

Mariposa County Bar Association

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www.MariposaBar.org

MCBA@MariposaBar.org

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President's Column

Casey Archer, MCBA President

The Mariposa County Bar Association ("MCBA") meets at noon on the second Thursday of each month. 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, we have been providing free MCLE courses via webinar during our regular meetings.



At our May 13, 2021 MCBA meeting, we offered an hour of free MCLE credit through Russell Cook's webinar "Mediating the Hatfield and McCoys."

Our next meeting is June 10, 2021, at noon, when ArcherHall will provide a zoom conference with one hour MCLE credit in Ethics, at no cost.

MCBA Membership is \$35.00 and includes a listing on the MCBA website at www.MariposaBar.org. For new members and existing members who would like to maintain membership including their listing on our website, send in your annual \$35.00 dues to MCBA, PO Box 628, Mariposa, CA 95338.



Law Day 2021

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. This is the second year the MCBA was unable to gather for Law Day due to COVID-19 restrictions. However, we are still able to take a moment to reflect upon the Law Day message from the United States Courts (www.uscourts.gov) which has issued the following statement regarding Law Day 2021:

Law Day was established by President Eisenhower. The 2021 Law Day theme "Advancing the Rule of Law Now" brings urgency to the practical application of aspirations embedded in the Constitution.

Eisenhower, a former five-star Army general during World War II, saw first-hand what happens when the rule of law breaks down. As the Supreme Commander of the Allied Expeditionary Force, he directed multi-lateral military operations on land, sea, and air in Europe.



"The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law." President Dwight D. Eisenhower

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	Robert T. Iwama
Anita Starchman Bryant	Edward J. Johnson
Aaron Castleton	Andrew S. Kucera
Jeffrey Castleton	Cindy R. Morse
Russell D. Cook	Elizabeth E. Waldow
	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 may be mailed with your dues to MCBA, PO Box 628, Mariposa, CA 95338.

Law Day 2021 (continued)

The centrality of the rule of law in successful societies is experienced, if not acknowledged, in American life every day. Examples of daily practices taken for granted but protected by the rule of law include the free exercise of individual rights – expressing opinions that are unpopular, practicing religions that are not widely understood, and participating in public life at school, in court, and in the voting booth.

The rule of law puts individuals and powerful entities on equal footing in court. As Eisenhower put it: “[T]he rule of law does more than ensure freedom from high-handed action by rulers. It ensures justice between man and man however humble the one and however powerful the other. A man with five dollars in the bank can call to account the corporation with five billion dollars in assets and the two will be heard as equals before the law.”

ArcherHall to Provide MCLE Credit in Ethics, June 10, 2021

On Thursday, June 10, 2021 at noon, ArcherHall will provide a free zoom MCLE training in Ethics, with the presentation **Ethical Duties and Electronically Stored Information**.

1. Each attendee must register here: https://us02web.zoom.us/webinar/register/WN_72RE4-HpRKeCp2iHeIEo8w

2. Each registrant will receive an individual link to join the webinar. **Attendees must use their own link** to receive their certificate and presentation slides.*

*Attendees may watch the webinar together if they'd like (e.g. in a conference room). Your presenter will provide instructions for how to ensure attendance is recorded properly for CLE credit purposes.

A flyer with the event details is attached.

Capitol Digital and Calforensics are now ArcherHall. They provide concierge services with a free consultation in all Digital Forensic Services areas.



Contact ArcherHall at 855.839.9084
2081 Arena Boulevard, Suite 200, Sacramento, CA 95834

Family Law News

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

The featured case this month is *In re Marriage of Maher and Strawn* (4/22/21), wherein the 4th District Court of Appeal held that the trial Court did not err by considering the supporting spouse's payment of an adult child's college expenses in determining the amount of spousal support to be paid to the supported spouse. In so holding, the Court made the following findings:

1. Per *Marriage of Paul*, (1985) 173 Cal.App.3d 913, the Court may consider the supporting spouse's payment of college tuition in determining the ability to pay spousal support;
2. Sending a child to college is a part of the marital standard of living, as much as the marital home, cars, dining out, or vacations.
3. Considering the supporting spouse's payment of reasonable college expenses is not indirect adult child support.
4. In determining what is reasonable, the Court should consider the supporting spouse's ability to pay and the adult child's ability to work and receive financial aid.
5. Family Code Section 4320 does not require payment of college expenses to be treated differently than any of the supporting spouse's other discretionary expenses.

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 at Casey@MercedDivorce.com.



New Laws in 2021

Demilitarizing police uniforms

Law enforcement is no longer allowed to wear uniforms that have camouflage or otherwise resemble military uniforms.

Harsher consequences for texting and driving

It is already the law that you cannot drive while holding your phone in your hand to talk or text. Now there are even greater consequences for doing so. Two convictions in 36 months will add a point to your record starting in July 2021.

Diversifying executive boards

In 2019, a law was implemented to require all publicly owned companies based in California to have at least one woman on the board. Now, by the end of 2021, any board with at least five members must also have at least two women, and any board with six members must have at least three women. Companies are also given another year to comply with the following diversity requirements: boards with at least four members need to have two or more directors from underrepresented communities, defined as "an individual who self-identifies as Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, or Alaska Native, or who self-identifies as gay, lesbian, bisexual, or transgender".

Parolees' right to vote

In the November 2020 election, voters passed Proposition 17 which restores felons' right to vote after the completion of their sentence.

MCBA 2021 Meetings

Our meetings are traditionally held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. Meetings are currently held remotely due to COVID-19. The following is our 2021 schedule:

January 14, 2021

Luncheon meeting: Postponed due to COVID-19.

February 11, 2021

Luncheon meeting: Postponed due to COVID-19.

March 11, 2021

Luncheon meeting: Postponed due to COVID-19.

April 8, 2021

Brian Chase of ArcherHall, 1 hour MCLE webinar, Identification and Preservation of Electronically Stored Information.

May 13, 2021

Russell Cook, attorney and mediator, 1 hour MCLE webinar, Mediating the Hatfield and McCoys.

June 10, 2021

Tom Plunkett, Director of Digital Forensics at ArcherHall, 1 hour Ethics MCLE webinar on Ethical Duties and Electronically Stored Information

July 15, 2021

Luncheon meeting: To Be Determined

August 12, 2021

Luncheon meeting: To Be Determined

September 9, 2021

Luncheon meeting: To Be Determined

October 14, 2021

Luncheon meeting: To Be Determined

November 2021 – Date To Be Determined

Luncheon meeting: To Be Determined

December 9, 2020

Holiday Luncheon and Judges Appreciation Day



MERCED SUPERIOR COURT NEWS

Proposed Local Rules: The Merced Superior Court has announced the posting of the Proposed Local Rules of Court effective July 1, 2021 for the 45-day public review period, which ends June 15, 2021.

The Proposed Rules contain many changes, including revisions throughout to contain gender neutral pronouns, changing the reference to a person seeking a restraining order from “victim” to “protected person,” and updates to the procedure in filing for ex parte hearings and restraining orders in Family Law. To view the proposed changes and for information on providing public comment, view the information at the Court website at www.MercedCourt.org

Merced Superior Court Launches Homeless Court: This is a collaborative effort with justice and community partners. Most of the offenses that will be addressed in Homeless Court are infractions and minor misdemeanors. Instead of paying fines and fees or serving jail time, Homeless Court participants receive credit for community service. It also provides an avenue for the final hurdle in the participant's path to securing a driver's license, employment, and housing.

The first Court session is scheduled for April 27, 2021. To request a case be considered in Homeless Court, please contact the Homeless Court Navigator at courtnavigator@equusworks.com or 209-724-2100.

MARIPOSA SUPERIOR COURT NEWS

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.

In the interim, the Court directs self represented litigants who need assistance to the California Courts Self Help Center located here:

www.courts.ca.gov/selfhelp.htm?rdeLocaleAttr=en