

Mariposa County Bar Association

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www.MariposaBar.org

Newsletter@MariposaBar.org

June 2020

President's Column

Casey Archer, MCBA President

The Mariposa County Bar Association ("MCBA") customarily meets on the second Thursday of each month at the Miner's Roadhouse 140. Our last meeting was in March 2020, with meetings thereafter suspended due to COVID-19.



For our July 9, 2020 meeting, we invite you to join us remotely at noon for a 1 hour MCLE credit webinar on "How to Find and Use Location Information in Litigation," with Director of Digital Forensics, Brian Chase. Additional information and a link to register for the webinar is set forth below as well as on the last page of this Newsletter.

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.



Join Us via Webinar July 9, 2020, for 1 Hour MCLE Credit

The MCBA will holding its noon meeting remotely on July 9, 2020, with a webinar providing 1 hour of MCLE credit. Our speaker will be Brian Chase with a presentation on How to Find and Use Location Information in Litigation.



Brian Chase is an attorney as well as the head of Chase Technology Consulting which provides consulting and expert witness services in the areas of computer technology and digital evidence to public and private law firms. He is the Director of Digital Forensics at ArcherHall (formerly Capitol Digital & Califorensics.)

Determining the location of an individual at a specific point in time can make or break a case. You can use location data to present an alibi defense, discredit a witness or party, show how long someone was on the road prior to a crash, establish where a digital contract was signed, and more. Brian Chase's unique webinar will show you how to find and use location data in your case, answer pre-submitted and live questions, as well as walk-through real-world location analysis. You will come away knowing where to find data to support your case as well as how to analyze some of the data yourself. This activity is approved by the State Bar for 1 hour of credit towards the MCLE requirements. Click here to register for the presentation:

<https://event.webinarjam.com/register/105/zk06yu0n>

You may also contact ArcherHall via email at presentations@archerhall.com or telephone at (855) 839-9084. Anyone having difficulty with the link opening in Internet Explorer should try a different browser, or contact Kim Bennett, Client Education Coordinator at (916) 449-2820.

MCBA 2020 Meetings

The MCBA meetings are temporarily suspended due to COVID, but are usually held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. The following is the 2020 schedule:

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 COVID-19 and Public Health Law

March 12, 2020

Luncheon meeting: 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 postponed due to COVID-19.

May 14, 2020

Law Day postponed due to COVID-19.

June 11, 2020

Luncheon meeting postponed due to COVID-19.

July 9, 2020

Luncheon meeting: 1 hour MCLE credit Webinar with Speaker, Brian Chase, Director of Digital Forensics, with a presentation on "How to Find and Use Location Information in Litigation"

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, Miles Menetrey, Chairman of the Mariposa County Board of Supervisors

October 8, 2020

Luncheon meeting: Speaker To Be Announced

November 12, 2020

Luncheon meeting: Speaker, Judge Michael Fagalde

December 10, 2020

Luncheon meeting: Holiday Luncheon and Judges Appreciation Day

Family Law News

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

Family Code Section 4325 provides for a rebuttable presumption against an award of spousal support to a spouse convicted of domestic violence. The statute further provides that the Court may consider "documented evidence" of a convicted spouse's history as a victim of domestic violence perpetrated by the other spouse, or any other factors the Court deems just and equitable, as conditions for rebutting the presumption.

In the recent case of *In re Marriage of Brewster and Clevenger* (February 19, 2020), the convicted spouse sought to rebut the presumption by her own testimony. The Appellate Court upheld the Trial Court's finding that testimony is not enough. In so holding, the Court found that "documented evidence" includes, but is not limited to, voicemail messages, text messages, social media posts, cellphone recordings, police reports and 911 calls, medical records, photos, employment records, and Court records from criminal prosecutions reflecting convictions for domestic violence offenses, which may be submitted once requirements of evidentiary authentication or admissibility have been met. Thus, Family Law practitioners are cautioned against trying to rebut the presumption by having each spouse testify as to what happened and submitting the matter for the Judge to decide which one is more credible.

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. For more information, please email the Merced County Bar Association Family Law Section President, Casey Archer at Casey@MercedDivorce.com.

Superior Court News

MARIPOSA: The Mariposa County Superior Court is opening July 1, 2020. They will be meeting all COVID protocols and limiting some access to maintain social distancing.

MERCED: The Merced County Superior Court has instructed people wanting an update regarding Court operations to visit their website.

Job Opportunities

The State Bar of California

The candidate under general direction, performs legal work that includes the identification of legal issues; recommendation of appropriate actions resolution of legal problems; interpretation and application of laws, rules, regulations, and other legal authorities; legal research; and analysis and preparation of various legal documents.

Posted: June 29, 2020

Judicial Council of California

The California Court of Appeal, Second Appellate District, Division Five is accepting applications for a Writ Attorney to work directly with the justices. The Writ Attorney will review civil, criminal, and juvenile writ petitions, evaluate the record, research and analyze legal issues, and prepare memoranda and draft orders for presentation to either the Presiding Justice (on urgent matters) or a three-judge panel for review and decision. The Writ Attorney's duties will also include preparing draft opinions in writ matters that become a cause for decision.

Posted: June 25, 2020

Attorney III - State Air Resources Board (Sacramento)

The attorney in this position is responsible for independently providing written and oral legal advice to the Board's executives, management, and staff on complex legal issues, many of them relating to California's climate change program.

Posted: June 24, 2020



MCBA Membership List

The MCBA extends a thank you to our 2020 members:

Casey Archer
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, a Membership Application may be downloaded at www.MariposaBar.org and mailed with your dues to MCBA, PO Box 628, Mariposa, CA 95338.

2020 MCBA Officers



Casey Archer
President



Ed Johnson
Vice-President



Anita Starchman Bryant
Secretary



Skye Emery
Treasurer

