

Mariposa County Bar Association

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Newsletter@MariposaBar.org

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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 in-person meetings have been suspended since April 2020 due to COVID-19, although we are continuing efforts to provide MCLE meetings via webinar. We recently obtained approval from the California State Bar for MCLE credit for an in-person presentation by attorney Russell Cook regarding private mediation. Due to continued social distancing, Mr. Cook is seeking approval from the State Bar to provide a webinar presentation on October 15, 2020. The application for approval is pending with the State Bar. Anyone interested in attending should email the MCBA at MCBA@MariposaBar.org, and we will keep you posted as to the status of the presentation.



The MCBA has also been invited by the Bay Area Lawyers for Individual Freedom ("BALIF") to attend an MCLE webinar on October 7, 2020, from 2:00 p.m. to 4:00 p.m. BALIF is a community of LGBTQI+ legal professionals that envisions a world where LGBTQI+ people live with dignity and equality under the law. The webinar will be presented by Alex Binsfeld, the Legal Director of the Transgender, Gender-Variant, & Intersex Justice Project, and will include information about representing transgender, gender-variant, and intersex (TGI) people in California jails and prisons. Anyone interested may email Mr. Binsfeld at alex@tgjip.org, or check the BALIF events calendar where the event will be listed soon at the following link www.balif.org/events.

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.

California Bar Exam Updates

1. The California bar exam will be administered remotely and online on October 5-6, 2020, in light of the ongoing COVID-19 pandemic. The California Supreme Court has determined that an online exam "can be administered and delivered without the need for an examinee to have a high-speed or constant internet connection." However, for those who are unable to do testing remotely, accommodations will be made for a small number of in-person testing.
2. The California bar exam has 2000 possible points. The passing score on the exam will be permanently reduced from 1440 to 1390, effective as of the October 2020 bar exam, and it will apply to future bar exams, regardless of whether those exams are administered in-person or online. This equates to an approximate scaled score of 139 on the MBE (instead of the previous score of 144). However, you do not need to score a 139 on the MBE in order to pass the exam. You can make up for a lower MBE score with a higher score on the written portion.
3. Eligible 2020 law school graduates may participate in a provisional licensure program. The California Supreme Court authorized the State Bar of California to create a provisional licensure program under the supervision of a licensed attorney to all 2020 graduates of law schools based in California as well as 2020 graduates of law schools outside California who are permitted to sit for the California bar exam. (See Business and Professions Code Sections 6060 and 6061.) The provisional licensure program is set to expire no later than June 1, 2022, and participants in the program must still sit for and pass the California bar exam in order to become fully licensed.

Several New California Laws Focus on Animal Protections*

by Anita Starchman Bryant

On January 1st, several new laws went into effect in California focusing on the protection of animals and habitat.



California has now become the first state to ban trapping of animals for the sale of fur. AB 273 provides that it is unlawful for any person to trap for the purposes of recreation or commerce in fur any fur-bearing mammal or nongame mammal with any “body-gripping trap.” The prohibition against “body-gripping traps” includes steel-jawed leghold traps, padded-jaw leghold traps, conibear traps, and snares. The sale of the raw fur of any fur-bearing mammal or nongame mammal otherwise lawfully taken is also now prohibited. This bill eliminated fur dealer and fur agent licenses in California. However, it remains legal to trap rats, mice and gophers in the Golden State.

U.C. Merced’s mascot can now breathe a sigh of relief. Trophy hunting of bobcats is now illegal until at least January 1, 2025. AB 1254 makes it unlawful to hunt, trap, or otherwise take a bobcat, except under specified circumstances. Before opening a bobcat season in 2025, the Department of Fish and Wildlife must develop a bobcat management plan to protect the species.

“The Circus Cruelty Prevention Act” also went into effect on January 1st. Governor Newsom signed SB 313 into law on October 12, 2019, which prohibits a person from sponsoring, conducting, or operating a circus that uses any animal other than a domestic dog, domestic cat, or domesticated horse. The term “circus” is defined as a performance before a live audience in which entertainment consisting of a variety of acts, such as acrobats, aerialists, clowns, jugglers, or stunts, is the primary attraction or principal business. The statute clearly specifies that the term “circus” does not include a rodeo. California is not the first to ban performances by wild animals. The legislative history for SB 313 cites that another approximately 80 United States jurisdictions already ban or partially ban performances by circus animals.

California is now the first state to ban the sale of most cosmetics tested on animals. In September 2018, former Governor Jerry Brown signed the California Cruelty-Free Cosmetics Act (SB 1249) into law. Under the terms of SB 1249, this law did not go into effect until January 1, 2020. This Act prohibits a manufacturer to import for profit, sell, or offer for sale in this state, any cosmetic, if the cosmetic was developed or manufactured using an animal test. This bill provides that violations are punishable by an initial \$5,000 fine and an additional \$1,000 for each day the violation continues. There are some exceptions to the new law including when such animal tests are required by a state or federal regulatory authority meeting certain criteria.

Products that contain microbeads are also now illegal to sell in California. In 2015 former Governor Jerry Brown signed AB 888, the Plastic Microbeads Nuisance Prevention Law. This bill prohibited, on and after January 1, 2020, the sale in this state of a personal care products containing plastic microbeads. Microbeads are solid plastic particles that are found in personal products such as toothpaste, facial scrubs, and body wash. Studies have shown that these tiny plastics pose an environmental hazard for aquatic animals in freshwater and ocean water.



To read more about these new laws and the related history, or information about any other California legislative activity, the website for California Legislative Information is at: <http://leginfo.legislature.ca.gov>.

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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.

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 postponed due to COVID-19.

September 10, 2020

Luncheon meeting postponed due to COVID-19.

October 15, 2020 (tentatively scheduled for the third Thursday)

Luncheon webinar meeting pending MCLE approval by the State Bar: Speaker, Russell Cook, with a presentation on "Effective Mediations through Zoom".

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

The featured case this month is *Marriage of Desouza*, (August 10, 2020), regarding the fiduciary duty of disclosure under Family Code Section 721 and the Automatic Temporary Restraining Orders ("ATROs") on the Summons (which have since been changed to "Standard Family Law Restraining Orders.")

In *Desouza*, the husband invested \$45,000.00 in bitcoins after being served with the ATROs and a Petition for Dissolution. Although he disclosed some of the bitcoin transactions in his Declaration of Disclosure, he did not make a full disclosure. After trial, the wife discovered the bitcoins had increased in value to \$8 million. The husband transferred half of the \$8 million in bitcoins to the wife, however, the wife filed a motion for an additional share of the bitcoins and half of the \$45,000.00 original investment, as per the remedy available under Family Code Section 1101. The Court held that the husband purchased the bitcoins in violation of the ATROs, that the fact that the community ultimately benefited from a portion of the undisclosed transactions did not excuse the impairment to the community caused by the failure to disclose all of it, and that the Family Code Section 1101 remedy was applicable.



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 are suspended until further notice. For more information, email the Merced County Bar Association Family Law Section President, Casey Archer at Casey@MercedDivorce.com.

State Bar Legal Specialization

The State Bar of California Department of Legal Specialization has requested the MCBA to disseminate information regarding the State Bar's Legal Specialization program. The Legal Specialization program was created with the purpose to protect the public and continually develop attorneys academically and professionally. It assists in advancing the legal profession and offers an additional opportunity for attorneys to be distinguished in their legal profession, thereby assisting legal professionals in making career development opportunities. All MCBA members are encouraged to look into the State Bar's Legal Specialization Program. For more information, please see the flyer attached to this Newsletter.



Job Opportunities

The American Bar Association, Chicago, Illinois

The ABA, the nation's largest voluntary bar association, is soliciting applications for the position of Senior Associate Executive Director and General Counsel to join its executive leadership team. The ABA is dedicated to serving its members, the legal profession and the public, enhancing diversity in the legal profession and the justice system and advancing the rule of law throughout the United States and around the world. Indications of interest, inquiries, resumes and nominations should be emailed to Barbara Mendel Mayden, of Young Mayden LLC, at bmayden@youngmayden.com,

California School Boards Association (CSBA), Sacramento

The CSBA is seeking applications for Chief Legal Counsel for the CSBA. Education attorneys work on some of the most important issues of our time. As Chief Legal Counsel for the CSBA, your efforts will support school boards and millions of California students who will help shape the future of this state. <https://www.csba.org/About/Careers>

MCBA Membership List

Thank you to our 2020 members:

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



The State Bar of California

Become a certified specialist!

Specialty Areas

- Admiralty & Maritime Law
- Appellate Law
- Bankruptcy Law
- Criminal Law
- Estate Planning, Trust & Probate Law
- Family Law
- Franchise & Distribution Law
- Immigration & Nationality Law
- Legal Malpractice Law
- Taxation Law
- Workers' Compensation Law

Benefits

By becoming a certified specialist, you will be recognized as an expert in your speciality area, show clients that you have taken every step to prove you are the right choice, and sets you apart from attorneys who have not been willing to take this extra step for their clients.

General Requirements

- Pass the written exam in your specialty area
- Practice law for at least 5 years, 25% of your time in your specialty area
- Complete additional MCLE requirements
- Completion of variety of matters in your specialty area
- Favorable references from judges/attorneys who are familiar with your work in your specialty area

415-538-2120 | legalspec@calbar.ca.gov | www.californiaspecialist.org