

Mariposa County Bar Association

Volume 2, Issue 14

www.MariposaBar.org

Newsletter@MariposaBar.org

June 2019

President's Column

Casey Aitchison, MCBA President

The Mariposa County Bar Association's June 2019 luncheon was heavily attended, with participants earning 1 hour of MCLE credit in Ethics. The presentation by attorney Mandy Jeffcoach regarding the New Rules of Professional Conduct is a subject about which all attorneys should be very much aware. Within the last year, the American Bar Association has noted that civility in our profession has been waning, with lawyers routinely slinging insults at each other, and even at litigants. Hopefully, the New Rules of Professional Conduct will help put us on track to restore civility in the practice of law, and particularly in the Courtroom.



Our next meeting is Monday, July 1, 2019, at the Miner's Roadhouse 140 banquet room. Attorney Kimberly G. Flores of Berliner Cohen will be providing a presentation on Employment Law for 1 hour MCLE credit. There is no fee for members to receive the MCLE credit (for non-members the fee is \$10.00), and everyone may order lunch from the menu at their own cost. RSVPs are appreciated, but not required, by replying to this email at MCBA@MariposaBar.org.

Starting in August 2019, our meetings will be held on the second Thursday of each month at the Miner's Roadhouse 140. We invite all attorneys and colleagues to join us. The atmosphere is always fun, and we welcome new members. This is a great opportunity to network with other attorneys and to enjoy lunch with friends.

Our membership fee is \$35.00, and includes access to several MCLE credits throughout the year as well as a listing on our web site. Visit our web site at www.MariposaBar.org to find the latest on the event schedule and our list of members. If you haven't already done so, you may use the application there and send in your dues for 2019, or bring the application and your dues to our next luncheon.

MCLE Credit at MCBA Luncheon - July 1, 2019

Our July 1, 2019 luncheon speaker will be Kimberly G. Flores, a partner at Berliner and Cohen. Ms. Flores' presentation on Employment Law will provide attendees with one hour of MCLE credit.

Ms. Flores represents various individuals and businesses in general civil litigation matters. She has a broad range of litigation experience, including real estate disputes, business and contractual disputes, large scale construction defect matters, personal injury and property damage claims, and trust and estate litigation. In addition, Ms. Flores routinely represents employers in state and federal courts on matters involving wage and hour claims, claims of employment discrimination and harassment, wrongful termination, and breach of employment contract.



In addition to her litigation practice, Ms. Flores represents various municipalities in matters related to land use, code enforcement, zoning, Brown Act compliance, Public Records Act compliance, human resources and workplace investigations, Child Welfare Services, and the Public Guardian/Conservator. Ms. Flores recently assisted the City of Merced in drafting and implementing its Commercial Cannabis Business Ordinance.

Ms. Flores also represents families and individuals with their estate planning needs and handles complex probate, trust administration, and conservatorship matters.

Ms. Flores joined Berliner Cohen in 2014, after spending several years as a partner in a Merced-area law firm.

Mark Your Calendars for Our Upcoming Meetings

The MCBA is in the process of obtaining its status as a Multiple Activity MCLE provider. Ultimately, by attending our meetings each month, attendees will be able to fulfill all of the MCLE requirements mandated by the State Bar.

Starting in August 2019, our meetings will be held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. Everyone is invited to attend. The atmosphere is always fun, and we welcome new members. The following is a list of our 2019 events:

January 14, 2019

Luncheon meeting: Speaker Mariposa County District Attorney, Walter Wall

February 11, 2019

Luncheon meeting: Legal Aid for Mariposa Residents, presented by Ed Johnson

March 11, 2019

Luncheon meeting: Standards and Best Practices in Family Law, presented by Casey Aitchison, approved by the California State Bar for 1 MCLE credit

April 8, 2019

Luncheon meeting: Recent Developments in LGBTQ Employment Discrimination Law, Presented by Lindsay Nako, Esq., and David Nahmias, Esq., 1 MCLE Credit in Elimination of Bias.

May 13, 2019

Law Day - Speaker, Judge Michael Fagalde "Free Speech, Free Press, Free Society"

June 10, 2019

Luncheon Meeting: Navigating the New Rules of Professional Conduct, presented by Mandy Jeffcoach, 1 MCLE credit in Ethics

July 1, 2019

Luncheon meeting: Employment Law, Presented by Kimberly G. Flores, 1 MCLE Credit.

August 8, 2019 – TBA

September 12, 2019 – TBA



State Bar News Release

State Bar of California Launches Groundbreaking All-Attorney Survey Analyzing the State of California Law Practice

Monday, June 24, 2019 - Today the State Bar opens online registration for an unprecedented survey of all active California attorneys, the California Attorney Practice Analysis (CAPA). Attorneys who sign up online between now and July 19 to participate in the August study will receive one hour of MCLE credit when they complete the survey.

“This expansive study is unprecedented, and we hope that California attorneys use this opportunity to give us their views about the present and future of the profession,” said Alan Steinbrecher, who chairs the working group overseeing the project and is also Vice Chair of the State Bar Board of Trustees. “This analysis will help us definitively assess the relevance and content of the California Bar Exam. The practice of law, especially in a state as diverse and dynamic as California, is in a state of tremendous change. This fresh look at what entry-level attorneys need to know will help us ensure we are keeping up with that change.”

The project will collect detailed, empirical data about how attorneys use their knowledge and skills to perform routine tasks in their legal practices. CAPA will set the foundation for revisiting the California Bar Exam content and format.

Participants will be assigned at random to one of three participant groups to complete:

- California-specific survey, which requires approximately 45 to 60 minutes to complete;
- A national survey fielded by the National Conference of Bar Examiners, of similar subject matter and length; or
- An Experience Sampling study, a method that involves brief responses to short, simple questions about current tasks, twice a day, for one business week. More information about ESM.

Attorneys can sign up at calbar.ca.gov/CAPA.

Numerous California attorneys have already contributed to the study, via the CAPA Working Group, as well as expert panels who helped formulate the knowledge domains on which the survey is based, on focus groups, in beta tests of the survey, and in a social media video campaign to promote the study, under the hashtag #LawPractice2020.

Family Law News

by Casey Aitchison

At the June 2019 Merced Family Law Section Meeting, we discussed the recent case of *Look v. Penovatz* (2019) 34 Cal.App.5th 61, and its holding regarding a non-parent's request to be reimbursed from a parent for paying a child's living expenses.

Family Code Section 3950 states that a third party who provides the necessities of life for a child whose parent fails to provide them according to his or her circumstances, may recover their value from the parent.

In *Look*, the mother cohabitated with a man who helped pay the child's living expense and then filed a complaint against the biological father seeking reimbursement. The Appellate Court found that the man was not entitled to reimbursement, since the child's father regularly paid child support during the time that the child lived with the mother at the man's home.

Look is an interesting case, as we do not often see anyone seeking a claim for reimbursement under Family Code Section 3950, and it is a reminder that the statute is available for relief in appropriate circumstances.

The Family Law Section of the Merced County Bar Association meets on the second Tuesday of each month at King's Asian Cuisine located at 360 W. Main Street, Merced, CA.

We invite any interested persons to join us, whether you are a Family Law practitioner, have crossover questions, enjoy networking, or just want to get together with friends for lunch. Our next meeting is:

Merced Family Law Section Meeting
Date: Tuesday, July 9, 2019 at noon
Location: King's Asian Cuisine, Merced

RSVPs are appreciated but not required. To RSVP or for more information, please email the Merced County Bar Association Family Law Section President, Casey Aitchison at Casey@MercedDivorce.com.



MCBA Membership List

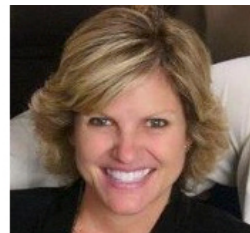
Thank you for your 2019 Membership.

2019 Members listed below:

Casey Aitchison
Alexandria Albertoni
Ashley Albertoni
Susan Albertoni
Deborah Bennett
Anita Starchman Bryant
Thomas Cooke
Steven W. Dahlem
Skye Emery
Kimberly G. Flores
Wayne Green
Robert Iwama
Edward J. Johnson
Jane Mackie
Cindy Morse
Stephanie Perez
Elizabeth Waldow
Walter Wall

A 2019 Membership Application may be downloaded at www.MariposaBar.org. If you haven't already paid your 2019 dues, please bring payment to the next luncheon, or mail it in with your application to MCBA, PO Box 628, Mariposa, CA 95338.

2019 MCBA Officers



Casey Aitchison
President



Ed Johnson
Vice-President



Anita Starchman Bryant
Secretary



Skye Emery
Treasurer

Job Opportunities

Notice of Ninth Circuit Opening

There is a California vacancy on the U.S. Court of Appeals for the Ninth Circuit.

To assist Senator Dianne Feinstein in fulfilling her responsibility to ensure this vacancy is promptly filled, interviews are being scheduled for candidates who would serve with distinction as a Federal Appeals Court Judge.

If you are interested in applying, please go to the Senator's website at <http://feinstein.senate.gov/public/index.cfm/applications-jud> and fill out the information for the judicial application. If you know a highly-qualified candidate who might be interested in applying, please have that candidate visit the Senator's website and fill out the application. In addition, anyone applying for the opening should also contact David S. Casey, Jr. directly at (619) 238-1811 or email him at dcasey@cglaw.com. Applications should be filled out and sent in no later than July 26, 2019.

Merced Superior Court

The Merced Superior Court is recruiting for a Staff Attorney I and a Staff Attorney III.

- **Staff Attorney I:** Under general direction, this professional level position performs legal research activities on behalf of the court by examining, analyzing, and interpreting available information and submitting recommendations for resolving issues before the court and will conduct ex parte hearings and related matters; conduct status review conferences.
- **Staff Attorney III:** Under general direction, this professional level position coordinates the work activities of the other staff attorneys and performs difficult and complex legal research activities on behalf of the court by examining, analyzing, and interpreting available information and submitting recommendations for resolving issues before the Court. The incumbent will conduct ex parte hearings and related matters, status review conferences, and serve, as directed, as a temporary judge. The incumbent serves at the pleasure of the Court Executive Officer.

Are You in Compliance?

As of June 1, 2019, almost 5,000 California attorneys had not complied with the State Bar's order to be re-fingerprinted. Another 5,173 attorneys were in "compliance pending" status, meaning their fingerprints had been submitted but were awaiting final processing. An additional 1,000 lawyers' fingerprints were rejected and likely need to be re-submitted, according to the State Bar. Thus, about 6% of California's approximate 190,000 active attorneys have not yet achieved compliance with the re-fingerprinting requirement. Attorneys who remain in noncompliance as of December 1, 2019, will have their licenses suspended.

The re-fingerprinting process has resulted in thousands of criminal records for the State Bar to review, so that it may determine whether to pursue disciplinary action against implicated attorneys. As of May 1, 2019, the State Bar had discovered 2,659 misdemeanors and 40 felonies it did not previously know about. Another 140 FBI records were unclear as to whether they involved felonies or misdemeanors.



For more information on the re-fingerprinting requirement, visit this link:

<http://www.calbar.ca.gov/Attorneys/Attorney-Regulation/Fingerprinting-Rule-Requirements>