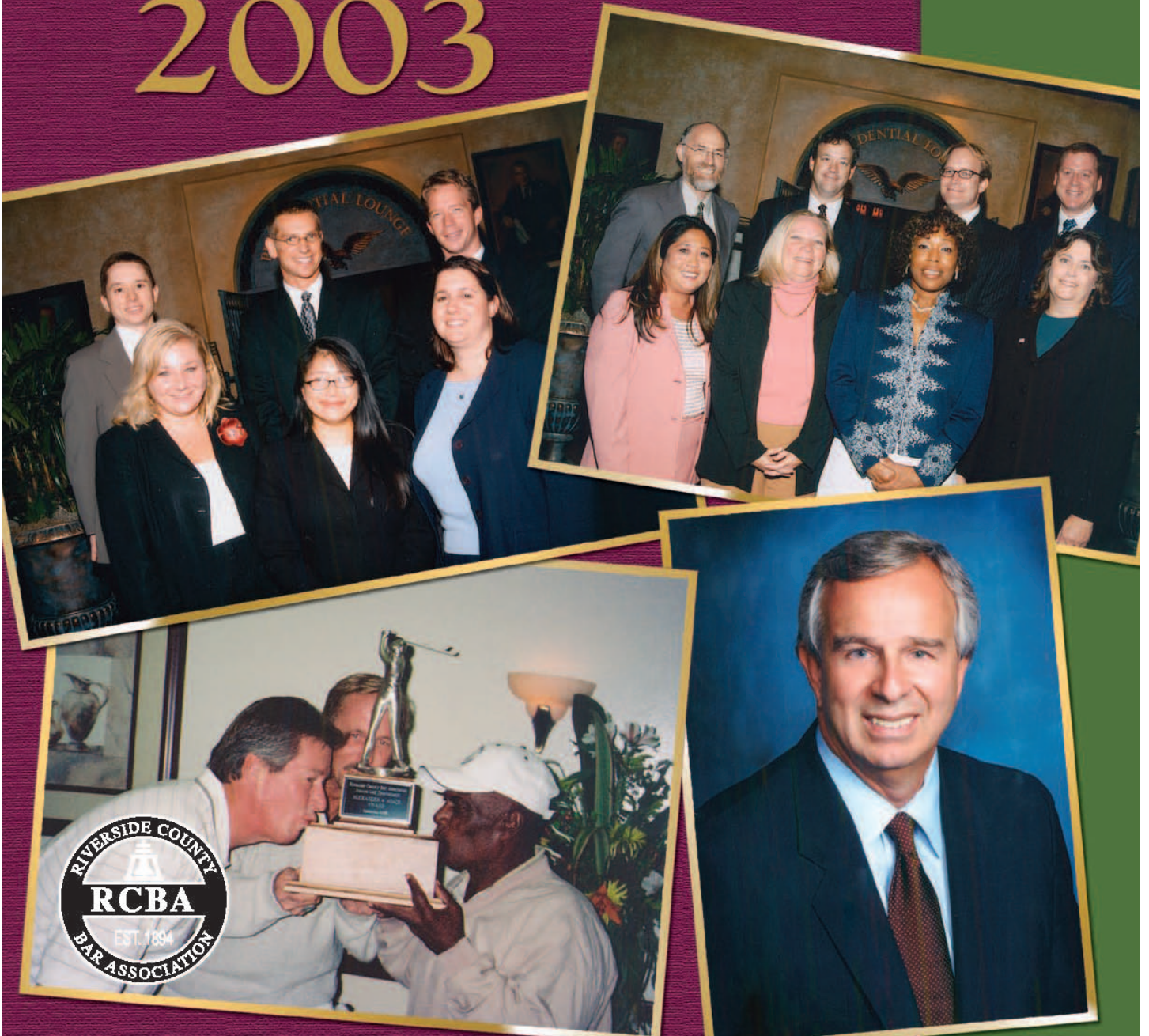


Riverside  
County

# LAWYER

November/December 2003 Volume 53 Number 10

## Year in Review... 2003



The official publication of the Riverside County Bar Association

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Riverside  
County

# LAWYER

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# 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 Mission Statement

The mission of the Riverside County Bar Association is to:

Serve its members, and indirectly their clients, by implementing programs that will enhance the professional capabilities and satisfaction of each of its members.

Serve its community by implementing programs that will provide opportunities for its members to contribute their unique talents to enhance the quality of life in the community.

Serve the legal system by implementing programs that will improve access to legal services and the judicial system, and will promote the fair and efficient administration of justice.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

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

Eleven issues of Riverside County 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, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.



# CALENDAR

## December

- 12 Annual RCBA/SBCBA General Membership Meeting**  
"State of the State Bar"  
State Bar President, Anthony Capozzi  
Riverside Marriott Hotel – Noon  
(MCLE)
- 16 Family Law Section**  
RCBA 3rd Floor – Noon  
(MCLE)
- RCBA Board**  
RCBA – 5:00 p.m.
- 17 EPPTL Section**  
BBK – Noon  
(MCLE)
- 19 LRS Committee**  
RCBA – Noon
- 22 Judicial Liaison Committee**  
RCBA – Noon



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## President's Message

by Mary Ellen Daniels

### A Few Thoughts

I had always thought that being the President of such an organization would be a cake walk. That has not been the case. Many things are happening in Riverside — with the closing of some of our Courts, a fire which devastates homes owned by many of my friend's, watching our citizenry trying to recover from the loss of everything, making sure that I make all my court appearances and keeping my practice going. No, it's not what I expected, but yes, this too shall pass and hopefully I will be able to look back on it and say that it was a task that I completed and completed well.

### Our Loss

Our friends, Robert Holstein and Gloria Rich, passed away this year. Bob was a young man that left a young family. Although Bob tried to calm down the last few years of his life, he was taken away from us early. We have lost several friends this year. These men and women, from what I recall, worked diligently and continuously. They took very little time for themselves. When we think about the loss of a friend, we should not allow their passing to go without this message – “enjoy your life while you have it.”

### Gathering Together To Support Our Fire Victims

Riverside County Bar Association recently joined with San Bernardino County Bar Association to assist the residents and our own colleagues in San Bernardino and San Diego who have been affected by the devastating fires in these communities.

We have not only encouraged all of our members to support the various agencies by collecting financial donations for the fire victims, but many of our members have provided legal services to these victims. On November 8, 2003, a clinic was set up whereby volunteer lawyers assisted in presentations to groups of fire victims which addressed the needs of the victims and also individual consultations between volunteer lawyers and victims.

In speaking with Attorney Tom Jex, he indicated that there was talk that the volunteers may need to get together again in approximately one month to put on a follow-up clinic. Riverside attorneys volunteered their services and have agreed to appear again if the need arises. The Bar thanks all of it's attorneys for their help and assistance. Mr. Jex discussed donating some of the golf tournament proceeds to our victims.

### Welcoming Our Newest Judge

I am very proud to say that I know Judge Craig Riemer and have had the opportunity to work with him for years prior to his serving as President of the RCBA and prior to his becoming a Judge.

I did not form an opinion about Judge Craig Riemer while serving on the Board of Directors with him as a member and serving as the President. I have spent several years on the Board with different members and still feel, in some cases, that I truly do not know that person and really have no desire to know them, but, Craig Riemer was different.

The knowledge that I have of this gentle man, does not come from my relationship with him as a board member but as a result of a conversation that we had, one day, while we sat alone, in a coffee shop. We had met there by chance and we were both having lunch alone. I was amazed to find that his thinking was in line with mine (that is a rarity). After our lunch meeting and after talking to others, I was able to understand the true power of this man's personality, his ideas, and desires for our community. He is a man who is about fairness, equality and true justice. Not just for the elite, the rich, the famous and the strong, but for us all. Judge Riemer is soft spoken, but as I learned, a man of strong principal who feels that Justice really is blind. As a result of being born in Riverside, I have seen Judges come and go. I have seen bad judges and good judges. Riverside is blessed to have Judge Riemer sitting in judgment.

### Riverside Legal Professional Association

Maria Hoff is the new President of the Riverside Legal Professionals Association. I was very proud to be the speaker at their most recent luncheon, which was held at the Spaghetti Factory in Riverside. In listening to the conversation amongst this group of legal professionals, it is evident that they desire to advance the level of professionalism that they bring to the workplace. Their most important job description was that of advancing their attorney's job performance in court and making their offices run effectively and efficiently.

*continued next page*

In speaking with President Hoff, this year she intends to increase the membership of this organization by at least 50%. As most of you are aware, allowing your professionals to become involved in this association means that networking between offices will result from the relationships that are established amongst this group of Legal Professionals.

## Golf Tournament *(photos on page 28)*

The Riverside County Bar Association's First Annual Golf Tournament was a success! Not only did we make money (approximately \$6,000.00) for our continuing events, but all that attended had a great time.

James Heiting's team took home the first place trophy that will remain in the Riverside County Bar Association office until eternity. He will keep the trophy until the winners names can be engraved on it.

It was surprising how much support our organization received. The following sponsors paid \$250.00 to sponsor a hole and at each hole, a sign was displayed with their business names: The Law Offices of Evans & Plott; Holstein, Taylor, Unitt & Law; The Law Offices of Geoffrey H. Hopper & Associates; Varner, Saleson & Brandt, LLP; Reid & Hellyer; Middlebrook, Kaiser & Popka; Thompson & Colegate; Klute & Pinnell; Citizen's Business Bank; IBM Real Estate; Preston and Simons Mortuary; The Law Office of Bell, Orrock and Watase; The Law Office of Bridges and Leahy; FindLaw; Tim Corcoran; Harmon & Harmon; The Law Office of Kinkle, Rodiger & Spriggs; The Office of Haight, Brown & Bonesteel; Peach & Weathers; Unisource; The Law Offices of Harry J. Histen, III; Hartnell, Horspool & Fox; Diane Castleman at Allstate; Lexis-Nexis; Westlaw.

In addition to the \$250.00 sponsors, the following sponsors gave \$1,000.00 towards this event: Hutchings Court Reporters, LLC; Talbot Insurance and Financial Services; Best, Best & Krieger, LLP; IVAMS; Southern California School of Law.

PIP Printing / printmystuff.com donated all the signs and made all the banners. We thank these businesses and look forward to their support in the coming years.

The bar association gives a big thanks to our Golf Tournament Committee and to Roxanne and Stan Orrock. Roxanne Orrock is the owner of a business called "Designs by Roxanne." Mrs. Orrock put our golf tournament together and she and her husband Stan donated money, gifts, time and leadership. Roxanne has agreed to continue to be this year's Events Organizer. Although Stan has not agreed to assist his wife, I am sure that he will continue to support our organization as he has this year.

The Riverside and San Bernardino County Bar Associations are planning a really big social event that will be a "bonding" event to eat, drink and be merry. The bar associations would like to pay the majority of the expenses for this event as a way of showing appreciation to our members. (More information will be forthcoming.)

## Judicial Forum

Judge Doug Miller, Supervising Judge of the Riverside Superior Court's recently announced that he intends to put together a "Judicial Forum" for the Judges and the attorneys. Judge Miller has asked the Riverside County Bar Association to assist in planning an affair where the judges and attorneys will meet and discuss issues as are related to the Jury System, various community programs, the Judicial Liaison committee, the court committees, the State of the Court, the State of the Bar, various budget issues (which include the fee structure and staffing of the Courts), Court Technology, the Court Mediation Program and other issues which face our court system.

*continued next page*

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Mr. Bristow has practiced law since 1993. He is a member of the Board of Directors of the Riverside County Bar Association, a Director of both the Riverside Municipal Museum and the Riverside Public Library Foundation, and is a past President of Riverside Hospice. He is a member of the Leo E. Deegan Inn of Court.

Mr. Bristow's practice emphasizes business litigation, real estate law, intellectual property litigation, and environmental land use.

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## Time For Ourselves

This year, I hope that I can be instrumental in allowing us to get together as members of the Bar; to take a look at our lives; how the majority of us (myself included) have become workaholics; and trying to make money to satisfy our standards of living which, in most cases, are too high and result in working too many hours.

As all of you are aware, recently the RCBA sent out a survey that went to all of our members. As a result of that survey (of the 101 attorneys that responded), over half of the attorneys stated that, "If I were again contemplating law as a profession, I would either consider it cautiously or choose another field." The majority of us do not like what we are doing. We are stressed out with and in our practices. As a result of that stress, the effect spills over into our everyday lives. These results indicated to me, that most attorneys do not take time to give to their families or themselves. We do not relax. We spend an enormous amount of time taking care of others and worrying about client's who, most of the time, do not appreciate our efforts. We do not take care of ourselves. It is sad that

we have spent the majority of our lives taking care of others, for the most part, and have forgotten about being kind to ourselves.

I believe that each one of us needs to concentrate on giving something to our families and to ourselves. This does not need to be in the form of material things, but giving of our time, our attention, our emotions and our thanks to our families and our friends. That is, if we have had time to create friendships outside of the Bar. I cannot help but think that if we took more time off, we would have more happiness in our lives.

## Friendships

This year your Board is trying to sponsor more social activities. We want our members to attend these events and to become more familiar with each other. Friendship breeds settlement. Settlement breeds more free time. We are asking that all of our bar members participate, somehow, in the events we have scheduled (or to be scheduled). These events will allow our members and others to talk together, laugh together, drink together, dance together, sing together and win together. I hope that you will all make an effort to bond with your fellow attorneys.

---

*Mary Ellen Daniels is president of the RCBA and is a sole practitioner in Riverside.*

---



# ORANGE COUNTY BAR ASSOCIATION'S 12<sup>TH</sup> ANNUAL MCLE LAST DASH

For Attorneys whose names begin with 'A' - 'G'.

## SEMINARS

FRIDAY 1 SATURDAY  
11 12 1 2 3 4 5 8 9 10 11 12 1 2 3 4 5

# January 23 & 24, 2004



## REGISTRATION FORM

To register, identify the program you wish to attend, determine the number of credit hours for the program and calculate your fee using the schedule below. Mark the boxes next to each program for which you wish to register, complete the form, and send/fax with payment to the OCBA.

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Firm Name \_\_\_\_\_

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Walk-in registrations accepted only if space is available.

Cancellation must be received in writing by  
January 9, 2004.

Cancellation subject to a \$5.00 per session  
non-refundable administrative fee.

OCBA reserves the right to substitute speakers.

RCL

**HURRY... REGISTER BEFORE JANUARY 9, 2004  
AND TAKE ADVANTAGE OF PRE-REGISTRATION PRICES!**

# Barristers

by Robyn Beilin

**A**nother year of Barristers is upon us! The October meeting, which was held at the Cask 'n Cleaver, was a big success. Speaking on effective writing to the court, Jody Isenberg and Yoginee Braslaw of the Court of Appeal and Bob Schnabel of the Riverside Superior Court, Civil Division, made excellent presentations and had insightful suggestions for all in attendance. For those of you who didn't have the opportunity to join us for our November meeting, Barristers was pleased to have Diane Roth of Roth & Roth speak about civil rights. On behalf of the entire Barristers Board, I'd like to offer a special thanks to Jody, Yoginee, Bob and Diane for taking time out of their busy schedules and coming to our meeting.

If you are not already familiar with this organization, Barristers is a division of the Riverside County Bar Association for members who have been in practice less than seven years and/or who are less than 37 years old. However, any member of the RCBA is welcome to attend our meetings! There is no cost to come to the meetings (unless you decide to get a cocktail or dinner) and no reservations are required.

On the second Wednesday of each month, at the Cask 'n Cleaver on University Avenue here in Riverside, starting at 6:00 p.m., our members meet for a social hour. Following that social hour, we have a guest speaker during dinner, for which attendees receive one hour of Continuing Legal Education credit. These speakers provide a great deal of information on relevant topics that are helpful to young attorneys. Most importantly, Barristers enables new attorneys to network with

other local attorneys and get to know the colleagues with whom they will be practicing.

Barristers is excited to announce that this year it will be hosting an "Old-Timers" cocktail party at 6:00 p.m. on March 10, 2004, at BMW of Riverside, which is co-sponsoring the event. All RCBA members are invited to join us for this special event, at which time newcomers to the Riverside legal community will have the opportunity to meet its more established members. We are also hoping to have a fundraiser at this event for the fire victims in our own legal community. Additional information will be forthcoming, but mark your calendars now!

I would encourage you to come to our upcoming meetings, which are outlined below. If you have any questions regarding Barristers or if you would like to participate, including by being a speaker, please feel free to contact me. I look forward to seeing you at the next meeting.

## BARRISTERS' SCHEDULE

January 7, 2004 *"Ethics"*  
Speaker to be announced

February 11, 2004 *"Mediation"*  
Speaker: Honorable John Kennedy, Retired

March 10, 2004 OLD-TIMERS MEETING  
Speaker to be announced

April 14, 2004 *"Carving Your Niche"*  
Speaker: Randy Stamen, Esq.  
Law Offices of Randall Stamen

May 12, 2004 *"Elder Abuse"*  
Speaker: Harlan B. Kistler, Esq.  
Law Offices of Harlan B. Kistler

June 9, 2004 *"Taking an Effective Deposition"*  
Speaker to be announced

*Robyn Beilin is with the Law Offices of Harlan B. Kistler and Secretary of Barristers.*



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## IN MEMORIAM: GLORIA TEMPLE RICH

by Larry Maloney

I first met Gloria Temple Rich while sitting on a bench behind old Department 9. We were debating the merits of one visitation arrangement over another. She impressed me as someone who was willing to look for solutions for kids rather than just blindly following the usual formulas. Her career was characterized by a never-ending search for unique solutions. She focused on the best interest of children long before those were the legal words of choice.

Some in the legal community may have known Gloria longer and others may have known her more intimately, but I knew Gloria Temple Rich as more than the sum of the roles she played – friend, supervisor, teacher, chef de cuisine, confidant, craftsman, client, colleague, landlord and lawyer.

Gloria graduated from WaZoo (Western State University, Fullerton) in June 1975. She began practicing law in Fullerton. At that time, she was also managing a large dental practice at night. For law was not Gloria's only career. She had been a housewife; she had raised six children (four step-children and two biological children); she had been an elementary school teacher.

Gloria came to Riverside in 1978. She set up an office and began building a legal practice and reputation. She allied herself early on with the notoriously self-advertising firm of Jacoby & Meyers. Their notoriety combined with her position as a female attorney in the men's world of family law made for a rocky start. But Gloria thrived on challenges. She worked harder – and she succeeded.

I joined Jacoby & Meyers and Gloria's office in 1981 as a staff attorney. Although we worked under the banner of J&M and they set policy, Gloria set the tone. The office had a unique mélange of personalities, with Gloria as the chief. No matter how much or how hard we worked (J&M wanted us to see three clients an hour, every day), it was a palpable pleasure to work there.

Toward the end of 1981 (it seems like yesterday), Gloria decided to leave J&M. As she was also their landlord, this meant, of course, that they had to get out. They did not take the news well. In the midst of all the confusion, I decided to stay in Gloria's office. I remained there for the next sixteen years. I had the privilege and pleasure of getting to know Gloria better. I observed her determination first hand. When she set her mind on a goal, she followed through and completed the task. I saw her meticulous attention to detail and her heartfelt dedication to her clients.

Gloria approached her clients with a mixture of unstoppable determination and a belief that each client could succeed. This resonated with many of her female clients. They came to believe that they, too, could succeed. She didn't show them mushy sympathy or politically correct compassion. Instead, she pushed her clients, with the determination that they, too, could overcome problems. Her office was a "no whining zone." She never accepted the "I can't do it" excuse. She was frequently heard telling a whining client, "If I can, you can!"

Gloria did not take many things quietly. When she had a problem or had some obstacle confronting her, we would hear her exclaim "Oh, my God...!", as she came through the office door.

Gloria was a zealous advocate for her clients, but she also had respect for the other side, and especially for the children. When a client once complained that she didn't seem to be "on my side," she responded, "I'm on the side of the children!" She was an early supporter of mediated settlements, especially where children were involved. Gloria's approach meshed well with that of Judge Robert Garst and our first mediator, Bill Brockley. Gloria even tried to set up a mediation service in the late 1980's. She was much more than a good lawyer. She worked hard, she prepared hard and she presented her cases with respect and gusto. The verbal exhibitions between Michael Clepper and Gloria Rich were renowned.

Gloria was also concerned about those around her. For many years, she provided the coffee for the tiny attorneys' room at the Brockton Family Law Court. I think she was concerned that, without a morning dose of caffeine, her fellow attorneys might be more less-than-civil with each other.

But Gloria was not all work. She became widely known for her parties – especially the annual Christmas party. Gloria would cook,

bake and plan for more than a month. One year, she even arranged to have the yard outside the office covered with snow – real snow! From sundown to midnight or later there were wall-to-wall people, including judges and bar presidents, family law attorneys and clerks, court reporters, bailiffs and deputy district attorneys. Everyone in family law was there. Her parties were parties the likes of which we will never see again. Her candies, her meatballs, her cookies, a warm Brie for Clepper, special drinks for all and goodwill made her Annual Christmas Party the event of the season.

Of course, one cannot forget her cookies. Many asked for the recipe but few, if any, ever learned the secret ingredient. I can't say for certain, but I've come to believe that the secret ingredient was Gloria.

Gloria was especially proud of her family – her daughter, Gayle, her son, Gary, and her grandchildren. And she had a very special place in her heart for her daughter-in-law, Claire. She said, "I couldn't have picked a better wife for my son!"

Many talk of retirement. Gloria actually began it in 1998. She finally finished her last case in 2000. She always tried to finish what she started. Free from the limitations of the office, she stepped up her travel schedule. She frequently traveled with her daughter, Gayle. She went to China, Africa, Europe (several times), Australia, the South Pacific, South America, the Panama Canal and the Middle East. Of all these, she most loved Rome. She felt as if, in an earlier life, she must have lived in "Roma."

I knew Gloria Temple Rich for over twenty years. I have known her in many capacities. Most of all, I remember her as one of the most unique personalities I have ever known. She was a friend, but she was much more. One would not use words like "warm" or "cuddly" to describe Gloria, but if help (of any kind), or advice, or an honest opinion was what you needed, Gloria was always there. You could count on her straightforward honesty. You knew she really cared.



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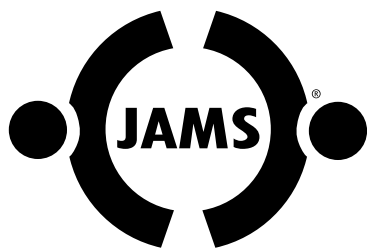
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# IN MEMORIAM: GLORIA TEMPLE RICH



by Michael H. Clepper

**T**he Riverside Bar has lost one of its good old family law attorneys. Gloria Temple Rich came to Riverside in 1975. She had already had a career as a dentist. Apparently she got tired of looking into people's mouths, quit her practice, and went to law school. She graduated from Western State and immediately moved to Riverside.

Now it becomes interesting. She bought a home on Arlington Avenue and converted it into a business office. She rented it to Jacoby & Meyers and at the same time she also became an associate attorney for the law firm. It was an odd arrangement – she was a landlord and an employee. During this period of time, Jacoby & Meyers was running a commercial claiming: "It is about time." They implied that at long last there was a law firm that was going to provide good services at a reasonable price. That commercial irked me. And so when I had my first case with Gloria, I decided that I wasn't going to be my usual sweet, loveable self, and instead made her run the full gamut with no stipulations. She did not flinch and gave as well as she took. Later, she was appointed as the child's attorney in one of my cases. She did an excellent job in the examination of both parents. I am confident that the court made its decision concerning custody based on her examination.

I think when Gloria started in law, she wanted to specialize in dental malpractice cases, but she did such a good job in family law that she soon found herself with almost all of her cases in that area. She represented her clients well without taking ridiculous positions. She did everything first class, except write letters. I have got to review some of my old files and preserve those letters. There were no complete sentences; paragraphs would go on forever; after-

thoughts would be written in the margins. A letter from Gloria would look like a Rube Goldberg diagram.

Gloria enjoyed cooking and would bring big trays of cookies to the attorneys' room for special holidays. Naturally, I wasn't going to give her praise, but instead told her that I was taking a dozen of them back to my office for paperweights. She also hosted an annual Christmas party and everyone looked forward to it. The food was all homemade and the booze was plentiful. It was always a joyful occasion.

In the early 1980's, six or seven of us would attend an annual seminar in Los Angeles. It was held on Saturday and we decided to make a nice day of it, so everybody would meet at my home for light breakfast and then go out after the seminar for a good dinner in the big city. One year, everyone was ready to leave my home and I was still brushing my teeth. Gloria came back to look for me and, as a former dentist, she criticized how I brushed my teeth. For years later, when Gloria and I would have a case together and she would tell the judge that I did not know what I was talking about, I would merely explain that Gloria always criticized everything I did. "Your Honor, you won't believe it, but she doesn't even like the way I brush my teeth in the morning." I would leave it at that and would not give her a chance to explain.

Gloria saved her money and, after just 25 years as an attorney, she was able to retire. She loved her family and enjoyed vacationing with them. Gloria and her daughter Gayle would take cruises together. Gloria just liked curling up in corner and reading a good book. She was content knowing that her family was with her.

Gloria Temple Rich had a good reputation in the community. She was loved by many. She will be missed. As for me, I don't know what I will do for paperweights.



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# ANTHONY CAPOZZI, STATE BAR PRESIDENT

by David Bristow

**N**ewly elected State Bar President, Anthony Capozzi addressed a joint general membership meeting of the Riverside and San Bernardino County Bar Associations on Friday,

December 12, 2003, at the Riverside Marriott.

A private practitioner from Fresno, Capozzi discussed the current state of the State Bar, including his goals as President, the challenges which the Bar and the profession currently face, and what the future holds.

“He started out being a critic of the State Bar, and he has become a real supporter,” said RCBA member Jim Heiting, the local representative on the State Bar Board of Governors. “He’s very dedicated, and a real great guy.”

The 58 year old father of two was sworn in as the Bar’s 79th President in September, taking over for Santa Barbara attorney James Herman. Among Capozzi’s goals for the coming year are improving the Bar’s relationship with the legislature, encouraging attorneys to engage in more pro bono work to increase access to justice, and stabilize court finding.

Capozzi, a native of New York, obtained his undergraduate degree in philosophy from State University of New York at Buffalo, and his law degree from the University of Toledo. After clerking for a federal judge in Springfield, Illinois, he was hired by the U.S. Attorney’s Office in Fresno. Following six years as a federal prosecutor, he went into private practice and now specializes in white collar criminal defense, as well as civil litigation.

Prior to his election as State Bar President, Capozzi served as the President of the Fresno County Bar Association (while serving simultaneously as the President of the San Joaquin Federal Bar Association) as well as the California Water Quality Control Board. Since being installed, he has traveled throughout the state meeting with his constituents.

“Right now he’s dancing around the state like spit on a griddle,” said Heiting, referring to Capozzi’s hectic schedule. “Remember, he’s a sole practitioner. So when I say he’s dedicated, he’s dedicated.”

*David Bristow, CFO of the RCBA is with the law firm of Ried & Hellyer.*



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# THE CALIFORNIA WILDFIRES: A TRAGEDY THAT BROUGHT COMMUNITIES TOGETHER

by Thomas D. Jex

**T**hose of us who live in Southern California know that the wildfires come every year. We just don't know exactly when. This year in California, late October and early November brought blistering heat and fire-generating winds. Along with the heat and the winds came the fires, which have led to so much devastation and sorrow for many. However, as with many tragic events our country has experienced recently, we are able to see the inherent goodness in people as communities pull together to help each other manage and rebuild their lives.

## The Wildfires

As we are all aware, the recent wildfires caused enormous destruction throughout Southern California, mainly affecting three areas, the Inland Empire, Ventura/Los Angeles County and San Diego County. The fires in San Diego County burned more than 391,000 acres and the fires in Ventura and Los Angeles Counties burned approximately 180,000 acres. Closer to home, the Grand Prix and the Old Fires directly affected those of us here in Riverside and San Bernardino Counties. The Grand Prix Fire started on Hunter's Ridge above Fontana and burned north to Lytle Creek and Devore as well as west above Fontana, Rancho Cucamonga, and Claremont. This fire eventually joined the Old Fire, which started north of San Bernardino and burned northeast to Rim of the World and Lake Arrowhead and north to Hesperia.

Tens of thousands of people were displaced by these fires, which destroyed 3,577 homes and burned more than 745,000 acres – approximately 1,156 square miles. As a comparison, Rhode Island is approximately 1,045 square miles. At the peak of the fires, the number of evacuees was up to 95,000. More than 12,700 firefighters were brought in to fight these fires and authorities estimate the cost of the wildfires, which burned from the Mexican border to northeast of Los Angeles, to be \$2 billion.

In spite of this devastation, communities and government organizations pulled together to provide needed relief to those affected by the fires. Locally, in cooperation with federal, state and city agencies, the

County of San Bernardino established the Fire Emergency Local Assistance Center at the San Bernardino International Airport. This center provides an array of government services in a central location to the victims of the wildfires. Its purpose is to provide a one-stop help center where fire victims have access to agencies and organizations to help them begin the process of putting their lives back together.

## Legal Aid Clinic to Help Fire Victims

Statistics, however, can tell only part of a story; especially when dealing with a natural disaster, only the people directly affected can tell the real story. In an effort to reach out and provide individual help to those directly affected by the wildfires here in our own backyard, the Legal Aid Society of San Bernardino, Inland Counties Legal Services, and the San Bernardino County Bar Association sponsored a free legal clinic for fire victims on Saturday November 8, 2003, at the Feldhyme Library in San Bernardino. Attorneys from both the San Bernardino and Riverside County Bar Associations, as well as lawyers from Los Angeles offices of Akin Gump Strauss Hauer & Feld and Foley & Lardner participated in this event.

The Feldhyme Library has a large auditorium which provided a nice setting for the morning portion of the legal clinic, including presentations from various agencies, and general information from attorneys on such topics as insurance claims, fraud, public benefits, housing, and taxes. Fire victims were able to sit in on the general presentations and also to meet with volunteer attorneys for individual counseling and advice both during and after the group presentations. In addition to receiving advice on specific legal questions, fire victims could also meet with representatives from the Federal Emergency Management Agency and the California Office of Emergency Services who were present to answer questions and assist victims.

The issues facing the fire victims who attended the legal clinic ranged from repairing soot and smoke damage to obtaining new addresses in order to receive mail (such as assistance checks) again because their homes and mailboxes had been destroyed. Most fire victims needed assistance in locating additional copies of important documents, such as insurance policies, which had been destroyed in the fires. Others had general legal questions on insurance issues in connection with rebuilding their homes and similar issues relating to personal property destroyed in rental homes. Overall, the legal clinic was very successful, as volunteer lawyers in cooperation with

*continued on page 16*

# VOLUNTEERISM TOUCHES EVERYONE IN THE COMMUNITY

The following are some of the programs you can get involved in to support your community.

## ALLIANCE DEFENSE FUND

*by Andrew Sheffield*

Have you ever thought the American Civil Liberties Union (ACLU) and other similarly situated organizations have gone too far? Their masterful usage of the U.S. legal system and the sympathy of politically motivated judges has led to a constant assault on the foundations upon which this country was built under the guise of defending "civil liberties." This assault has led to the degradation of family values, religious freedom, and the sanctity of human life.

There is a check to this assault. The Alliance Defense Fund (ADF) is a Christian based legal organization created to confront the assault the ACLU has waged on the United States. The alliance Defense Fund was founded in 1994 to combat the dramatic loss of religious freedom and the ability of people of faith to live and share the Gospel.

Beginning as a grass roots organization, seeking donations to engage in litigation, the ADF has grown into a force to be reckoned with. In addition to funding cases, the ADF is now training attorneys to continue the fight against the ACLU and working with other like minded groups to create a

cohesive and coordinated strategy for defending our religious freedoms in America and to restore religious freedom as it was originally envisioned by the framers of the Constitution.

The ADF is a non-profit organization. If you would like to contribute or have a case that may require their assistance, they may be contacted as follows:

Alliance Defense Fund, 15333 North Pima Road, Suite 165, Scottsdale, AZ 85260; [www.alliancedefensefund.org](http://www.alliancedefensefund.org); phone 1-800-TELL-ADF.

## BOY SCOUTS OF AMERICA

*by Joshua Divine*

I have been affiliated with the Boy Scouts of America since I was 8 years old, when I began as a cub scout. My parents made me stick with it, probably to keep me out of trouble, even bribing me with golf clubs so I would earn my eagle scout award. For the past 4 years I have been involved with boy scouts as an assistant scout master, or just being available to camp with the scouts.

Boy Scouts is a wonderful organization that teaches young boys the tools that they will need to succeed in life: responsibility and preparedness. We teach the boys to take responsibility for their actions, including their mistakes, and to always be prepared - looking out for the future. I am pleased to be associated with this organization.

For information about Boy Scouts of America and to find local councils for your area, visit the website [www.scouting.org](http://www.scouting.org).

## COURT APPOINTED SPECIAL ADVOCATE (CASA)

*by Rick Lantz*

Each year, thousands of children in Riverside County are thrust into court through no fault of their own. Some are victims of violence, psychological torment or sexual abuse. Others have been neglected or even abandoned by their own parents. Most of them are frightened and confused.

Enter the CASA concept, based on the commitment that every child has the right to a safe, permanent home. Court-Appointed Special Advocate volunteers go through a rigorous training program which leads to being appointed an officer of the court and thereafter assigned to a child, with three main responsibilities: To serve as a fact-finder for the judge by thoroughly researching the child's background; to speak for the child in the courtroom; and to continue to act as the child's advocate and mentor during the life of the case.

CASA volunteers offer children trust and hope during very trying times by being consistent mentors, role models, support system people and advocates. If you, too, wish to help in this most worthy cause, please call Barbara Hofman at 909-358-4305.

## OPERATION CHRISTMAS CHILD

*by Michael L. Bazzo*

Operation Christmas Child is a project of international Christian relief organization Samaritan's Purse. Samaritan's Purse is currently working in more than 120 countries, including many countries in Sub-Saharan Africa devastated by HIV/AIDS. Since 1993, Operation Christmas Child has hand-delivered more than 24 million shoe box gifts, valued at more than \$480 mil-

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lion, to needy children. The 24 million shoe boxes collected since 1993, if stacked one atop the other, would rise more than 250 times higher than Mount Everest! Some 6 million suffering children in more than 100 countries on six continents will receive personal, gift-filled shoe boxes through this kids-helping-kids project. For many of these children, the gift will be the first present they have ever received.

Families, schools, churches, scout troops, civic clubs, and other organizations around the world will fill some 6 million shoe boxes with personal gifts, school supplies, candy, necessity items, family photos, and notes of encouragement this year. In all, more than 75,000 volunteers worldwide and 56,000 volunteers in the United States will drop off shoe box gifts at one of more than 1,200 drop sites located in all 50 states.

Once the boxes are transported to some 100 countries around the world, Samaritan's Purse representatives and national partners will travel by truck, bus, train, helicopter, boat, foot, dog sled, and even mule to hand-deliver the gifts, along with a colorful children's book of the Christmas story. For drop-off locations or information regarding what to put in your box call 1-800-353-5949 or visit [www.samaritanpurse.org](http://www.samaritanpurse.org).

My wife and I and our kids have enjoyed participating in this heart-warming charity. Our kids delight in choosing just the right items to put in the shoe boxes, including some of their own toys that they think a child might enjoy. We make an event out of going to the store to gather the necessary items. I can't think of a better way to teach your children the gift of giving than participating in operation Christmas child.

How to pack your shoe box gift:

- 1.) Find an empty shoe box. You can wrap it, lid separately, if you like, but wrapping is not required.

- 2.) Fill the box with a variety of non-breakable, non-perishable gifts like toys, school supplies, hygiene items, and hard candy for a boy or girl.
- 3.) Include a hand written note of encouragement and a photo. (Optional)
- 4.) Send your shoe box to: Samaritan's Purse, 801 Bamboo Road, Boone, NC 28607

## RCBA ELVES PROGRAM

by **Brian C. Percy** (*see photos on page 21*)

Want to give back to a needy member of the community by doing more than just writing a check? Then participate in a highly rewarding program that does good — and is fun. Are you interested in helping your bar association in overcoming the common perception that the legal profession are takers, not givers. Come join your fellow members and become Elves for the holiday season.

What is Riverside County Bar Association's Elves Program? The Elves Program is your opportunity to become one of Santa's Elves and directly adopt and support a local family that would otherwise be unable to provide gifts for their children during the holiday season. We specifically sought to assist those families that had fallen through the cracks, those who missed the existing social safety nets provided by local churches, social organizations or governmental programs. The families assisted by The Elves Program consisted of grandparents who had a difficult time providing anything more than the bare essentials to their grandchildren. The Elves Program's goal was to provide each family a holiday season they could only dream about.

Last year we were able to assist six families living in some of the poorest areas of Riverside County, which included 17 children (from ages one to 13 years old) and seven adults. This was truly a county oriented program with the families from Good Hope, Moreno Valley, Perris, San Jacinto and Riverside.

Last year 29 Elves were generous with their time, energy and pocket books. This enabled us to raise nearly \$1,800.00 and made Christmas for six families a time of joy and thanksgiving. I would like to once again thank the following individuals for their par-

*continued on page 17*



## CA Wildfires *(continued from pg. 13)*

government agencies were able to provide information and a bit of solace to those who now face the monumental task of not only rebuilding their homes, but rebuilding their lives.

Two things stood out from the legal clinic: First, the number of people who volunteered to assist the fire victims. There were approximately 25-30 attorney volunteers and about that many additional volunteers from government agencies. Everyone there expressed a desire to help out in any way possible, perhaps heeding the call in President Bush's State of the

Union address for more volunteer service and for all Americans to be active citizens, not spectators. Second, the outpouring of help provided over the last few weeks at various assistance centers, such as this clinic. Those in need of assistance were amazed. One family, whose home was destroyed in the fire, commented that something good will come out of this tragedy and they were already beginning to see it with all the help that they have received.

At the end of the day, one of the volunteers pointed out the diverse nature of those in attendance at the clinic. The individuals there were from different ethnic, social and economic backgrounds, yet the community came together to help each other and in so doing confirmed that something surprisingly good could come from this sad event.

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*Thomas D. Jex is an associate with Akin Gump Strauss Hauer & Feld and a member of the RCBA.*

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## **Volunteerism In The Community** (continued from pg. 15)

ticipation as shopping, wrapping and delivery elves: Jeff Smith, Mary Ellen Daniels, Reggie Sampaga, Dan Buchanan, Michelle Volk, Aurora Hughes, Julianna Strong, Dan Hantman, Noelle Natoli, Jay Orr, Michelle Winston, Charles Boylston and David Bristow.

Next, I would like to thank the following Money Elves for opening up their hearts and their pocketbooks: Judge Becky Dugan, Judge Dallas Holmes, James Heiting, Kennis Clark, Michelle Ouellette, Elaine Schrader, Kirk Lauby, David Bristow, Diane Huntley, Aurora Hughes, Robert and Adriana Burkhart.

Finally, I would like to thank the following individuals who spent the time making this happen so quickly: Marcia Gilman, Bob Brunson, Charlotte Butt and Rosetta Runnels.

If you would like to be a Money Elf, please send your contributions to the RCBA office as soon as possible. This year we hope to double the donations so we can perhaps double or even triple the number of adopted families. Therefore, please help us make this holiday season brighter for many more families.

## **RIVERSIDE COUNTY DEPARTMENT OF MENTAL HEALTH — CHILDREN'S SERVICES**

*by Yoginee Patel Braslaw*

Riverside County Department of Mental Health Children's Services provides mental health treatment to young people up to age 18 who have emotional and/or behavioral problems. These youths receive individual, group, and family mental health treatment, among other services, throughout Riverside County.

Parent Support provides nontraditional support to identified families and youths who have particular needs and who are participating in mental health treatment. One of the responsibilities of Children's Services is to seek out individuals and organizations to donate targeted services, goods, or money for the disadvantaged youth they serve.

For the holiday season, there are three specific programs through which individuals and/or organizations can help: (1) Thanksgiving Food Basket; (2) Snowman Banner; and (3) Adopt-a-Family.

For the past five years, I have been involved in the Thanksgiving Food Basket and Adopt-a-Family programs. I truly enjoy working with Children's Services and knowing the joy I may bring to others without yearning for anything in return. The first year my husband and I deliv-

ered a Thanksgiving Food Basket to Children's Services was the most memorable, because, following Thanksgiving, we received a heartfelt letter that brought tears to our eyes from one of the children in the family that received our Thanksgiving Basket. That letter certainly changed my outlook on volunteering and the hard-to-describe joy and satisfaction one receives from helping others; that child's words will forever be etched in my memory. Last year, I had the support of my wonderful, kind and generous colleagues at the Court of Appeal in adopting a family. The Adopt-a-Family project was such a success at the Court that I had coworkers informing me that we should have adopted two or three families. Following Christmas, the Court also received a kind and touching letter from the children of that family.

If you would like further information about how members or employees of your organization, agency, business or club might join together in making a Thanksgiving food basket for next year, please contact Ms. Luz Negrón of Children's Services at 909-358-6858. Children's Services has a sign-up flyer that describes what kinds of food might go into a basket to feed a large family.

You can also display one of Children's Services Snowman Banner wall hangings at your business, club or organization in November/December of each year. The fabric wall hangings are covered in paper snowflakes and each snowflake contains the holiday wish of a single child receiving services in the Parent Support program. Individuals may then pick a snowflake from the wall hanging and purchase the requested gift, valued at \$10 to \$25. You can contact Ms. Nancy Olsen-Saouli for information.

If you would like further information regarding the Adopt-a-Family program, please contact Ms. Erlys Daily, Mental Health Service Supervisor, Children's Services, at 909-358-6858. Last year, Children's Services adopted 97 families, who otherwise would not have had the means of obtaining food and presents for their children during Christmastime. Unfortunately, however, due to budget cuts, this year Children's Services can service only about 30 families. Hence, this program gravely needs volunteers to

*continued on next page*

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help in sorting presents, organizing lists, wrapping presents, etc. If you would like to volunteer your time to help Children's Services with this project, please contact Ms. Daily.

## **VOLUNTEERS IN PAROLE, INC.**

*by Judy Davis, VIP Program Director*

Volunteers In Parole, Inc. (VIP) is a community service program that recruits attorneys, and only attorneys, to mentor parolees from the California Department of Corrections. In 1969, U.S. Chief Justice Warren E. Berger challenged lawyers to help develop the American Correctional System into "something other than a revolving door process." VIP was established as a nonprofit organization in 1972. The program is endorsed and supported by civic leaders, local county bar associations, and the California Department of Corrections Parole and Community Services Division. VIP, which operates in various major counties, has been working in Riverside County since April 4, 2000.

VIP is a simple program based on the premise of people helping people through the power of personal influence. Volunteer attorney mentors help volunteer parolees to get past the tough re-entry problems they face upon release from prison. A mentor invests about four hours per month developing a friendship with their mentee through mutual activities. The individual attention from the attorney mentor usually has a positive impact on the parolee finding employment, achieving educational goals, and effectively coping with personal and family problems. More frequently, the rewards are intangible and are experienced by both individuals in the match.

Local attorney mentors Jody Isenberg and Pat Harvill have said that their involvement as mentors has been valuable to them in a number of ways. Pat said, "You'll gain from them as much as they'll gain from you." Jody's experience as a mentor has also taught her that when you think you're doing, as much as, you can there's always time and more to do. VIP mentee Michel Pierre said that his match has been important to him because of the time, encouragement, and direction his mentor has given him. Another VIP mentee, Marta Patterson, shared that her relationship with her mentor has grown into a warm and strong friendship that they both cherish. Darryl Exum's mentee Rasheed Bismillah said, "VIP has shown me a different type of friendship I need."

Appreciation and recognition goes out to the following attorneys who are mentors currently in the Riverside County VIP program: Yoginee Braslaw, David Bristow, Sean Carter, Kennis Clark, Doug Edgar, Mary Flores, Carol Greene, Pat Harvill, Mike Hestrin, Abby Hyman, Jody Isenberg, Albert Johnson, Heather Moorhead, Nancy Mohr, David Philips, Richard Reed, Richard Swanson, Reginald Taylor, Jeff Van Wagenen, John Vineyard, and Forest Wright

Appreciation and recognition also goes out to the following individuals who are a part of the local VIP advisory committee: Chair John Vineyard, Magistrate Judge Stephen Larson, Mike Hestrin, David Philips, Judge Craig Riemer, Darryl Exum, Jeff Van Wagenen, Jim Husen, Vicki Broach, Paul Abril, Joe Mendoza, Jeff McCool, Doug Johnson, and Liz Benner-Wick.

To learn more about this program, please call (909) 782-4814.

## **VOLUNTEER CENTER OF RIVERSIDE COUNTY**

*by Jacqueline Carey-Wilson*

Since 1966, the Volunteer Center of Riverside County has operated as a private nonprofit agency offering a variety of free services to Riverside County residents. The Volunteer Center is a crucial link between people in need and resources in the community that would assist them. The Volunteer Center addresses issues such as homelessness, people in crisis, and senior needs by offering such programs as:

**HELPLINE Crisis/Suicide Hotline:** Twenty-four hours a day people in crisis can call **909-686-HELP (4357)** and be connected with a trained counselor who will listen and provide support. Last year, HELPLINE counselors assisted 9,944 people.

**INFORM Riverside County:** When individuals need information about obtaining some resource from the community, such as food, housing, clothes, or rental, mortgage, or utility assistance, they can call 800-464-1123. The staff will respond with appropriate referrals and will instruct callers on how to request help, what to expect, and what documents they should have ready before making the call. Last year, INFORM Riverside assisted 12,959 people with referrals.

**Senior Ombudsman Program:** Volunteers with the Center are trained and certified as Ombudsmen to make regular facility visits to nursing homes and residential care facilities. The Ombudsman investigates complaints of poor care and elder abuse. The Ombudsman acts as an advocate to protect the senior's rights and ensure that the highest quality of care is received. Last year, Ombudsmen served 45,037 seniors. In September of each year, in honor of Grandparents' Day, the Volunteer Center's Ombudsman Program distributes bouquets of flowers to seniors in nursing homes for a donation of \$10 to the Volunteer Center. Last year, 165 seniors received flowers and a visit from an Ombudsman.

**Transportation Access Program (TAP):** Nonprofit and government agencies in Western Riverside County can register with TAP to receive bus tickets for their clients. Service providers distribute the tickets to their qualifying clients for doctor appointments, job interviews, and other urgent or emergency needs. Last year, TAP distributed 7,080 tickets through this program.

**Post-Assistance Self-Sufficiency Program (PASS):** The PASS program assists former welfare-to-work clients in career planning to increase their earning potential. Last year, PASS assisted 429 individuals.

**Shared Housing:** To provide an affordable housing alternative, individuals who cannot afford a home on their own are referred to individuals who need help staying at their present home. Last year, Shared Housing assisted 60 individuals with their housing needs.

**Alternative Sentencing Programs:**

— **Community Service:** Individuals are referred to the Center by the Riverside Superior Court to perform community service in lieu of fines. These individuals have an opportunity to make restitution to the courts and learn new skills for prospective employment. Last year, individuals performed 38,955 hours of volunteer service to the community.

— **Monitoring:** The Volunteer Center provides referrals to people whom the court orders to complete classes in domestic violence, anger management, parenting, and ignition interlock systems. The Center then monitors each individual's compliance with the program. Last year, 2,912 individuals were monitored through this program.

— **Teen Mentoring Program Option (TEMPO):** TEMPO educates first-time juvenile offenders on the effects of alcohol and drugs. TEMPO's goal is to reduce recidivism through early intervention. Last year, 326 teens were educated through TEMPO.

**Volunteer Connection:** The Volunteer Connection matches the interests of volunteers with community agencies and consults with the agencies to provide training and advocacy for volunteerism. Last year, volunteers contributed 11,232 hours of community service through the Center. Agencies in the county are invited to honor their most valuable volunteers at the Volunteer of the Year Reception sponsored by the Volunteer Center. Last year, 59 volunteers were recognized for their outstanding contributions to their organizations.

**Thanksgiving/Christmas Basket Program:** The Volunteer Center keeps a list of all the nonprofit agencies in Riverside County that distribute baskets at Thanksgiving and Christmas. This list also includes

the programs that offer Thanksgiving and Christmas dinners. If you know someone in need during the holidays or would like to donate to this program, please contact the Volunteer Center at 909-686-4402.

I have been active with the Volunteer Center since November 1999. I began by serving hot lunches to the homeless when the Volunteer Center operated REACH; I am currently Vice-President of the Board of Directors. I have seen the impact of the Volunteer Center first-hand and know the commitment of its dedicated staff. If you would like to volunteer your time or know someone who needs assistance from one of the programs offered by the Volunteer Center, please call 909-686-4402.

**YWCA**

*by Robyn Beilin*

Since its inception in 1858, the YWCA of the U.S.A. has worked for the empowerment of women and girls, addressed pressing social issues and built coalitions across the lines of class, age, race and ethnicity. The YWCA's successes are built by thousands of individuals who donate their time, resources and imagination to create programs, initiatives and an organization tirelessly devoted to women and girls. There are countless ways to become involved with the YWCA - as a member, volunteer, donor or staff member. The YWCA of Riverside, which is united under the nationwide umbrella of the YWCA, is a critical resource for women in our community. It provides shelter services for women and their families, is a leader in violence prevention, and is a source for breast cancer referrals, screenings, and education services. The YWCA also provides sports and physical fitness programs for women and girls as well as outstanding child care services, including after-school programs. Every year, the YWCA also hosts an annual "Men Who Cook" dinner, a charity event that benefits various programs at the YWCA.

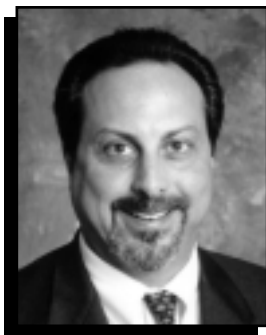
The strength of the YWCA rests in the spirit and energy of its dedicated volunteers who contribute both time and talent to the 324 YWCA's throughout the country. YWCA volunteers engage in all types of activities, including mentoring, membership on the board of directors, fundraising and program assistance. If you are interested in finding out more about the volunteer opportunities that exist at the YWCA of Riverside or if you would like to become a YWCA member, please call (909) 687-9922.



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by Michael J. Cappelli

## Hints For The Holidays

From this point on, we're in a death race to get as much done as possible while, theoretically, celebrating several of our most important holidays. It's like playing chicken with cars – the only difference being that the cars have turned to shopping carts and instead of facing down the onslaught of one demented driver, we're dodging lunatics from every direction.

In both the literal and figurative sense, I more closely resemble the turtle than the hare. Feats of "Olympian" stature are not in my cards unless they have something to do with a pie-eating contest. No, the "mall-athons" and shopping "til I drop" are circumstances destined to bring me to my knees to beg for mercy and relief. Nor do I revel in the thought of decorating my house with enough electrical crap to power a nuclear submarine. On the other hand, I know that some of you are so "amped" up at the prospects of a Holiday "blitzkrieg," you completed half your shopping shortly after you dropped that last turkey bone on your Thanksgiving plate. Don't tell me you haven't already wheeled out the generators and extension cords? This article is not for the brave of heart. Rather, it's for those of us who cannot multitask and wish only a little peace on earth (and some quiet too) during these allegedly cheerful times. Let me offer some helpful hints, if it's not too late:

- If you have a spare closet, keep your fake Christmas tree fully decorated year round covering it in a green Hefty bag (so that your neighbors won't realize you really are a lazy ass). Right after Thanksgiving dinner, whip out the tree, peel off the bag and you will amaze and awe all of your friends who are still trying to find the crap they put in that spot they wouldn't forget next year.
- If you're doing pretty good in your practice, hire one of those Christmas "gurus" to decorate your house. Have them come during the week while all of your friends are at the office. Come home early that day, just as the guru drives off with the check. Smudge up your face and leave your ladder in the driveway until your neighbors get home. Then make sure they see you putting it away as you admire your handiwork.
- If you're not doing so well in your practice, dig a hole in your yard and plant a holiday bush backed by the following ornamental sign: "Have a Merry and Environmentally Responsible Christmas!"
- If you're a pack rat, save yourself the headache of another garage sale. Search for those wonderful family "heirlooms"

you've been stashing in your garage. Wrap them up and give them away. Your friends and family will be impressed at the unique nature of the gift – so long as you don't tell them you bought it for a "quarter" at a thrift shop.

- If you're not a pack rat, go to the nearest thrift shop and pick up some "family heirlooms" for a "quarter." Just don't tell the recipient of your gift that it's from some "unknown" family.
- If you're artistic, soothe your heart, soul and mind by creating your gifts and giving a little piece of yourself to your loved ones.
- If you're not artistic, take out your frustration by throwing paint against a canvass, banging on a rock, or twisting some metal junk together. Tell your loved ones that this is "non-representational" art when they give your "piece" a jaundiced eye.
- If you have to buy gifts for kids over the age of 10, never underestimate the power of an envelope with cash. Thoughtless? Perhaps? Effective? Absolutely!
- If you're a culinary enthusiast, you are certain to have chefs as friends. Coax one into preparing the holiday meal taking pains to give the chef his or her appropriate props. Chefs are like we are, they thrive on ego gratification.
- If you're not a culinary enthusiast, invite all those you intend to have as guests over early to help prepare the holiday meal. Rent an "Emeril" video and assign each guest specific tasks. One of two things will happen. Either the feast will be a success with everyone having had fun in the process or the feast will be inedible and your guests will only have themselves to blame. This is what we lawyers call a "win-win" situation!

If all of the above is still too much work, consider taking a vacation to some far away place with a strange sounding name. Let your family and friends know that the thought came to you suddenly in a dream. Tell them the impulse is so strong that you must go, or forever wonder what you might have lost. Stay for as long as possible, sending an occasional post card and remembering to bring back lots of pictures and a few trinkets to share at Easter or over the Fourth of July. Ho! Ho! Ho!

*Michael J. Cappelli is a partner in the law firm of Babcock & Cappelli and a member of the RCBA's Bar Publications Committee.*



# CURRENT AFFAIRS

by Richard Brent Reed

## What To Call The Recall?

*"The Tree of Liberty must, from time to time, be watered with the blood of patriots and tyrants. It is its natural manure."* – Thomas Jefferson

If Thomas Jefferson were alive today, he would probably characterize California's recent recall election as a bloodless revolution: an impeachment by plebiscite. If ex-governor Gray Davis were alive today, he would, no doubt, regard the recall election that ousted him as a Republican take-over. Conservative commentator George Will was critical of the whole process as short-circuiting an otherwise republican (small "r") form of government.

Elections are the churns of democracy where good and not-so-good ideas get separated. The recent recall election in California put forward the ideas that elected officials shouldn't get too comfortable in their cozy offices—a lesson not lost on political leaders around the world. But the "Republican take-over" may have both immediate and long-term effects on California jurisprudence:

The statute providing for the recall of elective officials should be liberally construed (*Hilleker v. City Council of Seal Beach*).

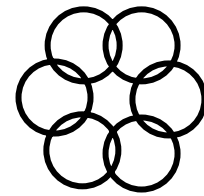
The legislation affording people a right to initiate legislation, or recall public officials is to be given the same liberal construction as that extended to election statutes generally (*Reites v. Wilderson*).

Let's face it: laws in California are liberally (emphases added) construed and everybody knows it. That may change now that ATG (actor-turned-governor) Schwarzenegger has taken office. He, after all, will be making judicial appointments for at least the next three years, unless his three-year term is cut short by yet another recall election. If he places enough conservative bottoms on the California bench, the Republican "take-over" may treat this state to a Republican make-over.

## So Many Lawyers, So Little Time

Los Angeles has about 52,000 attorneys. Sixteen of them are going to prison. Eight more are in the process, not counting the dozen under investigation. The Integrity Division of the Los Angeles District Attorney's office is cleaning house, weeding out lawyers, mostly solo practitioners, who have skimmed, siphoned, and, in some cases, looted their clients' trust accounts. They have a 100% conviction rate, so far. Who are the victims of these errant attorneys? They include widows, pensioners, and sick people. One woman died on the job, working to pay for her chemotherapy, while her attorney pocketed her settlement. Three prosecutors are on the job, going after dishonest attorneys, though they have yet to uncover corruption in L. A. County's larger law firms. Are there plans to institute an Integrity Division in this jurisdiction? Stay tuned.

*Richard Reed is a sole practitioner in Riverside and a member of the Bar Publications Committee.*



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James O. Heiting

by James Otto Heiting

**A** barrage of smoke and flame so intense there is no looking up. Like fist after fist after fist in the face. And then into the gut, when you realize that all you treasured, all your history, your pictures of your mom and dad and you on your family's first vacation when you were one, your pictures of your children as babies, and when they took their first steps, and when they were in the school play; and the wedding album, and the palm print in plaster of Paris of your Tommy, the middle child; the letters from your first love, the poetry from college, the drawings and paintings that meant so much; the deeds, the will, the birth certificates; your first baseball glove and your letterman's jacket; Grandma's diamond and rose brooch, your dad's wristwatch, your mother's wedding ring, your anniversary crystal; the Bible that held the births and deaths of your family; even the piano that you practiced on when you were six and that Penny and Angel, your first and third children, practiced on... all of it is gone. Home. A simple word with a whole world of meaning. I read once that, "in a home, you notice the trees getting taller." It is a place of dreams and memories and fulfilled expectations, a place of comfort and retreat, solace and peace; a place to grieve and rejoice. But now it is gone, too. And not even time to say goodbye.

I cannot begin to imagine the loss suffered by those whose homes were consumed in the recent fires. I know it pulls at me, though, and tears at my heart. I can only imagine the confusion, fear, and darkness that has descended on the lives of those souls displaced and rendered without home or roots by those voracious flames: "Where do I go? Where do I begin? Who can help me? Who will help me? All that I am or have ever been... did it ever, does it still exist?" These questions must swirl like swarming bees, requiring every moment and effort of thought, but seeming to have no respite, no immediate or clear answer.

But we have answers for them. We have the strong shoulders to lean on, and the arms to put around our brothers and sisters in need. We have the ability and the right to say, "Life will be okay again. It will be all right. Lean on us while you need to; we will be there for you as long as you need us. Let us help."

And I am proud that we are helping. Our local bar associations were immediately up and running with the State Bar and the American Bar Association in developing programs and assistance for fire victims. Attorneys did not hesitate to volunteer at

Evacuation Centers and to do whatever they could to assist, from digging ditches and manning hoses, to rounding up animals and donating clothing, toothpaste, soap and other necessities. We have taken advantage of the work the Young Lawyers Division of the American Bar Association, the State Bar and FEMA have put into place for natural disasters generally, and for the California wildfires specifically. Information hotlines have been activated, volunteers have been working in the communities and in places like the County of San Bernardino's "OneStop Help Center," and county bars and legal services staff and volunteers have been meeting and organizing information centers and action plans. Members of the San Bernardino, Riverside, Los Angeles, San Fernando Valley, Ventura County, and San Diego bar associations, along with representatives of the American Bar Association Young Lawyers Division, Neighborhood Legal Services, the Legal Aid Foundation of Los Angeles, the Public Services Law Corporation of the Riverside County Bar Association, Inland Counties Legal Services, the San Bernardino County Barristers, the Legal Aid Society of San Bernardino, the Legal Aid Society of San Diego, the California Indian Legal Services, the California Young Lawyers Association, and the State Bar Office of Legal Services immediately organized and set up a Disaster Services Conference that took place with all these participants on November 3. Listening to the participants as they put in place the distribution of information, and made available necessary services, experience and talent, was comforting and gratifying. These volunteers are quick, dedicated and without any expectation of recognition. What a credit they are to our profession. What a wonderful group of people.

Our help continues to be needed, though. The disasters wrought upon these victims by the fires must not be compounded by disasters wrought upon them by merciless vultures and carpetbag-

*continued next page*



**BOG** (continued)

gers who will prey on them in their confusion and need. We must insure that quality help is made available, and that those who would take advantage unfairly are dealt with quickly and effectively. Education, through the organizations listed above and the "Disaster Legal Services Hotline Manual" published by FEMA and the ABA, and volunteering, at places like San Bernardino County Bar's "Volunteer Attorneys for Free Clinic for Fire Victims" held at various places around the county, can be of inestimable value to those in need. Just knowing where or to whom to refer people can be a key to their future. The lawyer referral services of our various counties should have (or should have by now) panels that are of specific help in this situation.

Some of the areas of special need involve insurance, mortgages and financing, landlord/tenant, contractors and rebuilding, employment, income resources and availability, temporary housing and schooling, education, FEMA services, small business issues, zoning, land use, permits, water and other rights, and the like.

And we should not let those few who would take advantage fuel the fires of disdain for attorneys and spoil the ability and desire of those in need to get appropriate help by relying on responsible and respectable lawyers. The Office of Chief Counsel of the State Bar has put in place a strike force that addresses solicitation issues in disaster situations.

I close with a letter from Allen Turner (San Bernardino County Bar executive director) to me, "extending our deepest sympathy to those who lost their homes and who were displaced by the fires. [We] especially appreciate and acknowledge the generosity of our Bar Members in providing support to our colleagues and counsel to the public."

You can help. Thank you.

*James Otto Heiting, of Heiting and Irwin, was president of the Riverside County Bar Association in 1996. Mr. Heiting is the current District 6 representative to the State Bar Board of Governors.*



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Personal:

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# BARRISTERS PROFILE: JENNIFER SELTZER, DEPUTY DISTRICT ATTORNEY

by Robyn A. Beilin



I have to admit that I am a Law and Order junkie. I watch them all – *Law & Order, Special Victims Unit, Criminal Intent*. Like most civil attorneys, I find that there is something fascinating about the criminal justice system. When I get bogged down in written discovery and tedious motions, I tune in to watch Jack McCoy give an amazing closing argument and I wonder what it would be like to really practice criminal law.

This month, I decided to satisfy that curiosity and find out if being a member of the district attorney's office was as glamorous as it seems. To that end, I had the pleasure of profiling Jennifer Seltzer, a member of Barristers and a deputy district attorney with the Riverside County District Attorney's office.

Prior to joining the Riverside District Attorney's office in 2003, Jennifer began her legal education by obtaining a degree in Legal Studies from Chapman University in 1997 and a Master's Degree in Criminal Justice, also from Chapman University, in 1998. Jennifer then attended law school at Western State University School of Law, from which she graduated in 2001. She successfully sat for the California bar exam in 2002 and was admitted to the bar in that same year.

After beginning law school, Jennifer initially thought that she wanted to practice Estate Planning. However, as time went by, Jennifer's predisposition to criminal justice took over. Jennifer explained that she grew up around criminal law, as her father is a police officer. So, while in law school, she changed her plans and set the goal of becoming a deputy district attorney.

To make her goal a reality, Jennifer began working at the Orange County District Attorney's office as a post-bar law clerk. "I actually clerked with them during law school. I clerked at different courthouses in Orange County. And then post-bar is strictly writs and appeals." After Jennifer was admitted to the bar and her law clerk position ended, she obtained a position with a civil firm that focused primarily on lemon law. However, she continued to work towards obtaining a position at the district attorney's office until she succeeded in that endeavor.

Jennifer began her career as a deputy district attorney in the juvenile division. In July 2003, she began working in misdemeanors, where she does calendar and trials. Jennifer explained, "It's a rotation that everyone in our office does in their first eighteen months. First you are placed in juvenile and then misdemeanors. The order varies, depending on how they rotate you in. I'll do another six months in misdemeanors, and then, in June, I will go to felonies." Ultimately, Jennifer would like to try homicide cases. "I also want to focus on SACA, which is our sexual abuse/child abuse unit."

Of course, I wanted to hear all about Jennifer's trial experiences while at the district attorney's office. Although she admitted that trying cases could sometimes be nerve-racking, she explained that the overall experience has been rewarding because "I've had the opportunity to get a lot of trial experience." In fact, when asked what her favorite part of being a deputy district attorney was, Jennifer said, without hesitation, "Going to trial." One of her favorite aspects of being a trial attorney is picking the jury, which Jennifer described as being "so exciting."

So what are the drawbacks of being a deputy district attorney? "Sometimes my own victims think that I work for them but I work for the State of California and the People of California. They think that we work for them and that we are their own attorneys so that's kind of a problem sometimes. But, for the most part, once you tell them, 'I know that you are the victim but I have to look at the interests of everyone in general and consider you as well,' they seem to get it."

A resident of Orange County, Jennifer explained that she is extremely happy with her choice to work here in Riverside. "The legal community in Riverside is fabulous. I love working out here." In addition to being a deputy district attorney, Jennifer is also a member of the Inns of Court and the Riverside County Bar Association.

I'm happy to note that Jennifer admitted to being a fan of Law and Order herself and even went on to tell me that she has been told by many attorneys that they watch the show for ideas on their own courtroom tactics. In speaking with Jennifer, I was pleased to hear that being a deputy district attorney is just as rewarding as it seems. Jennifer and I look forward to seeing you at the next Barristers meeting on January 7, 2004.

Robyn Beilin is with the Law Offices of Harlan B. Kistler and Secretary of Barristers



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The Partners, Riverside

**Lorna Didavide (S)**  
Law Student

**Katie Greene**  
Sole Practitioner, Riverside

**Gregg M. Gu**  
Office of the City Attorney, Riverside

**Ruben Francisco Gutierrez**  
Best Best & Krieger, LLP, Indian Wells

**Margaret T. D. Ieng (A)**  
Affiliate Member

**Richard Jacobs (S)**  
Law Student

**Sunmi Kim (S)**  
Best Best & Krieger, LLP, Riverside

**Mathew L. Larsen (S)**  
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**Isabel Lua (S)**  
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**Rebekah Ryan Main (S)**  
Law Student

**David V. Munnecke**  
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**Kimberly R. Naucler (S)**  
Law Student

**Donnasue Smith Ortiz**  
Sole Practitioner, Rancho Cucamonga

**W. Greg Perron (S)**  
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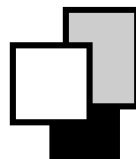
**Frank O. Tetley**  
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- Physical Therapy
- Occupational Therapy

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# RIVERSIDE

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Making a false or fraudulent workers compensation claim is a felony subject up to 5 years imprisonment or a fine up to \$50,000 or double the value in fraud, whichever is greater, or by both imprisonment and fine.

## CLASSIFIED ADS

### Seeking Attorney

Seeking greater Riverside area attorney having Texas license or Texas associate. Ex-wife vanishes in Mexico circa 1991, undoubtedly deceased (I have evidence). Ex-husband unknowingly pumps alimony into Houston bank until 2001. Money still there. Lets split it. Wayne Gustafson, (909) 243-8146.

### Credit Reports are Untrustworthy

Information architecture report uncovers defects in national credit reporting system, backed by certifiable evidence of falsified information and resulting injury. Challenge credit profile handling. Dispute decisions, determinations, actions that are based upon credit information. Gary Hanson, (909) 683-2958.

### Litigation Associate – Inland Empire

1 to 5 years associate needed for small but growing litigation practice. Good salary and benefits. Ground floor opportunity. Fax resume to (909) 509-1378.

### Office Space for Rent

San Bernardino – Downtown, next to Courthouse. Great location, 500-700 sq. ft.; \$1.37 per sq. ft. Full service lease with limited parking. Call (909) 906-9304.

### Office Suites Available

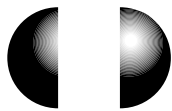
Office suites available in RCBA building. Contact Sue Burns at the RCBA, (909) 682-1015.

### Conference Rooms Available

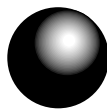
Conference rooms, small offices and the third floor meeting room at the RCBA building are available for rent on a half-day or full-day basis. Please call for pricing information, and reserve rooms in advance by contacting Charlotte at the RCBA, (909) 682-1015.

### Job Opening

Riverside County Superior Court – Family Law Facilitator position in Indio. Application (required) is available online at [www.co.riverside.ca.us/depts/courts/jobs](http://www.co.riverside.ca.us/depts/courts/jobs) or call the job line, (909) 955-8181. Closing date is December 31, 2003. (For full job description and qualification guidelines, RCBA members may email [lisa@rcba.net](mailto:lisa@rcba.net) for a copy of the job announcement.)



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Dennis L. Sharp, Esq.  
Mediator/Arbitrator



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