

Mariposa County Bar Association

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Newsletter@MariposaBar.org

May 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 have been suspended due to COVID. However, the MCBA remains committed to providing information and updates to our attorneys and colleagues during this unprecedented time.



As more fully set forth below, the month of May has long been designated for the celebration of Law Day each year throughout the United States. Although the MCBA was unable to meet for Law Day this year due to COVID restrictions, current events make it more pertinent than ever for everyone to take a moment to reflect upon the 2020 Law Day theme "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100."

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.



Several New Laws Signed by Governor Newsom in September 2019*

by Anita Starchman Bryant

Governor Newsom signed several new bills into law in September 2019. Highlights include solar requirements for replacement construction after a disaster, the installation of unsafe used tires, student identification cards, and the cultivation of cannabis and hemp on Williamson Act ground.



Assembly Bill 178: photovoltaic requirements

AB 178 applies to construction to repair, restore or replace a residential building damaged or destroyed as a result of a disaster in an area that the Governor has proclaimed before January 1, 2020 to be a state of emergency area. Until January 1, 2023 this bill allows an exemption of such construction from having to comply with the laws in effect at the time of repair, restoration or replacement that require the installation of photovoltaic (solar) systems for residential buildings.

Existing California law and regulations require that certain residential buildings built on or after January 1, 2020 must install solar systems. The intent of AB 178 is to relieve homeowners the burden of meeting such a costly requirement when rebuilding a residence lost in a natural disaster, such as wildfires and floods.

Assembly Bill 949: installation of unsafe used tires

AB 949 prohibits an automotive repair dealer from installing an unsafe used tire on a motor vehicle for use on a highway. The bill requires an automotive repair dealer to use a visual inspection to determine whether a tire meets the criteria of an unsafe used tire. A violation of these provisions by an automotive repair dealer is a misdemeanor, and may subject a licensed automotive repair dealer to disciplinary action, including license suspension or revocation.

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: Speaker, Chevon Kothari, Director of Mariposa County Health and Human Services, 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, 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

Several New Laws, cont.

Senate Bill 316: student identification cards

Existing law requires schools that serve pupils in any of grades 7 to 12, and institutions of higher education, that issue student identification cards, to have printed on the identification cards the telephone number for the National Suicide Prevention Lifeline. Existing law also authorizes those schools to have printed on the identification cards certain other suicide prevention and emergency response telephone numbers. SB 316, commencing October 1, 2020, additionally requires schools serving students in grades 7 to 12 to have printed on the identification cards the telephone number for the National Domestic Violence Hotline. Public or private institutions of higher education will be required to have printed on the identification cards the telephone number for the National Domestic Violence Hotline or a local domestic violence hotline.

Senate Bill 527: Cultivation of cannabis and hemp on Williamson Act land

The Williamson Act, also known as the California Land Conservation Act of 1965, authorizes local governments to contract with a landowner to restrict the use of agricultural land located in an agricultural preserve designated by the city or county. In return, landowners receive lower property tax assessments based on the agricultural use as opposed to full market value. These landowners must use the contracted land for the purpose of producing an agricultural commodity for commercial purposes. SB 527 provides that industrial hemp, cultivated in accordance with specified law, is an agricultural commodity for these purposes. This bill also provides that within jurisdictions that allow commercial cultivation of cannabis pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, such farming may constitute a compatible use within an agricultural preserve.

* This column was originally printed in the Mariposa Gazette

Anita Starchman Bryant, who earned her J.D. from UC Berkeley School of Law, is a Mariposa attorney practicing in the areas of real estate, land use, estate planning & administration, and probate law. Disclaimer: This article is intended to provide general information. The content of this publication is for informational purposes only. Neither this publication nor its author is rendering legal or other professional advice or opinions on specific facts or matters.



Family Law News

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

With regard to domestic violence restraining orders, Family Code Section 6305 provides that the Court shall not issue mutual restraining orders unless the Court makes detailed findings of fact indicating that both parties acted as a primary aggressor and that neither party acted primarily in self-defense. In the recent case of *In re Marriage of Everard* (March 30, 2020), the Appellate Court upheld the Trial Court's issuance of mutual restraining orders after an evidentiary hearing. In so holding, the Appellate Court notes the Trial Court complied with the requirement that the finding of fact must be made after a careful evaluation of a thorough record, and that mutual orders should not simply be issued as an expedient way to mollify one of the parties without reaching a decision on the merits.

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.

Merced County Superior Court News

The Merced County Superior Court has issued a General Order which will be posted on the Court web site at www.mercedcourt.org. Effective June 1, 2020, the Court will have increased operations and allow for in person appearances. Remote appearances are still strongly encouraged and may be required by some judicial officers. The Court has established video and/or telephone conferencing in all Courtrooms and will limit physical access to all Courthouse buildings. Only parties, their attorneys, and witnesses will be admitted to any Courthouse. Conditions for admittance include submitting to screening and wearing a mask. Spectators and friends of parties will not be admitted to any Courthouse. Public access to Court proceedings is provided online via the Court web site. Jury trials will not commence until June 15, 2020, and rules affecting the conduct of jurors will be the subject of a separate general order.

Law Day 2020

The first Law Day was established in 1958 by President Dwight Eisenhower to mark the nation's commitment to the rule of law and the importance of the role of law in our society. In 1961, Congress issued a joint resolution designating May 1st as the official date for celebrating Law Day. Although the MCBA was not able to gather for Law Day this year due to COVID restrictions, we are still able to take a moment to reflect upon the Law Day message from the American Bar Association.

The Law Day 2020 theme is "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100." It has been said that the ratification of the 19th Amendment on August 18, 1920 was a pivotal moment, the culmination of a more than 70-year struggle to gain voting rights for women. The American Bar Association offers the following thoughts regarding the Law Day 2020 theme:

"In 2019-2020, the United States is commemorating the centennial of the transformative constitutional amendment that guaranteed the right of citizens to vote would not be denied or abridged by the United States or any state on account of sex. American women fought for, and won, the vote through their voice and action. The women's suffrage movement forever changed America, expanding representative democracy and inspiring other popular movements for constitutional change and reform. Yet, honest reflection on the suffrage movement reveals complexity and tensions over race and class that remain part of the ongoing story of the Nineteenth Amendment and its legacies."

Mariposa County Superior Court News

The Mariposa County Superior Court is continuing to hold hearings primarily by Zoom, with CourtCall also available for family, civil and probate hearings. The Court tentatively plans to reopen the Courthouse on July 1, 2020, while following appropriate guidelines and resuming some matters with personal appearances. Everyone is advised to check with the Court before attempting to appear in person. The Court will continue to livestream 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 is not to be reproduced or re-broadcast without the express written approval of the Mariposa County Superior Court.

CCLS Presents Virtual Legal Clinics

Submitted by Andy Kucera, CCLS Pro Bono Program

Due to COVID-19 and the shelter-in-place orders, Central California Legal Services (CCLS) was forced to temporarily close its physical offices to the public. In order to protect our clients and staff, we are providing our legal services remotely. Individuals with a legal problem may call our Legal Advice and Referral Line (1-800-675-8001) and have their questions answered.

With a dedicated, dynamic staff and a client population in need of legal help more than ever, CCLS is persevering. On Saturday, May 2, we held our first virtual legal information clinic, "Housing Law Updates Regarding COVID-19." The clinic targeted low-income tenants confused by the myriad government and court orders affecting their housing rights. Volunteer attorney Doug Gordon with the Fresno firm of Miles, Sears & Eanni and CCLS staff attorney Robert Cortez simplified the orders and informed tenants of their housing rights in a clear and concise format. Between the Zoom clinic and the Facebook Live stream, over 100 individuals participated in this session.

A second clinic was held a week later, Saturday May 16th at 10am, on the topic of unemployment insurance benefits and COVID-19 changes. Volunteer attorney Alyson Berg of Wilkins, Drolshagen & Czeshinski and CCLS paralegal Landon Garrett presented via Zoom and Facebook Live.

A third clinic was held on May 23rd with volunteer attorney Lyndsie Russell from Miles, Sears & Eanni and CCLS Legal Director Alfred Gallegos on Workers' Compensation and the effects of COVID-19. As before this was presented on Zoom and Facebook Live.

All sessions were recorded and available at our website (www.centralcallegal.org) along with the printed materials from the presenters. Keep an eye out for details on future planned clinics posted on our Facebook page and through electronic alerts.

CCLS welcomes your expertise and help in presenting future virtual clinics in your area of practice. If you have an idea for a clinic or need more information, contact Andy Kucera, Pro Bono Supervising Attorney at (559) 570-1236 or akucera@centralcallegal.org.

MCBA Membership List

The MCBA extends a thank you to our 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, 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 Aitchison
President



Ed Johnson
Vice-President



Anita Starchman Bryant
Secretary



Skye Emery
Treasurer