are thankful to JAMS for hosting and organizing this meaningful program, and for supporting professional development within our legal community.

- **Puppy Yoga & Brunch – January 31, 2026**

We were excited to introduce a brand-new event this year with Puppy Yoga & Brunch. This unique Saturday gathering brought members together for a fun, relaxing morning filled with movement, laughter, puppies, and good food afterwards at Ay Mi Pa. It was a great turnout and a refreshing way to build community outside of the traditional legal setting, which is exactly the kind of joyful experience we love bringing to our members.

Upcoming Events. You're Invited!

- **Scoring Attorneys for the Riverside County Mock Trial (followed by brunch at Craftz Lounge) –** Saturday, February 7, 2026 from 8:30 a.m. to 11:00 a.m. at the Robert Presley Hall of Justice – For more details and to register, please visit: <https://www.eventbrite.com/e/1979934578623>
- **Barristers Happy Hour –** Friday, February 20, 2026, 5:30 p.m. at Killer Queens – appetizers sponsored by Consumer Attorneys of Inland Empire.
- **Barristers Brunch –** Saturday, February 28, 2026, 11a.m. at Dapper Dine & Lounge – Space is limited, check your email or our socials to register.

- **Disneyland with the Barristers** – Saturday, March 7, 2026, 8:00 a.m. – Theme Park ticket must be purchased separately. For more details, please visit: <https://www.eventbrite.com/e/1979829433130>
- **7th Annual Judicial Reception** – Thursday, May 14, 2026, 5:00-7:30 p.m. – Save the Date, more information to come.

We are always happy to hear suggestions and ideas for events you are interested in seeing from Barristers. Please feel free to reach out! My contact information is below.

Barristers Board Spotlight: Nolan B. Kistler, 2025-2026 President-Elect:

Nolan is an attorney at the Law Offices of Harlan B. Kistler where he practices personal injury and estate planning. This is Nolan's third year on the Barristers Board. Outside of law, he enjoys watching and supporting CBU wrestling competitions and training as a jiu jitsu practitioner. 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, have one child, Hunter Bartlett Kistler, and are expecting a second child this summer!

Stay up to date on everything Barristers!

For upcoming events and updates:

Website: <https://www.rcbabarristers.com/> [WEBSITE UPDATED]

Facebook: RCBA Barristers

Instagram: @rcbabarristers

If you're interested in learning more about Barristers or you would like to attend one of our events, I am more than happy to connect with you and introduce you to our amazing members. Feel free to email me at sramirez@ramirezlaw.com or text or call at (909) 702-0058.

Sharon P. Ramirez is an attorney with Kenny Ramirez Law Firm located in San Bernardino, where she practices catastrophic personal injury. Sharon can be reached at sramirez@ramirezlaw.com.



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2026 Family Law Updates

Joint Petitions, Firearm Exemptions, and the Expanding Reach of the Domestic Violence Custody Presumption

by Jeremy N. Roark

Effective January 1, 2026, several significant changes to the California Family Code took effect that materially alter how family law cases are initiated, litigated, and evaluated. These updates are particularly consequential in cases involving domestic violence, firearms, and custody determinations. Attorneys who practice family law intermittently—or who “dabble” in the area—should take note, as these statutory changes upend long-standing assumptions and increase the risk of substantive consequences for procedural missteps.

This article highlights three of the more impactful 2026 family law updates and examines their practical implications for day-to-day practice.

I. Joint Petitions for Dissolution or Legal Separation: A New Entry Point to Family Court

(SB 1427; *Family Code §§ 2330, 2331, 2342, 2401, 2402; new §§ 2342.5, 2342.51*)

What Changed:

- As of January 1, 2026, parties may initiate a dissolution of marriage or legal separation by filing a **joint petition and joint summons** using Judicial Council-approved forms. Upon filing, the joint petition is deemed served on both parties, both parties are deemed to have appeared, and no service of process or response is required.
- This marks a departure from the traditional unilateral petition model that has governed California family law practice for decades.

Practice Implications

- The joint petition process is best understood as a **cooperative—but fragile—procedural framework**, not a simplified divorce. While it may streamline uncontested cases, it carries built-in limitations that practitioners must carefully navigate.

The joint petition is automatically revoked if either party files:

- An amended petition or response, or
- A Request for Order (RFO), including discovery motions or requests to set trial.
- Once revoked, the party initiating further litigation must file an amended pleading, and the opposing party has 30 days to respond. Notably, **formal discovery remains available** under the joint petition process, even before the case becomes adversarial.

Caution for Practitioners

- Attorneys unfamiliar with the new codes may inadvertently revoke the joint petition by filing an RFO or

discovery motion without first amending pleadings. This can cause unnecessary delays, procedural confusion, and potential prejudice to the client.

Best practice is to limit use of joint petitions to cases where:

- All material issues are resolved or near resolution, and
- Neither party anticipates the need for court intervention in the near term.

II. Firearm Exemptions in DVRO Cases: A Narrowed and Closely Scrutinized Exception

(AB 2759; *Family Code § 6389*)

The Shift in the Law

- AB 2759 significantly tightens the standards for granting firearm exemptions in Domestic Violence Prevention Act (DVPA) restraining order cases. Under prior law, courts exercised broader discretion—particularly for peace officers and others required to carry firearms for employment. The new statute imposes clearer thresholds, heightened findings, and mandatory review.

Key Changes

- First, a court may grant a firearm exemption **only if the respondent is not otherwise prohibited** from firearm possession under state or federal law.
- For **sworn peace officers**, the court must now find, by a preponderance of the evidence, that:
 - The officer's personal safety depends on carrying the specific firearm outside scheduled work hours; and
 - The officer poses no additional threat to the protected party or the public.
- For **non-peace officers**, exemptions are limited to scheduled work hours only and require findings that the respondent poses no additional risk. Courts may, but are not required to, order psychological evaluations.
- If an exemption is granted during a temporary restraining order, the court must **re-evaluate the exemption** at the restraining order hearing and again upon any renewal. Courts are expressly authorized to modify or terminate exemptions if circumstances change or violations occur.

Practice Impact

Firearm exemptions should no longer be treated as routine or durable. Practitioners should expect:

- More frequent evidentiary hearings
- Heightened judicial skepticism
- Ongoing court oversight

III. Expanded Firearm Violations and the Domestic Violence Custody Presumption

(SB 899; Family Code §§ 3044, 6389)

Expansion of Section 3044 Factors

- Family Code section 3044 establishes a rebuttable presumption against awarding custody to a parent who has committed domestic violence. Prior to 2026, courts could consider violations of firearm restrictions under Family Code section 6389 when determining whether the presumption had been rebutted.
- SB 899 broadens this analysis. Courts may now also consider violations of:
 1. Code of Civil Procedure section 527.9 (civil harassment firearm restrictions), and
 2. Penal Code section 18120 (firearm relinquishment requirements).

Why This Matters

- This change substantially expands the universe of conduct that can undermine a parent's attempt to rebut the section 3044 presumption. A firearm violation need not arise from a family law DVRO to affect custody—it may stem from a civil harassment order or even a criminal proceeding.

- For practitioners, this means:
 1. Firearm compliance must be evaluated holistically;
 2. "Technical" violations may carry outsized custody consequences; and
 3. Rebutting the section 3044 presumption is now more difficult.
- Attorneys who underestimate how aggressively firearm-related conduct may be leveraged risk serious adverse custody outcomes for their clients.

Conclusion

- The 2026 Family Code updates reflect two clear legislative priorities: encouraging cooperative case initiation where appropriate and strengthening child and victim safety where domestic violence and firearms are involved.
- For family law practitioners these changes demand closer attention to pleading strategy, procedural posture, and evidentiary preparation. The consequences of missteps under these statutes are no longer merely procedural; they can directly affect custody determinations, firearm rights, and client safety.
- Staying current on these developments is essential to effective advocacy in California family courts.

Jeremy N. Roark is a Certified Family Specialist / family law attorney at Holstrom, Block & Parke, APLC.



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Perspective from Family Law Bench

by Honorable John Vineyard

I have served in a variety of judicial assignments since 2008 – criminal, civil (twice), and family (twice). I can honestly say that the family law bar has been, and continues to be, an exemplary group of lawyers. Despite the pressures of representing people during the most emotional and stressful times of their lives, the family law bar maintains civility, the attorneys are professional, they cooperate with each other and serve their clients well.

Having said that, there is always room to improve. Keeping in mind that Riverside County Superior Court remains one of the most understaffed and under resourced courts in California, anything that lawyers and litigants can do to avoid waste of those resources – including time – is a benefit to the Court and the people we serve.

It is beyond dispute that lawyers procrastinate (I certainly did). As a new judge, one of my mentors told me that "if you give a lawyer 90 days to do something, they'll do it on day 89. If you give them 30 days for the same task, they'll do it on day 29," (exemplified by me writing this article two days after my deadline). Procrastination in the practice of law is, and always will be, a fact of life, but we can mitigate at least some of the negative effect of procrastination.

Another fact of legal life – especially in family law – is that there will always be conflict. We live and work in an adversarial system. But when lawyers are civil and professional with one another and opposing parties, the stress and emotion that are inherent in family law can be reduced, and its effect on the Court's efficiency can be minimized.

By and large, our local family law bar avoids or limits these issues. But we can always do better. With that in mind, and in the spirit of constructive criticism rather than complaint, here are my thoughts on some of the common issues that continue to be problems.

Meet and Confer. The purpose of meeting and confering is to informally resolve disputes – or at least narrow them – so that you limit the questions that need judicial intervention. "Meet and Confer" is not just a box to be checked or an email to be sent to comply with an order or statutory requirement. When lawyers and parties talk to each other, problems tend to get resolved. But if you wait until you're at the courthouse the day of your hearing, MSC or trial, those benefits evaporate. The optimal time to meet and confer is before the RFO is filed, or before you all show up at the courthouse (and before your judge spends time preparing for that hearing that you are going to resolve. We love stipulations, but we love stipulations submitted before we spend time preparing for your hearing even more). And asking for a continuance at the hearing to meet and confer because you "haven't had a chance to talk" is usually a non-starter for the Court.

Trial Exhibits. Our trial calendars are backed up. Three of the four family law departments in Riverside are

setting trials near the end of 2026. One reason for that is the unnecessary length of trials could be shortened by effective presentation of evidence at trial and civility and professionalism among counsel. Imagine a four-day trial in which each side has hundreds of exhibits – mostly text messages, emails and photographs. Imagine the time it takes each lawyer to ask the questions necessary to lay a proper foundation and then offer each exhibit into evidence – with each offer met with "No objection" from opposing counsel. Now imagine that the lawyers met and conferred for an hour a few days before trial and stipulated to the admission of those exhibits that are not really questionable – most trials only involve a handful of exhibits that have real evidentiary issues – and now that four-day trial is one or two days – and the Court has time to hear another well-prepared trial.

Ex Parte Applications. Judicial officers review ex parte applications every day that request relief that is not an emergency, do not implicate child safety issues and are not supported by exigent circumstances. These will likely be denied, but will potentially take hours from a judges day. Exercising your discretion before filing an ex parte application can save you and your client time and money. And, no, your judge will not waive notice – unless there is a truly unique situation. We don't make custody orders without notice.

Late Filings. Our Court, in most cases, uses digital imaging to circulate pleadings filed with the Court. That means that when a document is filed, it must be processed by the clerk's office, then scanned and posted to the eCourt system, before a judge will have an opportunity to see it. Depending on court congestion, volume of filings that day, staffing issues, holiday schedules, etc., that process can take several days. Counterintuitively, eFiling can add an extra day to that process. You cannot assume that a pleading filed three-four days before a hearing will be seen by the judge before that hearing.

You should never assume that your judge has seen anything filed less than five days before the hearing. And NEVER assume your continuance request has been granted until you see a signed order.

Continuances. Continuances are the primary enemy of effective case management. When hearings are continued, they consume multiple calendar spots and often require review multiple times – especially if filed late. Continuances require a showing of good cause. Your agreement to continue is not good cause. Your lack of preparation is not necessarily good cause, nor is a conflicting hearing. The key question is why you, for example, have a conflicting hearing. Is it the first appearance that has been set by the court? Was it your calendaring error? The circumstances dictate whether you have good cause. So, when you ask for a continuance, you need to state the circumstances behind your request.

Assuming you have good cause, file your request as early as possible. Almost every day I receive an otherwise valid request for a continuance that is moot because it was received after the hearing has been concluded. Even if you believe you have stated good cause, don't assume that your request has been granted. Sometimes your judge may have a reason to go forward with the hearing despite your good cause. A common example is a request to continue a hearing because a 730 evaluation has not been completed. I will often leave that hearing on calendar because I want to know "why?" Why hasn't it been completed? Is there a problem? Providing as much detail as possible might answer my questions, and I might grant the continuance.

Minor's Counsel/Temporary Judges. Please consider volunteering to serve as minor's counsel or a temporary judge. We have a substantial shortage of both. By serving as a temporary judge you can help keep our calendars moving, not just in family law, but in the misdemeanor arraignment courts, and community

courts hearing small claims, limited civil, unlawful detainers, and traffic cases. Your service could prevent a courtroom from going dark for a day.

Service as minor's counsel can provide a different level of satisfaction. We appoint counsel to represent kids that are being impacted by high conflict litigation between their parents, or when there are allegations of abuse. Minor's counsel directly represent and protect these children. Please consider serving in these roles.

The issues addressed in this article are just some of the more common issues that I see. Other judicial officers may have different opinions or priorities – though I did discuss these points with several. I fully expect family law attorneys to continue to be civil and professional with one another and with self-represented litigants. And you all have my thanks and appreciation for doing so.

Honorable John Vineyard is a judge with the Superior Court of California, County of Riverside, currently in the Family Law Department. He is a former presiding judge.

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Considering a Loss of Consortium Claim

by Robyn A. Lewis

Suppose you are representing a client in a personal injury matter who has been catastrophically injured in an accident. Perhaps that client has sustained a brain injury or suffers from a debilitating condition that causes them to completely change from the person that they used to be. The result of their injury has had a significant impact on their relationship with their spouse. Does the non-injured spouse have any sort of right to compensation?

The answer is yes. That is known as a loss of consortium. In California, loss of consortium is recognized as a cause of legal action separate from the personal injury case as a non-economic (non-monetary) loss following a personal injury.

CACI 3920 provides that if an injured party has proven his or her claim against a negligent third party, their spouse can recover past and future damages for:

1. The loss of love, companionship, comfort, care, assistance, protection, affection, society, and moral support; and
2. The loss of the enjoyment of sexual relations [or the ability to have children]."

What is made clear by CACI 3920 as to what is not to be included when evaluating a loss of consortium claim is the loss of financial support of the injured spouse, personal services that the non-injured spouse may have provided, any loss of earnings that the non-injured spouse may have incurred by giving up his or her employment to take care of the injured spouse or the cost of obtaining domestic household services to replace services that would have been performed by the injured spouse. Those types of damages are considered to be economic damages. Instead, "the concept of consortium ... embraces such elements as love, companionship, comfort, affection, society, sexual relations, the moral support each spouse gives the other through the triumph and despair of life, and the deprivation of a spouse's physical assistance in operating and maintaining the family home." (*Ledger v. Tippitt* (1985) 164 Cal. App.3d 625, 633 [210 Cal.Rptr. 814], disapproved of on other grounds in *Elden v. Sheldon* (1988) 46 Cal.3d 267, 277 [250 Cal.Rptr. 254, 758 P.2d 582]).

A loss of consortium claim is parasitic in nature, meaning that a claimant's claim for loss of consortium would not exist but for the underlying personal injury claim of the injured spouse.

It is important to note that California does not recognize a legal claim for loss of consortium for parents (*Borer v. American Airlines, Inc.* (1977) 19 Cal.3d 441, 451 [138 Cal.Rptr. 302, 563 P.2d 858]) or the loss of consortium of chil-

dren (*Baxter v. Superior Court* (1977) 19 Cal.3d 461 [138 Cal.Rptr. 315, 563 P.2d 871]).

There are four elements to a loss of consortium claim: (1) a valid and lawful marriage between the spouse and the injured spouse at the time of the injury; (2) a tortious injury to one spouse; (3) loss of consortium suffered by the non-injured spouse; and (4) the loss was proximately caused by the defendant's act. (*Vanhooser v. Superior Court* (2012) 206 Cal.App.4th 921, 927.)

Assuming that a non-injured spouse wanting to bring a loss of consortium can meet those elements, how is their claim valued? "Whether the degree of harm suffered by the plaintiff's spouse is sufficiently severe to give rise to a cause of action for loss of consortium is a matter of proof. When the injury is emotional rather than physical, the plaintiff may have a more difficult task in proving negligence, causation, and the requisite degree of harm; but these are questions for the jury, as in all litigation for loss of consortium. In *Rodriguez*, we acknowledged that the loss is 'principally a form of mental suffering,' but nevertheless declared our faith in the ability of the jury to exercise sound judgment in fixing compensation. We reaffirm that faith today." (*Molien v. Kaiser Foundation Hospitals* (1980) 27 Cal.3d 916, 933 [167 Cal.Rptr. 831, 616 P.2d 813], internal citations omitted.)

Whenever an attorney assumes representation in a personal injury case and their client is married, it is important for that attorney to consider whether a loss of consortium claim is warranted and to have that discussion with their clients as to whether to pursue such a claim. Every marriage is different and a loss of consortium can exist, even on a case that does not appear to be catastrophic in nature.

Let's assume that I meet with John and Jane Doe to discuss a personal injury claim of John Doe, who was involved in a car accident. Since the accident, Mr. Doe has suffered from chronic back pain and has been diagnosed with soft tissue injuries. He is not paralyzed. He doesn't need surgery. He has no brain injuries. But his wife explains that this accident has had a devastating effect on their marriage. She explains that her husband has been unable to be intimate with her since sustaining his injuries. He has withdrawn emotionally and never reaches out to hold her hand or put his arm around her shoulder because it hurts. Their favorite past time used to be to go hiking together but they have not been able to do so since Mr. Doe was injured.

That would be a case that at least warrants the discussion with the clients on filing a loss of consortium.

As an attorney, you have an obligation to advise the client of all viable claims, including loss of consortium. If you fail to have that discussion, you can be found to have committed malpractice. In *Meighan v. Shore*, the court held:

"[W]hen a husband and wife consult an attorney about a personal injury action against a third party on account of personal injury to one of them, and the other spouse has a potential claim for loss of consortium of which the attorney is or ought to be aware, the attorney has a duty to inform that spouse of the consortium cause of action." (*Meighan v. Shore* (1995) 34 Cal.App.4th 1025, 1029.)

This is not to say that every case warrants the filing of a loss of consortium claim. Proving a loss of consortium claim can prove to be extremely invasive and embarrassing for the claimant and their spouse, which also should be discussed. In a loss of consortium claim, opposing counsel can depose a claimant and their spouse on the most intimate details of their marriage. As a young attorney, I once had a case where my client was involved in a minor fender bender in a parking lot. In that accident, she developed an issue with her breast implant from the force with the seatbelt. We filed a loss of consortium claim on behalf of her husband. During the deposition of both the injured spouse and her husband, the defense attorney wasted no time asking incredibly detailed questions about their sex life, which would make (as my grandmother used to say) a sailor blush. In discussing whether to file a loss of consortium claim with your clients, you should absolutely explain how invasive bringing such a claim can be.

The other thing to consider when evaluating whether to bring a loss of consortium claim as a companion claim to a personal injury matter is the status of the marriage. You need to find out well in advance if there were any difficulties

that existed in the marriage prior to the injuries occurring. Not knowing your client's marital history and bringing a loss of consortium claim can lead to potential damaging impeachment on the stand at trial. Imagine a case where you have been presenting a claim of loss of consortium. Let's use our Mr. and Mrs. Doe example from earlier in this article. Mrs. Doe is on the stand. She is crying while she tells the jury how her life with her husband has changed since the accident. She testifies how in love they used to be and now they have no intimacy and share no affection. What if, during cross-examination, the defense counsel gets up and questions Mrs. Doe about a separation and a filing for divorce that she had filed three months before the subject accident? It certainly changes the categorization of the marriage and could have an incredibly negative impact on your clients' credibility with the jury.

Having an honest and detailed discussion about loss of consortium with your married clients in a personal injury case is always recommended. If you decide to proceed, it is important to explain what your clients can expect. If you and your clients decide that not pursuing a loss of consortium is the best course of action, you should always send a confirming letter to the client and advise them of the statute of limitations (which would pair with the underlying personal injury case).

Robyn A. Lewis is a partner at J. Lewis & Associates, APLC. She is a former RCBA president and the chair of the New Attorney Academy.



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Walking Through Cupid's Grove and History Together: Abigail and John Adams

by Abram S. Feuerstein

This is the year to find our Founders. Not the demi-gods an older generation learned about in grade school; and not the dead, wigged white men that we are more likely to hear about today. Both of these images are what historian Joseph J. Ellis calls "cartoons."¹ Instead, the 250th year of our nation's birth – or America 250 – is the year to re-discover as best as possible the nuanced story and truth about our nation's founding and the extraordinary but flawed individuals who founded it.

A good start towards that end is Ellis' *First Family: Abigail and John Adams*.² Published in 2010 by Ellis, a Pulitzer Prize winning historian of the founding period, the book is certainly a reconsideration of John Adams' public life, but it is also one of the great all-time love stories. Ellis, harvesting mostly the approximate 1200 letters that Abigail and John exchanged and which, somewhat miraculously, survive as a national treasure,³ has allowed readers in on the couple's intimate, ongoing conversation about raising their family, farming their farm, and helping to create and sustain the oldest constitutional government in history.

There was a nine-year difference in their ages when the 24-year-old Adams met a 15-year-old Abigail in 1759 in the parlor of the Weymouth, Massachusetts home of



John Adams portrait by Gilbert Stuart, National Gallery of Art.



Abigail Adams Portrait by Gilbert Stuart, National Gallery of Art.

Abigail's well-respected father, the Reverend William Smith. And it definitely was not love at first sight. Initially, John's attention had been focused on one of Abigail's sisters. Yet three years later the two clearly had found their love and lifetime partners, physically attracted to each other and intellectually matched.

Writing to Abigail, who early on he called "Miss Adorable" or "Miss Saucy,"⁴ John orders her to give him "as many kisses and as many Hours of your company after nine o'clock as (he) pleases to demand, and (to) charge them to my account."⁵ Then, before they are married, she requests half-seriously that John provide a list of all of her faults presumably so that she could go to work on them. He takes the bait and tells her that she could not sing and had no "Ear for Musick," she walked with her "Toes bending inward," she sat with her legs crossed, and she read too much.⁶ Abigail retorts that a gentleman "had no business to concern himself about the Leggs of a Lady," acknowledges that she had a voice as "harsh as the Screech of a Peacock," and as to reading, well, that was an incurable defect so he would just have to put up with it.⁷

The couple delayed marriage until 1764, five years after they met so that John, who was "marrying up," felt confident that his growing law practice could provide for a wife and family.⁸ Just before tying the knot, Abigail told him he could take her belongings to their new home in Braintree, "and then Sir, if you please, you may take me."⁹

1 See e.g., Joseph J. Ellis, *American Creation: Triumphs and Tragedies at the Founding of the Republic* (Knopf 2007), p. 12.

2 Joseph J. Ellis, *First Family: Abigail and John Adams* (Vintage Books ed. 2011) (hereafter, "First Family"). The Ellis volume is the primary source for this article. The reference to "cupid's grove" in this article's title relates both to a song in the great Broadway musical, 1776, sung by the John Adams character, as well as a reference to a "lover's lane" type of location at the time of Adams' youth in Braintree, Massachusetts. (See David McCullough, *John Adams* (Simon & Schuster 2001), p. 641. McCullough is a great storyteller and his Adams biography, which won the Pulitzer Prize, served as the basis of the 2008 HBO John Adams miniseries starring Paul Giamatti as John Adams and Laura Linney as Abigail Adams.)

3 The collection of letters is in the possession of the Massachusetts Historical Society in Boston. See *My Dearest Friend: Letters of Abigail and John Adams*, edited by Margaret A. Hogan and C. James Taylor, published by Harvard University Press 2010 (hereafter, "My Dearest Friend"). Ellis notes that no other revolutionary era couple left a comparable documentary record of their mutual thoughts, contrasting their actions with that of Martha Washington, who destroyed nearly all of the letters between her and George. (First Family, p. X).

4 John also referred to Abigail in the early letters as Diana, a reference to the Roman goddess of the moon, and she referred to him as her "Lysander," either a reference to a Spartan hero or to a character in Shakespeare's *A Midsummer Night's Dream*. Later in their correspondence they referred to each other as "My Dearest Friend."

5 First Family, pp 5 and 7.

6 First family, p. 6; My Dearest Friend, pp. 18-22

7 Id. In her homeschooling, Abigail had been exposed to the works of Milton, Pope and Shakespeare. Ellis notes that although raised to live a life expected of a New England woman of her time, her father and grandmother encouraged her to be opinionated, self-confident and an independent thinker. First Family, pp. 13-14.

8 First Family, p. 8.

9 First Family, p. 7. Abigail later would write that her "pen is always freer than my tongue, for I have written many things to you that I suppose I never would have talked." First Family, p 32.

Rebel With a Cause

Team Adams produced four children. Appearing in courts throughout New England, John traveled extensively for his law practice, but his mind always seemed to be on Braintree as he longed to be with his family. "My fancy runs about you perpetually," he wrote to Abigail.¹⁰ But there was an equally deep streak running through Adams, a character flaw that he freely acknowledged: a burning desire for fame. To be remembered by what he referred to as "posterity."¹¹ And Abigail understood that she could not stand in his way – and likely shared his ambitions.

The British supplied the cause that would enable the Adamses to find a place in history. John wrote several public essays about the wrongfulness and unconstitutionality of the Stamp Act and other measures imposed by the British. By the time of the 1773 Tea Party, Adams had concluded that separation from Great Britain was inevitable. He wrote to Abigail: "We live my dear Soul in an Age of Tryal. What will be the consequences I know not."¹²

John was one of four delegates chosen in 1774 to represent Massachusetts at the Continental Congress. This meant John would have to travel to Philadelphia, leaving Abigail to manage the family farm and raise their four children. Maybe he was reluctant to go; maybe not, given his ambitions. But it meant a new time in their relationship, when the couple would be separated for years at a time -- initially for the next four years as America declared its independence and fought a war against a nation that had never lost one, and then for the next six, when John would be stationed as a diplomat in Paris.^{13 14}

Independence and "Remember the Ladies"

In Philadelphia, for two exhaustive years, John Adams worked on his fellow delegates until at last they agreed to declare independence. He had the easier job. On the homefront, Abigail and the family suffered through the British occupation of Boston. She described taking 8-year-old John Quincy with her to view the battle of Bunker Hill from nearby Penn's Hill as cannons roared and numerous people died.¹⁵ In the next letter to John, with her "bursting heart (finding) vent at (her) pen," she told him that their good friend, Dr. Joseph Warren, had been

killed at Bunker Hill.¹⁶

Her letters described to John how the family managed through severe shortages of food and supplies, the hoarding of goods, and devastating outbreaks of smallpox and dysentery. "Our House is an hospital in every part and such is the distress of the neighborhood that I can scarcely find a well person to assist me in looking after the sick," she wrote.¹⁷

Was it worth it? She said it was. "Here I serve my partner, my family and myself, and enjoy the Satisfaction of your serving your Country," Abigail told John.¹⁸

Although Abigail complained that John's letters were too short and infrequent, John kept Abigail informed as best as he could given the secrecy rules under which the Congress acted.¹⁹ She in turn wrote her husband to question what the new country would look like, wondering who would write its laws and how it would be governed. In her most famous letter, she observed:

"And, by the way, in the new code of laws which I suppose it will be necessary for you to make, desire you will remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power in the hands of husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation."²⁰

John replied, playfully, that all men knew that women were the true tyrants in any household. "(I)n Practice you know we are the Subjects," he said.²¹ Yet he had no intention of exchanging the King's tyranny for "the despotism of the petticoat."²² Abigail, however, was serious about her list of "Female Grievances" and half-heartedly thought about presenting a petition to congress because women were being governed without their consent.²³

¹⁰ First Family, p. 17.

¹¹ First Family, p. 28.

¹² First Family, p. 31. Being apart also created what Ellis calls the "paradox of proximity." That is, we know more about the Adamses' intimate thoughts and feelings about each other and world events when distance forced them to correspond. By contrast, people who live in the same space can speak to each other and do not need to write letters. First Family, p. 16.

¹³ The Adamses also sensed that they were living in momentous times and vowed to preserve their letters (and prior to sending them even made copies) so that posterity could have a better understanding of the events. First Family, pp. 28-9; 34. They purposefully created a historic record. This explains mainly why so much of their correspondence still exists.

¹⁴ My Dearest Friend, pp. 63-65; First Family, p. 40.

¹⁵ My Dearest Friend, p. 63.

¹⁶ First Family, p. 41.

¹⁷ *Id.*

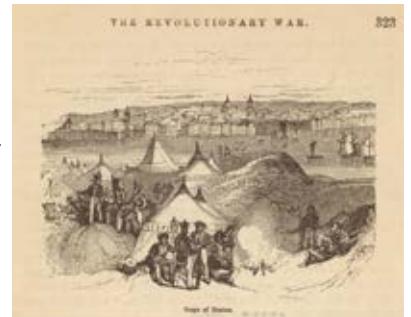
¹⁸ For instance, John Adams told his wife he had nominated George Washington to lead the American militia outside Boston. My Dearest Friend, p. 59. She wrote back: "You had prepared me to entertain a favorable opinion of him, but I thought the one half was not told me," likely referencing Washington's commanding physical appearance. First Family, p. 46.

¹⁹ First Family, p. 49; My Dearest Friend, p. 110.

²⁰ My Dearest Friend, p. 113.

²¹ First Family, p. 49.

²² First Family, pp. 50-51.



Siege of Boston, Engraving, 1879,
New York Public Library.
Public Domain reference: <https://nypl.getarchive.net/media/siege-of-boston-bb3d31>

On May 15, 1776, John achieved his greatest victory in Congress and possibly of his lifetime when he proposed a resolution declaring the independence of the colonies. In a letter to Abigail, he observed: "When I consider the great Events which are passed, and the greater which are rapidly advancing, and that I may have been instrumental in touching some springs and turning some small wheels, which have had and will have such effect, I feel an Awe upon my Mind which is not easily described."²⁴

Then, after the formal vote on independence on July 3, 1776, John excitedly wrote to Abigail that "Yesterday the greatest Question was decided which ever was debated in America and a greater perhaps never was or will be decided among Men."²⁵

Adams could not contain himself, and quickly sent Abigail another letter about the importance of July 2, 1776, noting that it

"will be the most memorable Epocha in the History of America. I am apt to believe that it will be celebrated, by succeeding Generations, as the great anniversary Festival. It ought to be commemorated, as the Day of Deliverance. . . It ought to be solemnized with Pomp and Parade, with Shows, Games, Sports, Guns, Bells, Bonfires and Elluminations from one End of this Continent to the other from this Time forward forever more."²⁶

His prediction was spot on, even forecasting that the future country would stretch the entire continent. With one exception - future generations oddly would mark July 4, 1776 – the date the final version of the Declaration was approved and sent to the printer – and not July 2, 1776, as the nation's anniversary date.²⁷

As for John, notwithstanding that most of the delegates in Philadelphia understood he had played the central role in moving them to vote for independence, during his lifetime the limelight already had shifted to Thomas Jefferson -- the author of the Declaration – as the key figure. Ironically and to his everlasting chagrin, it was Adams as head of the Declaration's drafting committee who had selected Jefferson to write the document.²⁸

After the Vote

John did not return to Braintree after the independence vote. He had never served in the military but had been named chair of the Committee on War and Ordinance, which kept him away from Abigail until late



John Adams Birthplace, National Park Service Photo.



1914 photograph of the houses at Braintree, Massachusetts, where Presidents John Adams and his son John Quincy Adams were born. Unknown Source.



While in Europe in 1787, John and Abigail Adams purchased the Old House (also known as Peacefield) in Quincy, Massachusetts. Four generations of the Adams family resided at the home. Since 1946 it has been operated by the National Park Service.

1777.²⁹ She told John that she had dreamed he would be "cold" to her upon their reunion. He reassured her that such a dream would "never come to pass. You can never be coolly received by me while my heart beats and my senses remain."³⁰

Their reunion would be short. In the winter, John was off to Paris to negotiate a treaty to bring France into the war on the side of the Americans.³¹ John would remain in Europe most of the next six years at the behest of Congress before Abigail, who had never ventured beyond

24 First Family, p. 52.
25 *Id.*
26 First Family, p. 53.
27 See America's Founding Documents, National Archives, retrieved at [https://www.archives.gov/founding-docs/declaration-history#:~:text=Although%20Congress%20had%20adopted%20the,\(See%20Appendix%20A.\).](https://www.archives.gov/founding-docs/declaration-history#:~:text=Although%20Congress%20had%20adopted%20the,(See%20Appendix%20A.).)

28 The committee, known as the Committee of Five, consisted of two New Englanders, John Adams of Massachusetts and Roger Sherman of Connecticut; two delegates from the Middle Colonies, Benjamin Franklin of Pennsylvania and Robert R. Livingston of New York; and Thomas Jefferson of Virginia, the sole Southerner. (*Id.*)

29 As Committee chair, his most important contribution likely was to recommend that new Army enlistees be inoculated for smallpox prior to reporting to duty, writing to Abigail that "Disease has destroyed Ten Men for Us where the Sword of the Enemy has killed one." First Family, p. 62.

30 First Family, p. 66.

31 Unknown to John, France had signed the treaty one week prior to his departure. (First Family, p. 68.)

Massachusetts, joined him in Paris, initially, and then London in 1784. "I cannot be happy or tolerable without you," he implored.³²

Ahead were the diplomatic successes Adams would achieve in the Netherlands to obtain financing for the war and the post-war nation, and in Paris to negotiate the end of the war with Great Britain. Still further ahead were his Vice-Presidency under George Washington, and his own Presidency, marked notably by his efforts to prevent the new nation from engaging in an all-out war with Napoleon's France; growing factionalism between the Federalists and Jefferson's states' rights Republicans that had been unleashed once George Washington left the scene; the Alien and Sedition Acts, which a protective Abigail strongly advised her husband to enact over his better judgment; the occupancy of the newly built presidential mansion in the District of Columbia in the waning months of the Adams' presidency; and the so-called "midnight" judicial appointments that included Chief Justice John Marshall, who would serve 34 years.³³

During their public life, Abigail always had been John's closest advisor as well as his "ballast" to pacify his otherwise outspoken, stubborn, reactive and at times brutally honest personality. In their private lives, she had a co-equal if not the major hand in raising their four children, particularly while John was an absentee parent during the revolutionary period. They set the highest of expectations for their children and pressured them all to succeed. Especially John Quincy, whom they groomed for greatness and who achieved it.³⁴

But other Adams' children did not fare as well, and their difficult lives and early deaths were sources of distress and great sorrow to Abigail and John. Charles Adams, an attorney, became an alcoholic and died in 1800 at age 30 – just as his father's presidency was ending. Their daughter, Abigail Adams Smith (aka "Nabby"), married poorly and passed away from breast cancer in her 40s a year after undergoing a full mastectomy – a brutal procedure at the time done without any anesthetic.³⁵ The youngest son, Thomas Boylston Adams, achieved early success as an attorney and judge but suffered severe bouts of depression and alcoholism, and died at age 59.

John Adams left the presidency in 1801, defeated by Jefferson in a close, mudslinging election decided by

the House of Representatives. For the next 25 years in retirement he never left the comforts of his home and farm in Massachusetts. Abigail managed the household and became the matriarch of the family. She died first, in October 1818. Likely from typhoid.³⁶ Shortly before she died, Adams wrote that "(T)he dear partner of my life for fifty-four years and for many years more as a lover, now lies in extremis," adding: "I wish I could lie down beside her and die too. . . ."³⁷

John could not envision life without Abigail, but he survived her by another 8 years. He maintained a healthy correspondence with Jefferson once the two had mended fences, exchanging 158 letters between 1812 and 1826.³⁸ "While I breath I shall be your friend," he had written Jefferson.³⁹ And then in fairytale fashion, the two major figures of the revolutionary period both died hours apart on July 4, 1826, the fiftieth anniversary of the vote on independence. Adams said that he was unsure if there would be an afterlife, but if there were one, he hoped to be able to embrace Abigail for all eternity.⁴⁰

Abram S. Feuerstein is employed by the United States Department of Justice as an Assistant United States Trustee in the Riverside Office of the United States Trustee Program (USTP). The mission of the USTP is to protect the integrity of the nation's bankruptcy system and laws. The views expressed in the article belong solely to the author, and do not represent in any way the views of the United States Trustee, the USTP, or the United States Department of Justice.



36 First Family, p. 244.

37 *Id.*

38 First Family, p. 236.

39 First Family, p. 254.

40 *Id.* In addition to embracing Abigail, Adams said he hoped the afterlife would include an ability to resume his arguments with Benjamin Franklin. The two statesmen had very different lifestyles and diplomatic approaches while they served in France and fought bitterly over how to achieve the nation's goals.

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32 First Family, p. 103.

33 Most of the judicial appointments had been made weeks before Adams left office, although some had been made close to Jefferson's March inauguration. Departing for Massachusetts before her husband, Abigail wrote to John in mid-February, "I want to see the list of judges." (My Dearest Friend, p. 476.)

34 By age 14, John Quincy went to St. Petersburg and served as secretary to the first American diplomatic mission to Catherine the Great's Russia; George Washington appointed him as the ambassador to the Netherlands; he was elected U.S. Senator from Massachusetts; he negotiated the Treaty of Ghent that ended the War of 1812; President James Monroe appointed him Secretary of State; he became President in 1825, a year prior to his father's death; and then served in the House of Representatives where he distinguished himself as a strong abolitionist.

35 First Family, p. 234.



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The Case for Becoming a Family Law Attorney

by Michelle Brooker & Elisabeth Lord

Choosing a legal specialty is one of the most consequential decisions an attorney makes. It shapes daily work, professional identity, and long-term satisfaction. While some areas of law are driven primarily by transactions, regulations, or abstract disputes, family law stands apart as a practice that is deeply human, intellectually demanding, and profoundly impactful. For attorneys considering where to focus their talents, there is a compelling case for entering the practice of family law.

Family law is often misunderstood as narrow or repetitive. In reality, it is one of the most complex and rewarding areas of legal practice. It requires mastery of multiple bodies of law, offers unparalleled opportunities to directly affect clients' lives, provides constant intellectual variety, and allows attorneys to develop both strong litigation and counseling skills. Together, these features make family law a uniquely fulfilling career path.

1. Family Law Requires Mastery of Multiple Areas of Law

One of the strongest arguments for practicing family law is its breadth. Family law attorneys are not specialists in a single statute or doctrine. They are legal generalists with deep expertise. Few other practice areas demand such a wide-ranging understanding of the law.

Family law cases routinely intersect with criminal law, particularly in matters involving domestic violence, child abuse, restraining orders, and contempt proceedings. An attorney must understand criminal procedure, evidentiary standards, and the practical consequences of criminal convictions on custody and visitation.

Civil law and civil procedure are equally central. Family law attorneys regularly handle motion practice, discovery disputes and evidentiary hearings. Mastery of procedural rules is essential, as family law cases often move quickly and involve high-stakes interim orders that can shape outcomes long before trial.

Bankruptcy law frequently affects divorce and support matters. When one party files for bankruptcy, issues such as automatic stays, discharge of support obligations, and characterization of debts become critical. A family law attorney must understand how federal bankruptcy law interacts with state family law orders.

Probate and estate law also play a significant role. Issues involving trusts, inheritances, separate property, and fiduciary duties arise regularly in divorce proceedings.

Knowledge of business and tax law is also essential. Understanding corporate and business structures and the potential tax consequences of how property is divided is a required skill.

In cases involving children, family law attorneys must often navigate welfare and institutions codes, dependency proceedings, and child protection laws. These areas require sensitivity, precision, and a firm grasp of statutory frameworks designed to protect vulnerable populations.

For attorneys who enjoy intellectual challenge and continuous learning, family law offers a practice that never stagnates. The law evolves, cases differ dramatically, and no two families present the same legal puzzle.

2. The Opportunity to Directly Impact the Family Unit

Few areas of law offer the same opportunity to make a tangible difference in people's lives. Family law attorneys work at pivotal moments—divorce, custody disputes, adoption, and protection from abuse—when clients are often overwhelmed and uncertain about the future.

The decisions made in family law cases shape the structure of families for years, sometimes decades. Custody arrangements affect how children are raised, where they live, and how they maintain relationships with both parents. Support orders influence financial stability and access to education, healthcare, and housing. Protective orders can mean the difference between safety and ongoing harm.

For many attorneys, this direct impact is deeply rewarding. Success is not measured solely in financial recovery or legal precedent, but in helping clients achieve stability, safety, and clarity during some of the most difficult periods of their lives. While the work can be emotionally demanding, it also offers a sense of purpose that is difficult to replicate in more abstract practice areas.

Family law allows attorneys to see the real-world consequences of their advocacy. Helping a parent secure meaningful time with their child, guiding a family through a fair and dignified divorce, or protecting a vulnerable party from abuse can reaffirm why many attorneys entered the profession in the first place.

3. A Practice That Combines Litigation and Counseling Skills

Family law uniquely blends litigation with counseling. While courtroom advocacy is often central, particularly in contested custody or support cases, successful family

law attorneys must also be skilled advisors and negotiators.

Clients frequently look to their family law attorney not only for legal answers, but for guidance on strategy, communication, and long-term planning. Attorneys must explain complex legal concepts in accessible terms, manage expectations, and help clients make decisions that balance legal rights with emotional and practical realities.

Negotiation and settlement skills are critical. Many family law cases resolve through mediation or negotiated agreements, requiring attorneys to advocate firmly while remaining solution oriented. The ability to de-escalate conflict, identify shared interests, and craft creative resolutions is invaluable.

At the same time, family law provides ample opportunity for trial work. Hearings are often frequent, evidentiary issues are nuanced, and judges have broad discretion. Attorneys develop strong courtroom instincts and adaptability, skills that translate well to any litigation-based practice.

This combination of advocacy and counseling makes family law particularly appealing to attorneys who value interpersonal connection alongside rigorous legal work.

4. Constant Variety and Professional Growth

Family law is anything but monotonous. Each case presents a new family dynamic, factual background, and

legal challenge. One day may involve a complex financial analysis of business interests; the next may focus on crafting a parenting plan that serves a child's best interests.

This variety promotes continual professional growth. Attorneys must stay current on evolving statutes, case law, and social science research related to families and children. They develop emotional intelligence, cultural competence, and problem-solving skills that extend beyond the law.

Conclusion

Family law is challenging, demanding, and at times emotionally intense. Yet for many attorneys, those challenges are precisely what make the practice meaningful. It offers intellectual breadth, the opportunity to directly impact families, a balance of litigation and counseling, and constant variety.

For attorneys seeking a practice that engages both the mind and the heart, family law stands as one of the most compelling and rewarding paths in the legal profession.

Michelle M. Brooker is a partner at Lord & Brooker, APC, a family law attorney, and a member of RCBA.

Elisabeth Lord is a Certified Family Law Specialist, Partner at Lord & Brooker, APC, and president-elect of RCBA.



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What's Changing in Family Law

by Diana Renteria

Every year, California introduces new family laws and changes to forms to help streamline or give further guidance on how the courts and the public should interpret existing statutes or legal procedures.

These changes or additions are to assist the public regarding processing summary divorce proceedings, domestic violence cases, and how Department of Child Support will process cases based on actual income and earning capacity.

Summary Dissolution

As of January 1, 2026, Senate Bill 1427 (SB 1427), permits a joint petition for dissolution or legal separation to be filed by married couples, even though they do not meet the specific eligibility requirements for summary dissolution.

The narrow requirements for summary dissolution included, the marriage was less than five years, the parties were not expecting a child or had children, no ownership in real estate, debts not to exceed \$7,000, community property was less than \$57,000 [not including vehicles] and the residency requirements were met [living in the state of California for a period of six months and in the county at least 3 months prior to the filing].

With SB 1427, a married couple can file a joint petition for legal separation or divorce so long as the couple agrees to ALL significant issues. The married couple within the joint petition outlines child custody, child visitation arrangements, division of property, financial matters involving support, and division of retirement accounts.

This Senate bill provides cost savings to joint petitioners/litigants. By filing the joint petition, there is one filing fee (reason would dictate there is no need for a response filing thereby, eliminating the payment of the second filing fee). The married couple is considered jointly served the moment the joint petition for divorce or legal separation is filed. This eliminates the cost for a process server. Lastly, SB 1427 promotes collaboration with a married couple who did not meet the summary dissolution requirements.

When the joint petition is filed, the judicial officer will review the contents of the joint petition containing the agreements on all issues instead of the normal process in having the issues resolved by motions, hearings, and contested proceedings.

Even if a married couple elects the joint petition process, they can still have hiccups and may need the assistance of the court to resolve disputes in the future.

Should this occur, either party can cancel the joint petition for dissolution or legal separation and fall back on the traditional contested proceedings.

It is with the hope of SB 1427 that married couples have a simpler and less costly process to transition to single status or a formal legal separation order.

Firearm Exceptions in Domestic Violence Restraining Order (DVRO) Cases

As of January 1, 2026, Assembly Bill 2759 (AB 2759), the exceptions in retaining firearms have become more stringent.

When the court enters an order for DVRO, the offender must turn in their firearms (this means, *any* firearm, gun, shotgun, assault weapon whether vintage or not, in either a working or nonworking condition); firearm parts, which includes receivers, frames or anything that can be used or easily turned into a receiver, frame (aka "ghost" guns); and ammunition including bullets, shells, cartridges and clips to a licensed gun dealer or law enforcement agency. The proof must be filed with the court within 24 hours of when the orders were made.

However, there are employment positions where the use of a firearm is necessary for a person's employment, such as a peace officer or security personnel. The courts would permit continued use of a firearm for work related duties. This exemption raises the standard for sworn peace officers.

As of January 1, 2026, AB 2759, the exemption is only permitted if the person is not already prohibited under state or federal law from owning a gun.

The court must make two findings before granting an exemption:

- 1) The sworn peace officer's personal safety depends on carrying a firearm outside of normal work hours; and
- 2) The sworn peace officer is not a threat to the protected individual, parties, or the public.

If the position is other than a sworn peace officer, and there is a need for the offender to carry a firearm as a condition of their employment, an exemption can be obtained. The court must determine job reassignment is not possible and, again, there is no danger or risk to the protected individual, parties and the public.

This review and findings determination will occur at each level of hearing: the temporary DVRO; the permanent DVRO and again should the permanent DVRO be renewed. The result and purpose of AB 2759 is to ensure the needs of a person's employment cannot override public safety.

Child Custody, DVRO cases and Firearms

Whenever a DVRO is granted, the court will review Family Code section 3044 to determine if child custody is appropriate. The presumption will not permit a parent's custody if there is a history of abuse. The Court will also review Family Code section 6389, when there is a firearm restriction violation.

Senate Bill 899 (SB 899), as of January 1, 2026, permits judges to engage in a broader review and can now consider firearm violations under Code of Civil Procedure section 5279 and Penal Code section 18120.

Judicial officers review the facts and determine if the offending parent can be trusted with custody should a firearm be involved. This new law is a additional attempt to protect a child's safety in determining custody when a firearm is involved.

Department of Child Support (DCSS) Changes and Updates in Calculating Income.

Every year, the Child Support Directors Association hosts the Child Support Legal College, a statewide conference for the DCSS attorneys, and staff review new statutes, new case laws and implementation of internal policy and procedures exclusively involving child support. As of four years ago, any private counsel is invited to attend, participate, learn, and network with DCSS staff and their attorneys throughout the state of California. I have been fortunate to attend for the last three years.

This last conference was held at Monterey, California and the biggest insight into statutory changes involved the calculation of actual income, presumed income and earning capacity. Here is a brief list of the latest changes commencing January 1, 2026.

Family Code Section 17400: There are three ways for DCSS to plead income.

If actual income information is available to DCSS, then actual income shall be used. However, if DCSS has sufficient information the earning capacity is greater than actual income and there is sufficient evidence to establish the earning capacity pursuant to Family Code section 4058(b), then DCSS **may use** earning capacity as the basis of the proposed support obligation order. But, if actual income of the obligor is unknown to DCSS and there is sufficient evidence available to establish earning capacity, pursuant to Family Code section 4058(b), DCSS **shall use** earning capacity as the basis of the proposed support obligation. For the court to consider the third and last option, DCSS needs to set forth in the initial complaint the multiple methods utilized in their attempts to determine actual income.

Family Code Section 17400: Requirements for the complaint.

DCSS is obligated in the complaint to inform the support obligor the basis for the proposed order. If the basis is not actual income, then DCSS must outline the factors' how earning capacity was determined. Subsection C was

modified declaring the complaint is to include a proposed order. If there is no response by the obligor within thirty days of service, the proposed judgment **may** (a change in the law) be effective. If the court enters the proposed judgment shall be effective the first day of the month following the filing of the complaint.

A subsection D was added to read, if the proposed judgment is based on earning capacity, DCSS **shall** file a motion for judgment.

A subsection E was added to allow the local child support agencies to determine the policy and procedure on how to adopt these new changes which are to be implemented by January 1, 2028.

Family Code Section 17430: Changes in pre-judgment procedures.

Is modified to include the words "in an action in which the proposed child support amount is based on actual income," the judgment shall be entered without a hearing or further evidence, if thirty days has passed from date of service.

This code added several subparts regarding the procedure to obtain judgment when the calculation is based on earning capacity. This section states a motion for judgment must be filed and permit the obligor to make an appearance and participate in the hearing by testimony or evidence even when no answer is on file. Should the obligor not appear, answer, or participate, the court can default the obligor only after a review of the earning capacity factors relied upon by DCSS and the proposed guideline. The court still has discretion to enter a higher or lower amount.

Should DCSS receive additional information prior to an answer being filed by the obligor and the amount is different than the proposed judgment when attached to the complaint, DCSS shall file a declaration outlining the new income information and amending the proposed judgment. DCSS is now allowed to file an amended proposed judgment at any time after filing the initial summons and complaint and before an answer is filed.

Family Code Section 17430: Changes in post-judgment procedures.

Several sections were added to determine how DCSS manages case reviews after entry of judgment based on actual income or earning capacity.

If the judgment is entered by default based on a proposed support order on earning capacity, DCSS is to review this order within one year and then each year until there is a modified order. DCSS is to determine if there is sufficient information which can support an actual income order or a different earning capacity from the initial child support order.

Should there be additional evidence, DCSS is to file a motion within sixty days of their determination. The new income facts will be considered a change of circumstances to obtain a modification.

Should a default judgment order be based on earning capacity, either parent may file a motion to modify the initial child support order.

Family Code Section 17432: Set aside procedures presumed income capacity.

This section applies to the set aside procedures should the support order be based on presumed income or (added language) earning capacity. It states the court may review the order amount should the earning capacity/presumed income of the obligor be substantially different. "Substantially different" means there is a ten percent difference than what was ordered, compared to what should have been ordered had the correct income been used. Under this section, the court has discretion to set aside and reinstate the order, in its entirety or partial periods of time.

A motion to set aside needs to include the income and expense declaration (or simplified financial statement) or any other information concerning income or the years involving earning capacity. There is a two-year time period to request a set aside and it begins to run when the first amount of support is received. DCSS is obligated to notify the obligor of the first receipt of funds and the commencement of the two-year period to file a request to set aside.

This section continues with additional responsibilities by DCSS to review within the first three months when

the first collection is received. The court is to review the length of time between the initial collection and the time the motion to set aside is filed when it is a default judgment and other relevant equitable factors.

As a result of these law changes, there are changes to the following child support forms:

Summons and Complaint FL-600

Pleading on Earning Capacity FL-302

Declaration for Amended Proposed Judgment FL-616

Judgment FL-630

Order After Hearing FL-687

Finally, the DCSS website calculator is modified with a new section to insert information regarding earning capacity.

The bottom line for all these DCSS support changes is to make life easier and communicate with DCSS attorneys and their staff. Best practice would dictate, if you represent the obligor, reveal the actual income and obtain an accurate support order.

Diana Renteria practices in the areas of family law, probate, and juvenile dependency and has an office located in downtown Riverside. Should there be any questions, she can be reached at diana@drlawoffice.com. A special thank you to DCSS Supervising Attorney Maichi Nguyen and DCSS Attorney Krystle Lilly White for their contributions of recent support changes.



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Opposing Counsels: William P. Bratton and Pamela D. Bratton

by Goushia Farook



William P. Bratton
and Pamela D. Bratton

Most professionals spend their time creating their careers, but the Brattoms have spent their careers creating a legacy in family law. A joint venture built on trust, honesty, respect, and compassion.

Pamela D. Bratton

Pamela Bratton graduated from Western State University College of Law in December 1988, and joined the Riverside County Bar Association in 1989. She

served as co-chair with Laura Rosauer and Sheryl McDonnell for the family law section. During an era where less than 30 percent of the admittees to the State Bar of California were women, Pamela Bratton, following the path created by the women before her, continued paving the way for herself and future generations of women. In 1991, she created the Law Offices of Pamela Bratton as a solo practitioner with a paralegal and a receptionist.

As any powerhouse woman does, she simultaneously balanced marriage, children, and her career. Pamela and William Bratton married in 1983 and had two children at the time she opened her office in 1991. Presently, she is managing partner at Bratton Razo alongside William Bratton and Michael Razo.

Questions for Pamela

1. What made you want to do family law?

- Family law allows me to help people and families during the most difficult moments of their lives where the outcome can have a lasting impact on their future and on their children. I love being able to guide clients through that process, provide clarity when things feel overwhelming, and find solutions that work for them. Family law gives me the opportunity to make a real difference—not just in resolving legal issues, but in helping people move forward with their lives.*

2. What is one piece of advice you would give firm owners in successfully managing their office staff?

- Successful management starts with surrounding yourself with capable, trustworthy people and empowering them to do their jobs well. Hiring the right staff is critical, but it is just as important that they know they are valued and supported.*

3. What advice would you give to business partners running a firm together?

- The foundation of a successful partnership is choosing partners you genuinely respect and like; individuals who share the same core values and long-term goals for the firm. I am lucky that all the attorneys in the office genuinely care about each other and support one another. Communicating and being on the same page about what we want makes running the firm successful.*

William P. Bratton

William Bratton graduated from Western State University College of Law in 1994 and joined the Riverside County Bar Association the same year. Before taking on a career in law, William worked in his family-owned manufactured housing business. The business was the largest retail dealership in California with over 250 employees and William was the vice president of operations. He joined professional forces with his wife, Pamela, in 1994 when they created Bratton and Bratton.

William's drive to give back to community is both exemplary and honorable. He served as a pro-tem judge in family law in the early 2000's when Jean Leonard was the supervising judge. He served as minor's counsel for fifteen years providing pro bono services to families in need. If a client could pay for services, he made sure that all funds would be donated to the children's room at the courthouse as he viewed his undertaking of the role as one of giving back.

1. For someone who can retire anytime he wants, why do you continue to practice law?

- I still love what I do most of the time and it is because of the people I work with. I have an amazing "work family." During the COVID lockdown, we spent a lot of time together. It has created an incredible bond. If I retire, I will not see my "family" every day and I am not ready to lose that.*

2. What piece of advice would you give to young attorneys entering family law?

- Clients are people, keep that in mind, they are not billable hours. You can really make a difference in their lives, in a positive or negative way, depending on how you approach the case and the advice you give. I feel strongly about helping people rather than just doing their case.*

3. What piece of advice would you give to seasoned attorneys working with newer attorneys in family law?

- *It is our obligation to remember we were new attorneys at one point. Treat them how we would have wanted to be treated during that time. Being a good mentor can be an extremely rewarding experience. But, beyond that, I feel seasoned attorneys have an obligation to help newer attorneys learn how to practice law ethically, and that it is always the right time to do the right thing.*

Growing Together

There is no doubt that the Brattons have created an unmatched legacy for themselves in Riverside family law. Over the years, the firm grew and today they are joined with Michael Razo for Bratton and Razo. From a firm of just one woman to now over 20 employees, the Brattons have truly created a remarkable workplace.

Pamela, how does it make you feel seeing your solo practice flourish into the firm it is today?

- *I originally started the firm so I could fully participate in our children's lives. I wanted to be a room mom, go on field trips, and volunteer at their schools - things that, at the time, many traditional firms did not support. I never imagined it would grow into what it is today, so seeing how it has flourished is both surprising and incredibly rewarding.*

Giving Back Together

The Brattons dedication to the Riverside legal community is not limited to legal services. They have actively participated in the RCBA Elves program since its inception in 2002. They have started a heartfelt tradition of attending every year with

office members, their children, family, and friends to help buy gifts as shopping elves adorning their Santa hats in the spirit of giving back. Without hesitation, they support the undertakings of their two associate attorneys in participating in legal programs and events. Admittedly, they ground this writer in not taking on too much for herself. They have supported staff who have developed an interest in law. They have past receptionists and paralegals who have gone on to become practicing attorneys. They have supported colleagues' rise to the bench. Whether it is advice on a case or a personal matter, the Brattons always make sure they give their time, support, and genuine love.

Personal Life

William and Pamela Bratton have now been married for over forty years. Their children are following in their parents' footsteps in pursuing careers in the law. They recently adopted a labradoodle puppy named Millie who continues to make efforts to win over their adopted street cat Stitch, much to his chagrin. William is an avid golfer, and Pamela is an avid reader. They enjoy traveling together, going to concerts, quality time with family and at the biased opinion of this writer, spending time with their office family!

Goushia Farook, RCBA vice-president, is an associate attorney at Bratton & Razo practicing family law. She strives to uphold the principles, characteristics, and morals embodied by the Brattons and represent them with grace and respect in the community.



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Advancing Equality, Visibility, and Justice: The Focus of the Pride Bar Association of the Inland Empire

by Dean McVay and Veronica Garcia

In every corner of the legal profession, the work of inclusion is urgent and ongoing. Nowhere is that more evident than in the Inland Empire, where the Pride Bar Association has emerged as a vital force for LGBTQIA+ attorneys, legal staff, law students, judges, and allies. Rooted in visibility, community, mentorship, and advocacy, Pride Bar is helping shape a more inclusive and representative legal landscape for our region.

The Pride Bar Association of the Inland Empire was founded in early 2025 on a simple truth: representation matters. For LGBTQIA+ lawyers, law students, and clients, being seen and respected in the legal system is central to access to justice. When gay and trans individuals enter a courtroom, seek legal counsel, or apply for a job, many carry fears—some grounded in history—about whether they will be treated with dignity and fairness. Pride Bar exists to break down those barriers by strengthening LGBTQIA+ leadership and visibility throughout the profession.

The organization grew out of conversations within Inland Counties Legal Services and with legal leaders across the Inland Empire who recognized the need for a dedicated space where LGBTQIA+ professionals and allies could connect, lead, and thrive. That vision came into focus in late 2024 during a listening and recruitment session that brought together attorneys, judges, and community leaders committed to building something lasting. From that moment forward, a core group came together to ensure LGBTQIA+ voices would have a permanent, visible home in the region's legal community.

One of Pride Bar's central goals is to cultivate professional networks and mentorship. Many LGBTQIA+ attorneys—especially students and new practitioners—enter the profession without access to affirming mentors or safe spaces to be fully themselves. Pride Bar plans to address this gap through mentorship programs, networking opportunities, and cross-generational relationships that help members grow professionally while building community.

Education is another cornerstone of the organization's mission. Pride Bar has already regularly partnered with regional bar associations and community groups to offer continuing legal education on issues that disproportionately affect LGBTQIA+ individuals, including civil rights protections, transgender rights in schools and workplaces, name and gender-marker changes, and legal challenges facing LGBTQIA+ youth and seniors. These programs ensure attorneys remain informed and prepared to serve LGBTQIA+ clients with skill and compassion.

Pride Bar's impact also extends beyond the courtroom. Members volunteer with nonprofit partners—including Inland Counties Legal Services—to assist LGBTQIA+ individuals facing legal challenges. Because LGBTQIA+ individuals, particularly youth, immigrants, and transgender residents, experience

disproportionate barriers to legal assistance, Pride Bar's commitment to service plays a critical role in closing those gaps.

Equally important is the sense of belonging Pride Bar creates. The legal profession can be isolating, especially for those who grew up without affirming environments. Pride Bar offers a place where identity is celebrated rather than merely tolerated—through Pride Month events, Drag Bingo fundraisers, theater outings, and community gatherings that bring together attorneys and judges united by authenticity and shared purpose.

That spirit was on full display on January 22, 2026, when Pride Bar celebrated its First Anniversary and Installation of Officers & Awards Gala at the Doubletree in Ontario. The evening included the presentation of the inaugural Stonewall Legacy Awards, honoring five champions of equality and community: Hamburger Mary's of Ontario, Retired Judge Martha Bellinger, Retired Justice Marsha Slough, national civil-rights and LGBTQIA+ advocate Abby Rubenfeld, and actor and LGBTQIA+ advocate Beth Broderick. Their leadership reflects the very values Pride Bar was created to uphold.

Looking ahead, Pride Bar continues to build momentum. The next event and fundraiser will take place on St. Patrick's Day, March 17, 2026, at Hamburger Mary's. For \$25, attendees will have the chance to win exciting prizes while supporting a powerful cause: funding scholarships and pipeline programs for LGBTQIA+ law students and aspiring legal professionals across the Inland Empire.

Through partnerships with law schools and pre-law programs, Pride Bar is also strengthening the pipeline of future LGBTQIA+ attorneys—ensuring students see the legal profession as a place where they belong and where their voices matter.

Ultimately, Pride Bar's mission is not only about one community. An inclusive bar is a stronger bar—one better equipped to serve the public with empathy, insight, and integrity. LGBTQIA+ attorneys bring perspectives shaped by resilience and a deep commitment to fairness that enrich every part of the justice system.

As the Inland Empire continues to grow, the Pride Bar Association stands ready to meet the moment: advancing equality, supporting its members, expanding access to justice, and building a legal community where everyone can thrive openly, authentically, and proudly.

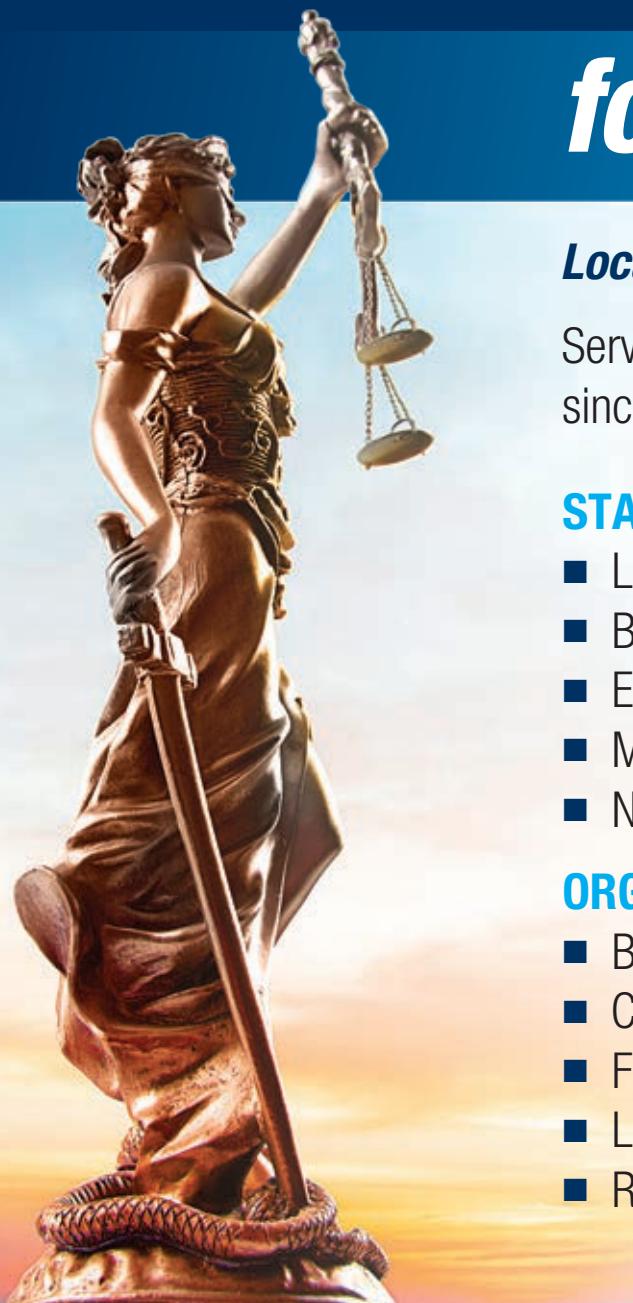
Dean H. McVay is the president of the Pride Bar Association of the Inland Empire and a partner with Lewis Brisbois Bisgaard & Smith, Inland Empire Office.

Veronica J. Garcia is co-vice president, Pride Bar Association of the Inland Empire, and Housing Director, Inland Counties Legal Services.



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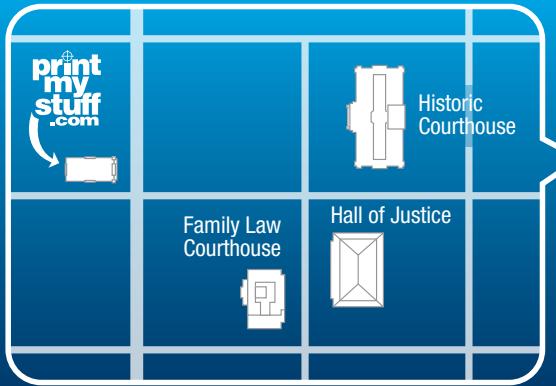
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Request for Proposal

County of San Bernardino is announcing the release during January and February 2026 of a Request for Proposals (RFPs) for the following contract services: Request for Proposal No. CAO126-CAO5-6228, Dispute Resolution Programs Act, Alternate Dispute Resolution Services.

Register to receive a copy of the RFP, go to <https://epro.sbccounty.gov/bso/view/login> and click on "Register." Additional information may be obtained from the San Bernardino County Administrative Office at 909-387-4286 or by e-mail to Celia.McDonald@cao.sbccounty.gov, or County Purchasing Department by e-mail to Ariel.Gill@pur.sbccounty.gov.



* ATTENTION RCBA MEMBERS *

How would you like to receive (or read) the *Riverside Lawyer* magazine?

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OPT-OUT: If you would prefer not to receive hard copies of future magazines, please let our office know by telephone (951-682-1015) or email (rcba@riversidecountybar.com).

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective February 28, 2026.

Alejandro M. Cassadas – Solo Practitioner, San Diego

Sean T. Cork - Brown White & Osborn, Redlands

Mary D. Demircift – Vistas Law Group, Ontario

Dominique Gottlieb – County Counsel's Office, Riverside

Emilee R. Hedlund – Law Office of Kyle A. Patrick, Riverside

Susan J. K. Lee – Aarvig Pennell, San Bernardino

Polina Logrue – Logrue Law Firm, Newport Beach

Delilah Maestas – County Counsel's Office, Indio

Lucy Matevosyan – Solo Practitioner, Riverside

Maria P. Norsworthy (A) – Public Defender's Office, Riverside

Sebastian A. Paige – Varner & Brandt, Riverside

Serena K. Pelenghian – All Trial Lawyers, Orange

Christina Pisikian - The Pisikian Law Firm, Los Angeles

Arletha Saint-Jean – Varner & Brandt, Riverside

Jasmin Villagomez (A) – County Counsel's Office, Riverside

(A) – Designates Affiliate Member



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For additional information, go to Riverside Superior Court website or email: JudicialMentor@riverside.courts.ca.gov

CALENDAR

FEBRUARY

2	Roundtable with Judge Hopp 12:15 PM, Zoom MCLE	17	Mock Trial Semi-Finals 5:30 PM Historic Courthouse
3	Mock Trial – Round 3 5:30 PM Riverside Hall of Justice	18	Estate Planning, Probate & Elder Law Section 12:00 PM Program TBA
7	Saturday Mock Trial – Round 4 8:30 AM Riverside Hall of Justice	19	Mock Trial – Finals 5:30 PM Historic Courthouse
10	Landlord/Tenant Section Meeting Joint with the SBCBA Napoli Italian Restaurant, Loma Linda 6:00 PM Speaker: Judge Lisa M. Rogran Topic: Unlawful Detainers -Procedures & Policies of Department F-7 of Fontana Superior Court MCLE	20	General Membership Meeting Noon, RCBA Gabbert Gallery Speaker: Judge Randall Stamen Topic: Riverside County's Community Courts MCLE
	Mock Trial – Round 5 – Elite 8 5:30 PM Riverside Hall of Justice	25	Juvenile Law Section 12:15 PM, Zoom Speaker: Catherine Rupp MCLE
17	Family Law Section Meeting 12:00, RCBA Gabbert Gallery Speaker: Carrie Williams Title: "From Stress to Strength in Family Law" MCLE		

Events Subject To Change

For the latest calendar information please visit the RCBA's website at riversidecountybar.com

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.

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.

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Riverside County Bar Association
4129 Main St., Ste. 100, Riverside, CA 92501
RCBA 951-682-1015 • LRS 951-682-7520
www.riversidecountybar.com | rcba@riversidecountybar.com

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