

# RIVERSIDE LAWYER

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MAGAZINE

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People v. Gordon Stewart Northcott

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The Coogan Act: Protecting the Child Actor

Bryan Hartnell: Attorney, Bit Actor & Zodiac Survivor

Movies and the Law: Stuff That Career Choices Are Made Of – Or Not?

The Leo A. Deegan Inn of Court Goes to the Movies

See Films That You Cannot See Anywhere Else in Riverside at UCR's Culver Center of the Arts



The official publication of the Riverside County Bar Association

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# RIVERSIDE LAWYER

MAGAZINE

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# MISSION STATEMENT

## Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

## RCBA Mission Statement

The mission of the Riverside County Bar Association is:  
To serve our members, our communities, and our legal system.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

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*Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in Riverside Lawyer.*

*The material printed in Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.*

# CALENDAR

## OCTOBER

- 8 **CLE Brown Bag**  
Speaker: Professor Tiffany Graham, University of La Verne College of Law  
Topic: "Marriage Wars: The Consequences of Windsor and Beyond"  
RCBA Gabbert Gallery – Noon  
MCLE
- 10 **Barristers**  
Speakers: Ellen Berkowitz & Diane Wiesmann  
Topic: "Women in the Law: Strategies for Success"  
Mexicali Bar & Grill, 1690 Spruce St, Riverside  
5:30 p.m. to 7:30 p.m.  
MCLE
- 11 **CLE Trial Practice Skills Series**  
Speakers: Michael Hestrin & John Aki  
Topic: "Direct Examination"  
RCBA Gabbert Gallery – Noon  
MCLE
- 15 **Family Law Section Meeting**  
Speaker: Judge Jack Lucky  
Topic: "Family Court Triage: Assessing Needs & Allocating Resources"  
Family Law Court, Dept. F-501 – Noon  
MCLE
- 16 **Estate Planning, Probate & Elder Law Section Meeting**  
Speaker: Vicky Virgilio, Riverside County DPSS Adult Services Division, CARE Program  
Topic: "Adult Services Division Overview"  
RCBA Gabbert Gallery – Noon  
MCLE
- 17 **Farrell's Night Out Fundraiser for RCBA's Community Projects**  
4:00 p.m. – 9:00 p.m.  
Please see flyer on RCBA Website  
riversidecountybar.org or information on page 22
- 18 **General Membership Meeting – Joint with the Public Service Law Corporation (Riverside Legal Aid)**  
Speakers: Jason Ackerman, Paul Marks & Paula Pearlman  
Topic: "The Path to Equal Justice"  
RCBA Gabbert Gallery - Noon

## NOVEMBER

- 13 **CLE Trial Practice Skills Series**  
Speaker: Mark Easter  
Topic: "How to Present Expert Testimony"  
RCBA Gabbert Gallery – Noon  
MCLE
- 13 **Escrow & Title Sub-Section of the Real Property Law Section of the State Bar of California & the RCBA present**  
"REO Sales: Issues for Escrow & Title Underwriters"  
Speakers: Roger Therein and David A. Shean  
RCBA Gabbert Gallery  
6:00 p.m. – Networking & Social  
7:00 p.m. to 8:00 p.m. – Program  
MCLE

# President's Message



## President's Message

by Jacqueline Carey-Wilson

Last weekend I had the chance to watch one of my favorite movies, *A Time to Kill*. This movie was based on a novel by John Grisham. I knew how the story ended, yet I was drawn in by the characters and plot. The story begins with the vicious rape, torture, and attempted murder of a young African-American girl in the Deep South by two white racists. The girl's father, played by Samuel L. Jackson, kills her brutal attackers. Matthew McConaughey plays the criminal defense attorney representing the father.

The best movies both entertain and teach. The lesson I take from this movie is that each of us has our own biases and prejudices. We attorneys must identify these preconceptions or predispositions so that we can strongly advocate for our clients. We must also educate the trier of fact, whether jury or court, to recognize its own biases so it can fairly evaluate and decide based on the evidence before it. In this issue, the *Riverside Lawyer* focuses on law and the movies. I hope that, like a good movie, the articles in this issue will be both interesting and instructive.

The Riverside County Bar Association (RCBA) is off to another excellent year. More than 230 people attended the September 19 installation of the new board at the Mission Inn. The highlight of the evening was the presentation by Justice Manuel A. Ramirez of the E. Aurora Hughes Award to Justice Thomas Hollenhorst for his dedication and service to the RCBA. Judge Virginia Phillips swore in the 2013-2014 RCBA board: President-Elect Chad Firetag, Vice President Kira Klatchko, Chief Financial Officer Jean-Simon Serrano, Secretary Alexandra Fong, Directors at Large Jack Clarke, Jr., Neil Okazaki, Jeff Van Wagenen, and Diana Renteria, Barristers President Kelly Moran, and myself as President. This board is strong and represents a cross section of the legal community. The board is committed to carrying out the RCBA's mission – to serve our members, our communities, and our legal system.

To serve our members, the RCBA board conducted a survey to find out what the members were looking for from the association. The majority surveyed would like to see the RCBA offer more in-depth continuing legal education (CLE). CLE is at the heart of the RCBA's mission. In addition to the monthly general membership meeting, the RCBA's eleven sections and the CLE Committee offer monthly or bimonthly programs to educate the legal community. The chairs of these sections organize the bulk of the education programs. Therefore, we are so fortunate to have the following members agree to be section chairs during the 2013-2014 year: Carmela Simoncini, Appellate Law; Stefanie Field, Business Law; David Cantrell, Civil Litigation; Paul Grech, Criminal Law; Garry Brown, Environmental and Land Use; Cheri Brettmann, Estate Planning, Probate and Elder Law; Sherry Collins, Family Law; DW Duke, Human Rights; Kelly O'Reilly, Immigration Law; Barry O'Connor, Landlord/Tenant Law; and Chris Johnson and Dwight Kealy, Solo and Small Firm. The CLE Committee, co-chaired by Abram Feuerstein and Alexandra Fong, also offers many useful programs for practitioners, including an upcoming trial practice skills series. On October 11, Michael Hestrin and John Aki will speak on direct examination. On November 13, Mark Easter will speak on presenting expert testimony. The RCBA will video-record these programs with the intention of making them available to our members on our website in the future. We will keep you posted on the progress of this effort.

In addition to CLE opportunities, the RCBA is proud to offer its members and their families an opportunity to learn how to surf! The

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weekend of July 11-13, 2014 will be a weekend of fun. Bring a tent, sleeping bag, flashlight, and your essentials to camp on a private beach with other members and their families. Meals and entertainment are included. You and your children can learn how to surf, bodyboard, build sand castles, rock-climb, engage in archery, and participate in arts and crafts. The cost is \$150 per person. The RCBA is currently taking reservations. To secure a spot, pay a nonrefundable fee of \$40 per person to the RCBA by October 25. Full payment is due June 1, 2014. There's room for only 30 families, and spots are filling up fast, so please contact the RCBA to reserve a spot or for more information.

Last year, your board decided to renovate the RCBA building. Thanks to the foresight of leaders of the RCBA in the early 90's, such as Dan McKinney and John Vineyard, the RCBA purchased this building across from the courthouse. It was originally built in the early 1920s as a Montgomery Ward department store. The building was remodeled into offices years ago, but now it needs a facelift. Our Building Committee, chaired by Robyn Lewis, plans to have renovations begin in the spring. The work will focus first on the building's exterior before moving on to the interior. One floor will be devoted to executive suites, where the RCBA offices will share a secretary, copier, fax machine, and meet-

ing room. The Gabbert Gallery will move to the basement. The basement will also contain an attorney lounge, in which members can relax between court appearances. We are still in the planning stages, so please contact the RCBA if you are interested in leasing space in the renovated building.

Please join us at noon on October 18 for the RCBA General Membership Meeting. This is the RCBA's joint meeting with Riverside Legal Aid (Public Service Law Corporation). Jason Ackerman from Inland Empire Latino Lawyers Association, Paul Marks from the California Commission on Access to Justice, and Paula Pearlman from the Disability Rights Legal Center will speak on "The Path to Equal Justice." I hope to see you there to discuss this very important issue, because "[i]f the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract." (Chief Justice Ronald M. George, State of the Judiciary speech, 2001.)

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*Jacqueline Carey-Wilson is a deputy county counsel with San Bernardino County, editor of the Riverside Lawyer, and past president of the Federal Bar Association, Inland Empire Chapter.*





# BARRISTERS PRESIDENT'S MESSAGE

by Kelly A. Moran



When I was eight years old I decided that I wanted to be an attorney. While I did not exactly know what this meant, my third grade teacher had introduced our class to the concept of a “debate” and I learned that there was a career out there that actually allowed you to argue for a living. As a big sister with plenty of arguing experience under my belt, I just knew instantly that this was what I should be doing.

Over the years, my eight-year-old vision of what “being a lawyer” meant grew as I was introduced to various facets of the law and was fortunate enough to meet people who had carved out their own niche, making the practice of law their own. What I came to realize is that being a lawyer did not necessarily mean the same thing to everyone. It turns out there are seemingly endless options and opportunities for someone who wants to practice law. Contracts, criminal, family, sports and entertainment, real estate, water, wine, aviation.... A license to practice law opens up a world of possibilities and encourages the pursuit of a career that one is truly passionate about.

One of the most unique qualities about Barristers is that it is a group aimed at exploring every possible facet of the law. Because we target attorneys who are new to the practice of law, it is our hope that we are able to introduce members to areas of the legal world which they may not have experienced first-hand before, while at the same time, focusing on areas of practice that our members themselves have expressed an interest in.

Throughout the upcoming year we will have the opportunity to explore several specialized areas of the law. On January 9, 2014, our monthly meeting will focus on the recent Proposition 8 rulings and the legal impact of the same. The May 8, 2014 meeting will address the challenges facing those who practice in family law, as well as offering insight from solo practitioners on how to run a successful law practice outside the firm environment.

Our upcoming meeting on October 10, 2013 will focus on a very specific subset of the law: the role of women in the legal world and the unique opportunities and challenges that face women practitioners. This event will feature speakers Ellen Berkowitz, a Shareholder at Gresham Savage Nolan & Tilden, and Diane Mar Wiesmann, a Partner at Thompson & Colegate LLP. With experience in both criminal and civil practice, and leadership in such organizations as the Board of California Women’s Law Center and the Association of Southern California Defense Counsel, Ms. Berkowitz and Ms. Wiesmann are

certain to be excellent sources of information and inspiration for all in attendance. I hope that many of you will be able to join us for this exciting event from 5:30 p.m. – 7:30 p.m. on October 10, 2013 at Sevilla, which we are proud to announce will be our regular location for Barristers meetings this year. Information concerning this, and all meetings, can be found at the Barristers’ website ([www.riversidebarristers.org](http://www.riversidebarristers.org)) and Facebook page (“Riverside County Barristers Association”).

As mentioned previously, we do hope to target our meetings to the interests of our members. Our Board is truly focused on making this a great experience for all involved and we welcome all suggestions, thoughts, concerns or input. At the end of the day, this is your organization and whether you have a passion for criminal law, animal law, or you just want to argue for a living, we want to help. Please feel free to contact me directly at [kmoran@tclaw.net](mailto:kmoran@tclaw.net) if there is a topic that interests you or a speaker that you would like to hear from.

*Kelly Moran, the 2013-2014 President of Barristers, is an associate at Thompson & Colegate, where she practices in the areas of public agency representation, personal injury defense, and probate litigation.*





# PEOPLE V. GORDON STEWART NORTHCOTT

by Gerald D. Shoaf

If you saw Clint Eastwood's movie *The Changling* a few years ago, the following story may be of interest to you because the movie is based on one small facet of the then-infamous Gordon Stewart Northcott murder trial in 1929 here in Riverside.

The trial was a sensational affair that drew worldwide attention, with reporters from Europe and Asia in attendance for its month-long duration. Redwine & Sherrill's founder, Earl Redwine, was the lead attorney for the prosecution team.

Gordon Stewart Northcott was born in Saskatchewan on November 9, 1906, to Cyrus G. and Sara Louise Northcott. His early childhood was strange; his mother had been mentally warped by the death of her first-born son and kept Northcott home from school by dressing him as a girl until he was nearly in his teens. He was pampered and treated like an only child, his older sister having been married when he was a baby. Quite possibly because of his mother's conduct toward him, Northcott developed homosexual tendencies.

In 1923, Northcott moved to Los Angeles with his parents. He worked at odd jobs until the summer of 1926, when he was arrested on a morals charge involving a 12-year-old boy. He was released, went to Canada, and returned with his 13-year-old nephew, Sanford Clark. Northcott decided to go into the poultry business and bought a three-acre parcel of land in Wineville (now Mira Loma). His father Cyrus built six hen houses, and Northcott and his nephew lived in one of these while Cyrus built a small residence.

Northcott operated the poultry farm for two years. Although he was not unfriendly toward his neighbors, his activities discouraged them from visiting him. He accused various neighbors of stealing things from the ranch and/or trying to poison his chickens. Northcott was away from the ranch a great deal, explaining that he had a job with Warner Brothers Studio. As it turned out, these absences were actually forays for young boys with whom he attempted to satisfy his sexual desires. Sanford was also subject to Northcott's overtures; he was not allowed to go to school and was discouraged from playing with neighborhood children.

Northcott dictated letters for Sanford to write home describing how he loved school, classmates, and living at the farm. Sanford's mother and his 19-year-old sister Jessie became suspicious when the letters contained

phrases that were too mature for a boy Sanford's age. In the summer of 1928, Jessie Clark came to Los Angeles to try to determine what her brother was actually doing. Unable to learn anything from her grandparents, she went to the ranch. Northcott would not leave her alone with Sanford, and Jessie could get no information until her brother crawled into her bed when their uncle had fallen asleep.

Sanford told his sister the truth about his own situation and told her that Northcott had kidnapped three young boys, had held them as prisoners at the ranch, then had slain each with an ax, forcing Sanford to help kill two of the three. He told her Northcott had also killed a Mexican boy and had cut off his head. Sanford told Jessie that their grandmother, Louise Northcott, had participated in one murder and was aware of the others.

After hearing the gruesome story, Jessie returned to Vancouver, where she went to the American consulate and told them that her brother was an illegal immigrant living in Southern California. Word was relayed and immigration authorities went to the ranch, where they found Sanford alone; Northcott had seen the uniformed officers approach and fled across fields. Sanford was taken to a detention home and held pending an investigation of his case.

Fearing his nephew would tell authorities about the murders, Northcott and his mother fled to Canada after disposing of the bodies, which had been buried under the chicken runs at the ranch. Sanford related the tale several days later, and the chase was on. Northcott and Louise were traced to Vancouver and were arrested in mid-September.

Riverside County District Attorney Ford assigned Earl Redwine to the case and sent two detectives to Canada to help expedite the extradition of the Northcotts. The Northcotts retained counsel and fought extradition. By November, each had been ordered extradited but was threatening to appeal. Redwine went to Vancouver unannounced to try and determine the cause for delay, only to find his two detectives shacked up in a hotel room with a couple of ladies and a room full of empty whiskey bottles. Northcott's period for appeal had expired, and Redwine talked the police into releasing Northcott into his custody. Northcott's barrister had tumbled to what was going on and had obtained an order prohibiting Northcott's removal from Canada pending a hearing. Unfortunately

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for Northcott, his counselor arrived at the prison just as Redwine was leaving with his client, though he did give pursuit. A wild car chase reached a climax when Redwine ran the barricade at the border and boarded the train with his prisoner.

Redwine arranged for a special railroad car to carry the party back to Los Angeles. During the trip, Northcott was continuously interrogated, at first denying everything, but after one nine-hour straight session, he confessed to killing the Mexican at the ranch; he continued to deny any involvement in the deaths of the three boys. After his arraignment in Riverside, he offered to show authorities where the bodies were buried. He led them on a 27-hour goose chase through the Mojave Desert. On another occasion, he asked to meet with his father and Sanford Clark, unsuccessfully pleading with each to change his story to save him. He then gave Redwine a written confession to all the murders and agreed to appear in court to plead guilty. Next, he recanted that confession, telling the court that it had in effect been beaten out of him.

The prosecution's investigation had built a good case, although nothing more than fragments of the bodies of the three boys had been found. Northcott was represented by a total of four attorneys, not all at once, and after the defense lost motions to change the place of trial, to plead insanity, to disqualify the judge, etc., the case went to trial in January 1929.

The People's case went smoothly, even though it was necessary to put on a parade of witnesses to fill the gap created by the missing bodies. When it came time for the defense to cross-examine Sanford Clark, Northcott wanted to do so himself, but the court required him to discharge his attorneys in order to do so, which he did. He thereafter conducted the remainder of the trial representing himself, including the closing argument. But for the result, he did a very commendable job.

Northcott's defense was strange and inconsistent. He first denied involvement in the murders but then attempted to prove a form of insanity, akin to diminished capacity, by going into the reasons for his being

a homosexual. He claimed he was actually the product of an incestuous relationship between his father and sister and that his own father had practiced sodomy on him at an early age. He also claimed the confessions were made under duress.

The trial lasted over a month. After closing arguments, the all-male jury returned a unanimous verdict of guilty to four counts of murder in the first degree.

Louise Northcott had been returned to Riverside, having waived further extradition proceedings after her son was extradited. Once there, she pleaded guilty to the murder of Walter Collins, one of the three young boys slain at the ranch, on the mistaken belief that by so doing she would save her son. She was sentenced to life imprisonment and immediately taken to San Quentin to begin her term.

Northcott met with Mrs. Collins in his jail cell during the trial and told her that he had never met her son and had not killed him. Later, during his stay at San Quentin, pending the outcome of his appeal, he told Warden Duffy that he had killed large numbers of persons, including the three boys, offering maps showing where the bodies were to be found. Each of these was carefully investigated but without results. When his appeal was exhausted and a date set for his hanging, Mrs. Collins and Mrs. Winslow, mother of Nelson and Lewis Winslow, the two other young boys allegedly slain at the ranch, received permission to talk to Northcott in his cell on death row the day before his execution, hoping he would tell them the truth concerning their sons. Northcott told them that although he had not killed their children, he had seen their bodies and they were in fact dead. He was hanged the following day, October 2, 1930.

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*Gerald D. Shoaf is a partner with Redwine & Sherrill and serves as primary counsel for the Coachella Valley and Eastern Municipal Water Districts. He is a past president of the Riverside Barristers and the Inland Counties Legal Services. He is a member of the Riverside County and American Bar Associations, and the State Bar of California. He is also a member of the Western Coalition of Arid States (WESTCAS) and a member of the Association of California Water Agencies (ACWA), where he serves on both legislative and legal affairs committees.*

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# RETHINKING *ERIN BROCKOVICH*: THE TRUTH ABOUT HINKLEY

by Lucas Quass

Hinkley, a small unincorporated community in California's Mojave Desert, is best known as the town featured in the film *Erin Brockovich*. The film centers on the true story of Erin Brockovich, portrayed by Julia Roberts, as she fights to protect the desert town from the Pacific Gas and Electric Company (PG&E). Sometime in the 1950s, PG&E began storing water contaminated by a chemical called chromium-6 in unlined treatment ponds at the PG&E compressor station in Hinkley. The film, set in 1993, depicts Erin Brockovich as she is transformed from a struggling single mother into a heroine who saves Hinkley by exposing PG&E for contaminating the town's groundwater with chromium-6. The truth is that Hinkley, a once-vibrant community, is still waiting to be saved.

The film fairly accurately depicts the details surrounding the class-action lawsuit against PG&E. Ed Masry, a Southern California attorney whom Brockovich worked for, deftly negotiated a settlement with PG&E that awarded the Hinkley plaintiffs approximately \$333 million, minus \$133.6 million in attorney's fees. A happy ending all around, except for the remaining residents of Hinkley. In the 1990s, Hinkley had a population of nearly 4,000 people, but the record-breaking settlement included only 634 plaintiffs; thus, it did not include all residents who were harmed by chromium-6. It also did not mandate any remediation for the groundwater contamination.

In real life, Erin Brockovich did not discover the contamination in Hinkley, nor was she the first to investigate it. Since 1987, the State Water Resources Control Board (State Board) has been requiring PG&E to carry out investigation and cleanup actions for chromium in Hinkley. Despite efforts by the State Board, the chromium plume below the town has continued to spread, and as of 2008, it was approximately 2 miles long by 1.3 miles wide. In 2008, as a result of a settlement between the Lahontan Regional Water Quality Control Board (the Regional Board) and PG&E, PG&E was required to take remedial actions to clean up the plume and stop its growth. These remedial activities included groundwater extraction, agricultural reuse, surface treatment, and



*Hinkley School's sign that used to provide community information.*

subsurface freshwater injection. However, by 2012, the plume had grown substantially to about 5.4 long by 2 to 2.5 miles wide, encompassing nearly the entire community.

In October 2011, the Regional Board ordered PG&E, which had been supplying drinking water to residents affected by the plume, to provide whole-house water treatment systems for homes with high levels of contamination. The first water treatment systems were installed in the fall of 2012 and have received mixed reviews from area residents. Although some residents are content with the treatment systems, others say their water is putrid and stale. Nonetheless, Hinkley residents are left with limited options – sell their homes and leave the com-

*Abandoned house in Hinkley*



munity they love, or remain and take their chances.

Although PG&E has been buying property in the community for many years, in 2010 it expanded its program of purchasing homes located on or near the plume. Since then, it has extended property purchase offers to approximately 270 homeowners in Hinkley. As of July 2013, 174 offers had been accepted. Generally, when a home is purchased, PG&E promptly demolishes it. Residents, fearing water contamination, have been moving from Hinkley in droves since the 1990s, and the town's population is now less than 2,000 people. The residents who remain in Hinkley have literally witnessed the beginning of a ghost town as homes are boarded up and torn down.

Even the community's only school is threatened. Enrollment at Hinkley School, a kindergarten-to-eighth-grade community school, has declined from approximately 600 students in the mid-90s to around 260 in 2013. As part of PG&E's settlement with the Regional Board, PG&E agreed to supply Hinkley School with an alternative source of water and has been supplying the school with bottled water. Even though Hinkley School was designated by the state as a California Distinguished School for excellent academic performance, in February 2013, the board of the Barstow Unified School District voted to close it. Today, Hinkley School, which had been open for more than 100 years, is vacant, much like the many homes that once surrounded it. The school's closing will undoubtedly accelerate the decline in Hinkley's population.

On July 17, 2013, the Regional Board certified the Final Environmental Impact Report (EIR) for the comprehensive groundwater cleanup strategy for historical chromium discharges from PG&E's Hinkley compressor station. The EIR outlines several methods that PG&E may use in cleaning up the chromium plume; it points out that it will take anywhere from 29 to 50 years to decrease chromium contamination levels to 3.1 parts per billion,



Abandoned dairy business

which is the benchmark set by the Regional Board based on the amount of naturally occurring chromium-6 in the groundwater prior to contamination.

The film *Erin Brockovich* presents a triumphant ending in which the town is saved, but the Hollywood ending is far from the truth. Some residents feel that the town will simply vanish by the time the groundwater is restored. Others see the school closure as the last straw and are preparing to relocate. However, many residents are refusing to give up on Hinkley. One community group has filed a new class-action lawsuit against PG&E, which includes nearly 100 residents who were not included in the original lawsuit, who are seeking compensation for their homes and health. A second group, Save Our Schools, has filed a suit against the local school district under the California Environmental Quality Act, seeking to reopen Hinkley School, alleging the school board failed to consider the environmental impacts of closing the school. This same group is also pursuing options to reopen Hinkley School as a charter school.

The story is far from over for Hinkley – my hometown. Will it be a happy ending? That remains to be seen.

*Lucas Quass is an associate at Best Best & Krieger LLP in Riverside, where his practice focuses on environmental, water rights, water quality, and land use law. He can be contacted at lucas.quass@bbklaw.com.*



## RIVERSIDE LEGAL AID (Public Service Law Corporation of the RCBA)

Welcome  
**THOMAS D. ALERT**  
as Managing Attorney of its Family Law Clinic

Tom is a State Bar certified family law specialist and has practiced family law in Riverside for 35 years.

# THE COOGAN ACT: PROTECTING THE CHILD ACTOR

by Christopher Buechler Marin

*PRINCETON:  
Oh my God!  
It's Gary Coleman!*

*GARY COLEMAN:  
Yes I am!  
I'm Gary Coleman  
From TV's  
*Diff'rent Strokes*  
I made a lotta money  
That got stolen  
By my folks!  
Now I'm broke and  
I'm the butt  
Of everyone's jokes,  
But I'm here -  
*The Superintendent!*  
On Avenue Q -*

*ALL:  
It sucks to be you.*

- From "It Sucks to Be Me" from *Avenue Q* (2003),  
Lyrics by Robert Lopez and Jeff Marx

Hollywood legend is rife with stories of young actors crashing and burning. The cautionary tales associated with names like Gary Coleman, Lindsay Lohan, Macaulay Culkin, Drew Barrymore, Jonathan Brandis and others would seem to paint show business as a monster industry that eats up children and spits them out (never mind the majority outliers of well-adjusted former child actors). However, the trappings of fame are just one element of these tragic tales. Many of these stories also share themes of family dysfunction and exploitation that prompted California lawmakers to take action. The result of that action is referred to as the "Coogan Act," named for former child star and later Uncle Fester on TV's *The Addams Family*, Jackie Coogan.

Jackie Coogan's tale of woe first came to light when, at age 23, he sued his mother and stepfather/"manager" in April 1938 for an accounting of the roughly \$4 million he earned as a child actor. His mother's response? "No promises were ever made to give Jackie anything,"

his stepfather adding, "Every dollar a kid earns before he is 21<sup>1</sup> belongs to his parents. Jackie will not get a cent of his earnings."<sup>2</sup> Jackie did get some recovery, but was struggling financially for a time while working as a young adult in Hollywood. The publicity surrounding the case, however, led to more substantive protections for the child actor.

The Coogan Act is codified primarily in the Family Code, with a related section in the Labor Code. Jackie Coogan would probably be primarily interested in Family Code § 771(b), which designates money earned from an artistic performance contract under the act as "the sole legal property of the minor child."

The contract itself is covered in Family Code §§ 6750-53. Either party to this contract can petition the court to approve a child performer's contract. Contracts subject to such approval may not be disaffirmed based on the minority of the contracting child. Also, the child's parent or guardian is required to set up a trust account, known as a Coogan Trust, for the child. The employer is required to deposit at least 15% of the child's earnings directly into this trust account, but the parent or guardian can indicate a larger percentage be placed in trust. Funds in trust cannot be withdrawn until the child turns 18 or the court orders otherwise, and there are guidelines for banks and investment funds as to the handling of trust assets. If a parent or guardian fails to set up a trust, the code designates the Actor's Fund of America as the default trustee.

Of course, protecting the child's earnings is only part of the equation of protecting the child actor. And the Coogan Act only affects contracts in California. Although other states have enacted laws protecting child actors in those states, the protection is not as robust as California. New York, for example, does not require the trust account to be a blocked account, and other states still may have the performance income designated as family income rather than the child's separate property.<sup>3</sup>

1 The age of majority was 21 before March 4, 1972. Cal. Fam. Code § 6502.

2 Henry R. Luce, editor, "The Strange Case of Jackie Coogan's \$4,000,000", LIFE, April 25, 1938, at 50.

3 BizParentz Foundation, "Trust Accounts", <http://www.bizparentz.org/gettingstarted/trustaccounts.html> (last visited September 16, 2013).

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Unscrupulous parents also can cause a lot of headaches with access to 85% of a child actor's earnings. But scrupulous parents face their own set of challenges. When Kasydi Speciale's daughter, Soleil, was cast in a national commercial for ADT Home Security last year she brought in earnings and residuals totalling about \$13,000 so far. Kasydi designated that entire amount to go into Soleil's Coogan Trust to help Soleil pay for college when she turns 18. What Kasydi failed to anticipate was the income taxes on Soleil's earnings, money that she and her husband, Chris, ended up paying out of their own earnings. Kasydi has heard of other parents using earnings for the child's business-related expenses, such as mileage, clothing and acting lessons, although Kasydi and Chris happily bear these expenses themselves and just let Soleil live her life as a normal little girl with an interest in performing.

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And once Soleil turns 18, if she does use the money in her Coogan Trust responsibly as her parents intend, perhaps she will turn out like Mayim Bialik, TV's *Blossom* who went on to get her Ph.D in neurobiology and now stars on *The Big Bang Theory* as Amy Farrah Fowler, a neurobiologist. Or she could end up like Danica McKeller (Winnie Cooper on TV's *The Wonder Years*), who graduated from UCLA summa cum laude with a bachelor's in mathematics and has authored several books targeted towards teenage girls to encourage an interest in math and science. That would be a true Hollywood ending.

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# BRYAN HARTNELL: ATTORNEY, BIT ACTOR & ZODIAC SURVIVOR

by Bruce E. Todd

The theme of this month's magazine is called "The Law and The Movies." For Redlands attorney Brian Hartnell, a tragic event in his past resulted in his involvement with a big budget Hollywood film.

On September 27, 1969, a then 20 year old Hartnell survived a brutal stabbing attack by a man who was later identified as the infamous Zodiac serial killer who plagued northern California back in the late 1960's and early 1970's. Unfortunately, Hartnell's friend Cecelia Shepard, who was with him at the time of the attack, was not so fortunate. She was also stabbed multiple times during the incident and she succumbed to her injuries shortly thereafter.

Hartnell and Shepard were enjoying a picnic near Lake Berryessa in Napa County when they were approached by a man whose head was covered by a black hood. He was armed with a handgun. He instructed Shepard to tie up Hartnell and then he bound Shepard. He then stabbed both of them multiple times. The man eventually left and Hartnell and Shepard were able to summon help. Shepard eventually died from her wounds. Hartnell, who was a student at the time at Pacific Union College, eventually recovered from his physical injuries.

They were the fifth and sixth victims of the Zodiac killer. In all, law enforcement authorities believe that seven people were attacked by Zodiac (although it is suspected by some that he may have killed others). Of these seven people, only Hartnell and another victim (Michael Mageau) survived the attacks upon them. The Zodiac killer has never been conclusively identified although many people believe that the crimes were committed by Arthur Leigh Allen who eventually died from a heart attack before he was ever charged with the crimes.

Hartnell was willing to give interviews to the media for the first few years following the incident in hopes that his factual information would assist law enforcement in locating the killer. After a few years, however, he decided not to publicly discuss the incident. Despite his reservations of talking about the matter, he is continually reminded of the incident.

"I would say that the longest stretch when I haven't gotten a letter from somebody who says that their uncle did it or somebody's writing a book is probably three months at the most," says Hartnell.

After he was graduated from Pacific Union College with a B.A. in History, he eventually decided to enroll in law school. He attended McGeorge School of Law in Sacramento and obtained his J.D. in 1975. He was admitted to the California bar that same year.

It was his intent to remain in northern California but one could say that love got in the way. He was dating Monica Neumann (his wife now for 38 years) and she was attending Loma Linda University to become a doctor. Hartnell moved to the local area while she was performing her medical residency and here they are still in the Inland Empire all these years later. His wife is now an OB anesthesiologist at Loma Linda University Medical Center and he operates a successful legal practice with specialties in probate, estate planning, conservatorships and health care. They have raised two adult sons—Benjamin and Jonathan.

It was his son Benjamin who actually got Hartnell involved with a Hollywood film production. As aforementioned, Hartnell is constantly contacted by people about the Zodiac event in his life. Most of the correspondence which he receives is merely filed away in boxes. Among this mail which he has received were some DVD's from someone in Hollywood who wanted to make a movie about the Zodiac killer. Hartnell figured that it was going to be some low budget movie and so he gave the DVD's to Benjamin. His son took a look at them and realized that they were "A" quality Hollywood films (such as *The Fight Club* and *Panic Room*). The director of them was David Fincher. Benjamin suggested to his dad that Benjamin contact the director to see what he wanted. Hartnell gave Benjamin his blessing to do so.

Eventually, a meeting was arranged at the Redlands County Club where Hartnell met with Fincher and Brad Fischer who was to be one of the producers of the movie. Hartnell learned that Fincher, who also had lived in northern California, was about 13 years old at the time of the attack upon Hartnell and Shepard. Like other young people in the area, Fincher was terrified of the Zodiac killer (partly because Zodiac had sent a letter to the *San Francisco Chronicle* in which he indicated that he was going to kill children on a school bus). Fincher wanted to make a movie about the Zodiac killings and the manhunt to capture him.

Hartnell quickly discovered that it was Fincher's intent to accurately portray the events without the usual Hollywood fictionalization.

"They basically picked my brain to amazing detail," says Hartnell. "He (Fincher) was not looking for a theatrical response—he was looking for accuracy."

Hartnell continues by saying "They spent a lot of time with me trying to get things nailed down—what the time was—where I started—where I ended—how far I made it back up."

In fact, the director's cut of the eventual movie *Zodiac* (released in 2007) includes an interview with Hartnell.

Hartnell attended a couple of shoots of movie scenes (one involving actor Robert Downey, Jr. sitting in a bar—the actor portrayed *San Francisco Chronicle* reporter Paul Avery). Since the producers felt so indebted to Hartnell for the factual information which he had provided to them, they even asked if he and his family wanted to have a small part in the movie.

There is a scene in the movie in which Hartnell is dressed as a cop and his wife is costumed as a secretary. His sons are also dressed as cops in the scene. In the closing credits, the Hartnell family is mentioned for their participation in the movie.

Hartnell learned during this shooting of this scene about just how accurate Fincher wanted to be in creating his film.

"It (the scene) took about 28 takes and we were there until 3 a.m." says Hartnell. "All four of us even had to join the actor's union to do that one scene."

Hartnell says that his involvement with the film lasted about 10 months from the time he first met Fincher until the film was eventually released. He was invited to the premier of the film in San Francisco. In fact, the producers even agreed to hold one of the four premiers (the others were in San Francisco, Los Angeles and New York) at a theater in Redlands. The proceeds from this premier were used to benefit the Redlands Bowl (Hartnell has been a member of the Redlands Community Music Association). Hartnell was one of the speakers during this premier.

Although Hartnell refused to be financially compensated for his involvement in the film, he did receive one material benefit.

"I did get one thing—when all was done, they gave me the car (which was used in the film)," he says "See, I had owned a '59 Karmann Ghia. In one of the opening scenes, they used a Karmann Ghia going over a bridge. They gave that to me."

Hartnell said that he has watched the movie a few times although he has not seen it for quite some time. He acknowledges that the movie is "long".

He noted that the other Zodiac survivor (Michael Mageau) also now lives in the Inland Empire. He has seen Mr. Mageau on various occasions.

Hartnell has been very active in the local community since settling in the Inland Empire. He has served as a past president of the San Bernardino Rotary, a board member of the Loma Linda Chamber of Commerce and a member of the San Bernardino Historical Society. He is also a past president of the San Bernardino County Bar Association. He is the in-coming chair of the Board of Specialization for the State Bar of California.

Before he moved to the Inland Empire, it is possible that Hartnell may have had a second encounter with the Zodiac killer. As previously noted, one of the prime suspects was Arthur Leigh Allen. There was a period of time when Allen was working at store and the police asked Hartnell to go into the store as if he was going to purchase something to see if he could recognize Allen. Hartnell observed Allen and concluded that he was not the same person who had attacked both he and Shepard.

"I don't think the guy (Allen) they think did it did it," says Hartnell.

Hartnell suspects that that actual killer may never be identified.

"He probably did not leave any prints," says Hartnell. "He was a pretty smart cookie."

"Honestly, I don't think that anybody is ever going to be caught," he continues. "He was a real blowhard for the first few years and then dead silence."

Hartnell suspects that the actual killer is now deceased, in custody or in a mental health facility.

Even though the Zodiac incidents occurred in northern California, there are some who believe that his crime spree actually started in the Inland Empire. On October 30, 1966, Cheri Jo Bates, a student at Riverside City College, was brutally beaten and stabbed near the school library. During the manhunt for Zodiac after his crimes began in northern California, investigators looked into the possibility that the killing of Bates was related to Zodiac. To date, however, this has never been conclusively established.

In the final analysis, Hartnell believes that, after so many years have elapsed, the perpetrator of the Zodiac crimes will not be caught.

"There are going to be some cases that you just don't solve," he says.

*Bruce Todd, a member of the Bar Publications Committee, is with the firm of Osman & Associates in Redlands.*





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# MOVIES AND THE LAW: STUFF THAT CAREER CHOICES ARE MADE OF – OR NOT?

by Abram S. Feuerstein

Life imitates art.<sup>1</sup> We feel intuitively that the statement is true. For example, when confronted with perceived rising levels of violent crime, we are confident that the depiction of violence on TV or in the movies played a key role. Similarly, parents embrace a belief that if they control their children's TV viewing habits by, say, installing a computer chip in an electronic device, regulating TV viewing hours – or simply not subscribing to cable television – their children will grow up to become model citizens.

On the same note, Audrey Hepburn famously said that everything she learned in life she learned from the movies. Taken to an extreme, learning about life solely from the movies can lead to fantasy and might even be devastating. For instance, before attempting to assassinate Ronald Reagan, ironically an actor during a large part of his adult life, John Hinckley became obsessed with the movie *Taxi Driver* and the actress Jodi Foster.

Ultimately, of course, the influence of television and film on human behavior is guesswork – a subject best entrusted to social scientists to study, so they can opine about the extent to which people take action based on a book that they read or a movie or a television program that they watched.

Closer to home, a question for attorneys that arises from their personal experiences is whether they made the initial decision to become a lawyer because of something they viewed on television or experienced at the movies. Did Perry Mason's<sup>2</sup> unrelenting cross-examinations of key witnesses at the end of each weekly TV episode, resulting in dramatic court-aired public confessions, tilt the scale? Or, for those who were not alive for and did not see the original broadcasts of Perry Mason, much less the reruns that aired daily, and who cannot tell Perry Mason from Perry Como, did Elle Woods' "outing" of the gay cabana boy and her grilling of Chutney in the trial scenes of *Legally Blonde* turn the tide?

In its August 2008 issue, the *ABA Journal* listed the 25 greatest legal movies of all time.<sup>3</sup> One doubts that the last movie on the list, *Miracle on 34th Street* (1947), had

any influence on career choices. The climactic trial scene involving a parade of U.S. postal workers dumping bag after bag of mail addressed to St. Nick on the trial judge's bench – thereby magically proving the existence of Santa Claus – may have instilled holiday cheer, but little else. Other movies on the list, including *My Cousin Vinny* (1992), at number 3, or my favorite, at number 6, *Witness for the Prosecution* (1957), certainly are entertaining but likely hold little sway over career or life decisions. On the other hand, it seems impossible to believe that the powerful and dignified Atticus Finch from *To Kill a Mockingbird* (1962) – the top movie on the ABA list – would not lead a person to think about earning his weekly envelope in the same exemplary way.

According to Steven J. Harper, the author of *The Lawyer Bubble: A Profession in Crisis* (Basic Books, 2013), the majority of people attending law school make the decision to go to law school relatively early in life. One-third know from childhood that they want to be lawyers and that they will apply to law school upon completing college; another third decide as undergraduate freshman or sophomores that they will chase the paper chase.

Undoubtedly, the reasons behind the career choices of would-be lawyers are as varied as the people making those decisions. Among the early deciders, many of these budding attorneys likely select the law because of the influence of a parent or respected family member who already is a member of the profession. But there is a large group who simply choose the law out of an absence of other choices – or, in Harper's words, the law is "a default solution" that is the "last resort of the liberal arts major who doesn't know what to do next."<sup>4</sup>

Money, of course, is a driving factor for many of these students – and its role should not be underestimated. The prospect of moving back home and entering a difficult job market without any type of specialized skills can lead any college senior to sign up for three years of graduate school, no matter what interest rate is charged for student loans.

Yet the lure of money does not operate in a vacuum. Lawyer jokes aside, for the student selecting law as a career and the parent supporting the decision, the choice inexorably is guided by the largely favorable public image

1 The full quotation, "Life imitates Art far more than Art imitates Life," is from the 1891 essay, *The Decay of Lying*, by Oscar Wilde.

2 Character created by the prolific novelist Erle Stanley Gardner, a long-time resident of Temecula, who died in 1970; the original weekly CBS television broadcasts aired from 1957 through 1965.

3 abajournal.com/magazine/article/the\_25\_greatest\_legal\_movies.

4 S.J. Harper, "Law School is a Sham," *Salon* (Apr. 6, 2013), [salon.com/2013/04/06/law\\_school\\_is\\_a\\_sham](http://salon.com/2013/04/06/law_school_is_a_sham).

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of lawyers. Lawyers are perceived to be engaged in a career imbued with a public purpose of pursuing “justice,” but also an exciting career that satisfies the private needs of being well-paid and mentally challenged. And that is where the depiction of the profession in the movies enters the equation.

If cameras captured the daily monotony of the profession, would there be a lawyer “bubble” or a lawyer shortage? Would anyone – other than those with sleep disorders – watch a two-year-long reality television series in which a lawyer works on a large case and is filmed looking through and organizing boxes of dusty documents, researching and drafting briefs, and spending large portions of each day talking on the telephone? And what would happen to Nielsen ratings if the dramatic tension created by lawyers solving a whodunit mystery or confronting a moral dilemma was replaced by the parties reaching an uneventful resolution of their two-year dispute?

For sure, more realistic movie depictions of who lawyers are, what lawyers do, and how much lawyers earn would alter public perceptions of the profession. In turn, law school enrollments likely would drop and adjust to market forces. Job satisfaction among lawyers might increase as the daily reality of the job matched preconceived job expectations.

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But a more realistic depiction might also lessen the ethics and empathy that lawyers bring to the table. As one legal commentator put it, “We do learn to think ethically and empathetically by reading or viewing other people’s (and other professional[s’]) stories. Stories situate the action, provide some arguable justifications for actions taken, and provide the context in which the actor must act.”<sup>5</sup> In other words, we are back to life imitating art. Without such heroes as Atticus Finch, it might be just that much harder to make the right moral choices.

And certainly, without Atticus and Perry, life – and the law – would be less fun.

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*Abram S. Feuerstein is an Assistant United States Trustee who supervises the Riverside District Office of the Office of the United States Trustee. The United States Trustee Program is the component of the U.S. Department of Justice that supervises the administration of bankruptcy cases. The views expressed in this article do not represent the views of the U.S. Department of Justice, the Office of the United States Trustee, or the United States Trustee, but belong solely to the author.*

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<sup>5</sup> C. Menkel-Meadow, “Can They Do That? Legal Ethics in Popular Culture: Of Characters and Acts” (2001) 48 UCLA L.Rev. 1305.



# THE LEO A. DEEGAN INN OF COURT GOES TO THE MOVIES

by Sophia Choi

The American Inns of Court is an association of attorneys and judges dedicated to fostering excellence in professionalism, ethics, civility, and legal skills. Our local inn here in Riverside is the Leo A. Deegan Inn of Court. The board members of the Inn hold a table discussion on what would be a good theme for the Inn to use for the upcoming year. One Past President of the Inn later explained, "The Inn's focus is supposed to be on litigation-related topics, and so we try to keep that in mind whenever we pick a theme." For program year 2012-2013, board member Jeremy Hanson suggested a movie theme, and the other board members were in consensus.

There were six teams for program year 2012-2013. The movies selected were *Philadelphia*, *Michael Clayton*, *Kramer vs. Kramer*, *A Civil Action*, *The Verdict*, and *Reversal of Fortune*. Each team focused its presentation on the team's movie selection and the ethical issues and dilemmas involved.

The most notable presentation was by the team presenting on *A Civil Action*. The members of this group, Team Varner, were Justice Carol Codrington, Stefanie Field, Chad Firetag, David Werner, Dorothy McLaughlin, Kirsten Shea, Connie Younger, Sylvia Choi, Sara Morgan, and law student Alyson Bashor. *A Civil Action* is a 1998 film about a water contamination case in Massachusetts that involved the leukemia-related deaths of several children. In presenting the legal and ethical issues surrounding this movie, Team Varner put on a television commentary show, much like that of Nancy Grace. Nancy Grace is an American legal commentator and television host. The presentation was done in the form of a television

show called *You Be the Lawyer*, presenting the case portrayed in the movie of the environmental catastrophe in Woburn, Massachusetts. This team was so dedicated to its presentation that the members not only dressed for their parts, but also made extravagant props, such as the Hollywood sign and television "screens" that they stood behind to "be on television." With their dedicated performance, Team Varner took home the Oscar, i.e., the Leo A. Deegan Inn of Court's recognition for the highest-scoring presentation.

Other teams presented in various ways, including guest speakers on related issues, vignettes, and other creative forms.

This program year's presentations were definitely entertaining as the Leo A. Deegan Inn of Court went to the movies!

*Sophia Choi, a member of the Bar Publications Committee, is a deputy county counsel with the County of Riverside. She is presently serving as President of the Asian Pacific American Lawyer of the Inland Empire.*







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# CALIFORNIA EMPLOYERS BEWARE: THE SECOND DISTRICT HOLDS THAT PIECE-RATE EMPLOYEES ARE ENTITLED TO ADDITIONAL HOURLY-COMPENSATION

by Evan Beecher

In a recently published decision, the California Court of Appeal, Second District, Division Two, dramatically changed how California employers can legally pay their piece-rate employees. This decision not only complicates future compliance for California employers, but may result in exposure to substantial liability.

In *Gonzalez v. Downtown LA Motors* (2013) 215 Cal.App.4th 36, decided on March 6, plaintiff Oscar Gonzalez filed suit on behalf of a class of 108 service technicians against their employer, Downtown LA Motors, a dealership that sells and services Mercedes-Benz automobiles. The lawsuit alleged that Downtown LA Motors' piece-rate compensation system violated California law by failing to pay the service technicians a minimum wage during their waiting time, i.e., the time spent between servicing or repairing vehicles. The technicians were regularly idle or ordered to complete other tasks because there were not enough vehicles to service. When this occurred, the technicians had to remain at work, and those who asked to leave early were told that they needed to stay because customers might come in. The plaintiffs' expert estimated that the technicians spent an average of 1.85 hours per day waiting for customers.

Downtown LA Motors argued it had fully compensated its service technicians. Under the piece-rate system, technicians were paid a flat rate ranging from \$17 to \$32 for each "flag hour" a technician earned. A flag hour was determined in advance for

each task that a technician could perform on a Mercedes-Benz and roughly equaled the amount of time a technician would normally need to perform the task. Once a task was completed, the technician received his or her flag hours, regardless of how long the technician actually took to complete the task.

At the end of each two-week pay period, the employer would add up each technician's flag hours and multiply them by the technician's hourly flat rate. For example, a technician with a flat rate of \$26 who accrued 150 flag hours in a pay period would earn  $150 \times \$26$ , or \$3,900.

In addition to flag hours, Downtown LA Motors tracked all of the time a technician spent at the work site, whether or not the technician was working on a repair order. The employer would take these "on the clock" hours and calculate how much each technician would earn if he or she were paid at the applicable minimum wage. This was used to establish a "minimum wage floor." If a technician's piece-rate compensation fell short of the minimum wage floor, Downtown LA Motors would supplement the technician's pay in the amount of the shortfall to make certain it was meeting the minimum wage requirements.

Downtown LA Motors argued it was not required to pay its technicians a separate hourly minimum wage for waiting time because it ensured that technicians were never paid less than the minimum wage. The trial court and the court of appeal disagreed and

held that an employer has to *separately* compensate each hour at the minimum wage rate, even if the employee's piece-rate hours were compensated well above the minimum wage. Thus, Downtown LA Motors' practice constituted illegal wage averaging, entitling the plaintiffs to over \$1,500,000 in damages.

In reaching its decision, the court of appeal interpreted the California Industrial Wage Commission's Wage Order No. 4-2001, a regulation providing guidance on how minimum wage is calculated for California employees.

To aid its interpretation, the Second District looked to another court of appeal decision, *Armenta v. Osmose, Inc.* (2005) 135 Cal. App.4th 314.

In *Armenta*, the plaintiffs were hourly employees who worked for a company that maintained utility poles in rural or remote areas. The employees were paid a substantial rate for their productive hours, i.e., time performing maintenance, but they were not paid for their time spent completing paperwork, traveling, or attending safety meetings. Nonetheless, the plaintiffs in *Armenta* were compensated far in excess of the amount they would have made if they were being paid only minimum wage. *Armenta* found that this was a form of improper wage averaging and held that California law requires that employees be compensated at the minimum wage for each separate hour worked. *Armenta* rejected the argument that an employer can satisfy its obligation by ensuring that total compensation is at or above a minimum-wage floor.

*Gonzalez* is the first published opinion extending the reasoning of *Armenta* to piece-rate employees. The Second District's willingness to push this logic may signal a trend that additional compensation systems will have to include a minimum wage component for non-productive time in the future. As expected, Downtown LA Motors filed a petition for review, but in July, the Supreme Court denied it. Thus, *Gonzalez* remains the law, unless another court of appeal disagrees or the Supreme Court decides to take up the issue in another case.

In the meantime, employers need to examine their existing compensation policies closely. If employees are being paid on a basic piece-rate system but "down time" exists, the employer should consider taking immediate steps to document the time its employees spend on piece-rate tasks and to pay them a separate minimum wage for their separate "on the clock" time.

*Evan Beecher is an associate attorney in the Employment and Litigation Departments of Gresham Savage Nolan & Tilden in Riverside.*



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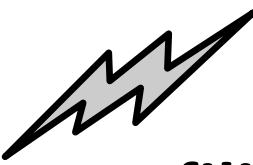
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# SEE FILMS THAT YOU CANNOT SEE ANYWHERE ELSE IN RIVERSIDE AT UCR'S CULVER CENTER OF THE ARTS

by Nikolay Maslov

Since opening in October 2010, the 72-seat screening room at UCR's Culver Center of the Arts has aimed to be Riverside's home to art-house, experimental, and foreign film. Films are screened every week, typically on Friday and Saturday evenings, with occasional Saturday afternoons matinées. The films screened at the Culver run the gamut of cinematic genres, from animation to documentary, thriller to comedy. The movies themselves come from all corners of the globe, with the current series including films from Lebanon (*The Attack*), Denmark (*A Hijacking*), Guatemala (*La Camioneta*), the United States (*Frances Ha*), and France (*J'Entends Plus la Guitare*).

Political, social, and legal issues from around the world are commonly at the center of the films screened at the Culver. Recent examples include the Israeli documentary *The Law in these Parts*, which examines the court system in the West Bank, Werner Herzog's *Into the Abyss*, which looks at the lives of Texas death row inmates, and the documentary *Ai Weiwei: Never Sorry*, which profiles the artist's life and his clashes with China's censorship laws. Films exploring recent history are also not uncommon. This October, the Culver will screen Margarethe von Trotta's biopic *Hannah Arendt*, centering on the German philosopher's coverage of the 1961 trial of Adolf Eichmann for the *New Yorker*.

The films at the Culver do venture into heavy, dramatic, and experimental territory; however, there are also many lighthearted moments to be found in any given screening series. Comedies such as Richard Linklater's *Bernie*, starring Jack Black as assistant-mortician-turned-murder-suspect Bernie Tiede, and Wes Anderson's *Moonrise Kingdom*, a story about two mischievous young runaway lovers, have played to enthusiastic crowds. On occasion, the screening room also hosts contemporary and classic Hollywood films, including *Silver Linings Playbook*, *Jaws*, *The Manchurian Candidate* (1962), and *The Night of the Hunter*.

While the Culver looks to bring films from around the world to Riverside, it also strives to showcase local filmmakers. Last year, every second Thursday of the month was dedicated to screening films by up-and-coming filmmakers from the Inland Empire. More recently, a local film, *Riverbend Commons*, was shown to a full house. The film, by Riverside native Ulysses Curry, profiled

young local musicians looking to carve out a music scene in Riverside. The film was followed by a concert in the Culver's Coil Brothers Atrium. Every summer, UCR ARTSblock is host to a film camp, called Off the Block, for local area high school students. The camp culminates with a public screening of the films in the screening room. One of last year's films, *Dream Activist*, a documentary short about undocumented college student Italia Garcia, went on to win honors at PBS's California Student Media Festival.

The Culver's screening series also looks to play off of exhibitions around the ARTSblock, with last spring's *Free Enterprise*, which focused on the shift from state-sponsored space exploration toward a private enterprise model, inspiring a mini-science fiction film series featuring *2001: A Space Odyssey*, *Moon*, and *Alien*. Citywide events inspire special screenings as well, with Riverside's annual Festival of Lights giving rise to a holiday film series last year, including *A Nightmare Before Christmas*, *White Christmas*, and *It's a Wonderful Life*. In mid-October, *Army of Darkness* will be paired with *Shaun of the Dead* for a double feature to mark the occasion of Riverside's Zombie Walk.

The screening room is no stranger to guests from UCR's main campus, with several screenings either introduced by or followed by a discussion by faculty. Assistant Professor of Art History Susan Laxton presented a selection of short films from early cinema pioneer Georges Méliès before a screening of Martin Scorsese's *Hugo*. A showing of the documentary film *Inside Job*, which traces the causes and effects of the 2008 global recession, was followed by a spirited discussion by the Dean of the College of Humanities, Arts and Social Sciences and Professor of Economics Stephen Cullenberg, Economics Professor Gary Dymski and Professor and Chair of the Department of Media & Cultural Studies Toby Miller.

Every so often, filmmakers will also grace the Culver screening room. Alma Har'el chimed in via Skype after the screening of her film *Bombay Beach*, and a year later, she was present in person to discuss her various music video projects, including work for artists such as Beirut and Sigur Rós. The editor of the Mexican film *Amores Perros*, Luis Carballar, visited the Culver after the screening of the film last September.

In addition to filmmakers and UCR faculty, local officials and community members have also been a part of post-screening discussions. *Undefeated*, the Oscar-winning high school football documentary, was followed by a discussion with former Riverside Mayor Ronald O. Loveridge, Arlington High School football coach Pat McCarthy, and John W. North High School football coach Mark Paredes about the relationship between high school football and the city at large.

Evening screenings are \$9.99. Matinée screenings are \$8. Student tickets, with valid student ID, are \$5. For more information, and to purchase tickets, please visit: artsblock.ucr.edu/film.

Some upcoming films include:

*Dirty Wars*

Directed by Rick Rowley

Screening - Fri., Oct. 4, 2013, 7 p.m.

Matinée - Sat., Oct. 5, 2013, 3 p.m.

Screening - Sat., Oct. 5, 2013, 7 p.m.

*Hannah Arendt*

Directed by Margarethe von Trotta

Screening - Fri., Oct. 11, 2013, 7 p.m.

Screening - Sat., Oct. 12, 2013, 7 p.m.

*Army of Darkness* and *Shaun of the Dead* - double feature

Screening - Fri., Oct. 18, 2013, 7 p.m.

Screening - Sat., Oct. 19, 2013, 9 p.m.

*Blancanieves*

Directed by Pablo Berger

Screening - Fri., Oct. 25, 2013, 7 p.m.

Matinée - Sat., Oct. 26, 2013, 3 p.m.

Screening - Sat., Oct. 26, 2013, 7 p.m.

*La Camioneta*

Directed by Mark Kendall

Screening - Fri., Nov. 1, 2013, 7 p.m.

Matinée - Sat., Nov. 2, 2013, 3 p.m.

Screening - Sat., Nov. 2, 2013, 7 p.m.

*Stories We Tell*

Directed by Sarah Polley

Screening - Fri., Nov. 8, 2013, 7 p.m.

Matinée - Sat., Nov. 9, 2013, 3 p.m.

Screening - Sat., Nov. 9, 2013, 7 p.m.

*J'Entends Plus la Guitare* - one night only!

Directed by Philippe Garrel

Screening - Fri., Nov. 15, 2013, 7 p.m.

*Grey Gardens* - one night only!

Directed by Albert and David Maysles

Screening - Fri., Nov. 22, 2013, 7 p.m.

*The Attack*

Directed by Ziad Doueiri

Screening - Fri., Nov. 29, 2013, 7 p.m.

Matinée - Sat., Nov. 30, 2013, 3 p.m.

Screening - Sat., Nov. 30, 2013, 7 p.m.

*Nikolay Maslov* graduated from the University of Southern California's School of Cinematic Arts. He is the Scene Technician for the Performing Arts at UCR ARTSblock and operates the screening room at the Culver Center of the Arts. Presently, he is applying to law school and hopes to focus on entertainment and media law.

The screening series is curated by Jonathan Green, Executive Director, UCR ARTSblock.



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