

# BAR BULLETIN



## REMARKS FROM THE PRESIDENT'S DESK -

By: Tony Sears

This month's topic: "The Five Cs": "Courage"

I have posted in my office a plaque that was given to me by Judge Charles W. McCoy of the Los Angeles County Superior Court. The plaque has five (5) simple words, which Judge McCoy calls "The Five Cs": Civility, Candor, Competence, Compassion, and Courage. Each of these traits is a desired virtue, necessary for the sane and successful practice of law.

Last but not least: Courage. The Cowardly Lion. All he wanted was some courage. Webster defines courage as "the quality of mind or spirit that enables a person to face difficulty, danger, pain, etc. without fear; bravery."

Courage means that sometimes you have to do something that you know is the right thing to do, regardless of how it looks or how others may perceive it. For example, American Patriot/Founding Father/President John Adams defended British Troops (Red Coats) following the Boston Massacre. This was undoubtedly not a popular thing to do. However, it was done and done well.

By acting with courage, John Adams helped demonstrate the rule of law must always prevail, a core principle of American Jurisprudence. Sadly, this would be completely impossible today.

In the early 1970's, courage was demonstrated by Judge Paul Egly when he volunteered to handle the Los Angeles school desegregation cases. After a lengthy and contentious high profile trial, Judge Egly ordered bussing as the remedy for a historical pattern of racial segregation. His display of courage had far reaching consequences.

Today, there are military officers and civilian attorneys who are zealously representing their clients held at Guantanamo on nebulous charges. These men and women are keen examples of lawyers acting courageously. Hopefully, these fine lawyers will not have any negative career consequences for their courage.

In our law practice we all have a chance to act with courage. I recently filed a civil harassment restraining order on a Friday afternoon. First, the clerk told me I would have to come back on Monday. I had the courage to politely insist otherwise, as the statute requires a same day hearing, budget cuts be damned. Then the clerk and the supervisor insisted that I fill out a 13 year old form for *ex parte* notice in a family law case. I had the courage to persist and my client's restraining order was granted.

For those of you in MCLE compliance group 2 (H-M), your time is up on January 31, 2015, so pick up 1 1/2 Ethics credit at our monthly membership meeting on August 28, 2014, with guest speakers Bill Shapiro, John Lowenthal and Honorable Bryan Foster, speaking on Civility Matters. We will be hosting this event at Antonino's Restaurant in Rancho Cucamonga. Social gathering will start at 5:00 p.m. Please see the enclosed flyers for all the details.

I am committed to serving the interests of our membership. If you have any questions or comments, please do not hesitate to contact me. My telephone is (626) 334-4900, my fax is (626) 334-6655, and my e-mail is [tony@nitwik.com](mailto:tony@nitwik.com).

See you in court! Tony Sears

### Attention Members

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## July Almanac

By: Tony Sears

All times Pacific Daylight Time (PDT), which is minus seven hours from UTC (Universal Time Coordinated).

The July Full Moon is called the "Full Buck Moon" and occurs on July 12, 2014, at 4:25 a.m. The newly Full Buck Moon will rise on the evening of Saturday, July 12 at 8:15 p.m. What a nice treat for a mid summer Saturday evening and this month's recipe.

August Full Moon: August 10, 2014 at 11:10 a.m., look for the full "Green Corn Moon" on Sunday, August 10, at 7:37 p.m. Remember to torment your kids by reminding them that school starts next week! Sweet corn is in full season. Try wrapping up the ears of corn in foil, with butter, chile powder, and a squeeze of fresh lime juice. Cook on grill with whatever else you are grilling.

Unfortunately, the best meteor shower of the Summer, the *Persids*, will be wasted by the Full Green Corn Moon. Not really even worth your while to look up in the northeastern sky on the evenings of August 11 and 12. Better off making some green corn tamales.

**WORLD CUP ALERT!** If you haven't already done so, check out the World Cup. Those of you who already love the beautiful game know what I'm talking about. If you still think soccer is a communist plot, get over it. Soccer is played everywhere on the planet, with the possible exception of the polar regions. The rules are not that difficult. The world class players aren't playing for cash or individual glory. They are playing for Queen and country (except for England, which didn't really play at all).

First, please put it out of your head that FIFA is completely corrupt and makes Tammany Hall look like the church bake sale. I (and many others) predict the completely corrupt (we're talking brief cases with cash, wire transfers to Swiss bank accounts, hookers, and blow kind of corrupt) award of the 2022 World Cup to Qatar will be rescinded. Qatar simply couldn't figure out a way to bribe the Sun, or they would have tried that as well. The high dollar sponsors, Hyundai, KIA, Coca-Cola, McDonald's, Adidas, Nike, et. al. will put extreme pressure on the new FIFA leadership to rescind the ridiculous and insane (check out the average temperature in Qatar in the summer) award to an Emirate that doesn't even have a team. FIFA will come to its senses and the 2022 World Cup awarded to the second place finisher, the United States of America. We already have the infrastructure and facilities already in place. The 1994 World Cup Final at the Rose Bowl was one the best ever.

In Brazil, the play on the field has been fantastic. Only one snoozer out of the first 25 games. Beat downs, mild upsets. and last second heroics. There is new video technology which shows if a player is offsides, making it much easier for the football novice to understand the offside rule, which is one of the great nuances in all of sports, once you get your head around it.

The 2010 non-goal in the England/Germany match won't happen again. There are now seven (7) high speed cameras in each goal. If a goal is scored, the Dick Tracy watch on the referee's wrist alerts within a second. On both TV and Radio (ESPN 710 or 1330 AM) there is knowledgeable analysis and awesome color commentary (especially that Scottish guy "ya canna unnerstan").

As I write this, the USA was tied by Portugal and is tied for first in the Group of Death (Group G). Win or tie against Germany and the USA will advance the knock out round of 16, where anything can happen. So whether the USA makes it to the round of 8, 4 or even the final match, take some time to watch a match or two with your friends and family.

### RECIPES

Here's a summer menu that is perfect for a hot summer day. The good thing is you can serve this in a pasta bowl or as a sit down dinner on the patio. You can also substitute that freshly caught Albacore, Yellow Tail, or Yellow Fin Tuna for King Salmon.

**King Salmon *ala* Antoine.** Alder/Cedar Plank Salmon. This is a traditional way to cook salmon. Try and get the best quality salmon you can, preferably wild King Salmon. You'll need a piece about 2 lbs., with the skin on. Lightly rub the salmon all over with olive oil and season with salt and pepper. You may also place thinly sliced lemons and/or fresh dill on the salmon. You need a clean, untreated Alder or Cedar plank, which I get from Barbeques Galore. You could also get a Cedar or Alder plank from a lumber yard, make sure it is not treated! Soak the plank for at least an hour in water. When the grill is ready, place the salmon, skin side on the plank. Place the plank on the grill, and cover. Cooking time is about 20-30 minutes and the cedar plank will definitely start to get charred. Let it cool down for 10-15 minutes. You simply serve the salmon straight off the plank, either onto a serving plate or the pasta bowl.

**Fresh Basil Pesto.** Many have asked for my classic Basil Pesto recipe. Here it is: You need about 36-48 Basil leaves. Big leaves are better, a few stems are okay. You need 4 oz. of Pine Nuts, lightly toasted in a skillet or oven.

**Continued on page 4**

**From the Desk of the President of the  
HONORABLE JOSEPH B. CAMPBELL  
AMERICAN INN OF COURT**

The Honorable Joseph B. Campbell American Inn of Court held our annual End of the Year Banquet - baseball style at the San Manuel Stadium on June 11, 2014. Our theme for the 2013/2014 year was "What Can The Law Learn From Baseball?" Keeping with tradition, Presiding Judge Manuel Ramirez of the California Court of Appeal, Fourth District, Division Two, and San Bernardino County Superior Court Presiding Judge Marsha Slough provided State of the Court addresses to the Inn members in attendance. We were treated to a patio party with hot dogs, hamburgers and all the trimmings. Our meeting was held before the Inland Empire 66ers took on the Visalia Rawhides.

Presiding Justice Ramirez informed us that some of the cases from the Riverside based court were being reassigned to Santa Ana and San Diego to reduce the caseload of the Division Two Court. The hope for two additional Justices to sit in Riverside has been dashed for now due to state budget constraints.

Presiding Judge Slough announced that the opening of the new San Bernardino County Justice Center has been a smooth transition, with civil court cases getting to trial with little or no delay. The court budget for trial courts is improving somewhat, but not to the extent needed to restore deep cuts necessitated by reduced funding over the last several years.

After comments from our guest speakers, Mark McGuire, the Program Chair for the Inn, marched onto the baseball diamond, strode confidently to the mound, and threw an almost perfect strike for the ceremonial first pitch of the game. Mark was instrumental in setting the theme for the year, with each meeting program based on a famous Yogi Berra saying. Well deserved kudos to Mark, and to the Board of Directors for a job well done this year!

The Campbell Inn led off our Inn year with a prestigious honor from the national office of the American Inn of Court, with the bestowing of the Platinum Level Recognition for the Achieving Excellence Program instituted as an achievement based program throughout the Inns in the United States. There are five core competencies of successful Inns: Administration, Communications, Programs, Mentoring and Outreach Programs. The Joseph B. Campbell Inn is the first Inn from Southern California to earn the award. Caryn Worcester, CAE, Director of Chapter Relations, Western Region of the American Inns

of Court, presented the Platinum Award For Excellence to Immediate Past President, Commissioner Diane Anderson and the Inn Board on behalf of the members of the Campbell Inn at our first meeting of the 2013/2014 year on October 9, 2013.

This year marked our move to a new location, The Castaway Restaurant, 670 Kendall Drive, San Bernardino. Sitting high on a hill overlooking San Bernardino, The Castaway provided a much larger meeting space, delicious meals, and excellent service to the Inn, and we look forward to returning in October, 2014 for our next "Inn Year."

We were fortunate to again partner with the LaVerne Law School, with three students joining the Inn; Katherine Ellis, Nasim Najifi and Stephanie Schmitt. We wish them well on the July Bar Examination!

Our December meeting was our field trip meeting. We were treated to a tour of the California Court of Appeal, Fourth District, Division Two by our host, Presiding Justice Ramirez. Justice Ramirez was again an instrumental contributor to our Inn this year. He was a member of the panel for the October meeting, hosted our field trip, and spoke at our end of the year meeting. Thank you, Justice Ramirez. Your support and the support from the Justices from the Court of Appeal is certainly appreciated. After our tour of the Court of Appeal, the Inn treated members to beverages and Tapas at Café Sevilla, in Riverside.

For our February meeting, the Campbell Inn joined with our colleagues from the Southwest Inn of Court from Temecula and the Slaughter / Roemer Inn from the Coachella Valley for the annual Joint Banquet, hosted this year by The Leo Deegan Inn, of Riverside at the beautiful Mission Inn. California Supreme Court Chief Justice Tani Cantil-Sakauye was the featured speaker. The Campbell Inn is looking forward to our turn as host of the annual banquet in 2015.

This year marked the first Inns of Court meeting held at La Verne Law School. La Verne Dean Gilbert Holmes welcomed Inn Members and 15 La Verne Law School Students to our meeting, the theme of which was "No One Goes There Anymore, It's Too Crowded!" Justice Jeffrey King of the Fourth District, Division Two Court of Appeal was our moderator for the April program, which included Judge Teresa Bennett and Professor Michael O'Connor.

"The Future Ain't What It Used To Be" was our May program, and featured Fredrick Ury, Past President of the Connecticut Bar, who provided a dynamic and

## July ALMANAC Continued from page 2

Please do not burn your nuts. Immediately remove from pan and let them cool a good fifteen minutes. You will need 2-5 gloves of garlic, peeled. Some people whine about too much garlic, so you can find your own preference. You will need 1 1/4 cups of shredded or grated Parmesan (cow's milk) or Romano (sheep's milk) cheese. Please don't tell John Mannerino, I said this, but those triangles of cheese, "Stella" brand, from the market work fine for this dish. You can also get the shredded cheese Claros's in Upland. Save the really good cheese for something else. So, you put these four ingredients, with a splash of good olive oil, in the food processor. Process until fully homologated. Stop and scape the sides. Start the processor again and slowly add 6-8 oz. of good olive oil, perhaps even that really expensive extra virgin olive oil until the mixture comes together in smooth paste. You now have a wonderful pesto. Try with pasta and a chunk of grilled salmon or, try on a slice of parma or romano cheese. It also goes great on a cracker (Ritz or big CheezIt) with a small dollop of goat cheese. Pesto needs to be kept covered and kept in the fridge, so it doesn't oxidize and lose that gorgeous green color. Heat is the enemy of pesto. If you want to include it a hot dish, like an omelette, pasta, pizza, or grilled fish, then add it last as you are plating. Pesto will last about a week in a sealed container in your fridge (if it lasts that long). If you have a bushel of Basil, you can also put it in ice cube trays, freeze it into cubes, and put the cubes of pesto in a freezer bag for up to six months. Store bought is okay, if necessary.

**Farfalle (Bow Tie) Pasta.** Quick pasta lesson. Use a large pan. Taller is better. Fill the pan 2/3 full and get the water to a raging boil. When the water is at a full boil, heavily salt the pasta water. I use about 1/2 cup. It should taste like the ocean. Cook the pasta *al dente*. The vast majority of the salt will stay in the water, so, (pardon the pun), don't sweat it. The purpose of the salt is to cause the boiling point of your pasta water to be raised several degrees, which leads to properly cooked pasta that does not stick to itself. Drain the pasta. Do not rinse. You can put the pasta back in the warm pan and add two Tbsp. of butter, season with salt and pepper, stir and you are ready to go. In this recipe, you can actually cook the pasta while the salmon is resting.

**Fresh Green Beans.** Totally worth the extra effort. Trim beans, cut in half and cook until *al dente*. (Not too mushy)! I use a steamer insert, 20 minutes, start to finish.

Place cooked beans in a covered dish with butter, salt, and fresh cracked black pepper. The beans can go write in the pasta, pesto, and salmon.

**Fresh Berry Cobbler.** Get some fresh Berries, Blackberries, Raspberries, Boysenberries, and/or Loganberries. Frozen will do in a pinch. Layer the berries on the bottom of a glass baking dish, and then cover with a white cake mix, not too thick. Then cover the cake mix with thin slices of butter, 16-20 per cube. So, the top of the cobbler is covered in the cake mix and sliced butter. Bake at 350 F., about 25-30 minutes, until crust is brown. Let cool for 10 minutes (if you can) and serve with ice cream.

Place your pasta in the pasta bowl. Add green beans, two tablespoons of pesto, toss, and then add chunks of salmon. In the sit down service, you plate up. Then serve the salmon from the plank to the plate. This dish will also yield an excellent lunch the next day.

Wine Picks: Pinot Grigio, Pinot Gris, or Pinot Noir. Call Pacific Merchants in Upland for further suggestions.

Buon Appetito! Tony Sears

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**From the Desk of the President of the  
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**Continued from page 3**

interesting look into the future of the legal profession and how technology is changing the practice of law.

May also featured the Kaufman-Campbell Banquet, sponsored in part by the Campbell Inn to honor our namesake, Court of Appeal Justice Joseph B. Campbell, and former California Supreme Court Justice Marcus Kaufman. This annual award was bestowed most deservedly to Presiding Judge Marsha Slough in recognition for her achievement on the bench as a Trial Judge, and as Presiding Judge, guiding the San Bernardino Court. Judge Slough has been a consistent supporter and contributor to the Campbell Inn. Thank you, Judge Slough.

The End of the Year Banquet included the election of the Board of Directors for 2013/2014

President: Lisa DeLorme

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Vice-President: Donna Connally

Judicial Liaison: Hon. Mike Knish

Counselor: Hon Katrina West

Membership Chair: Mark McGuire

Treasurer: Tony Sears

Secretary: Kathy Jo Patterson

Program Chairs: Justin King and David Colella

Immediate Past President: Kevin B. Bevins

The Board wishes to express our sincere and heartfelt appreciation to Immediate Past President, Commissioner Diane I. Anderson. She has been instrumental in leading the Inn to the Platinum Level, and has provided great leadership to the Board. We also thank Greg Brittain for his many years of service as a member of the Board of Directors of the Campbell Inn.

We look forward to resuming our meetings for 2014 / 2015 with our first meeting tentatively scheduled for Wednesday, October 8, 2014 at 5:30 p.m. at The Castaway Restaurant.

*For membership information regarding the Honorable Joseph B. Campbell Chapter of the American Inn Of Court, please contact our Membership Chair, Mark McGuire, at [mmcguire@brownwhitelaw.com](mailto:mmcguire@brownwhitelaw.com).*

## Home sold in 1 day...who benefited?

In conversation, I've heard many people tell me about a home that sold in 1 day for full asking price. As I listen, I wonder to myself...who benefited from selling the home so quickly? Was it the seller, the buyer, or the agent(s)? And, could the seller have sold the property for a higher price?

When completing an appraisal assignment, I am required to include the Definition of Market Value in my report which is:

“The most probable price which a property should bring a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated: **(2) both parties are well informed advised, and each acting in what he considers his own best interest: (3) a reasonable time is allowed for exposure in the open market...**”

I have highlighted two sections of the definition that I believe are critical. Section (2) states that both parties are well informed. If the seller is not well informed about current market conditions and their home's value, they may list and sell for a lower price than they could have obtained. If the seller is using the services of a licensed agent, the agent should provide this information.

Section (3) of the definition, requires a reasonable exposure time in the open market. Exposure time is different than marketing time. The most common way to determine market exposure time is to review the days on market for pending and recently sold homes that are similar and located in the same neighborhood.

Appraisers will typically provide a range such as 1 to 3 months.

If a property was sold in 1 day, it is my opinion that the home was not given adequate exposure time to achieve the highest possible price by being offered to the open market. You can argue the point that it may not appraise higher, however the seller can ask the buyer to waive their appraisal contingency or require the buyer to pay any difference.

If there is a licensed agent who represented both the seller and the buyer and the home sold in 1 day, I believe it was this agent who benefited and not the seller.

Donald L. Mowery, II, Realtor License #01193547/  
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# Civility Matters

## **SPEAKERS:**

**Bill Shapiro**, partner with Robinson Calcagnie Robinson Shapiro and Davis;

**John Lowenthal**, managing partner of the San Bernardino office of  
Lewis Brisbois Bisgaard & Smith; and

**Honorable Bryan Foster**, of the San Bernardino County Superior Court

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**Thursday - August 28, 2014**

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**The WSBBCBA certifies that this activity has been approved for 1.5 hours of Ethics MCLE by the State Bar of California.**

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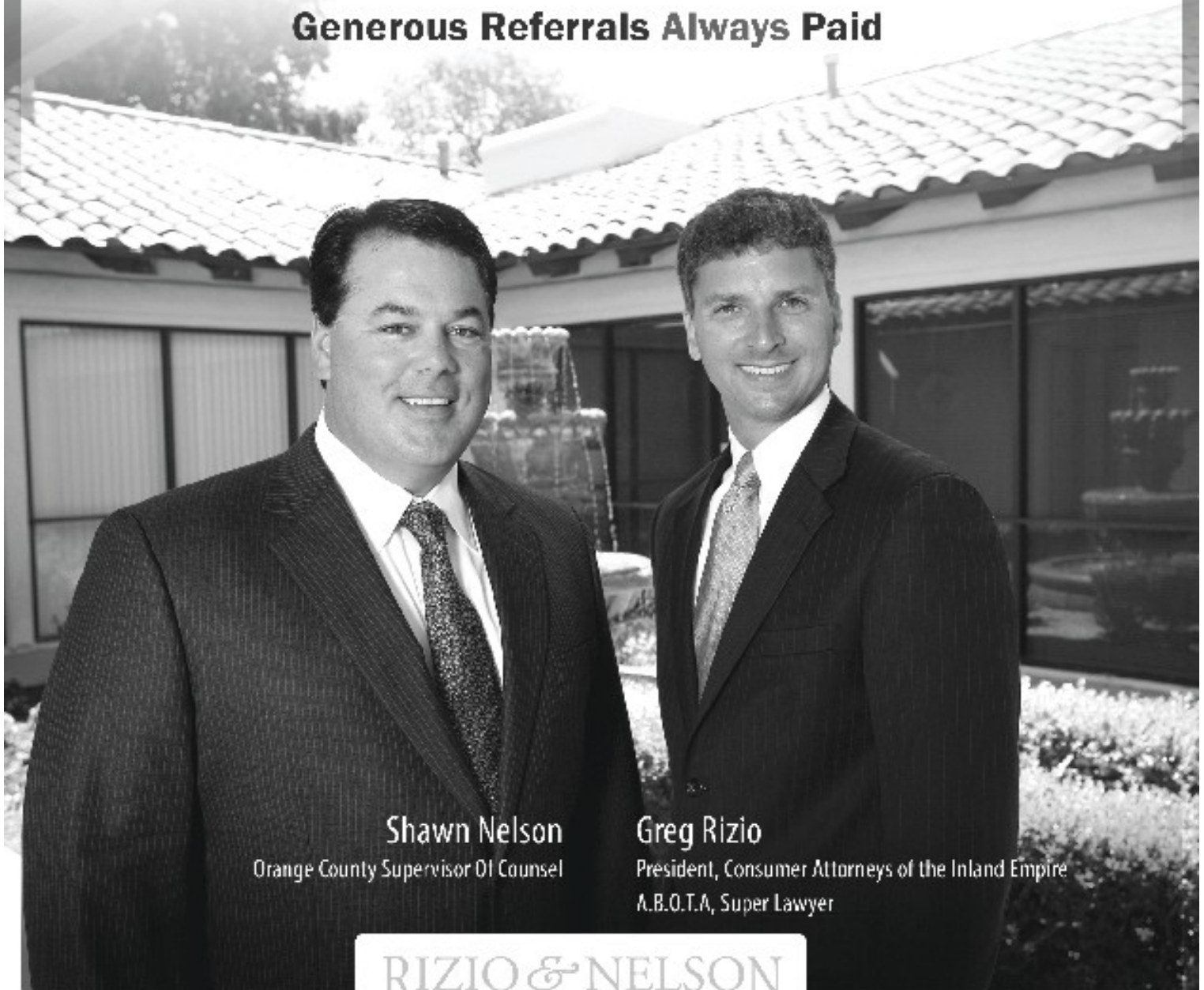
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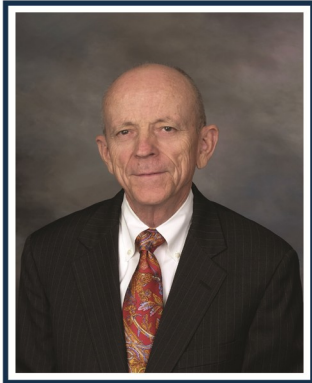
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Della, 71, earns \$12,000 monthly from her psychiatry practice. Her husband, Sam, 78, receives social security of \$2,100. They have \$321,000 of non-exempt trust assets and \$80,000 of exempt IRA assets. They carry a large mortgage on their home. Sam suffered a stroke and needs extended nursing home care. Solution: Set aside \$117,000 of trust assets for Della's spouse allowance, use remaining \$200K+ to refinance mortgage, reducing significantly their monthly mortgage payment. Her psychiatry practice is exempted as an operating business. Della keeps all of her income, Sam's income goes to share of cost.

California has yet to implement many federal rules being followed by most states. The look-back period for California is still 30 months. Stacked gifting still works. For families that lack sufficient resources to pay \$6,000 to \$7,000 per month for nursing home care, Medi-Cal long-term care benefits are typically their only choice to avoid complete spend down of family assets.

Similar to attorneys and CPAs, we work on a fee basis to provide guidance to families struggling to cope with long-term care crises.



Robert Cullen, CFP®  
President, RPMG



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For more than 25 years RPMG principals have provided fee-based guidance to obtain Medi-Cal long-term care benefits to pay for nursing home care.

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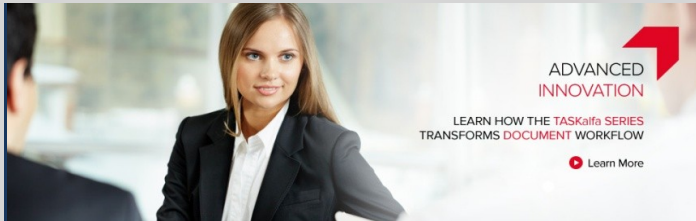


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- You can name and store documents directly to their final destination folder in one easy step.
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- And Much More!

### Upgrade Now Program!

The National RAM Business Systems "Upgrade Now" program is designed to give you the opportunity to upgrade your current outdated office equipment, to a state of the art Kyocera TASKalfa Document Management System. In most cases we can lower your current lease payment, lower your operational costs and completely "pay off" your current lease with no upfront costs to you.

Please call one of our "Legal Service Experts" for a complimentary cost savings analysis.

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## SAVE THE DATES:

### **Civility Matters MCLE**

**August 28, 2014**

**5:00 - 5:30 p.m. Social Gathering**  
**5:30 - 7:00 p.m. Program & Dinner**  
**Antonino's Restaurant**  
**Rancho Cucamonga**

### **Bench Bar Barbecue**

**September 19, 2014 @ 6:00 p.m.**  
**Location: TBD**



### **Young Lawyers MCLE**

**Civility & the Five C's**

**September TBD**

**Location: TBD**

### **2014-2015 Installation of Officers & Awards Ceremony**

**October 2, 2014 @ 5:30 p.m.**

**DoubleTree Hotel, Ontario**

### **State of the Courts MCLE**

**California's Court Crisis**

**October 22, 2014 @ 12:00 Noon**

**Location: TBD**

**WSBCBA - Promoting Success In The Inland Empire**

### **Western San Bernardino County Bar Association**

**8291 Utica Avenue, Suite 102**

**Rancho Cucamonga, CA 91730**

**Phone: (909) 483-0548 Fax: (909) 483-0553**

**Email: [mail@wsbcba.org](mailto:mail@wsbcba.org)**

**Website: [www.wsbcba.org](http://www.wsbcba.org)**

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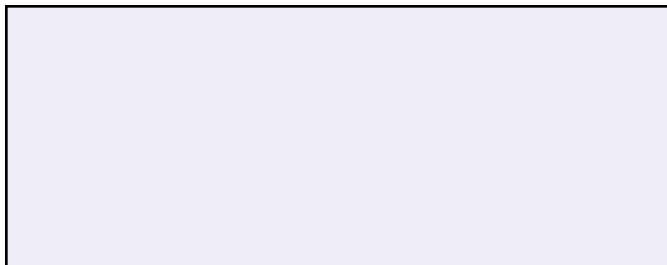
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# NEWS BULLETIN