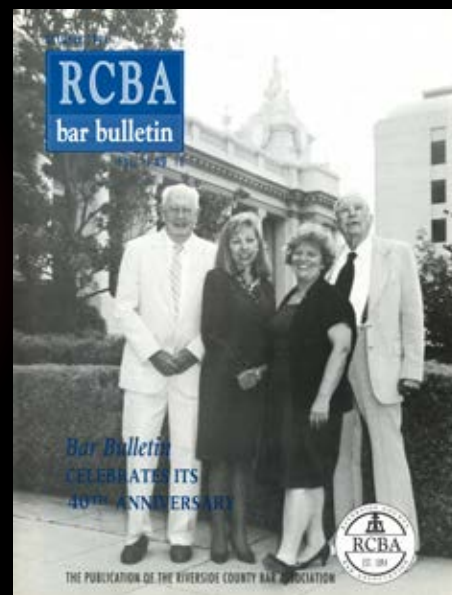
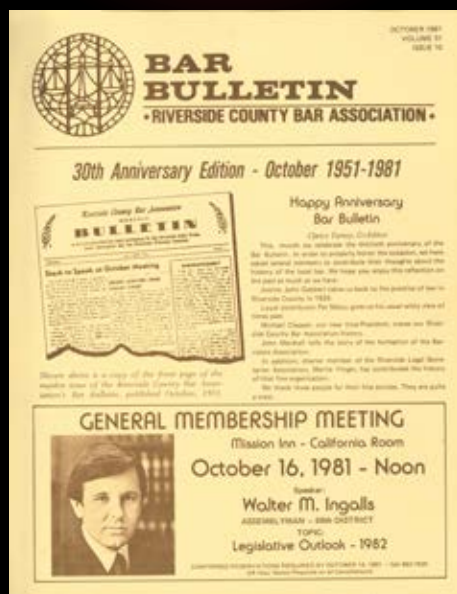


RIVERSIDE LAWYER



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Riverside Lawyer Celebrates 75 Years

Riverside Bar News Before the Magazine

Riverside, 1951: The County We Were Becoming

BAIL: That was Then and This is Now

In the Courts 75 Years Ago

The RCBA at 132 Years



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Design and Production PrintMyStuff.com (PIP Riverside)

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Officers of the Bar Association

President

Elisabeth A. Lord
(951) 338-5344
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(951) 781-6500
lvogt@riziolawfirm.com

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Summer DeVore
(951) 783-9470
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(951) 682-5110
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Executive Director

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(951) 682-1015
charlene@riversidecountybar.com

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goushia@brattonraza.com

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Past President

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(951) 534-4006
megan@aitkenlaw.com

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(951) 695-8700
cjohnson@rhlaw.com

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sramirez@ramirezlaw.com

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4129 Main Street, Suite 100
Riverside, California 92501

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

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www.riversidecountybar.com

RIVERSIDE LAWYER

MAGAZINE

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1991-Left – right

Raymond T. Sullivan, Jr. (First Editor, 1951); Linda McLaren (Editor, 1991); Sandra Leer (RCBA President, 1991); Harry Dougherty (RCBA President, 1951).

PRESIDENT'S Message

by Elisabeth A. Lord



In this very special issue we celebrate the anniversary of the *Riverside Lawyer* magazine. I would like to first thank everybody that contributes each month to the production of our magazine. This is one of the aspects that makes our Bar so special. Every month members get information and insight on legal issues, our fellow attorneys and upcoming events.

September was a big month for RCBA. On September 17th the Riverside County Law Library celebrated its eighty-five year anniversary. Riverside County Bar Association received a Community Partnership award for RCBA's contributions and support to educate and promote the library's programs and resources to the legal community and general public. Other organizations receiving this award included the Ronald H. Roberts Temecula Public Library, Inland Counties Legal Services, Southwest Riverside County Bar Association, Desert Bar Association, Legal Aid Society of San Bernardino and Riverside Legal Aid. The Distinguished Service Award went to the Honorable Jackson Lucky (ret.) and the Honorable Michele Levine (ret.) This event occurred at the Law Library and was quite the celebration. There was wine, jazz music and even swing dancing lessons. Let's just say nobody was asked to be quiet. I want to thank everybody who made time to attend this event. With honor, I received the Community Partnership Award on behalf of RCBA.

September was also the month of our annual installation dinner at Mission Inn. I consider this to be a very special event that provides our members the opportunity to get together at a historic and beautiful venue. I want to thank all of you that came out for our big night. For those of you that missed it, there is always next year. I want to especially thank the members of our judiciary who made time in their busy schedules to attend. Your support is meaningful and appreciated.

I would like to congratulate our Krieger Award recipient, Public Defender, Steven Harmon. Mr. Harmon's dedication to our Bar, legal community and assurance of quality representation of indigent defendants is to be celebrated and admired.

I would also like to congratulate Virginia Blumenthal, who was the recipient of the esteemed Aurora Hughes award for service to our Bar association. Ms. Blumenthal's dedication to service, mentorship and the elevation of women in our legal community is unparalleled.

It was an honor to share this night with two such highly esteemed members of our legal community. They are an example and inspiration of what all of us, as lawyers, should seek to achieve.

Last, I would like to thank our donors to the silent auction to benefit the Riverside County Bar Foundation. I thank those of you who pulled out your wallets and credit cards to bid. The Foundation is a very special arm of RCBA that seeks to serve, recognize and better our legal community and community at large.

The RCB Foundation was established in 2015, but many of its programs existed long before. The RCB Foundation supports our notorious Elves program, Good Citizenship Awards, Reading Day, the Douglas Weathers Scholarship for Mock Trial students and Project Graduate. Each of these programs serve an aspect of our community in need.

Good Citizenship Awards acknowledges high school students in our community that demonstrate service, kindness and character. Each year these students are invited to our beautiful Department 1 to be recognized and receive a small monetary award to help with starting their future. The Douglas Weathers Scholarship is given to four outstanding students who participate in the annual Riverside County Mock trial competition.

Reading Day is an annual event typically held in March on National Reading Day. RCBA sponsors a Riverside County Elementary School. Judges and attorneys volunteer to read the book of their choice to students. The selected school also receives a \$1000 donation to support the school's library. This is fun and rewarding day for our members and students alike.

The Elves Program and Project Graduate rely on the generous donation of time and money from our members. As the holidays approach, Elves will be asking for your assistance. Our Elves program ensures that needy families have gifts to open on Christmas day. There are several ways that you can help. We need Elves to shop, wrap, deliver and donate. Keep an eye on your emails and I assure you there will be an opportunity to contribute to this wonderful cause. If you are short on time, any size donation to assist with the purchase for gifts is welcome and very much appreciated.

Project Graduate is a program that assigns an educational representative to a foster child to help guide them toward graduation from high school. These kids don't have parents to guide them through this very significant part of their life. At this time, Project Graduate is in need of volunteers willing to take on this task. It is a chance to make a real difference in an emerging adult's future. If you have some hours to spare, please reach out to RCBA for how you can help.

All these programs are significant in their impact and your support at Installation helped to guarantee their ongoing dedication of service to our community.

I am excited about the upcoming year and thank our members for their ongoing support.

Elisabeth Lord is a family law practitioner and partner at Lord and Brooker, APC and president of the Riverside County Bar Association.



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BARRISTERS

President's Message

by Nolan B. Kistler



Riverside's Own "Best in the World"

One of the great privileges of being part of the Riverside legal community is having the opportunity to recognize the next generation of advocates coming up behind us. This month, I am excited to highlight an extraordinary accomplishment by Martin Luther King High School senior Alia Duckworth, who this summer earned the title of "Best in the World" at the GLADIATOR World Championship.

In July 2026, Alia traveled to Philadelphia to compete in the 12th annual GLADIATOR, one of the premier individual competitions in high school mock trial. The selective tournament brings together 48 of the world's top high school mock trial competitors for a unique one-on-one competition designed to test virtually every aspect of courtroom advocacy.

Unlike traditional mock trial, GLADIATOR is an individual competition. Over four preliminary rounds, competitors perform as both attorneys and witnesses, with attorney performance weighted most heavily. Only the top four advance to the semifinals, where they compete exclusively as attorneys until a champion is crowned.

This year's tournament was held July 24 through 26 at the Federal Courthouse and Drexel Law School in Philadelphia. Alia took first place after the opening round and never relinquished the top spot. She advanced through all four preliminary rounds as the top seed, won her semifinal, and then won the championship round to become the 2026 GLADIATOR World Champion.

Her victory earned her GLADIATOR's signature life-size replica gladiator helmet and the title "Best in the World." Since its creation in 2015, the competition has attracted more than 400 competitors from 25 states and five countries, including students from county, state, and national championship programs.

Alia's victory also continued an exceptional year for the Martin Luther King High School Mock Trial program. Just months earlier, she helped King reach the championship round of the 2026 Riverside County Mock Trial Competition, where the team finished as county runner-up.

Preparation Meets Opportunity

Achievements like this do not happen by accident. Before GLADIATOR, Alia attended Top Mock, a week-long mock trial training program in South Carolina where she trained alongside some of the best competitors in the country. She then returned home and spent the following weeks practicing every day with King Mock Trial attorney coach Ben Hampton in preparation for Philadelphia.

Ben Hampton has coached King Mock Trial since 2007 and has previously coached several students invited to GLADIATOR. Alia became his first champion. Ben described what made her performance so exceptional:

"I've coached, scored, or evaluated nearly a thousand mock trial students since I began coaching in 2007, and Alia is as good as they come. Her command of courtroom procedure, the rules of evidence, witness control, and oral advocacy rivals that of many seasoned trial attorneys. Gladiator is an extraordinarily demanding one-on-one competition that brings together some of the very best high school mock trial competitors in the world. To win it is, in my view, the highest individual achievement a high school mock trial student can earn. I couldn't be more proud to call myself her coach."

For Alia, however, the experience appears to have accomplished something even more meaningful than winning a championship. She stated:

"Winning Gladiator made every one of those hours feel worthwhile. But what I'll remember most isn't the trophy, it's the realization that I truly love this."

Reflecting on what the experience meant for her future, Alia added: "Mock trial has taught me how much I enjoy advocating, thinking on my feet, and finding my voice. Winning Gladiator didn't just feel like the culmination of years of work... it made me even more certain that I want to pursue a future in law."

There is also one particularly fitting tradition awaiting her. Each year, the following year's GLADIATOR case is named after the reigning champion. That means the 2027 competitors can expect to litigate *United States v. Duckworth*.

Investing in the Next Generation

Alia's story represents something important to Barristers and our broader Riverside legal community. Supporting the next generation of attorneys begins long before someone receives a bar number. Mock trial, athletics, debate, academics, and other competitive activities teach young people how to prepare, communicate, think critically, respond to adversity, and perform under pressure.

Those opportunities also depend on adults willing to coach, mentor, judge, volunteer, and encourage them. Barristers may be an organization for young attorneys, but part of developing the next generation of our profession is reaching back to those who may someday join us. I hope our members will continue supporting local students and programs throughout Riverside.

Alia Duckworth has already demonstrated that a student from right here in Riverside can compete with the very best in the world. Congratulations to Alia, Ben Hampton, the Martin Luther King High School Mock Trial program, and everyone who helped make this remarkable accomplishment possible.

Something tells me this will not be the last time the Riverside legal community hears the name Alia Duckworth.

Barristers Board Spotlight:

Briana A. Heiting, 2026-2027 Member-at-Large



Briana is an attorney at Rizio Lipinsky Heiting, where she practices personal injury law. This is her first year serving on the Barristers Board after graduating from the New Attorney Academy in May. Outside of the law, Briana enjoys painting and playing tennis.

Born and raised in Riverside, Briana is especially grateful for the opportunity to build her career and serve the community where she grew up. The wel-



Martin Luther King High School senior Alia Duckworth after winning the 2026 GLADIATOR World Championship in Philadelphia.

coming and supportive nature of Riverside's legal community is what drew her to become more involved with Barristers. She especially values the connections and mentorship Barristers provides to newer attorneys, along with the many opportunities to give back through community service and outreach.

As a Board Member, Briana hopes to strengthen that sense of community by encouraging member involvement and creating opportunities for young attorneys to connect, learn, and grow. She looks forward to helping newer attorneys feel welcomed, supported, and connected as they build their careers in Riverside's legal community.

Stay up to date on everything Barristers!

For upcoming events and updates:

Website: RCBA Barristers

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If you are interested in learning more about Barristers or attending one of our events, please reach out. I would be happy to introduce you to our Barristers family. Feel free to email me at nolan@hbkclaw.net or text or call me at (951) 533-9536.

Nolan B. Kistler is an attorney with the Law Offices of Harlan B. Kistler in Riverside, where he practices personal injury law. A Riverside native, Nolan graduated from Chapman University Fowler School of Law and is actively involved in the Riverside County Bar Association and Barristers.



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Riverside Bar News Before the Magazine

by Christopher Jensen

It was 1894 when A.A. Adair was elected the inaugural president of the Riverside County Bar Association (RCBA). It would be 56 years before the first issue of the RCBA magazine was published. For 56 years, and no magazine, how then were members of the RCBA informed of events and legal news? There was no internet, no mass emails, no social media sites, no web pages. What we did do was speak with each other and newspapers were generously available.

In our early years, newspapers regularly shared information of public interest. RCBA's first public notification of a general membership meeting was by newspaper; the *Los Angeles Times* reported on Sunday, March 11, 1894, on page 11, in the *Southern California News*, Riverside, section:

"On Monday there will be a meeting of the recently organized Riverside County Bar Association."

Entertainingly enough, that RCBA notice was followed with an announcement that Riverside Deputy Sheriff Fairchild's son secured an eaglet and an unhatched egg, which had since hatched in an incubator, out in Box Springs.

Word of mouth was typically the beginning of the information highway (or should one say the wagon road?) of the time. The RCBA membership consisted of only 20 to 30 attorneys. Word of mouth information was regularly followed up with the information making its way to print. Riverside County had multiple newspapers with "beat" reporters competing for news. In 1901, for example, word circulated in the legal community of the death of Judge Gibson. The RCBA organized a meeting to appropriately acknowledge the passing of the judge. The local reporter would notice the gathering, or would receive word, resulting in the news announcement of the passing of Judge Gibson as well as the effort of the RCBA members to prepare a suitable declaration in his honor. A similar example would be the passing of Riverside County's "Court Reporter" of 13 years, Sidney Pelton, when he died in 1912. Judge Densmore canceled court for the day and the RCBA joined together to prepare a resolution of sympathy to read into the court record. That effort made it to the newspapers.

The first California State Bar convention (the voluntary Bar) was held in 1901. County and related bar associations designated representatives to attend and gain information from the State event and report back to their local colleagues. New laws, proposed laws, court and related issues, just as we would experience today, were discussed at local Bar meetings. That information would next be

reported in the newspapers to be read by those attorneys who missed the meeting or lived outside the community.

The RCBA held annual dinners. What with the small roster of membership in the RCBA, organizing the event could not have been an incredible task. A Toastmaster was appointed to run the evenings affair, speakers were designated and officers were elected. Topics presented by the speaker may have ranged from information obtained at the State Bar Convention or perhaps an old timer's story telling of the "early years" of the courts in the area. In 1913, the Riverside and San Bernardino lawyers held a joint banquet. It was reported after in the newspaper much of the evening was spent on the lighthearted topic of the creation of Riverside County by splitting from San Bernardino in 1893 and Riverside stealing San Bernardino's water. The newspapers and their readers apparently enjoyed the sparing. Looking back, it is entertaining to see what was found newsworthy; in 1920 the *Riverside Press* reported it cost \$3.00 per attorney to attend the annual banquet.

By the 1920s, the RCBA was holding regular meetings. Regular was not defined. Arranging noteworthy speakers for the meetings, speakers who could update the RCBA membership on new laws or current legal topics, was the means of information sharing. There was also the mutual benefit for the speaker. Public speaking was a form of advertising. Invariably, RCBA meeting topics, including the self-appointed speaker expert on the topic, were reported in the newspapers. In June 1925, State Supreme Court, Associate Justice, Jessie Curtis, spoke to the RCBA about the operations of the State Supreme Court, as well as the need to expedite court cases.

By the 1930s, the annual dinner included less business and more entertainment such as dancing. Even the dancing was still newspaper worthy news. Legal achievements were also newsworthy. On February 20, 1930, The *Lake Elsinore Valley Sun-Tribune* reported on not only the merriment at the annual installation dinner with Herbert Winder being installed as president, but the paper added an additional mention of the firm of Best & Best taking the lead on behalf of the RCBA to increase the Township Court monetary jurisdiction limit up to \$1,000.00.

In the early half of the 1900s, lawyers did have technical publications. Companies such as West Publishing and Bancroft-Whitney had been publishing codes and law treatises since before Riverside became a county. And the appellate and United States and California Supreme Courts published case decisions. In 1912, the University of California, Berkeley School of Law, commenced publishing

its student law review. It was the first law review west of Illinois.

In 1915, the American Bar Association published its first journal. During the 1920s, local bar journals and reports on proceedings began to show up in print across the country. In 1925, the Los Angeles Bar Association commenced its first monthly bar publication, the *Los Angeles Bar Bulletin*. In 1926, the *California State Bar Journal* commenced. In 1937, the *San Francisco Bar Journal* began its monthly publication. All of these publications were available for purchase by anyone.

Throughout the 1930s, Riverside being mostly rural and agrarian, and therefore with a membership of maybe 30 to 40 attorneys at any given time, the method of communication stayed mostly constant word of mouth and newspaper. However, in 1940, just before the United States involvement in World War II, a new publication came about in Riverside called the *Riverside Law Recorder*. This publication may have been a hybrid law journal and general lawyer publication. It was not published by the RCBA. Little evidence remains of the *Riverside Law Recorder* except a column written by former RCBA President Miguel Estudillo entitled *A History of the Riverside County Bar*. His scrapbook clippings are part of the Estudillo files located at the University of California, Berkeley, Bancroft Library, indexed as BANC MSS 69/27c. Because what we have are only Miguels clippings, it seems safe to assume the *Riverside Law Recorder* contained far more information about the

law, courts, and legal events. Who was the publisher? Most likely the *Riverside Law Recorder* was published by the *Riverside Daily Press*.

As for Miguel's "history" it is a fantastic recollection of certain cases from the early years of the county. One of his stories is about a Banning murder, the case of *People v Milner*. The case was handled by two of Miguels more favored attorneys, Lafayette Gill for the prosecution, and John G. North for the defense. Estudillo enjoyed oratory and it appears he was a fan of Mr. North's skills. The storyteller addressed more of what the two men did in their presentation than the horrific facts of the murder.

World War II occurred and the predominate news was the War. Even then, at times our RCBA members made the news. Eugene Best was always a good story. This time it was about his working as a lawyer by day and a mechanical engineer for the war effort by night.

After the war, just as with people and most industries, it took a few years to regroup, reorganize and move forward. The RCBA was not an exception. It was October 1951, before our governing body decided it was time to join the likes of the Los Angeles and San Francisco Bar Associations and commence a monthly, self-published, *Bulletin* for the post war modern era. That's another story.

Christopher Jensen is chair RCBA History Committee and the current CFO of the RCBA Board of Directors and president of the Dispute Resolution Service.



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Riverside, 1951: The County We Were Becoming

by Nesa Targhibi

Imagine stepping out of a law office in downtown Riverside on an ordinary morning in 1951. The city has fewer than 47,000 residents. Orange groves still define much of the landscape. The Mission Inn dominates downtown, and the county courthouse, completed nearly half a century earlier, occupies nearly an entire city block. The Riverside County Bar Association, already 57 years old, has just over 100 members.¹

It is a familiar Riverside, but also a disappearing one.

The lawyers reading a new Riverside County Bar publication in 1951 could not have known it, but they were practicing at the beginning of one of the greatest periods of transformation in Riverside County's history.

A City of Oranges

Riverside's identity in 1951 remained inseparable from citrus. The industry that had transformed the community in the late nineteenth and early twentieth centuries was still central to the city's economy and landscape.

The Riverside County Agricultural Commissioner's 1950 report recorded 53,168 acres of orchard crops, including 21,593 acres of citrus. Agricultural production that year generated more than \$95 million in gross returns.²

The city itself was small by today's standards. The 1950 Census counted 46,764 Riverside residents.³ Downtown retained the character of an older California city, with established businesses, civic buildings, and the imposing Mission Inn. Nearby was an institution that would soon change Riverside again. In 1951, there was no UC Riverside as we know it. There was the Citrus Experiment Station, established in 1907 to address the scientific problems confronting Southern California's citrus industry.⁴

The future university was already there. It simply wasn't a university yet.

The County Beyond Riverside

The City of Riverside was only one part of the county. In 1951, Riverside County encompassed a remarkable variety of communities and landscapes. The 1950 Census

counted 170,046 people in the county.⁵ From Hemet and San Jacinto to the Coachella Valley and the vast desert, the county included agricultural, resort, mining, industrial, and military communities.

March Air Force Base was a major regional presence. Farther east, the Kaiser Steel operation at Eagle Mountain represented a very different kind of Riverside County from the citrus groves surrounding the City of Riverside.

For a county bar, that diversity mattered. The legal problems of an agricultural community were not necessarily the same as those confronting a resort town, a mining operation, or a growing municipality. Riverside County was already a collection of distinct communities connected by one county government and one legal profession.

The End of One Riverside

Yet the Riverside of the orange groves was beginning to change.

In 1951, it would be wrong to describe citrus as an industry in decline. The agricultural numbers demonstrate how powerful it remained. What was changing was the landscape around it and the pressures on the land itself.

Postwar population growth created an enormous demand for housing. Automobiles and expanding roads made it increasingly practical for people to live farther from where they worked. Agricultural land began to compete with residential development, and some citrus acreage eventually gave way to neighborhoods.

The change would accelerate quickly. Riverside had 46,764 residents in 1950. By 1960, it had grown to 84,332. By 1970, the city exceeded 140,000 residents. Countywide, the population increased from 170,046 in 1950 to 306,191 in 1960.⁶

In 1951, the groves were still there. But the landscape was beginning to point toward something else. The citrus city was becoming a suburban county.

The Lawyer's Riverside

For the local legal profession, 1951 provides an especially interesting snapshot.

The Riverside County Bar Association had been created in 1894. In 1951, Harry M. Dougherty was president. The Bar's surviving 1951 membership roster contains 104 members, a remarkably small legal community compared

¹ Riverside Cnty. Bar Ass'n, *History of the Riverside County Bar Association*, <https://riversidecountybar.com/about-rcba/history-of-riverside-county-bar-association>; *Riverside Lawyer*, Vol. 61, No. 2, at 14 (Feb. 2011).

² Riverside Cnty. Agric. Comm'r, *Riverside County Annual Crop Valuation and Acreage Report 1950*, at 1–4 (1950), <https://rivcoawm.org/sites/g/files/aldnop221/files/migrated/Portals-0-Publications-Crop-Reports-EntireCounty-1950-Crop-Report.pdf>.

³ U.S. Census Bureau, *1950 Census of Population, California*, <https://1950census.archives.gov/>.

⁴ Univ. of Cal., Riverside, College of Nat. & Agric. Scis., *The Citrus Experiment Station*, <https://cnas.ucr.edu/about/history/citrus-experiment-station>.

⁵ U.S. Census Bureau, *1950 Census of Population, Riverside County, California*, <https://1950census.archives.gov/>.

⁶ U.S. Census Bureau, *1950 Census of Population*, *supra* notes 3, 5; U.S. Census Bureau, *1960 Census of Population*; U.S. Census Bureau, *1970 Census of Population*.

with the thousands of attorneys who practice throughout the county today.⁷

Those lawyers served a county that was already geographically and economically diverse and was beginning to change rapidly. Their practices reflected the community around them: real estate, agriculture, water, business, probate, municipal matters, and the legal questions accompanying a growing population.

The profession was changing in other ways as well. Leo A. Deegan came to Riverside in 1946 as a deputy in the District Attorney's Office. In 1948, he became the county's first Public Defender. He moved to the County Counsel's Office in 1949 and entered private practice in 1951.⁸ Deegan would later become Riverside's City Attorney and a Superior Court judge. Today, his name remains familiar to Riverside lawyers through the Leo A. Deegan Inn of Court, chartered in 1992 and named in his honor.⁹

Women were also beginning to establish a foothold in what had long been an overwhelmingly male profession. Mary McFarland Hall, admitted in 1934, is believed to have been the first woman to practice law in Riverside County. Ruth McClellan passed the bar in 1948 and became the third female attorney in Riverside.¹⁰

The practice of law itself was far removed from today's technology. The Riverside County Law Library's first official board minutes date to 1941, when a collection of a few thousand books was housed in Department 1 of the Superior Courthouse. In 1947, the books moved to larger quarters elsewhere in the courthouse.¹¹ Legal research meant books, indexes, handwritten notes, and time in the library, not an electronic search from a laptop.

7 Riverside Cnty. Bar Ass'n, *supra* note 1; *Riverside Lawyer*, *supra* note 1.

8 Leo A. Deegan Inn of Court, *Who Is Leo A. Deegan?*, <https://deeganinnofcourt.org/about>.

9 Leo A. Deegan Inn of Court, *Organizational Charter No. 166* (Apr. 3, 1992), <https://deeganinnofcourt.org/organizational-charter>.

10 Riverside Cnty. Bar Ass'n, *Riverside Lawyer*, Vol. 56, No. 11 (Dec. 2006); *Riverside Lawyer*, Vol. 57, No. 10 (Nov. 2007).

11 Riverside Cnty. Law Library, *History & Mission*, <https://rclawlibrary.org/es/node/3186>.

Looking Ahead

The lawyers of 1951 could see growth coming, even if they could not have imagined its scale.

Within a few years, the Citrus Experiment Station would become the foundation for a new University of California campus. Groundbreaking for UC Riverside took place in July 1952, and the first classes began on February 15, 1954, with 127 students and 65 faculty members.¹²

The county would fill with new homes, businesses, and roads. Former groves would become neighborhoods. Small communities would become cities. The desert would become an increasingly important part of the county's economic and cultural identity.

And through it all, Riverside lawyers would be there, drafting deeds and contracts, handling disputes, advising governments and businesses, representing families and individuals, and helping a rapidly changing community navigate the legal consequences of its growth.

Seventy-five years later, it is tempting to look back at 1951 simply as a different Riverside. Perhaps it is more accurate to see it as the Riverside we were becoming. The lawyers who opened that first magazine were not looking backward. They were practicing law in the middle of a transformation whose full dimensions they could not yet see.

We have the advantage of knowing what came next. They had the more interesting job: helping write it.

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.



12 Univ. of Cal., Riverside, *Reflecting on Our History for UC Riverside's 65th Anniversary* (Feb. 14, 2019), <https://library.ucr.edu/news/2019/02/14/reflecting-our-history-uc-riversides-65th-anniversary>.

IN MEMORIAM

William Paul Jenkins

May 10, 1953 – August 23, 2026

William Paul Jenkins—known to everyone simply as Bill—passed away at the age of 73 in his hometown of Riverside. Bill practiced law for over 40 years; he spent two decades working in-house for Western Financial (Westcorp)—a company co-founded by his father, Bob Jenkins. Bill lived a life defined by unparalleled charisma, an indomitable human spirit, and an unwavering optimism that left an indelible mark on everyone he met.

A service honoring Bill's remarkable life will be held on Friday, October 23, 2026, from 10:00 AM to 12:00 PM at the Acheson & Graham Garden of Prayer Mortuary, located at 7944 Magnolia Avenue, in Riverside.

Full obituary is available on the Dignity Memorial website [here](https://www.dignitymemorial.com/obituaries/riverside-ca/william-jenkins-13014507): <https://www.dignitymemorial.com/obituaries/riverside-ca/william-jenkins-13014507>

BAIL: That was Then and This is Now

by Lily Marsella and Juanita E. Mantz

As a student intern this summer at the office of the Riverside Public Defender, I have had the opportunity to work in criminal court in hearings pursuant to Penal Code section 1368, which deals with incompetency proceedings. As I spend my mornings in the courtroom with the attorneys (one of them being Deputy Public Defender Juanita E. Mantz who co-wrote this article with me), I hear and see attorneys actively cite the most recent case on bail from the California Supreme Court. *In re Kowalczyk*, 19 Cal.5th 593 (2026).

I observe and listen as the deputy public defenders who practice in Department 41 make arguments under *In re Kowalczyk* detailing their client's economic disadvantage, as well as their housing plans, mental health struggles, and family circumstances, along with the case law to get the lowest bail possible and/or hopefully, a release on the client's own recognizance. In short, in these bail reviews, they tell their clients' stories.

This being the 75th anniversary issue, I was asked to address bail issues through the lens of *Stack v. Boyle*, 342 U.S. 1 (1951), where the United States Supreme Court addressed the issue of bail in the context of incarcerated defendants while pretrial in criminal court 75 years ago.

In that case, the defendants were initially denied the right to bring in valuable evidence to reduce bail like financial circumstances, family and health issues, and the lack of a criminal record. They appealed and the U.S. Supreme Court agreed with the defendants and found the bail that had been set was "excessive" and therefore, unconstitutional under the Eighth Amendment of the U.S. Constitution. The Court in *Stack v. Boyle*, interestingly enough, raised the issue of an authoritative presence by the state in setting bail, and said:

To infer from the fact of indictment alone a need for bail in an unusually high amount is an arbitrary act. Such conduct would inject into our own system of government the very principles of totalitarianism which Congress was seeking to guard against in passing the statute under which petitioners have been indicted. (Id. at 6.)

Bail, and what constitutes constitutional curtailing of pretrial personal freedoms, has continued to be repeatedly addressed by the state and federal courts as they search for a balance. Courts continue to look for an answer to the underlying question—how can courts ensure bail serves its intended purpose, which is appearance at court primarily, as well as public safety, without restricting a defendant's individual freedom?

And now, in the many decades since *Stack v. Boyle*, defense attorneys are still strongly advocating for their

clients facing excessive bail amounts, amounts that make it impossible for defendants to post bail and fight their charges out of custody.

The tide is turning even more in their favor.

Most strikingly, and on point, is a California Supreme Court case decided just this year, *In re Kowalczyk*, 19 Cal.5th 593 (2026), where the California Supreme Court found that bail must be set in an amount **reasonably attainable for the defendant.**" (emphasis added); See also *In re Humphrey*, 11 Cal. 5th 135, 149-150 (holding that the common practice of detaining criminal defendants based solely on their financial condition violated state and federal equal protection and due process principles).

In the *Kowalczyk* case, a man was charged with identity theft and felony vandalism (the vandalism was dismissed after the preliminary hearing) for allegedly using a stolen credit card to pay for food. The defendant faced a \$75,000 bail on the basis that he had a long criminal record, prior strikes, and a history of missing court dates. The facts showed that he was unhoused, i.e., transient, and had no financial means, and thus, was unable to post bail. Essentially, the setting of the bail made it impossible for him to post bail and gain release. For him, it was unattainable. It might as well have been set at a million dollars.

In reviewing the bail, the California Supreme Court in *Kowalczyk* (citing *Humphrey* and many other cases including *Stack v. Boyle*), unambiguously ruled and held that the high bail set by the court was the same as detaining him with "no bail" and ruled that this "unaffordable" bail was blatantly unconstitutional, stating, "equal protection and due process principles prohibit the detention of criminal defendants based solely on their indigency." (*In re Kowalczyk*, 19 Cal.5th at 608).

In *Kowalczyk*, the court added that, "bail must generally be set in an amount that is reasonably attainable, in order to effectuate the defendant's constitutional right to pretrial release on bail." *Id.* Ultimately, in *Kowalczyk*, the California Supreme Court found that a trial court may only set pretrial bail above a defendant's ability to pay in non-capital cases in very limited circumstances with specified violent crimes and thus, is limited to capital cases as well as cases that fall under the specific provisions of the California Constitution Art. 1, section 12 (stating that, "ordering unattainable bail in noncapital cases outside of the circumstances authorized by section 12, subdivisions (b) and (c), is generally contrary to section 12's guarantee of the right to be "released on bail by sufficient sureties").

Now, it must be said that from a public policy perspective, this is the right and just result as well as financially sensible. See *Stack v. Boyle*, 147-148 (quoting studies and

stating that, "Just six California counties . . . for example, spent \$37.5 million over a two-year period jailing people who were never charged or who had charges dropped or dismissed.")

In conclusion, the issue of what constitutes constitutional bail may have been addressed by the U.S. Supreme Court in 1951, and yet, it still remains an ongoing fight for defense attorneys.

The real question remains, should one's freedom pre-trial have a price tag?

Lily Marsella is an intern with the Law Offices of the Riverside County Public Defender, will be graduating from UC Riverside with a double major in public policy and philosophy in spring of 2027, and plans on applying to law school.

Juanita E. Mantz is a deputy public defender in Riverside County and represents defendants who have been found by the court to be incompetent. Ms. Mantz is the author of Portrait of a Deputy Public Defender, or how I became a punk rock lawyer (Bamboo Dart Press, 2021) and Tales of an Inland Empire Girl (Pelekinesis, 2025, 2nd Edition.).



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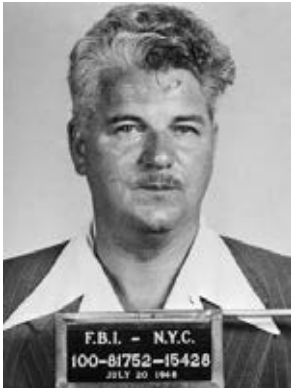
In the Courts 75 Years Ago

by Abram S. Feuerstein

As the *Riverside Lawyer* celebrates its 75th year of publication, here is a trilogy of noteworthy cases pending and decided in the courts in 1951.

***Dennis v. United States*, 341 U.S. 494 (1951)**

In *Dennis*, eleven leaders of the Communist party had been indicted and after a six-month trial convicted in 1949 of violating the Smith Act. That law made it a crime to teach or advocate the violent overthrow of any government in the United States; to set up an organization to engage in such teaching or advocacy; or to conspire to teach, advocate, or organize the violent overthrow of any government in the United States.¹



FBI mug shot of Eugene Dennis.

The *Dennis* defendants appealed their conviction initially to the Second Circuit Court of Appeals (they lost),

and then to the U.S. Supreme Court, which affirmed the convictions in a 6-2 decision. The case tested the protections afforded seditious speech under the First Amendment as well as the application of the “clear and present danger” doctrine that emerged out of prior Supreme Court opinions.²

As relations between the United States and the Soviet Union deteriorated in the late 1940s and communism made advances around the world, the American public came to fear an internal threat posed by those holding communist beliefs. In that atmosphere, Truman’s Justice Department took the Smith Act of 1940 off its somewhat dusty shelf and obtained the *Dennis* indictments.³

The problem confronting the Supreme Court was that under clear and present danger test jurisprudence speech could not be punished unless it represented an immediate threat of serious harm or evil. However, in the Second Circuit, Judge Learned Hand – crowned by history as one of the nation’s greatest appellate judges –

applied a modified version of the test and created a balancing approach. He observed that judges in each case “must ask whether the gravity of the ‘evil,’ discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger.” With its thousands of “rigidly and ruthlessly disciplined” adherents committed to the violent overthrow of existing governments, Hand asked, rhetorically, “how long a government, having discovered such a conspiracy, must wait” and when does that conspiracy become a “present danger”?⁴

The Supreme Court’s plurality opinion, authored by Chief Justice Frederick Moore Vinson, adopted Hand’s balancing formula. Taking judicial notice of world conditions and uprisings in other countries, Vinson argued that there is no “right to revolution” and that a government did not need to delay taking action until “the putsch is about to be executed.”⁵ Concurrences by Justices Felix Frankfurter and Robert Jackson focused on a deference to Congress, which had determined that the dangers posed by a communist conspiracy were in fact clear and present, or the unsuitability of the clear and present danger test to “slow moving” conspiracies rather than street corner “hot headed speech” (Jackson’s words).⁶

Justices Hugo Black and William Douglas dissented, with Black arguing for more absolute protection for speech and Douglas largely believing any threat posed by the Communist Party to be minimal or non-existent and, in any event, a question left for a jury and not a trial judge to determine.⁷

The precedential value of *Dennis* did not last long. With a large turnover of Supreme Court justices, by 1957, the Supreme Court decided *Yates v. United States*,⁸ which reversed the Smith Act convictions of several Communist Party members. It held that abstract doctrine advocating the overthrow of a government at some point in the future could not be punished under the Act but was protected speech and, essentially, part of the marketplace of ideas.

The Rosenberg Trial (1951)

In 1951, after a one-month trial, a jury of eleven men and one woman determined that Julius and Ethel Rosenberg were guilty of engaging in a conspiracy to pass along atomic secrets to the Soviet Union. The presiding judge then sentenced the Rosenbergs to death in the electric chair, observing that their crime

1 See generally, <https://www.britannica.com/event/Smith-Act>; Kermit L. Hall ed., *The Oxford Companion to the Supreme Court of the United States*, 2d edition (Oxford University Press 2005), p. 258. A worthwhile analysis of *Dennis* and the context in which the case was decided is contained in Lackland H. Bloom, Jr.’s *Do Great Cases Make Bad Law*, Chapter 11 (Oxford University Press 2017) (“hereafter, Bloom”), available for retrieval at <https://academic.oup.com/book/8937/chapter/155251906>. The author of this article particularly has relied upon Bloom’s analysis and case summary in drafting this short analysis of *Dennis*.

2 See e.g., *Schenck v. United States*, 249 U.S. 47 (1919); *Abrams v. United States*, 250 U.S. 616 (1919).

3 See Bloom, Chapter 11, pp. 2 of 21 and of 21.

4 *Dennis v. United States*, 183 F. 2d 201, 213 (2d Cir. 1950).

5 *Dennis*, 341 U.S. at 507-511, quoted at Bloom, pp. 7-8 of 21.

6 *Id.* at 572, quoted at Bloom, p. 10 of 21.

7 See Bloom, p. 11 of 21.

8 354 U.S. 298 (1957).



Riverside County Bar Association

MONTHLY

BULLETIN

A service provided the legal profession by the Riverside Daily Press,
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Volume I

OCTOBER 1951

Issue 1

Stark to Speak at October Meeting

Donald Stark of Corona, a member of the Association, will be the speaker at the meeting to be held October 1. He will discuss procedure within the California Supreme Court.

A former law clerk for Justice Edmonds, the speaker has had personal experience with his subject matter, and his remarks should prove both interesting and helpful for those whose practice takes them before the highest tribunal of the state.

Also scheduled for the October meeting is a report from the joint committee appointed to implement the pending proposal for Indio sessions of the Superior Court.

The meeting will be held in the upstairs dining room at Holmstrom's Cafe, 3757 Seventh St., promptly at 12:15, with adjournment in ample time for court matters set for 2:00. Price of the meal is \$1.25, which includes tax and tip.

ALL COUNTY ATTORNEYS INVITED TO JOIN ASS'N

The officers of your Association do their best to invite applications for membership from newly-arrived attorneys in the county, and will appreciate the help of the members in this regard.

Every attorney in the county is eligible to apply. A letter of application should be mailed to the Secretary, Francis M. Estudillo, White Park Building, 3900 Market Street, Riverside, enclosing a check for \$5.00 payable to "Riverside County Bar Association," to cover initiation fee. Upon approval of the trustees and vote of the membership, the process is complete.

The Association has no dues but raises funds by an infrequent levy of assessment voted by the members whenever its treasury is insufficient to pay operating expenses.

DESERT LAWYERS URGE VALLEY COURT

At the September meeting of the Riverside County Bar Association, a delegation of its members, who are also members of the Desert Bar Association, presented a proposal for holding Superior Court sessions at Indio.

Speaking through Eugene E. Therieau, the Desert Group pointed out in detail the reasons why the presence of a Superior Court Judge in the desert area would be of benefit to litigants and their attorneys. A memorandum detailing the basis of the proposal was presented to the membership, excerpts of which are published elsewhere in this issue.

After some discussion, a resolution was adopted approving the proposal. The text of the resolution is as follows:

"NOW THEREFORE, BE IT RESOLVED: That the Riverside County Bar Association should, and it hereby does, approve the proposed plan for the holding of sessions of the Superior Court in the desert area for the trial of all actions arising in such area, the adoption of rules of court implementing such plans and the assignment by the Judicial Council of an Extra Sessions Judge to try such cases and does hereby pledge its efforts toward the accomplishment of such plans."

To implement the resolution it was determined that a joint committee should be created, composed of four members of the Riverside County Bar Association, three members of the Desert Bar Association (who are also members of the county body), and Judges Gabbert, Waite and Morton of the Superior Court.

President H. M. Dougherty has since announced the appointment of William O. Mackey, chairman, Eugene (Continued on page 3)

ANNOUNCEMENT

With this issue the Riverside County Bar Association is commencing the publication of a monthly bulletin. The purpose of this publication is to keep the members of the Bar informed as to matters of interest pertaining to legal matters. The present plan is to publish the Riverside County Bar Bulletin on the last Thursday of each and every month. Ray Sullivan, vice-president of the County Bar Association will act as editor-in-chief. Henceforth postcards will not be mailed to members of the Association.

It is realized that the full burden of publishing this bulletin cannot rest entirely upon the shoulders of the editor. It is hoped that this new project will meet with favor of the Bar and that legal articles will be submitted by the members of the Association to our editor for publication.

Our Association is indebted to the management of the Riverside Daily Press and Enterprise and the Rubidoux Printing Company for making this publication possible. There will be no expense for the printing or distribution of this bulletin as the entire cost will be borne by said concerns. The Bar Association wishes to thank the Press, Enterprise and Rubidoux Printing Company for their cooperation in making this publication possible.

The success of this new undertaking rests upon the entire Bar Association. It is impossible for your editor to carry this load without your assistance. Therefore, we solicit your cooperation in this new endeavor.

HARRY M. DOUGHERTY,
President
Riverside County Bar Ass'n

REPORT ON CONVENTION OF THE STATE BAR OF CALIFORNIA

The twenty-fourth annual meeting of the State Bar of California was held in San Francisco from August 20 to August 24. Representing the Riverside County Bar Association as delegates were Ray Sullivan, Donald Stark and H. M. Dougherty. William O. Mackey attended the meetings as alternate. In addition, Donald G. Adams, who is a member of the Executive Committee of the Conference of State Bar Delegates, and as such is a delegate at large, was also in attendance. Eugene Best and John Babbage attended several sessions of the convention.

Associate Justice Robert H. Jackson Spoke

One of the highlights of the convention was the speech of Associate Justice Robert H. Jackson as the Alexander F. Morrison Foundation speaker of the convention. Justice Jackson's talk dealt, for the great part, with the technical side of appearance for oral argument before the nation's highest tribunal. In a warning against the retention of legal supermen for Supreme Court representation, Justice Jackson observed:

"It is a grave mistake to choose counsel for some supposed influence or the enchantment of political reputation."

Speaking frankly about the vital decisions by the court, Justice Jackson said he recognized "the annoyance to the Bar of dissenting and concurring opinions, but I think they are the lesser of two evils."

He explained: "A court opinion which puts out a misleading impression of unanimity by avoiding, or confusing, an underlying difference is a false beacon to the profession."

"Far better that the division be forthrightly exposed so that the profession will know on what narrow grounds the case rests and can form some estimate of how changed facts may affect the alignment in a subsequent case."

Justice Jackson also commented on the complaints of accused communists that they could not get counsel. These assertions were characterized as false by the Justice of the United States Supreme Court. Justice Jackson stated:

"The most that appeared was that they (the attorneys) were asked to

associate themselves with attorneys who were in control of it (the case) and whose conduct of it had already resulted in a sentence for contempt."

"No American lawyer is under duty to become the tail to another lawyer's kite, or to submit himself to control of counsel or clients whose tactics in the case he does not approve. He is not obliged to become anybody's mere hired hand."

Mystery Writer Addresses Bar

Erle Stanley Gardner, mystery writer, conceded in his speech before the Bar Association that police officers and prosecutors do much better in real life than in fiction.

Speaking before the opening session of the Annual State Bar Convention, Mr. Gardner estimated that at least 95 per cent of persons brought to trial by a reputable district attorney are guilty. Mr. Gardner said, however, that district attorneys need more technical aid in their investigation of crimes. He suggested mobile units staffed by pathologists and technicians to aid coroners, sheriffs and other law enforcement officers.

Mr. Gardner is the originator and member of the "Court of Last Resort," a committee sponsored by Argosy Magazine which was set up to investigate cases of people who may have been wrongfully convicted.

CHANGE IN SECTION 1170 PROBATE CODE

Effective on September 22, 1951, the word "may" is deleted from Section 1170 of the Probate Code and the word "must" is substituted. It has been learned that the effect of this change will be that California title companies will require that a proceeding under said Section 1170 be instituted in court in every case in which death occurs on or after September 22, 1951. The title companies will no longer be satisfied with having the property listed in an inventory for appraisal purposes. This will mean that in every instance a petition will have to be filed in connection with joint tenancy termination, and it further means that where death occurs after September 22, 1951, the inheritance tax department will no longer

SEPTEMBER MEETING SETS RECORD FOR ATTENDANCE

The meeting of the Association held on September 11 was marked by the presence of 57 members and guests, the largest monthly meeting ever held. The unusually large attendance resulted from general interest in the proposal of the Desert Bar Association for an Extra Sessions Superior Court to sit in Indio, and from the fact that Ernest Tolin, United States Attorney for the Southern District of California, was to be the speaker.

Mr. Tolin talked informally concerning some of the plans and problems of the Department of Justice, with particular reference to Communism as it figures in criminal prosecutions, and cases against hoodlums for income tax evasion. He discussed the specific problems involved during the period before World War II. Among these is the effect upon former Communists who must necessarily be called as witnesses, and the embarrassment and personal sacrifice that frequently results to these people and their present employers, particularly where these witnesses have completely severed connections with the Communists years ago, or where their participation was slight or temporary or resulted from immature judgment of their college days. He recognized that many of these people are now good patriotic Americans, doing their best to make amends for previous errors and called for tolerance on the part of the general public for those who "stumbled up Fool's Hill."

The speaker concluded his talk with a discussion of the recent tax-evasion prosecution of Mickey Cohen, the methods of investigation and presentation of evidence, and revealed some interesting sidelights on the personalities of Cohen and his family. He credits his success in the case to hard work on the part of investigators and careful attention to the detailed facts.

Elected to membership in the Association were Carl S. Kegley of Riverside, and Rex Hardy of Palm Springs.

issue certificates that no inheritance tax is due because an appraiser will be appointed by the court after the filing of said petition under Section 1170 of the Probate Code and that appraiser will be required to file such certificate. We are indebted to Mr. Henry D. French for this information.

DESERT BAR PRESENTS FACTS AND FIGURES

The following statistics were compiled and presented in written form at the September meeting of the Riverside County Bar Association over the signatures of the officers of the desert Bar group. They are reproduced here because they should be of general interest to all lawyers, not only as to the litigation problems of the Coachella Valley, but also as to the condition of the trial calendar in the county.

"The 'desert area' of our county

- (a) is the largest area in the county;
- (b) contains 40% of the county's population;
- (c) has 40% of the county's assessed valuation;
- (d) produces an estimated 25% of the business of the Superior Court;
- (e) evidences great distances from the county seat—
Palm Springs, 56 miles;
Indio, 78 miles;
Coachella, 81 miles;
Blythe, 182 miles;
- (f) its litigants, witnesses and lawyers have an undue burden, not only because of the geography involved, but also—and sharing with those in the general vicinity of the county seat—because of the calendar congestion, which, of itself, results in 'delayed' justice, and hence, denied justice.

"Judge Gabbert reports that, as of August, 1951, there are:

- (a) 116 civil cases set for trial, estimated to consume 224 trial days; and
- (b) 307 civil cases ready for trial dates, estimated to consume 521 trial days;
- (c) thus, without consideration of the criminal and probate calendars, and totally disregarding the continuous flow of new filings, cases set and ready to be set are estimated to consume 745 trial days;
- (d) with 52 weeks to the year, and four days a week available for trials, and with a month's vacation—or 16 to 17 trial days—thus eliminated for each of the three judges, it is apparent that there are 192 trial days per year at the most, counting holidays—thus for three judges an aggregate of 576 trial days per year, out of

which must come the days necessary to try criminal and contested probate matters. For instance, within the last two years there were four criminal cases tried which took a total of 180 days.

"Judge Morton reports that from January 2, 1951, until August 3, 1951, the Court held a total of 5514 hearings on separate matters. . . ."

REPORT ON CONFERENCE OF STATE BAR DELEGATES

The 1951 Conference of State Bar delegates met in San Francisco on August 20 and 21, immediately preceding the State Bar Convention. This two day session was marked by a spirited discussion of various proposals to change state laws. These were presented in the form of resolutions initiated by individual lawyers and Bar Associations throughout the state.

A brief outline of the 42 resolutions offered, and the conference action on them is as follows:

Referred to committee for report in 1952 proposals to revise the law of rescission and as to types of relief obtainable in fraud actions.

Disapproved a plan to prohibit the use of names of deceased attorneys in any manner in the practice of law.

Disapproved an increase of the Board of Governors from 15 to 30 members.

Referred to committee a proposal that meetings of the Board of Governors be public sessions.

Disapproved two proposed statutes on comparative negligence, but reaffirmed for the third successive year their approval in principle of the doctrine of comparative negligence, and referred to a special committee the whole problem of an acceptable draft of a statute and related subjects, for report in 1952 and presentation to the Legislature in 1953.

Disapproved a minor amendment to the probate fee scale and referred the whole question of probate fees to a committee.

Disapproved the use of expert writ-

(Continued on page 4)

DESERT LAWYERS URGE VALLEY COURT

(Continued from page 1)

Best, Harry Moss and Charles Carter to represent the Association. Eugene E. Therieau, Rex Hardy and Wallace P. Rouse will represent the desert group.

The details of the plan would involve the assignment of an extra Judge by the Chairman of the Judicial Council to hold court in the desert area so that trials in matters which originate in that vicinity could be held in Indio. It was urged that this would give relief not only in the desert area, but would also dispose of some of the back-log of civil cases accumulated in the Superior Court for trial at Riverside. A permanent fourth department of the Superior Court could not be created until the 1953 session of the Legislature, and could not commence to function for at least two years. A meeting of the Desert Bar Association with the Chief Justice has been scheduled for the month of October.

It will be remembered that the Riverside County Bar Association actively urged the creation of two new departments in 1949. This recommendation was concurred in by the Riverside County Grand Jury, but was not joined in by the Board of Supervisors who recommended only that one department be provided for. This was done by the 1949 Legislature.

RIVERSIDE COUNTY BAR ASSOCIATION BULLETIN

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Editor-in-Chief: Ray T. Sullivan, Jr.

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STATE BAR APPOINTMENTS TO BE MADE

Albert Launer, member of the Board of Governors of the State Bar from this District, desires the names of all persons of the Riverside Bar who are desirous of receiving appointments to various committees of the State Bar. The following is a list of committees to which appointments will be made in the very near future:

Administration of Justice, Administrative Agencies and Tribunals, Adoptions, American Citizenship, Annotations, Bank Conference, Bankruptcy, Bar Examiners, Budget and Efficiency, Claims Adjuster, Commercial Code, Continuing Education of the Bar, Cooperation with Junior Bar, Cooperation Between the Law Schools and the State Bar, Court Reform, Criminal Law and Procedure, Federal Practice, History of the Bench and Bar of California, Inter-American Bar Association, Journal of the State Bar, Legal Aid and Lawyer Reference Service, Legal Forms, Legal Publications, Legislation, Public Relations, Radio Series, Rules of Court Procedure, State Bar Rules, Taxation, Title Association Conference, Unlawful Practice of the Law, Accountants, War Work, Accreditation of Law Schools, Annual Meeting.

Any member of the Riverside County Bar who desires an appointment to any of the above committees will please get in touch immediately with Eugene Best or Harry M. Dougherty.

REPORT ON CONFERENCE OF STATE BAR DELEGATES

(Continued from page 3)

ings in place of expert testimony in malpractice cases.

Tabled one plan for peremptory challenge of judges, but approved another and similar plan.

Referred to a committee six proposals for changes in the Workmen's Compensation Law.

Approved a proposal for uniformity of procedure in tort claims against public bodies.

Approved minor additions to the list of matters requiring notice contained in Probate Code Section 1200.

Approved proposals which would exempt from execution all prosthetic devices personally used by the defendant; presumably this would extend

"OPPOSING COUNSEL"

(Editor's Note: The following is the first of a series of biographical sketches of the members of the Riverside County Bar. In order that the members of the Bar may become better acquainted with the new members, the first articles in this series will deal with the most recently admitted members of our Bar.)

REX HARDY

425 N. Palm Canyon Dr.

Palm Springs

The subject of this thumbnail biography was born January 31, 1890, in the great state of Texas. He graduated from the University of Southern California in 1911 and was admitted to the Bar in that same year. From that date until 1942, he was engaged in the private practice of law in Los Angeles with time out between 1917 and 1919 to serve in World War I as a major. In 1942, Mr. Hardy again entered the army and served until April of 1946. During this period he was a staff officer of the E.T.O. and was overseas for two and a half years. His specialty with the army was displaced persons, and he had charge of over a million of these unfortunates for General Eisenhower. He left the service with the rank of colonel and after having been decorated by the United

States and almost all of the larger European countries. After leaving the army, Mr. Hardy became an assistant city attorney for Los Angeles working chiefly on Colorado River matters. His work in this regard caused him to spend more time in Washington, D. C., than in Los Angeles, and he left the smog belt late in 1950 and opened his office in Palm Springs on May 1, 1951. Mr. Hardy should be a welcome addition to our Bar as he has had much service with Bar Associations, having served as Trustee of the Los Angeles Bar in 1935-37 and Chief of the Conference of Bar Association Delegates in 1939 and served one year of a term on the Board of Bar Governors in 1941-42, having resigned to go into the army. Our subject is married and has three children and six grandchildren, and his chief pride and joy at the present time is that he has one son practicing law who graduated last year at the top of his class at Boalt Hall.

to wooden legs, false teeth and glass eyes.

Approved a proposal to have a single trial rather than the present double trial on pleas of not guilty and not guilty by reason of insanity.

Approved one proposal, and referred to committee another, with reference to privileged communications made to attorneys and physicians.

Disapproved a plan to make blood tests conclusive negative proof in paternity actions.

Approved four proposals the joint effect of which would be to remove all limitations on the power of courts to grant probation.

Approved a public defender system for the Federal Courts.

Referred to committee the problem of use of illegally obtained evidence.

Approved a plan to permit probate sales of real and personal property as

a unit regardless of whether they had been used together.

Referred to committee for study the existing statute concerning assignments for benefit of creditors, with a view to obtaining a workable statute in place of the existing legal monstrosity on the subject.

The conference had as its chairman, Forrest E. Macomber of Stockton, who presided with the assistance of his three vice-chairmen.

The executive committee of the conference has been increased from nine to eleven members, elected by State Bar Districts.

Donald G. Adams of Riverside completed a three year term this year and will be succeeded by Max Henry of San Bernardino. The conference was attended by approximately 400 delegates.



Julius and Ethel Rosenberg, leaving the courthouse and separated by a wire screen after being found guilty.

was “worse than murder.”⁹ The trial had been characterized by a colorful cast of characters engaged in a Hollywood worthy spy story. Subsequently, efforts to save the Rosenbergs’ lives became a cause célèbre but ended when only four Supreme Court justices voted to stay their executions. One short.

Younger generations have been spared. But from the 1950s to the 1980s, with some degree of regularity, a new book

emerged or a television documentary aired that definitively proved Julius and Ethel Rosenberg’s innocence of the espionage charges. Then another book or T.V. program would be released confirming their guilt and the righteousness of their 1953 executions at New York’s Sing-Sing Prison. And so it went.

For many, especially those on the political left, it was important to invest their emotional energies and show that the Rosenbergs had been victims of Red hysteria and the excesses of McCarthyism, who in early 1950 claimed to have a list of 200 known communists in the State Department. Those on the political right desired to refute the witch-hunt narrative by contending that in fact there were real witches who posed a danger to the country.

This ideological battle mostly came to an end with the publication in 1983 of the highly acclaimed *The Rosenberg File*,¹⁰ when authors Ronald Radosh and Joyce Milton provided a balanced and dispassionate account detailing the Rosenbergs’ role in a spy ring that indeed collected and transmitted secret atomic information to the Soviets. By the time of the book’s second edition in 1997, after the collapse of the Soviet Union and the release of Soviet intelligence archives, the evidence of the Rosenbergs’ guilt had become nearly irrefutable as communications surfaced between the Rosenbergs and their Soviet handlers.

This is not to say that a fear of communism did not contribute to the way in which a 1951 jury might have viewed the evidence, or that the Rosenberg death sentences were warranted – particularly for Ethel¹¹ who knew of her husband’s activities but had a far lesser role in the conspiracy. It is to say, however, that the ideological battlelines that once engulfed the case have faded if not disappeared entirely.

Brown v. Board of Education of Topeka (1951)

Most attorneys are familiar with the May 17, 1954, Supreme Court’s 9-0 decision in *Brown v. Board of Education of Topeka*,¹² which ruled that segregated schools were “inherently unequal.” But the underlying trial that took place in a Kansas courtroom in 1951, which would set the stage for the Supreme Court’s landmark decision, is far less known.

By the end of World War II, Topeka, Kansas was a city of approximately 80,000 residents of which approximately 7,000 were black.¹³ It operated twenty-two segregated elementary schools (18 white, 4 black).¹⁴ The schools for black children frequently were a long distance from their homes; school bus schedules for black students were erratic and inconvenient to the students and their parents; and facilities at black schools were inferior compared to the resources allocated to white schools.¹⁵

Informal attempts in the late 1940s to desegregate Topeka’s elementary schools had been unsuccessful. Eventually, the NAACP recruited parents willing to serve as plaintiffs and filed a district court complaint to challenge Kansas’ segregation law. Oliver Brown, a 32-year-old welder and assistant minister with an 8-yr old daughter attending an all-black school, was the first-named plaintiff.¹⁶

The trial took place before a three-judge panel¹⁷ headed by Tenth Circuit Judge Walter Huxman, a former conservative democrat Kansas governor.¹⁸ Parents testified concerning the travel difficulties their children encountered just getting to school. The chairman of the education department of the University of Kansas tes-



Opinion in *Brown v. Board of Education of Topeka*, 08/31/1951.

¹² 347 U.S. 483 (1954).

¹³ Douglas O. Linder, Famous Trials, “The Brown v. Board of Education of Topeka Trial: An Account,” retrieved at <https://famous-trials.com/brownvtopeka/666-home> (hereafter, “Linder/Brown”).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Under former federal law (28 U.S.C. Sec. 2281), a single district court judge did not have the authority to issue an injunction blocking a state law as unconstitutional and, instead, the matter needed to be heard by a three-court panel that included at least one circuit judge. The law also allowed for an appeal of a panel’s decision directly to the Supreme Court. See generally, <https://tile.loc.gov/storage-services/service/ll/uscode/uscode1976-00802/uscode1976-008028155/uscode1976-008028155.pdf>. For an overview of the history of the former three-judge courts, see Wendy G. Singley, “The Abolition of Three-Judge Courts: Too High a Price of Judicial Efficiency,” *Hofstra Law Review*, Vol. 4; Iss. 2, Article 4 (1976).

¹⁸ Linder/Brown.

⁹ See Douglas O. Linder, Famous Trials, “The Trial of the Rosenbergs: An Account,” retrieved at <https://famous-trials.com/rosenberg/2228-home> (hereafter, “Linder/Rosenberg”).

¹⁰ Ronald Radosh and Joyce Milton, *The Rosenberg File* (1st ed. Holt, Rinehart, and Winston, 1983) (2nd ed. Yale University Press, 1997).

¹¹ Professor Linder notes that Ethel Rosenberg became the first woman executed by the United States since Mary Surratt had been hanged for her role in the Abraham Lincoln assassination. See Linder/Rosenberg.

tified about the "unequal" resources allocated to black schools. Most important, the case had been structured by the NAACP's attorneys as an expert driven one. The plaintiffs' experts emphasized the psychological impact segregated schools had on black children and, particularly, a sense of inferiority and a lowering of expectations that segregation created.

The trial court denied the plaintiffs' prayer for relief on the grounds that the Supreme Court's "separate but equal" decision in *Plessy v. Ferguson*¹⁹ had not yet been overturned and still served as controlling authority for maintaining a segregated school system. Yet the trial court made an important finding that three years later would be persuasive to the Supreme Court, noting:

Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial integration school system.²⁰

19 163 U.S. 537 (1896).

20 Quoted in Linder/Brown.

The trial court record and its findings guided the outcome in the Supreme Court and vindicated the NAACP's strategy of relying on social psychology experts.

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



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Riverside Lawyer Celebrates 75 Years

by Bruce E. Todd

In 1951, Harry M. Dougherty, the then president of the Riverside County Bar Association, met with Ray T. Sullivan, the vice-president, to discuss the notion of publishing a monthly bar bulletin to keep the members of the bar association apprised of, among other items, current events, developments in the law and legal practice pointers.

With Sullivan serving as editor-in-chief, Volume 1 of the newly created *Riverside County Bar Association Monthly Bulletin*, with just four pages, was first published in October of 1951. It had been decided between Dougherty and Sullivan that the then serving vice-president of the RCBA would act as the editor of the magazine. The *Riverside Press* and *Enterprise* agreed to format and mail the *Bulletin* to all members of the RCBA. Vernon Tegland, the owner of Rubidoux Printing Company, kindly agreed to print the *Bulletin* at no charge.

The inaugural issue proudly announced that "The purpose of this publication is to keep the members of the bar informed of matters of interest pertaining to legal matters." It was also indicated that the *Bulletin* would be published on the last Thursday of each month. Notably, this first issue contained an "Opposing Counsel" profile—a tradition which has continued to this day. Palm Springs Attorney Rex Hardy became the first featured member.

From an historical perspective, it should be noted that, in 1951, America was deeply entrenched in the Korean War. Harry Truman was the country's president. Earl Warren was our state's governor. Russell Waite, John Gabbert and Oakley K. (OK) Morton were the three judges who were on the bench in Riverside. The members of the RCBA met at Holmstrom's Café on the first Monday of each month since court calendars were held on



The complete October 1951 Bulletin is included in this issue.

Mondays. It cost \$5.00 to join the bar association and members were notified of meetings by postal cards. The Desert Bar Association did not yet exist.

In October of 1961, a 10-year anniversary issue of the *Bulletin* was published. By this date, Richard Fitzgerald was the editor and John D. McFarland was the president of the bar association. In this celebratory issue, Harry Dougherty, the editor in 1951, wrote an article detailing the creation of the *Bulletin*.

Michael H. Clepper, one of the more colorful characters in the history of Riverside attorneys, penned an article many years later about the status of the bar association in 1961. He pointed out that it was operated out of the office of the current bar president and that the president's

secretary automatically served as the manager of the association. There was no budget and activities were funded by the sale of tickets.

A 20th anniversary edition was published in the October-November 1971 issue. The cover of the magazine contained a brief tribute to the 10th anniversary publication. By this date, Samuel D. Kahn was serving as the editor. The president of the RCBA was Arthur Littleworth.

This issue contained an article penned by Justice John G. Gabbert entitled "Riverside's Most Famous Lawyer." Gabbert's entertaining story is about Erle Stanley Gardner who was the creator of perhaps the world's most famous (and fictitious) lawyer—Perry Mason. Gardner himself was a well-known lawyer who resided in his later years on a ranch near Temecula.

There is an apologetic comment in this issue about the fact that the prior 10th anniversary edition did not include any articles about what it described as the "fairer sex." Thus, it was proclaimed that the 20th anniversary

edition included articles about "Women Lawyers," "The Legal Secretaries Association (LSA)" and a special column devoted to Doris Martin who was Riverside's first State President of the LSA.

By October of 1981, Neal Singer and Clarice Turney were the editors of the what was now being called the *Bar Bulletin*. In this anniversary edition, the prolific Justice Gabbert submitted an article entitled "1934 And All That" in which he reminisced about what it was like to practice law in Riverside County in the 1930's. He noted that there were only 50 members of the RCBA in 1934 when he was admitted to practice law. The Riverside Superior Court consisted of just two departments. And, when he tried a case in Anza in 1935, half of the jury panel rode to the court house on horseback.

John W. "Jack" Marshall, the then president of the Riverside Barristers Association, authored an article about the history of that organization. He noted that it was formed in 1962 and that Horace Coil was its first president. Currently, Nolan Kistler is the president of the Barristers.

Mertie M. Yinger, who was a charter member of the Riverside Legal Secretaries Association, wrote an article about that organization. She noted that the Riverside chapter was chartered on May 17, 1949. Mary Peterson of Thompson & Colegate was its first president. Ms. Yinger discussed how membership was indeed lacking in the first few years and that there were only six members at the end of the third year when the chapter almost decided to disband. The state-wide organization is now called Legal Professionals, Inc. and Erin Summers is the current Riverside chapter president.

The 40th anniversary edition of the *Bar Bulletin* in October of 1991 contained an article written by editor Linda McLaren who summarized the then current state of the bar association. She noted that there were 944 RCBA members including judges and retired attorneys. Of that number, 20% were women. Then current president Sandra Leer was the third female president—after Janet Wall Williams in 1985 and Jane Carney in 1989. This issue also contained excerpts from the very first *Bulletin*.

By October of 2001, James Heiting, Riverside's former State Bar president, was the editor of what was then being called the *Riverside County Lawyer* magazine. Dan Buchanan was the president of the RCBA. The cover of the October edition was entitled "50th Anniversary—A Look Back."

This issue included excerpts from previous articles which had been published in the bar magazine. An article from the November 1981 issue reported that James Ward of Thompson & Colegate had become the first Riverside lawyer in 18 years to win a seat on the State Bar Board of Governors. Another article from the January of 1995 edition trumpeted that the RCBA was in the process of

purchasing a building (a former furniture store) located at 4129 Main Street. Of course, this address remains the current home of our bar association.

In his "President's Message" column, Buchanan stated that he had planned to discuss various other issues but that his comments would now be focused upon the recent "tragic event" of September 11, 2001. In his column, he speculated that there might be a rush by lawyers to the court house to file civil lawsuits against those believed responsible for the attack on America (undetermined at the time of his writing). He commented that lawyers should not shamelessly recruit claims and race to the court house to bolster their personal financial position. He opined that such efforts would taint the image of attorneys and that "zealous advocacy doesn't require the abandonment of professionalism."

The omnipresent Justice Gabbert struck again in this issue with a "Past President's" column about some of the historical legal events which have occurred in Riverside County. He noted that, when he was a "school-boy," there was only one Superior Court judge in the county. The second department was created in 1921 and he himself was appointed when a third department was established in 1949. In his concluding remarks, he gave remembrance to (and listed) the then 59 deceased past presidents of the RCBA.

James Heiting and co-editor Richard Reed contributed an article in this issue which paid tribute to the past editors of the magazine.

Speaking of Heiting, he eventually resigned in 2002 from his position as the editor because of his commitments with involvement with the State Bar and Board of Governors. However, he has fond memories of his time serving as the editor.

"I enjoyed all of it," says Heiting. "Being able to research and 'in the know' about things that were happening, our history, people in our legal community, county and State Bar happenings and planning, and just getting to know and admire the contributing lawyers who put together the articles and the information, and our staff that put things all in order and laid it out to make the magazine successful. We eventually recruited a wonderful new editor (current editor Jacqueline Carey-Wilson) who put her all into the magazine and made it even better."

As for Carey-Wilson, she has served as an editor of the magazine since 2002—by far the longest stint of all of its editors. Under her leadership, the magazine has followed a concept in which there is a "theme" for each issue. The majority of the articles in each issue follow the theme of the magazine.

"As editor," said Carey-Wilson, "I have had the privilege of carrying forward the tradition established by my esteemed predecessors—chronicling the events, issues,

and members that shape the RCBA while keeping our membership informed about changes in the law and recent court decisions. The Publications Committee is made up of a group of dedicated members who take the time to discuss each issue and to write and/or recruit writers for the stories that are covered. I am incredibly grateful to the many members who have generously donated their time and talents to write articles in their areas of practice, interest, expertise, and passion. Ultimately, it is the voices, knowledge, and experiences of our members that give this magazine its character, and I am proud that the *Riverside Lawyer* continues to be a true reflection of the RCBA legal community."

Throughout the years, the *Bar Bulletin*—now called *Riverside Lawyer*—has covered a wide range of topics which are pertinent to the RCBA and its members. In fact, many of the stories are undoubtedly of interest to non-lawyers and members of our community in general.

Columns which regularly appear in the magazine include "President's Message," "Barristers President's Message," and "Opposing Counsel Profile." The magazine also periodically includes a new member's list, "In Memoriam" profiles, MCLE notices, articles related to new developments in the law, practice pointers and general news about the local legal community. There are also periodic book reviews, restaurant reviews, holiday tributes, and historical pieces. And, of course, the magazine also heralds the annual Elves Program and honors those who have participated each year to its success.

During its 75 years of existence, the magazine has had the benefit of numerous editors, staff and contributing writers and Publication Committee members steering its course. One of those editors was Michael Bazzo who served from 2002-2009.

"I really enjoyed it" says Bazzo. "Sometimes it was hard to get other people to contribute articles, but I really enjoyed."

"As for a good memory," Bazzo says, "One thing that really sticks out was having sandwiches ordered from a place like Simple Simon's and then we'd all sit around the conference room talking about possible new articles."

One bad memory was the time he went to the printer and discovered that they were having technical problems with their printing equipment. "It was very stressful because it appeared that they weren't going to be able to publish the magazine that month (it ultimately was)."

In closing, this writer would like to thank and acknowledge the following editors who have given their time and professionalism to the production of the bulletin/magazine throughout the years:

Jacqueline Carey-Wilson	July 2009-Present
Michael Bazzo & Jacqueline Carey-Wilson	September 2002-June 2009
James Heiting	September 1999-August 2002
John Vineyard	November 1995-August 1999
Lisa Visingardi	November 1992-October 1995
Linda Dunn	December 1989-October 1992
Geoffrey Willis	July 1988-November 1989
Kevin Bjerregaard	January 1988-June 1988
Clarice Turney	October 1982-December 1987
Neal Singer & Clarice Turney	September 1981-September 1982
Neal Singer	June 1975-August 1981
Norman Courtney	July 1974-May 1975
Patrick Maloy & Norman Courtney	November 1973-June 1974
Alexander Yakutis	March 1973-October 1973
Samuel Kahn	April 1970-February 1973
Carl Yoder	March 1970
E. Spurgeon Rothrock	March 1969-February 1970
Patrick Maloy	April 1968-February 1969
William H. Sullivan	April 1967-March 1968
LeMoyné Badger	March 1966-March 1967
J. David Hennigan	April 1965-February 1966
John Babbage	March 1964-March 1965
James Wortz	April 1963-February 1964
James Angell	March 1962-March 1963
Richard Fitzgerald	February 1961-February 1962
John McFarland	March 1960-January 1961
W. B. Gustavson	February 1959-February 1960
Leo Deegan	March 1958-January 1959
Harmon Brown	March 1957-February 1958
Judson Waugh	March 1956-February 1957
J.R. Walker, Jr.	February 1955-February 1956
John Ganahl	February 1954-January 1955
Art Swarner	February 1953-January 1954
Enos Reid	March 1952-January 1953
Ray Sullivan, Jr.	October 1951-February 1952

Bruce E. Todd is a current member of the RCBA, a former long-time member of the RCBA Publications Committee, and who is now happily enjoying the life of retirement.





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The RCBA at 132 Years

by Honorable John Vineyard

The origin of the Riverside County Bar Association goes back a few years before its official founding in 1894. That founding was a byproduct of the creation of Riverside County itself, and a courthouse disagreement.

In the 1880s and early 1890s, Riverside and San Bernardino were like bickering children. They were both located in San Bernardino County and San Bernardino was the County seat. In 1883, the Sante Fe Railroad came to San Bernardino and established it as the hub of transportation. Riverside had a thriving citrus industry and citizens in each city thought their city should be the county seat. Among the many differences of opinion, the two communities argued over was the construction of a new courthouse.

The trend in Southern California at the time was the construction of tall, brick courthouses with towers – Los Angeles, Orange, and San Diego Counties all had new brick courthouses, and San Bernardino County wanted one too. Riversiders, on the other hand, wanted a different, more distinctive courthouse. The squabbling finally led to the creation of Riverside County, with Riverside as the County Seat, in 1893. The new county created its offices at the Tetley Hotel, in downtown Riverside, including a courtroom. A short time later, Riverside County built its distinctive courthouse and San Bernardino County built its tall, brick courthouse – later replaced by the current “Historic Courthouse” in San Bernardino – but that’s another story.

The local bar got busy soon after the county was created to organize a new bar association, following the example of the San Bernardino County Bar Association, founded in 1875 (still the oldest continuously operating bar association in California). On February 3, 1894, the *Riverside Press and Horticulturist* (precursor to the *Press Enterprise*) reported the creation of The Riverside County Bar Association (RCBA).

At the founding meeting of the RCBA, officers were elected, including the first president of the association, Alexander A. Adair. Mr. Adair was a native of Canada, completed his education and began his legal career in Ontario, Canada. He moved to Riverside in 1890. His office, shared with attorney W.A. Purrington, was in the Loring Office Building (Corner on Main and Mission Inn) and his home was on the corner of 13th and Orange Streets. That home can still be seen as you approach 14th Street – the big gray medical office building. I think about Alexander Adair every time I pass his former home.

The RCBA has established a history committee to document as much of the association’s history as possible. Chris Jensen, chair, and his committee members, Judges Sylvia Choi and Craig Riemer, and Bruce Todd, are devoting significant time to rediscovering the association’s history. One of the many challenges is recreating the roster of past presidents. There has been a gap in the history between Alexander Adair and the next 20 or so years. Chris and his team are working diligently to fill in those blanks, pouring

over old newspaper articles and other documents for clues. Among the notable presidents of the RCBA are H.L. “Tommy” Thompson (Thompson & Colegate), Eugene Best (Best, Best & Krieger), Justice John Gabbert, Earl Redwine (Redwine & Sherril and District Attorney), Enos Reid (Reid & Hellyer), and Judge Leo Deegan.

But the Riverside County Bar Association is more than its presidents. The RCBA over the years has created community programs and services, and specialty or related organizations. The Dispute Resolution Service, Public Service Law Corporation (now Riverside Legal Aid), Lawyer Referral Service and Tel Law were all created over the years to provide service to the community and continue to provide those services today (except Tel Law – which has been rendered obsolete by Google).

In 1993, under the leadership of President Dan McKinney, the RCBA purchased its current building. Prior to that purchase the RCBA had its offices in the basement of the original City Hall (Mission Inn and Orange Streets) and held its monthly general membership meetings at various locations throughout Riverside – the Art Museum, Convention Center, Mission Inn, and others.

The RCBA celebrated its 100th anniversary in 1994. Justices John Gabbert and James Ward lead a committee that both documented some of the RCBA history and planned and presented anniversary festivities.

One of the most enduring of the related organizations has been the Riverside County Barristers Association, founded in 1962. Since its formation, young and new lawyers have learned about practicing law in Riverside – through friendship and fellowship, educational programs and the occasional food fight. The organization has also provided service to the community, beginning with its UCR free legal clinic established in the 1960’s. Riverside County Barristers are still going strong at 64 years.

The RCBA has also either led or assisted in the creation of specialty and related organizations such as the Leo Deegan Inn of Court, Inland Counties Legal Services, Inland Empire Latino Lawyers Association, the Richard T. Fields Bar Association, the Federal Bar Association, and others.

Throughout the years, RCBA members have provided service to our community. The most well known and longest tenured programs are the Riverside Mock Trial Program, Good Citizenship Awards, and Holiday Elves.

The Riverside County Bar Association is thriving as it reaches 132 years old.

Hon. John W. Vineyard is a judge of the Superior Court of California, County of Riverside and a past president of the RCBA.



Leonard Joseph Difani

RCBA President 1934

by Bruce E. Todd

In this magazine's continuing effort to profile the past presidents of the Riverside County Bar Association, this month features Leonard Joseph Difani, who, besides being the RCBA president in 1934, was a colorful two-time California State Senator.

Difani was born in Riverside on August 19, 1894 to Andrew James Difani and Alice Difani (Robinson). He had an older brother Leo Andrew and a younger sister Corrine Beatrice.

He grew up in Riverside and attended Riverside Poly High School where he played on the school's football team. In an article in the *Riverside Enterprise* dated June 8, 1912, it was reported that he was also named by the Riverside Poly Student Board as a candidate for "yell leader".

After graduating from high school, Difani attended the University of Southern California. During the time that he was there, it was noted in the *Riverside Daily Press* on November 29, 1916, that he had traveled to Eugene, Oregon to attend the National Convention of Sigma Chi as the delegate from the USC chapter.

While he was subsequently attending USC School of Law, Difani decided to enlist in the United States Navy. In an article published in the *Riverside Daily Press* dated October 22, 1918, it was reported that he had completed his officer's training in the U.S. Naval Reserve at Mare Island and had won a coveted commission of ensign. He was waiting to receive his orders. In a subsequent story, it was reported that he had been assigned to the USS Brutus. It was further reported in the *Riverside Daily Press* on December 12, 1918, that he had been stationed in Seattle for the past month and that he was returning home so that he could complete his legal studies. He had been in the US Navy for one year and seven months.

Upon completing law school, it was reported in the *Los Angeles Herald* on June 24, 1919, that the District Court of Appeals had admitted, among others, Difani to the practice of law. He began his legal career with Carnahan & Clark in Los Angeles. After a short time with this law firm, he returned to Riverside to work as a junior partner at this father's law firm A. Difani & Sons.

The year of 1919 was also an eventful one for Difani because, on December 24, he married Ruth Elizabeth Stephens who was from Iowa. They may have met while



Leonard Joseph Difani

he was stationed in Seattle since she had attended the University of Washington. In an article in the *Riverside Enterprise* dated December 26, 1919, it was reported that the couple were married in the Music Room of the Mission Inn in Riverside. It was also noted that they left for a honeymoon to Santa Barbara and San Diego and that they would then make their home at 326 W. Seventh Street in Riverside. Over time, the couple would have four children: Eleanor, Edward, Ewing, and William.

Once he was admitted to the practice of law, some of Difani's cases were reported in the local press. The *Riverside Enterprise* reported on July 16, 1922, that

he was appointed by the court to defend Charles Davis of Corona who was charged with using a fictitious check. That same year, an article in the *Riverside Enterprise* dated October 4, 1922, reported that he was defending John Wesley Watkins who had been charged with having entered the home of Manson Durham with the intent of committing larceny.

Difani was again mentioned in the news when the *San Bernardino Sun* reported on October 24, 1929, that defendant Waldemar Mattmueller, age 22, had been charged with breaking into a combination lock safe at Riverside City College. It was subsequently reported that Difani was able to obtain a dismissal of the burglary charges against his client due to lack of evidence.

In a case in which the defendant was charged with stealing "a barrel of salad oil" from the Soboba Hot Springs Resort, Difani was noted in the *Beaumont Daily Gazette* on October 5, 1933, as representing suspect Bill Cagle. Trial was set for October 19. In a subsequent article dated October 26, it was reported that Difani had successfully defended Cagle when the jury acquitted him.

A more sensational case was reported in the *San Bernardino Sun* on October 20, 1938, when it was mentioned that he was representing "Riverside socialite" Mary Hayes Pattee and her husband Gordon Pattee who was described as a "prominent Riverside citrus grower." The article states that the Patees had taken a "wild nighttime ride" into San Bernardino and had been charged with reckless driving. Mary Pattee was noted to be an experienced horseperson and they evidently had been returning from a rodeo in Victorville. They were charged with recklessly

driving through the Cajon Pass near Verdmont. In a subsequent edition of the *Sun*, it was reported that Ms. Pattee had pled guilty and had been sentenced with a fine of \$250 or spending 120 days in jail. Difani reported to the court that his client would pay the fine.

Besides his work as an attorney, Difani would periodically serve the legal community as a justice of the peace. Some of the matters which he handled were reported by the statewide media. For example, an article in the *Madera Mercury* on August 25, 1925, reported a controversy about dairymen selling milk from tubercular cows in violation of California law. Difani was described as a Riverside judge who had fined an offender the sum of \$25. The *Salinas Daily Journal* published an article on August 26, 1926, about a state-wide problem with the illegal killing of deer and selling of the deer meat with fines being imposed which ranged from \$25 to \$250. Justice of the Peace Difani was referenced as having issued the heaviest fine of \$250. In an article in the *Gustine Standard* dated February 9, 1927, noted that Difani had recently issued fines of \$50 each to two violators who were in possession of quail out of season.

When serving as a justice of the peace, Difani would occasionally cross paths with Hollywood celebrities. The *Imperial Valley Press* reported in January 29, 1927, that he had performed the wedding ceremony for movie stars Richard Arlen and Jobyna Ralston at the Mission Inn. It was noted that the wedding culminated a romance which had started as "screen sweethearts" during their latest film *Wings*. Difani was again in the news of March 6, 1929, when the *Oakland Tribune* reported that he performed the wedding ceremony for Russian screen stars Nicholas Soussanin and Olga Baclanova (known as the "Russian Tigress").

Besides his involvement in the legal community, Difani was also involved in many national organizations. He served as the scoutmaster for Local Boy Scout Troop 7 in Riverside. He was a member of the American Legion and he also served at the Exalted Ruler of the local Elks Lodge from 1927-28.

Other activities of his also were reported in the local media. For example, he must of have been a good—or at least lucky—golfer since the *San Bernardino Sun* mentioned in its January 28, 1934 edition, that Difani, an 11 handicap-per playing on the 178 yard 13th hole at the Victoria Club, "hit a ball onto the green and it trickled in for a hole in one."

Several days later, his success continued as reported by the *Beaumont Daily Gazette* on February 1, 1934, that Difani has been installed as the president of the Riverside County Bar Association during its banquet at the Mission Inn.

Unfortunately, some of the news which was reported about Difani was not always good. For example, it was reported in the January 1, 1933 edition of the *San Bernardino Sun*, that he was "severely injured" during an automobile

accident on the Cajon Pass Highway near Verdmont. With Assembly-Elect J. P. Phillips as his passenger, Difani was traveling to Sacramento to attend the opening session of the legislature when his vehicle collided with a vehicle operated by Anton Kaufman of San Bernardino. Difani was described as having been ejected from his vehicle and striking his head against the asphalt (Phillips was uninjured). He was transported to San Bernardino Hospital where he received treatment for a concussion and head laceration. Difani was later discharged from the hospital and then he and Phillips traveled to Sacramento by train.

Difani was again injured in another vehicular collision. The *Santa Ana Journal* reported on June 28, 1935, that he had "momentarily dozed" while driving near Pomona and collided with a heavy truck. He was hospitalized but no other details were provided about this incident.

By 1937, the *Desert Sun* reported in its November 19 edition, that Difani had purchased a home in "Desert Acres" in Palm Springs. The article noted that "he has been an attorney of prominence who was active in civic affairs in Riverside." The story further mentioned that he had opened a law office in Palm Springs and that "the Friday of each week will find Mr. Difani present, cordial, alert and willing to serve his clients."

As noted above, Difani also served (two terms) as a California State Senator. He was a Republican who represented the 37th senatorial district. Like most modern-day politicians, Difani was involved in some controversial—and sometimes humorous—press coverage.

On the lighter side of his political career, the *Truckee Republican* reported on February 2, 1933, that "things looked pretty gloomy for young senator Leonard Difani when he tried to get his first bill through senate." He had proposed a resolution that the postmaster general issue a stamp commemorating the anniversary of the planting of the first naval orange tree in California. The measure appeared to be defeated by a unanimous vote but, just before the vote was announced, his colleagues arose, one by one, and changed their respective votes from "nay" to "aye."

As for the more controversial side of his political career, an article published in the *Napa Valley Register* dated February 8, 1933, discussed the current \$1,000 property tax exemption for veterans who had served during war time and who owned a home with a value of less than \$5,000. The article noted that Difani had proposed an amendment that the exemption would only be applicable to veterans who were bonafide residents of California at the time of their enlistment or drafting. His amendment would remove the benefit to veterans who moved to California after the war.

Difani also became involved in a controversial "nuptial problem" while serving as a senator. The *San Bernardino Sun* published an article on October 24, 1934, about potential wedding problems encountered by Ellen Wilson McAdoo

who was the 19-year-old granddaughter of former president Woodrow Wilson. She and Rafael Lopez de Ornate, age 38, who was known on the movie screen as Ralph L. Novarro, had filed a Notice of Intention to marry in the clerk's office of the Riverside County Court. The article noted that Senator Difani had asked the County Clerk to review the documents. Difani had apparently been retained by an "anonymous person" to look into the matter because Novarro was a native of the Philippines. A recent amendment to California's mixed marriage laws precluded marriages between Caucasian blood and persons of Filipino or Malay blood. The anonymous person who retained Difani obviously did not want the marriage to proceed.

In another controversial matter, the *Imperial Valley Press* reported on February 26, 1935, that numerous crime-influenced bills were being submitted by California legislators due to "prison overcrowding and a steady increase in crime." The story noted that a bill submitted by Difani proposed sterilization of mental health inmates or convicts in cases where "offspring would have a tendency to serious physical or mental disease or mental deficiency."

An article in the *Red Bluff Daily News* dated June 15, 1935, discussed an immigration issue that was as controversial then as it is today. Declaring that California was rapidly becoming a haven for indigents from all over the nation, Difani had sponsored a bill which would have authorized the placing of armed guards along all of California's borders to refuse admittance into the state by indigents. Other senators opposed the bill on the grounds that "it was un-Ameri-

can to seek to bar persons from California because they are poor." The proposed bill was eventually defeated by a vote of 22-11.

During his career as a state senator, Difani served on many committees including public health, finance, insurance, judiciary, military affairs, motor vehicles, and road & highways.

Difani ultimately passed away in Riverside on October 26, 1987. His wife Ruth died the previous year on April 15, 1986. They are buried next to each other in the Riverside National Cemetery (Section H, Site 839).

Bruce E. Todd is a current member of the RCBA, a former long-time member of the RCBA Publications Committee, and who is now happily enjoying the life of retirement.



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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.

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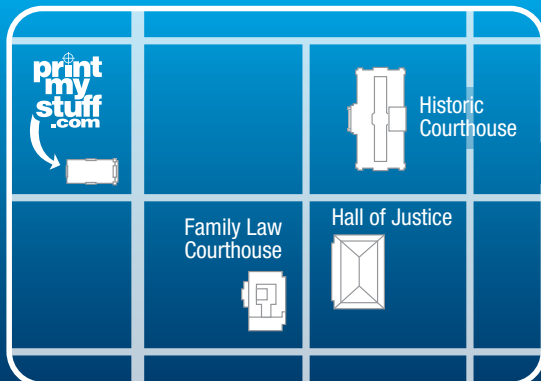
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Conference Rooms Available – RCBA Building

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@riversidecountybar.com.

Riverside Superior Court Public Notice

Proposed Local Rule and Form Changes effective January 1, 2027, pursuant to California Rules of Court, Rule 10.613. Proposed changes to local rules and/or forms: Title 7 – Probate; Local Rule 7010 – Appearing Remotely at Non-Evidentiary Hearings (Amended). To view the proposed changes, please visit the Local Rules page on the court's website, www.riverside.courts.ca.gov. Please direct any comments regarding the proposed changes, and must be submitted by 5:00 p.m. on Friday, October 30, 2026, to the Riverside Superior Court Executive Office, 4050 Main Street, Riverside, CA 92501. Comments may also be emailed to: CourtExecutiveOffice@riverside.courts.ca.gov.



LAWYER REFERRAL SERVICE of the Riverside County Bar Association

Attorneys Needed: If you would like to be a panel member on the LRS, please call (951) 682-1015 for an application packet, or download it from our website, riversidecountybar.com (under Members menu, click on Applications & Documents).

State Bar of California Certification # 0038

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

Gabrielle Alvarez – Bratton & Razo, Riverside

Cody J. Bellmeyer – Bellmeyer Law PC, Temecula

John Michael Boykin – Law Offices of John M. Boyko, Temecula

Thomas E. Burger – Law Offices of Bob Nehoray, Palm Desert

Irma A. Garcia Guerrero – Solo Practitioner, Moreno Valley

Brianna Ruiz – Gordon Rees Scully Mansukhani, Los Angeles

Lonna N. Workman – Walter Clark Legal Group, Rancho Mirage

Yang "Amy" Zhou – Stream Kim Hicks Wrage & Alfaro, Riverside



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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

CALENDAR

OCTOBER

- 7** Red Mass
6:00 pm
St. Francis de Sales
4268 Lime Street, Riverside
- 12** Holiday
RCBA Office Closed
- 13** Juvenile Law Section Meeting
12:15 PM, Zoom
Speakers: Vicenzina Georgousopoulos and Nicole Oswill
Topic: "Foster Youth Bill of Rights"
MCLE
- Landlord/Tenant Section Meeting
6:00 PM – 7:30 PM
Napoli Restaurant, Loma Linda
Speaker: Commissioner Ronald Gilbert,
SB Superior Court, Fontana Division
MCLE
- 16** General Membership Meeting
Noon – RCBA Gabbert Gallery
Speaker: Judge Jackson Lucky (ret.)
Topic: "Civility Is Competence: Debunking the Myth of Zealous Advocacy"
MCLE: Civility
- 19** Civil Litigation Roundtable with Judge Harold Hopp
12:15 PM, Zoom
MCLE
- 20** Family Law Section Meeting
Noon, RCBA Gabbert Gallery
Speaker: Julie Saunders, OurFamilyWizard
Topic: "The Intersection of Hi-Tech Stalking in Domestic Violence and Family Law Cases"
MCLE
- 21** Estate Planning, Probate & Elder Law Section
Noon, Gabbert Gallery
Program TBA

Events Subject To Change

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

MISSION STATEMENT

Established in 1894

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

RCBA Statement

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

Membership Benefits

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

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

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

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

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

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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