

Mariposa County Bar Association

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www.MariposaBar.org

MCBA@MariposaBar.org

November 2021

President's Column

Casey Archer, MCBA President

The Mariposa County Bar Association ("MCBA") has resumed in-person meetings at the Miner's Roadhouse 140.



The speaker at our November 2021 meeting was Greg Little, Editor of the Mariposa Gazette, accompanied by Nicole Little, the producer. Greg provided an interesting and comprehensive "year in review."



Greg recently published a book entitled "-30-" which is available on Amazon. His book chronicles his career, the need for weekly publications that serve small communities, and explores the future of small-town newspapers. The Mariposa Gazette is the state's oldest weekly newspaper and is still going strong. Greg opines that the heart and soul of American journalism is done

by gum-shoe reporters who attend local meetings and events as well as uncover shenanigans of local government.

Mark your calendars for our annual Judges Appreciation Day lunch on December 9, 2021. Those attending the luncheon may order lunch from the menu at their own cost. RSVPs are appreciated, but not required, by replying to this email at MCBA@MariposaBar.org.



December 9, 2021, Judges Appreciation Day

The MCBA annual Judge Appreciation Day lunch will be held December 9, 2021 at 12:00 noon at the Miner's Roadhouse 140. We invite all Mariposa area attorneys, Judges, Commissioners, and colleagues to attend.

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	

Time To Send In Your 2022 Dues!

It's time to send in your dues for 2022. 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. A 2022 application may be downloaded at our website. Those who are renewing their membership may forego the application and simply send in their dues or bring them to the next luncheon.

2021 Meeting Schedule

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 Briese

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](#)

2022 MCBA Officers

The MCBA has voted to continue the 2021 slate of Officers for the 2022 year. Congratulations to Casey Archer, President; Anita Starchman-Bryant, Vice President; Ed Johnson, Secretary; and Skye Emery, Treasurer.



Casey Archer
President



Anita Starchman Bryant
Vice-President



Ed Johnson
Secretary



Skye Emery
Treasurer

GILPATRICK ARRESTED FOR PRACTICING LAW IN MERCED WITHOUT A LICENSE

A 60-year-old Fresno man was arrested on November 17, 2021, on suspicion of practicing law without a license in Merced. The man was identified as Richard Gilpatrick, who also goes by Richard Richardson or Richy Richardson. Gilpatrick was using a California State Bar license number that was assigned to an attorney who was admitted to practice law in 1968 and is now deceased.

It is reported that multiple people have gone to Gilpatrick for attorney services. Merced County Sheriff's Office investigators located Gilpatrick in the Fresno area and arrested him on charges of practicing law without a license, petty theft with priors, forgery, and theft by false pretenses. He was to be booked into the Merced County Jail, with bail set at \$25,000.

Family Law News

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

The featured case this month is *Elmassian v. Flores* (8/11/21), a jury trial and appeal involving CCP Section 1161.3 which prohibits a landlord from terminating or failing to renew a tenancy based upon domestic violence against a tenant.

In *Elmassian*, the landlord sought to convict the tenant based upon allegations that she “engaged in repeated hostile threats towards the other tenants” that included blocking parking areas, damaging vehicles, and having a large number of people loitering who were actively selling and using narcotics.

One of landlord’s witnesses testified that the tenant and her husband parked in the parking spaces of the witness and others without permission “nearly every day” and blocked access to the complex’s driveway. The witness further testified that the tenant caused “a real nuisance” was “emotionally exhausting,” would harass and intimidate her and others in the apartment complex, and did drugs in the complex parking lot.

For her defense, the tenant testified that the eviction was in retaliation for her complaining about the disrepair of her apartment. She further testified that she told the manager that she had to get a restraining order against her husband for threatening her with a knife, and that she wanted to install a security door on her unit. She provided a copy of the restraining order and two reports confirming domestic violence, one of which was made prior to the serving of the eviction notice.

In rebuttal, the landlord testified he was not aware of the tenant asking for repairs, that he was not aware of the domestic violence until after the eviction notice was served, and that the motivation to evict the tenant was strictly nuisance.

The jury returned a unanimous verdict in favor of the landlord. The tenant appealed, stating that the Court failed to provide a jury instruction which would allow the jury to render a verdict in her favor if it found the domestic violence defense was proved.

The Appellate Division of the Los Angeles Superior Court reversed, finding that there was substantial evidence to support the domestic violence defense and the Trial Court erred by not allowing the jury to consider the defense

STATE BAR NEWS

The California State Bar has announced that a new consumer website summarizes the State Bar's proposal to license a new kind of legal professional in California who could provide more affordable options for handling routine matters in specific practice areas, such as family law and housing. Members of the public are invited to provide their feedback through January 12, 2022.

A legal paraprofessional would be to a lawyer what a nurse practitioner is to a doctor. The proposal recognizes that not all legal problems need the same level of expertise.

Many other states and countries have established a legal paraprofessional license. In California this idea has been studied since the 1980s. This is the first time a proposal for a new class of licensed legal professionals has been put out for public comment.



The website contains a printable handout about the proposal, and is located at the following link:

<https://publications.calbar.ca.gov/paraprofessionals/expanding-access-to-legal-services/>



2022 JUDICIAL HOLIDAYS

MARIPOSA SUPERIOR COURT WILL BE CLOSED ON THE FOLLOWING DATES:

December 31, 2021	New Year's Day (2022)
January 17, 2022	Martin Luther King, Jr. Birthday
February 11, 2022	Lincoln Day
February 21, 2022	Presidents' Day
March 31, 2022	Cesar Chavez Day
May 30, 2022	Memorial Day
July 04, 2022	Independence Day
September 05, 2022	Labor Day
October 10, 2022	Columbus Day
November 11, 2022	Veterans Day
November 24, 2022	Thanksgiving Day
November 25, 2022	Day after Thanksgiving
December 26, 2022	Christmas Day