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Riverside County Bar Association

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RIVERSIDE LAWYER
MAGAZINE

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PRESIDENT'S Message

by Megan G. Demshki

A Busy Season for the RCBA

The RCBA is kicking off a busy March with Reading Day at Harada Elementary School on Monday, March 2, 2026 and the RCB Foundation and Project Graduate Fundraiser at the Riverside Community Players on Wednesday, March 4, 2026. We hope you will join us in our foundation efforts to support our local community.

Riverside County Needs Temporary Judges

On February 20, 2026, Judge Randall Stamen presented at the RCBA General Membership Meeting. Judge Stamen discussed the need for additional members of the legal community to step up to serve as temporary judges. Temporary judges are used at the discretion of the Presiding Judge when the court needs judicial assistance that it cannot provide using its full-time judicial officers.

Temporary judges most often hear small claims and traffic matters. They may also preside over other types of cases, such as: unlawful detainers, civil discovery and settlements, family law, domestic violence, probate, civil harassment and juvenile delinquency and dependency. To become a temporary judge, you must have been admitted to practice as a member of the State Bar of California for at least ten years (or at least five years for an appointment with good cause). Specific trainings are required. Additional information can be found on the Court's website, including the application.

Thank you, Judge Stamen, for your engaging presentation and informing our membership of this important need.

Zoom Mentorship with UCR Students

The RCBA has partnered with UCR's School of Public Policy's Robert Presley Center of Crime and Justice for one-on-one mentorship opportunities for UCR students. The program pairs up attorneys with UCR students who are interested in pursuing a career in law for one half-hour "coffee chat" via Zoom. There is no required additional commitment other than the one half-hour. You can sign-up through an email announcement that was sent to all RCBA members. Please contact the RCBA for more information

County Mock Trial Finals

On February 19, 2026, I had the pleasure of serving as one of the judges for County Mock Trial Finals. It was a fantastic final round, and the hard work of the students and coaches was evident. Thanks to Melissa Moore and the Mock Trial Steering Committee, as well as judges and attorneys who took part in the Riverside County Mock Trial Competition this year.

The winners were:

1st Place – Notre Dame High School

2nd Place – Martin Luther King High School

3rd Places – Poly High School and Ramona High School

Join us!

The next General Membership Meeting will take place on Friday, March 13 at noon. The speaker will be David Dowling, Managing Director, Straus Institute for Dispute Resolution at Pepperdine's Caruso School of Law who be discussing "Negotiation Strategies for Lawyers in Mediation". The presentation will explore practical negotiation strategies lawyers can use to be more effective in mediation. The session will examine the distinction between distributive (value-claiming) and integrative (value-creating) approaches, helping participants recognize when each strategy is appropriate and how to balance them at the table. It will also focus on identifying underlying interests, preparing strategically, and using framing, concessions, and mediator dynamics to move negotiations forward. Drawing on insights from game theory, including Axelrod's work on the iterated prisoner's dilemma, the presentation will highlight how cooperation, reciprocity, and reputation influence outcomes.

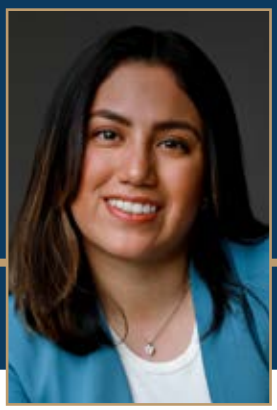
The meeting and lunch will be sponsored by RCBA's Dispute Resolution Service. Lunch will be complimentary for RCBA members. Please register online to join us.

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.

BARRISTERS
President's Message



by Sharon P. Ramirez

The Barristers have had a strong and energizing start to 2026! From CLEs, to puppy yoga, to our monthly Happy Hours, it has been incredible to see both new faces and familiar ones showing up, connecting, and building community.

What I have enjoyed most these past few months is meeting so many new members and watching conversations spark between attorneys who may not otherwise have crossed paths. That is truly what Barristers is about, creating space for young lawyers to feel welcomed, supported, and part of something bigger than themselves.

To our new members, thank you for stepping in. To our consistent attendees and longtime supporters, thank you for continuing to show up and invest in this community. We have an exciting lineup of events ahead, and I encourage each of you to join us as we continue fostering meaningful connections, professional growth, and a strong sense of camaraderie within the Riverside legal community.

Past Events Recap

- **Mock Trial Scoring – February 7, 2026**

  On a beautiful Saturday morning, we had 8 Barristers volunteer to serve as scoring attorneys for the fourth round of the Riverside County high school mock trial competition. It is always an honor to support this program and witness firsthand the preparation and professionalism these students bring to the courtroom. We always walk away genuinely impressed by their talent and dedication. A big thank you to the follow Barrister members for volunteering their time on a Saturday morning to score and give back to the community and future generation of advocates: Mariam Alkhalili, Joscelyn Carrillo, Derek Diemer, Nolan Kistler, Amanda Perez, Sara Truitt, and Elia Vazquez.

- **Barristers Happy Hour – February 20, 2026**

  Our February Happy Hour took place at Killer Queens in downtown Riverside. A special thank you to Consumer Attorneys of the Inland Empire (CAOIE) for generously sponsoring the appetizers, and to everyone who came out and made the evening such a success. We always appreciate the opportunity to gather, unwind, and strengthen the relationships that make our legal community so supportive and collaborative.

- **Barristers Brunch – February 28, 2026**

  We hosted our first ever Barristers Brunch at Dapper Dine and Lounge! This was a brand-new event we introduced where Barristers had the opportunity to step away from the daily grind and enjoy a relaxed Saturday morning together. A sincere thank you to our generous co-sponsors, Maasumi Headache & Spine Care and Costa Vista Chiropractic, for supporting the event and for their continued partnership with the legal community. Afterwards, we let the good times roll

and some members headed to Van Buren Golf Center to play a round of golf. We do have some exciting golf events coming up, stay tuned!

Upcoming Events. You're Invited!

- **Disneyland with the Barristers** – Saturday, March 7, 2026, at 8:00 a.m. – Join the Barristers crew at the Happiest Place on Earth! Theme Park ticket must be purchased separately. For more details, please visit: https://rcba-barristers-disneyland-day-tickets.eventbrite.com
- **Barristers Happy Hour** – Friday, March 13, 2026, 5:30 p.m. at El Patrón Downtown Riverside – appetizers sponsored by Law Offices of Harlan B. Kistler
- **ULV CLPS Joint Panel** – Wednesday, March 18, 2026, 4:30-6:00 p.m. at University of La Verne College of Law – if you're interested in attending be on the lookout for more information on our socials
- **Barristers Happy Hour** – Friday, April 17, 2026, 5:30 p.m. at Back to the Grind – appetizers sponsored by Integrated Medical Center
- **7th Annual Judicial Reception** – Thursday, May 14, 2026, 5-7:30 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: Next up is Summer!

Summer M. DeVore, 2025-2026 Past-President

Summer is an attorney at Stream Kim Hicks Wrage & Alfaro, PC in downtown Riverside, where she specializes in business litigation. She is licensed to practice law in both California and Nevada. This is her fourth year serving on the Barristers Board. She also serves on the RCBA Board and is a member of the Leo A. Deegan Inn of Court. Summer was first introduced to the Riverside legal community in 2005 when she began working as an office clerk at a local law firm. Prior to law school, Summer received a Master of Science in Counseling Psychology (Marriage and Family Therapy). In her spare time, Summer enjoys spending quality time with her growing family and scrapbooking. In 2025, she won first place at the Orange County Fair for scrapbooking, featuring a family photograph taken in Yosemite in June 2023 that captured her son's first family adventure at just four months old.

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.

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.

The Unique Practice of the Eminent Domain Attorney

by Mark A. Easter

I have had the privilege now of working on eminent domain projects and cases for over 35 years. Back in the early to mid-90s, I cut my eminent domain teeth on projects such as the Diamond Valley Reservoir in the Hemet/Winchester area, the widening of Highway 79 through Lamb's Canyon, and the interchange of Gilman Springs Road and Sanderson Avenue in San Jacinto. Most of my practice has been representing public agencies. There are a number of unique aspects of eminent domain that have helped make this a very interesting and fulfilling practice over the years.

First, eminent domain cases are unique in that the plaintiff—the condemning public agency—is suing to confirm its right to exercise its eminent domain power, and to establish just compensation (by the judge, jury, or settlement). The defendants are the parties that have an interest in the property to be acquired. As such, the plaintiff is paying compensation to the defendant(s).

Second, since the role of "who is paying who" is reversed, eminent domain cases are also unique in that at trial, the defendant, not the plaintiff, goes first on voir dire, opening statements, the presentation of evidence, and closing arguments. In addition, although not always enforced, the defendant, not the plaintiff, sits closest to the jury in the courtroom.

Third, eminent domain cases have a separate and unique statutory procedure for the exchange of lists of expert witnesses (all expert witnesses, not just appraisers) and expert reports or appraisals—Code of Civil Procedure sections 1258.210 et seq. Those statutory procedures also have their own rules for amending/supplementing expert reports and the consequences for failure to comply.

Fourth, many of our projects also involve takings of, or impacts to, businesses. All kinds of businesses, including but not limited to…fast food, gas stations, shopping centers, mini-storages, billboards, car washes, farms, medical, and professional. You name it. We then retain business appraisers to assess the goodwill value of those businesses. And for each type of business, the valuation issues are…unique.

Fifth, although there are some exceptions on certain legal issues, on issues of just compensation, the general rule is that NEITHER party has the burden of proof at trial. Instead, the parties present testimony (mostly by expert appraisers) on the value of property, and the jury's verdict must come within the range of that valuation testimony.

Sixth, I have found eminent domain trials to be quite interesting because the jury selection analysis is very distinct and somewhat less predictable. The juror that comes across as a "conservative" may have a law and order bias that favors the public agency…or they may be "anti-government." The "accountant" type may have a bias against big jury verdicts…or a bias against "big government" spending. The juror perceived to be liberal may be biased in favor of "the little guy"…or they may be pro-government. A public employee could be "pro-government"…but they also might be a jaded or even disgruntled public employee ("I know how the government 'really' works"). Engineers can be helpful jurors…or too detail-oriented and critical. Teachers might favor the property owner…or appreciate the "teaching" job that your expert does. Attorneys? Not sure I want them on my jury. Perhaps. Young people/college students? No clue.

Finally, the eminent domain practice is unique in its variety of roles. Throughout the course of a project—from site selection to trial and appeal—I wear lots of different lawyer "hats."

Initially on projects, I may put on a "project planner" hat, helping agencies plan and locate projects, determine what real property/right of way they need, and avoid acquiring more property than needed and/or paying more in just compensation than necessary.

Next, I often wear the "transactional" hat, attempting to negotiate voluntary purchases with owners. Sometimes this involves trying to work out creative relocation and acquisition solutions that are "win/wins".

If those efforts are unsuccessful, I then often don the "municipal hat," assisting the agency and working with elected officials in holding a public meeting for the agency to consider adopting a "Resolution of Necessity" for using its eminent domain power. This can be a political hot potato, and complying with due process requirements is crucial to the overall success of the process.

Once a Resolution or "RON" has been adopted, I put on the "litigator" hat, and we file eminent domain lawsuits. This usually means first trying to secure "prejudgment possession" for an agency. Cases then eventually move to a valuation exchange and expert deposition phase. Most cases seem to get resolved through mediation, but sometimes they go through to a jury trial and even an appeal.

Finally, many of our projects involve multiple parcels. For example, the widening of the 91 Freeway through Corona involved well over a hundred parcels. On those

types of projects, I am also wearing the "project manager" hat…from the beginning of the project to the end.

Now obviously, at any given time, all of our cases and projects are at very different stages of this process. This means that on the same day, I may be working on a motion in limine for trial, revising a purchase and sale agreement, preparing for a "RON" hearing, and "project managing" numerous parcels. Such "multi-hat" days can be challenging and even exhausting, but they are never boring. I have been very blessed to be part of this "multi-hat" industry these last 3-4 decades, and I have witnessed a lot of growth and change—especially in the Inland Empire.

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

A Defender of Property Rights: Property Owner-Focused, Eminent Domain Representation

by Anish J. Banker

For nearly 25 years, my practice has focused almost exclusively on representing private property and business owners in eminent domain and inverse condemnation matters. In doing so, I can unequivocally say that eminent domain litigation is unlike conventional civil litigation. The property owner's attorney is required to navigate a highly nuanced field of law while wearing many 'hats' along the way (i.e., lawyer, appraiser, engineer, architect, relocation consultant, educator, advocate, and negotiator, to name a few). Owner-focused representation occupies a distinctive niche within civil litigation—one that blends constitutional law, statutory procedure, and valuation theory—and is intensively expert-driven. While the path from an initial client contact to final resolution is often arduous and uncertain, the outcome—protecting property rights, preserving property value, or both—can be deeply rewarding for both client and counsel alike.

The Nature of Eminent Domain Proceedings. By definition, it is a special statutory in rem proceeding against the property itself, not the owner, and is governed by a distinct body of law codified within the Code of Civil Procedure. The backdrop to every eminent domain case: The government files suit against its own citizens to take private property by force. The condemning agency (government) initiates the action as plaintiff, while the property owner—who has committed no legal wrong—is named as defendant and placed in the position of an involuntary seller, required to participate in protracted litigation to obtain his constitutionally mandated amount of "just compensation." At the outset, the owner must make an important decision: Does he contest the right to take; seek greater compensation; or both? This is a significant decision that arguably must be made before an eminent domain action is even filed; failure to do so may result in the owner waiving his right to object to the government's taking.

Eminent domain litigation also departs from conventional civil practice in several other key aspects:

- **Burden of Proof on Property Valuation:** None; except in the case of "entitlement" to loss of business goodwill.
- **Order of Proof:** At trial, the defendant/property owner presents evidence first, followed by the condemning agency. The owner also opens and closes argument to the jury.
- **Final Resolution:** Cases conclude with a final order of condemnation rather than a judgment.
- **Early Dispositive Proceedings:** Substantial litigation often occurs at the outset, including challenges to the condemning agency's right to take the property and motions by which the condemning agency seeks to obtain prejudgment possession of the property at the outset of the case.

The Stated Goal—and the Practical Reality. In theory, the statutory scheme is enacted to protect property owners. California law expressly requires condemning agencies and their counsel to "seek impartial justice." In practice, however, the playing field is rarely level. Eminent domain litigation is often characterized by a pronounced asymmetry of power, resources, and information. Condemning agencies are often repeat players with institutional expertise, significant financial resources, and years of advanced project planning. Property owners, by contrast, receive limited notice and are forced to respond within compressed timelines. For example, after receiving a precondemnation offer to purchase the property from the government, a property owner may receive as little as 15 days' notice to prepare for a hearing whereby the government decides whether to adopt a resolution of necessity—a decision often grounded in years of prior planning. By adopting the resolution, the government bestows upon itself the power to take private property. Tenants and business owners, on the other hand, frequently receive no notice at all.

Once an eminent domain action is filed by the condemning agency, property owners and occupants typically have only 30 days to respond to a motion for prejudgment possession that may result in displacement of the owner and all occupants within no less than 90 or 120 days from the start of the lawsuit. Accordingly, the property owner's attorney is always playing a game of catch-up with limited resources and, therefore, must be prepared to act quickly and decisively from the outset of representation.

Understanding the Client Perspective. Property owners are typically unfamiliar with the legal process and often confront eminent domain proceedings with a combination

of distress and skepticism. Many assume the outcome is predetermined and that resistance is futile, shaped by the long-held belief that "you can't fight City Hall." Part of my job is to dispel that notion while setting realistic expectations. Eminent domain cases are not only legally complex but emotionally charged, as they often involve homes, family businesses, or long-held investments.

The Role of the Property Owner's Attorney. The scope of representation in an eminent domain matter is unusually broad. Compensation for the property taking is not a single number, and the procedural and evidentiary traps that confront property owners are numerous. Owner-focused eminent domain counsel must be able to master a highly technical statutory scheme and be conversant in both valuation methodology and engineering principles in order to counterbalance the inherent asymmetry of power between owner and government. Effective representation typically requires:

- Early case assessment and identification of legal and valuation issues;
- Strategic selection and coordination of valuation and other specialty experts. Because the eminent domain practice is inherently expert-driven, at minimum, competent valuation testimony is required in every case. More complex matters may involve multiple experts addressing valuation, engineering, land use, and relocation issues.
- A strategic decision (which should be made early) to actively engage in negotiations with the condemning agency—or, conversely, to refrain from doing so for tactical purposes; and,
- Parallel preparation for litigation, including law and motion practice and trial strategy.

Duration. Eminent domain proceedings frequently take a longer period of time than typical civil matters, particularly in part-take cases where the impacts of the condemning agency's project are heavily contested. Accordingly, an owner-focused attorney must be ready for the long-haul and must be prepared for extended timelines and periods of concentrated litigation activity—most notably early in the case and in the months leading up to the valuation trial.

There is a relatively small community of eminent domain practitioners, and an even smaller group devoted primarily to representing property and business owners. Educating, guiding, and protecting property and business owners through the eminent domain process is demanding, but it is also uniquely gratifying.

Anish J. Banker is a partner at the law firm of Palmieri, Hennessey & Leifer, LLP, where he specializes in eminent domain and inverse condemnation litigation.

Handling Real Property in California Probate: A Practical Overview of Available Options

by Nesa Targhibi

Real property is often the most valuable asset in a decedent's estate and frequently determines whether probate is required. In California, how property transfers at death depends on title, value, estate planning documents, and the identities of beneficiaries. This article provides a general overview of the primary methods for handling real property in probate and probate-adjacent proceedings, highlighting when each option may be appropriate.

1. Full Probate Administration

The most familiar method for handling real property after death is full probate, governed by Division 7 of the California Probate Code section 7000, et seq. When property is titled solely in the decedent's name and does not pass by operation of law (such as through a trust or joint tenancy), probate is often unavoidable.

In full probate, the personal representative (executor or administrator) is appointed by the court and gains authority over estate assets. They marshal assets, pay valid creditor claims, and distribute property to beneficiaries or heirs. (Prob. Code §§ 8400–8404, 9650.) Real property may be distributed in kind or sold, sometimes requiring court confirmation. Probate provides court supervision, creditor protection, and a clear chain of title, but it carries known disadvantages: cost, delay, and procedural formality.

Statutory compensation for attorneys and personal representatives is based on the estate's gross value, including real property, regardless of encumbrances or equity. (Prob. Code §§ 10800, 10810.) Where real property is the primary asset, these fees can be substantial relative to the estate's liquidity.

Despite these drawbacks, full probate may be necessary where title defects require judicial resolution, multiple heirs are in dispute, significant creditor claims exist, or property must be sold to pay debts or equalize distributions.

Independent Administration of Estates Act (IAEA)

Many estates proceed under the Independent Administration of Estates Act section 10400, et seq., which allows administration with reduced court supervision. A personal representative may be granted full or limited IAEA authority. (Prob. Code § 10402.) Full authority allows property sales without prior court confirmation, subject to notice requirements and objection rights. (Prob. Code §§ 10580–10592.) Limited authority still requires court confirmation. (Prob. Code § 10308.) IAEA can reduce delays and transactional friction, but attorneys should weigh the benefits of court oversight in complex or contentious estates.

2. Spousal Property Petitions

When a surviving spouse or registered domestic partner is the sole beneficiary, a spousal property petition under Probate Code sections13500–13660 can efficiently transfer real property. These petitions are effective for clearing title to a residence after the first death, even if it was titled solely in the decedent's name. They may be used for community, quasi-community, and, in some cases, separate property, transferring real property by court order without full probate.

3. Summary Procedures for Small Estates Involving Real Property

California significantly revised its summary procedures for transferring real property in small estates effective April 1, 2025. Under the amended Probate Code, the primary summary procedure for real property is now limited to a decedent's primary residence valued at $750,000 or less. (Prob. Code §§ 13150-13157.) Petitioners may request succession to the primary residence without full probate, subject to statutory notice and evidentiary requirements. Courts must find that the property qualifies and that the petitioner is entitled to succession. The procedure is no longer available for non-residential or secondary properties.

As a result of these changes, summary transfer options for real property are now significantly narrower. Real property that is not a qualifying primary residence, such as rental property, commercial property, vacant land, or secondary residences, will generally require formal probate or an alternative transfer mechanism, such as trust administration.

Because summary transfer procedure does not include a comprehensive creditor claims process, beneficiaries may take title subject to the decedent's unresolved debts, including secured and unsecured obligations. Unlike probate, which resolves and bars creditor claims at administration's conclusion, summary succession may leave beneficiaries exposed to unresolved liabilities, making for-

mal probate the safer choice when significant debts are known or suspected.

4. Trust Administration and Probate Code § 850 Petitions

When property is held in a revocable living trust, probate is typically avoided. (Prob. Code § 13000.) The successor trustee administers the trust and transfers or sells property pursuant to the trust terms. If title was not properly transferred during life, a petition under Probate Code section 850 petition, commonly called a "Heggstad petition" (*Estate of Heggstad* (1993) 16 Cal.App.4th 943; *Ukkestad v. RBS Asset Finance, Inc*. (2015) 235 Cal.App.4th 156), may establish that the property belongs to the trust. If granted, the court orders the property into the trust, allowing administration outside probate. This procedure is generally faster and less expensive, though it requires a noticed hearing and evidence of the decedent's intent.

5. Transfer on Death (TOD) Deeds

California's Revocable Transfer on Death Deed (TOD) statute allows residential property to pass directly to beneficiaries outside probate. (Prob. Code §§ 5600 et seq.) TOD deeds must comply with statutory execution, recording, and timing requirements. (Prob. Code §§ 5624, 5630.) While effective for simple estates, beneficiaries take title subject to creditor claims, and disputes may arise if the deed conflicts with other documents or is challenged on capacity or undue influence grounds. (Prob. Code § 5672.)

6. Joint Tenancy and Community Property with Right of Survivorship

Property held in joint tenancy or as community property with right of survivorship passes automatically to the surviving owner (Civ. Code § 682.1; see also Prob. Code § 5600). Typically, an affidavit of death of joint tenant or spouse is recorded to clear title. While these ownership forms avoid probate for the first death, they can create unintended consequences such as loss of control, gift tax issues, or disinheritance of children from prior relationships.

California provides multiple mechanisms for transferring real property at death, from full probate to streamlined petitions and non-probate transfers. The appropriate path depends on title, value, family circumstances, and the decedent's estate plan. For attorneys, understanding these options and how they intersect or overlap is critical. Thoughtful planning at the outset can reduce costs, shorten timelines, and ensure real property is transferred with clear title, minimizing the risk of future disputes.

Nesa Targhibi is a sole practitioner and owner of Holborn Law APC based in Riverside and San Bernardino counties. She practices in the area of trust and probate.

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.

Real Estate in California Consumer Bankruptcy: Common Mistakes That Can Put a Client's Residence at Risk

by Misty Perry Isaacson

For many consumers, bankruptcy is presented as a simple debt solution. In practice, however, outcomes are often driven more by the client's interest in real property than by their debt alone. A client's residence, the timing of acquisition, ownership arrangements, and pre-petition transfers frequently shape how a case unfolds. Lawyers who assume the homestead exemption shields the property itself, or who overlook federal caps and trustee authority, can inadvertently expose clients to significant risk. Effective counseling requires understanding how California exemption law intersects with federal bankruptcy rules and local market conditions.

Mistake No. 1: The Homestead Exemption Is Not a Silver Bullet

A common misunderstanding is that the homestead protects the home itself. It does not.[1] "[T]he homestead exemption in California is merely a debtor's right to retain a certain sum of money when the court orders sale of a homestead in order to enforce a money judgment; it is not an absolute right to retain the homestead itself."[2] Assuming that "the house is safe" is therefore a risky premise. Trustees are not bound by a debtor's bankruptcy schedules. If a willing buyer exists and is offering a purchase price that would generate net proceeds for the estate, a Chapter 7 trustee has a fiduciary duty to pursue liquidation.

For a debtor's primary residence, the homestead amount is based on the countywide median sale price in the year before the exemption is claimed, subject to a current floor of $371,547 and a ceiling of $743,459, with annual inflation adjustments.[3] Determining the applicable ceiling requires checking the median home sales price for the county where the property is located. For example, in 2025, the median single-family home sales prices were $635,633 in Riverside County; $497,941 in San Bernardino; $1,418,308 in Orange County; and $898,058 in Los Angeles County.

Mistake No. 2: Federal Law Can Further Limit the California Homestead Exemption

Even when California homestead exemption law suggests sufficient equity coverage, federal bankruptcy law can impose lower caps.[4] Under 11 U.S.C. section 522(p), the homestead exemption may be capped if the debtor acquired an interest in the residence within 1,215 days of filing. Additionally, section 522(o) may further reduce the exemption where equity was created through certain transfers made within ten years of filing with intent to hinder, delay, or defraud creditors.

In my experience representing Chapter 7 trustees, it is not uncommon for debtor's counsel to assume that the debtor is entitled to the full California homestead exemption, only to later discover that the property was acquired within the 1,215-day lookback period. The result is a trustee demand to amend the claimed exemption and, in many cases, a motion to sell the residence. Lawyers who focus solely on the California exemption amount without evaluating acquisition timing risk overlooks issues that can materially and irreversibly change the case.

Mistake No. 3: Marital Settlement Agreements Are Not Bankruptcy-Proof

Family law orders do not end the Trustee' investigation in a bankruptcy. Trustees may challenge marital settlement agreements as fraudulent transfers, even when approved by state courts. Under California's Uniform Voidable Transactions Act, inequitable marital property divisions may be subject to avoidance.[5] If a transfer is avoidable under nonbankruptcy law, it can also be avoided by a trustee.[6] This frequently arises when one spouse receives a valuable residence while the other takes on all or most of the community debt. While enforceable in dissolution proceedings, bankruptcy law permits trustees to examine substance over form. Clients are often surprised to learn a divorce they believed "settled everything" can be reopened in bankruptcy.

Mistake No. 4: Bare Legal Title Still Invites Litigation

Another common blind spot is bare legal title. These informal arrangements, sometimes described as a "poor man's will," frequently arise in family contexts. 11 U.S.C. section 541(d) defines property of a debtor's bankruptcy

1 "The homestead exemptions available to the debtors . . . do not permit the exemption of entire properties, but rather specific dollar amounts." *Gebhart v. Gaughan (In re Gebhart)*, 621 F.3d 1206, 1210 (9th Cir. 2010).
2 *In re Reed*, 940 F.2d 1317, 1321 (9th Cir. 1991).
3 Cal. Civ. Proc. Code § 704.730.
4 As of April 1, 2025, the current cap under 11 U.S.C. § 522(o), (p) and (q) is $212,000.
5 11 U.S.C. §§ 544 and 548; *Mejia v. Reed*, 31 Cal. 4th 657, 669 (Cal. 2003) ("while the law respects the finality of a property settlement agreement 'that is not tainted by fraud or compulsion or is not in violation of the confidential relationship of the parties,' we find no legislative policy to protect such agreements from attas as instruments of fraud."
6 *Wolkowitz v. Beverly (In re Beverly)*, 374 B.R. 221, 232 (9th BAP Cir. 2007).

estate as "all legal or equitable interests of the debtor in property as of the commencement of the case."[7] While the estate generally includes only the debtor's legal interest, not equitable ownership, some trustees may argue that a debtor's payments or contributions that benefit the property created at least a partial legal ownership interest.

In other cases, a debtor with stronger credit may have been added to title to satisfy lender requirements, even though the debtor was not the intended beneficial owner. Trustees may attempt to sell co-owned property under 11 U.S.C. section 363(h), contending that liquidation benefits the estate notwithstanding disputed ownership interests. Even where the debtor can ultimately establish that they hold only bare legal title, the cost and expense of litigating these issues with the trustee can be significant, making such arrangements far riskier than clients often appreciate.

Chapter 13 Can Change the Risk Profile

Lawyers often default to Chapter 7 without considering Chapter 13. Unlike a Chapter 7 trustee, a Chapter 13 trustee lacks authority to sell a debtor's property.[8] Debtors in Chapter 13 retain possession and control of assets, which can provide protection for equity that would be exposed to liquidation in Chapter 7.[9]

Chapter 13 also offers procedural and strategic advantages that are particularly relevant when real property is at issue. A debtor has an absolute right to dismiss a Chapter 13 case at any time, allowing the client to exit the case if circumstances change or if litigation risk becomes untenable. In addition, Chapter 13 permits debtors to propose a repayment plan over three to five years, allowing them to pay creditors over time rather than facing immediate liquidation pressure.

For clients facing co-ownership disputes, pending challenges to exemptions, or potential avoidance actions, Chapter 13 can preserve leverage and provide time to negotiate, litigate, or restructure obligations in a controlled environment. While not suitable for every client, overlooking Chapter 13 where real estate is central can foreclose meaningful alternatives.

Conclusion

The most damaging mistakes are usually made before the petition is filed, when lawyers assume the homestead protects more than it does, overlook federal limitations, or underestimate how aggressively trustees may pursue estate value. When a client owns real estate, bankruptcy is not merely a financial reset; it is a strategic property decision. Treating it otherwise invites consequences that no amount of post-filing advocacy can fully undo.

Misty Perry Isaacson is a shareholder at MPI LAW, P.C., where she represents debtors, creditors, and Chapter 7 trustees in bankruptcy matters throughout the Central District of California. She is a California Certified Specialist in Bankruptcy Law by the State Bar of California, Board of Legal Specialization.

7 11 U.S.C. § 541.
8 11 U.S.C. § 1302.
9 11 U.S.C. § 1303.

The Landlord-Tenant Relationship and Overview

by Darrell Moore, Carolyn Deal, and Chloe McGrath Wright

At some point in a homeowner's life, the thought of becoming a landlord and renting out a room or even an entire property has probably crossed their mind. This discussion will outline in general terms the nature of the landlord-tenant relationship with a focus on describing: How is the landlord-tenant relationship created? What are the landlord's obligations to the tenant? How is this relationship terminated? When is it necessary to involve the court system?

How is a Landlord-Tenant Relationship Created?

The landlord-tenant relationship is typically created in one of two ways. A landlord may allow a person to move into their property with no expectation of rent. This arrangement often involves a family member moving into a room or a family-owned home. More typically, a landlord will enter into an agreement with an expectation that the tenant will pay rent. Both arrangements involve agreements with enforceable obligations created in writing, orally, or implied by the conduct of the parties. But a written agreement, or lease, is strongly recommended, so all parties have a written record of the rental terms and responsibilities.

Drafting a lease can be onerous. The Continuing Education of the Bar guide entitled "California Landlord Tenant Practice," provides two sample leases: a month-to-month lease and a periodic lease. (See Chapter 1 entitled "Creating the Tenancy.") This resource is easily accessed at the Riverside County Law Library.

What are the Landlord's Responsibilities?

A landlord's responsibilities arise from two primary sources. First, the landlord is required to uphold their end of the bargain and make good on any promises they have made in the rental agreement. Secondly, there are statutory requirements of a landlord outlined in the California Code of Civil Procedure, the California Civil Code, the Health and Safety Code, as well as in relevant case law surrounding issues such as habitability, security deposits, and quiet enjoyment.

How Can the Relationship be Terminated?

Landlords cannot resort to self-help and simply "kick" a tenant out. This is unlawful conduct that can result in both criminal and civil liability. Terminating a tenancy initially requires the landlord serve a notice on the tenant.

The six most common types of notices a landlord can serve are:

- **3-Day Notice to Pay Rent or Quit.** This is served on a tenant who failed to pay rent on time. Only rent that became due within the last 12 months can be included in this type of notice; it is impermissible to include fees in addition to unpaid rent in the notice.
- **30-Day Notice to Quit.** Most often served on a tenant who has been living at the property for less than one year.
- **60-Day Notice to Quit.** Served on tenants who have been living at the property for greater than one year. The Tenant Protection Act (TPA) has additional specific requirements regarding "just cause" that must be stated in the 60-Day Notice to Quit.
- **3-Day Notice to Quit.** Served when a tenant commits certain acts that are serious violations of the lease agreement and the acts are incurable.
- **30-Day Notice to Vacate under the Federal CARES Act 15 USC § 9058-C.** These notices are served if the property is federally supported, such as public housing, subsidized housing, or rental housing developments financed through the federal Low-Income Housing Tax Credit program.
- **3-Day Notice to Perform Covenants or Quit. Served in situations where a lease violation is to be corrected.** If the tenancy is protected by the TPA and the tenant fails to cure the violation, this notice must be followed by a 3-Day Notice to Quit.

Each of these notices has their own specific requirements as to when they are the appropriate to serve. Further, landlords may be required to state just cause reasons or provide additional time for the tenant to vacate if the tenant is protected by the TPA or receives a Section 8 Housing Choice Voucher. Only a legally compliant notice will terminate a tenancy.

When is it Necessary to Involve the Courts?

If the tenant fails to comply with the notice, the landlord must pursue further action in court. Eviction cases in legal parlance are known as unlawful detainers or "UD" for short.

The lawsuit starts with the landlord, as plaintiff, filing and serving the summons and complaint. Once the summons and complaint has been served on the defendant, the defendant must file a responsive pleading, such as a motion to quash, a demurrer, or an answer. A responsive pleading is due within 10 court days of the tenant being personally served with the summons and complaint. The

time to respond is extended if the tenant is served by substitute service or posting and mailing.

The defendant could file a motion to quash the service of the summons and complaint if they believe service was done improperly. The defendant could file a demurrer if the defendant believes that the complaint is legally deficient. If the tenant wishes to file either of these responsive pleadings, they must do so prior to filing their answer.

If either motion is filed, it will be heard on an expedited basis by the presiding bench officer. If the bench officer agrees with the defendant, then it will be incumbent upon the landlord to take whatever appropriate corrective action may be required. If the court does not agree with the defendant, then the court will either deny the motion to quash or overrule the demurrer and order the defendant to file an answer to the complaint, usually within five days.

A defendant should file an answer if they do not wish to challenge service of the summons and complaint, or if ordered by the court. In the answer, the defendant can list their defenses as to the allegations in the complaint and raise any affirmative defenses.

Once an answer has been filed, the plaintiff may request the matter be set for trial. Once that request has been made, the court clerk must schedule the trial within 20 days.

At trial, the plaintiff will seek to prove the elements of the unlawful detainer, and the defendant will seek to establish their defenses. If the landlord fails to establish its case or the defendant is successful in establishing a defense, then the tenancy continues. If the landlord prevails at trial, then the landlord will ask the clerk's office issue a writ of possession. The writ of possession needs to be taken to the Sheriff's Department, and the Sheriff will serve the writ of possession on the defendants alongside a notice to vacate.

Settlement is always an option to avoid trial. Parties should attempt to resolve their case on mutually agreeable grounds, whether that means providing the tenant with an opportunity to continue their tenancy under specific conditions, or agreeing to a move-out date and to keep the UD file sealed from public view.

Some Suggestions

The laws governing the landlord-tenant relationship are complex, nuanced, and highly technical. A minor error at any step in the process can result in the case being dismissed. If a landlord has not successfully prosecuted an unlawful detainer action before, they would be well-served by consulting with an attorney that focuses on unlawful detainer matters.

Darrell Moore, Carolyn Deal, and Chloe McGrath Wright are attorneys with the Housing Practice Group at Inland Counites Legal Services (ICLS). ICLS's housing work seeks to promote healthy housing for residents of Riverside and San Bernardino Counties by providing eviction defense and advocating for tenants' and homeowners' rights.

JAMS NEUTRAL SPOTLIGHT

Hon. Angel M. Bermudez (Ret.)

Judge Bermudez presided over unlimited civil matters, including a wide array of complex cases, during more than 18 years on the Riverside County Superior Court. He also served in the court's family law division. A native Spanish speaker, he brings additional value to Spanish-speaking parties seeking culturally competent dispute resolution. He focuses on resolving business/commercial, civil rights, employment, family law, personal injury, professional liability and real estate disputes.

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In Memoriam
Michael A. Bell

by Steve Goldstein

It is with great sadness and regret that I am writing about the passing of one of the esteemed members of the San Bernardino-Riverside Chapter of American Board of Trial Advocates (ABOTA) and the Riverside County Bar Association, Michael A. Bell.

I first met Mike shortly after I was admitted to ABOTA and learned that he had started out at the same firm as I did, Early, Maslach, Levy & Nutt in Los Angeles. Mike knew and worked with many of the legendary trial lawyers from that firm, including Ron Fidler, with whom he later co-founded their eponymous firm. In the time I knew him, I found Mike to be gracious, thoughtful, and understanding.

Michael A. Bell

About Michael A. Bell

Mike was born in San Diego in 1936. Shortly thereafter, his family relocated to Nevada and eventually settled in Las Vegas, where Mike formed lifelong friendships, some with individuals who would later go on to serve as governor and senator of the state. Among his close friends was Jack Binion, whose family were early pioneers in Las Vegas gaming.

Following high school, Mike proudly served in the United States Marine Corps. After his discharge, he pursued higher education and ultimately earned his law degree from Loyola Law School, graduating in 1962. He was admitted to the California Bar in 1964, and later to the Nevada Bar in 1994 and the District of Columbia in 1996. His admissions also included the U.S. District Courts for the Northern, Eastern, Central, and Southern Districts of California; the U.S. District Court for the District of Nevada; the U.S. Court of Appeals for the Ninth Circuit; and the United States Supreme Court.

Mike began his legal career in Los Angeles and later opened the Riverside office of Fidler and Bell, where he specialized in medical malpractice defense. His subsequent firm represented the County of Riverside in the landmark Stringfellow Acid Pits litigation. Over the course of his career, Mike tried more than 100 cases and earned numerous professional honors, including being an early recipient of the SB-R ABOTA Civility Award. He was also recognized with an AV Preeminent rating.

His practice areas included ethics and professional responsibility, insurance defense, medical malpractice, civil rights, products liability, business contracts, and general practice. He was also associated with La Follette, Johnson, De Haas, Fesler & Ames, A Professional Corporation, in Riverside.

Mike retired in 2021 at the age of 85 and moved to Tennessee to be closer to his children. He is survived by his wife, Barbara, five sons, and one daughter.

Above all, Mike was known for his integrity. He was, in the words of those who knew him best, one of the most ethical attorneys to practice law.

Steve Goldstein is an attorney with Davis, Grass, Goldstein & Finlay in Ontario and is the current president of the San Bernardino-Riverside Chapter of American Board of Trial Advocates..

MCLE (Group 3)
Attorneys with Last Names N – Z

Extended to a single 38-month cycle ending March 29, 2026.

Report deadline: March 30, 2026

Requirements:

- 25 hours total, at least 12.5 credit hours must be participatory credit;
- At least 4 hours of legal ethics;
- At least 2 hours dealing with recognition and elimination of bias, of which 1 hour must focus on implicit bias and the promotion of bias-reducing strategies;
- At least 2 hours on competence, of which 1 hour must be on prevention and detection, and 1 hour on attorney wellness;
- At least 1 hour of education addressing technology in the practice of law;
- At least 1 hour focusing on civility in the legal profession.

For more info, go to the State Bar's website.

In Memory of

Donald G. Grant

February 20,1945 – February 12, 2026

Donald “Don” Grant joined Thompson & Colegate in 1973 as an associate attorney and retired from the firm as senior partner in 2008. Don was a fellow of the San Bernardino Riverside Chapter of American Board of Trial Advocates, a fellow of the American College of Trial Lawyers, and admitted to practice in the U.S. Supreme Court. He was a past Director for Riverside County in the Association of Southern California Defense Counsel, and a member of the Southern California Association of Health Risk Managers.

He will be remembered by all as a friend, mentor, and partner. He will be missed.

The Partners, Associates and Staff at Thompson & Colegate

Judicial Profile: Hon. Jonathan Mendoza

by Juanita E. Mantz

This Charming Judge. Home Grown Lawyer Jonathan Mendoza Takes the Bench

"Judge Mendoza brings a wonderful combination of strength, compassion, and understanding of both human nature and the law. His humility and calm demeanor will make him a great success on the bench."

Steven L. Harmon, Public Defender, Law Offices of the Public Defender, Riverside County.

"I recall Judge Mendoza when he was a young DPD with our office. He was always very diligent and hardworking. I recall everyone commenting on his calm and cheerful demeanor. We are so proud to have him on the bench!"

Judith Gweon, Assistant Public Defender, Law Offices of the Public Defender, Riverside County

Judge Jonathan Mendoza

I have known the Honorable Jonathan Mendoza, who was just sworn in recently and now sits on the bench in Banning, for many years. Interestingly enough, Judge Mendoza was my law clerk when I first started at the Riverside County Public Defender's office so many moons ago. (You know you are getting old when . . .)

Even way back then, I knew there was something very special about the Riverside native who had just graduated from The University of Law at La Verne Law School. Judge Mendoza had an empathy for our clientele that I noticed immediately, and a dedication to public service, along with an incredible work ethic and a sophisticated intellect. We had much in common, including both being from the Inland Empire and having a shared love for the UK 1980s band The Smiths. So, when I was asked to write this article, I was overjoyed to do so. So here goes.

Judge Mendoza grew up in Riverside and attended North High School. He then made his way to Riverside Community College and transferred to UC Irvine to get his BA in Social Ecology with a focus on criminology.

Judge Mendoza started at the public defender's office as a student law intern and worked for the Riverside office during law school for all three years of law school and then, as a post bar clerk.

Judge Mendoza was hired as an attorney by the office in 2011 and practiced in many different courtrooms with much acclaim, including in misdemeanors, domestic violence and finally, the felony preliminary and calendar unit. Judge Mendoza spent almost a decade in his tenure at the Law Offices of the Public Defender, Riverside County and then opened up his own law firm, specializing in criminal and immigration matters.

Judge Mendoza found he had a particular passion for immigration issues, especially where they intersected with criminal law, stating, "I have always had a passion to help people in my community." For him, the most challenging aspect of running his own successful law firm was the time it took away from his family, but he managed to balance it all with grace while also remaining highly involved in legal clinics, pro bono, and bar association events.

Still, something was telling Judge Mendoza that he could do more for his community on a macro level.

Judge Mendoza said that when he was asked to serve as a judicial officer, he knew he would strive to be a judge who respected people and "who served with empathy and with a respect for due process, fairness, and impartiality." Judge Mendoza elaborated stating, "Courtrooms can be a scary place for people. If there is a way to bring a calm to the courtroom, that's what I will do."

As you can see, Judge Mendoza is an asset to his Inland Empire community and to the legal profession as a whole. His presence in Banning as a judge is something that may have been written in the stars and we will all look forward to seeing the difference he can make as a judicial officer. What an honor it is to have him on the bench.

Juanita E. Mantz is a writer and a deputy public defender in Riverside County who represents clients in incompetent to stand trial ("IST") proceedings under Penal Code section 1368.

Opposing Counsel: Barry O'Connor

by Betty Fracisco

This month's highlighted attorney, Barry O'Connor, the founding and current chair of the Riverside County Bar Association's Landlord Tenant Law Section. Barry defines the term "Jack of all Trades." He has attempted and mastered several occupations and hobbies and always seems to be juggling more than one thing at a time.

Barry O'Connor

Barry was born in Port Alleghany, Pennsylvania, and spent his early years in nearby Smethport, Pennsylvania before moving with his family to Riverside in 1961. His father was a union plumber and pipe fitter who also built custom homes in the Riverside area in his later years. His mother worked at the original Sears Store on Main Street when the family moved to Riverside. Barry attended two Riverside elementary schools, Chemawa Junior High, Sierra Junior High and then Ramona High School in Riverside. He mowed five yards regularly, then at fifteen got a job at a drive-through dairy. At seventeen he began as a box boy at Alpha Beta #38, beginning a twenty-one-year career which allowed him to continue his education, serving as an assistant manager for most of that time (with a six-month stint as manager at age twenty-one). After high school he started investing in real estate, and in 1971 he bought a four-unit apartment building in Edgemont. He had learned how to work on properties, doing the plumbing and electrical, from his dad, who had progressed to building houses and buildings. In the early 1970's, Barry was a single parent to his daughter, so he bought a home near his parents. For fun Barry regularly attends car shows, old car cruises, and shoots trap in Redlands on Thursdays.

After high school Barry received his AA in business at Riverside Community College before attending Cal Poly Pomona and University of California, Riverside (UCR) for classes in marketing. From 1977 to 1981, he attended Western State University part-time, two days a week and two nights a week, while working from 3:15 pm to 12:15 a.m. at Alpha Beta #84 on Blaine Street, across from UCR. After passing the California Bar, he continued working at Alpha Beta at night while easing into legal practice, such as the will/trust he did for a neighbor who worked in the cafeteria at RCC and paid him in chocolate chip cookies. Due to his experience in real estate, he naturally became involved in unlawful detainers and bankruptcies, both of which involved court appearances. When he first started, he asked the "other guys in court" how to present a case and they responded, "Don't worry, once you've done a thousand…", (and in fact prior to COVID, he'd done 60,000-70,000 evictions), "you will get good at it." In the early 2000s, he and other local attorneys ran a circuit, appearing in San Bernardino for the 7:45 calendar, Rancho Cucamonga for the 8:30 calendar, Chino for the 10:00 calendar, and Moreno Valley at 1:00 p.m. Interspersed were calendars in Victorville, and Barstow, Fontana, Redlands, and Temecula, (today the Central Valley San Bernardino hearings are all in Fontana). He also represented creditors in bankruptcy and appeared at Motion for Relief hearings. One day in 2003, he did thirty-four court appearances in Temecula for unlawful detainers. In the 90s and 2000s he served as a Judge Pro Tem in Riverside, which was a good fit due to his vast knowledge in property and automobiles.

The Tenant Protection Act changed all this. When he first started, tenants could be evicted in weeks. Now it takes four-to-five months to get a tenant or occupant out, due to the paperwork involved in evictions, so buying a single-family home to use as rental property is often no longer profitable due to the potential for a longer period without paid rent besides the ratio between values and rents. Since the Tenant Protection Act, then COVID, Barry has run his practice differently. He now schedules from three to six "consultations" a day with potential or ongoing clients who are trying to remove non-paying tenants or have more complicated property issues that may involve life estates, breach of contract issues, or strategies for tenant removal, and determining if tenants are exempt from the Tenant Protection Act. Today he comes to the office from 10:00 to 5:00ish, Monday through Friday. On weekends he works on repairs, painting, etc. of his rentals (the work he used to do with his father, who died in 1997).

Which brings me to Barry's office: the two story 1905 Sinclair House on Adams Street in Riverside. The house, owned by the Sinclair family from 1906 to 1984,

sits on what was a three-acre chicken ranch. In 1956 and 1960 two adjacent parcels were sold and houses built, leaving the original Sinclair home, which Barry bought in 1984. His father helped him re-do the property, which now houses the offices for himself, his wife (his business manager), and several employees. A two-car garage which was originally a barn and held some of his early car projects is still there.

Barry took auto shop in high school, and that started his love of older cars, such as his first project, a 1932 Ford. He began to keep the cars he restored (he has a beautiful 1954 Hudson Hornet, for example). About fifteen years ago he began restoring a Model A, because he'd had one as a kid, which he still has. Now he has three Model A's and a Model T in his collection. For about sixty years, Barry had a friend, Daniel, who'd had polio and could not work on cars or properties, but was a genius at computers and finance. Daniel partnered with Barry on properties and took him to car shows and Riverside Raceway in the 60s.

Barry also has the third largest collection of native American license plates, which had been issued in twenty states for each of the 108 Tribes that issue plates out of the 573 native tribes in the United States. Due to the size of the collection of cars and license plates, Barry bought four acres, then ten acres in Redlands, to build his primary residence and a large building for his automobile collection and ongoing work on cars, which he built in honor of Daniel, now deceased. He said the majority of his and his wife's neighbors are donkeys.

In the past fifteen years, Barry has traveled to fifty-three countries with his wife Tina. He works out with a trainer three times a week – the same trainer his wife has used for twenty years. His next trip in April will be to Singapore and the Philippines. He and his wife have been married twenty years. His oldest daughter is the co-executive director of the nonprofit Rivers and Lands Conservancy, has written fifteen books and is a falconer. His other daughter is a professor at Western State University School of Law.

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

The RCBA Christmas Elves Program 2025

by Brian C. Pearcy, AKA Head Elf

On December 24, 2025, the RCBA's Elves Program concluded its twenty-fourth annual program of bringing Christmas joy to needy families throughout Riverside County. This year, the RCBA Elves provided Christmas gifts, a holiday dinner, and gas cards to 48 families (121 children and 48 adults). For those keeping track, this year we again reduced the number of families served. The big benefit was we were able to more than double the amount of money spent on each child, which greatly increased the quality and quantity of the gifts provided. (The Shopping Elves were most appreciative as it made their task a bit easier and more fun too.) Lots of bicycles made the gift list this year!

Every year the success of the RCBA Elves Program is solely due to the great support and generosity of you, our membership. Helping others is infectious, and Elf participation has grown beyond the RCBA members to include their office staff, their families, clients, and friends. This year we worked with the following organizations to identify families in need: the Riverside County Probation Department/Victim Restitution & Resources Division, the SAFE Family Justice Centers in Riverside and Temecula, and the Lighthouse Community Center.

As you can see by some of the images, all the hard work you did was worth it!

If you volunteered and your name is not listed, please forgive our oversight. Some volunteers may not have signed in.

Mike, Brooks & Paige Donaldson

Darla Keen & Judge Eric Keen

Daniel & Ashley Reilly

Wrapping Elves

Now for Some Recognitions and Thanks

The Money Elves

As always, our funds came from direct donations and monies raised at bar association events held throughout the year. The money raised provided wrapped gifts for each family member, a Stater Bros. gift card to buy food for a holiday dinner, and a Union 76 gas card to help each family's holiday travels. I would like to thank the following Money Elves for their support.

Elves Donations 2025: Best Best & Kreiger – A huge shout out to Mark Easter. Mark did his usual fantastic job of rallying many his colleagues at Best Best & Krieger to the cause by once again raising some of the largest amounts ever. Charity Schiller, Kim Byrens, Glen Price, Charisse Smith, Greg Snarr, Scott Ditfurth, Thomas Rice, Julia Hernandez, Ward Simmons, Zarina Jurlin, Andrew Lopez, Ryan Guiboa, Mrunal Shah, Andrew Saghian, Haviva Shane, Jeff Ballinger, Lisa Ruiz, Pamela Crawford, Megan Kilmer, Tammy Ingram, Christina Abbate, Sonia Carvalho, Kim Shaw, Megan Russell, Jose Martinez, Cheryl Madaris, Roxanna Jimenez, Cynthia Germano, Mandy Villareal, Anthony Perez, Eddie Robles, Brittany Reese, and Amy Hoyt.

I would also like to provide a very special "Thank You" to Sean Varner and Kevin Varner and their assistant Anh Lowestein of Varner & Brandt, LLP, who were able once again this year to provide and secure a large donation from their

firm in cooperation with Stater Bros. This generous donation covered most of our food card needs for the families and allowed much more of the cash raised to go toward gifts.

And additional Money Elves were: The Bratton & Razo Family Law Firm, Arturo & Teresa Cisneros, Malcolm & Cisneros, Nesa Targhibi, Sharon Ramirez, Aitken Aitken Cohn, Susan Exon, Vicki Broach, Michael Ortiz, Judge Kenly Kato, Chandra Moss, Chris Johnson, Brandy Tristao, Judge Charles Koosed In Memory of Brenda Koosed, Judge John Monterosso, Public Service team of the Inn of Court, Julianna Tillquist, Neil Okazaki, Attorneys to Go/Judi Murakami, Erica Alfaro, Brian Unitt, Diane Huntley, David Werner, Robert Swortwood, Christine Renken, Sandra Leer, Miriam Enriquez, Harlan Kistler, Roxana Jimenez, Judge Jean Leonard & Jim Wiley, Thomas Rice, Elisabeth Lord, Bruce and Lisa Todd, Ward Simmons, Stacey Marks, Aarvig & Associates, and Judge David Bristow.

The Shopping Elves

This was our second year at the new Walmart location and the staff at the Perris Walmart really came through. This time, not only did they help with the checkout process, they provided snacks and hot chocolate! It was very appreciated by our shoppers and their families. Everyone was happy to see how much smoother it was this year. This was also our second year with an earlier start time and once again it was a successful change. We will continue to implement the "early" start going forward. A big "Thank You" to Durrand Lauge and Adele Philips, the assistant manager and front-end coach at the Perris Walmart for all their help and support.

It was a joy to experience the festive mood of various individuals, firms, and families, put on their Elf hats and used their best bargain-hunting skills to shop and find great deals for our families. This year's Shopping Elves were: Cristina Carney, Maria Aarvig, William Pennell, Minh Lai, Daniel Reilly, Judi Murakami, Nesa Targhibi, Barbie Trent, Christine Renken, Garret and Juana, Theo Smalley, Colton Wells, Commissioner Kelly Moran, Megan Demshki and family, Zachary Thompson, Toni Lorenz, Juantz Yeseh, Alma Suarez, Samantha Vortis, Rodolfo Rodriguez, Maira Guadalupe, Mike Razo, Priscilla George, Jonathan Medino, Veronica Garcia, Martha Prado, Tilly Chapman, Commissioner Malvina Ovanezova, Diane Huntley, Judge Sunshine Sykes, Elisabeth Lord, Rachelle Fenwick, Dylan Lord, Kelly Nielsen, Rachelle Fenwick, Lucy Velez-Garcia and Pedro, Jesse Male, Diana Lorenzana, Danielle Linker, and Minh Ozai. Super big "Thank You" to The Bratton & Razo Family Law Firm, Judge Keen and his family, along with Commissioner Morgan and the Moot Court volunteers all of whom provided a very large group of shoppers.

Big "Thank you" to Charlene Nelson, Bruce Larsen and Christine Sovine, and Lucy Velez Garcia with her husband Pedro, who moved carts, emptied them and bagged individual family bags. We were able to assist and bag, tag, and deliver the hundreds of presents purchased to the RCBA offices in record time.

Walter's Auto Sales & Service once again stepped up and provided a large hightop Mercedes Sprinter Van to transport all our purchases from Walmart to the Bar Building for the night. It as truly "stuffed" with all the bags and bicycles.

A great big "Thank You" to owner Steve Kienle and his Parts Manager, Scott Eisengberger and Mike Gutierrez for providing our "sleigh."

Brian Pearcy & Walter's Parts Manager Mike Gutierrez

The Wrapping Elves

After the shopping was finished, all the gifts were delivered to the Bar. Once again we filled the RCBA Board Room wall to wall. And the Wrapping Elves really came through in their efforts to make the gifts beautiful for the kids.

A huge "Thank you" to this year's Wrapping Elves:

Olyssa Valadez, Goushia Farook, Diana Lorenzana and Marley Castro, Mark Easter, Marley Isabella Castro, Alex Barraza, Mia Norsworthy, Mary Avalos, Adela Salgado, Megan Demshki, Brenton Burke, Judge Kato and Staff, Karla Adams, Stephanie Barraza, Jakk Batham, Michelanne Hrubic, Alyssa Valdivia, Madison Montgomery, Daisy Diaz, Faith Ann Jones, Faran Imani, Christina Corley, Jamilla Chaivez, Elizabeth Duran, Shirley Li, Daniel Mina, Elizabeth Muffleton, Eileen Hanks, Sharon Ramirez, Sara Truitt, Lisa Sanchez, Laura Isais Ayon, Marina Dini, Nolan Kistler, Josh Husen, Summer DeVore, Veronica Garcia, Kesley Umani-Sriz, Andrea Ruiz, Leticia Perez, Defina Alfaro, Isabella Alfaro, Robert Alfaro, Alexis Alfaro, Kassandra Alfaro, Joscelyn Carrillo, Stephanie Gonzalez, Ryan Gallant, Priscilla George, Mackenzi Christenson, Elia Vazquez, Amanda Perez, Brandon Roy, Myra Knez, Fred Knez, Matthew Knez, Allyson Castellanos, Andrew Knez, Andy Sunderly, Kevin Collins, Erica Alfaro, and Luis Aceves.

Delivery Elves

In many instances our Wrapping Elves also became Delivery Elves, making the trip back to the RCBA unnecessary. Our Delivery Elves sprinkled gifts and good cheer throughout Riverside County, including the cities of Riverside, Nuevo, San Jacinto, Corona, Moreno Valley, Perris, Hemet, Temecula, and Murrieta.

A special big "Thank you" to our intrepid Delivery Elves who donated their time and fuel before Christmas. These Delivery Elves were:

Lynn Venegas, Veronica Garcia, Heather Seiden, Yesenia Guerrero, Daniel Reilly, Judge Angela Viramontes, Robert Swortwood, David Werner, Judge John Molloy and Mia Molloy, Anthony Beaumon, Michael Thies, James Phaphone, Mark Easter, Mia Norsworthy, Arlene Cordoba, Stacey Marks, Megan Demshki, Maira Guadalupe, Karina Guadalupe, Bruce Larsen, Christine Sovine, Adam Lubliner, Lisa Sanchez, Jason Barth, Nicholas Terwilliger, Andrea Ruiz, Maria Hale, Letitia Perez-Escamilla, Samara Silverman, Max Beck and the Riverside Probation Department.

Special Remembrance

Brenda Koosed and her husband Judge Charles Koosed have been stalwart supporters of the RCBA Elves Program for over fifteen years, faithfully supporting the program as Delivery Elves. This past year Brenda was taken to her heavenly home and the Koosed family chose to participate in a different way this year, by sponsoring a family in Brenda's name. One family was specifically chosen to have their gifts delivered in memory of Brenda. A special "Thank you" to Judge Koosed and his family for their continued support. A big "Thank you" to RCBA President Megan Demshki and her family, who shopped, wrapped and delivered the gifts to the designated family with a Special Remembrance from the RCBA on Brenda's behalf.

The Koosed Family

The sponsored family wanted to remain anonymous and would not allow pictures taken, but they did want us to pass along their gratefulness to the RCBA membership and the Koosed family for all the wonderful Christmas gifts that were provided.

A "Special Thank You" From One of Our Families

Hello Mr. Pearcy,

My family and I wanted to thank you very much for all of your kindness in making our Christmas special as we are going through a hard time. We are so grateful, thankful, and appreciative.

Matthew and I enjoyed meeting you that day in your office when we told you we wanted to thank you personally. Matthew reads the car magazine a lot. We all enjoyed our wonderful presents. We're all wearing our nice clothes and playing and using all the nice things you guys gave us! The kids were so happy and excited on Christmas Day! Thanks to you guys!

I hope you had a wonderful Christmas and an excellent New years! Happy 2026.

A Final Thank You

Once again, big kudos to: the Riverside County Bar Association staff, especially Charlene Nelson and Lisa Yang (who lended a needed hand in organization and assistance in computer work). A huge "Thank you" to Mike Donaldson, who bought a huge amount of extra toys on his own and to his wife Kristie who collected toy donations at her preschool, for these "extra" donations towards gifts.

A jumbo sized "Thank You" to Lucy Velez-Garcia, who organized volunteers and charted and coordinated all necessary information. This event could not succeed without their energy and assistance.

Finally, "Thank you" to all the Elves who participated. "Thank You!" for making this happen! Your wonderful spirit and camaraderie, which are represented in the photos accompanying this article, make this entire endeavor so rewarding to yours truly. Lots of holiday spirit.

For those of you who still have not yet volunteered as an Elf, I suggest you put it on your agenda for next year.

Brian C. Pearcy was president of the RCBA in 2002 and is the chairperson (Head Elf) of the Elves Program.

CLASSIFIEDS

Office Space – Downtown Riverside

Riverside Legal & Professional Center. Downtown Riverside walking distance to Courthouse. Private Executive Suite offices, virtual offices and conference rooms rental available. We offer a state of the art phone system, professional receptionist and free parking for tenants and clients. Accessible from the 91, 60 and 215 freeways. (951) 782-8089.

Office Space – Ontario

Great location near 10 and 15 freeways. 1 to 2 attorney offices, staff space and reception services available. Conference room. Free parking. Very nice A grade professional building. Pricing depending on services and office space needed. Please send email if interested - lawofficeontario@yahoo.com.

Professional Office Space Downtown Riverside – Now Available

1st Floor of Professional Office Building, 2 private offices and staff workspace sized for 2-3 members. Includes 2 bathrooms, break room/storage area. Furnished reception and conference room (shared). Approx 1,575 gross sq.ft. Easy walk to Court. Parking included. Call Lucy at (951) 686-1584.

Open Position – Chief Assistant County Counsel

Riverside County Counsel seeks a Chief Assistant County Counsel to support executive leadership, oversee key divisions, and guide skilled attorneys. Ideal candidates are accomplished litigators and collaborative leaders with strong public-sector judgment, strategic insight, and a commitment to delivering innovative, high quality legal services across County departments and community needs effectively. Link to apply: https://www.governmentjobs.com/careers/riverside/jobs/5104091/chief-assistant-county-counsel.

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@riversidecountybar.com.

MEMBERSHIP

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

Souley P. Diallo – Diallo Law Firm, Riverside
Dr. Maha M. Moses (A) – Clinical Psychology, San Diego
Shentell Q. O'Neal – Law Student, Murrieta
Thomas Peter Pierce – Richards Watson & Gershon, Palm Springs
Catherine L. Pugh – Solo Practitioner, Temecula
Michael S. Wright – Law Student, State College (Pennsylvania)
Muzi "Frank" Xu – Park Lawless & Tremonti, Los Angeles

(A) – Designates Affiliate Member

Inland Counties Judicial Mentorship Program

This program was developed to assist all attorneys applying, or interested in applying, for a Superior Court judicial position. The program will assist in the development of a qualified and more diverse judicial applicant pool. This program is designed to identify, encourage, and provide mentors for all individuals considering a judicial career. One primary goal of the program is to convey to the legal community the uniform message of Governor Newsom's commitment to appointing a highly capable bench reflective of the rich diversity of our state.

To apply to the program, fill out the Judicial Mentor application at:
https://forms.riverside.courts.ca.gov/Forms/JudicialMentorApplication

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

*** ATTENTION RCBA MEMBERS ***

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

Some members have told us they prefer reading the online version of the *Riverside Lawyer* (at www.riversidecountybar.com) and no longer wish to receive a hard copy in the mail.

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).

CALENDAR

FEBRUARY

2 Reading Day
Harada Elementary School
9:00 AM – 11:00 AM

Roundtable with Judge Hopp
12:15 PM, Zoom
MCLE

4 Foundation/Project Graduate Fundraiser
5:30 PM
Riverside Community Players

5 Appellate Law Section
Noon, Zoom
Speaker: David Ettinger, Of Counsel with Horvitz & Levy
Topic: "In re The California Supreme Court"
MCLE

13 General Membership Meeting
Sponsored by RCBA Dispute Resolution Service
Noon, RCBA Gabbert Gallery
Speaker: David Dowling, J.D., MDR
Topic: "Negotiation Strategies for Lawyers in Mediation"
MCLE

17 Family Law Section Meeting
12:00, RCBA Gabbert Gallery
Program TBA

18 Estate Planning, Probate & Elder Law Section
12:00 PM, RCBA Gabbert Gallery
Program TBA

19 Labor & Employment Law Section Meeting
12:00, RCBA Gabbert Gallery
Speaker: Judge Chad Firetag (Ret.)
Topic: "Perspectives from the Bench:
How to Present Your Best Employment
Case and Beyond"
MCLE

24 Juvenile Law Section
12:15 PM, Zoom
Speaker: Judge Jackson Lucky (Ret.)
MCLE – 1 hour Implicit Bias

31 Cesar Chavez Holiday
Riverside Superior Court & RCBA Offices Closed

Events Subject To Change
For the latest calendar information please visit the RCBA's website at **riversidecountybar.com**

The Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6th day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are $30.00 and single copies are $3.50.

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

MISSION STATEMENT

Established in 1894

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

RCBA Statement

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

Membership Benefits

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

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

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

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

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RIVERSIDE LAWYER
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