

BAR BULLETIN

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July 2013



REMARKS FROM THE PRESIDENT'S DESK—

By: Dean McVay

Happy Independence Day! We are well into summer and family vacations are underway, but the bar association is busier than ever! We will be taking July off from MCLE presentations, but we will be back at it in August. For those of you not away on vacation in August, we will conduct an MCLE at the Rancho Cucamonga Spaghetti Factory on **August 22** from noon to 1:30 p.m. on “eDiscovery – Discovery in the Electronic Era” with attorney Gordon J. Calhoun of the Los Angeles office of Lewis Brisbois Bisgaard & Smith. He will discuss effective protocols for e-Discovery, distinguishing e-Discovery versus computer forensics, obligations to preserve electronic information, ESI that is “not reasonably accessible,” and effective e-Discovery Management. The cost will be \$25 for members and \$40 for non-members.

On **September 4** (rescheduled from September 19) we are happy to present an MCLE Luncheon co-sponsored by the Inland Empire Legal Association of Women (IE LAW) and our Western San Bernardino County Bar Association. San Bernardino Presiding Judge Marsha Slough will update us on the status of the San Bernardino Superior Courts at the Panda Inn, Ontario, from noon to 1:30. The cost will be \$25 for members and \$40 for non-members. Please call soon to reserve your spot, as seating is limited.

On **September 24** we will return to the beautiful north Upland home of Brian and Camille Brandt for our annual “Bench Bar Barbecue.” Please join us as we mingle with Judges, colleagues and friends at this annual event. Tony Sears and Brian Brandt will be manning the barbeque, serving up some delicious food and appetizers. There will also be an open bar (soda, water, beer and wine) featuring Brian Brandt’s family wines. We will raffle off some wonderful prizes and are currently soliciting raffle items from local businesses. Please ask your favorite restaurant, local store or shop to donate an item or a gift certificate for us to give away at the raffle. This event is one of the favorites throughout the year, so be sure not to miss it!

Please also plan on joining us for our annual “Lawyer of the Year Award, Legal Assistant of the Year and Officer Installation Dinner,” which will take place on **October 17, 2013**, starting at 5:00 p.m. at the Doubletree Hotel in Ontario.

We are currently accepting nominations for “Lawyer of the Year” and “Legal Assistant of the Year.” (Nomination forms are included in this month’s newsletter.) Please return the nomination forms by August 2, so the Board can review them and vote at the August 5 Board Meeting.

The “Jennifer Brooks Lawyer of the Year Award” is given each year by the Western San Bernardino County Bar Association to a local lawyer who demonstrates the finest qualities of our profession. Such qualities include what Judge Charles W. McCoy refers to as the “Five Cs”: Candor, Compassion, Civility, Courage, and Competence. As we heard from those who knew Jennifer Brooks, she demonstrated all of these essential qualities and practiced law with great integrity.

An award is also given each year to a Legal Assistant who exhibits the utmost in professionalism, experience, and assistance, not only to his/her employer, but also to the legal community, and who goes above and beyond the call of duty. Please send in your nominations as soon as possible so the Board may evaluate them carefully prior to voting.

Please also save the date of **March 27, 2014**, beginning at 5:00 p.m., for our “2014 Judicial Officer of the Year Award.” This dinner will also take place at the Doubletree Hotel in Ontario, and will feature a very special guest - you won’t want to miss it.

Our Executive Director, Deva Mora, has been busy updating our Lawyer Referral Service database. If you would like to join the LRS, please fill out an LRS application and return it to Deva at the Bar office. We receive numerous calls daily from individuals looking for local lawyers in various practice groups. Help us help you expand your practice! For those of you who are currently on the LRS list, please assist Deva with updating your open and closed file lists.

Have a great July and we look forward to seeing you soon at one or more of our upcoming events!

WELCOME Western San Bernardino County Bar Association’s New Members:

Nancy Camarillo - All American Law
Brandon S. Miller—Haslam, Perri & Thorne
Samuel R. Wasserson, Law Offices of Marc E. Grossman

**From the Desk of the President of the
HONORABLE JOSEPH B. CAMPBELL
AMERICAN INN OF COURT
by Commissioner Diane L. Anderson**

June 12, 2013 INN MEETING

The Honorable Joseph B. Campbell Inn of Court held its annual End of Year Banquet on June 12, 2013, at 5:30 p.m. at the Arrowhead Country Club in San Bernardino. Guest speakers for the event were the Honorable Marsha Slough, Presiding Judge of the San Bernardino County Superior Court and Presiding Justice Manuel A. Ramirez of the Fourth District Court of Appeal, Division Two.

Judge Slough's presentation to the membership focused on the Court's budget crisis. She began with geographic and demographic information about San Bernardino County which comprises more than 20,000 square miles with a population in excess of two million. She noted that in the last 10 years the population of San Bernardino County has increased by 21%.

As a result of severe budget cuts the following San Bernardino County Superior Courts have closed: Chino, Informal Juvenile, Big Bear, Needles, Barstow and one courtroom in Joshua Tree. That leaves the following Courts open to serve the residents of San Bernardino County: San Bernardino, Fontana, Victorville, Rancho Cucamonga, Joshua Tree and one courtroom in Barstow that will remain open three days a week until June, 2014.

Judge Slough expressed a deep concern that these Court closures have greatly impacted the residents of San Bernardino County. She told the membership of a Defendant in a criminal case who rode his bicycle from Barstow to Victorville along Route 66 to make his appearance at the Victorville Courthouse because his case had been transferred from the Barstow Courthouse to the Victorville Courthouse.

Judge Slough shared a chart with the membership which provided information regarding the Court's annual budget and its increasing deficit beginning with 2010-2011:

| <u>YEAR:</u> | <u>BUDGET:</u> | <u>DEFICIT:</u> |
|--------------|------------------|----------------------------|
| 2010-2011 | \$109 Million | \$ 1.8 Million |
| 2011-2012 | \$103 Million | \$ 4.7 Million |
| 2012-2013 | \$ 84 Million | \$17.7 Million |
| 2013-2014 | \$ 89 Million | \$ 9.1 Million (Projected) |
| 2014-2015 | \$ 89.73 Million | \$ Fiscal Cliff |

Judge Slough also shared a chart with the membership setting forth a brief history of the Court's reserve account:

| <u>YEAR:</u> | <u>AMOUNT IN RESERVE ACCOUNT:</u> |
|--------------|-----------------------------------|
| 2009-2010 | \$39.3 Million |
| 2010-2011 | \$37.5 Million |
| 2011-2012 | \$ 3.8 Million |
| 2012-2013 | \$14.2 Million |

Judge Slough explained that a reserve account allows the Court to meet its budgetary needs when there is a shortfall between the budget and operating expenses. The reserve accounts for all of the Courts have been swept which means the money was removed from the reserve accounts and used to meet the State's budget not the Courts' budget; followed by a period of time in which a reduced spend down by the Courts has been permitted. Judge Slough explained that as of last year each individual Court will only be allowed to keep the equivalent of 1% of its budget in reserve. For the San Bernardino County Superior Court this will not even cover payroll for one month.

In addition to Court closures the San Bernardino County Superior Court has taken the following measures since 2011: hiring freeze, employee furloughs, stopped projects, said good-bye to some assigned Judges and employee layoffs.

Judge Slough shared with the membership that the caseload in the San Bernardino County Superior Court warrants 1,500 employees. The Court currently has 897 employees.

Judge Slough advised the membership that there is now a new methodology for allocating the Judiciary's Budget which will ultimately benefit the San Bernardino County Superior Court. The new methodology will phase in over a five year period as follows:

| <u>YEAR:</u> | <u>PERCENTAGE:</u> |
|--------------|--------------------|
| 2013-2014 | 10% |
| 2014-2015 | 15% |
| 2015-2016 | 30% |
| 2016-2017 | 40% |
| 2017-2018 | 50% |

Judge Slough indicated that the slow phase in of the new methodology does not provide enough immediate relief to the San Bernardino County Superior Court and that the Court will face its own fiscal cliff in 2014-2015.

Judge Slough also told the membership that the Legislature has proposed to the Governor that he restore \$60 Million to the trial courts for 2013-2014 and that it be allocated according to the new methodology, but stopped short of proposing any adjustment to the 1% reserves. Of this \$60 Million, the San Bernardino County Superior Court would receive \$6 to \$7 Million. Judge Slough also pointed out that Governor Brown could veto the \$60 Million.

Judge Slough indicated that the San Bernardino County Superior Court needs to implement \$11 Million more in cuts, which will likely result in more court closures, more employee layoffs and a further denial of access to justice.

Presiding Justice Manuel A. Ramirez spoke to the membership about Appellate Court caseloads. There are 105 Appellate Court Justices for the State of California. Presiding Justice Ramirez told the membership that the Fourth District Court of Appeals, Division Two in Riverside has seven justices. Its resource base is 6.7% of the Appellate Court's budget and it does 10% of all the workload. By comparison, the Appellate Court in San Jose also has seven justices, a 6.7% resource base and it does 5% of all the workload.

June Almanac

By: Tony Sears

All times Pacific Daylight Time (PDT), which is minus seven (7) hours from UTC (Universal Time Coordinated). Location: 34.1 N, 117.7 W. All astronomical data courtesy of the United States Naval Observatory website: www.usno.navy.mil.

July Sky. The July New Moon occurs on Monday, July 8, at 12:15 a.m. The

The July Full Moon, known as the "Full Thunder Moon" occurs on July 22, 2013, at 11:16 a.m. and rises later that evening at 7:56 p.m. Look for Mars and Jupiter very close together in the eastern sky before dawn on July 22, about 4:45 a.m.

August Sky. The August New Moon occurs on August 6, 2013, at 2:52 p.m. The August Full Moon, known as the "Full Green Corn Moon" occurs on August 20, 2013, at 6:45 p.m. and rises at 7:09 p.m.

There should be great conditions for the annual *Persied* meteor shower. If you ever saw a meteor shower at summer camp, then it was this one. Monday, August 11, after 10:00 p.m. will be the best time. The waxing crescent Moon will not be a factor, as it sets at 10:15 p.m. Any dark sky will do. Grab the chaise lounge and look up at the sky. Look in the Northeastern sky for *Perseus the Hero*.

Perseus is a character from Greek mythology, being a mortal son of Zeus and Danae. Perseus was deemed a hero for his exploits in defeating the Gorgon monsters, slaying Medusa, using the old "reflection in the polished shield" trick, and then rescuing the beautiful Andromeda from the rock and the clutches of Cetus, the sea serpent.

Perseus had all the cool gear, like the polished shield, an adamantite (think titanium/diamond) sword, winged sandals, a magic rucksack, and an invisibility helmet. Perseus later gave Medusa's head to Athena, returned the gear, and married Andromeda. As his reward, Athena placed him in a place of honor in the constellations, near the other mythical figures of Andromeda, Cepheus the King, and Cassiopeia the Queen.

Garden Notes: July and August are the time to get something going in for your fall garden. I will be planting decorative corn in early July. The corn will grow until mid or late October. You can use the entire stalk for fall decoration. Just cut at ground level and bundle up the stalks. Arrange the stalks for decoration and then husk the corn while still on the stalks. You can later (November) use the ears of corn for your Thanksgiving centerpiece.

I will also be planting a large pumpkin patch in early July. I am planting *Jahrrdale* pumpkins, an Australian heirloom variety. I have enough area that I can grow the corn and pumpkins separately. If you are pressed for space, pumpkins and corn are grow well together.

In late August, you can start again with the fall garden. Lettuce, Hot Peppers, Green Beans, Wax Beans, and a host of others do well from seeds planted in late August. Time it right, and you can some fresh produce on your Thanksgiving table.

Tales from Brownlee. Last month, I reminded us all to never put ketchup on a nice steak. I speak from experience. As a youth, I spent three (3) summers working for my Aunt Nikki and Uncle Jim on a large cattle ranch in Brownlee, Cherry County, Nebraska. Six miles west of US 83, between Thedford and Valentine. 42.29 N, 100.62 W. On the North Loup River in the heart of the Sand Hills. Aunt Nikki had this '74 Buick Electra 225 with a bumper sticker that read: "Eat Prime Beef. 31 Million Dogs Can't Be Wrong!"

Every spring, the X Lazy T would have about 800 new beef calves. In any given year, a half dozen or so new steers were culled from the herd and raised for beef production. Aunt Nikki & Uncle Jim had mastered the technique for choosing and raising a steer on grass for 24-30 months and finishing on corn. When finished with the program, some of these big boys weighed in at 1,800 pounds of Hereford or Hereford/Angus mix. Due to their skill and experience, they often raised prime (or nearly so) beef on a regular basis. I did not know this until much later, as I then thought meat was from the butcher counter at Stater Bros.

On my first night there in mid-June of 1975, they put the spread out for supper (dinner is what we call lunch...). Aunt Nikki and her summer helper, Danielle, worked diligently all day in the garden and kitchen. Fresh garden vegetables, home made bread, hash browns, and most importantly, steak.

Uncle Jim brings in a plate piled high with some his home grown T-bones. About two inches thick, 24 oz., cooked to perfect medium rare. While the steaks were resting, we gathered at the table and said grace. The food gets passed around and I loaded up. I then put ketchup on my steak.

Now remember, back home in Upland, California, the only people who got a good steak were movie stars. The only "steak" us kids ever got require a liberal amount of ketchup to choke it down.

I now know not to sit within arm's reach of Uncle Jim if you intend to defile a fabulous T-bone. Before I could take a bite, he "lightly" smacked me on the back of my head. Apparently, the ketchup was only there for the hash browns.

July/August Recipe: For those warm summer days, I am trotting out my signature recipe. This takes a little prep work, but is perfect after an afternoon lounging by the dock at Lake Arrowhead. Go ahead and try it.

Caesar Salad ala Antoine

This salad is a smash hit with grilled chicken breasts. Season bone-in, skin-on chicken breasts with poultry (paprika based) seasoning and cracked black pepper. Grill for about thirty minutes. Then let the chicken rest for at least another thirty (30) minutes up to two (2) hours covered under foil. The chicken will be perfectly cooked, succulent, and easy to get off the bone. The real show is assembling the salad anyways, so go ahead and cook up your chicken ahead of time. Serves two-three for "Big Salad" dinner or 4-6 as a salad course. If you need more, make it in separate batches.

In a two (2) cup measuring cup, whisk together:
 3/4 cup Dijon mustard,
 1/4 cup red wine vinegar,
 2/3 cup of olive oil

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Inn of Court - Continued from Page 2

With these numbers Presiding Justice Ramirez was demonstrating the disparity between the workload of a comparable Appellate Court with no additional resources being provided to the Riverside Court.

Presiding Justice Ramirez advised the membership that in 2011 the Riverside Court experienced a 57% increase in its workload and in 2012 a 61% increase in workload. By comparison, the San Jose Court has experienced an 18% decrease in workload.

Presiding Justice Ramirez told the membership that every Appellate Court in the State of California has experienced a decrease in its workload, except the Riverside Court, which continues to increase.

According to Presiding Justice Ramirez, each Justice in the Fourth District Court of Appeal, Division Two carries a caseload of 34 cases. By comparison each Justice in the San Jose Court carries a caseload of 18 cases, and each Justice in the San Francisco Court carries a caseload of 16 cases.

Presiding Justice Ramirez provided the membership with two charts. One chart reflected that the Fourth District Court of Appeal, Division Two has the highest population per justice at 621,415 and the other chart reflected that since February, 2012, the Riverside Court has had the highest fully briefed and submitted inventory per justice. In April, and May, 2013 this number exceeded 80 cases per justice.

Presiding Justice Ramirez shared with the membership his fear that the disparity in these caseloads will again lead to Fourth District Court of Appeal, Division Two cases being transferred to other Appellate Courts in the State.

The presentations to the Campbell Inn by Judge Slough and Presiding Justice Ramirez were both informative and sobering.

Also at the End of Year Banquet the membership elected its Board of Directors for 2013-2014:

Kevin Bevins President
 Lisa DeLorme President Elect
 Jack Osborn Vice President
 Gregory Brittain Counselor
 Judge Michael A. Knish Judicial Liaison
 Donna L. Connally Secretary
 Anthony Sears Treasurer
 Mark McGuire Program Chair
 Kathleen J. Patterson Membership Chair
 Cmsr. Diane I. Anderson Immediate Past President

For membership in the Honorable Joseph B. Campbell Inn of Court please contact Membership Chair Kathleen J. Patterson at kpatterson@homan-stone.com

June Almanac

Continued from page 3

Have at the ready:

4 fillets of anchovy, packed in oil is fine. If you can get white anchovies, then go for it! Anchovies are key. I know some people can't handle the intense flavor. Just try it, you'll see that the anchovies blend into the symphony of flavors.

1 cup of Parmesan cheese, grated. Go ahead and use the good stuff on this one.

A triangle of Stella is perfect. Never use the @#%*(! in the green can.

Croutons, go for the Melrose Bakery Croutons. Yeah, they're \$7.00, but what a crouton!

3 gloves of garlic, peeled. Cut out any green stems.

1 egg yolk. That's right, a good old fashioned American egg yolk.

1 tablespoon of Worcestershire sauce

Juice from 1/2 lemon

1 head of Romaine lettuce, chopped, rinsed, drained, and chilled.

optional: 1 tablespoon of honey and/or 1 tablespoon of hot sauce (Tabasco, Chalula, Tapatio, etc.)

optional carne: grilled chicken/ thinly sliced tri-tip/grilled lamb chops optional: fresh baked bread. Those Pillsbury loaves in the cold case are just the thing. Try using the bread to mop up the extra dressing in the salad bowl.

Wine Pick: Sauvignon Blanc or Merlot.

In a large (preferably wooden, to be dedicated only to this or other salads) bowl, place anchovies, garlic, and two croutons. Using two forks, crush garlic, and blend with anchovy fillets. The two croutons will assist in this process by being abrasive. You need to thoroughly blend the garlic and anchovies into a smooth paste. Trust me, this is key and the anchovies will not overpower or otherwise be detectable in the final product. Then, pour in lemon juice, Worcestershire, egg yolk (again, if you have properly stored your eggs, there is no real risk here), and 1/4 cup of Parmesan, optional honey or hot sauce. Blend together with whisk. Now add the olive oil/red wine vinegar/Dijon mixture and whisk thoroughly together. Add the Romaine, remaining Parmesan, and Croutons and toss until well blended. Add the optional carne. Serve with fresh cracked pepper and freshly baked bread. Since the Caesar dressing is an emulsion, it doesn't really keep that well. After you are done, please wash out your nice wooden salad bowl with warm water and good scrub. Air dry. Soap will ruin the bowl. The bowl will become seasoned and actually get better with more usage.

Buon Appetito! Tony Sears

Please donate a raffle prize to our Bench Bar BBQ! Please ask your favorite restaurant, nail salon, movie theater, etc., to donate a prize to our raffle drawings to help make the evening a great success!
Contact Deva Mora @ (909) 483-0548 or e-mail: westernbarassoc@aol.com

The iPad Lawyer | eDiscovery in a Cloud-Based World

by [Scott J. Grossberg, Esq.](#)

Cihigoyenette, Grossberg & Clouse

Cloud computing is where we all seem to be headed. For storage and syncing with your iPad (and other devices), there are certainly mainstream services like Dropbox, SugarSync, SkyDrive, Google Drive, Box, SpiderOak, and other similar third party offerings. And just recently BitTorrent Labs put forth an alpha release of its new sync and share option (called BitTorrent Sync) which the publisher claims is a “private” and “secure” way to share information. For others, the cloud provides the freedom to use cloud-based vendor sites like Facebook, Twitter, Amazon, PayPal, Salesforce, QuickBooks, and a dizzying and ever-growing array of similar services.

While the use of the “cloud” certainly makes data archiving, collaboration, and paperless storage cost-effective and easy in an iOS environment, everyone should take the time to consider what would happen if you or your cloud service provider received a subpoena or other legally sufficient court order to turn over your cloud-based information. From the research I have seen, it appears less than 20% of cloud

service users have an eDiscovery plan in place. And many of the organizations I have consulted with don’t even know if they have an eDiscovery plan in the first place. These failings will ultimately lead to the inability to readily access requested information in a timely and cost-effective manner and could lead to catastrophic results.

Others have proposed that cloud users need to carefully research, delineate, and in some cases, revise service level agreements directly with their cloud vendors to address everything from preservation of data to admissibility in court. While the use of negotiated service level agreements makes sense in a vacuum and on a hypothetical basis, let’s get real. The fact remains that neither you nor your clients are going to be able to negotiate on a case-by-case basis with the likes of Google as to eDiscovery issues. Likewise, most companies are not going to host their own private cloud server for a variety of economic and ease-of-use reasons. As a cloud user, then, you need to assume that at some point in time the privacy of your data will be compromised. In other words, it’s not a matter of “if” you will have to turn over information to someone, it’s a matter of “when” that will happen.

With the massive push towards iPad use, Dropbox, as an example, is gaining in popularity and ease of use. In fact, most iPad apps are now built around automatic synchronization with Dropbox! Businesses and attorneys I work with are, at the very least, using Dropbox for agenda and other document handling between iOS devices. Most of them, however, don’t realize that, although Dropbox touts its security features, those protections are in place to prevent hacking from the outside - not to prevent Dropbox, itself, from giving up of information in response to a subpoena.

So there is no doubt in your mind where this is all headed, here is the current privacy posting from Dropbox on that topic: “Compliance with Laws and Law Enforcement Requests; Protection of Dropbox’s Rights. We may disclose to parties outside Dropbox files stored in your Dropbox and information about you that we collect when we have a good faith belief that disclosure is reasonably necessary to (a) comply with a law, regulation or compulsory legal request; (b) protect the safety of any person from death or serious bodily injury; (c) prevent fraud or abuse of Dropbox or its users; or (d) to protect Dropbox’s property rights. If we provide your Dropbox files to a law enforcement agency as set forth above, we will remove Dropbox’s encryption from the files before providing them to law enforcement. However, Dropbox will not be able to decrypt any files that you encrypted prior to storing them on Dropbox.”

(As a side note: I highly recommend activating what is called “two-step” or “two-factor” authentication when using the cloud. This takes security in cloud computing to the next level by requiring a user to provide two authentication factors/data pieces that are then used by the provider to prevent unauthorized access and/or identity theft. You activate this through Dropbox following the instructions found here: <https://www.dropbox.com/help/363/en>.)

For those of you who want to use the cloud and are not in a position to negotiate a personalized service level agreement (that’s most of you), here is a massively powerful yet easy to employ tip to which Dropbox itself alludes - use encryption programs for your cloud-based data. Continuing with our Dropbox example, there are products like Viivo (<http://viivo.com>) and BoxCryptor (<http://boxcryptor.com>) that will readily accomplish this goal. These types of products permit a cloud user to create encrypted cloud-based folders/data. If Dropbox, for example, were to be served with a subpoena, then there is likely not much that can be done with the encrypted data by the receiving party without a court order that also mandates the requesting party be given the encryption key. Voila! You now have an added layer of protection. And, both Viivo and BoxCryptor offer cross-platform and multi-device solutions. Viivo is free for personal and commercial use. BoxCryptor is free for non-commercial use.

Finally, as organizations develop their technology policies, it remains a hard fact that proper training of employees and consistency of policy enforcement is the day-to-day challenge. By creating a heightened sensitivity to cloud storage matters, some of the concerns over eDiscovery can be mitigated.

If you enjoyed this, I’d be grateful if you share this with others. That’s right, go ahead and help spread this information by emailing it to a friend, or sharing it on Twitter, Facebook, or Google+.

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Summer Water Safety For Kids by Fernando Vargas

Summer is here! Schools are out and the pools are open. Nobody loves to swim more than your kids. And with a little extra awareness, you'll be able to ensure that your children stay safe during their summer water activities. That said, it is good for all of us to be aware of how to protect our children from drowning accidents.

According to the United States Centers for Disease Control and Prevention (CDC), approximately 10 people die every day from accidental drowning. Of these deaths, 2 are children aged 14 or younger. Last year, during the traditional summer season between Memorial Day and Labor Day, 137 children younger than 15 years old drowned in a swimming pool or spa and an additional 168 children required emergency medical care for near-fatal drowning accidents.

Accidental drowning remains the second-leading cause of death for children nationwide. (Automobile accidents are the leading cause of death for children.) In California, it is estimated that 78% of drowning deaths involve children aged 4 and under. In fact, according to Safe Kids California, 75 California families lose a child under the age of 5 to drowning every year!

Shockingly, most accidental drownings occur within 25 feet of a parent or an adult. In fact, parents often do not notice a child who is drowning. Although Hollywood portrays a drowning as noisy...the victim splashing violently in the pool or ocean, screaming for help... this is rarely the case. The truth is that most drownings are silent. In fact, a child can drown within seconds, even before anyone knows the child is in trouble!

When a person is drowning, the body goes into survival mode. Rather than waving for help, the drowning victim instinctively extends his arms laterally, pressing down on the surface of the water to leverage his body so he can breathe. In addition, most drowning victims are physiologically unable to call out for help. Instead of screaming for help, the drowning victim is only focusing on trying to take his next breath.

Often parents or older siblings in charge of supervising other children in the pool are reading, talking on their cell phone, or texting. If they're not looking, they're not watching! Even if there is a lifeguard on duty, every parent and adult should be vigilant.

Therefore, anyone planning to be around water this summer, whether it be a pool, lake, river, or the ocean, should be aware of some of the warning signs of drowning. These signs include when the child's head is low in the water with the mouth at or just below water level; the child's head is tilted backward with the mouth open; the child's eyes are closed or glassy and unable to focus; the child's hair is over the forehead or eyes; the child's body is in the vertical position and he is not using his legs; or the child is unable to talk.

If you notice any of these warning signs, help the child immediately. Every second counts when a child is in danger! If you are unsure whether the child needs help, ask the child if he is okay. If he doesn't answer you or only returns a blank stare, you may have only seconds to get to him before he goes under the water!

Don't let your family become a statistic! Teach your children to swim at an early age. If your home has a swimming pool, familiarize yourself with the California Swimming Pool Safety Act (*California Health and Safety Code §§115920-115929*).

Check your pool and pool's safety equipment to ensure it is not defective and is in reasonably safe condition. If you host a party at your home and have a swimming pool, establish pool safety rules and make sure everyone knows the rules. Hire someone to supervise the children swimming in the pool. Make sure the person hired knows they are not permitted to read, talk on their cell phone, or text while supervising the children.

Know basic cardiopulmonary resuscitation (CPR). The American Red Cross offers a wide variety of classes, including CPR and first-aid. To check out the dates and times of classes near you, visit www.redcross.org or call the American Red Cross Inland Empire chapter at (909) 888-1481.

Although the drowning statistics are daunting, with just a little extra care, you and your family can have a fun filled summer that is safe and creates wonderful memories!

Enjoy your family summer! – Fernando Vargas

The iPad Lawyer/eDiscovery in a Cloud-Based World [Continued from page 5]

And, if you're interested in finding out how I can make a presentation to your law firm or association, please contact me at 909-483-1850 or email me at:

sgrossberg@cgclaw.com. © 2013 by Scott Grossberg. All Rights Reserved.

Mr. Grossberg is a founding partner of the Southern California law firm of Cihigoyenette, Grossberg & Clouse. He is a featured speaker and published author on numerous topics including media relations, social media, technology, public speaking, memory, and various other cutting edge concepts. Mr. Grossberg's "iPad Lawyer" seminars provide legal professionals with the ability to truly harness the potential of Apple's tablet. He is regularly called upon to address the impact of emerging technology and social media, suggest policies and procedures that should be in place, and to discuss liability exposure for this new way of doing business. He can be reached at:

sgrossberg@cgclaw.com

Save the dates:

Lawyer of the Year and Legal Assistant of the Year October 17, 2013

Judicial Officer of the Year March 20, 2014

JAMES O. HEITING

Appointed To Chair The American Bar Association's Substance Use Disorders Advisory Board

James Heiting, former State Bar President and former West Coast Commissioner for the Commission on Lawyer Assistance Programs, has been appointed to chair the American Bar Association's Substance Use Disorders Advisory Board for the year 2013-2014.

The ABA Chair of the Health Law Section, in notifying Heiting of the appointment, indicated "leadership appointments within the ABA Health Law Section are recognition of one's abilities, dedication and demonstrated commitment to the mission of the Section. Our success is due to the superb quality of our exceptional leaders."

CONGRATULATIONS!

CIVIL CALENDAR CHANGES EFFECTIVE JULY 1, 2013

Effective July 1, 2013, the **Civil Department** will be making the following calendar changes:

All General Limited Civil Cases (Excluding UD's & Collection Cases):

The court will be eliminating fast track rules on all limited civil cases. When new cases are filed, a Trial setting Conference will be scheduled 12 months from the case filing date. Case Management Statements will no longer be required.

Temecula Collection Cases:

When a responsive pleading is filed the case will be scheduled for a Mandatory Settlement Conference and a Court Trial 6 months from the date of filing the responsive pleading. These cases will be scheduled on Fridays in Department S303 at the Southwest Justice Center.

From the LA County Bar Association:

California Court Budget Cuts

The Los Angeles County Bar Association and public needs your help. Due to extreme budget cuts, many trial courts around the state have been forced to close courthouses and lay off trial court employees. This has seriously impacted the court's ability to provide justice. For example, Los Angeles County has closed 10 of its 48 courthouses. Other counties have suffered similar closures.

We need everyone to contact their representatives in the California Assembly and State Senate to urge them to support reinvestment in our court system. Please click on the link below to identify your local legislators and to obtain the text of an editable copy of a letter you can send to your legislators. It will only take a few minutes to help and make a difference.

This is a crisis and we all have an obligation to work to restore access to justice in California.

To find your Congressman, click here:

http://www.legislature.ca.gov/legislators_and_districts/legislators/your_legislator.html

The draft letter is found here:

http://www.lacba.org/Files/SMSMarketing/files/Court_Budget_Letter_2.doc

The draft letter text follows:

June XX, 2013

Honorable _____

Member of the California Legislature

State Capitol

Sacramento, CA 95814

Subject: California Court Budget Cuts

Dear Assemblymember/Senator:

As a constituent and an attorney, I am gravely concerned about the massive underfunding our judicial system has experienced over the last five years. While I understand our entire state has been reeling from the impact of the recession, our courts have taken a disproportionate share of the budget cuts. The result has been a deconstruction of our justice system impacting access to justice for our citizens.

Courts throughout the state have closed their doors. From Fresno to San Bernardino, whole courthouses have been shuttered, requiring litigants to travel, in some cases well over an hour, to pay a simple ticket. More significantly, public safety is at great risk as the justice system lays off staff, reduces hours of service, and places thousands of cases into fewer courts.

The time is now to reinvest in courts. Democracy stands in the balance.

Sincerely,

NAME HERE

Western San Bernardino County Bar Association
PRESENTS an MCLE LUNCHEON on

**“eDISCOVERY-DISCOVERY IN THE
ELECTRONIC ERA”**

Effective protocols for e-Discovery, distinguishing e-Discovery versus computer forensics, obligations to preserve electronic information, ESI that is “not reasonably accessible,” and effective e-Discovery Management.



SPEAKER: Attorney GORDON J. CALHOUN
of Lewis Brisbois Bisgaard & Smith, LLP, Los Angeles

—► 1 hour MCLE credit ◀—
Thursday — August 22, 2013
12:00 Noon to 1:30 p.m.

at

Old Spaghetti Factory
11896 Foothill Blvd., Rancho Cucamonga, CA
(909) 980-3585

COST: \$25.00/Member — \$40.00/Non-Member

***** RSVP REQUIRED! *****

Call:(909) 483-0548 Fax: (909) 483-0553 E-mail: westembarassoc@aol.com

PLEASE SELECT YOUR LUNCH CHOICE

- Spaghetti with Mizithra Cheese & Brown Butter
 Spinach & Cheese Ravioli with Marinara Sauce
 Fettuccine Alfredo

NAME: _____

PHONE NO: _____

NOTE: A \$25.00/\$40.00 fee will be charged for failure to show or cancel reservation within 24 hours. The WSBCBA certifies that this activity has been approved for 1 hour MCLE by the State Bar of California.

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PO Box 624 •Rancho Cucamonga, CA 91729 •(909) 483-0548—Fax: (909) 483-0553
E-mail: westembarassoc@aol.com

**Western San Bernardino County Bar Association and
Inland Empire Legal Association of Women PRESENT an
MCLE LUNCHEON on**

**“UPDATE ON THE CURRENT STATUS OF THE
COURTS SYSTEM, FUNDING AND FUTURE
PROJECTIONS”**

**SPEAKER:
HONORABLE MARSHA G. SLOUGH**

Presiding Judge of San Bernardino County



**—► 1 hour MCLE credit ◀—
Thursday — September 4, 2013
12:00 noon to 1:30 p.m.**

at

**Panda Inn
3223 Centre Lake Drive, Ontario, CA 91761
(909) 390-2880**

COST: \$25.00/Member — \$40.00/Non-Member

******* RSVP REQUIRED! *******

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- Vegetable Spring Rolls
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E-mail: westernbarassoc@aol.com

Western San Bernardino County Bar Association's



“Bench-Bar” Barbecue

Friday, September 20, 2013
6:00 p.m. - 9:00 p.m.

Please join us as we mingle with Judges, Colleagues
and Friends along the vineyards at the home of
Brian & Camille Brandt
San Antonio Heights - Upland, CA

[For Address and Directions, Please contact the WSBCBA at the contact information below]

Sponsored by:
Brandt Family Winery

Cost: \$25.00/person

Serving Delicious Food
Raffle Prizes
Open Bar - Casual Attire

Please RSVP & Send Payment to WSBCBA

For directions or further information
contact the WSBCBA @ (909) 483-0548 or
e-mail: westernbarassoc@aol.com

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www.toppickmediator.com • email: ed@toppickmediator.com
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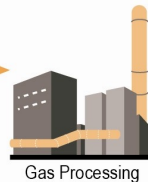
- Medical Mal Practice
- Legal Mal Practice
- Workers Compensation

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Midstream Energy Services

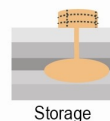
Natural Gas

Natural Gas Gathering Pipelines



Natural Gas

Natural Gas Pipelines



Natural Gas Pipelines

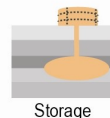


Mixed NGLs

Mixed NGLs Pipelines



- Ethane
- Propane
- Butane
- Iso-Butane
- Nat. Gasoline



NGL Pipelines

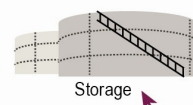


Crude Oil

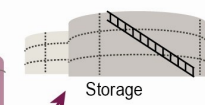
Trucks

Barges

Crude Oil Gathering Pipelines



Crude Oil Refining



Barges

Refined Products Pipelines



R J Cullen, CPP

Paris, May 14, 2013: The International Energy (IEA), an autonomous agency linked with the Organization for Economic Cooperation and Development (OCED), released its mid-year report predicting a 'supply shock' caused by booming North American oil production. IEA predicts North America's oil supply will grow by nearly 4 million barrels per day between 2012 to 2018, amounting to nearly 50% of global output growth.

Given that only ten years ago many analysts were warning about 'Peak Oil' and likely shortages, these developments portend huge changes in worldwide energy markets. If you want to learn how America's new energy supplies are supporting a renaissance among US industrial sectors, call us at Retirement Planning & Management Group, registered investment advisor, Securities thru LPL Financial, member FINRA and SIPC. Telephone: (909) 920-3138



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**If you have a suggestion
 for an MCLE topic,
 Speaker, or know some-
 body who is interested in
 speaking at one of our
 luncheons, please
 contact Deva Mora at the
 Bar Office.**

Phone: (909)483-054

Fax (909)483-0553

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OFFICE SPACE: Central Village, Upland Office, secretarial area, conference room, private bathroom, free parking and common area shared with 1 other attorney. \$950.00/month. (909) 982-5962.

OFFICE SPACE: There is a number of office spaces available at this classic law office building located in Ontario for 1 to 6 attorneys. A lease rate of \$1 per square foot makes this an extremely good value. The office space available ranges from 200 to 2,000 sq ft. Included in the rental are a receptionist, reception area, two conference rooms, a law library, kitchen and some storage areas. There are copiers, a fax, high speed internet and a scanner available for use at a nominal charge. This is an exceptional value for an attorney or group of attorneys looking for office space that has all of the amenities needed. The offices are conveniently located in Ontario with easy access to the 10 and 60 freeways. For all inquiries call (909) 395-0909, ask for Shannon.

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**WHO DO YOU THINK IS DESERVING OF AN AWARD
FOR BEING CHOSEN AS THE
“ATTORNEY of the YEAR”
and “LEGAL ASSISTANT of the YEAR”
AMONG ALL OTHERS IN THE INLAND EMPIRE?**

Please take the time to cast your nomination in our Fourteenth Annual Inland Empire’s “Lawyer of the Year” and “Legal Assistant of the Year” award.

The results will appear in our September issue of the *News Bulletin*. The recipients of these awards will also be honored at the Bar Association’s annual Installation Dinner scheduled for October 17, 2013, which will be held at Double Tree Hotel in Ontario.

This survey is being sent to hundreds of attorneys, law firms, and courts located here in the Inland Empire. The 2013 “Lawyer of the Year” and “Legal Assistant of the Year” are chosen strictly by other lawyers and legal staff.

Please feel free to nominate non-private practice lawyers, such as in-house counsel, prosecutors, legal aid attorneys, etc.

Base your nominations on first-hand knowledge, rather than hearsay or reputation. Nominees could include opposing counsel, co-counsel, any of their legal staff, your own legal assistant or boss, or someone you’ve observed in court.

You may nominate for lawyers or legal staff in your own firm, but these nominations count only if you vote for an equal or greater number of lawyers from outside your firm.

Fax the attached Nomination Form and your brief statement containing your reasons why the nominees you’ve chosen are deserving of this award to us by **August 02, 2013 by 5:00 p.m.**, to **(909) 483-0553**. You do not need a cover sheet. If you prefer to mail your survey, send it to the Western San Bernardino County Bar Assn., Attn: Survey Dept., PO Box 624, Rancho Cucamonga, CA 91729.

If you have any questions or comments, please call (909) 483-0548, or send us an email to: westernBarAssoc@aol.com

Nomination Form on page 15



Western San Bernardino County Bar Association

PO Box 624

Rancho Cucamonga, CA 91730

The “Jennifer Brooks Lawyer of the Year Award” is given each year by the Western San Bernardino County Bar Association to a local lawyer who demonstrates the finest qualities of our profession and long-term commitment to our community.

An award is also given each year to a Legal Assistant who exhibits the utmost in professionalism, experience, and assistance, not only to his/her employer, but also to the legal community, and who goes above and beyond the call of duty.

If you know of a lawyer and legal assistant who merits these awards, please us the form below to make your nominations and return it to the WSBCBA no later than August 2, 2013, by 5:00 p.m.



NOMINATION FORM

Name of person making nomination (optional): _____

Phone number of person making nomination: _____

If you are an attorney, state bar number: _____

Name of **Lawyer** nominee: _____

Address of nominee: _____

Qualifications upon which nomination is based: _____

Name of **Legal Assistant** nominee: _____

Address of nominee: _____

Qualifications upon which nomination is based: _____

REMEMBER TO FAX THIS FORM ON OR BEFORE

08/02/13 BY 5:00 P.M. – TO (909) 483-0553



WESTERN SAN BERNARDINO COUNTY BAR ASSOCIATION

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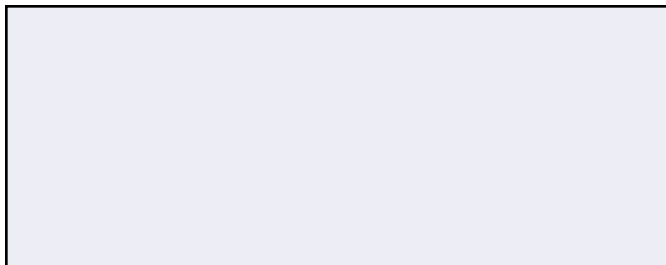
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