

# Mariposa County Bar Association

Volume 4, Issue 33

[www.MariposaBar.org](http://www.MariposaBar.org)

[Newsletter@MariposaBar.org](mailto:Newsletter@MariposaBar.org)

January 2021

## President's Column

Casey Archer, MCBA President

The Mariposa County Bar Association ("MCBA") in-person meetings have been suspended since April 2020 due to COVID-19. We look forward to resuming our meetings sometime in 2021 at the Miner's Roadhouse 140. In the interim, anyone with information regarding free MCLE webinars, or who would like to submit a news article of general interest, is invited to email the information to [MCBA@MariposaBar.org](mailto:MCBA@MariposaBar.org) for inclusion in our monthly newsletters.



At this time, the MCBA members would like to extend our collective thanks to Judge Walton for all of his years of dedicated service as a Mariposa County Superior Court Judge. As best stated by the MCBA Vice President, Anita Starchman Bryant, on behalf of the MCBA: "With the retirement of Judge Walton, our County will lose a respected Judge that has tirelessly served our County. His experience, his wisdom and his strong values will be missed. Judge Walton, we thank you for your public service firmly rooted in our shared love of Mariposa County and this community. We wish you well in your retirement."

MCBA Membership is \$35.00 and includes a listing on the MCBA website at [www.MariposaBar.org](http://www.MariposaBar.org). We recently updated our website to include a "Resources" page, and invite members to provide input regarding additional information to include on our website. We are also working to provide access to MCLE credits for our members throughout 2021. For new members, you may download an application from our website and send it to our PO Box with the yearly dues. If current members would like to maintain membership including their listing on our website, they should send their annual \$35.00 dues to MCBA, PO Box 628, Mariposa, CA 95338.

## Judge Walton Retiring

Prior to becoming an attorney in 1979, Judge F. Dana Walton began practicing law in the Mariposa County Superior Court, under the supervision of a licensed attorney in 1978 as a Certified Law Student.

During the next 43 years he enjoyed a distinguished law career, culminating in his service as a

Mariposa County Superior Court Judge. He has announced his retirement effective January 2021, and our MCBA Vice President, Anita Starchman Bryant, offers the following tribute:



"Being a judge in Mariposa County is unique. Unlike larger counties in which judges are assigned only one case type, Mariposa County has only two judges, who on day one of their term must be prepared to handle any case type, ranging from serious and violent felonies to civil lawsuits to traffic court to probate court. Superior Court Judges sit for six-year terms. Judge F. Dana Walton was reelected in 2018 for his fourth term as Mariposa County Superior Court Judge, and is now retiring effective January 2021.

Judge Walton is a lifelong Mariposan. He graduated from Mariposa County High School in 1968, and played on the high school football team, which was undefeated. I read that upon becoming judge, Judge Walton moved his desk (which had not been moved in 75 years), so that he could see the high school from his desk. I also read that at one time Judge Walton thought that he would become a forest service firefighter and after graduating from high school had spent two summers battling blazes. He ultimately ended up practicing as a criminal defense attorney in Fresno and later hung his shingle in Mariposa, practicing locally before becoming a judge. He practiced for over 21 years as an attorney in criminal defense and in the District Attorney's Office, in all case types and has served for over 18 years as our Superior Court Judge.

## MCBA 2021 Meetings

Our meetings are traditionally held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. However, they are currently suspended due to COVID-19. We will keep you posted on when they will resume.

---

## Job Opportunities

### Transactional and Real Estate Associate – Modesto and/or Merced Offices

Berliner Cohen, LLP seeks a Transactional and Real Estate Associate for its Modesto and/or Merced offices. The ideal candidate will have 1-5 years of experience in business transactional matters, including demonstrated experience in drafting and negotiating agreements in the areas of business formation, choice of entity, buy/sell agreements, asset acquisition/disposition, and succession business planning. This position also involves real estate work, including property acquisition/disposition, leasing, and related estate planning. Knowledge of income and estate taxation issues is also desirable.

The successful candidate will have strong local ties, a desire to live and work in the Modesto/Merced area, and possess a strong academic background, a proven track record of strong performance, and measurable results with exceptional communication, analytical, and writing skills.

Berliner Cohen LLP is noted for its congenial work environment and provides a competitive compensation package. If you are interested in joining our team, please submit a cover letter and resume to Kristin.Anderson@Berliner.com

Berliner Cohen, LLP is an Equal Opportunity Employer.

### Mariposa County Superior Court Facilitator

The Mariposa County Superior Court is seeking an attorney to fill the position of Family Law Facilitator/Small Claims Advisor/Self-Help Center. The job involves approximately 20-30 hours per week, some of which may be conducted remotely via zoom. The position provides a competitive salary but does not provide benefits. The attorney filling the position cannot practice law in Mariposa County, but may continue to practice law in neighboring counties.

## Judge Walton, *cont.*

Since taking office, Judge Walton has led the modernizing of our rural court, implementing the CASA program to support abused and neglected children in court, establishing a diversion program for qualified veterans and establishing the Self-Help Center. On a personal note, Judge Walton administered the attorney oath at my swearing-in ceremony in the Mariposa courtroom after I passed the Bar in 2001. Judge Walton and his wife Debbie are the parents of two adult daughters and have three grandchildren.

Having observed Judge Walton in court for many years I can say that he genuinely cared about and empathized with those individuals that appeared before him. When someone appeared before Judge Walton, they felt that they had been heard, that he had listened to them, and that they had a full opportunity to present their position. He was respectful of each individual. He also found common sense solutions to resolve problems and to keep our calendar running efficiently. He also still remained just “Dana” and always made the time to visit with community members and attend Friday night home football games. Judge Walton has also been known on occasion to talk with the high school football team to fire them up before playing our longtime rival Le Grand.

With the retirement of Judge Walton, our county will lose a respected judge that has tirelessly served our County. His experience, his wisdom and his strong values will be missed. Judge Walton, I thank you for your public service firmly rooted in our shared love of Mariposa County and this community. I wish you well in your retirement.”

\*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.



## State Bar News

### Commission on the Discipline System

At its meeting on January 22, 2021, the State Bar Board of Trustees named the members of the new Ad Hoc Commission on the Discipline System. The 21-member commission is charged with taking a comprehensive look at California's attorney discipline system and recommending ways to improve it.

As part of a systematic and strategic review of how the discipline system can be made more effective, fair, and responsive to the public, the commission is charged with evaluating:

- Procedural justice and the experiences and perceptions of the system by complaining witnesses and respondents;
- Workload and operational efficiency of case processing;
- Case prioritization and differentiated case-flow management; and
- The efficacy of the system for preventing future attorney misconduct.

The commission will review the numerous reforms recently implemented by the Office of Chief Trial Counsel to reduce racial disparities and improve the discipline system's effectiveness. After identifying focus areas within the discipline system's processes and policies, the commission will evaluate those focus areas and will then recommend additional or revised reforms.

### Deferred to the Legislature on proposals restricting campaign contributions to district attorneys

The Board held a robust discussion and heard extensive public comment on the proposal initiated by four California district attorneys for a new Rule of Professional Conduct or ethics opinion that would ban DAs and candidates for the office from accepting campaign contributions or endorsements from police unions. The State Bar's Committee on Professional Responsibility and Conduct evaluated the proposal and gathered extensive public comment. The Legislature has recently enacted changes to the laws governing financial contributions to candidates seeking election as well as the recusal of prosecutors in certain use-of-force cases. A further legislative proposal under consideration for introduction during this legislative session would prohibit elected prosecutors from investigating police misconduct if they have accepted campaign contributions from police unions representing the accused officer. As shared with the State Bar, the legislative proposal would have the Attorney General investigate the alleged misconduct in these instances.

## New California Laws for 2021

### Expanded mental health coverage

California's new law will expand the list of conditions commercial insurers must cover. It includes medically necessary care for all mental health and substance use disorders.

### Family Leave

The new law extends job protections once reserved for employees of large companies, to employers with five or more workers.

### Law enforcement

There is now a policy banning police from using carotid restraints and chokeholds. In addition, the state attorney general will investigate incidents in which police kill anyone who is unarmed.

### Ethnic studies required class

Ethnic studies is now a graduation requirement for all California State University students.

### Hiring of ex-inmate firefighters

The new law makes it easier to hire formerly incarcerated firefighters.

### Committee to study slavery reparations

A new law establishes a nine-person committee to study California's complicity in slavery, develop proposals on what reparations might look like for descendants of enslaved people, and determine who might get paid. Reparations can take many forms, e.g., direct cash payments, or subsidized education and healthcare, or assistance for down payments on housing.

### Tax credits to undocumented workers

A California tax credit for low income workers was established in 2015. The credit is now available for undocumented workers who pay taxes.

### COVID-19

The law now requires businesses to notify employees within 24 hours if they've been exposed to COVID-19 at work, and provides opportunities for tenants to avoid eviction if they cannot pay rent related to a COVID-19 financial hardship.

### Hot Car Rules

It is now lawful for anyone to try and break into a car to rescue a child that was left inside unattended. The rescuer will be protected from civil or criminal liability for property damage or trespassing.

## 2021 MCBA Officers



Casey Archer  
President



Anita Starchman Bryant  
Vice-President



Ed Johnson  
Secretary



Skye Emery  
Treasurer



## MCBA Membership List

The MCBA extends its thanks to the members who have paid their 2021 dues.

Alexandria Albertoni	Thomas Cooke
Ashley Albertoni	Beau C. Correia
Susan Albertoni	Steven W. Dahlem
Casey Archer	Skye Emery
Kevin B. Briggs	Kimberly G. Flores
Marvin Brown	Edward J. Johnson
Anita Starchman Bryant	Andrew S. Kucera
Aaron Castleton	Cindy R. Morse
Jeffrey Castleton	Elizabeth E. Waldow
Russell D. Cook	Walter Wall

If your name is not included in the 2021 membership list and you would like to renew your membership and maintain your listing on the MCBA website, you may do so by sending your \$35.00 annual dues to our PO Box. For new members who wish to join and have their information listed on the MCBA website, a Membership Application is attached and may be mailed with your dues to MCBA, PO Box 628, Mariposa, CA 95338.

### Minimum Wage Increase

The state's minimum wage has increased to \$14 for companies with 26 or more employees and \$13 for companies smaller than that. It is part of the phased increases that will eventually make the state's minimum wage \$15.

### Employer Pay Gap Data

Companies with 100 or more employees are required to report pay data by gender, race and ethnicity annually. The deadline for employers to comply with California's pay-data reporting requirement and submit pay data to the Department of Fair Employment and Housing (DFEH) is March 31, 2021.

## SIDEBAR

Judge Fagalde recently notified the MCBA that a time capsule of sorts had been discovered in Judge Walton's desk at the Mariposa County Superior Court: The Merced County Bar Association Directory of Members and Advisory Schedule of Recommended Fees, published in January, 1972. With Judge Walton's retirement, the document has now been lodged with the the Mariposa County Bar Association for continued safekeeping, courtesy of Judge Fagalde. The Directory includes advertisements from various businesses, as well as a list of the Merced County Attorneys at that time. It also includes a gem of an article authored by Edward Bennett Williams, entitled "A Plan to Rid U.S. Cities of Slow-Motion Justice." In the article, Mr. Bennett laments that "nothing is more difficult to explain about American institutions to the intelligent inquiring layman than why a man accused of robbing a fellow citizen at the point of a gun can stall the process for two years before facing the day of punishment."

The article sets forth a several part plan to fix the justice system which is well worth the read, and so thought provoking that portions of it may be included in future Newsletters. Anyone interested in obtaining a photo copy of the Directory may contact the MCBA.

