

# RIVERSIDE LAWYER

June 2011 • Volume 61 Number 6

MAGAZINE

## In This Issue:

**Modern Day Slavery:  
The Tragedy of Human Trafficking**

**Immigration Relief for Human  
Trafficking Victims**

**Human Trafficking or  
Freedom of Religion?**

**Human Trafficking in  
the Inland Empire**

**Sex Trafficking in  
Cambodia**

**The Children's Peace  
Exhibit**

**The Slave Next Door**



The official publication of the Riverside County Bar Association

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MAGAZINE

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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 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.

*Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 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 Riverside Lawyer.*

*The material printed in 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.*

# CALENDAR

## JUNE

- 14 Public Service Law Corporation**  
Board meeting – RCBA Boardroom  
Noon
- RCBA Board Meeting**  
RCBA Boardroom  
5:00 p.m.
- 15 Estate Planning Probate & Elder Law Section Meeting**  
RCBA John Gabbert Gallery – Noon  
Speaker: Felix Martin  
(MCLE)
- 16 Federal Bar Association, Inland Empire Chapter**  
George E. Brown, Jr. Federal Courthouse  
12:00 to 1:15 p.m.  
“Attorney Fees in Federal Cases”  
Panel: U.S. District Judge Virginia Phillips, Dale Galipo and Eugene Ramirez  
RSVP to Kim Connelly at (951) 686-4800
- 17 General Membership Meeting**  
RCBA John Gabbert Gallery – Noon  
“The State of the Court – A Mid Year Report”  
Speaker: Presiding Judge Sherrill Ellsworth, Riverside Superior Court  
(MCLE)
- 23 Solo & Small Firm Section Meeting**  
RCBA John Gabbert Gallery – Noon  
“Managing Your Law Office”  
Speaker: Harlan Kistler  
(MCLE)

## JULY

- 4 Holiday – Fourth of July**  
RCBA Offices closed

## SAVE THE DATE:

**Wednesday, September 21 – 5:30 p.m.**  
RCBA Annual Installation of Officers  
Dinner  
Mission Inn, Music Room





*by Harlan Kistler*

As most of you know, May 1 is National Law Day, a special day focusing on our heritage of liberty under law and a national day of celebration officially designated by a joint resolution of Congress in 1961. This year, the Riverside County Bar Association (RCBA), its members, and the Riverside courts sponsored many events to allow our members and our community to reflect on our legal heritage and to share our laws and justice system with the community.

The Court of Appeal, Fourth Appellate District, Division Two, celebrated Law Day by hosting California Supreme Court Chief Justice Tani Cantil-Sakauye, as well as recognizing its volunteer attorney mediators. Both Presiding Justice Manuel Ramirez and the Chief Justice spoke eloquently on the significance of the law in our society and the important role attorneys play as guardians and servants of the law.

In recognizing the volunteer mediators, Justice Ramirez shared with those in attendance that they have settled 950 cases that would otherwise have been litigated through the appellate process. This produced an estimated economic benefit of \$600 million and avoided further litigation. This wonderful program, held at the beautiful Mission Inn, also honored Justice John G. Gabbert for his 102nd birthday.

As part of their Law Day celebration, the RCBA and the Riverside Superior Court once again sponsored the Good Citizenship Award Program for high school students in Riverside County. These awards are given to one junior at each high school, chosen by the principal, based on his or her exemplary good citizenship. The Honorable Sherrill A. Ellsworth, the Honorable Jackson Lucky and the Honorable

Jean Leonard spoke to the assembled high school juniors and their parents. Each student selected received an award of \$100 and a certificate of recognition from the RCBA. In addition, representatives from the offices of many state and local government officials recognized the students with certificates. The parents and award recipients left Department 1 of our historic courthouse with a life memory and heartfelt appreciation for attorneys and the justice system.

At the RCBA monthly membership meeting, Riverside District Attorney Paul Zellerbach addressed both the challenges and the changes he is implementing in the D.A.'s office. When Mr. Zellerbach took office four months ago, he said, there was an \$8-9 million budget deficit. He has already reduced this deficit by \$5 million, but there are still challenges ahead, as the D.A.'s office may lose significant revenue when vehicle license fees expire. He discussed changes that he has already implemented insofar as reducing court congestion.

Mr. Zellerbach expressed concerns over the potential passage of A.B. 109, which is a realignment plan to push 38,000 inmates housed at the state level back into the local jail and court systems. An estimated 1,549 prisoners could be sent back to Riverside County if the bill passes. This bill, he said, would have a significant impact on our legal community and courts. He explained that our local jails are congested already, which means that for every prisoner pushed in the front door, another inmate is released early through the back door. A further consequence of the bill is that parole hearings would have to be handled in our local courts. This would increase congestion and require more local attorney and judicial involvement, without any allocation of funds to accomplish the task. Finally, he pointed out that our hard-working judges have tried more criminal trials than the judges in any other county in the State of California except the County of Los Angeles.

I want to thank everyone who participated in the food drive. We are still waiting to hear which bar association won the contest. An insider tells me that the RCBA is in the top two!

The Honorable Sherrill A. Ellsworth will be our speaker in June at the RCBA monthly general membership meeting. She is the Presiding Judge of the Riverside Superior Court, and her topic will be "The State of the Court – A Mid-Year Update." Please take the time to attend and meet your friends and colleagues.

*Harlan B. Kistler, President of the Riverside County Bar Association, is a personal injury attorney for the Law Offices of Harlan B. Kistler.*



# MODERN DAY SLAVERY: THE TRAGEDY OF HUMAN TRAFFICKING

by Kelly M. Henry

Section 1 of the Thirteenth Amendment to the Constitution of the United States of America sets forth: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." According to the Polaris Project, there are more individuals caught in the slave trade today than during the height of the trans-Atlantic slave trade approximately 250 years ago.

The estimated annual profits from all trafficked forced labor are at least \$32 billion, according to the International Labour Organization, which exceeds the gross domestic product of many small nations. Industrialized nations, such as the United States, generate almost half of those profits. According to the U.S. Department of Justice, half of those trafficked into the United States are forced into prostitution, and most of those forced into prostitution are women and children. The average age of entry into the commercial sex trade in the United States is 12 to 14 years of age.

The ugly truth is that slavery, specifically sexual slavery, does exist in the United States and the world today, and the young victims are being "bought and sold," for the most part, due to economic hardship. Some girls are even sold to traffickers by their own families.

Sex traffickers frequently target vulnerable people who have histories of abuse and then use violence, threats, lies, false promises, debt bondage, or other forms of control and manipulation to keep victims

involved in the sex industry, according to the Polaris Project. Some young girls are forced to sell sex by knocking on cab doors at truck stops. Others are forced to meet nightly quotas at dilapidated brothels. Over 90% of the victims of sex trafficking are beaten and sexually abused by their traffickers before being sold.

The first step in battling human trafficking is to overcome the compulsion to turn away from a gut-wrenching human tragedy: Learn to recognize the signs of human trafficking, and notify the authorities if you believe you have information about human trafficking. For example, a victim may have little freedom of movement, very little financial freedom, or a very large mysterious debt to pay off; the victim may be performing commercial sex acts, working excessively long or unusual hours, or living in a location with unusual security measures (blocked windows, barbed wire, security cameras, etc.); the victim may be generally fearful, fearful of police, anxious, submissive, or in poor physical health.

The second step is to educate yourself and others about the gravity of the problem through websites such as PolarisProject.org and HumanTrafficking.org.

The third step is to support causes that fight human trafficking and donate your money and/or your time to stop this tragedy. It can be stopped. It must be stopped.

*Kelly M. Henry, a member of the Bar Publications Committee, is an attorney with Berman Berman & Berman.*



## 2011 Red Mass

Tuesday, October 11, 2011

@ 6 p.m.

Our Lady of the Rosary  
Cathedral

2525 N. Arrowhead Avenue  
San Bernardino, CA 92405





# IMMIGRATION RELIEF FOR HUMAN TRAFFICKING VICTIMS

*by Warren Chu*

Despite the alarming statistics on the number of people trafficked into our country every year and the growing impact of human trafficking in Riverside County, these victims are not without hope. In 2000, Congress passed the Trafficking Victims Protection Act (TVPA), which provided a path for trafficking victims towards legal immigration status. Under the TVPA, victims have relief in the form of special T and U visas.

The T visa is specific to human trafficking victims. In order to be eligible for the T visa, the applicant must prove he or she: 1) is a victim of a severe form of human trafficking; 2) is physically present in the United States due to a present or past trafficking situation; 3) is cooperating, has cooperated, or has made reasonable efforts to cooperate with law enforcement in the investigation of the trafficking; and 4) is likely to suffer extreme hardship involving unusual and severe harm if removed. The TVPA breaks "severe forms of trafficking" into two categories: sexual trafficking, in which a commercial sex act is induced by force, fraud, coercion, or in which the person induced to perform such an act has not attained 18 years of age; and labor trafficking, involving the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. (22 U.S.C. § 7102(8).) The T visa provides legal immigration status for four years, work authorization, and the opportunity to apply for lawful permanent residence. It also allows for certain close family members to be included on the application. Those eligible can also qualify for social services and benefits similar to those offered to refugees. After three years, the victim may apply for a green card. The State Department also funds a program that reunites family members with trafficked persons in the U.S.

The U visa, on the other hand, is available for victims of certain criminal activities, including domestic violence and human trafficking. To qualify, the applicant must: 1) have suffered substantial physical or mental abuse as a result of having been a victim of criminal activity; 2) have information about the criminal activity; and 3) be helpful or likely to be helpful to law enforcement in the investigation or prosecution of the crime; also, the crime must have occurred in the U.S. Like the T visa, the U visa lasts four years and permits recipients to work. However, the applicant must also submit a certification from law enforcement that he or she is willing to assist in the investigation and prosecution of human trafficking. Additionally, the U visa

does not require a showing of hardship upon removal and allows an applicant to become a lawful permanent resident after three years. For the applicant to qualify for a green card, a certifying agency must find that the applicant's continued presence in the U.S. is justified on humanitarian grounds to ensure continuation of a cohesive family or is otherwise in the national or public interest.

In fiscal year 2010, the U.S. Citizenship and Immigration Services (USCIS) reached the statutory annual cap of granting 10,000 U visas for victims of domestic violence and other crimes, including human trafficking. Once the cap is reached, the USCIS creates a waiting list that gives deferred action status to applicants and allows them to be eligible to apply for employment authorization or travel until their petition is adjudicated. The USCIS also granted 796 T visas to victims of human trafficking and their families. This was the highest number granted since the inception of the T visa program in 2002. However, the TVPA provides a maximum of 5,000 T visas per year. In fiscal year 2009, the USCIS granted 313 T visas. In 2009, victims of human trafficking came from 47 countries. Primary countries of origin for victims were Thailand, Mexico, the Philippines, Haiti, India, Guatemala, and the Dominican Republic. Of adult victims who received the T visas, 82% were labor trafficking victims; 15% were sex trafficking victims, all of whom were women; and 3% were victims of both forms. Of child victims, 56% were labor trafficking victims; 38% were sex trafficking victims; and 6% were victims of both forms.

The TVPA also sets forth policies that victims not be inappropriately incarcerated, fined, or otherwise penalized for unlawful acts committed as a direct result of being trafficked. The prostitution of children has traditionally been handled as a criminal justice issue. States have been slow to adopt the anti-trafficking approach of the TVPA in their child protection and juvenile justice systems. This raises the problem of uniformity in how states provide protection to trafficking victims. Only 9 of 50 states offered state public benefits to trafficking victims. Only 18 states allow victims to bring civil lawsuits in state court. Seven states encouraged law enforcement to provide the required certification for T visa applicants. Although the U.S. has taken a leadership role in human trafficking, much more needs to be done to protect these most vulnerable of victims.

*Warren Chu is a deputy county counsel for the County of Riverside.*



# HUMAN TRAFFICKING OR FREEDOM OF RELIGION?

Human trafficking represents a seedy and repugnant aspect of humanity that we would like to consider abolished in the United States with the enactment of the Thirteenth Amendment to the U.S. Constitution. Unfortunately, it has not been. To the contrary, it is a growing industry, which one police source estimated at \$33 billion per year. Its victims are overwhelmingly women and girls. Media attention and prime-time dramas often focus on the plight of illegal immigrants smuggled into the United States to work in the sex trades, but the problem of human trafficking extends much farther. Victims of human trafficking not only work in the sex trades (prostitution and pornography), but also provide agricultural labor, construction labor, hotel and motel cleaning services, illegal transportation, organized theft rings, restaurant services, domestic services, servile marriage (mail-order brides) and sweatshops. Force, fraud and coercion, both physical and psychological, are the means by which these victims are forced into servitude.

The legislature is aware that human trafficking is a problem. The California Legislature enacted Penal Code section 236.1, which makes the unlawful deprivation or violation of the personal liberty of another for forced labor or services a felony. “[U]nlawful deprivation or violation of the personal liberty of another includes substantial and sustained restriction of another’s liberty accomplished through fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, under circumstances where the person receiving or apprehending the threat reasonably believes that it is likely that the person making the threat would carry it out.” (Pen. Code, § 236.1, subd. (d)(1).) Indicators of human trafficking include: “(a) Signs of trauma, fatigue, injury, or other evidence of poor care. [¶] (b) The person is withdrawn, afraid to talk, or his or her communication is censored by another person. [¶] (c) The person does not have freedom of movement. [¶] (d) The person lives and works in one place. [¶] (e) The person owes a debt to his or her employer. [¶] (f) Security measures are used to control who has contact with the person. [¶] (g) The person does not have control over his or her own government-issued

identification or over his or her worker immigration documents.” (Pen. Code, § 236.2.)

Riverside County is not immune from this problem. A recent *Press-Enterprise* article identified Riverside County as a hotbed for human trafficking, both for agricultural purposes and as a conduit to the Los Angeles area. It mentioned the story of a girl brought in from Egypt, with false promises of education and a salary, to be a nanny. The traffickers clearly gain through the exploitation of their victims.

What, then, does religion have to do with human trafficking? Although these may seem unrelated, former members of the Church of Scientology have alleged that they were victims of human trafficking perpetrated by the church. This February, the *New Yorker* published a 26-page article entitled “Paul Haggis v. the Church of Scientology,” which reported on a variety of alleged activities that former members claim to have experienced and which they contend qualify as human trafficking. The *New Yorker* also stated that an FBI investigation of alleged human trafficking violations is ongoing. One of the locations in which these violations allegedly occurred is the Church of Scientology’s Hemet-area compound, referred to as “Gold Base.” This is not the first alleged FBI investigation; there are also allegations of a similar investigation occurring in 2009. At this time, no arrests or prosecutions have resulted from the allegations, and AOL News has reported that the FBI investigation has been closed.

However, criminal prosecution is not the only means of redress available to alleged victims of human trafficking. Both federal and state law provide civil remedies for the victims of trafficking. (18 U.S.C. § 1589; Civ. Code, § 52.5.) Since 2009, at least four lawsuits have been filed by former Church of Scientology members in California seeking compensation for alleged human trafficking violations and other claims. Of particular interest are the unreported decisions granting summary judgment in the Church’s favor on Claire Headley and Marc Headley’s federal human trafficking claims. (*Headley v. Church of Scientology* (C.D. Cal. 2010) 2010 WL 3184389; *Headley v. Church of Scientology* (C.D. Cal. 2010) 2010 WL 3157064.)

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According to the opinions in the *Headley* cases, the Headleys' claims were as follows. The Headleys were members of the Church's Sea Org. They identified physical, social and psychological pressure allegedly brought to bear on them to conform and prevent them from leaving the Church. In addition to a lack of compensation for labor, they both identified the Church's practices of "routing out" (a process for leaving the Church), censorship and heavy manual labor as a form of discipline as indicators of human trafficking. They both also alleged that they were deprived of freedom and that the Church would attempt to prevent them from leaving or try to bring them back if they did leave. Claire Headley also claimed coercive practices that allegedly forced her to have two abortions, pressure placed upon her to divorce her husband, and her inability to escape without being tracked down due to a lack of resources and contacts. Although these facts may appear to state a claim for human trafficking, summary judgment was granted in favor of the Church of Scientology.

In granting the summary judgment motions, the court relied upon the ministerial exception to deter-

mine that the Headleys could not proceed on their human trafficking claims. "The interplay between the First Amendment's Free Exercise and Establishment Clauses creates an exception to an otherwise fully applicable statute if the statute would interfere with a religious organization's employment decisions regarding its ministers." (*Alcazar v. Corporation of Catholic Archbishop of Seattle* (9th Cir. 2010) 598 F.3d 668, 670.)

In sum, the practices about which the Headleys complained were part of the practices and beliefs of the Church and were known to the Headleys before they joined Sea Org. For the court to apply human trafficking laws would violate the First Amendment's freedom of religion by interfering with the relationship of minister and church. This analysis raises an interesting conundrum and a topic that has been the subject of much debate – where does the line fall between impermissible interference with freedom of religion and necessary enforcement of secular authority?



# HUMAN TRAFFICKING IN THE INLAND EMPIRE

*by Deputy Aron Wolfe*

On September 1, 2010, the Riverside County Sheriff's Department was awarded a California Emergency Management Agency (CALEMA) grant to form the Riverside County Anti-Human Trafficking (RCAHT) Task Force. The primary purpose of this task force is to combat human trafficking in all its forms, including, but not limited to, agricultural labor, domestic servitude, residential or brothel-based prostitution, street prostitution, restaurant work, and custodial work. The grant funds two full-time deputy sheriff positions, as well as the full-time participation of a non-governmental organization (NGO). The NGO selected to complement the Sheriff's Department is Riverside County's Operation SafeHouse, a long-time partner of the Sheriff's Department.

The RCAHT Task Force immediately formed partnerships with Homeland Security Investigations (HSI), the Riverside County District Attorney's office, and the U.S. Attorney's office. These agencies perform the investigative and enforcement role in the task force. Additionally, Operation SafeHouse carries out the role of providing victim services, education, and intervention to victims of human trafficking and exploitation. Through the formation of the task force, Operation SafeHouse has been able to develop a comprehensive service response to assist all types of victims, regardless of citizenship, nationality, language, gender, age, or type of trafficking.

Human trafficking may be one of the least understood crimes in the United States. An estimated 17,500-19,500 victims are imported into the United States each year. Human trafficking is often referred to as "modern-day slavery" and, according to the Department of Homeland Security, is a \$33 billion-a-year global enterprise.

What makes human trafficking so difficult to notice and combat is that it is largely hidden from public view. Due to the hidden nature of the crime, perpetrators often operate unnoticed. Those who suffer are not likely to self-identify or report themselves as victims of the crime. Trafficking victims often do not see themselves as victims and blame themselves for their situation. Discovery of this crime is therefore difficult, and the time and resources required to uncover violations are immense.

According to federal legislation, human trafficking involves the recruitment, harboring, transportation, provision, or obtaining of a person for the purposes of forced labor or sexual services through means of force, fraud, or coercion.

Human trafficking often involves severe violence, as well as a host of other crimes, including gang crime, drug and

property crimes, organized criminal operations, and other violations of state, federal, and international law. Victims of this potentially violent crime may be men, women, or children who are U.S. citizens or foreign nationals.

Contrary to popular belief, human trafficking does not require the movement of a victim from place to place. Human trafficking in itself is a crime in which the use of force, fraud, or coercion is used in the exploitation of an individual or group of individuals. In order to locate such victims, it is imperative that both law enforcement and the general public recognize some general signs or indicators of human trafficking, such as:

- A person whose movement and activities appear to be closely controlled or monitored by another.
- A person who works excessive hours and is fearful of discussing working conditions or is unaware that certain unsafe conditions are unlawful.
- A person who has little or no idea where he or she is geographically located and is always transported to and from the worksite.
- An able-bodied person who apparently never leaves home unless escorted by the homeowner.
- A prostituted minor or a minor used in other commercial sexual activities.
- Groups of workers transported in and out of labor locations covertly and under controlled conditions.
- A foreign national who is not in possession of identifying documents he or she claims to own and declares that someone else holds the identifying documents.

If any of the above signs are recognized, deputies from the RCAHT Task Force should be immediately notified.

The County of Riverside is comprised of 2,125,440 people (5.75% of the state's population), with 43.2% of Riverside County's population being of Hispanic or Latino descent. With the county being approximately 7,200 square miles in size, this amounts to approximately 295 people per square mile.

Additionally, within Riverside County, there are 3 interstate freeways, 13 state routes, 12 airports, and 28 cities. As a result of the large Hispanic population, as well as the number of access points to and from the county, which provide access to other counties, states and Mexico, Riverside County is a central location for the trafficking of undocu-

mented Hispanic immigrants who are forced into labor or sexual exploitation through the use of force, coercion, fraud, and/or threats. Although the Hispanic population makes up a large portion of the county's demographics, all races, nationalities, and genders are subject to being victims of human trafficking.

Many trafficking cases that the RCAHT Task Force has investigated involve the trafficker charging unknowing victims an exorbitant smuggling or "employment" fee. These fees range from hundreds to thousands of dollars. When the victim can't pay this fee up front, or the trafficker demands additional money once on U.S. soil, the trafficker locks the victim in a vicious cycle of debt bondage or indentured servitude that prevents the victim from ever paying off the original fee.

Traffickers capitalize on the victim's indebtedness and isolation and combine the use of threats, intimidation, violence and manipulation to control the victim. This control results in the trafficker's ability to break the victim's will, confine the victim in captivity, and force the victim to engage in sex acts or to labor under slave-like conditions. Types of trafficking that RCAHT has investigated involve brothels, massage parlors, restaurants, street vendors, juvenile and adult prostitution, and indentured servitude.

In the task force's attempt to locate both victims and perpetrators of human trafficking, members of the task force have conducted numerous undercover operations and investigated leads provided by the public, as well as other law enforcement officers. The task force has taken a collaborative approach with Operation SafeHouse in training law enforcement personnel, personnel who work with and/or around potential victims of human trafficking, and the public. The purpose of this training is to help familiarize these different groups with the indicators of human trafficking.

In total, during the past eight months, the RCAHT Task Force has trained over 1,000 people, worked on 21 different human trafficking investigations, located 16 victims of human trafficking, conducted over 20 operations, and written and served six search warrants. The RCAHT Task Force works closely with CALEMA, the National Human Trafficking Resource Center (NHTRC), the

National Center for Missing and Exploited Children (NCMEC), the Federal Bureau of Investigation (FBI), and non-governmental organizations throughout Riverside County.

In addition to conducting human trafficking investigations, RCAHT also participates in the FBI's ICEP Task Force. This part-time task force consists of agents and officers from the FBI, Pomona PD, Riverside PD, Ontario PD, and San Bernardino PD. The primary mission of ICEP is to identify and rescue juveniles who are sexually exploited through prostitution activities and to identify, investigate, apprehend and prosecute pimps and other criminals associated with child exploitation and prostitution.

*Deputy Aron Wolfe is a deputy sheriff with Riverside County and a member of the Riverside County Anti-Human Trafficking (RCAHT) task force.*



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***Thank you for continuing to support the RCBA and its giving-back programs.***

# SEX TRAFFICKING IN CAMBODIA

by Inga B. Lintvedt

Human trafficking is a significant problem in Cambodia.<sup>1</sup> While men, women, and children are trafficked for a range of work – including factory labor, construction, domestic servitude, agriculture, fishing, begging rings, and street vending – this article describes the problem with sex trafficking, which primarily affects women and girls.<sup>2</sup>

1. Globalization. While Cambodia has several conditions that encourage supply of sex trafficking victims, international interests supply much of the demand. The current problem is traced to the early 1990s, when approximately 20,000 male troops arrived with the United Nations Transitional Authority in Cambodia (UNTAC) to prepare for the Khmer Rouge tribunal and brought with them an increased demand for sex work.<sup>3</sup> Such exploitation by aid workers has been noted by the United Nations, and in 2003 it adopted a zero-tolerance policy.<sup>4</sup> Cambodia has become a popular destination for sex tourism, and while the Cambodian Ministry of Tourism leads an advertising campaign to deter such activity, it remains common to see older male Westerners with Cambodian children or young women.
2. Money. Sex trafficking is incredibly profitable. It was estimated to net over \$35.7 billion in profits in 2007, and with its average profit margin of almost 70 percent, it far exceeded 2006 profit margins at even the most profitable corporations: Google earned 29 percent, Microsoft 28.5 percent, Intel 14.3 percent, AT&T 11.7 percent, and Exxon Mobil 10.8 percent.<sup>5</sup>
3. Poverty. Cambodia suffers deep poverty. Many rural families cannot afford to support all of their children and are told by traffickers that their child will move to an urban area to work as a waitress, housecleaner, or garment worker. Often the traffickers arrange for a small sum of money to be sent home every month,

which motivates the child to suffer in silence and do his or her part for the family.

4. Disenfranchisement of Women. The entire country suffers from poverty, but its women and girls are particularly disenfranchised and vulnerable. Women have lower rates of literacy than men.<sup>6</sup> Additionally, domestic violence is common, the law does not recognize rape within marriage, and it is extremely difficult to obtain a divorce.<sup>7</sup>
5. Fear and Shame. Once a victim is removed from his or her home, traffickers rely on one or more of the following measures to discourage escape: drug addiction; sexual degradation and diseases that lower self-esteem; threatening families with violence or debt; emotional relationship with captors; preying on sense of responsibility to care for families by sending small amounts of money home; and if the victims are in a foreign country, suggesting that because they are there illegally, local law enforcement will prosecute them or otherwise treat them poorly.<sup>8</sup>
6. Corruption. Cambodia faces government corruption and a culture of impunity.<sup>9</sup> Many government officials patronize brothels with trafficked women or accept bribes to decline investigation or to cease prosecution. Traffickers have enough money to bribe officials, who are paid poorly. Traffickers are also well-connected enough to know high-level government officials and to threaten lower officials with punishment from within the government. After one NGO coordinated a brothel raid and welcomed the women and children into their safe house, traffickers attacked the safe house and forcibly took the women back.<sup>10</sup> The U.S. Department

1 U.S. Department of State, "Trafficking in Persons Report 2010," "Cambodia," <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.

2 "Trafficking in Persons Report 2010," *supra*, "Cambodia."

3 "Off the Streets," Human Rights Watch, July 19, 2010, <http://www.hrw.org/en/node/91626/section/5>.

4 "Trafficking in Persons Report 2010," *supra*, "Stopping Human Trafficking, Sexual Exploitation, and Abuse by International Peacekeepers."

5 Siddharth Kara, "Sex Trafficking: Inside the Business of Modern Slavery" (2010) p. 19.

6 UN Women, Cambodia Country Snapshot, [http://unifem-eseasia.org/projects/Cedaw/countryprogramme\\_cambodia.html](http://unifem-eseasia.org/projects/Cedaw/countryprogramme_cambodia.html).

7 UN Refugee Agency, <http://www.unhcr.org/refworld/country,,IRB C,,KHM,4562d8cf2,403dd1fdc,0.html>.

8 Nicholas D. Kristof, "Back to the Brothel," New York Times, January 22, 2005, <http://www.nytimes.com/2005/01/22/opinion/22kristof.html>.

9 "Corruption Perceptions Index," Transparency International, [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results).

10 Somaly Mam, "The Road of Lost Innocence" (2008); Nicholas D. Kristof, "Cambodia: Where Sex Traffickers are King," New York Times, January 15, 2005, <http://www.nytimes.com/2005/01/15/opinion/15kristof.html>.

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of State also describes military police keeping women and girls rounded up during brothel raids and selling them back to traffickers for \$50 per person.<sup>11</sup> In 2006, the former Deputy Director of the Police Anti-Human Trafficking and Juvenile Protection Department was convicted of complicity in trafficking, and two of his officials were also convicted.<sup>12</sup>

7. Few Watchdogs. Few Cambodian attorneys act as watchdogs. The bar is largely conservative, and the government has a history of frustrating the provision of legal services by nongovernmental organizations (NGOs). In 2007, the government requested that lawyers not work with NGOs unless the NGO had signed a memorandum of understanding with the government.<sup>13</sup> As of March 2011, the government released a draft law on NGOs, which is criticized for requiring registration, establishing barriers to independent operation by international NGOs, and failing to provide standards for government

termination.<sup>14</sup> Anecdotes also exist in Phnom Penh that there is an unofficial cost of several thousand dollars to join the Cambodian bar, further limiting the number of progressive civil rights attorneys.

The Cambodian government has made recent efforts to address sex trafficking. In 2008, it adopted the “Law on Suppression of Human Trafficking and Sexual Exploitation,” which adopts best practices by criminalizing a wide variety of actions: recruitment by force, fraud, or coercion; transporting; harboring; hiding; selling; buying; confining; and exploiting. The government also partnered with NGOs to train over 4,000 police officers, social workers, court officials, and other individuals on enforcement of the 2008 law.<sup>15</sup> Hopefully the Cambodian citizens and government, along with NGOs and the international community, will increasingly prioritize prevention and enforcement to address both supply and demand.

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*Inga B. Lintvedt is a public law associate at Meyers Nave. For several months in 2010, she lived in Cambodia and worked at SISHA, an anti-trafficking organization, as well as at STAR Kampuchea, which promotes democracy by creating strong community organizations and watchdogs.*



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11 “Trafficking in Persons Report 2010,” *supra*, “Cambodia.”

12 Human Trafficking.org, “Cambodia,” <http://www.humantrafficking.org/countries/cambodia>.

13 “Restrictions on the Legal Profession by the Bar Association: A Threat to Free & Independent Legal Aid in Cambodia,” LICADHO, December 2007, <http://www.licadho-cambodia.org/reports.php?perm=114>.

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14 “Restrictions on the Legal Profession by the Bar Association: A Threat to Free & Independent Legal Aid in Cambodia,” *supra*.

15 “Trafficking in Persons Report 2010,” *supra*, “Cambodia.”

# THE CHILDREN'S PEACE EXHIBIT

by DW Duke

*Luana: "A friend of mine told me that a Spanish group was hiring Brazilian girls to work as dancers on the island of Lanzarote. My friend Marcela and I thought it would be a good opportunity to earn money. We didn't want to continue working as maids. For a short while, we only danced. But later, they told us there had been too many expenses and we would have to make some extra money."*

*Marcela: "We were trapped by criminals and forced into prostitution in order to pay debts for the trip. We had up to 15 clients per night. The use of condoms was the client's decision, not ours. The criminals kept our passports and had an armed man in front of the 'disco' to make sure we never escaped. But a woman helped us. We went to the police and told everything."*

*Luana and Marcela, human trafficking victims, interviewed by the Brazilian NGO, Projeto Trama; reported by the United Nations Office on Drugs and Crime.*

Human trafficking is one of the most tragic evils facing the world today. Assuming a wide variety of forms, it currently imprisons an estimated 4 million victims, according to the United Nations Office on Drugs and Crime, and as many as 27 million, according to Kevin Bales of Free the Slaves, a nonprofit organization dedicated to the eradication of slavery worldwide. Other organizations estimate the number of victims as somewhere within a range between these figures. Why do we find such a disparity in the estimates of the number of victims of human trafficking? The reason is that those trapped in its clutches are the unseen voiceless victims, who in the eyes of the world do not really exist. They lack connections and methods of making their imprisonment known to the outside world.

Human trafficking assumes a variety of forms. Perhaps encompassing the greatest number is the sex slave industry. In parts of the world, the most common occupation among young women and children is prostitution. In many of these situations, the person involved in prostitution has no alternative; the victim lives in bondage and is forced to engage in acts of prostitution. Some of these victims are transported from locations where they are easily abducted, such as Cambodia, the Philippines or Russia, to locations where abduction is more difficult, but the demand and financial resources are high, such as the United States or Western Europe. Control is often accom-

plished through the administration of various forms of drugs, with opium derivatives among the most common. A slave owner with as few as a dozen prostitutes under his control can earn tens of thousands of dollars per day. The victims often receive no financial compensation, only a place to live.

Sex slavery is only one form of human trafficking, though it is the most widely known. Forced manual labor, often coupled with physical and sexual abuse, is rampant in many parts of the world. In some cultures, parents commonly sell their children to the highest bidder. Some even conceive children just so they can sell them and earn enough money to survive for a year or two. In severely impoverished societies, without social service agencies, parents often give children away in exchange for a promise from the recipient that he or she will "take care of" them. The parents can only hope that the caretaker will not harm the child "too badly." For the child, it is a trade-off between starvation and abuse.

Another form of human trafficking is child soldiering. In this form of slavery, children are conscripted into the military at a very young age and are forced to engage in military activities against opposition forces. This has been common in numerous states, such as Iran, North Korea and Zimbabwe. Amazingly, even Britain is among the 20 nations of the world that still recruit 16-year-old children into active duty in the armed forces. In some nations, children are forced into the military while as young as nine years of age.

Illegal adoptions account for a significant number of trafficking cases. This form of trafficking often provides a segue into the other forms of trafficking mentioned above. Sometimes the unlawful adoption is accomplished by falsified documents claiming a parental relationship to the child. Sometimes it is accomplished by identifying an abandoned child and simply purchasing that child from those in control of an orphanage. Usually, the purchase money is couched as a donation or a contribution to the orphanage. Sometimes, it is in the form of an in-kind donation, but this is less common than an actual cash payment.

The Children's Peace Exhibit, recently opened in Temecula, offers education to children and adults about the various forms of human rights violations endured by children throughout the world. The Children's Peace Exhibit is a project of the Institute for Children's Aid

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(ICA), a nonprofit dba of International Christian Adoptions, established to provide education about the abuses children face throughout the world. In 1990, my wife Laura and I founded the Institute for Children's Aid to provide humanitarian relief to needy children in orphanages in Russia and other impoverished nations. Over the years, the ICA has evolved into an international Hague Convention-accredited adoption services agency and a human rights organization focusing on education about child abuse and trafficking.

When visiting the Children's Peace Exhibit, located at 41745 Rider Way, Suite 2, Temecula, California 92590, the exterior of the simple building provides a warm, nondescript invitation. Upon entering the suite, one first encounters the coffee shop, with colorful leather chairs and soft music playing. Immediately to the left is the gift shop, which provides fair-trade products from around the world. Straight ahead is the Exhibit. Inside the Exhibit, the ambient sound of children's choir playing softly through the sound system soothes the uncertain spirit. On a wall to the left is a large photo of César Chávez, next to a large photo of Martin Luther King, Jr. Straight ahead is a door, with no walls on either side. Upon passing through the door, one sees the United Nations Universal Declaration of Human Rights posted on the wall, along with dozens of articles on human rights. An interactive DVD guides the visitor through each of the 12 stations of the Exhibit.

Upon passing through the first door, one encounters a second door without walls. When opening this second door, one is startled by a loud alarm, like a European ambulance siren, with a bright flashing red light. Straight ahead is a camouflage tent, which houses the station on child soldiers. High on the walls surrounding the 3,500-square-foot Exhibit are large photo posters of children from around the world. But the Holocaust room is probably the most memorable for everyone. Inside the Holocaust room, the walls are black and the room is dark, except for the dim light of a menorah mounted on the wall. Before entering the Holocaust room, visitors

remove their shoes and are given a "black light" flash light. They shine the light on the wall and see writing in blue ink, which is invisible under normal light. The writing consists of quotations by children whose writings were found on the walls at prison camps such as Auschwitz and other locations, where they wrote such phrases "Please help me, I can't find my mommy and daddy" or "I am hungry. Please may I have some food?" Visiting children read the writing aloud simultaneously, so that the room is filled with the din of children's voices, all saying something different, but somehow something the same. After being present in the room while the children are reading, some people say they can hear the children's voices in the room even when the room is empty.

The tour of the Children's Peace Exhibit takes about two to three hours. Nearly everyone who experiences the tour says it is a life-changing event, and many leave in tears. At the end of the tour, the participants are given study materials and an opportunity to discuss what they have seen with a counselor. Psychologically, this is an important part of the tour, in that it provides the much needed opportunity to talk through what has been learned and observed.

To schedule a tour of the Children's Peace Exhibit, you may call (951) 695-3336 during regular business hours. While there is no fee for the tour, donations are welcomed and appreciated.

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*DW Duke is the managing attorney of the Inland Empire office of Spile, Siegal, Leff & Goor, LLP and the president of the Institute for Children's Aid. (See Mr. Duke's profile on page 24.)*



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# THE SLAVE NEXT DOOR

by Stefanie G. Field

When we think of “slavery,” we think of men, women and children shackled and transported in the hold of a ship, ultimately to be sold on the open market. Although the African slave trade of old may no longer exist in exactly that form, slavery, or “human trafficking,” as it is currently called, still exists and thrives.

One form of human trafficking, often not recognized as such by the victims and their captors, falls within the realm of domestic labor. This can take the form of adults (overwhelmingly women) who are tricked into signing labor contracts and being transported to other countries, where they are abused and held captive. For example, the BBC News reported on a scheme whereby Ugandan women were tricked into domestic slavery in Iraq. They were recruited, purportedly for high-wage positions in shops on U.S. army bases, only to discover that they had been sold to local families to work as laborers. Despite being in poor physical condition and having no documentation or money, 14 of these women managed to escape and found refuge at a U.S. Army base. At least 100 Ugandan women tricked in this scheme are missing, their whereabouts unknown. Victims of similar schemes can also be found here. For example, Ima Matul was brought to Los Angeles by a couple who promised her \$150 a month, plus room and board, to provide domestic services. When she got here, she found herself working 18-hour days and payment difficult to obtain. Three years later, she managed to escape.

Another form of domestic servitude occurs when children from remote areas or impoverished families are sold or given by their parents to a well-to-do family to provide domestic services. In exchange, the parents receive the children’s wages and/or the children are provided with food and shelter. “There is a sense that children should work to help their family, but also that they are being given an opportunity,” said Mark Lagon, the Director of the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons. However, the resulting servitude often includes physical abuse and unconscionable hours and working conditions.

This form of human trafficking has spread to the United States. For example, in 2001, a Nigerian couple used their daughter’s passport to bring in a 14-year-old Nigerian girl as their maid. In 2006, a Moroccan couple was sentenced to home confinement for forcing their 12-year-old Moroccan niece to work grueling hours as their nanny. The fact that the perpetrators of these crimes, and even their victims, do not see the wrong in their actions is exemplified by a 2006 Michigan case. A Cameroonian man was sentenced to 17 years in prison for bringing a 14-year-old girl from his country to work as his unpaid maid. The girl’s mother flew to Detroit to testify in

court against her daughter, claiming the girl was ungrateful for the good life she had been given.

More recently, a girl named Shyima was rescued from such bondage in Los Angeles County. She had been a housekeeper for an Egyptian family from the time she was 10 years old. When the family moved here, she was smuggled into the United States to continue working for them. Neighbors eventually became suspicious, after several years during which they had never seen her go to school like the other household children and had observed her working long hours, and they reported the situation. Investigation revealed that she lived in filthy conditions in the garage and worked tirelessly for the family.

According to a study by the National Human Rights Center at the University of California at Berkeley and Free the Slaves, a nonprofit group, approximately one-third of the estimated 10,000 forced laborers in the United States are servants trapped behind the curtains of suburban homes. Kay Buck, the executive director of Coalition to Abolish Slavery and Trafficking, estimates the number of people working with little or no pay at 27 million worldwide.

Freedom for these victims is difficult to attain. According to Antonio Maria Costa, UNODC Executive Director, “Very often their passports are taken away, their rights are violated and they are forced to live and work under unbearable conditions for little or no pay – until they escape or are rescued.”

This form of human trafficking is growing in the Inland Empire. In an interview with the *Press-Enterprise*, Immigration and Customs Enforcement spokesperson Virginia Kice explained, “Human smugglers are increasingly choosing the Inland area over Los Angeles because of the larger, less expensive homes here, stepped-up enforcement in Los Angeles, and more space between homes, which often decreases the chance of being caught.”

If you think domestic slavery or human trafficking is a problem that occurs elsewhere, think again. In fact, the problem is of such concern that Riverside County has created the Riverside County Anti-Human Trafficking Task Force, and the Riverside County Sheriff’s Department has been awarded \$500,000 in grant funding to combat human trafficking. If you see someone who you believe may be a victim of human trafficking, call the National Human Trafficking Resource Center Hotline at (888) 373-7888. This hotline is coordinated with local law enforcement in Riverside County.

*Stefanie G. Field, a member of the Bar Publications Committee, is Senior Counsel with the law firm of Gresham Savage Nolan & Tilden.*



# CONSTITUTIONAL LAW FORUM REVIEW —

## MAY 17, 2011

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*by Dennis Wagner*

On May 17, 2011, in the Music Room of the Mission Inn, the FBA/Inland Empire Chapter had its Annual Constitutional Law Forum, featuring Dean Erwin Chemerinsky from the UCI Law School. Dean Chemerinsky has been coming to the Inland Empire for the Federal Bar Chapter for many years. We are pleased to have him support us with his visits.

In conjunction with the Constitutional Law Forum, there is also the presentation of the Erwin Chemerinsky Defender of the Constitution Award. In 2001, the Inland Empire Chapter decided that we should honor members of our community who practice law and who embody the principle of defending the Constitution by saluting them for their work and dedication. The award was named after Erwin Chemerinsky, as we believe him to be an individual who exemplifies someone who has spent their legal career pursuing the ideals embodied within our Constitution. The first award went to U.S. District Judge Robert J. Timlin. Since that time, other recipients of the award have included U.S. Magistrate Judge Oswald Parada, Andrew and Diane Roth, Arthur L. Littleworth, James W. Parkinson, U.S. District Judge Stephen G. Larson, Robert C. O'Brien, and John M. Porter. All of the recipients have long and distinguished careers and are examples of persons within our community who defend and support the Constitution of the United States.

We were pleased to present the 2011 award to Charles S. Doskow. Mr. Doskow is Dean Emeritus and Professor of Law at the University of La Verne College of Law in Ontario, California. He is a graduate of the University of Wisconsin and Harvard Law School. Mr. Doskow spent many years in private practice in the Upland

area, after which he was counsel for Dart Industries in Los Angeles and Lewis Homes in Upland, California.

Mr. Doskow has served as Dean of the College of Law from 1980 to 1985 and presently teaches Constitutional Law and Professional Responsibility there. He is a past president of the Federal Bar Association, Inland Empire Chapter, the San Bernardino County Bar Association, and the Western San Bernardino County Bar Association. He currently serves as a director of the FBA/IE.

Mr. Doskow has written numerous law review articles, and he is a frequent contributor to the *Los Angeles Daily Journal*, commenting on constitutional law issues. Mr. Doskow has provided book reviews for the *Federal Bar* magazine and has generally authored articles of interest that deal with constitutional issues in today's society.

Charles Doskow is our first attorney/law professor to receive the award. He has spent many years teaching the ideals and principles of the Constitution to his law students, and he exemplifies the type of person who is a deserving recipient of the Defender of the Constitution Award.

For those who missed this year's event, plan on attending our annual event next year. The usual time Dean Chemerinsky visits our chapter is during the month of May. We are grateful to have Dean Chemerinsky back in Southern California at UCI.

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*Dennis Wagner is a partner with Wagner & Pelayes, LLP and President of the Federal Bar Association, Inland Empire Chapter.*

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*Photos courtesy of Jacqueline Carey-Wilson*





*Dean Erwin Chemerinsky and U.S. District Judge Virginia Phillips*



*Dean Erwin Chemerinsky and Chris Buechler*



*Tom Duskow, Emily Duskow, Ann Duskow, Charles Duskow, Dean Erwin Chemerinsky*



*FBA/IE President Dennis Wagner awarding the 2011 Erwin Chemerinsky Defender of the Constitution Award to Charles Duskow*

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# FBA INSTALLATION DINNER

*photos by Jacqueline Carey-Wilson*

On January 13, 2011, the Federal Bar Association, Inland Empire Chapter, held a dinner to honor the judges of the Central District of California and to install its new board members. During the dinner, the FBA/IE presented a special gift to United States District Judge Virginia Phillips, for her dedication and commitment to justice in the Inland Empire. The gift was an oil painting of the Botanical Gardens at the University of California, Riverside. Following the presentation, Chief United States District Judge Audrey B. Collins addressed those assembled with kind words and special remembrances of her colleague, Chief United States District Judge John M. Roll, who was killed in the shooting rampage in Tucson five days before the event.



*Chief United States District Judge Audrey B. Collins*



*Assistant United States Attorney Corey Lee, Federal Magistrate Judge Sheri Pym, Chief Assistant United States Attorney Tony Raphael, and Assistant United States Attorney Jerry Yang*



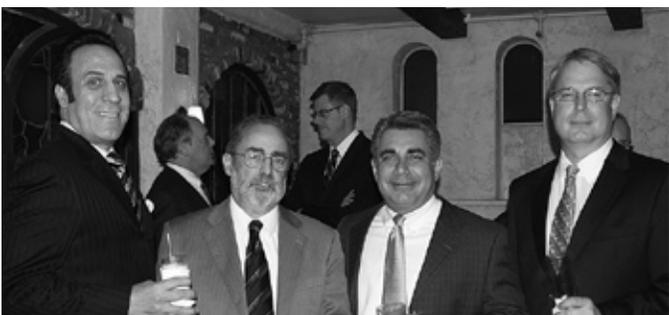
*L-R—Douglas Welebir and Federal Magistrate Judge David Bristow*



*Federal Magistrate Judge Fernando M. Olguin and Superior Court Judge Michael Sachs*



*(L-R) U.S. District Judge Virginia A. Phillips swearing in the new 2011 board members for the FBA/IE: Jacqueline Carey-Wilson (Director), Dennis Wagner (President), Rob Stacy (Treasurer), Chuck Doskow (Director), Federal Magistrate Judge Sheri Pym (Vice President), Mark Schnitzer (Director), Emile Mullick (Director), Jeb Brown (Director), Richard Scott (Director), John Holcomb (Director) & Dan Roberts (Treasurer and Past President)*



*Dale Galipo, Andy Roth, Tristan Pelayes, and Dennis Wagner*



*Superior Court Judge Chris Marshall, Jeb Brown, and Doug Smith*



*Daniel Roberts presenting a special gift to U.S. District Judge Virginia Phillips from the FBA/IE*



*Dean Allen K. Easley and Briana Fehringer (student from University of LaVerne School of Law and recipient of a scholarship from the FBA/IE)*



*L-R: United States District Judge Virginia Phillips, Chief United States District Judge Audrey B. Collins, and National FBA President Ashley Belleau*

# JUDICIAL PROFILE: VICTORIA CAMERON

by Donna Thierbach

The desert may have a new face on the bench, but she is not new to the desert or desert legal community. Yes, I did say “she.” Indio has its first female judicial officer. So how did Indio get so lucky?

Judge Cameron was born in Washington, D.C., where her father, Vic Daumit, was a well-known dancer. Her mother also had a love for dancing and was a dance teacher when they married. She became a stay-at-home mom, which was a full-time job, because Judge Cameron has two sisters and a brother. Judge Cameron remained near her family in the D.C./Maryland area until 1993. At that time, she and her husband, a highly respected surgeon in Maryland, decided to follow his doctor’s advice and move to a desert climate for health reasons. So they packed their bags and moved to Palm Desert, where they have remained for the past 18 years. They have two children, but both were grown at the time of the move and remained in the D.C. area, so it was quite an adjustment to move away from family and friends.

However, it didn’t take Judge Cameron long to hit the ground running. After she and her husband were settled in their new home, she began attending California Western School of Law in San Diego, since there were no law schools in the desert. Due to the distance of the commute, she and her husband decided that they would rent an apartment in San Diego and she would commute back to the desert whenever possible. She completed the three-year course in two years and somehow managed to be on law review as well. Her desire to become a lawyer was sparked when she and her mother would watch Perry Mason reruns as she was growing up. Like Perry Mason, she wanted to be in the courtroom practicing criminal law. In the furtherance of that dream, while in law school, she volunteered as an intern at the Riverside County District Attorney’s office in Indio.

After graduation, she accepted a paying job at Criste, Pippin & Golds, a business litigation law firm in Palm Desert. However, her heart was still in criminal law, so she applied to the San Bernardino and Riverside County District Attorney offices. When San Bernardino offered her a position, she immediately accepted, and she worked there for nine years. Eventually, after nine years of commuting and wanting to be closer to home, she accepted a position



Judge Thomas Cahraman swearing in Victoria Cameron

with the Riverside County District Attorney’s office in Indio in 2006.

During her tenure as a deputy district attorney, she started in preliminary hearings and asset forfeitures in San Bernardino, quickly advancing to felony trials, where she specialized in crimes against children. As a senior trial attorney in Riverside County, her assignments included SACA (Sexual Assault and Child Abuse), homicides, gangs and death penalty cases. While she loved being a prosecuting attorney, she was also intrigued with the job of the judge, and that, too, had been a

long-term goal of hers.

She finds her new position very rewarding and felt honored by the support she received from the legal community on both sides of the bar and from the agencies with which she had worked over the years. Her enrobement was in Indio and a humbling experience when over 300 people attended. The bench has welcomed her and has been very helpful in her transition. She said it is an honor to serve with such a highly respected and qualified judiciary in Riverside County.

Judge Cameron believes in treating people the way she would want to be treated and tries to follow this premise on and off the bench. She also feels very fortunate to have a great courtroom staff. Her staff seems to feel the same way about her. Courtroom staff members Suzie Pimentel and Denise Stires expressed what a pleasure it is to work with Judge Cameron and how gracious, prepared and composed she is on the bench.

In Judge Cameron’s free time, she enjoys reading, teaching, and, most of all, being with family and friends. She loves being with children and wishes her children and five grandchildren lived closer so she could spend more time with them. She also enjoys racquetball, but has not found much time to play recently. Of course, with two dancing parents, she loves to dance. She feels blessed to have had such great parents, who instilled in her the idea that she could accomplish anything in life if she set her mind to it, and a support system of family and friends who have been a valued part of her life.

*Donna Thierbach, a member of the Bar Publications Committee, is retired Chief Deputy of the Riverside County Probation Department.*



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*Congratulations Jacqueline,*

*Your May issue is excellent.  
I especially like the Mel  
Opotowsky piece on libel and  
the Justice Ward story on the  
Press-Enterprise cases.*

*Giving the members an edition  
with stories that combine legal  
and local history is a great  
idea, and this one was very well  
done.*

*Respectfully,*

*Peter E. Racobs, Esq.*

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## **ATTENTION RCBA MEMBERS**

If you are not getting email updates/  
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at [www.riversidecountybar.com](http://www.riversidecountybar.com)  
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The website includes bar events  
calendar, legal research, office tools,  
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and much more.



# OPPOSING COUNSEL: DAVID W. DUKE

by Jeffrey A. Boyd

## Defending Civil Rights Here and Overseas

Attorney by day, author by night, David W. Duke has published four books on a wide variety of topics, some law-related (“Understanding and Avoiding Medical Malpractice”) and some not (“Palestine”). And some, like “Principles of Freedom,” are about law but directed at laypersons.

D.W. grew up in Indiana. Ever since he can remember, D.W. always wanted to be an attorney. And after spending a few years in a rock band, he put the music industry aside and finished college. He graduated from the University of Michigan with a double major in Economics and Psychology. After that, he continued on to study law at Washington University School of Law in St. Louis, graduating in 1984.

It was during his time in law school that he first began to involve himself with the human rights field. His wife was working at a Native American local entity. He learned that a Native American had been arrested and was being held. When D.W. went to the jail, he found that the man had been beaten so badly, he could not even walk. This was in St. Louis. The Native American recalled being a passenger in a vehicle and being intoxicated; the next thing he remembered was being in jail. He said the police told him if he said anything, they would kill him. Mr. Duke spoke to a professor at his law school who worked with the ACLU on human rights issues. The professor told D.W. he could look at his desk and see that he had a stack of cases just like that one. D.W. did not think this type of behavior was present in the United States. Unfortunately, the Native American was too afraid to move forward with an action. D.W. notes that this behavior used to be very common during the 1970s, when people were afraid to come forward with stories of abuse. Thankfully, people are more willing to come forward now, probably due to public awareness and the media.

During law school, he observed that most of the cases that he read were from either New York or California. As his wife had spent the first 10 years of her life in California, the choice was made to head here after graduating from law school.



DW Duke

Currently, the case D.W. is working on publicizing is in Iran. A man was imprisoned because of his position on human rights issues (including supporting the right of Israel to exist as a nation and opposing the regime in Iran). For this, he was handed a death sentence, which was eventually commuted to 11 years in prison. D.W. has worked on a petition containing approximately 600,000 signatures, which he presents regularly to the United Nations and to different governmental bodies throughout the world. While the petition has generated a lot of

support for the man’s release, his release has not been secured as of yet.

D.W. draws inspiration to continue working in this field by reflecting on his time in Russia. During the early 1990s, D.W. was able to visit Russia, meet many wonderful people, and learn their stories. “This was the eye-opener for me,” he said, “meeting these people who had grown up in the U.S.S.R. and discovering that they are just like us.” This was in sharp contrast to the perception most Americans had of Russians throughout the Cold War. “It made me realize that there are so many possibilities for change in the world – even between Israel and Palestine.”

When he speaks to Palestinians and Israelis, he says, “I can remember as a child when an African-American would not look a white man in the eye for fear of what would happen to him, and today we have an African-American in the White House. It just goes to show that over a small amount of time, these changes can occur to make rights for everyone.”

While no specific trial jumped out to D.W. as he reflected on the course of his career, he noted that he enjoys all trials. “It’s kind of like an intellectual basketball game to me,” he notes.

Currently, D.W. practices with the firm of Spile, Siegal, Leff & Goor. He practices primarily in real estate, professional responsibility, and business litigation, alongside his human rights practice. Over the years, he has seen more of his human rights cases move overseas; however, he still deals with civil rights abuses stateside.

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In fact, he recalls a disturbing incident that occurred in Canyon Lake approximately two years ago, where a high school student held a party. For those who do not know, Canyon Lake is a gated community. The student would call different gates to let in a few friends at each gate, so that eventually, around 30 friends of the student arrived inside. The crowd was a group of Neo-Nazis and started a fight with members of the Canyon Lake community. Some Canyon Lake residents were severely injured. While no lawsuits were filed, unfortunately, D.W. notes, this is something that can occur even in our own backyard.

One of the more famous human rights cases D.W. has had the privilege of working on was the Nazanin Fatehi case. She was a 17-year-old in Iran who was walking with her niece. They were attacked by three would-be rapists. She defended herself with a weapon she kept in her boot. In the process, one of the attackers was killed. There was no self-defense option available to her. Either she defended herself and could be sentenced to death, or she allowed herself to be raped, which still leaves open a death sentence. D.W. worked to petition the United Nations and gain support from a number of nations around the world to obtain a second trial for her, in which she was acquitted.

In his spare time, D.W. enjoys writing books, composing music (New Age, progressive rock and jazz – he plays keyboards), practicing martial arts (he has been involved with tae kwon do since high school), and running. He resides in Temecula with his wife of 31 years. He is the proud father of two sons (one is a Marine, and the other works in Long Beach).

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*Jeffrey A. Boyd, a member of the Bar Publications Committee, is also a board member of Barristers.*



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# CANDIDATE STATEMENT: MICHAEL SCAFIDDI

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The Board of the Riverside County Bar Association is proud to endorse Michael Scafiddi for the Board of Governors for District Nine. Mike has been practicing criminal law and personal injury since 1997. He started his practice as a solo practitioner, and it has grown into a firm with five attorneys and six staff members. Five percent of Mike's practice is dedicated to pro bono work. He was the recipient of the Kearney-Nydam award for providing pro bono services in 2010. Mike's office is located in San Bernardino; however, he serves clients in San Bernardino, Riverside, San Diego and Imperial Counties.

Mike has been very active in the Inland Empire legal community. For 14 years, he served on the Board of Directors for the Legal Aid Society of San Bernardino, the past six years as the vice president. Mike was president of the San Bernardino County Bar Association in 2008 and served as an officer on the board from 2004-2010. During his presidency of the SBCBA, he initiated the "We Care Program" to encourage local lawyers to give back to the community through pro bono services and monetary donations. This very successful program continues to advance our profession. Mike is currently a member of the San Bernardino, Riverside, San Diego and

Western San Bernardino County Bar Associations. He is also a member of the National Conference of Bar Presidents (Sustaining Fellow Bar Leader). Meanwhile, Mike has served in leadership roles for several local not-for-profit agencies.

Mike has shared with the board of the RCBA the following general concerns that he would address:

1. Additional local bench officers.
2. Improved court facilities allowing better access to justice for all our clients.
3. Increased interaction between veteran attorneys and new attorneys, utilizing standardized mentoring programs (we have seen success with this locally through our bar association and the Inns of Court).

Mike possesses the vision, strength, passion, integrity, and energy to provide the attorneys of District Nine with a voice at the State Bar level. For additional information, please visit [www.scafiddilaw.com](http://www.scafiddilaw.com).

**DEADLINE TO VOTE: JUNE 30**





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### Office Space – RCBA Building

4129 Main Street, Riverside. Next to Family Law Court, across the street from Hall of Justice and Historic Courthouse. Office suites available. Contact Sue Burns at the RCBA, (951) 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 Charlene or Lisa at the RCBA office, (951) 682-1015 or [rcba@riversidecountybar.com](mailto:rcba@riversidecountybar.com).



## VOLUNTEERS NEEDED

**Family Law and  
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services as arbitrators on the  
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Program.**

**If you are a member of the  
RCBA and can help,  
or for more info,  
please contact Lisa  
at (951) 682-1015  
or [fearb@riversidecountybar.com](mailto:fearb@riversidecountybar.com).**

## MEMBERSHIP

The following persons have applied for membership in the Riverside County Bar Association. If there are no objections, they will become members effective June 30, 2011.

**Michael P. Burns** – Varner & Brandt LLP, Riverside

**Linda J. DeVore** – Law Offices of Trent Thompson & Associates, Hemet

**John Hamilton** – Sole Practitioner, Riverside

**Julius L. Jones (A)** – Aaron's Marbles Mediation Inc., Sun City

**Mary A. Lehman** – Law Offices of Mary A. Lehman, Coronado

**Arturo E. Matthews, Jr.** – Matthews Law Firm Inc., Costa Mesa

**Emily Montgomery** – U.S. District Court, Riverside

**Christopher L. Nelson** – Law Offices of Trent Thompson & Associates, Hemet

**Donald E. Roach** – Jones & Roach, Fullerton

**Jason K. Schrader** – Lobb & Cliff LLP, Riverside

**Robert M. Thompson** – Law Offices of Trent Thompson & Associates, Hemet

**Jane Hanna Saikali** – Siegel Moreno & Stettler, Riverside

**John Vargas** – Sole Practitioner, Riverside

**Bill S. Vaughan** – Law Offices of Bill S. Vaughan, Riverside

**Kanita Viranond** – Thompson & Colegate, Riverside

**Graham A. Willis (S)** – Law Student, Riverside

(A) – Designates Affiliate Member



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