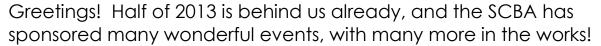
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The Publication of Stanislaus County Bar Association http://www.stanbar.org July 2013 Volume No. 3

President's Message

By Rebecca A. Roberson





We were extremely honored to have Justice Rosendo Pena, Jr. of the Fifth DCA to speak at our Law Day Lunch last month. Although I was unable to attend this event, I heard many kind words of praise for his speech that day. Many thanks to Sally Chenault for filling in for me on that day as well!

Our 26th annual Golf Tournament went very smoothly and was well organized. Keric Cushing, along with the help of Deana Skelton, put in many extra hours to see that this event was a great success. Thank you Keric and Deana for your excellent work! Also, we could not host these events without the assistance of our many generous sponsors. Thank you for your support. If you were not able to attend this year, please plan on joining us next year. A portion of the profits from this event goes toward the SCBA scholarship fund.

The recent MCLE program hosted by the SCBA, "Balancing Your Personal & Professional Lives," was very successful as well. You will also not want to miss the

following events in July of this year: "Social Media in Your Law Firm" on July 12, 2013, and "Google For Lawyers" on July 26, 2013, presented by our new Law Library Director, Jan Schmidt.

If you have any questions about any events, please contact any of the SCBA Directors or Deana Skelton at the SCBA office (209-571-5729). You may also view upcoming events on our website at: www.scba.org.

Have a happy and safe summer!!

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SGBA Galendar of Events

JULY

- MCLE: 'How to Use Social Media in Your Law Firm,' by Gary Speed of LexisNexis, 12-1 PM, Jury Room. 1 hour credit.
- MCLE: 'Google For Lawyers: When did Google Become a Verb?,' by Jan Schmidt, Stanislaus Co. Law Librarian, 12-1 PM, Jury Room. 1 hour credit. Topic will touch on current case law regarding the duty to "Google"; Attorney specific search engine tools; How to improve the evidentiary value of web-based information; And tips and tricks of internet legal research.

AUGUST

SEPTEMBER

OCTOBER

- ? Bench-Bar Dinner Thursday Evening (Venue & Date TBA). Modesto, from 5:30-8 PM.
 - **NOVEMBER**
- 15 Judicial Calendar & Nomination Luncheon SOS Club, Modesto, 12-1 PM

DECEMBER

13 Holiday Luncheon – Friday at The SOS Club, Modesto, 12-1 PM. Charity Donations & Local School Choir Entertainment.

LEGISLATIVE COUNSEL'S DIGEST

An act to amend Sections 2030.300, 2031.310, and 2033.290 of the Code of Civil Procedure, relating to civil discovery. Approved by Governor Brown June 24, 2013, filed with Secretary of State June 24, 2013.

AB 1183, Jones. Civil discovery: motion to compel further response. Existing law authorizes the propounding party, upon receipt of a response to interrogatories, a demand for document production, or requests for admissions, to move for an order compelling a further response under specified circumstances. Unless notice of this motion is given within 45 days of the service of the response, or any supplemental response, or any later agreed-upon date, the propounding party waives any right to compel a further response. This bill would provide that the 45-day period from service of a response or supplemental response in which notice of a motion to compel further response to discovery or must occur, begins to run after the receipt of a verified response or supplemental verified response.

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on October 26, 2012, & April 26, 2013

Effective on July 1, 2013

http://www.courts.ca.gov/3025.htm

www.courts.ca.gov

This section contains links to short summaries of rule amendments recently adopted but the Judicial Council. Please refer to the history legend of each rule for its effective date.

"AROUND THE OFFICES"



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515 13th St, Modesto CA 95354 (209) 575-5906 Fax (209) 758-0777

New email address for the Stanislaus County Law Library: library@stanlaw.org

John K. Peltier, Esq.

(Formerly with Borton Petrini)
Law Offices of Brunn & Flynn
928 12th St, Ste 200, Modesto CA 95354
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jpeltier@brunn-flynn.com

Youlet Ovrahim, Esq.

(Formerly with Curtis Legal Group)
Law Office of Michael C. Normoyle
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(209) 521-6453 Fax (209) 578-3607
y.ovrahim@mcnlegal.com

NICOLE A. BOLSON, ESQ.

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560 MISSION STREET, SUITE 3100
SAN FRANCISCO CA 94105
PH: (415) 544-1055
NBOLSON@SEYFARTH.COM
WWW.SEYFARTH.COM

TRIESCH & FRAMPTON

The law office of Triebsch & Frampton, APC, located in Turlock, is pleased to announce the return of one of its shareholders, Scott Dorius following completion of his service over the past three years as mission president in the Lima Peru West Mission for the Church of Jesus Christ of Latter-day Saints. Scott, his wife, Becky, and their two children, Nicole (now 12 years old) and Nikolai (now 9 years old) left for Peru in July 2010. Scott and Becky supervised the work of 200 missionaries in the northwestern portions of the city of Lima and the northern half of the Lima region. Scott, who practices in the area of real estate, land use and development, estate planning, and corporate and business law, is expected back in the office of Triebsch & Frampton, on July 10, 2013. Needless to say, Scott is even more fluent in Spanish than when he left.



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If your office/business is looking to fill a vacant position, please please contact us to post it here for free! deana@stanbar.org or (209) 571-5729.

NON SEQUITUR

Ads, Articles, Letters and/or Pictures can be submitted to Deana Skelton at the SCBA Office (209) 571-5729 or deana@stanbar.org

Feel free to contact us for more info.

UPSCALE OFFICE - 908 13th Street \$2,000 monthly rent

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1129 Kansas Avenue Modesto CA 95351

SCBA SCHOLARSHIP FUND

The SCBA office is now accepting contributions for the 2014
Scholarship Fund. Our goal for 2014 is to distribute at least two \$1,000
Scholarship Awards to Stanislaus
County High School seniors at the Law Day Luncheon. Please send your contributions to the SCBA office at
804 14th St, Modesto CA 95354

The Stanislaus County Legal Professionals Assn (SCLPA) meets the second Wednesday of each month at 6:00 PM. For more info, contact Linda Fischer at lindaf@mid.org



RODARAKIS & SOUSA

Pleased to announce the addition of

Raquel A. Hatfield, Esq.

627 13th St, Ste F Modesto CA 95354 (209) 554-5232

www.RodSouLaw.com

(Formerly with CRLA)



James S. Rummonds and Gerald V. Barron are pleased to announce the formation of an association of attorneys under the name of

Rummonds & Barron

Jerry Barron was formerly a partner and senior trial lawyer at Shook, Hardy & Bacon in its San Francisco office, and at Fenton & Keller and Hoge Fenton Jones & Appel in Monterey.

Mr. Barron is of counsel to the new firm. Jim Rummonds is one of only a handful of lawyers in the State of California holding ABA accredited board certifications in Civil Trial Practice (NBTA) and in Professional Negligence/Legal Malpractice (ABPLA).

Rummonds & Barron will continue to concentrate in the field of professional negligence/legal malpractice, personal injury, wrongful death and general litigation.

The firm's profile and contact information can be found at malpraclaw.com.

Stanislaus County
Bar Association
would like to thank the
following sponsors of our
2013 Law Day Luncheon
on May 3rd, 2013

Borton Petrini, LLP and McCormick Barstow, LLP

We truly appreciate your continued support!

HAVE YOU PAID YOUR 2013 SCBA MEMBERSHIP DUES YET? You can still register! Complete the application on the following page and mail to:

SCBA, 804 14th St. Modesto CA 95354

LATEST DEVELOPMENTS ON LANGUAGE ACCESS – DEPARTMENT OF JUSTICE LETTER

The U.S. Department of Justice recently released a letter responding to a complaint concerning the lack of language access in the LA Superior Courts, but the investigation addressed statewide policies and procedures, as well. The

DOJ letter acknowledges that California's judicial branch has already done a lot to expand access and that failure to do more has largely been the result of lack of funding. The DOJ references our Access Commission's Language Access Report of 2005 as evidence of the significant amount of attention that has been focused on this language access gap.

The letter identifies several ways in which the court system needs to improve to truly offer language access, and concludes with a warning that enforcement actions might ensue if the anticipated voluntary compliance efforts are not successful.

Recognizing the ongoing efforts to expand language access and the continuing existence of barriers faced by those seeking access to the courts, the Access Commission re-established its committee focusing exclusively on language access. The committee's top priority is to prepare a status report on language access, and a State Bar Foundation grant was secured to help with costs associated with the planned status report. The report will cover recent developments such as the ABA's adoption of guidelines for language access by state court systems and the U.S. Department of Justice efforts to ensure compliance with federal language access mandates by state court systems around the country.



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E-Mail Address	
Cal. State Bar No	Year Admitted
Law School	Year Graduated
I am interested in serving	on the following committees:
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Regular Membership\$ 135.00 *New Attorney Member\$ 110.00	AMOUNT ENCLOSED:
Retired Attorney\$ 50.00 **Associate Member\$ 30.00	***Scholarship Contribution\$
Associate Methodi 9 30.00	Total\$

- New Attorney Member: Person who has not been a member of the SCBA for the last consecutive 3 years.
- ** Associate Member requirements: (if not admitted to practice law in California or another jurisdiction) are: Law Clerks, Law Students, Paralegals, Legal Assistants, Legal Secretaries, Court Personnel, and Legal Administrators. Other jurisdictions: Same.
- *** Scholarship Fund: Please join us in supporting the Scholarships we present annually towards local area high school students futures in the legal field, by contributing today along with your membership dues.

As a Paid SCBA Member you have the option to advertise Yourself, Office, Business, or Firm in the 'Attorney Directory' section of the Stanislaus County Bar Association's website at STANBAR.ORG. Please complete an 'Attorney Directory' form and submit it along with this application to the address at the top of this page. For more information, go to: STANBAR.ORG or call (209) 571-5729.

A CASE FOR CONSENT

Delay, congestion, uncertainty, and expense are terms often associated with any civil litigation. You inevitably will find that you and your client want your case to move faster and spend less money. In federal court, attorneys should be aware that the magistrate judge consent process is available to bring about the "just, speedy, and inexpensive determination" of their federal cases. Fed.R.Civ.P. 1. Should you consent to a magistrate judge? Absolutely. Here is why.

Magistrate judges have had a venerable role in the judiciary dating back to the beginning of this Country. The roots of the magistrate judge system began in the first Judiciary Act of 1789. Since that time, Congress has expanded and enhanced the position in the quest for judicial efficiency. The Federal Magistrate Act of 1968 established the Magistrate system "to reform the first echelon of the federal judiciary into an effective component of a modern system of justice." By amendment in 1979, magistrate judges were authorized "to conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case" with the consent of the parties. 28 U.S.C. §636(c). The overall legislative purpose of giving civil consent jurisdiction to magistrate judges is to maximize access to the courts and ease court congestion through effective utilization of existing judicial resources.

Consent to magistrate judge jurisdiction provides numerous benefits to your client. Consent offers the prospect of an early, firm trial date. The right to a speedy trial in felony criminal matters requires district judges to give statutory priority to trying criminal cases. Magistrate judges do not conduct felony trials, and thus, can offer firm trial dates. Further, the assigned magistrate judge knows your case. When a civil action is filed, it is randomly assigned for all purposes to both a district judge and to a magistrate judge. In every civil case, the magistrate judge already handles non-dispositive motions and pre-trial procedures. Consent allows the magistrate judge also to decide dispositive motions and handle the pretrial conference and trial. Consent thus avoids the legal limbo parties face as district judges wade through volumes of cases, motions, and other case related filings. Moreover, if all the parties agree to consent, the magistrate judge will take over the entire case, up to and including trial and entry of judgment. The judgment may be appealed directly to the United States court of appeals like any other judgment.

Magistrate judges are well-qualified to try cases. The federal courts attract experienced, high-caliber attorneys, state court judges, and administrative law judges with diverse experience in civil and criminal litigation for magistrate judge positions. By statute, magistrate judges are screened through a selection process whereby lawyers and other residents of the judicial district comprise the merit selection. 28 U.S.C. §631 (b) (5). The panel evaluates the applicants' education, practice of law, knowledge of the court system, personal attributes and other criteria in making its recommendations. Political party affiliation plays no part in the merit selection process. The magistrate judge is then appointed by the life-tenured district judges. In the Fresno Division, the magistrate judges' diverse experiences, from their legal practices and from their experience while presiding over civil matters including trials, make them well-qualified and knowledgeable judicial officers.

Without consent to a magistrate judge, your case comes before a district judge with a crushing caseload. The Fresno Division has one active Article III judge, Judge Lawrence J. O'Neill, and one senior Article III judge, Senior Judge Anthony W. Ishii. The Fresno Division has the same authorized number of active judges as it has had since 1979. Judge O'Neill and Judge Ishii carry twice the average weighted caseload of judges in the remaining 93 federal districts. While the weighted case load nationwide is 516 cases, Judge O'Neill and Judge Ishii shared the workload in 2011 for the 2,164 new civil cases and the 450 new criminal cases filed in the Fresno Division. Add the pending cases awaiting resolution, and the picture of two vastly busy judicial officers becomes crystal clear.

The U.S. Judicial Conference, the courts' policy-making arm, has recommended that Congress authorize six new judgeships for the district. So far, and for the foreseeable future, Congress has not acted upon the recommendation. Judge Ishii has taken Senior status, and any proposed candidate for his position is at the mercy of the political process and a reluctant-to-approve Congress. Political debate and budgetary constraints leave the Eastern District with little hope of new judgeships. Thus, all federal litigants will continue to vie for limited district judge time and attention.

If the parties decide to consent to the magistrate judge's jurisdiction, counsel simply signs and files a consent form. The form can be obtained from the Court's website: http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/District judges actively encourage consent so that the parties may receive timely access to the courts.

In sum, litigants deserve justice delivered in a fair, prompt, and efficient manner. In the federal district court system, magistrate judges play a critical part in providing this justice to the parties. Consenting to magistrate judge jurisdiction in civil cases represents one of the best ways to secure "just, speedy, and inexpensive determination" for your client's case.

Magistrate Judge Barbara McAuliffe Magistrate Judge Gary Austin Magistrate Judge Jennifer Thurston Magistrate Judge Sheila Oberto Magistrate Judge Michael Seng Magistrate Judge Stanley Boone Magistrate Judge Sandra Snyder













SCBA's 55TH ANNUAL "LAW DAY LUNCHEON"

WITH JUSTICE ROSENDO PEÑA, JR. OF THE 5™ DCA MAY 3™, 2013































SCBA
26th Annual
Golf Tournament
June 1st, 2013
Dryden Park Golf Club
Modesto CA

















ALBATROSS

By Keric J. Cushing

The SCBA Golf Tournament is the single greatest fund-raiser for our bar association. After having run this event for years, it is abundantly clear that its success is wholly dependent upon the participation of volunteers and, more particularly, the Sponsors. So let me start by letting you know where this will also end-directing your attention to and profoundly thanking the Sponsors on the accompanying list (see next page), that made this years' golf tournament a resounding success.

Success in golf is expressed in terms of one's score in relation to par, so less is more. Going over, or higher than you ever did before, is great for a high jump competition, but certainly not a good thing in golf. Unfortunately, "under par" has its limits: Birdie (1 under); Eagle (2 under); Albatross (also known as a "Double-Eagle" or 3 under); and a Condor (4 under). Frankly, I had never even heard of a Condor (and can't imagine how that occurs on anything other than a par 6; though an Ace on a par 5 would certainly do it--so I've read). Unfortunately, with golf, the euphoric "good" (Birdie; Eagle, etc.) has its limits, and is often followed by something not so good. The "bad" in golf is seemingly limitless-Bogey; Double-Bogey; Triple-Bogey; Quadruple-Bogey and on...and on...and on. However, it's amazing how a single Birdie will bring you back for another round of punishment, regardless of how many over par you ultimately finish.

While singularly frustrating and enjoyable at the same time, golf is a great opportunity to spend time in the company of friends and out in good weather. Our Tournament is no different, and has for many years now (26 and counting), thanks to Hon. Hurl Johnson, afforded a wonderful opportunity to get out and enjoy a mildly competitive round of golf. There's nothing quite like being able to "buy" 12 Mulligans to help the 'ole score card and raise money for the SCBA as well! This year the weather cooperated and provided a breeze as opposed to the oppressive heat that was predicted (and the girls in the drink carts helped too). As a result, it was a great day of golf and proved to be very successful in a variety of ways, including some very low scores. Our prize winners were as follows:

LOW GROSS

1st: Tom Nelson, Steve Ringhoff, Kevin Sharp, and Nick Sharp

2nd: Dean Petrulakis, Aaron Struck, Phil Schmidt, and AJ Davis

3rd: Hon. Hurl Johnson, Don Lundy, Dave Thornberry, and Nate Thornberry

LOW NET

1st: Ken Skelton, Doug Huckabee, Ray Hartwig, and Andy Moore

2nd: Hon. Shawn Bessey, Mike Troxell, Larry Chambers, and Ben Balsbaugh 3rd: Keric Cushing, Kendall Cushing, Jeremy Howell, Larry Kirlin, and Josh Kirlin

LONG DRIVE

Men: Kevin Sharp Women: Patricia Yates

CLOSEST TO THE HOLE

No. 5: Steve Ringhoff (7'1") No. 9: AJ Davis (16')

No. 10: Jeremy Howell (11'1") No. 17: Kevin Sharp (20'3")



It's interesting that an Albatross can, on the one hand, represent a fantastic score-4 under par, but also a "handicap" (in a much different sense) or constant burden. Fortunately, our Tournament (affectionately referred to amongst past and present SCBA Board Members as the "Tournament that runs itself") only involves a few months of craziness. Ultimately, it is all well worth it. This year, our Tournament had the lowest number of players since 1995, yet we had the highest profit <u>ever</u>--which directly benefits your SCBA. We look forward to years of success and fun and thank you all for your participation. More importantly, THANK YOU for the continued support and generosity of our Sponsors (SEE LIST, NEXT PAGE), who made this year the most successful ever!

Stanislaus County Bar Association

"A SPECIAL THANK YOU TO ALL OF OUR 2013 GOLF TOURNAMENT SPONSORS!"

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APPLICATION DEADLINE:

July 12 2013

START DATE-

August 1, 2013

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RESPONSIBILITIES:

Under supervision of the Managing Attorney/Regional Counsel, the contract attorney will participate in all aspects of litigation including, but not limited to: client interviews, factual investigation, legal research, discovery, preparation of legal documents, negotiations, trials, and appellate work in both state and Federal Courts, appear at administrative hearings; provide legal advice to individual clients, and general legal information to eligible community groups as well as to the public in general, which may involve travel to outlying counties.

QUALIFICATIONS CRITERIA:

Knowledge of the principles and procedures of litigation in State and Federal Courts, administrative agencies and hearing rights; substantive areas of law relevant to program/office case priorities; principles of community development and establishment of working relationships; the theories of changes in the law and how to implement strategies for developing changes; principles and procedures of legislative advocacy; the importance of written reports to management; computer research methods.

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A Legal Services Corporation Program

- Skills would include client interviewing, investigation, legal research, analytical reasoning ability, creativity, excellent English writing skills, negotiation, trial skills, appellate writing and oral argument, communication/listening skills, ability to work under stress and short time lines, ability to work with/for poor people, empathize with the client community, and the ability to do computer research.
- Language: An ability to relate to the client community being served; bilingual in a language spoken by client communities preferred, but not required.

EDUCATION/EXPERIENCE:

J.D. and a member of the California Bar or willing and qualified to take the next bar exam. This is an entry-level position or higher - law graduate or attorney with one (1) to three (3) years experience working with low-income people preferred; experience with community outreach preferred; Spanish-speaking ability preferred, but not required.

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LSNC IS AN EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER AND ENCOURAGES WOMEN, PEOPLE OF COLOR, PEOPLE WITH DISABILITIES, OLDER PEOPLE, AND LESBIAN, GAY, BISEXUAL, AND TRANSGENDER PEOPLE TO APPLY.

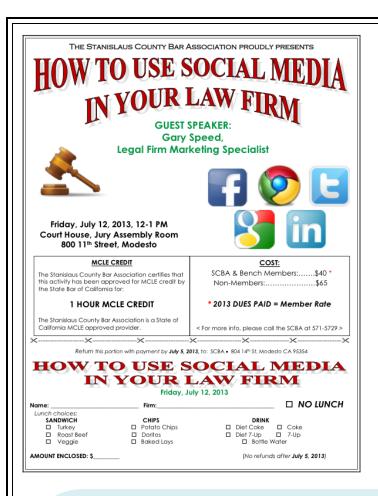
STANISLAUS COUNTY LEGAL PROFESSIONALS' ASSOCIATION PRESENTS:

4-Hour Ethics Seminar

What:

When	n:	Saturday, July 27, 2013				
Ti	me:	9:00 a.m. to 2:00 p.m. (Registration begins at 8:30 a.m.)				
	Where:	Family Connections Christian Adoptions 1120 Tully Road, Modesto, California				
Speaker:	Speaker: Diane Mecca, Instructor, Abrams College Certified Paralegal					
Who:	All Attorne and support	ys, Paralegals/Legal Assistants				
Cost:	Cost: \$35.00 SCLPA Members \$40.00 All LSI Members \$50.00 Non-Members (Includes lunch)					
	ed MCLE prov	County Legal Professionals Association is a local association of Legal Secretaries, Inc., ider, and certifies that this activity has been approved for minimum continuing legal state Bar of California in the amount of 4.0 hours.				

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Phone: _		Employer:				
(Please lis	st dietary con	siderations, if any:)				
	Seating is limited, so get your reservations in early! NO REFUNDS AFTER July 22, 2013					





Lawyers' Referral Service



- Are you willing to support your local Bar Association?
- Are you looking for new clients?
- Are you willing to provide some pro bono time?



If your answer to any of the above is "YES," please consider serving on the LRS panel.

As an SCBA member, you only pay a \$35 annual LRS panel fee!

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