



BULLETIN

Vol. 46, No. 9-10

Our 143rd Year

July-August 2018

Mark your calendar!



18th Annual SBCBA Bench-Bar Golf Tournament Arrowhead Country Club • San Bernardino Friday, September 21, 2018

(details inside back page)

Mark Your Calendar!

– Golf Tourney: September 21st –

Bench Bar Symposiums:

Family Law - September 2018

Civil Law - November 2018

SBCBA Installation

– October 25, 2018 –

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From the President's Desk

by Michael Reiter

Let me tell you a story. I was attending a deposition in La Crescenta-Montrose yesterday, which is an unincorporated part of Los Angeles County.

After the first part of the deposition, I was told that my tire looked a little low. It was more like 50 percent flat. Triple A was called, and they put on the donut. A quick search of "how fast I can go on a donut" told me 50 miles an hour. The lawyer language on the donut itself confirmed that fact.

Both my GPS and Siri were asked for directions home, with the added benefit of Siri allowing me to avoid highways. I attempted to get to the Costco Tire Center in Burbank for warranty repair. Wouldn't you know this was a set of depositions that started at 10 AM would not finish until 6:11 PM. As you can imagine, the Costco Tire Center doesn't pick up the phone at that hour. Onward.

I knew basically that I had to go east, and that Arrow Route and Baseline and Foothill/Route 66 generally are the right ways to go. However, without GPS, I don't know that I could have found them on my own going in that direction. The good news is that in late June there was still sunlight until about Rancho Cucamonga.

I'd taken city streets from San Bernardino to Covina once, but never in the opposite direction, and this trip was about a week later. I knew Arrow Route does something weird in Claremont. However, using the GPS, I had a much more circuitous route. Somewhere in San Dimas, I started to question the wisdom of the directions, which had me taking a series of right turns, because Redlands is south of La Crescenta. However, at a stop light, I noticed that it was going to take me south into Riverside County, which I think is always wrong when going from Los Angeles County to San Bernardino County. The end

of the route was on Barton Road.

At some point I had to stop for dinner, so I stopped in Victoria Gardens. I kept on Foothill Boulevard until it turned into Fifth Street in San Bernardino. Then I took Fifth to Palm in Highland which turns into Alabama in Redlands.

This trek took four hours (including stopping to eat), which even gridlocked freeways beat by two hours. I've seen donut spare tires on the freeway, often with hazard lights blinking, but the risks of injury (by road rage or tire failure) seemed too great.

Our Immediate Past President Victor Herrera said that he wanted to celebrate the little, every-day victories of our membership. Winning a dispositive motion, or things of that sort. Celebrating the attorneys who probably are never going to win the John Surr Award or get a million dollar verdict. In fulfillment of that wish, I am celebrating the fact that I survived yesterday relatively intact.

What I think this anecdote tells us is that even with the technology we now have, even with the ability to use a credit card to rent a car, or a mobile phone to call Triple A, or use an iPhone to get home, or getting an Uber home for slightly under \$100, we as attorneys may have it a little easier, but pure chance can still be really inconvenient.

Even though I'm no longer a solo attorney, and I have a good personal support network, no amount of preparation can get you out of every jam. Sometimes life seems to give us challenges, big and small, that can throw a monkey wrench into our busy lives.

I hope that in the coming months, the San Bernardino County Bar Association can help you in your practice, and that as we transition to a new leadership team, you can tell us how we can help your practice, how we can help you and how we can be part of your support network.

I know that the Bar Association has done a lot for me, but I know that our engagement is really low. I am sure that to many members it seems that they are giving more to us than vice versa. Let's change that together, so that we may be each other's support system, or that we can help attorneys that don't have a support network. We can't do this alone. Let's do it together.



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CALIFORENSICS CASE STUDY

Meticulous analysis reveals critical cellphone evidence Snapchat and Murder

A gang member was found murdered. Police had arrested an associate of the gang (the Suspect) as cellphone towers placed him at the crime scene during the given time window. The Suspect denied committing the murder but admitted to being at the crime scene. He identified another individual (the Defendant) as the murderer. The Defendant denied being with the Suspect at any point during the day of the crime. The Defendant's attorney hired Calforensics to investigate his cellphone for pertinent evidence.

Calforensics obtained the Defendant's cellphone records and created a timeline of his position and actions within the given timeframe. We discovered that the police timeline was inaccurate by two hours. They had been using cellphone tower data based on Mountain Time, the location of the cellular provider's headquarters, not the location of the tower.

Correcting the timeline proved critical for the investigation. Our experts found that Defendant had downloaded an app that saves Snapchat photos without the sender's knowledge. In one of the photos, taken just 20 minutes before the murder, the Defendant is sitting with the Suspect, pointing a gun at the camera. This evidence likely would have been uncovered by the prosecution during the investigation. The defense would have remained unaware of this crucial evidence, and this may have badly affected their representation of the case. Calforensics presented this evidence to the attorney, who was then able to mitigate the impact of the photos.

This case study is just one of many examples of the importance of Cellphone Forensics in criminal law, and how it can be applied in your own practice.

Don't miss the July 25th SBCBA Criminal Law Section meeting featuring this important subject!

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CELLPHONE FORENSICS: APPLICATIONS IN DISCOVERY AND INVESTIGATIONS (CRIMINAL)

SBCBA Criminal Law Section Meeting

July 25, 2018 • 12:00 PM

MCLE: 1 hour

San Bernardino Justice Center, Dept. S-3
Tom Plunkett, Director of Digital Forensics

Cellphones represent one of the fastest-changing areas of legal practice. Mobile device evidence is more important than ever, thanks to the rapid evolution of the technology and the way this evidence is treated by the courts. Touching on important recent cases, technology developments, and Calforensics' direct experience advising attorneys, this presentation provides up-to-date guidance on the application of cellphone forensics in litigation, investigations, and other legal matters. This activity is approved by the State Bar for 1 hour of credit towards the Minimum Continuing Legal Education requirements.

Contact us to find out about scheduling a future presentation for your organization.

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Social Media Investigation: Locating Accounts on Social Media

by Joseph Jones

The internet & social media (SM) have become so pervasive in our society that it has changed the way we do almost everything! As of April 2018, Facebook had approximately 2.2 billion monthly active users, not to mention the billions of others on Instagram, Twitter, YouTube, LinkedIn, Snapchat and hundreds of other similar sites. In the U.S. it's estimated that 80%-90% of teens and adults are on Social Media. With SM usage this high, chances are likely that the parties involved in your case are on SM. Add to that the fact that even if someone isn't on SM someone close to them most likely is, which means photos and other information about that person are still available.

In this series of articles, to be published over the next several months, we will cover the Ins and outs of social media & online Investigations. They will be presented as follows:

1. How to locate accounts on social media
2. How to locate content on the surface web & deep web
3. How to lay the foundation and authenticate internet based evidence
4. Legal issues that arise when using social media or internet evidence in court

How to locate accounts on Social Media

It is a blessing & a curse that so many people are on SM, because finding the right person can sometimes be like finding a needle in a haystack. Always start by searching the individual's name with the site search tool, but if you can't find your subject's profile, try the following:

- Search by their nickname, middle name and name variations (i.e. Joe, Joseph, Joey).
- Locate an account for a known friend or relative with an uncommon name and search their friends list to backtrack your way to their account.
 - If you're dealing with a private friends list, look at who has "liked" their public posts
- If you know about a username/screen name they use on one platform (i.e. surfdude12) try searching that in google and on other platforms as well. People are creatures of habit and usually use the same username across multiple platforms.

Keep in mind that these are just a couple quick tips to get you started & there is much more that can be done. Also remember that just because someone sets their SM account to private doesn't mean it's actually private & with the right tools and knowhow- there is nothing that is untouchable on social media.

A final tip; while conducting your own social media investigations, never use your own personal account. There are several ways social media platforms use to notify their users when someone has visited their page. This means if you're using your personal accounts, they may become aware of the investigation & have a window into your personal life, which is never a good thing.

Stay tuned for the next installment on how to locate content on the surface web & deep web! In the meantime if you have any questions or would like to set up a training for your firm visit us at <https://www.boscolegal.org/contact>.

Joseph Jones is a licensed Private Investigator and the Vice President of Bosco Legal Services, Inc. Joseph is a Certified Social Media Intelligence Expert, Certified Expert in Cyber Investigations, and holds multiple degrees in Psychology and Social & Behavior Sciences. Joseph has received over 1,000 hours of specialized training and regularly teaches courses to judges, attorneys, paralegals, insurance professionals.

Bosco Legal Services is a sponsor of the SBCBA's Criminal Law Section Symposium & section meetings.



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FROM THE DESK OF THE PRESIDENT OF THE

HON. JOSEPH B. CAMPBELL
AMERICAN INN OF COURT

By Mark McGuire

A Closer Look at the San Manuel Tribal Court

Technically, by the time this article is published, I will have termed out as President of the Joseph B. Campbell Inn of Court. However, as we know, "It ain't over till it's over." Our Inn still had one last meeting in June already scheduled by the time I posted my exit missive. I have been pulled back in and I trust you will indulge me one last set of thoughts.

For this article we take a closer look at a local sister court, the San Manuel Tribal Court. I have not termed this a "Second Look" on purpose. For many of us this is a first look at this court and a much needed one at that. This court deals with very similar issues as in local State and Federal Courts but has its own cultural, sovereignty and jurisdictions challenges. The time was likely far past due for a conversation between the bench officers and attorneys who practice in these respective courts. Our Inns scheduled an end of the year field trip to visit the San Manuel Tribal Court, in Highland, California.

The event was hosted by the Chief Judge of the Court, the Honorable Claudette C. White. Judge White took over as the presiding judge in January 2018 and she gave us a tour of the recently remodeled facilities. Judge White gave a short talk regarding the current status of the Tribal Court and the issues it faces. Long-time member and former president of our Inn, Jack Osborn, moderated a discussion between Judge White and the invited members of each bench and bar. From the feedback received, the event was a great success and we look forward to many more such conversations.

Prior to the moderated discussion I sat down with Judge White to get a feel for the status of the San Manuel Tribal Court—the kinds of cases it hears and the challenges and opportunities that it faces in the coming years. Judge White and I also discussed her history with tribal law, and projects that are very close to her heart.

What is strikingly consistent between courts is the role that great staff plays in the efficient operation of a judicial office. In researching for the interview of Judge White I interacted with her staff and was very impressed with their professionalism and how similar the necessity of good staff is to justice at any level. Judge White's clerk directed me to the documentary "Tribal Justice" (<http://www.pbs.org/pov/tribaljustice/video/tribal-justice>), in which Judge White plays an essential role. The documentary follows two Native American judges tapping into Native traditional concepts of justice in order to reduce

incarceration rates, foster greater safety for their communities, and create a more positive future for their youth. The main idea is to use restorative justice to create better communities. Many mainstream courts around the world have taken note of the film and the concepts presented.

One of the powerful stories in the documentary involves Judge White's use of the Indian Child Welfare Act to reunite a nine-year-old boy with his family. The film also compares outcomes for tribe members in Tribal Court versus State Criminal Courts which have an inherent school to prison pipeline, which assists systemic problems in native communities. "Tribal Justice" challenges the entrenched cultural narrative of Native Americans as hopeless dependents unable to better their own circumstances. The documentary features native judicial officers, such as Judge White, asserting tribal sovereignty and using their own traditions to raise communities out of poverty and inequality.

In meeting with Judge White prior to the event, it became clear to me the San Manuel Tribal Court is growing exponentially and she is the right person to assist in the shepherding of that growth. The Tribal Court is growing not only in the kinds of cases it will hear but also in the development of its own body of law. The Tribe, being a sovereign nation, has the right to develop its own substantive and procedural law. Established Federal laws like the Indian Child Welfare Act (ICWA), guide the tribes but do not govern them. The San Manuel Tribal Court is currently expanding the types of cases it hears due to the 2017 Tribal Compact (that allows for claims against Tribal members that would normally be resolved in arbitration) to be brought before the Tribal Court.

Judge White explained the differences in solutions to problems the Tribal Court has as opposed to traditional forms of justice. She explained that the Tribal Court will may involve Tribal members to bring healing and resolution to the community based on the issues presented in a particular case. Elders are often tapped to assist in this restorative justice process. One of the challenges this restorative justice system has is the need for experienced elders to guide the younger generation through the crisis of a case and through this growth period. Given the lower life expectancy of tribal members and the rise of certain issues like domestic violence, these challenges can be daunting. Sometimes, there are simply not enough experienced elders available to complete the necessary tasks.

We discussed the "pipeline" of elders that is needed to take on the challenges facing the tribe in the future. Judge White has worked with local schools including the University of Redlands to entice native youth to the idea of restorative justice and the use of the law to bring healing to a community. She has to foster participation in moot court to raise the next generation of tribal leaders. Judge White herself was inspired to go to law school and become an attorney, by participating in Tribal issues involving the corporations and the Federal Government. She noted that people wanted to hear from the non-native attorneys regarding what the tribe wanted/needed and not from the tribal leaders themselves. Being a Native

American tribal leader, an accomplished attorney, and a bench officer, she is in a unique position to guide policy decisions and foster the next generation of native leaders.

The discussion at the Tribal Court focused on many of the common issues faced by all courts across the country: lack of funding, overburdened court systems, conflicting jurisdictional issues, access to justice, etc. Judge White discussed procedures she is developing to allow for the use of the Tribal Court to serve State Court restraining orders, not only to protect tribal members but to foster a higher degree of cooperation between the courts and justice systems. The main takeaway was that the Tribal Court has its own unique set of problems that it is trying to work out by the creation of a body of substantive and procedural law. We would all benefit from a greater degree of cooperation and coordination between the court systems.

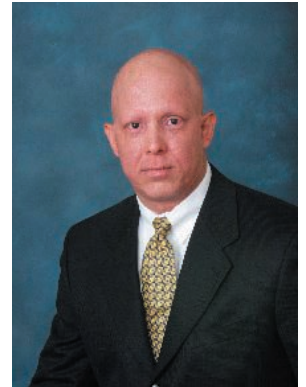
For over nine months, the JBC Inns has been working on our joint event with the fantastic staff of the San Manuel Tribal Court. With the dedicated assistance of Judge White and her staff, we got it done. I hope, like the end of Casablanca, this is "...the beginning of a beautiful friendship."

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PAST PRESIDENTS OF THE SAN BERNARDINO COUNTY BAR ASSOCIATION



1960-61: Waldo Oscar Willhoft

33rd President of the San Bernardino County Bar Association.

by Michael Reiter

The University of Michigan Alumni magazine had this piece, presumably submitted by City Attorney Willhoft himself:

Waldo Willhoft, J.D. '30, was elected City Attorney of San Bernardino, Calif., by a precedent-shattering write-in campaign, which commenced forty-eight hours before the election last spring and resulted in a write-in vote of 8,642 for Willhoft and 4,659 for the incumbent [H.R. Griffin]. Mr. Willhoft's first act upon taking office was to appoint as his Deputy his office associate, W.A. Flory '48. Both men are continuing in the private practice of law at 415 Andreson Bldg. San Bernardino.

Sun Columnist Chuck Palmer wrote in 1980:

Let me take you back to the afternoon of Friday, April 6, 1951. I was chatting with the late Frank Perkins in his insurance office when someone, whose name I don't recall, popped in long enough to ask Frank, "How does the name Waldo Willhoft sound?"

"Good man." Frank answered. "He's a good man and the name is great!"

"We're going right now to try and get him." Said the other man.

When he had gone, I asked Frank what that was all about.

He told me a superior court judge that very day had handed down a ruling disqualifying Roy Chapman, winning city attorney candidate in the March primary election because he had not had five years legal practice, as required by the city charter.

A month earlier, Griffin had taken many more ads in the paper than Chapman during a hotly contested primary, but lost the two-man race by less than 400 votes. Having found the residence requirement, Griffin went to court and won his suit.

Chapman's name was blanked out on the ballot. Griffin's name was printed in.

...

From early afternoon on April 6, to the closing of the polls on election day, those opposing Griffin were as busy as sparrows in a stockyard.

...

[Willhoft said] "On Friday afternoon, I was playing golf at the Arrowhead Country Club. My attorney friend John Lonergan had been looking for me up and down and was glad to find me. He said a group downtown wanted me to run for city attorney as a write-in candidate.

"I told Mr. Lonergan that I was not the least interested in being city attorney again. I did not like those evening meetings of the city council, I did not like the regimentation of being a public official, but so I could go on with my golf game and since I could not be elected in a three-day campaign, I said yes."

When he saw the story of his candidacy in Saturday's paper, he knew he could not continue to treat the matter lightly. It was serious, he had to campaign.

But how do you conduct a three-day write-in campaign? No newspaper advertising was available on the weekend because the deadline was Friday evening. On Saturday, Waldo had a Colton newspaper, in which he had a small interest print 10,000 cards bearing a message and his photo.

The cards were distributed Sunday by a crew of young men from the YMCA. The Sun promised to run additional stories on Sunday, Monday and Tuesday, and did accept one ad for election day.

Two of the Willhoft children distributed cards at the gates of the Santa Fe shops and Hanford Foundry. And a saturation campaign of radio spot announcements was started in English and Spanish.

I remembered them on the air the last two days - "Take your pencil to the polls and write in the name Waldo Willhoft for city attorney. I'll spell it for you . . ."

Waldo also purchased 10 gross of pencils, but doesn't remember how they were distributed.

Finally, he had a one-page bulletin prepared stating that the law permitted misspelling the written-in name as long as it indicated an announced candidate. He and his friends went to every polling place and handed out copies to the election boards.

The vote was Willhoft 8,223, Griffin 4,474 and Chapman 541, also on write-in votes.

A week later, Waldo's Rotary Club presented him with a six-foot cardboard pencil as a "badge of office." He still proudly shows it to visitors.

As amazing as that story is, Mr. Willhoft had a distinguished career both before and after. Mr. Willhoft was born on August 14, 1903 in Nebraska City, Nebraska. His father was Herman Willhoft, a cabinet maker, and his mother was Marie Vitzikam.

Mr. Willhoft graduated from Nebraska City High School. After graduating from High School, he worked for two years at a packing company. He then became a private secretary to the division superintendent of the Chicago & Northwestern Railroad at Norfolk until January 1924, when he went to college. He received his undergraduate degree from the State Teachers College in Peru, Nebraska (now known as Peru State University). There he was a debater and played tennis. He worked as a stenographer part time to pay his expenses.

He wrote a book in 1929 published by Prentice Hall, called Modern Debate Practice and was a debate coach and professor at the State Teachers College in Peru, Ne-

braska. While in college, he won first prize in a contest sponsored by the Nebraska State Bar Association on the subject of "The Federal Constitution and the Courts." He also found time to write a piece on squirrel hunting in the September 1928 issue of "Forest and Stream."

He received an LLB in Law from the University of Michigan in 1930 and was a member of the Lawyer's Club, Sigma Tau Delta and the Michigan Law Review.

After Michigan, he became associated with a fellow Michigan alum, Charles J. O'Conner, Class of 1900 of O'Conner & Findlay in the Arcade Building in Colton. His move to California happened in 1930. He was admitted to the California Bar Association in June 1931.

Prior to being elected City Attorney for San Bernardino, Waldo Willhoft was City Attorney for the City of Colton for eight years. He lived and worked in Colton until he moved to San Bernardino in 1941.

Prior to his move to San Bernardino, he unsuccessfully ran for State Assembly in 1940, winning the Republican nomination. During the War, he was the attorney for the draft board and the local Office of Price Administration.

After serving one term as City Attorney (when it became a full-time position under Charter Section 55), Mr. Willhoft served as special counsel for the Redevelopment Agency of the City of San Bernardino regarding the Meadowbrook Project and related litigation, and as acting Agency counsel, May 3, 1962 and again in 1964 in the absence of William J. Ward, Agency Counsel. Mr. Ward was the attorney for the probate of Mr. Willhoft's estate. William J. Flory succeeded him in 1955 when he ran unopposed.

Mr. Willhoft was first elected as a member of our bar board in 1938 for the 1939 bar year. During that year, Mr. Willhoft participated in the bar's educational campaign to inform the people as to the public duty of the legal profession. He would be program chairman the next year under President H.R. Griffin. Having served as Vice President of the San Bernardino County Bar Association in 1959-1960, he was elected as President for the 1960-1961 bar year on May 13, 1960, and he served starting in June 1960.

Also elected were Robert J. Farrell as Vice President, Robert J. Bierschbach as Secretary-Treasurer, and Arthwell [sic] C. Hayton, Russell Goodwin and Joseph B. Campbell as directors. Robert M. Castle and William J. Ward continued on to their second year (see photo).

As President, he held a golf tournament at Arrowhead Country Club on December 2, 1960. In it, non-golfing lawyers rode on carts, equipped with a variety of noisemakers and distractors, including whistles, sirens, horns and loudspeakers. He was quoted as commenting "This kind of tournament is ideally suited for lawyers because they have great powers of concentration, and are trained to cope with the unexpected."

President Willhoft served until he turned over his gavel on October 28, 1961 to his Vice President. Though the newspaper article failed to identify the location of the dinner-dance installation, 160 people attended.

He was active in the community serving as a Rotarian, as President of the Colton club and as a member of the San Bernardino club, a Shriner, a Mason, as President of the Colton Chamber of Commerce and the San Bernardino Symphony Association. His obituary claimed he was known as the "Marco Polo of Golf," having golfed at 320

courses world-wide, and was a founding member of Arrowhead Country Club.

He died on July 11, 1982 in San Bernardino at St. Bernardines Hospital. He was working as an attorney until he died, with his last office at 505 North Arrowhead Avenue, Suite 400.

He is buried in Encampment Cemetery in Carbon County Wyoming with his wife, Mildred Parkinson Willhoft, who lived from 1906-1997. He was survived by his daughter Ellen Middleton, his sons Wayne Willhoft and Eric Willhoft, and five grandchildren.



COUNTY BAR CHIEFS—Directors of San Bernardino County Bar Association were present yesterday for one of the major fall meetings. Seated from left, Arthwell C. Hayton, President Waldo Willhoft, James L. King; standing from left, Joseph Campbell, William J. Ward and Secretary Robert J. Bierschbach. Robert M. Castle and Russell Goodwin were unable to attend. (Sun-Telegram photo)

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PROBATE 101: “TRUST ME”

By Thomas W. Dominick

In my last article, I discussed the importance of having a last will and testament, the most basic estate planning device, in order to avoid, or at least minimize, disputes over who will handle your affairs on death, and how your estate will be distributed after your debts and taxes are paid. I also pointed out that the failure to properly plan for death or incapacity can lead to unfortunate, and sometimes disastrous, consequences.

The topic of this article is the revocable living trust, considered the gold standard in estate planning devices and primarily designed to avoid probate of your estate. I will discuss the basic functions of a trust, the advantages and disadvantages of having a trust, the importance of properly funding a trust, considerations in choosing a trustee, and the typical costs of establishing a living trust.

I will again emphasize that those readers who regularly practice in the estates and trusts arena, may view this article as rather basic and you might consider skipping this article. My intended audience is those practitioners who may not be familiar with this area of the law.

What is a Living Trust?

A living trust is a legal instrument that partially substitutes for a will. With a trust, your assets (your home, bank accounts and stocks) are placed into the trust, administered for your benefit during your lifetime, and then transferred to your beneficiaries after your death.

Most people name themselves as the trustee in charge of managing their trust's assets while they are living and have capacity to manage their affairs. This way, even though your assets have been placed into the trust, you remain in control of them during your lifetime. You can also name a successor trustee (a person or an institution) who will manage the trust's assets if you ever become unable or unwilling to do so yourself.

The trust discussed in this article is a revocable living trust (sometimes referred to as a revocable inter vivos trust, revocable trust or a grantor trust). Such a trust may be amended or revoked at any time by the person or persons who created it (commonly known as the trustor(s), grantor(s) or settlor(s)) as long as he, she, or they are still competent.

The Basic Functions of a Living Trust

There are a number of functions of a living trust, some of which may also be accomplished by a will. They include:

- Granting the trustee the legal right to manage and control the assets held in your trust.
- Instructing the trustee to manage the trust's assets for your benefit during your lifetime.
- Naming the beneficiaries (persons or charitable organizations) who are to receive your trust's assets when you die.
- Gives guidance and certain powers and authority to the trustee to manage and distribute your trust's assets.

The trustee is a fiduciary, which means he or she holds a position of trust and confidence and is subject to strict responsibilities and very high standards. For example, the trustee cannot use your trust's assets for his or her own personal use or benefit without your explicit permission. Instead, he or she must hold and use trust assets solely for the benefit of you and the trust's beneficiaries.

A living trust is designed to ensure that your assets will be managed according to your wishes, even if you become unable to manage them yourself. In setting up your trust, you may serve as its initial trustee or you may choose someone else to do so. You can name a trustee to take over the trust's management for your benefit if you ever become unable or unwilling to manage it yourself. Following your death, the trustee, similar to the executor of a will, would then gather your assets, pay any debts, claims and taxes, and distribute your assets according to your instructions.

Not everyone should have a trust. Young married couples without significant assets and without children, who intend to leave their assets to each other when the first one of them dies, do not necessarily need a trust. They can simply hold their assets in joint tenancy with right of survivorship or in beneficiary form. However, should the couple die in a common accident, or shortly after each other, without a trust their estate(s) may be subject to a probate. Other persons who do not have significant assets (less than \$150,000) and have very simple estate plans also do not need a trust. Finally, those who believe that court supervision over the administration would be beneficial should not have a living trust.

Advantages of a Living Trust

The primary objective of a living trust is probate court avoidance upon either your death or incapacity. Unlike a will, your assets are administered and distributed without court supervision or approval.

Probate is a court process by which a person's estate is administered, his or her assets are marshaled and appraised, debts, taxes and expenses of administration are paid, and what is left gets distributed to the heirs or beneficiaries under a will. If your assets (those in your name alone) are not in a trust when you die,

or do not otherwise pass by “beneficiary designation” or right of survivorship, and their total value exceeds \$150,000, they will be subject to probate. After your death, a petition is filed with the court, notice of the administration is published and given to the heirs and beneficiaries, a hearing is held where your will is admitted to probate and a personal administrator is appointed. Your assets then need to be inventoried with the court and notice must be given to your creditors so they may file claims in the estate. The probate process ends once assets are administered and, in some cases, sold, debts and taxes are paid, and the court approves final distribution of the remaining assets. The process can take several months, and in some instances years, to complete.

Second, because the trust would not be under the direct management of the probate court, your assets and their value (as well as your beneficiaries’ identities) do not become a public record. This provides privacy for you and your family in the handling of your estate and affairs.

Third, probate administration typically takes much longer to complete than the administration of property held in a trust. Oftentimes, assets tied up in probate may not be as readily accessible to the beneficiaries as those held in a trust. Most trust administrations are completed well within a year of your death.

Fourth, one cannot overemphasize the cost savings of having a living trust. The expense of a probate is far greater than the cost of managing and distributing comparable assets held in a living trust. The largest expense of probate are the fees to the executor (or administrator) and to his or her attorney. Such fees are set by law and are based upon the value of the estate at your death. The higher the estate value, the higher the fees. For example, just a modest estate with a home valued at \$300,000, a bank account with \$100,000, and other assets worth \$100,000, will generate fees of \$13,000 to the executor and \$13,000 to the attorney. Moreover, other costs (filing fees, publication fees, bond premiums, probate referee fees) can range between \$2,000 to \$3,000. That’s over \$28,000 in expenses, the bulk of which could be saved if you have a living trust funded with your assets when you die.

Fifth, having a trust can also be beneficial if you become incapacitated. If you are the trustee of your own trust and you become incapacitated, your chosen successor trustee would manage the trust’s assets for you until you regain capacity. On the other hand, if your assets were not in a trust when you become incapacitated, someone else will have to manage them and a court conservatorship over your estate may be required. Like probate administration, probate conservatorships can be quite costly. During that process, a judge may determine that you are unable to manage your own finances or resist fraud or undue influence.

The court then appoints someone (a conservator) to manage your assets who would then need to report back to the court and render periodic accountings. Such proceedings are designed to help protect you at a time when you are vulnerable or incapable of managing your assets. However, they are also public in nature and can be costly because of the substantial court involvement. In addition, conservatorship proceedings may be less flexible in managing real estate or other interests than a well-managed living trust.

Lastly, in some instances, a living trust can reduce or even eliminate estate taxes.

Disadvantages of a Living Trust

The primary disadvantage of a living trust is the fact that there is typically no oversight in the trust administration process. Because trusts are not under direct court supervision, a trustee who does not act in your best interests may, in some cases, be able to take advantage of you or your beneficiaries. In a probate administration, direct court supervision of an executor reduces, and may sometimes even eliminate, this risk.

In addition, the cost of preparing a trust is typically higher than the cost of preparing a will. However, it depends on the particular estate plan. The difference in cost may not be significant if the estate plan is complex.

Lastly, a trust can create additional paperwork in some cases. For example, lenders may not be willing to lend to a trust and may require that real property be taken out of the trust (by a deed) before they will agree to a loan on that real property.

Importance of “Funding” Your Living Trust

Once your trust has been created, a very important task remains. To avoid court-supervised conservatorship or probate proceedings, your assets must be transferred into your trust. This is known as “funding” the trust. Deeds to your real estate must be prepared and recorded. Bank and investment accounts must be transferred as well. These tasks are not necessarily expensive, but they are important and do require some paperwork. In addition, you should consider changing the beneficiary designations on life insurance products to the trust.

You will still need a will even though you create a trust. Your will affects any assets that are titled in your name at your death and are not funded into your living trust or some other form of ownership with a right of survivorship. Such a will, typically referred to as a “pour over” will, simply provides that all such assets pass to the trustee of your living trust after your death.

If you fail to transfer assets into your trust, they may need to be probated unless your situation qualifies for a small estate procedure or a petition to confirm the

assets as trust assets under the case Estate of Heggstad (1963) 16 Cal.App.4th 943.

Choosing Your Trustee

The decision on who should be the trustee of your trust is an extremely important one. Most people serve as trustees of their own trust until they become incompetent or die. Others decide they need immediate assistance simply because they are too busy, too inexperienced, or do not want to manage their day-to-day financial affairs. Your trustee will have considerable authority and responsibility and will not be under direct court supervision. You may choose a spouse, adult child, domestic partner, other relative, family friend, business associate, or a professional fiduciary to be your trustee. The professional fiduciary could be a licensed, registered individual, or a bank or trust company licensed by the State of California. You may also name co-trustees.

There are many issues to consider in the selection of a trustee. For example, would the appointment of one of your children cause a problem with his or her siblings? What conflicts of interest would be created if you name a spouse, child, business associate, or partner as your trustee? Will the person named as your successor trustee have the time, organizational ability? Most importantly, do you really trust this person to follow your wishes and administer the trust honestly and properly.

Unfortunately, many trustees find themselves in court defending petitions to remove them, to compel an account and, in some cases, to surcharge them for breach of trust. This could be due to instances where they fail to manage the trust timely or properly due to lack of understanding or, worse yet, outright misappropriation of trust assets. These cases can be quite costly and time consuming to litigate, not to mention the emotional toll on the family.

The Costs of Creating a Living Trust

The cost to create a trust depends on your individual circumstances and the complexity of documentation and planning required to achieve your goals and objectives. The costs vary from lawyer to lawyer. Generally, the costs will include the lawyer's charges for discussing your estate plan with you, preparing the trust agreement and other necessary legal documents, supervision over their execution and services for funding your trust. Many lawyers charge flat fees for trusts, which can be as low as a couple of thousand dollars. Typical trust "packages" include the trust instrument, the pour over will, a durable power of attorney for property management and an advance health care directive. I intend to devote a future article to the importance of powers of attorney and health care directives in the estate planning process.

The writer is certified as a specialist in Probate, Estate Planning & Trust Law by the State Bar of California Board of Legal Specialization.

ATTORNEYS TAKE NOTICE:

Mandatory Live Scan finger printing due by April 30, 2019. Cal. Rules of Court, Rule 9.95 adopted & effective June 1, 2018.

On May 23, 2018, the California Supreme Court, sitting En Banc, approved the adoption of California Rule of Court, Rule 9.95. The Rule requires mandatory, note mandatory, fingerprinting, through the Live Scan process, by all "active" attorneys, attorneys returning from "inactive" status, certain special admission attorneys and new admittees for purposes of obtaining criminal offender records from the California Dept. of Justice and the Federal Bureau of Investigation. Further, the information is used for notification of the State Bar of any subsequent (to admission) arrest notification.

The State Bar has promulgated a compliance procedure that can be found at the State Bar Website, www.calbar.ca.gov/Attorneys. If your profile is registered with the Bar, you need simply sign in and download the pre-completed form. The site further provides a list of the names and addresses of vendors to complete the Live Scan process. The cost of the process and fees are borne by the member.

Important dates to remember:

June 1, 2018 - August 3, 2018: Initial compliance period.

August 6, 2018 - January 30, 2019: Notices of non-compliance will be sent as a reminder to complete the process.

February 1, 2019 - April 30, 2019: Final notice for compliance will be sent.

May 1, 2019 - November 30, 2019: Penalty phase, additional monetary fines and notice of involuntary enrollment as "inactive".

December 1, 2019: State Bar will enroll the non-compliant attorney as "INVOLUNTARY INACTIVE" and you will be precluded from practicing law.

Please see the State Bar website for precise rule detail and special instructions for those requiring accommodations, unable to provide fingerprints, or practicing/located in foreign jurisdictions. Exemptions to the process are also noted there.

Remember, this is mandatory, don't delay!



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ULV Seeks Candidates for Director of Center for Academic and Bar Readiness Program

The University of La Verne College of Law is hiring a Director for our Center for Academic and Bar Readiness program; we invite you to apply or pass this on to interested colleagues:

The University of La Verne College of Law seeks an experienced, energetic, and dynamic person to serve as an Assistant Professor and Director in its Center for Academic and Bar Readiness (CABR.) The person in this position will assist students in developing the skills necessary for success in law school and on the bar exam. The position is a twelve-month contract, non-tenure track faculty position that includes both teaching and administrative components; after

an initial probationary period, the applicant will be eligible for graduated multi-year renewals. The person hired will have faculty status and be permitted to vote on matters other than tenure/tenure track promotion and hiring. The person hired will work closely with the Associate Dean for Academic Affairs, the Assistant Dean for CABR, members of the CABR faculty, and the faculty at large.

The successful applicant will:

- *Advance La Verne Law's mission to guide our students in the discovery of law and self as they prepare for the practice of law and other professional careers.*
- *Advance CABR's departmental mission to provide an innovative, constantly evolving program that employs sound educational principles to help students to achieve their highest academic potential by cultivating and enhancing their academic skills.*
- *Demonstrate strong written and verbal communication skills and work effectively as part of a team.*
- *Supervise CABR faculty members by providing training and development to be used in teaching both academic skills and bar preparation courses.*
- *Work with the Assistant Dean of CABR to develop a budget and track program expenses • Monitor contract compliance with vendors • Assist in the development and implementation of new programs that will engage current COL students and increase academic and bar readiness skills.*
- *Demonstrate familiarity with ABA standards on legal education.*
- *Collect and analyze empirical data related to CABR program outcomes.*
- *Participate in program review and assessment initiatives.*
- *Teach skills and substantive content to enhance student academic and bar readiness.*
- *Provide high quality academic advising to students.*
- *Serve on La Verne Law and University- wide faculty committees.*
- *Work on other projects as assigned.*

Minimum Qualifications:

- *Passionate about student success.*
- *J.D. degree from an ABA accredited law school*
- *Admitted to a state bar. (A candidate who is hired but is not a member of the State Bar of California must be admitted to the State Bar of California within two years of the date of hire.)*
- *Strong counseling skills.*
- *Extensive experience working with students from diverse backgrounds.*

Salary:

Commensurate with experience and internal departmental equity. Benefits of employment include a comprehensive health and wellness plan, tuition remission program for employee, spouse, and dependent children, and a generous 10% contribution to the University's 403B retirement plan. Employment is contingent upon successfully passing a complete background investigation.

To apply for position, please copy and paste this link into your browser:

<https://tinyurl.com/ULVCOLdirector-position>



DOUGLAS F. WELEBIR

1943 – 2018

It is with a very heavy heart that we notify you that Doug Welebir passed away unexpectedly Tuesday, May 8, 2018. While Doug had been ill for some time, his passing was unexpected to the family as he seemed to take an unexpected turn for the worse a few days before his passing.

Bill Smith, CAL-ABOTA President

Douglas F. Welebir was admitted to the California State Bar on December 23, 1966, and joined the SBCBA on the same day. In 1966, Mr. Welebir served as Legal Research Assistant to Justice John Kerrigan, California Court of Appeals for 4th District, Division 2. In 1967, he served as a Deputy Public Defender for the County of San Bernardino.

In 1970, Mr. Welebir limited his practice exclusively to plaintiff's personal injury law and went on to form the predecessor to this firm in 1973. From 1970 to 1974, Mr. Welebir also served as the first mayor of the City of Loma Linda, California. Most recently, Mr. Welebir has been selected by the District Court Attorney Liaison Committee of the Central District to be a Ninth Circuit Judicial Conference Lawyer Representative, 2012-2016.

Douglas F. Welebir is the founder of Welebir | Tierney. He received his Bachelor of Arts degree from La Sierra College in 1962 and then attended the University of Southern California School of Law where he earned his J.D. degree in 1965.

Doug was also a member of the San Bernardino/Riverside Chapter of ABOTA and a Life Fellow. He will be missed.

In addition to his wife, Constance Welebir, he is survived by daughter Melissa and her husband Brent; sons, Matthew and wife Payvand, and Morgan and wife Valerie; three grandsons and a fourth on the way.

Memorial services were held on Saturday, June 9th at Loma Linda University Church in Loma Linda.



HON. PAUL EGLY (RET.)

1921- 2018

The Hon. Paul Egly (Retired) passed away Tuesday, June 26, 2018. He was 97 years of age at the time of his death.

Submitted by Robert L. Kern

Although he was a judge of the Los Angeles County Superior Court, many members of the San Bernardino County Bar Association know or know of Judge Egly. Many appeared before him, as members of the bar in both counties appear in various courts, particularly in the East District of Los Angeles County where he was the supervising judge for many years.

To the general public, Judge Egly is probably most remembered (and both praised and reviled) as the judge who ordered and supervised the integration of the Los Angeles Unified School District. He wryly observed at the time he was assigned to the case that both sides had stipulated and suggested that he be given the assignment and that he was the only judge that he knew of that had a court determination attesting to his fairness (but he also recognized that the case would probably be career ending when it was over).

Notwithstanding his experience as an attorney and service as a judge, Judge Egly is one of the most prominent legal figures in the Inland Empire because he was the founder of the law school which is now the LaVerne University School of Law (he was Dean and Professor of Constitutional Law there from 1970-2004), located in Ontario. I would estimate that he and the law school (and his wife, Jane) are likely responsible for the education of more lawyers who are members of the San Bernardino County Bar Association than any other law school.

The Blockbuster That is Blockchain:

What it Means to the Practice of Law

by Sharon D. Nelson, Esq. and John W. Simek

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Introduction

Several years ago, a Canadian attorney and good friend of ours, invested \$10,000 in bitcoin. Clearly, he is a lot smarter than us. We can't even imagine the extent of his profit – the price of bitcoin has been all over the map. It hit an all-time high of \$19,343.04 on December 16, 2017. We're not sure if our friend cashed out, but we suspect he is still holding on to his "stash" of bitcoins. As of May 6, 2018, one bitcoin is worth \$9,901. That's quite a drop in less than six months.

We become aware of bitcoin wallets a few years ago, as husbands (mostly) began to hide assets from their soon-to-be ex-wives in those wallets. And then came a barrage of ransomware attacks. Law firm after law firm was paying the ransom (\$300-\$500 in the early days and \$1500-\$3000 today). The cybercriminals usually want the ransom in bitcoin. To our amazement, there are now bitcoin ATMs available in local gas stations and laundromats complete with posted instructions on creating a bitcoin wallet for the Bitcoin novice.

In July of last year, there were reports of a Citrix UK study which found that a third of UK companies were stockpiling digital currency, mostly in bitcoins, to pay the ransom (an average of approximately \$176,000) if they became victims of a ransomware attack.

At the 2017 ILTACON conference, artificial intelligence wasn't quite kicked to the curb, but the buzz around blockchain became very loud indeed. In the last several months, it has become increasingly clear that blockchain is a transformative technology that is going to make substantial changes in the practice of law.

What is blockchain?

There are arguments about the definition but we liked this one from TechTarget:

"Blockchain is a type of distributed ledger for maintaining a permanent and tamper-proof record of transactional data. A blockchain functions as a decentralized database that is managed by computers belonging to a peer-to-peer (P2P) network. Each of the computers in the distributed network maintains a copy of the ledger to prevent a single point of failure (SPOF) and all copies are updated and validated simultaneously.

In the past, blockchains were commonly associated with digital currencies, and Bitcoin in particular. Today, blockchain applications are being explored in many industries as a secure and cost-effective way to create and

manage a distributed database and maintain records for digital transactions of all types."

The second paragraph of that definition is particularly interesting because law firms are now "getting" the possibility of blockchain. While it was first utilized by Coinbase when bitcoins were introduced in 2009, we now realize that the same technology can be used for contracts, real estate transactions, bank and stock market transactions – and the list goes on and on. Many people believe that blockchain is synonymous with Bitcoin, which couldn't be further from reality. Blockchain is the underlying technology that cryptocurrencies use. To make it more confusing, there are no standards for blockchain. In other words, blockchain is unique to each service that is provisioned.

Back to Bitcoin

Why back to Bitcoin? Well, it has already taught us already a number of lessons. The cryptocurrency market is highly volatile. And as the number one cryptocurrency (Ethereum's ether is generally held to be second), Bitcoin is receiving unwelcome attention. As was reported in August 2017, the IRS is coming after those who are profiting from Bitcoin transactions (legally or illegally, they are all supposed to be reporting income) and those who have made monies by investing in bitcoin.

The gap between the number of people dealing in bitcoin and the number declaring income from it is wide – very, very wide. The IRS said in court documents that between 2013 and 2015, fewer than 900 people per year reported income on Form 8949, which is used to account for "a property description likely related to Bitcoin." That compares pathetically to the number of people using Coinbase – "the largest exchanger in the US of bitcoin into US dollars," according to the government – with 4.8 million users and 10.6 million wallets.

Since Coinbase is under heavy scrutiny, many criminals (and others) have left Bitcoin in favor of other virtual currencies like Zcash, which promises to "fully protect the privacy of transactions using zero-knowledge cryptography," or Monero, which says it offers "secure, private, untraceable currency."

Also in August, the SEC issued its most comprehensive public guidance to date on digital assets such as cryptocurrencies and tokens. Key points:

- Initial Coin Offerings (ICOs) are required to be registered with the SEC if the digital assets are securities offered or sold in the U.S.
- Digital assets can be evaluated for securities status using traditional securities law criteria
- Automated functions through smart contracts or other code remain subject to securities laws
- Companies dealing in digital assets should consider seeking counsel as to whether the digital assets are securities

- Companies dealing in digital currencies may need to register as broker-dealers, securities exchanges, or alternative trading systems
- Companies investing in digital assets and advising on investment may need to register as investment companies or investment advisers.

The SEC did not conclude that all tokens and cryptocurrencies are securities, but confirmed how the SEC would evaluate cryptocurrencies. The SEC also noted that form should be disregarded for substance and that economic realities should be a key to the analysis. Thus, any party contemplating a future ICO that is available to investors located in the U.S. should analyze the extent to which the offered asset could be considered a security. This analysis should reach the business model underpinning the offered assets and not be limited to the white paper description of the offered digital assets.

Therefore, companies doing business with digital currencies with U.S. investors might be in violation of U.S. securities laws and may be required to register with the SEC and to comply with applicable securities regulations.

And hold your hat - according to Investing.com (<https://www.investing.com/crypto/currencies>), as of May 6, 2018 there are 1,794 cryptocurrencies in existence. Conventional banks would do well to be rattled by that. So far, the estimated \$388 billion value of the top 20 cryptocurrencies is still a tiny fraction - less than 8% - of the \$5 trillion in conventional currency circulating every day. But it is growing.

Blockchain and the Practice of Law

On August 15th last year, a group of law firms and technology companies announced the formation of the Global Legal Blockchain Consortium. The consortium will work to drive the adoption and standardization of blockchain in the legal industry, with the larger goal of improving the security and interoperability of the global legal technology ecosystem.

As noted in an Above the Law post by our friend Bob Ambrogi, members of the consortium include the law firms Baker Hostetler and Orrick, IBM Watson Legal, and the newly formed company Integra Ledger, which hopes to become the ledger used throughout the legal industry for blockchain digital identities.

The consortium's three goals for the future of blockchain in legal:

- An interoperable and secure global legal industry using blockchain technology
- Agnostic as to software, agnostic as to document management systems, and agnostic as to blockchain
- Universal, blockchain-based identities for law - client identity, matter identity, document identity

Drummon Reed, chief trust officer at Evernum, said, "With a blockchain, every transaction is digitally

signed, every transaction is chained together, and it's replicated on hundreds of computers around the world with digital signatures," noting that Bitcoin has never been hacked in its nine years of existence. But please do read to the end of this story . . .

Another speaker, David Fisher, the founder and CEO of Integra ledger, said that the key application of blockchain in law will be universal legal identities. Virtually anything or anyone will have a unique digital identity - legal matters, documents, individuals, entities, billing entities, and more. The identities will provide proof of existence and uniqueness, without identifying details that can be used by all Integra-compliant software.

The consortium's vision, Fisher said, is for every major law firm and corporate legal department to be a node in the blockchain with a synchronized copy of all the sequential ledger entries of identities. This will lead, in turn, to an open market for innovation in which these Integra identities will be referenced by:

- Other blockchains
- Legacy software companies, in order to add functionality
- Smart contracts
- Custom apps developed by corporate legal departments and law firms
- Applications developed by other consortia and working groups

The newly created Law Firm Innovation Index measures law firm innovation based on Google advanced searches for indications of innovation on the websites of the world's largest law firms. The category that garnered the greatest number of hits was blockchain, with more than double the average number of hits of artificial intelligence (AI). Now does that mean that they are actually doing a lot with blockchain? No. Not necessarily. But they know where the action is and want to be seen at the forefront of this new movement.

This blockchain train has bolted out of the station with amazing speed. Maybe unseemly speed. Technology is constantly morphing and evolving. Recently, it was reported that a piece of malware called Trickbot was targeting cybercurrencies. This could be a challenge to the stability and reliability of the blockchain platform which must determine how it will figure out if cryptocurrency is stolen or acquired from a malware attack since every coin has a unique code itself.

If you build it, they will come. We refer, of course, to cybercriminals.

The authors are the President and Vice President of Sensei Enterprises, Inc., a legal technology, information security and digital forensics firm based in Fairfax, VA. 703-359-0700 (phone) www.senseient.com

County-wide Recruitment for 100 Volunteers to Mentor and Advocate For Youth in Foster Care

In San Bernardino County, there are over 5,000 children and youth living in foster care. They are not only victims of abuse and neglect, but as a result have been removed from their homes and family and placed into foster care. Left with little or no consistent guiding presence in their lives, they are often lost, confused, and alone. Sadly, they then must learn how to survive and navigate the complicated and overburdened child welfare system.

But they don't have to do it alone.

Every day Court Appointed Special Advocates (C.A.S.A.) volunteers mentor and advocate for the best interests of abused and neglected children in the courtroom, the classroom, and the health care system. Volunteer advocates—empowered directly by the courts—offer judges the critical information they need to ensure that each child's rights and needs are being attended to while in foster care.

Volunteers become the voice for their appointed child. For many of our foster children, a C.A.S.A. volunteer is the only constant adult presence in their lives that is inspiring them, challenging them and motivating them as they navigate through the child welfare system together, hand in hand. We currently have a waitlist of over 200 youth, we need your help.

Volunteer today!

You can contact our office at 909-881-6760 or visit our website: www.casaofsb.org to learn how you can make a difference in the life of one child.

C.A.S.A. of San Bernardino County is a nonprofit organization that has been working to improve the quality of life for youth in foster care for over 30 years with stable and consistent advocacy and mentoring provided through trained and professionally supported caring volunteers.

Court Appointed Special Advocates

There are over **5,700** foster youth in San Bernardino County.

CASA of San Bernardino County serves those that are most at risk, those that will not be reunified with family, those that are alone and in need of a mentor and advocate to help give them a voice.

I can help change a life by:

- Becoming a CASA volunteer
- Donating tangible items (school supplies, movie tickets, gift cards, etc.)
- Giving a recurring monthly gift of \$10 or more
- Following CASA on Facebook; telling a friend, a neighbor, a family member, and or a colleague about CASA
- **Becoming a Business Community Partner and investing \$3,500 a year to support a volunteer/youth match**

Help transform a life of tragedy into a life of HOPE!

For more information visit our website www.casaofsb.org or reach us at **909-881-6760** and ask for Cesar Navarrete, Executive Director



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High Desert Office
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A High Desert Bar Association Event



SOUTH POINT MCLE WEEKEND PRESENTED BY THE HIGH DESERT BAR ASSOCIATION!

Hosted by the Law Office of Brandon A. Wood and Heather Lewis
Friday October 5, 2018 thru Monday October 8, 2018
(Monday is a Court holiday).

Live MCLE presentations on site Sunday from 10am to 3pm. Additional self study materials will be available for checkout throughout the weekend.

MCLE is only \$25 per person!
(This small fee is only to help offset the cost of the conference room rental.)

Other fun activities: South Point has a bowling alley, movie theater, sports bar / sports book as well as the usual Vegas casino fun! If enough people are interested, Kathleen will also set up a private poker or blackjack tournament!

**Special HD Bar Assoc. room rates:
Only \$310 for all 3 nights + \$14 per day resort fee.**

Kathleen has rooms blocked, but they will fill up quickly!
RSVP, ASAP!!!

**Call Kathleen to RSVP - 760-245-9663.
\$25 per person due to Kathleen at time of RSVP.**

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SEEKING EXPERIENCED FAMILY LAW PARALEGAL: Advanced family law paralegal needed for busy Ranch Cucamonga law firm. Must have a minimum of 2 years paralegal experience in a family law office. Please email cover letter and resume to: Brandon at attyquinn@gmail.com.

REDLANDS INSURANCE DEFENSE firm looking for immediate full time attorney with 2-5 years experience in insurance defense. Send C.V. and salary requirements to: kn@kn-law.com

UNIVERSITY OF LA VERNE COLLEGE OF LAW seeks an experienced, energetic, and dynamic person to serve as an Assistant Professor and Director in its Center for Academic and Bar Readiness (CABR.) The person in this position will assist students in developing the skills necessary for success in law school and on the bar exam. The position is a twelve-month contract, non-tenure track faculty position. **SEE AD IN THIS BULLETIN FOR FULL DETAILS !**

12 YEAR FAMILY LAW ATTORNEY available for contract work and court appearances @ \$75 per billable hour. Email: attorneyilene@icloud.com

SEEKING PARALEGAL: Caldwell, Kennedy & Porter seeking a qualified Paralegal with 3+ years of Conservatorship Court Accounting experience for our Victorville office. Email resume to CKP@ccklaw.net

LEGAL SECRETARY / PARALEGAL. Established Inland Empire plaintiff PI litigation law firm is seeking a legal secretary/paralegal to handle discovery, demand packages, etc. 5+ years experience. Full or part time. Email resume to angie@brianbrandtllaw.com

Partner Level Civil Litigation Trial Attorney Looking to Join a Local Firm - 20+ Years Experienced Partner Level Civil Litigation Trial Attorney looking to join local firm. Commercial, insurance, employment, intellectual property and real estate are areas of litigation emphasis. Significant transactional experience, as well. Looking to transition by the end of the year. Email: lane@lanebenderlaw.com

LAW OFFICE OF KYLE A. PATRICK, P.C. seeks FT assoc. atty w/two+ years exp. in prob./trust admin. & lit., conservatorships, est. plng. Must be highly motivated, detail oriented, & project posit. attitude. Should possess exlnt organizat'l, written/verbal comm. & time mngmt skills. Advcd comp. skills w/MS Office expected. Should be avail. immed.; admitted to State Bar; min. 2 yrs prior exp. Flex. work sched. & competitive comp., w/signif. revenue sharing opportunity for partner track candidates w/independent book of business. Forward resume to Karen@kpatricklaw.com

FOR SALE

FOR SALE: Office computers, fax machines, chairs, credenza, book cases, desk, filing cabinets, paintings. Call 909/889-5512 or (cell) 909/213-7375.

MISCELLANEOUS

CHILDHELP IS A NON PROFIT that serves abused children and families. Our foster care agency is moving our office to San Bernardino and we are in need of good furniture (used furniture is welcome). We have the ability to pay but donations would be appreciated. We are in need of several desks, chairs and conference room furniture. We appreciate your help! Feel free to contact me at: 908-255-4418 - **ike Kerhulas**.

NEEDED IN NEEDLES: Free (or LOW COST) Law Books for local attys to use. Bender's Forms of Pleading & Practice & Bender's P's & A's. Older volumes (3 yrs) ok. Barbara Beard 877-711-6429 or Route66Lawyer@frontiernet.net. Contact SBCBA for PU or drop off. 909/885-1986 or Claire@sbcba.org.

NOTICES

CONFIDENTIAL HELP! Judges & Attys in trouble w/ alcohol, drugs. 800/222-0767; 909/683-4030, 24 hrs-7 days a week.

SBCBA MEMBERS: Advertise FREE 6 mo. in Classifieds. Continue ad for \$10 mo in advance. Non-members \$10 mo in advance. 909/885-1986 or email bulletin@sbcba.org.

OFFICE SPACE

DOWNTOWN RIVERSIDE OFFICE SPACE FOR LEASE Prime downtown Riverside off. space for lease. Ideal for CPA, Ins. or Legal Office. Approximately 1288 sq. ft. Price per sq. ft. negotiable from \$2.55, full gross lease. Free parking. Walking distance to all courts. Great freeway access. Receptionist available - to be negotiated. Please email stamiso@tclaw.net.

OFFICE BUILDING FOR SALE - HIGHLY VISIBLE upper Yucaipa Blvd. This building has been used as a law office for over 40 years. Cent. Air & Heat. GREAT for Law Off. Coffee Shop, CPA, Retail Sales, RI Est., Store Front, etc. All partitioned and ready to go. Located just East of CALIFORNIA St. Asking price \$295,000. Call Bill Morgan 909-797-1808

SEEKING AN ATTORNEY to share a two attorney office in Rancho Cucamonga. As I practice less than full time I would like to see my fully functional two man office being used by a compatible attorney wanting to share space & expense. Call 909.980.0955.

SERVICES

COMMERCIAL REAL ESTATE LEASING & SALES Local Real Estate Broker available for marketing and negotiating properties. John Dohm BRE #00820887 - Thompson Commercial Real Estate Investment Services, Inc./ Cell: 909-771-7889; Office: 909-518-0343. <http://www.tcreis.com> / E-mail: john@tcreis.com

EXPERT WITNESS for pedestrian accidents. Over 25 years experience in slip and fall, ramp, and stairways. Sub-chairman ASTM 15.03 (Bathing Facility Safety). Experience in over 60 depositions and 25 trials. Mel Friedlander, P. E. PH: 951 301-4152. Email: mailmf@verizon.net

CPA FORENSIC ACCOUNTANT Kathy Johnson. Business Valuations, Cash Flow, Separate vs. Community Prop. Tracing. Court-Appointed Expert, Receiver, Special Master. Call 909/889-8819, Fax 909-889-2409 - 451 E. Vanderbilt Way #325, SB 92408.

12 YEAR FAMILY LAW ATTORNEY available for contract work and court appearances @ \$75 per billable hour. Please email: attorneyilene@icloud.com

CONTRACT ESTATE PLANNING SERVICES. Exp. contract est. plan. atty avail. on assignment basis. Svcs inc. drafting complete est. planning packages, rev. trusts, irrevoc. trusts, restatements of trust, amendments of trust, pour-over wills, durable powers of attorney, adv. health care directives, & other est. plan. docs. Robert Wolfe, Esq., CPA Masters in Tax, at 206/409-1754 or rtwolfe1@yahoo.com.

COMMERCIAL REAL ESTATE LEASING & SALES Local Real Estate Broker available for marketing and negotiating properties. John Dohm BRE #00820887 Thompson Commercial Real Estate Investment Services Inc./ 909-771-7889 Cell/909-518-0343 Off. www.tcreis.com E-mail: john@tcreis.com

FREELANCE ATTORNEY avail. to provide legal research/writing svcs to attys on project-by-project basis. Prior exp. 3 years as fed. jud. law clerk. Lic. in Calif. For info, visit www.meghandohoney.com

FAMILY LAWYERS w/ over 25 combined yrs of exp. Serving San Bernardino & Riverside. H Bui Law Firm @ 626-683-7574. Free consults.

EXPERT WITNESS for pedestrian accidents. Over 25 year's experience in slip and fall, ramp, and stairways. Sub-chairman ASTM 15.03 (Bathing Facility Safety). Experience in over 60 depositions and 25 trials. Mel Friedlander, P. E. PH: 951 301-4152. Email: mailmf@verizon.net

CERTIFIED REAL ESTATE DIVORCE SPECIALIST, Certified Real Estate Seniors Specialist & Real Estate Broker. Realtor Albert Calderon, licensed since 1995. Knowledge, experience, patience & understanding are the pillars to my approach to assisting your clients. For more information look me up in Facebook or LinkedIn. I am The Legal Community's Real Estate Resource. Contact me at (626)373-4962 or albertcalderon838@gmail.com.

KING OF PROBATE: LYLE STOTELMYRE - MBA, Lic. Prof. Fid. #125, issues royal decree granting 10% rebate

of statutory fees to his loyal entourage in contested probate cases. lylestotelmyre@gmail.com. 909-648-8091

REG. process server / paralegal svces. Rsnble rates, local serves start \$40 909-451-9819 Ask for Carol.

LEGAL SECRETARY IN UPLAND. Ellie's Legal Secretarial Service. Preparation of most court forms, Guardianships, Family Law, Probate, Evictions, Grant Deeds, Restraining Orders, Notary Public. **909 985-1725** / email carloffis@aol.com

NEED INVESTIGATIVE RESULTS? Stewart Investigative Services, Inc./S.I.S. Investigations Lic. Private Investigation Firm for 27 years - Criminal, Civil, Insurance & Corporate Investigations - www.sinvestigations.net. Call **(909) 484-1500**

WORKERS' COMP SPECIALIST: Free consult for clients injured on the job, or fired because they reported a work injury: Nancy Wallace 909-381-2771; <http://www.imhurt.info>

LAW OFFICES OF GERARD R. DAGONESE and Conflict2Peace Ministries: Experienced attorney and Certified Christian Conciliator™ provides mediation, arbitration, and reconciliation services under the Rules of Procedure for Christian Conciliation. Contact Gerard Dagonese (909) 742-7154 for info.

LOCAL REAL ESTATE BROKER & CPA, Court-Appointed Expert and Receiver for Property Sales and Management, available to sell and manage properties for your Clients. Howard Friedman, Broker, CPA, Realcore, 909-486-2960.

BOOKKEEPING services 15+ yrs exp. in the legal field. For additional information please contact me @ (951) 236-1822 or email Alonzo1010@gmail.com.

FAMILY LAW/ CIVIL LITIGATION ATTORNEY w/ multiple years exp. avail. for depos and appearances including federal court throughout SO CA. Please call Shauna M. Wickham - **951/440-6938**.

CIVIL AND CRIMINAL APPEALS & WRITS. Stanley W. Hodge, Attorney at Law. 15490 Civic Dr. #204 Victorville, CA 92392 **760/951-8773**.

EXP'D FAMILY LAW PARALEGAL/ Legal Secretary available on a contract basis. For immediate assistance, call **(951)805-4735** or e-mail Slopez7267@aol.com.

FREE: Upland attorney and past SBCBA President retiring after 47 years. Fully furnished office of 1200 +/- sq. ft. Spacious attorney office, large conference room, 3 secretarial stations, reception area, equipment/coffee room. High quality furniture, file cabinets, accessories **all free to successor attorney(s)**. Currently Month to Month; Landlord may want signed lease. **GIVE AWAY/TURN KEY operation. Call Ken Glube at (909)981-1011.**

ATTORNEYS ON THE MOVE...

William M. Garrett, Jr. has relocated to Pacific Premier Bank Building, 306 W. Second Street, Suite 300, San Bernardino, Ca 92401.

Amy M. Garrett has relocated to Pacific Premier Bank Building, 306 W. Second Street, Suite 300, San Bernardino, Ca 92401.

Join the SBCBA at beautiful Arrowhead Country Club for our 18th Annual Bench-Bar Golf Tournament

Sponsored by Garcia, Artigliere & Medby

Friday, September 21, 2018

Registration starts at 11:15am • Shotgun Start: 12:30pm

\$150 player / \$550 team — Dinner only: \$25

Arrowhead Country Club | 3433 Parkside Drive, San Bernardino, CA 92404 | (909) 882-1638

SPONSORS

<input type="checkbox"/> Exclusive Hole Sponsor (1 per hole) HOLE # (subject to availability) or NO PREFERENCE	\$ 350.00	✓
<input type="checkbox"/> Shared Hole Sponsor (3 per hole) HOLE # (subject to availability) or NO PREFERENCE	\$ 175.00	
<input type="checkbox"/> Sand Trap / Lake Sponsor	\$ 100.00	
<input type="checkbox"/> Lunch Bags – Your name or logo on custom lunch bags (includes lunch)! (submit by August 17)	\$ 800.00	
<input type="checkbox"/> Golf Towel Sponsor (1 only!) Name or Logo on tournament towels (submit by August 17)	\$ 750.00	
<input type="checkbox"/> Golf Hat Sponsor (1 only!) Your name or logo on tournament HATS! (submit by August 17)	\$ 750.00	
<input type="checkbox"/> Golf Goodie Bags Sponsor (1 only!) Your name on goodie bags (submit by August 17)	\$ 650.00	
<input type="checkbox"/> Sports Bottles (1 only!) – Your name or logo on 20+oz. sports bottles! (submit by August 17)	\$ 500.00	
<input type="checkbox"/> Raffle Prize - Your product or Gift Certificate(s) for our raffle:		

PLAYERS

(Limited to 36 teams or 144 players)

Tournament Rules

- Each team must use a minimum of two tee shots per **player**.
- Select best tee shot, then all players must play second shots from one club length of that point, except putts, which must be played from the same point.
- Play continues in this manner until the ball is holed out.
- Longest drive - trophy awarded.
- Closest to the pin - trophy awarded.
- 1st, 2nd and 3rd place trophies awarded.
- Women play from red tees; men play from white tees.
- Each team may purchase/use maximum of 18 Mulligans (only one per team per hole).
- Each team must submit a score card.
- Really pitiful players may bring a croquet mallet.

PLAYER / TEAM FORM

Team/Company Name:		Single Entry?	
		Yes	No
1.			
2.			
3.			
4.			

PAYMENT

\$150 per player; \$550 for team of four.

Fee includes dinner & 2 Raffle Tickets per player

Address below formatted for your windowed envelope.

Make check payable to SBCBA and mail form and check to:

SBCBA 2018 Golf Tournament
San Bernardino County Bar Association
412 East State Street
Redlands, CA 92373

Amount Enclosed: \$ _____

Check# _____

To pay by credit card, please call the SBCBA at 909/885-1986 and have the following information:

Name on card, card no., expire date, security code, card billing address. Or you may use the cashier on <https://tinyurl.com/SBCBA-Cashier>

BULLETIN

of the
San Bernardino County
Bar Association

*"California's Oldest Continuously Active
Bar Association"*

412 E. State Street
Redlands, CA 92373

Organized December 11, 1875

In Affiliation with the
High Desert Bar Association

2017-2018 Board of Directors

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"The mission of the San Bernardino County
Bar Association is to serve its members and
the community and improve the
system of justice."

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The Bulletin of the San Bernardino County Bar Association is published 11 times a year. Our circulation is approximately 1,000, including: our bar membership of 800, 100 state and federal judges, state & local bar leaders, legislators, media, and businesses interested in the advancement of our mission.

Articles, advertisements and notices should be received by the bar office no later than the fifteenth of the month prior to the month of publication. For current advertising rates, please call the number listed above. Please direct all correspondence to the above address.



*Francisco T. Silva, Scott M. Rubel, Don Featherstone
Darla A. Cunningham, Donald F. Cash*

**Workers' Compensation
or
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Issue?**

MAYBE WE CAN HELP!

We have over 70 years of experience in representing injured and disabled workers before the Workers' Compensation Appeals Board and Social Security Administration. If you have clients who need help with Workers' Compensation or Social Security problems, please have them call our office for a free consultation. We pay referral fees in accordance with State Bar Rule 2-200(A).

WORKERS' COMPENSATION LAW CERTIFIED SPECIALISTS
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July-August 2018

TO: