

Mariposa County Bar Association

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www.MariposaBar.org

Newsletter@MariposaBar.org

April 2020

President's Column

Casey Archer Aitchison, MCBA President

The Mariposa County Bar Association ("MCBA") customarily meets on the second Thursday of each month at the Miner's Roadhouse 140. Our meetings are temporarily suspended until after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted. However, the MCBA remains committed to providing information and updates to our attorneys and colleagues during this unprecedented time.



MCBA Membership is \$35.00 and includes access to several MCLE credits throughout the year as well as a listing on the MCBA website at www.MariposaBar.org. An application may be downloaded at our website and mailed to our PO Box with the yearly dues. Those who are renewing their membership may forego the application and simply send in their dues to MCBA, PO Box 628, Mariposa, CA 95338.



Mariposa County Superior Court

The Mariposa County Superior Court is livestreaming all public Court proceedings on the calendar to allow people to view the public hearings remotely. The links to the livestream may be found here: <http://www.mariposacourt.org/index.shtml>. The public access broadcast cannot be reproduced or re-broadcast without the express written approval of the Mariposa County Superior Court.

The 2020 California Bar Exam

On April 27, 2020, the Supreme Court of California ordered the July 2020 California Bar Exam to be postponed to September 9-10, 2020. The Court further directed the State Bar to make every effort to administer the Multistate Bar Examination (MBE) test online with remote or electronic proctoring.

The Court's decision was made after considering the "enormous challenges this public health crisis has placed before those who seek admission to the California bar, including the graduating law school class of 2020."

In so ordering, the Court stated: "These adjustments recognize and will advance the manifest public interest in maintaining access to justice through competent and qualified legal services."

The Court further ordered the postponement of the October 2020 First-Year Law Students' Examination to November to maximize grading resources for the Bar Exam.

The Court indicated that it will continue to explore other options as circumstances related to the COVID-19 pandemic develop or change.



MCBA 2020 Meetings

The MCBA meetings are usually held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. However, in conformance with the order issued by the Governor, our meetings are suspended until further notice. The following are the meetings planned for 2020:

January 9, 2020

Luncheon meeting: Strategic Planning Meeting for 2020

February 13, 2020

Luncheon meeting: Speaker, Dr. Eric Sergienko, Mariposa County Public Health Officer, regarding Public Health Law

March 12, 2020

Luncheon meeting: Speaker, Judge Michael Fagalde, .5 MCLE credit in Ethics with his presentation "Ethics-A Perspective After Crossing the Divide from Attorney to Judge"

April 9, 2020

Luncheon meeting rescheduled due to COVID-19 shelter in place directives.

May 14, 2020

Law Day is being rescheduled due to COVID-19. Our Speaker at the rescheduled Law Day will be Judge Michael Fagalde "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100"

June 11, 2020

Subject to rescheduling: Luncheon Meeting: Speaker, Miles Menetrey, Chairman of the Mariposa County Board of Supervisors

July 9, 2020

Subject to rescheduling: Luncheon meeting: Speaker, Chevon Kothari, Director of Mariposa County HHS, regarding the homeless situation in Mariposa County and the applicable laws the County must navigate to address the problem

August 13, 2020

Luncheon meeting: Speaker, Russell Cook, Mediating the Hatfield-McCoy Dispute, approved for 1 hour MCLE credit by the State Bar

September 10, 2020

Luncheon meeting: Speaker To Be Announced

October 8, 2020

Luncheon meeting: Speaker To Be Announced

November 12, 2020

Luncheon meeting: Speaker To Be Announced

December 10, 2020

Holiday Luncheon and Judges Appreciation Day

Job Opportunities

Managing Attorney - UFW Foundation (Fresno)

The Managing Attorney position will (1) provide oversight of their assigned team (staff attorney, legal assistant, and volunteers); (2) provide affirmative immigration relief services; (3) provide representation of clients in deportation proceedings; and (4) work closely with other UFW Foundation programs to drive an organizing culture which influences systemic change. There are three (3) Managing Attorney positions: 1 to Northern Central Valley, 1 to Southern Central Valley, and 1 to the Southern Central Coast. These are full-time exempt positions. The Managing Attorney will be a member of the purpose of the Community Colleges Immigration Services Project whose goal it is to provide students, staff, and faculty free immigration legal services, including education and outreach services, on campus as well as through the UFW Foundation's Teleconsulta services, (Telemedicine model for immigration consultations).

The UFW Foundation seeks an individual with law practice experience and/or experience working with immigrant communities that can help the organization, in collaboration with the UFW Foundation's various programs and departments, as well as its partners, to develop a service delivery model that will maximize the limited resources in rural communities and leverage relationships from urban centers.

Salary Range: \$70,000 To \$75,000 (USD) Annually

Posted: April 15, 2020.

Deputy General Counsel - Westlands Water District (Fresno)

The Deputy General Counsel reports to the General Counsel in the Sacramento office; however, the reporting location for this position is in the Fresno office and accordingly is employed as an unclassified at-will employee. The Deputy General Counsel position is a management level, single-position classification that assists with advising the District on a variety of legal issues, with a particular focus on compliance with Ralph M. Brown Act, California Public Records Act, public contracting law, employment laws, and public financing laws (including Proposition 218 procedures).

Annual Compensation: \$95,000 - \$175,000

Posted: April 2, 2020

Judicial Council Emergency Rules

The California Judicial Council has issued a total of 13 Emergency Rules to address how the California state courts will continue to operate under the statewide shelter-in-place order. They are designed to keep as many people as possible out of courthouses while maintaining basic judicial operations.

The Rules are comprised of 18 pages and are set forth in their entirety in the PDF document attached to the email transmitting this Newsletter. With the exception of Rule 10, they remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council. A summary of the Rules is as follows:

Rule 1 (Unlawful Detainers): Prohibits courts from issuing a summons on an unlawful detainer complaint until 90 days after the state of emergency related to COVID-19 is lifted. The only exception is for an unlawful detainer action necessary to protect public health and safety.

Rule 2 (Judicial foreclosures): Stays any action for judicial foreclosure and tolls any statute of limitations for filing such action until 90 days after the state of emergency is lifted.

Rule 3 (Use of technology for remote appearances): Courts may now require judicial proceedings and court operations to be conducted remotely, such as through video, the electronic authentication of documentary evidence, eFiling, and eService.

Rule 4 (Emergency Bail Schedule) Sets bail at \$0 for most misdemeanor and lower-level felony offenses.

Rule 5 (Personal appearance waivers of defendants during health emergency) Allows courts to conduct proceedings through video feed or other remote technology, with the consent of defendants.

Rule 6 (Emergency orders: juvenile dependency proceedings) Prioritizes issues to be heard, allows the courts to continue hearings, and allows suspension of visitation in certain circumstances.

Judicial Council Emergency Rules, cont.

Rule 7 (Emergency orders: juvenile delinquency proceedings) Prioritizes issues to be heard, allows the courts to continue hearings, allows remote hearings, and allows testimony by written declaration.

Rule 8 (Emergency orders: temporary restraining or protective orders) Allows courts to extend temporary emergency orders for up to 90 days.

Rule 9 (Tolling of the statute of limitations): All statutes of limitation for civil causes of action are tolled from April 6, 2020, until 90 days after the state of emergency related to COVID-19 is lifted.

Rule 10 (Extensions of time in which to bring a civil action to trial): For all civil lawsuits filed before April 6, 2020, the time in which to bring a civil action to trial is extended by six months, for a total of five years and six months.

Rule 11 (Depositions through remote electronic means): Any party or nonparty deponent, at their election or the election of the deposing party, is not required to be present with the deposition officer at the time of the deposition.

Rule 12 (Mandatory electronic service for represented parties): Effective April 17, 2020, a party represented by counsel who has appeared in an action or proceeding must accept electronic service of process of a notice or document that may be served by mail, overnight delivery, or facsimile. The serving party is responsible for confirming the appropriate electronic service address for counsel being served. A party represented by counsel must, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address and a copy of this rule, electronically serve the requesting party with any notice or document that may be served by mail, overnight delivery, or facsimile.

Rule 13 (Effective date for requests to modify support): Allows the courts to make an order modifying support effective the date an unfiled request to modify support was mailed or otherwise served on the other party, with the moving party required to re-serve the opposing party after the request has been filed with the Court.

Family Law News

by Casey Archer Aitchison, President, Merced County Bar Association Family Law Section

The COVID-19 pandemic has caused Family Law attorneys to face unique questions from clients, pending guidance from the Court in these unprecedented times. Here are some of the calls we have been receiving since March 2020, as well as the way the Courts appear to be responding to the various situations:

Q: Does the shelter in place order apply to custody exchanges?

A: No, although out of county exchanges in a high risk area could warrant an emergency order.

Q: School is no longer in session. Do we follow the school schedule or the non-school schedule?

A: Follow the schedule as you would for the regular school year.

Q: My ex works an essential job with high risk of exposure. Do I have to let the children go to their home?

A: Yes, unless you have evidence that it is placing the children at greater risk.

Now is a great time to explain to parents that the pandemic is providing them with an opportunity to demonstrate they can, or cannot, co-parent. Once they get back into Court, how they behaved will matter. Under Family Code Section 3040, the Court is required to consider, among other factors, which parent is most likely to allow the child frequent and continuing contact with the noncustodial parent. Thus, if a parent used COVID-19 as an excuse to interfere with the other parent's contact or failed to follow the custody order, the Court may consider this in determining the best interest of the minor child within a custodial schedule.

The Family Law Section of the Merced County Bar Association usually meets for lunch on the second Tuesday of each month. However, due to the COVID-19 pandemic, our luncheon meetings have been suspended until further notice. For more information, please email the Merced County Bar Association Family Law Section President, Casey Archer Aitchison at Casey@MercedDivorce.com.

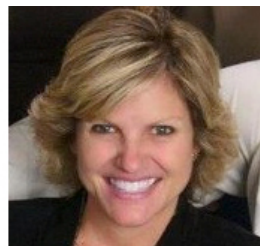
MCBA Membership List

It's time to renew your membership for 2020! The following is our current list of 2020 members:

Casey Archer Aitchison
Nanette M. Beaumont
Kevin Briggs
Marvin Brown (retired)
Anita Starchman Bryant
Aaron Castleton
Jeffrey Castleton
Thomas K. Cooke
Steven W. Dahlem
Skye Emery
Edward J. Johnson
Andrew Kucera
Robert B. Lindley
Brent Richardson
Elizabeth E. Waldow
Walter Wall

If your name is not on the list and you would like to renew your membership, no application is needed, just send in your payment to our PO Box. For new members who wish to have their information listed on the MCBA website, you may fill out the attached application and mail it with your dues to MCBA, PO Box 628, Mariposa, CA 95338.

2020 MCBA Officers



Casey Archer Aitchison
President



Ed Johnson
Vice-President



Anita Starchman Bryant
Secretary



Skye Emery
Treasurer