

Western San Bernardino County Bar Association

BAR BULLETIN

10630 Town Center Drive, Suite 119 ~ Rancho Cucamonga, CA 91730

Volume XIII, Issue 3

www.wsbcba.org

March 2012



REMARKS FROM THE PRESIDENT'S DESK

By: Laurel A. Hoehn

From The Desk of the President of the Josph B. Campbell Inn of Court

By: Hon. Barbara A. Buchholz

Let me start this month's article with a simple request:

SAVE THE DATE!!

TUESDAY, APRIL 3RD

JOINT INNS OF COURT DINNER

With Featured Speaker

California Supreme Court Justice

HONORABLE GOODWIN LIE

*****See the Event Flyer in this Publication to RSVP*****

Or contact Lisa DeLorme directly at (626) 302-6889 or e-mail her at: Lisa.Delorme@sce.com

On March 22, 2012 the Western San Bernardino County Bar Association will honor Judge Ben T. Kayashima with the Third Annual Judicial Officer of the Year Award. The Judicial Officer of the Year Award is given to recognize and honor one of our local Judicial Officers who has demonstrated a long term commitment to the local legal and Judicial community. The recipient must exhibit a significant work ethic in upholding and providing impartial justice for all who appear before him or her, works towards improvement in the interaction between the Judiciary and the Bar, works towards providing access to the judicial system for pro per litigants, exhibits appropriate judicial demeanor in the Court system to attorneys, litigants and staff members, and works towards improving the efficiency and effectiveness of the Court system.

The Honorable Judge Kayashima has served our local courts since he was appointed to the bench in 1980 by then Governor Jerry Brown. Following his retirement in 2001, he has continued to preside in Dept. 12, sitting by Assignment. Judge Kayashima is a member of the Los Angeles County Bar Association, the Pomona Valley Bar Association, the California Judges Association, CTLA, Japanese American Bar Association, and the Hastings College of Law Alumni Association.

It cannot be disputed that Judge Kayashima has demonstrated a long term commitment to the local legal community. His diligence and work ethic is well-known and respected, and anyone who has appeared before him can attest, Judge Kayashima will be well versed and aware of the issues of your case. In the course of my work, I regularly come across a lot of attorneys from out of the area; however, when it is discovered that I am from Rancho Cucamonga, I am often asked if I have appeared in front of Judge Kayashima and if he continues to line attorneys up against the wall in pairs. They may not have appeared in front of him in several years, but they certainly remember him.

The Third Annual Judicial Officer of the Year Awards Dinner promises to be a wonderful event where the local bar and Judiciary can mingle, enjoy a nice dinner, and honor one of its own. We look forward to seeing all of you in attendance at Sierra Lakes on March 22nd to honor Judge Kayashima.

If you are a trial attorney preparing for a jury trial, there can be few things on your horizon more important to you than jury selection, or "de-selection" as our speaker Dr. Giese would explain to our members at the February membership meeting. The Campbell Inn members had the opportunity to explore this interesting and ever changing topic during our program entitled "Juror Bias-- Uncovering It, Using It. How Far Can You Go?"

The evening program started with a concise overview of the *how*, *what*, and *why* of the juror system presented by our La Verne law student, Alicia Marrujo. Her discussion centered on the "carrots and sticks" used to get jurors to come to the court and participate in the jury process. She talked about the incentives that the court uses to get individuals to participate, such as the one day one trial approach, and penalties for failing to appear, such as fines and contempt proceedings.

This was followed by our featured speaker for the evening Dr. Lara Giese.

Dr. Giese, both a licensed psychologist and psychotherapist in California, is President of Advanced Trial Sciences, and she generously gave up her evening hours to travel to the San Bernardino area to share her perspectives and thoughts about the *Voir Dire* process. Dr. Giese offered our participants a wealth of information on jury selection/de-selection, strategies for obtaining the most effective jury for your case and Juror psychology as it affects the selection process.

In particular, through a PowerPoint presentation and discussion, Dr. Giese explained about juror psychology and perception of the jury process, coupled with the need for an attorney, at

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From The Desk of the President of the Joseph B. Campbell Inn of Court

Continued from Page 2

the first instance, to make himself/herself “relatable” to the prospective jurors. This is done in part by creating an environment of trust for the potential jurors. She likened it to be similar to having a conversation with someone at the bar, without the use of profanity or sports talk. Most importantly, she cautioned about not invading a potential juror’s personal space and not to embarrass them during the voir dire process.

Dr. Giese emphasized that in today’s world our typical jurors view themselves as mini-experts, based on large part to the influence of legal dramas on TV. As she put it, juror perception equals verdict reality.

Also discussed by Dr. Giese was the main purpose of voir dire, such as gathering juror information, laying the initial groundwork for a thematic presentation at trial, (i.e., sending a message to the prospective juror that incorporates the theme of your case), and the “pledge” question, which seeks to get the jurors to understand there are always 2 sides to the story to be told. The focus should be on asking the right questions during the voir dire process. Open-ended questions followed if necessary by the follow-up questions when appropriate. She advised not to get tied to a script and to take every opportunity to build rapport with the jury pool of candidates. Attorneys can establish credibility and believability through maintaining eye contact and through open body language. Interestingly, Dr. Giese pointed out that you are looking to *de-select* those individuals you believe to have leadership roles from your jury. To do that you must explore with a potential juror any duties in their occupation that require substantial supervision of others, any prior history acting as a foreperson on a jury, any officer positions held in professional, social, political or religious organizations or any letters to the editor (it shows they have an opinion and are not afraid to assert it in public).

Dr. Giese spent some time explaining the distinction for the various groups of potential jurors based essentially on age categories. There are 4 distinct categories: Traditionalists, Baby Boomers, Generation X, and Generation Y. Each has particularized characteristics that will affect your outcome depending on the type of case in front of them. She also spent a few minutes talking about the *goods and bads* of using jury questionnaires, use of focus groups and use of mock trial as part of the jury selection process.

The take away from the presentation:

- Jury selection is really more about “de-selection” of those jurors most harmful to your case;
- Even on a shoestring budget, one can effectively de-select harmful jurors;

- Asking open-ended questions and “normalizing” bias can draw jurors’ biases out;
- Know and recognize the values of different generations of jurors – Traditionalists, Baby Boomers, Generation X, and Generation Y

All in all it was a very informative presentation. If you did not get to the February program, you missed yet another great program. You can always attend our next program which is at the Arrowhead Country Club and is set for **March 14, 2012 at 5:30 pm**. The topic will be: “Greed, Gold Diggers and the Golden Years -- Criminal and civil implications of elder abuse.”

All membership questions should be directed to our membership chairman, Donna Connally. She can be reached at: (909) 758-5136 or you can e-mail her at:

donna@noquitdefense.com

Until next time, Hon. Barbara A. Buchholz

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1 very large private office with exceptional mountain views plus a large reception/work area. Available October 1. Rental rate is \$1.25 per square foot.

Contact Matthew Taylor at (909)989-7774 for details.

March Almanac

By: Tony Sears

Spring ahead, fall back. Daylight Savings Time begins at 2:00 a.m. on Sunday March 11, 2012. All times Pacific Daylight Time (PDT), which is minus seven (7) hours from UTC (Universal Time Coordinated). The Vernal equinox occurs at 10:14 p.m. on Monday March 19, 2012.

March 4, 2012, provides an excellent chance to see six (6) planets with naked eye sky watching. At dusk, look for Jupiter, Venus, and Mercury in the West-Southwestern sky. Mercury is close to the horizon, but you should be able to see it. Venus will be exceptionally bright and will make a spectacular pairing with Jupiter, being visible well after twilight. Mars at opposition (directly opposite from the Sun) on March 3 and is closest to Earth on March 5, 2012. Saturn rises about 4 hours after sunset. Can you guess the sixth planet you will be able to see? (It's not Uranus or Neptune).

The March Full Moon is called the "Full Worm Moon" and happens on Thursday, March 8, 2012, at 1:14 a.m. The newly full Moon will rise at 6:40 p.m. so it will be bright all night, setting in the west at 6:39 a.m. on March 9. The Moon will also appear to be full when it rises on March 6 (4:25 p.m.) March 7 (5:32 p.m.), and March 9 (7:50 p.m.). You may want to consider liberating some earthworms from the bait shop to your garden. They will pay back your kindness tenfold.

Garden Notes: Thinking about citrus trees? If you already have citrus tree(s), then remember to prune and feed. Use citrus food, as it contains additional components (often referred to as "minors") that encourage fruit production. All citrus trees are grafted onto specialized root stock, which determines how big the tree will get. I recommend buying trees in either five (5) or fifteen (15) gallon size.

Unless you have a large area, get a "dwarf" tree (s), which still can be up to 10 ft. at maturity. A "standard" size tree can get quite large and difficult to maintain. Think of some of the monster sized trees in Upland, Redlands, or Riverside. I have just planted a dwarf Meyer Lemon that is trained on an a trellis, a so-called "espalier" technique. This tree will be trained to grow on a stone wall and will provide 30-50 years of fruit production.

I have been getting great results from using stone mulch around my citrus trees. The stone mulch (available from Kramer's Masonry and Supply on Foothill in Upland) provides excellent drainage, moderates the soil temperature, makes weed control much easier, and is aesthetically pleasing. Please be patient, as some citrus take up to five (5) years to get going. There are dozens of varieties of citrus. In addition to the usual list of suspects, like Eureka Lemon, Washington Navel, and Valencia Oranges, I recommend the following: Meyer Lemon, the Chef's lemon of choice.

Low in acidity, yet full of lemony goodness. Key Lime, also known as Mexican Lime. The little yellow lime. This lime will drop off the tree when ripe, another good reason to have stone mulch. Moro Blood Orange. This is a fantastic citrus fruit. Use it for salad dressing, cocktails, or just eat off the tree. Satsuma Tangerines. Like candy. Easy to peel, seedless, and juicy. Oro Blanco Grapefruit. This is a solid producer of yellow fruit. The fruit can hang until late summer and gets sweeter as time passes. Sorry, the red grapefruit varieties do not seem to do as well in our area.

Recipe of the Month: St. Patrick's Day! Time for corned beef and cabbage. Not your Grandma O'Hara's recipe. Here is a simple, deluxe sandwich with sides. Serves 2-6, depending on how big your brisket is. Leftovers make a nice corned beef hash, which you can serve with a poached egg:

(1) Corned Beef Brisket. Cook it in a crock pot for 6-8 hours. It is traditional to add a pint or two of stout beer to the crock pot. It brings a nice flavor to the brisket. Let it cool, then slice across the grain. If you slice with the grain, you will have chunks, not slices.

(1) Loaf of Corn ("Jewish") Rye Bread. Orowheat makes it. It has a crunchy crust and is perfect for this sandwich.

Swiss Cheese: This is the cheese for this sandwich. Baby Swiss works well too.

Hot Mustard. Use any kind you like.

Coleslaw mix. In a bag, cabbage and carrots, shredded together.

Blue Cheese or Russian Dressing. Mix with coleslaw. Serve on sandwich or on the side.

Oven Roasted New Potatoes. Get a pound of new potatoes and oven roast at 325F, with olive oil, kosher salt, and two (2) cloves of crushed garlic. About 45 minutes to an hour should do the trick. Save any extra cooked potatoes for your hash.

Dessert: Girl Scout Cookies. Love those Samoas! On sale now from your local Girl Scouts.

Beverages: Guinness or Harp beer. Buon Appetito! Tony

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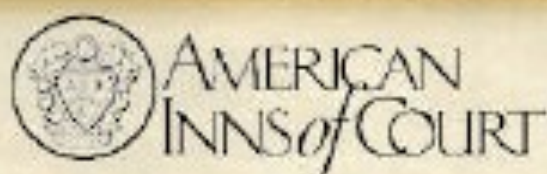
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in cooperation with the Hon. Leo A. Deegan and the Hon. Merrin C. Slaughter American Inns of Court

Cordially invites you to join us at the

Joint Inns of Court Dinner

Presenting

California Supreme Court Justice The Honorable Goodwin Liu,

Featured Speaker

On

April 3, 2012

Cocktails at 5:30 with a No Host Bar

Dinner served promptly at 6:00 p.m.

at

Hilton Hotel

285 E. Hospitality Lane

San Bernardino, CA 92408

Please mail RSVP and payment with the bottom portion by **March 20, 2012** to Lisa DeLorme, at: P.O. Box 1093, Redlands, CA 92373. (Checks payable to: JBC Inn of Court)

(Please Print Legibly)

Name(s) of attendee: _____

Current Inn Member \$10.00

New Inn Member \$25.00

Sponsorship Table (10 seats) \$50.00

Amount Enclosed: \$ _____ (Circle one: JBC DEEGAN SLAGHTER)

Any questions please contact Lisa directly at: 626.302.6859 or email her at: lisa.delorme@icac.com

THE WESTERN SAN BERNARDINO COUNTY BAR ASSOCIATION

Cordially invites you to attend the

3RD ANNUAL “JUDICIAL OFFICER OF THE YEAR” AWARD’S DINNER

TO HONOR AWARD RECIPIENT:

BEN T. KAYASHIMA

THURSDAY EVENING, MARCH 22, 2012

Sierra Lakes Country Club
16600 Clubhouse Drive, Fontana CA

5:30 p.m. Social Gathering

6:00 p.m. Dinner & Ceremony *(Prime Rib, Chicken Cordon Bleu or Vegetarian)*

Cost: \$65.00/person in advance — \$75.00/person at the door

Please mail payment & RSVP as soon as possible to the WSBCBA, 10630 Town
Center Dr., Suite 119, Rancho Cucamonga, CA 91730

NAME: _____

GUEST(s): _____

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MEAL CHOICE.: _____

⌚ NOTE: A reservation made is a reservation paid ⌚

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Pathways to Justice Conference

Presented by the State Bar of California Office of Legal Services, Legal Aid Association of California and the Administrative Office of the Courts Equal Access Project.

When: June 7-8, 2012

Where: UC Hastings College of the Law, San Francisco

ONLINE REGISTRATION in March.

Conference Highlights Include:

Carlos R. Moreno, Of Counsel with Irell & Manella LLP in Los Angeles and former Associate Justice of the California Supreme Court, will be the keynote speaker on Thursday, June 7.

- Programming in a variety of topics for staff, board members, volunteers and others from: Legal services and pro bono providers, self-help centers, small claims advisor services, lawyer referral services, law schools, and other justice partners.
- 10+ hours of MCLE credit
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- Affinity Group Meetings
- Presentation of the LAAC Awards of Merit

For more information about Pathways to Justice, contact Rodney Low at rodney.low@calbar.ca.gov, or Sharon Ngim at Sharon.ngim@calbar.ca.gov



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ANNOUNCEMENTS

WSBCBA Events

March 22, 2012: 3rd Annual Judicial Officer of the Year. Social Gathering begins at 5:30, Dinner and Ceremony will start at 6:00. 16600 Clubhouse Drive, Fontana, CA. Please call the Bar office (909) 483-0548 to RSVP

May 17, 2012: East Meets West, held at Rainbow Canyon Ranch. Please contact the Bar office for more information.

CONFIDENTIAL HELP to Judges & Attorneys in trouble with alcohol or drugs. **Call (951) 683-4030**, 24 hrs., 7 days/week.

ASK A LAWYER NIGHT — “Ask A Lawyer Night” of the WSBCBA is held every 3rd Wednesday of the month (except July & August) at 5:00 p.m. **For further information, or if you would like to volunteer, please call**

The News Bulletin of the Western San Bernardino County Bar Association is published 11 times a year. Our circulation is approximately 400, including: our bar membership, state and federal judges, state and local bar leaders, legislators, and businesses interested in the advancement of our mission.

The majority of our membership includes attorneys located in the western regions of San Bernardino County as well as portions of the eastern regions of Los Angeles.

Articles, advertisements and notices should be received by our office no later than the 15th of the month prior to the month of publication.

For current advertising rates, please contact us at 909/483-0548, visit our website at www.wsbcbca.org or send us an e-mail at WesternBarAssoc@aol.com.

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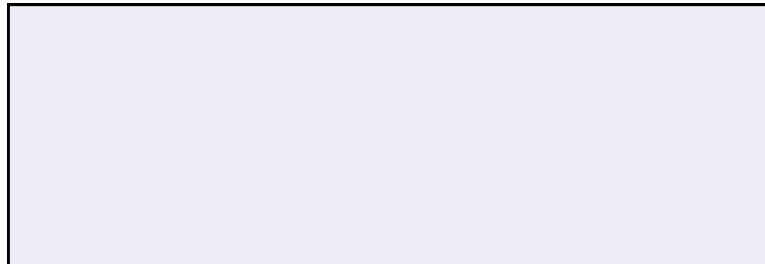
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