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# RIVERSIDE LAWYER

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**Editor** Jacqueline Carey-Wilson

**Design and Production** PrintMyStuff.com (PIP Riverside)

**Cover Design** PrintMyStuff.com/Gemini AI

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(951) 534-4006  
megan@aitkenlaw.com

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(951) 656-8313  
erialfaro@gmail.com

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

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(888) 611-3529  
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4129 Main Street, Suite 100  
Riverside, California 92501

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

rcba@riversidecountybar.com  
www.riversidecountybar.com

# RIVERSIDE LAWYER

MAGAZINE

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# PRESIDENT'S Message

by Megan G. Demshki



## RCBA Members Invest in the Future of Our Profession

### RCBA/UCR Coffee Mentorship Chats

The RCBA teamed up with the UCR Presley Center of Crime & Justice Studies to offer Coffee Chats with UCR students to provide mentorship and build connections with students interested in the legal profession. The program facilitated over 110 one-on-one meetings between RCBA members and UCR students—ranging from first-years through graduate students and representing disciplines across the social sciences, humanities, public policy and STEM. The students provided overwhelmingly wonderful feedback who described the series as a uniquely valuable opportunity to engage candidly with practicing attorneys.

Thank you to each RCBA member who participated and so generously donated their time and insight to the students.

### May General Membership Meeting

On May 15, 2026, Brooke E. Jimenez, David E. Robinett, and David P. Rivera from Atkinson, Andelson, Loya, Rudd & Romo presented at the May General Membership Meeting. Brooke, David and David discussed "Recent Supreme Court Decisions in *Mahmoud v. Taylor* and *Mirabelli v. Bonta*." Thank you, Brooke, David, and David, for your thought-provoking presentation on this developing area of law.

A special shout out to David and David for celebrating their birthdays with us as both gentlemen were celebrating their birthdays on the day of the meeting. We wish you a splendid year ahead!

### New Attorney Academy Graduation

On May 15, 2026, we also had the opportunity to celebrate the graduation of the New Attorney Academy. This is the 11th year of the New Attorney Academy and the highest number of graduating participants of all time—a true testament to the value of the program and the tireless commitment of the planning committee. The Academy graduated 26 participants this year!

My most sincere gratitude to Robyn Lewis, Greg Rizio, and the entire planning committee for the many hours dedicated to this 10-month program. A special thank you to Judge John Vineyard for his years of service on the committee and founding vision as he will be

retiring from the committee. We appreciate your service, Judge Vineyard!

Keep an eye out for applications for next year's program in the weeks ahead and start thinking of bar waiters or young attorneys who might benefit from some encouragement to apply.

### Congratulations to the Barristers

On May 14, 2026, the Barristers held their annual Judicial Reception at the Grier Pavilion. It was a beautiful spring evening celebrating two worthy award recipients: Judicial Officer of the Year Honorable Sophia Choi and Attorney of the Year Steve Harmon. It was the kind of evening that makes me so proud to be a member of this legal community—the atmosphere was warm and inviting. Members were laughing and enjoying each other—handshakes and hugs and smiles. Nearly 200 people joined in to help the Barristers celebrate! Congratulations to the Barristers for a wonderful evening and thank you for all of your hard work in making this event a reality.

### 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](mailto: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](mailto:lisa@riversidecountybar.com).**



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# BARRISTERS

## President's Message

by Sharon P. Ramirez



### 7th Annual Judicial Reception



*Steven Harmon and Sara Truitt*



*Ellen Peng, Judge Sophia Choi, Sharon Ramirez*

On Thursday, May 14, the Barristers hosted our 7th Annual Judicial Reception at the beautiful Grier Pavilion at Riverside City Hall. This year's reception was one of our most well-attended events to date, bringing together judges, attorneys, law students, and members of the legal community for an evening centered on recognition, connection, and celebration.

This year, we had the incredible honor of recognizing Judge Sophia Choi as our Judicial Officer of the Year and Steven Harmon as our Attorney of the Year. Judge Choi's unwavering commitment to public service and the



*Barristers Board – Summer DeVore, Elia Vasquez, Sara Truitt, Amanda Perez, Faran Imani, Derek Diemer, Henry Andriano, Kevin Collins, Nolan Kistler, Sharon Ramirez*

Riverside community reflects the very best of our profession. Likewise, Steven Harmon's decades-long commitment to criminal defense and mentorship have shaped generations of attorneys throughout our legal community. Honoring both of these outstanding leaders in the presence of our legal community was truly special.

The evening featured live jazz music, raffle prizes, a magician, great food and drinks, and, most importantly, the opportunity for members of our legal community to come together and reconnect as colleagues and friends. From young attorneys and law students to seasoned practitioners and members of the bench, the reception reflected the strength and camaraderie of the Riverside legal community.

Events like these do not happen without a tremendous team effort. Thank you to our Barristers board and everyone who contributed their time and energy to making this year's reception such a success.

A special thank you to our sponsors. Your support allows Barristers to continue creating meaningful events and opportunities for young attorneys throughout Riverside County and the Inland Empire. We are deeply grateful for your partnership and commitment to our legal community.

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## Past Events Recap

### **Barristers Happy Hour and New Attorney Academy Graduation Celebration – May 15, 2026**

The celebrations continued the very next day as RCBA Barristers hosted a Happy Hour and New Attorney Academy Graduation Celebration. Congratulations once again to the graduating class of the 2025-26 New Attorney Academy! The program continues to provide invaluable guidance, mentorship, and practical insight for newer attorneys entering the profession, and we are proud to celebrate the accomplishments of this year's class. A special thank you to Greg Rizio and Robyn Lewis for dedicating their time, leadership, and experience to teaching and mentoring participants throughout the program. Following the graduation celebration, graduates and other Barrister members gathered at Lake Alice Trading Co. and enjoyed appetizers, arcade games, raffle prizes, and each other's company! We hope to see our graduates at future Barrister events! Big thank you to Maasumi Headache and Spine Care for sponsoring the appetizers.

### **Upcoming Events. You're Invited!**

Summer has arrived and we have plenty of events lined up!

- **Summer Golf Social** – Wednesday, June 3, 2026, 5:30-7:30 p.m., Van Buren Golf Center, appetizers, golf bags and golf balls sponsored by Stream Kim Hicks Wrage Alfaro, PC
- **Barristers June Happy Hour and 2026-2027 Board Elections** – Thursday, June 25, 2026, Mixer at 5:00 p.m., Elections at 5:30 p.m., Presidential Lounge at the Mission Inn, appetizers sponsored by Herrera Law

- **Wine Tasting with the Barristers** – Saturday, June 27, 2026, 9:15 a.m.-5:30 p.m., Temecula, RSVP by June 20, purchase your ticket here: <https://rcbabarristerswinetasting.eventbrite.com>
- **Barristers July Happy Hour** – Thursday, July 16, 2026, starting at 5:30 p.m., Killer Queens, appetizers sponsored by Varner & Brandt
- **CLE with Riverside DA Mike Hestrin and Riverside PD Steven Harmon** – Thursday, July 23, 2026, 5:30-7:00 p.m., RCBA Building, stayed tuned for RSVP information

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:**

#### **Amanda Perez, 2025-2026 Member-at-Large**

Next up is Amanda!

Amanda is an associate attorney at Reid & Hellyer, APC, where her main area of practice is business litigation. This is her second year serving on the Barristers Board as a member-at-large. She is also a member of the San Diego Inn of Court and the Federalist Society. In her spare time, she enjoys watching college gymnastics competitions, walking her dog, Alfalfa, and staying apprised of constitutional law issues. She was a competitive gymnast from the age of 4 to 21 and was the Western National Uneven Bar Champion at the age of 17. Amanda was a national competitor all the way to college, where she was a part of the Sacramento State Women's Gymnastics team for three years.

### **Stay up to date on everything Barristers!**

For upcoming events and updates:

Website: <https://www.rcbabarristers.com/> - check out our revamped website!

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](mailto: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](mailto:sramirez@ramirezlaw.com).*

*Photos by Michael J. Elderman*



# California Senate Bill 940 and the Changing Landscape of Arbitration

by Nesa Targhibi

California Senate Bill 940 ("SB 940") (S.B. 940, 2023–2024 Reg. Sess. (Cal. 2024)), effective January 1, 2025, marks a meaningful recalibration of California's arbitration regime. While framed largely as a consumer protection measure, its reach extends beyond the consumer context in ways practitioners are only beginning to work through in real time. The statute reflects a familiar tension in arbitration law: preserving arbitration as a streamlined alternative to litigation while responding to persistent concerns about fairness, transparency, and procedural balance.

For attorneys who draft, enforce, or litigate arbitration agreements governed by California law, SB 940 is not a marginal update. It alters several baseline assumptions that have long shaped arbitration practice in the state.

A central feature of SB 940 is its restriction on forum-selection and choice-of-law provisions in consumer arbitration agreements. For covered contracts entered into, modified, or extended after January 1, 2025, businesses may no longer require California consumers to arbitrate disputes outside the state, nor may they mandate application of another state's substantive law in a manner that displaces California protections.<sup>1</sup> This change displaces a drafting approach that had become routine in many national agreements, particularly those selecting Delaware, New York, or Texas as governing forums.

In practical terms, companies relying on uniform arbitration clauses across jurisdictions will need to revisit those provisions with California specifically in mind. What previously functioned as a single standardized clause may now require jurisdiction-specific tailoring to ensure enforceability. The statute also preserves access to California small claims court for eligible disputes, even where an arbitration agreement exists.<sup>1</sup> While many agreements already included similar carveouts, SB 940 effectively removes any ambiguity about their necessity.

The more consequential shift, however, lies in discovery. Arbitration under the California Arbitration Act ("CAA") has traditionally been associated with limited discovery, often cited as a defining feature distinguishing it from civil litigation. SB 940 alters that baseline by expanding arbitrators' authority under Code of Civil Procedure section 1283.05 and related provisions.<sup>2</sup>

Arbitrators are now expressly authorized to permit broader discovery tools, including depositions, subpoenas, document requests, and third-party discovery, in a manner that more closely tracks superior court practice.<sup>2</sup> While discretion remains with the arbitrator, the statutory direction is clear: discovery in arbitration is no longer presumptively narrow.

That change will likely be most visible in consumer and employment arbitration, where procedural efficiency has his-

torically depended on constrained discovery. As discovery expands, so too does cost, complexity, and the potential for motion practice within arbitration itself. The line between arbitration and litigation, already blurred in many institutional forums, may become more difficult to distinguish in California-governed disputes.

For practitioners, the drafting implications are immediate. Arbitration clauses that incorporate California law without addressing procedural limits may now be read to permit broader discovery than originally anticipated. Counsel may therefore need to revisit whether to incorporate institutional arbitration rules, such as those of the American Arbitration Association or JAMS, or to define discovery parameters more explicitly within the agreement itself.<sup>3</sup> In some cases, the issue will not be whether discovery exists, but how to keep it proportionate to the dispute.

SB 940 also strengthens disclosure obligations for arbitrators and arbitration providers. The statute expands required disclosures relating to prior relationships, repeat appointments, and potential conflicts involving parties, counsel, and administering organizations.<sup>1</sup> These changes respond to longstanding criticism of "repeat player" dynamics in arbitration and concerns, whether empirically proven or not, about perceived impacts on neutrality.

In addition, the legislation contemplates increased oversight of alternative dispute resolution providers, including the potential development of certification or regulatory standards.<sup>3</sup> Although the practical implementation of these provisions remains to be seen, the direction is unmistakable: greater formalization of a system that has historically operated with limited public regulation.

From a counseling perspective, SB 940 makes it difficult to treat arbitration provisions as static boilerplate. At a minimum, counsel should be reviewing existing consumer-facing agreements for compliance with venue and choice-of-law restrictions. Equally important is reassessing whether discovery provisions still reflect the intended balance between efficiency and procedural fairness. National companies in particular may find that California carveouts are no longer optional drafting considerations but necessary components of enforceable agreements.

At the same time, SB 940 is likely to generate substantial litigation over its scope and enforceability. The most immediate question is federal preemption under the Federal Arbitration Act ("FAA") (9 U.S.C. §§ 1–16). The Supreme Court has repeatedly held that state laws may not interfere with arbitration's fundamental attributes or impose rules that effectively disfavor arbitration. Critics of SB 940 argue that its venue restrictions and expanded discovery framework may

cross that line by altering the procedural characteristics that define arbitration as distinct from litigation.

Whether those arguments succeed will depend heavily on how courts characterize the statute's practical effect. Some provisions may be upheld as generally applicable contract rules that incidentally affect arbitration agreements. Others may face closer scrutiny if courts conclude they impose arbitration-specific burdens inconsistent with federal law. As with many California arbitration statutes before it, the preemption question will likely be resolved incrementally through litigation rather than a single dispositive ruling.

A related and equally unsettled issue is retroactivity. Practitioners are already asking whether SB 940's discovery provisions apply to arbitrations commenced after January 1, 2025, but governed by preexisting agreements, or even to proceedings already underway. Early commentary suggests courts will likely treat some provisions as procedural in nature, potentially supporting application to pending disputes, while others may be deemed substantive and applied prospectively only. That distinction will likely drive early litigation strategy in both state and federal courts.

Taken together, SB 940 reflects California's continued willingness to recalibrate arbitration in the consumer space, even at the cost of increased doctrinal complexity. The statute expands procedural safeguards and oversight while narrowing certain drafting flexibilities that had become standard in national arbitration programs. It also introduces a degree of uncertainty that will take time, and likely appellate litigation, to resolve.

For practitioners, the practical takeaway is relatively straightforward: arbitration clauses governed by California law can no longer be treated as interchangeable with those used elsewhere. They require closer attention, more deliberate drafting, and ongoing monitoring as courts begin to define the statute's boundaries.

As SB 940 moves from enactment into application, it will likely become another focal point in the broader national debate over arbitration's role, whether it remains a streamlined alternative to litigation or continues evolving into a parallel procedural system with increasingly court-like characteristics.

*Nesa Targhibi is a sole practitioner and owner of Holborn Law APC based in Riverside and San Bernardino County. She practices in the area of Trust and Probate.*



#### Citations

1. S.B. 940, 2023–2024 Reg. Sess. (Cal. 2024).
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3. Loeb & Loeb LLP, *California Arbitration Act Is Amended: Revisit Arbitration Clauses* (2025).
4. Sidley Austin LLP, *California Senate Bill 940 Creates New Requirements for Consumer Arbitration* (Mar. 2025).
5. Perkins Coie LLP, *Senate Bill 940 Changes Consumer Arbitrations in California* (Oct. 2024).
6. JAMS ADR Insights, *Do the Discovery Provisions in SB 940 Apply to Arbitrations Commence?d Before January 2025?* (2025).
7. Daily Journal, *The Arbitration Discovery Thicket of SB 940* (2025).

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# Mediation in Bankruptcy Cases

by Honorable Meredith Jury (Ret.)

Mediation may be used to address a variety of issues in bankruptcy cases. In my opinion, a retired Bankruptcy Judge who has mediated over 1250 cases as a sitting and retired judge, the opportunities to resolve disputes and the scope of issues addressed in bankruptcy cases exceed those in other litigated matters. The process can be efficient, both in terms of time usage and monetary costs. Both considerations are critical to a system which relies on keeping things moving.

Bankruptcy cases are filed under different chapters, with different players involved in each. Within bankruptcy cases, adversary proceedings may also be filed. An adversary proceeding is like a normal litigated case, with a complaint, answer, discovery, pretrial motions and eventually a trial before a judge if the case does not resolve at an earlier stage. Sometimes an adversary proceeding has direct impacts on the main case, such as an action to recover property for the estate in a chapter 7 or 11. But sometimes the adversary proceeding only affects a single creditor and the debtor, such as a complaint for nondischargeability in a chapter 7. Mediation can be used in both main cases and adversaries.

In a chapter 7, a trustee is appointed to administer the estate by gathering and liquidating nonexempt assets and distributing funds to creditors in order of their priority. Mediation can be used to resolve disputes about, among others: exemptions claimed by debtors; what are assets of the estate; valuation of assets subject to secured debt; the perfection of security; the accuracy of the means test that determines which chapter a debtor may utilize; claim allowance; claim priority; and tax issues. Adversary proceedings filed in chapter 7 cases may involve whether a particular debt is discharged or whether the debtor is entitled to a discharge; the trustee suing for fraudulent transfer and recovery of property or money for the estate; the trustee suing to recover property in the hands of others. Mediation may resolve these chapter 7 issues.

Chapter 13s may only be filed by individual debtors. These debtors might not qualify under the means test to file chapter 7 or they are voluntarily choosing chapter 13 to pay arrearages on their house over time or they may need to address tax or other priority debt in installments. The chapter 13 debtor files a plan which addresses paying the claims in three to five years. Mediation can be used to resolve claim allowance disputes; issues with secured creditors such as applicable interest rates or the amount of arrearages; tax issues. The courts prefer to con-

firm chapter 13 plans promptly, so mediation can save time and lend efficiencies to keep cases moving.

The most varied and challenging mediations occur in chapter 11 matters, where a business or individual debtor files to resolve complex and sometimes immediate financial issues by proposing a plan which will repay debts over time, usually 3-5 years. Mediation can be used to resolve plan confirmation issues; whether relief from the automatic stay is proper or should be granted; a variety of secured creditor issues; who is in control of management; feasibility; claim allowance and tax issues. Adversary complaints are often filed in chapter 11s to recover property, determine dischargeability in individual cases, establish valuations or secured debt perfection, recover fraudulent transfers, assert lender liability claims, and other issues. As in all other chapters, timeliness is important and compromise can benefit all parties.

The Central District of California Bankruptcy Court has a robust Third Amended General Order 95-01, which establishes a panel of trained and qualified attorney mediators who donate time to mediate all the types of disputes. Prospective members of the panel file an application which shows their experience in bankruptcy matters and their training (usually just one multi-day mediation training program). The judges vet the applicants and approve them as mediators. The panel members agree to donate their time to mediate one matter per quarter and serve for at least three years.

In my experience, there is no close monitoring of the case-per-quarter requirement and many mediators have been on the panel for many years. If parties on their own or with a nudge from their judge decide to mediate under the General Order, they submit a form application to mediate that designates a mediator and alternate and a proposed order, which is usually promptly signed by the judge. The parties and mediator then schedule the mediation, most of which are now done by Zoom. At the conclusion of the mediation, the mediator files a form report about the outcome and a further form report which is submitted to the program coordinator but is not filed. Mediations are confidential, so neither the parties nor the mediator may discuss what happened other than reporting out a settlement in the appropriate form and forum.

Not all bankruptcy mediations are done under the General Order. The parties are always entitled to use their own mediator of choice, maybe an active or retired judge or in big money matters a private fee for service mediator. In such instances, the parties usually keep the court apprised of the mediation, the timing and how it inter-

faces with other matters the court is addressing. These non-General Order mediations have no reporting requirements but settlements which affect the estate must be approved by the court after notice and a hearing.

No matter the issue to be resolved, mediation briefs are essential. The mediator usually advises the parties when they are due and how they should be delivered (usually electronically). In my opinion, a good mediation brief describes the facts behind the dispute and how the disagreement arose. It is essential to describe both the factual and legal basis for the parties' positions. Some discussion of the law is appropriate, but this need not be a brief for a court hearing, with the goal of advocacy and success. Too much law can bog the brief down. More important to me is an inside description of the parties, what makes them tick, whether an outside-the-box solution might work. Economics are always important, so they should be addressed such as how attorneys' fees are being paid, how much has been spent in fees, and how much more will be spent if the litigation continues. Finally, have settlement discussions already taken place with offers exchanged? There is nothing more disconcerting than for a mediator to learn for the first time, perhaps hours into a mediation, that an offer has already been rejected or a proposal is still on the table.

After thirty years as an active mediator in the Central District bankruptcy courts, I can confidently say the system would bog down without mediation. Judges expect it, parties want it, and economics demand it.

*Honorable Meredith Jury served as a bankruptcy judge for the Central District of California, Eastern Division, from 1997-2018. Since her retirement from the bench, Judge Jury has continued to mediate pro bono in all types of bankruptcy matters.*



**SUPERIOR COURT OF CALIFORNIA  
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**Wednesday, July 22, 2026  
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# Mediation at the Yellowstone Ranch

by Thomas C. Watts

With apologies to some western movies, many, nay, . . . too many lawyers prepare for mediation as though they are headed into the final scene of a cowboy fist fight at the Dutton Ranch. They come loaded for bear and come off just as mean, toting a lengthy brief explaining why the other side is dishonest, irrational, greedy, and about to get annihilated at trial if they do not immediately surrender. Some briefs read less like mediation briefs and more like a detailed discovery motion with a prayer for sanctions tacked on to the end.

This performative effort will undoubtedly impress the client for a while. But more often such an approach signals poor preparation for mediation.

Mediation is an entirely different exercise from litigation. The objective is not to convince the mediator that your client is virtuous, the other side is populated by knuckle-draggers who wandered accidentally into the civil justice system. The objective in mediation is resolution.

Most lawyers prepare only their side of the case. They know every favorable fact, every damaging email, every clever argument, every moment where opposing counsel stumbled in deposition. What they most often fail to do is seriously reckon with how the case looks from the other side of the table. That is a mistake.

The other side usually has a story that makes sense to them. Sometimes more sense than we would like to admit. A business defendant may not see itself as evil. It may see itself as trying to avoid setting a precedent that invites another hundred claims. A plaintiff may not merely be chasing money. They may want acknowledgment, dignity, or closure after feeling ignored for years. Insurance carriers have pressures. Corporate representatives have pressures. Family and probate litigants have emotional histories that long predate the lawsuit itself.

A lawyer preparing for mediation should spend at least some quality time asking: "What is driving these people?" Not because you agree with them. Not because your client is wrong. But because *understanding motivation is negotiation gold*. Cases do not settle simply because one side is "right." Cases settle when the risks and burdens of continued conflict begin to outweigh the perceived advantages of continuing the fight.

That analysis requires honesty with our own clients. One of the hardest things for lawyers to do is prepare clients for uncertainty without sounding disloyal. Clients want confidence from counsel. They want reassurance. They want to believe that the facts are obvious, the law is clear, and justice is waiting faithfully and predictably

behind the next door. Unfortunately, litigation has a nasty habit of humbling certainty.

Good mediation preparation requires discussing not only the strengths of the case, but the risks as well. Witnesses do poorly. Judges surprise us. Jurors react emotionally. Experts collapse under cross-examination. Documents surface late. Legal rulings go sideways. Appeals happen. Sometimes very good cases lose. Sometimes bad cases win enough to become expensive.

That conversation is not pessimism. It is professionalism.

Clients should understand that mediation is rarely just an exchange of money. More often it is an exchange of money for risk management. Lawyers sometimes speak as though settlement dollars exist in a vacuum. They do not. Every unresolved case carries continuing costs attached to it.

There are attorney fees, expert fees, and discovery costs. There is business interruption, lost time, distracted executives, and angry shareholders. There are sleepless nights, delayed opportunities, and public exposure. There is the emotional exhaustion.

Sometimes the case itself quietly becomes more destructive than the event that gave rise to the lawsuit in the first place.

There is the issue of collectability, a subject we sometimes avoid because it interferes with the emotional satisfaction of winning a case. A spectacular verdict against an insolvent defendant may eventually prove less valuable than a reasonable settlement funded today. Clients need to understand that litigation outcomes exist in the real world, not merely on verdict forms.

Opportunity cost also matters. Businesses involved in litigation underestimate the drag that lawsuits impose on operations. Owners stop focusing on growth and start focusing on depositions. Key employees disappear into document production sessions. Internal relationships become strained. Decision-making slows down. The dispute occupies space in the company psyche long before it ever reaches trial.

Good mediation lawyers prepare their clients for these realities before the mediation begins. They also prepare them emotionally for the process itself. Negotiations can be slow. Sometimes movement occurs in inches rather than miles. Clients who expect immediate capitulation from the other side are often poorly equipped for the emotional rhythm of negotiation.

Hyperbole rarely helps. Chest-thumping almost never helps. Personal attacks generally poison the room before meaningful negotiations even begin. In my experience,

the most persuasive lawyers in mediation are usually the calmest lawyers in the room. They know their case thoroughly. They advocate firmly. But they also understand that mediation is not theater. It is an exercise in problem solving under conditions of uncertainty.

There is another reality that lawyers sometimes forget. Most litigants did not wake up one morning dreaming of becoming professional plaintiffs or defendants. They have businesses to run, families to care for, jobs to protect, reputations to preserve, and lives that have often been partially hijacked by the litigation itself. Mediation gives them an opportunity to regain some measure of control over outcome, timing, confidentiality, and risk.

That opportunity should not be squandered because counsel arrived believing the principal purpose of mediation was to “clean the clock” of the other side.

The irony is that truly effective mediation advocacy is not weak at all. It requires judgment, discipline, preparation, realism, and the confidence to confront uncertainty honestly. The lawyer who can acknowledge risk without surrendering leverage is often far more persuasive than the lawyer who mistakes bravado for strength.

Mediation works best when lawyers prepare clients not merely to fight, but to make informed decisions in the face of uncertainty. That is a different skill set entirely. It requires maturity. It requires perspective. It requires attention to strategy. It requires an understanding that resolution is not surrender.

*Thomas C. Watts is a mediator and arbitrator for the American Arbitration Association, a Fellow of the Chartered Institute of Arbitrators (FCIArb) in London, and an MC3-certified mediator. He serves as an Adjunct Professor of Law, teaching Negotiation, Arbitration, and Mediation, and frequently lectures on the effective resolution of disputes. Mr. Watts holds a Master of Laws (LL.M.) in Dispute Resolution from the Straus Institute at Pepperdine University Caruso School of Law. His practice focuses on the mediation and arbitration of complex personal injury, commercial, real estate, construction, business, and consumer disputes. With more than four decades of experience advising businesses, professionals, property owners, and individuals, he brings a combination of legal acumen, subject matter expertise, and practical judgment to the resolution of challenging conflicts.*



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# Inland Empire Lawyers Give Back Through Volunteer Appellate Mediation Program at the California Court of Appeal, Fourth District, Division Two

by Aidan McGloin

One of the many secrets to the success of the Fourth District Court of Appeal, Division Two, is its ability to call on volunteer mediators. Facing a backlog of over 700 cases in 1991, freshly appointed Presiding Justice Manuel Ramirez worked with court staff and local bar associations to recruit roughly 80 volunteer mediators to resolve civil cases. After the backlog was cut down, the court kept the program going and the volunteers kept showing up. They've settled hundreds and hundreds of cases, saving millions of dollars in taxpayer funds and saving litigants time, money and anxiety.

"They come well prepared. They're always well prepared, and they don't back down. It's amazing that they always go above and beyond their duty," said Jackie Hoar, settlement conference administrator. Ramirez said the program is one of the most innovative in the country, and is the only one he knows of that is fully volunteer. "Lawyers do selfless things all the time in my opinion. This is the most selfless thing," Ramirez said.

The Chief Justice of the Supreme Court honored the program with the Ralph M. Kleps Award for Improvement in the Administration of the Courts. The program was so effective that Ramirez made it innate to the plans of the new appellate courthouse, finished in 1999, on the corner of Lime and 14th streets in Riverside. One area of the courthouse has a dedicated settlement conference room, with breakout rooms for private discussion with clients and remote video access for litigants and attorneys.

Ramirez believes the attorneys' contributions are a result of their adherence to "the glorious vision of the law" to improve people's lives, to quote U.S. Supreme Court Associate Justice Felix Frankfurter. What litigants want is an end to their dispute. Thanks to the volunteers' tenacity, the litigants can get that feeling of closure years in advance.

Personal injury attorney James Heiting, of Rizio Lipinsky Heiting, was one of the first volunteers for the mediation program in October 1991. After becoming president of the State Bar in 2005, he had to go on the inactive list. He signed up again a couple of weeks ago, and said he's been wanting to get back into the program for a while. "I really get a feeling of making the world a better place through mediation," Heiting said. "Not only am I helping those people—and I certainly want to help—but I am helping the whole system move better, so my clients get their cases heard when they go to the Court of Appeal," he said.

Personal injury attorney Bill Shapiro, who runs an office with his sons and who is now the national president of the American Board of Trial Advocates, said he joined the program in 1992 to give back to the legal community. He's done 35 mediations since then. He was honored to even have been asked to join. "Hey, look. We all have an obligation to give back, and the theory of any program is, 'you get back what you give in,'" Shapiro said. "I'm committed (to the community). I think other lawyers should be committed," he said, referencing his volunteering as a temporary judge and the law classes he teaches. Shapiro said the program doesn't take much time to volunteer for, and Hoar and Ramirez both do incredible jobs in administering the program.

Professional mediator Cari Baum, another volunteer, has conducted 92 mediations since she joined the program in 2007. Giving back through volunteering is just what local lawyers do, she said. "We usually try to do something that is free, to give back. This was an opportunity to give back," Baum said. Hoar called her a bulldog as a mediator, a term Baum laughed at before agreeing. Baum doesn't like to give up, she confirmed. She keeps on thinking of the light at the end of the tunnel, and sells that hope of an end to the litigants. "Don't ever give up. Keep pushing. Keep fighting. Patience is the other thing," she said. Baum has the record for the longest mediation, regarding a complex business case. They stayed in the courthouse until 9:30 p.m., then came back for two more sessions. Hoar was there, working overtime and typing out the necessary documents the entire time. That's not a typical length of mediation—it typically takes just a day for Baum.

Ellen Stern, another professional mediator, has conducted 40 mediations through the program since she joined in 2012. "I just like to bring people together to resolve conflicts. It's just in my nature. I love to do it. I do it to my neighbors," Stern said. Stern is very pleased with the program's flexibility. She volunteered while she was running her own office, raising her daughter, and traveling.

When scheduling settlement conferences, Hoar contacts a mediator who has experience in the type of law at issue. They discuss mutually available dates for the court and the mediator and schedule the conference to the mediator's convenience. It is to the mediator's discretion as to whether the settlement conference is held remote-

ly or at the courthouse. "I had to juggle all those things, and it worked" thanks to Hoar, Stern said.

For her, the program was a fresh challenge after volunteering in mediations at multiple county courts. Unlike trial court mediations, where litigation is fresh and the facts haven't been established, the parties in the appellate program have a more seasoned approach.

That's a distinction volunteer and professional mediator Charles "Chas" Schoemaker thought of as well. Schoemaker has done 31 mediations through the program since he joined nine years ago.

The litigants at the appellate level know what's going on, Schoemaker said. They've often been through trial. They have different motivations and know their legal standing. "It's intellectually challenging. It keeps you on your toes. It keeps you engaged. It's a way to give back, and to help the system," Schoemaker said.

Attorney Kevin Gillespie joined in 1994, just three years after joining the bar. Ramirez swore him in. During the swear-in, Ramirez spoke about the program. Ramirez was not trying to recruit anyone. Gillespie didn't even meet the requirement to have practiced for enough years. But Ramirez inspired Gillespie to apply, and he got a special exemption. He's done 41 mediations since then and said it's one of the most fulfilling parts of the community that he has.

"There's so much good in it. Good for the attorneys. Good for the clients," Gillespie said.

Clients often think the case will end at trial, Gillespie said. After the Court of Appeal sees the case, it might bounce around the system even more. Gillespie approaches the conferences by telling the clients it's "an opportunity to stop the madness." "People tell me, 'I never thought we

would be here. I never thought the other person would settle this.' That's so powerful," Gillespie said.

*Aidan McGloin owns and operates the Inland Empire Law Weekly, where this article was first published. The mission of the Inland Empire Law Weekly is to provide honest and accurate accounts of the regular struggles faced by people of the Inland Empire. You can sign up for the Inland Empire Law Weekly at [ielaw.news](http://ielaw.news).*



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# The Amygdala in the Mediation Room: Why Rational Lawyers Can Make Irrational Deals

by Stephanie Blondell

While most legal professionals are familiar with IQ (intelligence quotient),<sup>1</sup> EQ (emotional intelligence),<sup>2</sup> and CQ (creativity quotient),<sup>3</sup> the best negotiators possess a different literacy: psychological intelligence.<sup>4</sup> In my Psychology of Conflict Communication course at Pepperdine Law, I help law students develop psychological intelligence in negotiation and deal-making. An understanding of the unspoken psychological patterns inherent in how human beings respond in conflict is critical to good lawyering, skillful negotiation, and strategic mediation advocacy. It separates the good advocates from the great. This short article outlines psychology-based settlement advice for advocates in mediation, emphasizing self-coaching to address physiological and cognitive biases.

## Problem: Amygdala Hijacking

Daniel Goleman coined the phrase "amygdala hijacking," the moment when we feel our back is up against the wall and we have an immediate, overwhelming emotional response that is likely disproportionate to objective reality.<sup>5</sup> Our emotional center "overrides" the rational brain. Cortisol spikes, and we are flooded with other neuro-chemical hormones.<sup>6</sup> In this state, humans are not capable of complex problem-solving or long-term risk analysis.<sup>7</sup> You have likely heard of this amygdala hijacking as the fight-or-flight response, but neuroscientists and trauma psychologists have more recently described it as the 4 Fs: fight (defend), flight (flee), freeze (disengage), or fawn (appease).<sup>8</sup>

Lawyers regularly witness this phenomenon in their clients' negotiations, where the brain's fight-or-flight centers are triggered. We uniquely and rather intimately wit-

ness fights between ex-spouses, siblings fighting over their parents' trust, landlords referred to by tenants as "slum lords," and tenants bringing "spurious claims." As professional negotiators, however, we may think ourselves immune to these physiological dynamics.

But if we are being honest, it is not just the obviously emotional relationship that triggers our fight-or-flight response. A lowball insult zone offer triggers a physical reaction, prompting a defensive response (fight) or disengagement (flight), just as an emotional fight between two exes over an affair would. Humans respond to social threats the same way they respond to physical threats,<sup>9</sup> and those of us in the business of lawyering in an adversarial model are not immune to our biology.

## Solution: "Trained Calm"

Understanding the interconnectedness between our physiologic responses and our cognitive ability to negotiate is part of psychological literacy. Knowing that I respond to social threats (such as a lowball offer) with the same circuitry as a physical threat allows me to take steps to mitigate the impact of a fight-or-flight response. This is called "trained calm." I was first introduced to this term by police officers at a department while training them in verbal de-escalation skills. "Trained calm" was a term, they explained, taught at the Academy for managing their physiologic response to a threat. It is a skill set used not only by law enforcement and first responders, but also athletes, trial attorneys, and mediators. It helps you to maintain cognitive function even when your body is instinctively turning to "fight" or "flight."<sup>10 11</sup> Imagine you are stuck in an elevator with fifteen people. The trained calm response would be to consciously slow your breathing and speech.

1 David Wechsler, *WAIS-IV: Wechsler Adult Intelligence Scale* (4th ed. 2008).

2 E. Paul Torrance, *Torrance Tests of Creative Thinking* (1966).

3 Daniel Goleman, *Emotional Intelligence: Why It Can Matter More Than IQ* (1995).

4 Thomas V. McGovern et al., *Toward a Psychologically Literate Citizen*, in *Undergraduate Education in Psychology: A Blueprint for the Future of the Discipline* 9, 11 (Diane F. Halpern ed., 2010).

5 Goleman, *supra* note 2, at 26.

6 See Daniel Goleman, *Emotional Intelligence: Why It Can Matter More Than IQ* 27-28 (1995) (explaining that during an emotional hijacking, the limbic system triggers a rapid release of stress hormones, overwhelming the working memory and impairing the prefrontal cortex's capacity for rational thought).

7 *Id.*

8 H. Stefan Bracha, *Freeze, Flight, Fight, Fright, Faint: Adaptationist Perspectives on the Acute Stress Response Spectrum*, 9 *CNS Spectrums* 679 (2004); Pete Walker, *Complex PTSD: From Surviving to Thriving* (2013).

9 See Matthew D. Lieberman & Naomi I. Eisenberger, *Pains and Pleasures of Social Life*, 323 *Science* 890, 890-91 (2009) (arguing that because social connection is crucial to mammalian survival, the brain uses the same neural mechanisms to monitor both social and physical threats).

10 See, e.g., Michael T. Compton et al., *The De-escalationit helpful to slow breathing and speech rate, practice box breathing (tactical breathing), and conscious/practiceit helpful to slow relaxrelaxpracticeit helpful to slow Training Component of Crisis Intervention to slowrelaxTeam (CIT) Programs*, 63 *Psychiatric Servs.* 73, 75 (2012) (discussing how tactical de-escalation relies on first responders maintaining emotional self-regulation and a calm demeanor to influence and lower the physiological arousal of individuals in crisis).

11 See Amy F.T. Arnsten, *Stress Signalling Pathways that Impair Prefrontal Cortex Structure and Function*, 10 *Nature Revs. Neuroscience* 410, 412 (2009) (explaining that acute stress exposure triggers a neurochemical switch that takes the prefrontal cortex offline, but that specific training and behavioral mechanisms can preserve executive cognitive functions during perceived threats).

For the mediator or negotiator, projecting their own calm state is essential to de-escalation of conflict.<sup>12</sup> Skillful mediators and negotiators have found it helpful slowing breathing and speech rate, practice box breathing (tactical breathing), and consciously relax muscle groups that may have inadvertently tensed in response to the fight-or-flight response. The important point is that the practice of calmness creates a substantial and measurable impact in the conflict room.<sup>13</sup>

### Problem: Our Rationality is "Bounded"

Taking this idea of fight or flight from the physical manifestation to the cognitive, human beings are not good decision-makers during an amygdala hijacking.<sup>14</sup> As Nobel laureate Herbert Simon argued, humans are not rational decision-makers but are rationally bounded, prone to biases, errors, environmental stressors, and contradictions which prevent purely rational outcomes.<sup>15</sup> Neuroscientists have supported this seminal concept: humans are particularly "irrational" when their backs are against the wall.<sup>16</sup> Social scientists and behavioral economists describe these patterned errors of rationality as cognitive biases.<sup>17</sup> They are systematic unconscious errors in our thinking that distort our decision-making.

Examples of the negotiators' predictable irrationality include **risk aversion and loss aversion**. To illustrate, imagine you believe you were improperly classified as an exempt salaried employee and are seeking a settlement for retroactive compensation. You've been offered \$48,000 by the defense to settle the case; you estimate your chances of winning at an adjudicative hearing or trial, and receiving \$100,000, are 50% due to legal challenges by the defense that you fail the "duties test" for exempt employees. You surmise you could get \$100,000 or nothing. Pause and ponder: which are you most likely to do? Take the settlement or go to trial?

Now flip the scenario. You are the defense, and the plaintiff's last offer is \$48,000. You are looking at a guaranteed loss of \$48,000 versus a 50% chance of owing \$100,000 and a 50% chance of owing \$0. What would you do in this scenario?

In the first example, if you are like most people, prospect theory says that you are more likely to choose the sure thing.<sup>18</sup> In the face of gain, we prefer certainty of outcome to risk, even if the unknown, riskier outcome yields a

12 See, e.g., Sigal G. Barsade, *The Ripple Effect: Emotional Contagion and Its Influence on Group Behavior*, 47 Admin. Sci. Q. 644, 646 (2002) (demonstrating how an individual's trained, deliberate positive or calm emotional state unconsciously transfers to others, effectively lowering tension and improving cooperative problem-solving in high-stakes negotiations).

13 *Id.*

14 Goleman, *supra*, p.

15 Herbert A. Simon, *Models of Man: Social and Rational* 196 (1957).

16 Joseph LeDoux, *The Emotional Brain: The Mysterious Underpinnings of Emotional Life* 120 (1996).

17 Daniel Kahneman & Amos Tversky, *Prospect Theory: An Analysis of Decision under Risk*, (1979).

18 Daniel Kahneman & Amos Tversky, *Prospect Theory: An Analysis of Decision under Risk*, (1979).

higher expected value. This is risk aversion. In the second example, if you are like most people, you will roll the dice and go to trial. In a loss frame, people become risk-seeking. This is loss aversion—the phenomenon that the pain of losing is psychologically two times more impactful than the pleasure of gaining.<sup>19</sup> In this way, the human risk tolerance is asymmetrical, and may work against our own interests.

### Solution: The Disagreeable Adjudicator

As a mediator, I often think of myself as the prefrontal cortex for the parties. I help coach people through perceived threat. We help defense see that the loss you endure to secure a settlement is actually a purchase—the purchase of risk mitigation. It is not about losing \$48k in the above case; it is about purchasing the opportunity to avoid risking \$100,000. We reframe risk, which may be influenced by the fight-or-flight response or by a cognitive bias.

But how do you de-bias yourself when there is no mediator present? Russell Korobkin introduced the concept of becoming the disagreeable adjudicator.<sup>20</sup> To do this, you consciously play the other side and step into another's shoes. Imagine you are your worst nightmare, the unpersuaded judge or the formidable attorney on the other side. Articulate and reframe gains and losses. Incorporate counterfactual thinking, which requires you to scour the case for disconfirming evidence rather than those facts that support your theory of the case.<sup>21</sup> Ask yourself questions such as, "what would I be saying if I were counsel for the opposing side?"

### Exploitation Avoiders

We have not evolved beyond the fight-or-flight response in negotiations for a purpose. For whatever reason, the fight-or-flight response remains a human evolutionary adaptation for both social and physical threats, helping us to avoid exploitation. Good lawyers do help their clients avoid exploitation. Great lawyers, however, go one step further and help their clients distinguish between a real threat and the predictable, albeit irrational, perceived threat in the dance of litigation and negotiation.

*Professor Stephanie Blondell, J.D., is a Professor of Law and Practice and the Faculty Director of the Straus Institute for Dispute Resolution, Caruso School of Law, Pepperdine University. She directs the Mediation Clinic and leads Mediating the Litigated Case and other CLE courses for lawyers and judges. For an upcoming list of CLE training, see <https://law.pepperdine.edu/straus/training-and-conferences/>.*



19 *Id.*

20 Russell Korobkin, *Negotiation Theory and Strategy* 46 (2002) (arguing that an advocate can de-bias their own overconfidence by consciously putting themselves in the place of a "disagreeable adjudicator" to objectively evaluate the weaknesses of their case). cognitive biases

21 *Id.*

# Annual RCBA Past Presidents' Dinner

by Robyn A. Lewis

If you have ever been in the board room in the Riverside County Bar Association or walked down the hallway in its offices on the first floor, you may have noticed the many frames that adorn the walls. Those frames hold the photos of the men and women who have served as presidents of our beloved organization, including the photo of the RCBA's very first president, Alexander Adair.

Every year since 1894, the RCBA has been led by a president. In more recent years, the term of the current president does not reflect just the one year of service during his or her presidency. Each president has spent years serving our legal community by carrying out each position on the executive board, including a two-year term as a director-at-large, secretary, chief financial officer, vice president and president-elect before assuming the presidency. After that term, the current RCBA president then serves a final year on the executive board as the immediate past president.

The men and women who have devoted their time to serving the RCBA and who have served as its president belong to an illustrious club of attorneys, judges and justices. Thanks to the efforts of some of our past presidents, that club meets every year to get together for an annual dinner, where those past presidents catch up and celebrate the RCBA and our Riverside legal community.

Justice Jim Ward (retired) can be credited with starting this amazing tradition back in the 1980's. He had served as the RCBA president in 1973. Following that term, he went on to serve in the State Bar, where he explained that "past presidents of local bar associations were often valuable assets because of their knowledge of past activities." Justice Ward commented: "They were the repository of the collective wisdom of their association."

In 1983, legendary attorney Michael Clepper was installed as the RCBA president. At that event, past presidents were invited and almost three dozen past presidents attended. Justice Ward took note. After learning that the Orange County Bar Association had a past presidents' meeting, Justice



L-R – Front Row – Judge Sophia Choi (2020), Judge Kira Klatchko (Ret.) (2015), Robyn Lewis (2011), Jean-Simon Serrano (2016), Alexandra Fong (2017), Megan Demshki (2025), Diane Roth (1998), Presiding Judge Jacqueline Jackson, Mary Ellen Daniels (2003), Lori Myers (2022), Harlan Kistler (2010).

L-R – Back Row – Judge John Vineyard (1999), Judge Craig Riemer (Ret.) (2000), Judge Chad Firetag (Ret.) (2014), Magistrate Judge David Bristow (2006), Steve Harmon (1995), Jim Heiting (1996), Judge Chris Harmon (2012), Jane Carney (1989), Judge Steve Cunnison (Ret.) (1981).

Ward decided to hold a luncheon, where all of the past RCBA presidents were invited in 1989. During that lunch, it was decided that an annual event should take place for the past RCBA presidents to get together and the idea of an annual dinner was born. To the knowledge of Justice Ward, the past presidents' dinner has been held annually ever since.

For years, Justice Ward organized the annual dinner but later turned that responsibility over to past presidents Sandy Leer Mackey (1991) and Judge Steve Cunnison (retired) (1981). Later, past presidents Diane Roth (1998) and Theresa Savage (2005) also assisted in organizing the event. Each year, it has become a tradition to invite the current RCBA president, who provides a state of the bar address. The current

presiding judge is also invited to attend and asked to provide the group with comments about the current state of the court.

The most important part of each dinner has been simply getting together and catching up. Perhaps the best part of the dinner is listening to all of the stories of past presidents, especially those older past presidents. Justice Ward remarked: "Every meeting of our group has been congenial and important to me. The recitation of attendees of their activities during the year has always been interesting and often amusing."

Even during the COVID-19 pandemic, the RCBA past presidents found a way to continue to get together. When Sophia Choi (2020) was the current RCBA president, the event was held at her family home in their backyard. It was a special evening that night as the group paid tribute to the late and legendary Arthur Littleworth, who had served as a past RCBA president in 1971.

The past presidents of the RCBA were later organized into a formal committee by past president Judge Chris Harmon (2012) during his presidency. An idea for what later became New Attorney Academy program, which is co-sponsored by the RCBA, the Riverside Superior Court and the Inland Empire chapter of the American Board of Trial Advocates (ABOTA) was initially developed in that committee.

On April 22, 2026, many of the former Riverside County Bar Association presidents met for dinner for this year's annual Past Presidents' Dinner. Having served as RCBA President in 2011-2012, I was honored to be part of the organizing committee for this year's dinner, which also included the Honorable Sophia Choi. Megan Demshki, our current RCBA President, was in attendance as was Presiding Judge Jacqueline Jackson.

The dinner was held at the Victoria Club in Riverside with over twenty-five past RCBA presidents in attendance. We learned about what retired life was like from Judge Cunnison and Mary Ellen Daniels (2003). Jean-Simon Serrano (2016) told us about his upcoming travel plans. Jim Heiting (1996), Diane Roth (1998) and Steve Harmon (1995) spoke about their grandchildren and we celebrated Jim Heiting's birthday. Judge Craig Riemer (retired) (2000) talked about life in retirement. Judge Chris Harmon (2012) explained his position in probate at the Historic Court House. Judge Chad Firetag (retired) (2014) and Judge Kira Klatchko (retired) (2015) discussed their new positions serving as mediators for JAMS. Harlan Kistler (2010) mentioned that his sons and their wives were both expecting babies and gave an update on his wrestling. Judge John Vineyard (1999) talked about his upcoming travels and his children. Judge Sophia Choi (2020) reported on her busy life while serving as a bench officer in the civil division and her dedication to her beloved niece and nephew. Alexandra Fong (2017) explained that she was still at County Counsel's office and Lori Myers (2022) told stories about her criminal defense practice. Judge David Bristow (2006) noted his wedding anniversary and his daughters while Jane Carney (1989) spoke about her family. And me (2011), I reported that my triplet sons were going to be sixteen and my daughter is twelve!

Also joining us at the dinner, which she does every year, was Charlene Nelson, our executive director. Each year, Charlene is instrumental in helping to organize this amazing event and she was recognized for her efforts with a presentation of flowers, which were given to her by all of the past presidents.

As past presidents and continuing members of the Riverside County Bar Association, each of us are committed to ensuring the historical importance of all

of the efforts of those who came before us. Sophia Choi and I have been tasked with organizing this wonderful annual event for now, which is a responsibility that we do not take lightly. I am so honored to be part of such an esteemed group and look forward to welcoming future RCBA presidents as they complete their presidencies and join us as a past president.

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



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# Opposing Counsel: Ed Nield

by Betty Fracisco

## A Mediator and Incredibly Talented and Diverse Attorney

You may not be aware of this, but the Riverside County Bar Association's Dispute Resolution Service (DRS) has at its disposal as a mediator, an incredibly talented and diverse attorney, a veteran of over 40 jury trials, who has experience in a wide range of legal specialty areas including medical malpractice, personal injury, professional liability, commercial litigation, construction defects, cruise ship industry defense, and in the defense of state agencies, most notably the California Department of Corrections and Rehabilitation (CDCR).

Ed Nield was born in Toronto, Canada where his father met his Canadian mother after having moved there from London, England, after World War II and serving in the British Army. Ed is the eldest of four children, with one brother and two sisters. After more than a decade in Toronto, the family immigrated to the United States, settling first in Chicago. There, his father began a long career in the food service and vending industry with the international Canteen Corporation. As his father advanced within the company, the family relocated frequently, living in cities including Chicago; South Bend, Indiana; Cleveland and Lancaster, Ohio; and Cumberland, Maryland; and Springfield, Massachusetts, as well as time subsequently spent in Colorado at the beginning of his career.

These moves across multiple states and cities resulted in Ed attending five elementary schools and three high schools. At 16, Ed started working alongside his father, filling in various roles in the food service industry. In 1972, he was fortunate to be admitted to the University of Notre Dame and while pursuing his studies there, he continued to work extensively in both food service jobs and student employment programs to help cover his tuition. He graduated in 1976 with a degree in Business Administration.

After his graduation, Ed began a career in management for Canteen Corporation, who moved him initially to Denver Colorado, where he began as a supervisor for approximately 50 employees. After a short time there, he was promoted to Branch Manager in Colorado Springs, where at 23, he became the youngest Branch Manager in the company, managing 20 plus people, essentially running his own business. However, in 1980, his long-time interest in law led him to law school at the University of Denver, earning his Juris Doctorate in 1983 and his Master of Business Administration in early 1984, all the while clerking at a law firm in Denver. After passing the Colorado Bar, he began working for an insurance defense firm in Denver that year.



Ed Nield

Within six months, a national trade association for the industry, the National Automated Merchandising Association (NAMA), contacted Ed offering him the opportunity to become a government affairs lawyer for the association's western region, which included the 14 western states. This new position would require him to relocate to San Diego, California, which was a difficult decision for Ed as he loved Colorado. However, after spending a week in San Diego and offering to double his salary, and with due consideration to the student debt that he had accumulated at Notre Dame and Law/MBA school, he decided to leave Colorado and make the move to San Diego, even though his law firm at the time

also offered him a significant raise to stay. For four years he worked as a government affairs attorney/lobbyist for the NAMA, which included running a political action committee for the organization, working with federal and state legislatures in the 14 western states for which he was responsible.

During this period, he spent a great deal of time in Sacramento, where he worked to facilitate the passage of major legislation focused on exempting food sales through vending machines from taxation, as such sales are exempted from other retail outlets. After four years of effort, the legislation was eventually passed, saving the Association's member businesses 20 to 30 million dollars a year in sales tax relief. Thereafter, realizing that he missed litigation and the courtroom, and not wanting to relocate to Los Angeles or out of state as he knew NAMA would ultimately require, he decided to take the California Bar and pursue other more litigation-oriented employment opportunities in Southern California. He passed the California Bar the first time, joining the defense firm of Tuverson & Hillyard, where he assisted in opening their San Diego office. What followed was an incredibly impressive and varied legal career.

As an associate at Tuverson & Hillyard, Ed did mostly insurance defense work for a number of companies, in the areas of personal injury, medical malpractice, insurance coverage, and some construction defect work. A few months later he met Gabrielle DeSantis, also an attorney at Tuverson's Orange County office, at an interoffice seminar in Irvine. A couple of years later they married in Del Mar and bought a house in Carlsbad, raising two accomplished children. Tragically, they lost their elder daughter, Natalie, who was killed in a terrible auto accident in 2010, three days shy of her 18th birthday. Their son Nick, ultimately graduated from University of California, Berkeley and now has a successful career in Brooklyn, New York.

At the time of their marriage, the Tuverson and Hillyard firm preferred they not work together, so Gabrielle moved to the San Diego office, and Ed moved to another defense firm, Di Caro & D'Antony, where he continued to practice civil litigation in the areas of personal injury, medical/professional malpractice, and construction defect. From 1990 to 2001, he tried cases in state and federal courts San Diego, Orange, Los Angeles, Riverside counties and eventually all over the state, becoming a partner with that firm.

Ed left that firm for another opportunity in 2001, working with the Los Angeles firm of Carrick & Ramey, opening their San Diego office, and again handling construction defect, personal injury, and commercial and insurance coverage litigation, continuing to try cases and also continuing to work with his wife Gabrielle, who had been working with him part-time at the DiCaro firm while raising their two children. Unfortunately, the four years of regular commuting from Carlsbad to Los Angeles became tiring, so when he was again recruited by the DiCaro firm, he returned, continuing to focus primarily on medical malpractice defense work.

It was during this time the California Department of Corrections and Rehabilitation ("CDCR") contacted him seeking assistance with their civil and correctional law matters in the form of 1983 civil rights and employment actions, brought by inmates and employees, as well as criminal actions to the extent they related to the requests for sensitive confidential information concerning criminal defendants, prison gangs, prison crime, and classified policies and procedures utilized by the department in its ongoing operations.

Thereafter, the firm of Kramer, deBoer, Endelicato and Keane (former partners of the Tuverson and Hillyard firm) contacted Ed where he became a partner in their Indian Wells office, where he continued his medical malpractice, construction defect, CDCR, and trial practices. It was during this time he was admitted to the Inland Empire Chapter of the American Board of Advocate Trial Attorneys (ABOTA) in 2007.

In May 2008, Ed and Gabrielle decided to start their own firm, the Nield Law Group, in Carlsbad, where Gabrielle was thereafter also admitted to ABOTA. As you may recall, it was also in the 2008/2009-time frame that the Riverside County Superior Courts began to experience significant backlogs and delays in the processing of civil matters due to issues the criminal courts were experiencing, which required many civil judges to devote much of their time to criminal matters. During this time, many civil cases were running up against the five-year statute for resolution, forcing many Riverside civil cases having to be transferred to civil courts in San Diego and Orange counties for trial.

In response, the court enlisted the assistance of Inland Empire ABOTA chapter for help with the RCBA Dispute Resolution Service (DRS), which mediated cases prior to trial, and Ed was one of their recruits. (Ed initially was installed in ABOTA for the Inland Empire and later, when he started his own firm, had transferred to the San Diego Chapter). When called upon in those early days, he would often conduct two

or three mediations a day, even when cases dealt in areas of law he was not entirely familiar and was successful in finding resolutions in a large majority. In 2010, those successes led to his being asked to fill in for Judge Rich as judge pro tempore when he was unavailable. He has been working with DRS on mediations in the Riverside County Superior Court for almost 18 years, while also taking on mediations privately in the meantime.

During this time, the Nield Law Group (NLG) added new areas of practice. The CDCR work continued to blossom, as NLG defended wardens, correctional officers, administrators, medical staff, and others being sued by inmates alleging various violations of their constitutional civil rights, and the CDCR itself in suits filed by employees based upon allegations of employment law violations. Most of the civil rights matters were filed in federal courts throughout California and required regular visits to state prison facilities.

They also began handling plaintiff matters including personal injury and medical malpractice cases, which was spurred along when a local plaintiff attorney, who Ed had worked opposite of and befriended earlier in his career, was diagnosed with terminal stage 4 cancer and reached out to Ed to assist in handling his practice as he battled his illness. This included trying several medical malpractice cases he had pending trial at the time. After his passing, Ed and Gabrielle hired his employees, continued to handle his caseload to resolution, and assisted his widow with the closure of his law office. Thereafter, NLG began accepting, handling, and trying plaintiff cases in the areas of medical malpractice, personal injury, and catastrophic injury matters, having already developed an expertise in dealing with the defense of those cases.

Another new practice area in which they became involved was admiralty/maritime law, as their firm became Of Counsel for a maritime firm and began the defense of cruise lines, including Princess, Holland America, MSC, and Cunard Cruise Lines. Until recently, the venue for all Princess Cruise Lines matters was in the U.S. District Court for the Central District of California, Los Angeles, and for Holland American (HAL) the U.S. District Court for the Western District of Washington State, which required Ed to take and pass the Washington Bar. Ultimately, the Nield Law Group's practice consisted of approximately one third CDCR defense cases, one third cruise line defense work, and on third plaintiff cases, heavily weighted in the areas of plaintiff medical malpractice and catastrophic personal injury matters.

In their 36 years together, Ed and Gabrielle have each worked in and become partners in separate law firms and worked together in some capacity for 25 some years, including establishing and running their own successful practice for over 18 years. They remain devoted true partners in every sense of the word. Ed and Gabrielle have recently retired and remarkably, Ed is not ready to give up his mediation work in Riverside with the DRS. He thoroughly enjoys mediation and has made a commitment to mediate every Friday in

the Riverside County Superior Courts when needed. He has experienced exceptional results in settling cases, the vast majority on the eve of trial, many of which had previously been privately mediated. When not serving as a mediator for DRS, he also remains available for, and continues to grow, his private mediation practice. Riverside is fortunate to have such a great legal talent at its disposal.

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



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[jamsadr.com/neutrals/cohn](https://jamsadr.com/ neutrals/cohn)



# Justice James D. Ward

## RCBA President 1973

by Honorable Sophia Choi

### “Creator of the RCBA Past Presidents’ Dinner”

Justice Ward was born in Sioux Falls, South Dakota, in 1935. He earned his Bachelor of Arts degree from the University of South Dakota in 1957 and his J.D. degree from the University of San Francisco in 1959. From 1959 to 1960, Justice Ward served on active duty in the U.S. Army. Then, from 1960 to 1965, he served in the Army Reserve and rose to the rank of First Sergeant. He was admitted to the California State Bar in 1960, at which time he came to practice in Riverside. He lived in Riverside County for 60 years, a place he loves.

In 1960, Justice Ward recalled the Riverside County Bar Association (RCBA) was a small, loosely organized association. The luncheon meetings were held on the second floor of a café on 7th Street. There was little formality to the association, but there was socialization. Attorney John Ganahl from Corona (and the well-known Ganahl Lumber Co. family member) had an annual picnic for the members of the RCBA at his ranch in Corona.

From 1960 to 1961, Justice Ward served as a deputy district attorney for Riverside County. He then went into private practice with the law firm of Badger, Schulte & Ward, where he worked from 1961 to 1964. Justice Ward left this firm to go into civil litigation practice at Thompson & Colegate, dealing with media-related law, from 1964 to 1993. During this time, Justice Ward successfully argued two landmark First Amendment cases in the United States Supreme Court on behalf of the *Press Enterprise*. It was also during this time that Justice Ward served as President of the RCBA, with his presidency commencing in 1973.

During Justice Ward’s presidency, the RCBA board established the Distinguished Service Award named after Jim Krieger, a distinguished Riverside attorney who had died in a plane crash. Also, the RCBA board election process became inclusive of the entire association membership. Previously, the officers were selected by the attendees at an annual election luncheon meeting rather than through a more formal voting process. Justice Ward also arranged for former United States Supreme Court Justice Tom Clark to speak in Riverside and invited the justices of the Court of Appeal to attend. Amongst other many great things Justice Ward accomplished for the RCBA during his term, what we now know as the Lawyer Referral Service was introduced during Justice Ward’s term, at which time the board was working on



Justice James D. Ward

a phone answering service where members of the public were able to receive answers to basic questions about the legal system, small claims, and obtaining counsel, among other things. This national service, Tel-Law, Inc., with licensees in several other states, received significant recognition.

On November 29, 1993, Justice Ward was appointed by Governor Pete Wilson to the Superior Court of California in the County of Riverside. Less than three years later, on April 24, 1996, Governor Wilson appointed Justice Ward as associate justice of the California Court of Appeal, and his appointment was confirmed on November 3, 1998.

Justice Ward’s hobbies reveal his vast experiences. He has skied at 60 different ski resorts before he turned 60 years of age. He visited 130 countries. He met his wife Carole in Paris, France. Justice Ward loves to write and has published over 100 pieces, including poetry.

The RCBA Past Presidents’ Dinner is a day all past presidents of the RCBA look forward to, and Justice Ward is to credit for the annual event. Justice Ward hosted the first Past Presidents’ Dinner in 1983 by inviting all past presidents to a lunch held at a hotel in Downtown Riverside. This idea stemmed from Past President Mike Clepper’s installation dinner in 1983 when almost three dozen past presidents attended. Since then, RCBA past presidents look forward to this annual event held exclusively for past presidents and the current president. Justice Ward in good humor noted that Mike Clepper would never attend any Past Presidents’ Dinner until he checked to see how many past presidents agreed to attend. If it was close to his record for attendance at his installation dinner, he would not attend in order to maintain his installation dinner record. As of the date of writing this biography in 2023, Mike Clepper’s record has yet to be broken.

As noted, Justice Ward wrote poetry, and I conclude this piece with one of them. It is called “THE CON-TIN’-U-ANCE!,” which was published in the *Daily Journal* in January of 2002.

Once was a lawyer  
as dumb as a post,  
loath to appear  
before the judge host.  
The lawyer knew his only chance  
was to secure a con-tin’-u-ance’.

Ill-prepared was he -  
not ready at all,  
he wanted to flee  
from his final downfall.  
Therefore, to avoid breaking his lance,  
he simply asked for a con-tin'-u-ance'

The judge, normally defiant,  
he never would budge;  
but concern for the client  
caused him to fudge.  
"Shape up, no flying by seat-of-pants  
and I will give you a con-tin'-u-ance'."

Judge to lawyer, after years,  
"back to court" -  
brought to tears,  
gave same retort.  
"Oh, woe is me, just one more chance -  
I beg of you, a con-tin'-u-ance'."

It must have been Christmas  
or the judge's birth-day,  
for again, alas,  
the jurist did sway,  
"This is the end, your ultimate dance:  
here is your last con-tin'-u-ance'."

Trial day finally came -  
much pain on the bench -  
lawyer's conduct so lame,  
judge's stomach did wrench.  
One thing of note - good perchance?  
Nary a mention of con-tin'-u-ance'!

The case was agony to the judge:  
for Maalox, his bailiff he did send -  
his intestines growled, 'twas such a drudge -  
as to the trial, he saw no end.  
It crossed his mind, while in a trance,  
it is I who needs a con-tin'-u-ance'.

The lawyer droned on,  
his case was so weak -  
at last, in despair,  
the judge did shriek.  
"Lest this case 'neath the sod, my body plants  
I'm giving myself a con-tin'-u-ance'."

*The Honorable Sophia Choi is a judge in the Superior Court of California, County of Riverside and was RCBA President in 2020.*



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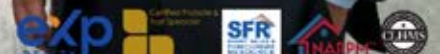


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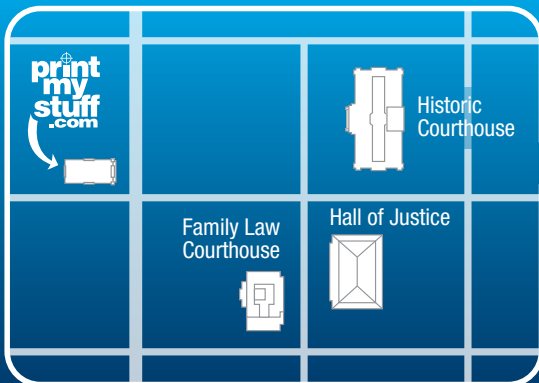
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## Conference Rooms Available – RCBA Building

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

## Part-Time Bookkeeper Position

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## Lawyer Referral Service Intake Counselor

RCBA is seeking a full-time intake counselor for the Lawyer Referral Service. Interested candidates are invited to submit their resumes to Charlene Nelson at [charlene@riverside-countybar.com](mailto:charlene@riverside-countybar.com).



The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective May 30, 2026.

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective June 30, 2026.

**Daniel Aguirre** – Law Office of Daniel Aguirre Inc., Riverside

**Alejandro Benitez** – Benitez Law, Riverside

**Miya Edwards** – Law Student, Ontario

**Julia Ellsworth (A)** – Gaudy Law, Upland

**Shikira Haro** – Law Offices of Shikira H. Haro, Temecula

**Patrick Hyde (A)** – Life Care California, Menifee

**Han Mac** – Law Student, Riverside

**Nessie Moise** – Law Student, San Jacinto

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

# CALENDAR

## JUNE

- 8** Roundtable with Judge Hopp  
12:15 PM, Zoom  
MCLE
- 16** Family Law Section Meeting  
Noon, RCBA Gabbert Gallery  
Speaker: Mitchell Rosen  
Topic: "Parenting Plan Coordinators"  
MCLE
- 18** Juvenile Law Section Meeting  
12:15 PM, Zoom  
Speaker: Amy Guldner  
Topic: "Reframing Marijuana: Harmless High or Hidden Risk?"  
MCLE - 1 hour Competence

## JULY

- 28** Joint Employment Law/Civil Litigation  
Sections Meeting  
Noon, Zoom  
Speakers - Neil D. Okazaki and Arti L. Bhimani  
Topic: "Do It Right or Defend It Later: Workplace Investigations  
That Hold Up in Litigation."  
MCLE

### SAVE THE DATE

RCBA Annual Installation Dinner  
Thursday, September 24, 2026  
Social Hour 5:30 p.m., Dinner 6:30 p.m.  
Mission Inn, 3649 Mission Inn Avenue  
Riverside

### Events Subject To Change

For the latest calendar information please visit the RCBA's website at [riversidecountybar.com](http://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 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$30.00 and single copies are \$3.50.

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



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## Altura Credit Union is Riverside's Credit Union.

At Altura, we're deeply rooted in Riverside, with 23 branches serving communities from the city's iconic orange groves to Murrieta's soothing hot springs. More than just a financial institution, we're your neighbors—championing your success and investing in our shared future. Since 2015, we've contributed over \$7 million and dedicated more than 20,000 volunteer hours to strengthening our communities. Member or not, our mission remains the same: to help Riverside thrive. Experience the Altura difference—because when we rise together, we all succeed.



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