

# FBA-INLAND EMPIRE BAR REVIEW

Issue 18

INLAND EMPIRE CHAPTER

SUMMER, 2016

FEDERAL BAR ASSOCIATION

## Message from Your Federal Bar Association Chapter President

By: Joseph B. Widman, President, FBA Inland Empire Chapter



It is an honor and a privilege to write this, my first column as President of the Inland Empire Chapter of the Federal Bar Association. Since shortly before my term formally began in January, the federal legal community of the Inland Empire has seen major developments in

the federal court's Eastern Division, based in Riverside, and home to over 4.4 million people. Longtime Eastern Division stalwarts U.S. District Judge Virginia A. Phillips and Deputy-in-Charge Kiry K. Gray have moved to Los Angeles to serve the court in new leadership roles. Effective July 1, 2016, Judge Phillips became Chief U.S. District Judge for the entire Central District of California, from her new chambers in downtown Los Angeles. In this role, Chief Judge Phillips oversees the administration of the entire Central District, which includes seven counties and approximately 19 million people, about half of the population of the State of California. Chief Judge Phillips began her federal judicial career as a U.S. Magistrate Judge in the Central District in 1995 and, since 1999, has served as a U.S. District Judge in Riverside. From September 2009 through 2012, Chief Judge Phillips was the sole U.S. District Judge sitting permanently in the Eastern Division.

With Chief Judge Phillips's transition, the Eastern Division now has only one U.S. District Judge, Hon. Jesus G. Bernal. The Eastern Division's population is larger than that of half of all American states and many major federal judicial districts, including the Southern District of California, which currently has

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## CALENDAR OF EVENTS

### PUBLIC DEFENDERS' ROUNDTABLE 2016: THE FUTURE OF SENTENCING REFORM ~ See Page -10-

DATE: THURSDAY, SEPTEMBER 8, 2016

PLACE: COURTROOM 4

GEORGE E. BROWN, JR. FEDERAL COURTHOUSE

TIME: 12:00 P.M. – 1:15 P.M.

*Featuring:* Hilary Potashner, Federal Public Defender; Phyllis K. Morris, Public Defender; and Steven L. Harmon, Public Defender; Moderator: U.S. Attorney Eileen M. Decker

### SAVE THE DATE

### ANNUAL JUDGES' NIGHT DINNER (HONORING THE JUDICIARY OF THE CENTRAL DISTRICT)

DATE: THURSDAY, FEBRUARY 16, 2017

PLACE: MISSION INN, RIVERSIDE, CA



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## Supreme Court Review with Dean Chemerinsky

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By: Stefanie G. Field

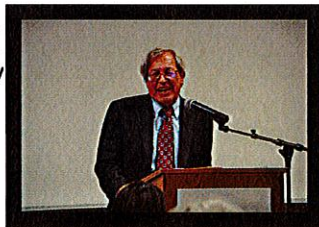


On May 17, 2016, the Inland Empire Federal Bar Assoc. held its Sixteenth Annual Constitutional Law Forum. Judge Virginia Phillips received the Defender of the Constitution Award. She graciously accepted the award, reminding everyone

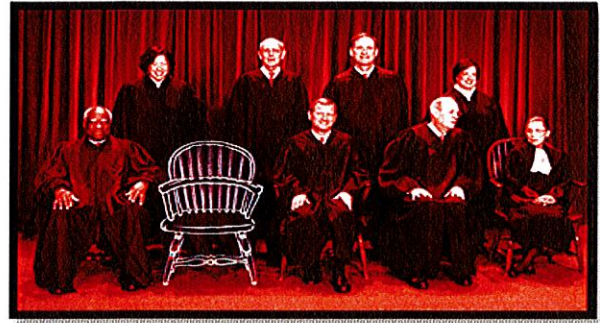
that, while her job is to try and do justice and uphold the U.S. Constitution, she cannot do it alone. Court staff, law clerks, fellow judges and those who volunteer with the Pro Se Clinic all play a role in defending the Constitution.

After Judge Phillips accepted the award, Dean Erwin Chemerinsky provided a concise, yet entertaining, summary of some of the key the U.S. Supreme Court cases decided in the past year and his predictions for the coming year. A summary of some of his remarks follows.

For a number of years, the Supreme Court has consisted of five justices appointed by Republican presidents and four justices appointed by Democratic presidents. On certain issues, where the Supreme Court justices are divided on the application and interpretation of the law, it has not been uncommon for the justices to vote in line with their appointment. That said, Justice Kennedy, while often joining with other Republican appointees, has also occasionally voted with the Democratic appointees. As a result, Justice Kennedy was typically in the majority vote on 5-4 decisions. Given this situation, in years past, Dean Chemerinsky had frequently remarked that the U.S. Supreme Court was the “Justice Kennedy Court.”



With the death of Justice Scalia and the Senate’s refusal to act upon President Obama’s nomination of Chief Judge Merrick Garland to fill the resulting vacancy, everything has changed. Because of this shift, Dean Chemerinsky anticipates that there will be several 4-4 split decisions this year.



The 4-4 decision is problematic. It leaves the legal issue unresolved, particularly where there is a split of authority among the Circuits. Dean Chemerinsky mentioned that there can be alternative outcomes, such as the justices reaching a compromise or passing the issue until the next term when, presumably, the vacancy created by Justice Scalia’s passing will be filled. He did not, however, seem optimistic about these later alternatives coming to fruition. Consistent with such pessimism, Dean Chemerinsky noted that there were only 12 cases on the docket for the next term, which is the lowest number in this history of the Supreme Court, at this point in time.

At the time of his speech, there had already been one such 4-4 split on *Frederichs v. California Teachers Association*, 136 S.Ct. 1083 (2016) and the Supreme Court had remanded *Zubik v. Burwell*, 136 S.Ct. 1557 (2016), a reproductive rights case, without rendering any decision on the issues. Since his speech, *United States v. Texas*, 2016 WL 3434401 (June 23, 2016), was also decided, with another 4-4 split.

Dean Chemerinsky identified two pending Fourth Amendment cases where such a 4-4 split could occur. The Supreme Court trend was to narrow the scope of the exclusionary rule. Justice Scalia, however, was in the majority on those opinions. Without Justice Scalia, he opined that these could end up as 4-4 split decision cases or a decision that did not further narrow the scope of the exclusionary rule.

With respect to an affirmative action case, *Fisher v. University of Texas, Austin*, 2016 WL 3434399 (June 23, 2016), Dean Chemerinsky anticipated that Justices Roberts, Kennedy and Alito would find against the University, and Justices Breyer, Sotomayor and Ginsberg would rule in favor of the University. Justice Kagan had to recuse herself, leaving Justice Kennedy the deciding vote. As Justice Kennedy had never voted to uphold affirmative action, Dean Chemerinsky did not expect the affirmative action policy to survive.<sup>2</sup>

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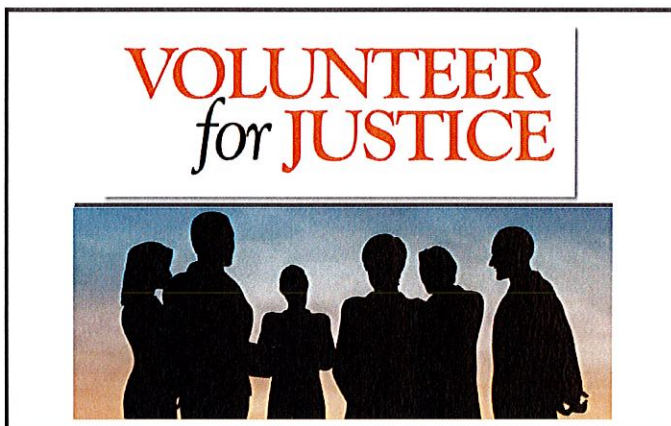
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## Imagine: A Community of Service

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*By: Ruben Escalante, President-Elect, FBA Inland Empire Chapter*

Service and justice are two words that perfectly describe pro bono. To me, pro bono provides the opportunity to fulfill a calling to serve. Also, because people turn to the legal system for justice and we as lawyers hold the keys to that system, it provides the opportunity to open the doors to justice for many people. But, as an attorney, pro bono did not always hold this level of significance to me; it was something that needed to be fostered throughout my career.



I remember my first pro bono matter as a young associate. It involved defending a charitable organization that was sued for breach of contract. I gained a lot of experience defending that client, including even presenting my first oral argument to the Court of Appeal. At that time, pro bono was simply a tool to gain experience and, quite frankly, impress partners. Still, it was something my firm gave me the opportunity to do, and I gladly accepted the challenge.

It was not until later in my career as a senior associate when the seeds of service that my grandparents and parents sowed in me began to grow. These seeds were nurtured by my firm when it supported my commitment to pro bono; by members of the legal community, including Judge Virginia Phillips, Judge Andrew Guilford, Terry Bridges, and Diane Roth, when they actively encouraged my efforts; and by organizations, like the Federal Bar Association and the Riverside County Bar Association, when they gave me opportunities to speak or write about pro bono. The seeds then flourished in the courts and the pro se clinic in the United States District Court in the Inland Empire.

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## Pro Se Corner



*By: Diane Roth*

## Congratulations & Thank You!

Congratulations and thank you to the new Chief District

Judge Virginia Phillips! Judge Phillips was instrumental in getting the Eastern Division pro se clinic established in 2011 and has been a strong supporter of the clinic since its inception. We will miss Judge Phillips, both on the bench and on our board of directors, but look forward to her leadership of our District Court. And thank you to outgoing Chief Judge George King for his continued personal encouragement, his interest in our success and for assuring that we were funded.

The Pro Se clinic has been funded primarily by the Attorney Admission Fund of the District Court. Whereas the pro se clinics in Los Angeles and Orange Counties receive significant local support, the Court recognizes that the Inland Empire does not have the large, multinational law firms or the culture of philanthropy that those counties have. The Court has been very generous in its support, assuring that our clinic can continue to provide a high level of service to approximately 1,800 clients every year.

Speaking of support, look for some new services on the horizon, thanks to a recent generous donation from the California Bankruptcy Forum. The CBF held its 2016 meeting in Palm Springs, where it awarded its annual donation to our clinic.

## Did you know..... ?

Do you have a client considering Chapter 7 bankruptcy? We hold quarterly Chapter 7 workshops in Riverside and Cathedral City that are free and open to the public. Attorney Don McKay, who manages our Coachella Bankruptcy Pro Se Clinic, teaches the class, which includes an overview of the procedure and line-by-line instructions on how to prepare and file the petition.

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## Judge Corey Lee: Blessings in Disguise

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By: Kay K. Otani, Treasurer, FBA Inland Empire Chapter



Judge Corey Lee feels that if you do not get what you want, life is sending you in a different direction. She did not get what she wanted, but it was a blessing in disguise. She likes where she is now. She tells the kids that come

before her in Juvenile Court the same thing. She encourages them to find new directions.

Corey Lee was born in Seoul, South Korea. She lived there with her mother until she was 10 years old. She was raised by her mother. Her father was not around. It was hard because Korean society was not kind to single mothers at that time. They moved every year when her mother would change jobs. Corey would have to change schools.

Corey's mother came to the United States first, while Corey stayed with her aunt in Korea. Her aunt was kind, but Corey was an outsider and they both wanted out of their forced relationship.

She was almost 10 when her mother bought her a ticket to the United States. It was interesting. The flight attendant escorted her all the way out to her mother's arms and gave her lots of toys. That was her first contact with Americans and people who were not Korean.

In her early years in America, Corey and her mother lived in Korea Town in Los Angeles. That was before Korea Town was gentrified, and it was not a great neighborhood. It was difficult. Her mother worked until late at night to support them, and Corey learned English through ESL classes. She did well and advanced quickly because she thought school was fun—even when other kids made fun of her accent.

Her mother met her stepfather about when Corey was in the fourth grade. He was a great guy and Corey really liked him. Her mother was a very exceptional and modern woman, especially considering the conservative Korean society she had grown up in. Corey's mom always asked her about the men she dated. If Corey disapproved, her mom would drop them. Her mother married a third-generation Japanese-American man from Hawai'i. That was also exceptional given the friction between Korea and Japan at the time.

Soon after, Corey had two sisters. She got along well with her step-father. He took her as his own daughter. She loved him from the time he gave her her first Rubik's cube. He was 12 years older than her mother (both born in the Year of the Tiger!) but had never had children before. He had to learn a lot. By the time Corey was 13 years old, her family had grown from just her and her mother, to two parents and three sisters.

They were happy as a family, but still had a lot of hard economic times. Her mother worked as a waitress, and her father switched from sales jobs, to selling cars, to selling uniforms. When Corey was in Junior High, her parents tried opening a retail store, but that did not work out. The whole family would go to swap meets and sell Hello Kitty bags and trinkets. Around 13 and 14 years old, Corey would help set up the tent and merchandise, help watch her baby sisters during the swap meet, and help pack it all up after.

With the changes of jobs, they moved several times. They went from Korea Town to the West Side and finally were able to purchase a townhouse in Santa Fe Springs. Throughout it all, Corey was doing well in school. By the 10th grade, Corey was offered a scholarship to a private school in Pasadena. This was a great opportunity for Corey, but it was difficult. Her parents had to drive her from Santa Fe Springs to Pasadena and back every day.

It was also difficult to adjust socially. Corey's new school was an all-girls' school, and her classmates came from a very different economic background. Corey lived quite a distance away, and lived a very different life from her classmates. She made a couple of new friends, and it was a great school with great teachers, but she had to leave all her old friends behind. She did not participate in sports, and once again struggled with being an outsider. There were also a lot of smart girls at her new school and she had to struggle with academics for the first time. Still, she did well academically, and became the year-book editor.

Corey wanted to go to UCLA or Occidental, but she was offered a full-ride scholarship to the University of Pennsylvania. After the scholarship, it was cheaper than UCLA or Occidental. In addition, Corey wanted her independence and the University of Pennsylvania was further away. She found her first year of real independence tougher than she expected. She was far from home and family. She could not focus. She almost "bailed." Her second year she buckled down and began doing well academically again.

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## Alternative Dispute Resolution (ADR) Corner



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### The Central District Mediation Panel at Work

By: Gail Killefer, ADR Program Director

The Central District's Mediation Panel was instrumental in settling cases in the Eastern Division in May and June of 2016. Panel Mediators worked with counsel and the parties to successfully resolve five cases in these two months alone: two civil rights cases, two Americans with Disabilities Act (ADA) access cases, and a trip and fall case.

Panel Mediator Dennis Wagner was pleased that a civil rights case against the City of Hemet that he mediated in May settled. In Mr. Wagner's experience, mediation only works if the parties want to resolve the case. Attorneys need to talk with their clients about realistic expectations: the risk of a federal jury not reaching a unanimous verdict, and the time and expense that federal litigation requires.

Defense counsel Nathan Oyster of Burke Williams and Sorenson LLP was pleased with the process. He finds the Court's Mediation Panel particularly useful because the parties can begin exploring settlement with a mediator even when a party is unwilling to pay for a mediator. (Panel Mediators volunteer their preparation time and the first three hours of the session.)



Mr. Oyster also finds that working with a mediator who actively litigates cases with the same subject matter as the case mediated adds to the mediation experience and to the mediator's credibility. Mr. Wagner actively

litigates civil rights cases. Similarly, Panel Mediators David Geffen and Christopher Barnes actively litigate Americans with Disabilities Act (ADA) access cases. This experience no doubt assisted them as each worked with counsel and the parties to settle ADA access cases in May.

Panel Mediator Lee Blackman mediated a civil rights case against the County of Riverside in late June.

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## Innovating Legal Education in Challenging Times

By: Gilbert A. Holmes, Dean  
University of La Verne College of Law



Law schools have faced harsh, but sometimes appropriate, criticism in the last five years. Headlines tell stories of high student debt, a dwindling job market, and sharp drops in enrollment. With these challenges, some people may wonder why the American Bar Association would grant full accreditation to yet another law school. As dean of a Southern California law school that just received full ABA approval, I hope my experiences can help answer this question. I challenge other law schools to adapt to society's changing needs as my institution has had to do.

Students face an uncertain future, one where criticism abounds about the relevance of a law school education. Employed law graduates dipped from about 76 percent in 2001 to 66 percent in 2014, according to the National Association for Law Placement. ABA statistics show 54,000 people applied for law school in 2015, compared to nearly 89,000 five years earlier.

These factors have forced numerous law schools to shrink their incoming classes, buy out tenured faculty members and impose salary freezes. Many students either surrendered their dream of becoming attorneys, or moved to complete their education elsewhere. We owe it to law students to provide a relevant and practical education, a real shot at passing the bar exam, and a chance at career success without lifelong debt.

Before taking on my role as dean of the University of La Verne College of Law in 2013, our school had suffered its own challenges. The American Bar Association denied us full accreditation in 2011, leading to a sharp drop in enrollment. Our Board of Trustees and university President faced the crucial decision of whether to continue to support our cause. Our leaders took a risk and remained supportive.

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## Marva Dillard's Retirement Party

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One  
Long  
Weekend  
Happy  
Retirement!

By: Young Kim

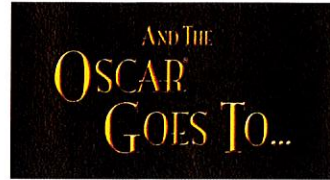
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On June 30, 2016, Marva Dillard, a dedicated and tireless public servant, retired after nearly 33 years of service to the Federal Courts. Ms. Dillard started her Federal service in 1984 as a legal assistant to the Chief Deputy. She was soon promoted to courtroom deputy and worked with five different District Judges in Los Angeles over a 20 year period. Finally, Ms. Dillard capped her career in the Federal Courts as the courtroom deputy to the Honorable Virginia Ann Phillips for the past nine years.

Her family and friends sent her off to retirement with a massive party at El Patron Mexican Restaurant in Riverside, CA attended by 77 guests. Every Federal Judge in the Eastern Division attended the party, which are Judge Jesus Bernal, Judge David Bristow, Judge Sheri Pym, and Judge Kiya Kato. Judge Phillips, who is now Chief Judge of the District and sits in the Western Division drove from Los Angeles to honor Ms. Dillard. The party was attended by the entire Federal Court family, including court clerks, court staff, courtroom deputies, U.S. Marshals, court security officers, prosecutors, defense attorneys and many past and current law clerks that Ms. Dillard shepherded during their clerkships. The award for longest distance traveled goes to Zain Shirazi, who is a public defender in Maryland, who flew in for the party.

Ms. Dillard is a lifelong fan of movies and Hollywood, thus the party was a Hollywood theme complete with a star for Ms. Dillard on the Walk of Fame and a mock Academy Awards Ceremony. Some of the award categories were, "Best Performance in Platform

Shoes." The nominees were "Marylyn Monroe, Joan Crawford, and Marva Dillard." The winner . . . Marva Dillard! Another category, "Most Intimidating in a Leading Role." The nominees were "Tommy 'Tiny' Lister, Judge Phillips, and Marva Dillard." The winner . . . Marva Dillard!



The night was a well-deserved tribute to a wonderful human being. Judge Phillips summed it up for everyone when she toasted Ms. Dillard and lauded her "dignity under pressure, her good humor, loyalty and dedication to justice."

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*[Pro Se Corner cont'd from Page -3-]*

New to the workshop is instruction by our bankruptcy paralegal, Michelle Lara, on use of the Court's electronic filing system which is newly available to the public. Check the Riverside Legal Aid website for dates and locations.

The Pro Se Clinic continues to need volunteers in both bankruptcy and civil district court proceedings. If you are willing to give brief advice in the clinic or take on a pro bono case, stop by the clinic in the Bankruptcy Court on any Tuesday or Thursday between 10 am and 2 pm, or contact our managing attorney Bob Simmons, at: [rlsimmons@riversidelegalaid.org](mailto:rlsimmons@riversidelegalaid.org).



*Riverside Legal Aid welcomes a new executive director!* I am embarking on a long-awaited retirement on September 1 and am excited to welcome my successor, Michael White, who is relocating from Los Angeles. Thank you to everyone who has made my time here enjoyable and fulfilling.

And please continue to volunteer and support our clinic. Never forget, "In order to get into heaven, you have to have letters of reference from poor people." ❖

Corey had to work to put herself through college. She became friends with a gas station owner who would hire her each Christmas vacation. She would sit, safe in her bullet-proof booth, and meet famous people who gassed up in Santa Fe Springs. A lot of them gave her autographs. During the summers she did externships, summer research fellowships, and worked at a law firm doing data entry. She also worked for the school during the school year.

She studied sociology and art history. She considered fine arts, but did not think she was original enough. She felt she could copy but not do original work. She enjoyed drawing her favorite manga heroine, a strong, *Jeanne d' Arc* figure, from the *Rose of Versailles*.



She even took part of her own strong, female identity from that figure: strong in courage and strong at arms—she studied Ryuky Kempo Karate.

While at the University of Pennsylvania, Corey met a group of culturally mixed students from similar backgrounds. They became friends and remain friends to this day. In her senior year, she switched her martial arts studies to Aikido and met her future husband, Mike. They have been together since then and married for 14 years. They even survived a long distance relationship while Corey went to Columbia to get her masters so she could pursue a career in social work.

Corey had worked at domestic violence shelters as a graduate student and realized that was not for her. She obtained a master's degree in social administration, and was accepted into the Presidential Management Internship, a program accepting only top graduate students. That segued into a job at the Office of Management and Budget (OMB). As there were very few social service jobs when Corey graduated, she felt very lucky to have the training and opportunity to work in administration at OMB. While at OMB, she worked in healthcare budget and policy, Medicaid, poor and children's health, and the Healthcare Financing Administration. She also did a stint on the Hill, working for Senator Edward Kennedy—he was polite to her—who impressed her because he was not glued to his speech and could just go from what was in his head.

From her work in D.C. and in domestic violence shelters as a graduate student, Corey began thinking about going to law school. She had always

felt law was a way to affect social policy. It had always been in the back of her mind because she was always an outsider and could see differences.

After Corey had spent three years in federal service, Mike wanted to live in Japan one last time. So Corey and Mike went to Japan for one year. They taught English, visited temples, enjoyed great food, and both obtained their black belts in Aikido. When they returned, Corey went to Loyola Law School.

Corey had always wanted to return to Los Angeles, and was always interested in criminal law. While at Loyola, she attended the Loyola Hobbs Trial Advocacy Course. The first half was trial advocacy and the second half was an internship at the Los Angeles District Attorney's Office. That got her interested in working for the District Attorney's Office. She was also interested in immigration law. She attended the United States Department of Justice Summer Honors Program and clerked for Immigration Judges in Los Angeles in the summer. Those experiences led to attending the United States Department of Justice Honors Program after law school. Under that program she could go anywhere to any program. But by that time Corey wanted to stay in Los Angeles near her family. Only two programs were available in Los Angeles, immigration and the Bureau of Prisons. She went to work as an immigration judicial law clerk. She felt lucky because she could work near her family.

She was eventually offered a position as a Supervisory Attorney Advisor at the Immigration Court, but there were positions opening in the District Attorney's Office. She applied everywhere and the Riverside District Attorney's Office made her the first offer. She learned a lot there, and after three years the San Bernardino District Attorney's Office called her and made her an offer. She was assigned to Victorville and really liked it. Great people were on both sides and the bench, and they had really good working-relationships. After one year, she applied to the United States Attorney's Office, specifically in Riverside. She applied just to see what would happen. After 25 months, they hired her. She did not want to go to Los Angeles, but her friend told her to try it. At her Los Angeles interview, they made her an offer and told her she would have to accept a pay-cut. She accepted on the

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spot. She was an Assistant United States Attorney for seven years, mostly in the Riverside Office. She liked practicing in Riverside federal court because there were good working-relationships between both sides and the bench—it was like Victorville in that respect.

A Riverside Judge suggested she apply for a judgeship. It was only two weeks before the deadline, but he encouraged her to fill out the mass of paperwork on-time and not to miss the deadline. She buckled down and did it.

Judge Corey Lee has been on the bench for about 11 months. Her first six months she sat in Fontana doing traffic court and small claims. Since January she has sat in Victorville Juvenile Delinquency Court. Her court is by itself, set apart from other courts. It is a familiar place. Some people she knew are still there. Her court reporter's dog is the father of one of Judge Lee's dogs, and the bailiff in the next courtroom has the brother of Judge Lee's dog. Judge Nakata, who used to scare her, is now her mentor. Sitting in Victorville feels like coming home.



Judge Lee wanted to graduate from high school in Santa Fe Springs, but she ended up at a private school in Pasadena. She wanted to go to college at UCLA or Occidental, but ended up at the University of Pennsylvania. She wanted to have a career in social work, but ended up in administration. She wanted to be a prosecutor and ended up a judge. As she tells the kids who appear before her, when you don't get what you want, life is just sending you in a different direction. It is a blessing in disguise, and she likes where she is now.



16 federal district judges. The Eastern Division's population makes up approximately 23% of the district's overall population, but has only about 3% of its district judges. The lack of additional district judges in the Eastern Division causes Inland Empire attorneys, parties, witnesses, and victims considerable time and inconvenience travelling back and forth to downtown Los Angeles to have their federal cases adjudicated.

Chief Judge Phillips is not the only highly valued member of the Eastern Division's federal court community to have moved to Los Angeles to serve in a new leadership role. Kiry Gray has been the Deputy-in-Charge in Riverside since the Eastern Division was first established in 1993 and served with great distinction until she was promoted late last year to Clerk of Court for the entire Central District of California. Gray succeeded retired Clerk of Court Terry Nafisi.

Since early this year, Steve Cohen has served as the Deputy-in-Charge for the Eastern Division. Cohen has recently been reassigned to serve as Director of Human Resources for the entire district, in Los Angeles. Succeeding Cohen as Deputy-in-Charge in Riverside is Dominic Estrada, who had been serving as Divisional Team Leader for the Eastern Division.

We wish Chief Judge Phillips, Gray, and Estrada the very best of luck in their new roles and know that, if past performance is an indicator of future results, the Central District's population will continue to be well-served. Against this backdrop, however, we eagerly hope to see one or more additional district judges soon in the Eastern Division.

Turning our gaze to the future, our FBA chapter has an exciting event planned for Thursday, September 8 at 12 noon at the federal courthouse in Riverside. This event will feature the heads of all local public defenders' offices in a panel discussion on sentencing reform. Federal Public Defender Hilary Potashner, Riverside County Public Defender Steve Harmon, and San Bernardino County Public Defender Phyllis Morris will be representing their respective offices. And U.S. Attorney Eileen Decker will be moderating what promises to be a topical and engaging discussion. We are proud to be co-sponsoring this event with the Riverside and San Bernardino County Bar Associations. We hope you are able to attend this event.



Plaintiffs in this case alleged that certain County social workers violated their constitutional rights by removing their adopted children without a warrant or exigent circumstances. The parties reached a tentative settlement at mediation, conditioned on approval by the County Board of Supervisors.

The parties began a settlement dialogue at a mediation with Panel Mediator Terry Bridges in August 2012. After the Court ruled on cross motions for summary judgment, narrowing the issues for trial, the parties agreed to return to mediation.

When Mr. Bridges was not available for further mediation, the parties selected Panel Mediator Lee Blackman. Plaintiff's counsel Robert Powell explained that few mediators have experience with this area of the law; he had, however, mediated a similar case with Mr. Blackman. Said Powell: "Lee is great. He works really hard and is prepared."



Defense counsel Nathan Perea also credited Mr. Blackman with facilitating a productive dialogue between counsel and working hard with both parties to reach an acceptable settlement value.

Mr. Blackman reported that "both sides were represented by able, experienced, and confident lawyers who demonstrated a thorough knowledge of the important issues and evidence. More importantly, they were able and willing to flexibly revisit their positions and interests as differences between the parties' demands and offers narrowed."

Finally, Panel Mediator Rob Parris mediated a personal injury case with the Law Offices of Ted Wacker and the U.S. Attorney's Office. The complaint alleged a "trip and fall" by a husband and wife at the Loma Linda Veterans Affairs Hospital.

Plaintiff's counsel Whit Bertch described this mediation as an excellent experience: Rob Parris "knew what he was doing and it showed. He kept the ball rolling towards a resolution. I think all parties were relatively satisfied with the result."

Mr. Bertch said he would recommend this mediator to anyone: "I liked Rob, my clients liked him, and we were all happy with the process."

Federal litigators: If you've never tried the Central District's Mediation Panel before, consider selecting a Panel Mediator in your next civil case. These mediators are skilled and hard-working, and they can help you move the settlement process forward. ❖

We knew we needed to provide certainty not only to the board and president, but also our students. We have a clear mission to level the playing field to bring legal career opportunities to a diverse pool of aspiring attorneys and leaders in our region.

The school eliminated tuition discounts, instituting a program called True Tuition: one tuition price for all students, fixed for their three-years (or four years for part-time students). Our enrollment has increased the past three years as a result.

We have incorporated many practical applications that other law schools have integrated. We followed Drake University and established a Court Observation Week to introduce our students to the profession. Seeing Baylor's success, we instituted a Litigation Track and a Transactional Law Track for second-year curriculum. We incorporated University of Baltimore's ILS course and promoted experiential learning through clinics and externships for students in their final years. We knew we were successful when employers of our students remarked at how well prepared they were.

Bar preparation, usually a post graduate event with added costs to law students, is fully integrated at the La Verne College of Law and included in tuition.

Our bar pass rates soared. Our three-year average meets the ABA standards at a time when the bar pass rate for first-time takers from California ABA-approved law schools has decreased.

We are especially proud of our students' success because they generally do not have the advantages of their wealthier peers. College of Law students are significantly a first generation, minority population.

The ABA affirmed our efforts by granting us full accreditation in March, ending our provisional status.

As leaders in legal education we are accountable for how we prepare students for their lives as leaders, attorneys or law professors. Our focus must extend beyond rankings and admissions tests, and zero in on quality curriculum at a price that does not exacerbate the rising student debt problem.

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[L-R: Joseph Widman; Federal Public Defender Hilary Potashner; Wendy Rogers; Hon. Jesus G. Bernal; Marva Dillard; Hon. Virginia A. Phillips; Ruben Escalante; Distinguished Professor of Law Dean Erwin Chemerinsky; Hon. George H. King; U.S. Attorney Eileen Decker]

Dean Chemerinsky also discussed several cases that were decided and several others that were pending. As always, Dean Chemerinsky's review was informative, insightful and entertaining. Given some of the decisions that have been rendered, and the potential appointment of a new justice, next year's Constitutional Law Forum should be even more interesting and informative.

<sup>1</sup> With respect to *Utah v. Streiff*, 2016 WL 3369419 (June 20, 2016), the exclusion of evidence was reversed, with Justice Breyer voting with the majority. With respect to *Birchfield v. North Dakota*, 2016 WL 3434398 (June 23, 2016), the conviction, based upon a refusal to submit to a blood alcohol level test, was reversed.

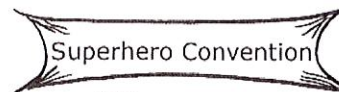
<sup>2</sup> While the majority of votes did, indeed, fall as Dean Chemerinsky anticipated, Justice Kennedy voted in favor of the University, upholding its affirmative action plan.



Now, as a partner, free time to handle pro bono matters seems even more scarce and valuable. With the roots of pro bono firmly established, however, it sometimes appears more difficult to turn down pro bono opportunities than to accept them. For example, the other day I received a call about a potential pro bono case. After performing my due diligence, I still had my reservations for a variety of reasons. So I sought the counsel of my father. After a healthy conversation, he said, "Son, sometimes we are called to help people who are not easy to help, but we must help if we are called to do so." I decided to accept the case, but I likely would never have reached this point if there were not an institutional commitment to service behind me.

For those of us, like me, who live and work in the Inland Empire, we know that we have much to be proud of about our community, and our legal community in particular. Indeed, our legal community prides itself on being professional, civil, and committed to excellence. We also know, however, we have corners in our community that are devastated and darkened by the shadow of poverty and injustice. We know where they are, who they are, and what they need.

Now, imagine for one moment how different our community would look if we all gave just half of what the State Bar asks us to give to doing pro bono work. Imagine how different our community would feel if we took the light of pro bono to the darkest corners of our community. Imagine how different our community would be if the legal community was a shining example of what it meant to serve. Then, let them say of the Inland Empire, "We are a Community of Service."



"Us? No, we're not in disguise. We're pro bono volunteers."



**FEDERAL BAR ASSOCIATION  
INLAND EMPIRE CHAPTER  
and  
RIVERSIDE COUNTY AND SAN BERNARDINO COUNTY  
BAR ASSOCIATIONS**

Present

**Public Defenders' Roundtable 2016:  
The Future of Sentencing Reform**

Featuring

**HILARY POTASHNER, Federal Public Defender, Central District of California  
PHYLLIS K. MORRIS, Public Defender, San Bernardino County  
STEVEN L. HARMON, Public Defender, Riverside County**

Moderated By

**EILEEN M. DECKER, U.S. Attorney, Central District of California**

**Thursday, September 8, 2016  
Noon to 1:15 p.m.**

**George E. Brown, Jr. Federal Courthouse  
3470 12th Street, Courtroom 4, Riverside, CA 92501**

**Lunch Will Be Served**

**FBA Members \$25   RCBA/SBCBA Members \$30\*   Non-Members \$35\*  
Gov't Employees \$20\*   Judicial Law Clerks/Law Students \$10**

**\* Non-FBA members can apply admission fee toward FBA membership**

Please RSVP no later than September 2, 2016 by e-mailing [sherrigomez4@gmail.com](mailto:sherrigomez4@gmail.com)

Please send payment to: FBA/IE, P.O. Box 42, Riverside, CA 92501

*RCBA/FBAIE certifies that this activity has been approved for 1 hour of General MCLE credit*