

Mariposa County Bar Association

Volume 4, Issue 44

www.MariposaBar.org

MCBA@MariposaBar.org

December 2021

President's Column

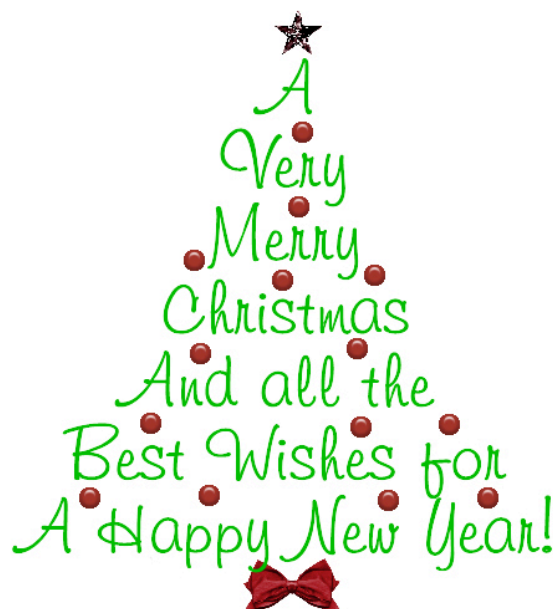
Casey Archer, MCBA President

The Mariposa County Bar Association ("MCBA") in-person meetings have resumed on the second Thursday of each month at the Miner's Roadhouse 140.



At our January 13, 2022 meeting, attorney Jeffrey Castleton will provide a presentation regarding new software he assisted in developing to keep track of potential jurors during jury selection for trial. This promises to be an informative presentation, as the software has been acclaimed on a national level and utilized by numerous attorneys, both prosecutors and defense attorneys alike.

It is time to send in your 2022 dues. MCBA Membership is \$35.00 and includes a listing on the MCBA website at www.MariposaBar.org. For new members, the attached application may be mailed 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.



Jeff Castleton to Speak at Next Meeting

Jeff earned his Bachelor's degree from Brigham Young University-Idaho where he received the Newel K. Whitney Distinguished Graduate Award. During his time as an undergraduate student, Jeff spent several years in Taiwan serving as a volunteer missionary for his church and became fluent in Mandarin Chinese.

He earned his Juris Doctorate degree from San Joaquin College of Law where he graduated with Distinction.



Jeff Castleton and family

During law school, he was published in the San Joaquin Agricultural Law Review and later served as its Executive Editor. He received numerous awards including Best Brief and Best Oral Advocate Finalist in the George A. Hopper Moot Court Competition and several Witkin Awards for Academic Excellence.

Jeff practices in the area of criminal defense. He has successfully taken several cases to jury trial, that included domestic violence, robbery, burglary, assault, possession of assault weapons, and various gang charges. Many of those cases resulted in favorable outcomes for his clients. Jeff is committed to upholding his client's rights and to providing a strong defense for his clients.

Jeff is a proud father of four beautiful children and loves spending time with them and his wonderful wife.

Judges Day 2021

by Anita Starchman Bryant

I've said it before, and I will say it again. Being a judge in Mariposa County is unique. Unlike larger counties in which judges are assigned only one case type, such as small claims court, traffic court or juvenile dependency, 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. For example, in just his third week on the bench, Judge Fagalde presided over a complicated felony jury trial.



Upon Judge F. Dana Walton retiring at the end of January of this year after serving two years of his fourth term as Mariposa County Superior Court Judge, Judge Michael Fagalde *alone* has filled the role of two judges for nearly *eleven* months—but who's counting, right?

Judge Michael Fagalde was first sworn in as judge of the Mariposa County Superior Court in early 2015. He was reelected to a second term at the primary held in March 2020, and was sworn in, due to the pandemic, outside, in front of the Courthouse by Judge Walton in December 2020. On that day Judge Walton told the small crowd of onlookers that he believed Judge Fagalde to be the first judge to ever be sworn-in outside the historic building.

But Judge Fagalde did not initially set out to be a judge, or even an attorney for that matter. As he would say, a long, long time ago, back when the dinosaurs still roamed the earth, his career started with an undergraduate degree in Recreation Administration. He worked several years in his hometown's parks and recreation department as a recreation supervisor until the occurrence of massive cuts to local government services resulting from the passage of Prop 13. This prompted him to pursue a different career path and he enrolled in law school at Santa Clara University. After graduating in 1983 and passing the Bar, he was hired by the Merced County Public Defender's Office and worked there as a deputy public defender for 2 ½ years. From there, Judge Fagalde joined a Merced law firm practicing in both Merced and Mariposa counties. When I first met Judge Fagalde in 1999, while serving as a law clerk in his office the summer after my first year of law school, he was a partner at the law firm of Allen Polgar Proietti & Fagalde. While the name of the

Judges Day 2021, continued

firm changed numerous times throughout the years, he remained with the firm in private practice handling cases involving criminal defense, juvenile court, family law and general civil matters until he was elected judge in Mariposa County.

With 38 years of combined experience as a judge and as an attorney, Judge Fagalde has handled thousands of cases, including hundreds of trials by jury or by the court. As I mentioned earlier, Judge Fagalde hears it all--criminal cases, juvenile dependency cases, juvenile traffic court, drug court, probate court, small claims and a variety of other civil matters. Judge Fagalde also helped create the court's Behavioral Health Court in 2017 and has presided over it since then. That court is designed to focus on individuals with a diagnosis of serious mental illness, and who have been convicted of a crime and placed on probation with the goal of decreasing future criminality by means of intense treatment and supervision. Judge Fagalde takes much pride in our

Behavioral Health Court, as he should. It, and the Drug Court, is a court that quite literally saves lives.



Judge Michael Fagalde

When you become a judge, you have to adjust to a different role in the justice system. Judge Fagalde has told me that the first thing they teach you when you go to new judge orientation is that you are not an advocate anymore.

You have to be fair, and impartial and non-biased. Judge Fagalde has been quoted by the Mariposa Gazette as saying "I've had to look deep inside and make sure that I'm treating everybody fairly. And listening. Making sure I'm hearing what's really happening." Judge Fagalde's demeanor puts people at ease. He takes the time to explain the court process to individuals and patiently listens so that regardless of his ruling, everyone feels that they have had their day in court.

In his "free time" – not that there has been much of that this year-- Judge Fagalde is a member, and past president, of the Mariposa Rotary Club and does volunteer work in the community. His other memberships have included the John C. Fremont Hospital Foundation and Mariposa School Foundation. Judge Fagalde has been one of the main speakers for the past 15 years of the When You Turn 18 Program, which involves speaking to classes of high

MCBA 2021 Meetings

The MCBA has resumed in-person meetings at the Miner's Roadhouse 140 Banquet Room.

MINER'S ROADHOUSE

140

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

Luncheon meeting: 1 hour MCLE credit Webinar with Speaker, Brian Chase of ArcherHall, with a presentation on "Identification and Preservation of Electronically Stored Information"

May 13, 2021

Luncheon meeting: 1 hour MCLE webinar with Russell Cook, attorney and mediator, presenting on "Mediating the Hatfield and McCoys"

June 10, 2021

Luncheon meeting: 1 hour Ethics MCLE credit Webinar with Speaker, Tom Plunkett, Director of Digital Forensics at ArcherHall, with a presentation on "Ethical Duties and Electronically Stored Information"

July 15, 2021

Luncheon meeting: Webinar with Sharon Wardale-Trejo, Director for the Merced/Mariposa Regional Department of Child Support Services (DCSS) and David Haycraft, Chief Attorney for the Merced/Mariposa Regional DCSS, presenting an overview of the Department and services they offer.

August 12, 2021

No Luncheon Meeting due to Summer Break Schedules

September 9, 2021

Luncheon meeting: Speaker Miles Menetrey of the Mariposa County Board of Supervisors

October 14, 2021

Luncheon meeting: Speaker Sheriff Jeremy Bries

November 18, 2021

Luncheon meeting: Speaker Greg Little, Editor of the Mariposa Gazette, with The Year In Review

December 9, 2021

Luncheon meeting: Holiday Luncheon and Judges Appreciation Day

Judges Day 2021, continued

school seniors about how the law affects them when they turn 18. He has also served as an umpire for the Mariposa Little League. He also volunteers at the high school Sober Grad party every year, dealing cards late into the night in the casino room.

Last, but certainly not least, Judge Fagalde is married to his wife, Sharon. They reside in Catheys Valley and are the parents of two adult children, and grandparents of three. Judge Fagalde said that upon taking the oath in December 2020 that he was thinking of his grandkids, "making sure they can be proud of me when they're old enough to understand what a judge is." Judge Fagalde has said that being a judge in Mariposa County is both an honor and privilege.

On behalf of the Mariposa County Bar Association, Judge Fagalde, we thank you for your service, work and dedication, especially this year, as Mariposa Superior Court Judge.

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.

Commissioner Pimentel

In celebration of our annual Judges Day, the Mariposa County Bar Association gives a shout out to our Mariposa County Superior Court Family Law Commissioner,

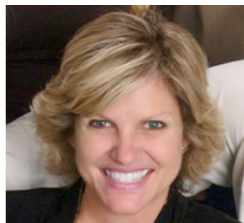


**Commissioner
Philip A. Pimentel**

Philip A. Pimentel. Commissioner Pimentel is renowned for reviewing the entire file in advance of each hearing and giving a lot of thought to his rulings. The parties and attorneys appreciate that he is thoroughly familiar with the facts of each case prior to rendering a decision.

Commissioner Pimentel also serves as Commissioner for the Tuolumne County Superior Court.

2022 MCBA Officers



Casey Archer
President



Anita Starchman Bryant
Vice-President



Ed Johnson
Secretary



Skye Emery
Treasurer

MCBA Membership List

Thank you for your 2021 Membership.

2021 Members listed below:

Alexandria Albertoni	Skye Emery
Ashley Albertoni	Kimberly G. Flores
Susan Albertoni	H. Wayne Green
Casey Archer	Rena Marie Harrison
Kevin Briggs	Robert Iwama
Marvin Brown (retired)	Claudia Juarez
Anita Starchman Bryant	Edward J. Johnson
Aaron Castleton	Andrew S. Kucera
Jeffrey Castleton	Cindy Morse
Russell D. Cook	Stephanie Perez
Thomas Cooke	Elizabeth Waldow
Beau C. Correia	Walter Wall
Steven W. Dahlem	

If 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.



Merced Family Law News

by Casey Archer, Certified Family Law Specialist President of the Merced County Bar Association Family Law Section

Family Law practitioners are familiar with the Standard Orders in the Merced County Family Law Court that are attached to CCRC/mediation agreements and recommendations. On occasion, the Standard Orders conflict with specific orders made by the Court. As such, the Standard Orders will soon be updated to include a provision that if the Standard Orders conflict with a specific order, the specific order applies.

In addition, the Standard Orders have not been reviewed for possible updates or revisions in a great deal of time. Judge Seymour has requested that any interested Family Law practitioner submit their suggestions for revisions.

If you would like a copy of the current Standard Orders, or would like to provide any proposed revisions, please email suggested revisions to Casey Archer, the Family Law Section president, at Casey@MercedDivorce.com. All proposed revisions will then be collectively provided to Judge Seymour for her consideration.



MARIPOSA COUNTY BAR ASSOCIATION

2022 dues: \$35.00

Please mail the completed application and dues payable to:
Mariposa County Bar Association
P.O. Box 628
Mariposa, CA 95338

The following data will be used for your Member Information of the MCBA records. Please indicate what information you would like included on the public web site.

Include on Website?

Yes No

Name: _____

10/10

Bar#: _____

10/10

Firm Name: _____

10/10

Address: _____

10/10

Phone: _____

Page 10

Fax: _____

10/10

Email: _____

11

Website: _____

10/10

Areas of Practice: _____

Page 10

Law School: _____

11/11

Languages: _____

10/10

Free Consultations: ☒ Yes ☐ No

Page 10

Dues Enclosed: _____

Mariposa County Bar Association • Membership Application • 2022
PO Box 628 • Mariposa, CA • 95338