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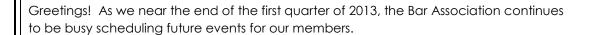
The Publication of Stanislaus County Bar Association March 2013

Volume No. 2

http://www.stanbar.org

# PRESIDENT'S MESSAGE

By Rebecca A. Roberson





On March 28, 2013, from 3:00 - 4:30 p.m., there will be a special celebration in honor of several retiring court employees as follows: Mike Tozzi, Commissioner Nancy Williamsen, Celeste Wheeler, Judy Swisher, Janice Weatherill, Lyn Yard and Pam Tennis (see Flyer on page 8). This event is open to everyone, and will give each of us an opportunity to personally recognize and thank each one of them for their excellent service to our community.

There are three MCLE classes scheduled for April as follows: (1) April 5<sup>th</sup> - "Employment Law Update 2013," presented by Brett Dickerson & Jim McDade; (2) April 19<sup>th</sup> - "Savings Trees & Time - eFiling and eService in California," presented by Mark Schwartz; and (3) April 26<sup>th</sup> - "New Family Law Legislation & Legal Forms for 2013," presented by Judge Jacobson and Julie Dodge.

We are honored to announce that Justice Rosendo Pena, Jr. of the Fifth District Court of Appeal will be our keynote speaker at our Law Day luncheon set for May 3, 2013, to be held at the SOS Club. The topic for this year's program will be "Realize the Dream - Equality for All." See Page 11 for the flyer to this event.

We look forward to presenting the 2013 Liberty Bell Award at the Law Day Luncheon, as well as presenting two very deserving local high school students each with a \$1,000.00 scholarship. If you know of a deserving student who meets the qualifications for our scholarship program, please have them fill out one of the Applications that have already been sent to all local high schools in the area.

On June 1, 2013, our annual Golf Tournament will held at Dryden Golf Course in Modesto, and we urge each of you or your firms to sponsor this event, including hole sponsorships or your name on the back of the 2013 T-shirts. As usual, your foursome entry fee

includes golf and cart, unlimited beverages during play, and a tri-tip sandwich lunch. Raffle tickets will be sold for a chance to win great prizes as well!

Please be aware that you may now register and pay for any of our events by going to our website at stanbar.org. Deana and our website committee has worked many long hours in getting our new website up and running, and continues to make great strides in keeping it updated as well. If you wish to contribute any articles, information, or ads to be published in the Non Seq, please contact our Executive Director, Deana Skelton.

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# **MARCH**

28 Stanislaus Superior Court **Retirement Celebration**, Thursday, 3:00-4:30 PM, in the lower level Jury Assembly Room (see flyer page 8).

## APRII

- 5 MCLE: 'Employment Law Update 2013,' by Brett Dickerson & Jim McDade, from 12-1 PM in the Jury Room (1 hour credit)
- MCLE: 'Saving Trees & Time eFiling & eService in California,' by Mark Schwartz,
  Director of Training & Research for One Legal, LLC, from 12-1 PM in the Jury Room
  (1 hour credit)
- 26 MCLE: 'New Family Law Legislation & Legal Forms for 2013,' by Judge Jacobson & Julie Dodge, from 12-1 PM in the Jury Room (1 hour credit)

## MAY

3 Law Day Luncheon - Keynote Speaker: Justice Resendo Pena, Jr. of the 5<sup>th</sup> DCA Friday, May 3<sup>rd</sup>, SOS Club, Modesto, from 12-1 PM (see flyer page 10)

## JUNE

1 Golf Tournament – Saturday, 8:00 AM at Dryden Golf Course, Modesto

# **JULY**

**AUGUST** 

**SEPTEMBER** 

### OCTORER

\*? Bench-Bar Dinner – Thursday Evening (\*Oct 17<sup>th</sup> or 24<sup>th</sup>; TBA) SOS Club, Modesto, 5:30-8:00 PM

### NOVFMRFR

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.

# "AROUND THE OFFICES"



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(Formerly Lindsey Robbins)
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Ibannerman@modestofamilylaw.com

# **LEGAL PROCEDURES**

New Local Rules Effective February 19, 2013, have been posted to the Eastern District of California Local Rules Page at:

http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/

The amended Local Rules Effective February 19, 2013, contain the recent amendments to Local Rules 230, 403, 460, and 461 as adopted by General Order No. 533.

http://www.caed.uscourts.gov/caednew/assets/File/GO%20533.pdf



to

ROBERT B. WESTBROOK

on his appointment to the Stanislaus County Superior Court!



# JOB OPENINGS

If your office/business is looking to fill a vacant position, please contact us to post it here!

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.

# BABY NEWS

Maria Jaime
of Curtis Legal Group
added a new baby boy to her
family on January 11, 2013
"Jonah Jaime Guzman"

8 lbs. 8 oz.

# CONGRATULATIONS!!

Chris & Lindsey Bannerman (Robbins)

Tied the knot on November 3<sup>rd</sup>, 2012



CONGRATULATIONS!!

# **JUST FOR LAFFS**

NASA was interviewing professionals to be sent to Mars. Only one could go — and couldn't return to Earth.

The first applicant, an engineer, was asked how much he wanted to be paid for going. "A million dollars," he answered, "because I want to donate it to M.I.T."

The next applicant, a doctor, was asked the same question. He asked for \$2 million. "I want to give a million to my family," he explained, "and leave the other million for the advancement of medical research."

The last applicant was a lawyer. When asked how much money he wanted, he whispered in the interviewer's ear, "Three million dollars." "Why so much more than the others?" asked the interviewer.

The lawyer replied, "If you give me \$3 million, I'll give you \$1 million, I'll keep \$1 million, and we'll send the engineer to Mars."



# THE SEVENTH ANNUAL WILDLAND FIRE LITIGATION CONFERENCE

Hyatt Regency Hotel Monterey & Spa 1 Old Golf Course Road, Monterey, CA 93940 Phone (831) 657-6541

April 19, 20, 21, 2013

Kenneth P. Roye Attorney at Law 236 Broadway, Ste. B Chico, CA 95928 Phone: (530) 893-2398 Eav: (530)893-2396

info@wildlandfirelitigation.com

February 8, 2013

Stanislaus County Bar Association 804 – 14<sup>th</sup> Street Modesto, CA 95354

Dear Sir or Madam,

The 7th Annual Wildland Fire Litigation Conference will take place at the Hyatt Regency Monterey Hotel and Spa in Monterey. Co on April 19 - 21, 2013. Last year's event in Sacramento was attended by professionals from 21 states and Canada.

The litigation teams from all sides of these controversies (i.e. plaintiff, defense, subrogation, government, etc.) will be in attendance to learn the latest in technology, forensics, environmental mitigation, restoration and other timely subjects in this important and rapidly changing specialty practice area. The stakes in these complex mass tort cases grow higher each year. To date, over \$3 Billion in settlements have been reached in the '07 San Diego fire cases and mediations are ongoing.

The 7th Annual Wildland Fire Litigation Conference brings together the litigation teams which have worked on these complex issues. This year we have 6 hours of timber, orchards, ornamental and environmental tree valuations, 5 hours of wildland fire investigations, 5 hours of power line, welding, grinding, cutting and other industrial operations forensics, 3 hours of fire behavior and GIS sciences, 6 hours of legal issues and more.

All details regarding Program, Faculty, Tuition, Accommodations, Registration and Continuing Education Credits can be found at:

www.wildlandfirelitigation.com

See you in Monterey.

Regards,

Kenneth P. Roye Attorney at Law Conference Host

# SCBA SCHOLARSHIP FUND

The SCBA office is now accepting contributions for the 2013 Scholarship Fund. Our goal for 2013 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
every second Wednesday of the
month at Fuzio's at 6:00
PM. For more info,
contact Linda Fischer
at lindaf@mid.org





By Jan Schmidt, Stanislaus County Law Library Director

# WHEN DID Google BECOME A VERB?

When I was cutting my teeth in legal research, the "world-wide-web" consisted of thousands of volumes of printed information, dusty and bound, neatly lining the shelves of a Law Library near me. The Law Library was indeed the place where all things wise and definitive in the legal world resided....I believe it still is.

If that's the case, why are we getting ready to launch a series of classes for our patrons and qualified borrowers to teach how to get information, not from those volumes, but from the "otherworld" ... the internet? Because more and more courts are holding that due diligence mandates it. That's right; it's becoming a requirement of legal practice.

Why teach Google? In the decade since its launch, the word Google has been transformed from a noun to a verb – it is synonymous with searching on the Internet. "Hey Google this for me would ya?" But popularity isn't the reason to learn it in depth. Google has a number of integrated features that make it well suited to legal research; Google Voice, Wave, Translate, Docs and Hangout (video conferencing).

Over the course of the spring and summer, we will offer a class series to introduce novice Internet searchers to the diverse collection of information locatable through Google. Planned topics include:

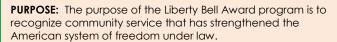
- Learning the ins and outs of Google shortcuts to save time and money
- Using Google's advanced features for research to uncover valuable information on the Internet that might have otherwise been missed
- Using Google's free office applications to become more efficient in your practice and save money
- Learning and understanding the various Google tools and databases quickly and efficiently to access case law; find newspaper and magazine articles; set up Alerts; and locate information about expert witnesses, the opposition, jurors, existing and potential clients, missing witnesses, and more
- Searching for Federal Government-related resources using Google's Uncle Sam Search (or what used to be Uncle Sam Search).

Our Goal is to teach you, step-by-step, the "how" of using all of Google's features and offer tips, ethics alerts and various war stories from existing cases.

Stay tuned for class dates starting in April.

# LIBERTY BELL AWARD

# 'Purpose & Guidelines'



These awards are to be used at the discretion of organizations sponsoring Law Day U.S.A. programs. Their purpose is to accord public recognition to men and women, **particularly non-lawyers**, for outstanding service in one of these areas:

- Promoting a better understanding of our Constitution and the Bill of Rights;
- Encouraging greater respect for law and the courts;
- Stimulating a deeper sense of individual responsibility so that citizens recognize their duties as well as their rights;
- ♦ Contributing to the effective functioning of our institutions of government;
- ♦ Fostering a better understanding and appreciation of the rule of law.

**GUIDELINES:** Any individual who has rendered outstanding service to his or her community in any of the areas mentioned above may be considered eligible. All fields of endeavor are intended for inclusion.

# PUBLIC NOTICE\*

REDUCED CLERK'S OFFICE HOURS

Effective Monday, February 4<sup>th</sup>, 2013

Due to ongoing and anticipated reductions in the court's budget, the Stanislaus County Superior Court has determined that a reduction in hours is necessary.

Effective Monday, February 4th, 2013, all Stanislaus County Superior Court offices will reduce service hours for the public filing windows and telephones every Friday by closing at noon. The changes in public service will not affect courtroom calendars or scheduling for hearing dates.

For your convenience, document drop boxes are located outside the Clerk's Offices located at 1100 "I" Street, and 801 10<sup>th</sup> Street on the 4<sup>th</sup> floor. They are accessible between 8:00 AM and 5:00 PM daily. Pursuant to California Rules of Court, rule 2.210(b) any document deposited in a court's drop box up to and including 4:00 PM on a court business day is deemed to have been deposited for filing on that day.

\*Government Code §68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing hours of clerks' offices by conspicuous posting within its facilities and on its public website.

800 - 11th Street, Room 100, Modesto, California 95354, Telephone (209) 530-3111 - Fax (209) 576-6350; www.stanct.org

# Have you paid your 2013 SCBA Membership

**Dues?** You can register today *ONLINE* at: stanbar.org, or complete application on page 7 and mail to: SCBA – 804 14th St, Modesto CA 95354

# FROM THE COURT

## **Inmate Elevator Update:**

The inmate elevator is on track to be returned to service in Mid-June. There is a lot of behind the scenes work happening that will be done by early April. The installation of the elevator components will be Mid-April into June.

# Clerk's Office Hours:

Reminder that all Clerk's offices are closed at noon on Friday until further notice due to budget reductions.

## **Operations Manager Change:**

Jeanine Tucker left the Court March 1, 2013. She is the new CEO for the Superior Court of Tuolumne County. Stephanie Kennedy will assume all Operations Division manager duties.

### **Retirement Celebration:**

We have several employees retiring at the end of March 2013. Please join us in a retirement celebration on March 28, 2013 from 3:00pm to 4:30pm in the lower level Jury Assembly room. The list of employees: Michael Tozzi, Comm. Nancy Williamsen, Celeste Wheeler, Judy Swisher, Janice Weatherill, Lyn Yard and Pam Tennis (see flyer on page 8).



# STANISLAUS COUNTY BAR ASSOCIATION 804 14<sup>™</sup> STREET, MODESTO CA 95354 (209) 571-5729 ♦ FX (209) 529-6130 WWW.STANBAR.ORG

# 2013 MEMBERSHIP INFORMATION

Name (Last, First, M.I.)							
Firm NamePhysical Address							
CityStat	te Zip						
Telephone ( )	_ Fax_()						
E-Mail Address							
Cal. State Bar No							
Law School							
I am interested in serving on the following committees:							
□ Lawyers Referral Service Committee □ Lawyers Referral Service Panel Attorney □ MCLE Committee	□ Non Sequitur Committee □ Golf Tourney Committee □ Law Week Events						
Regular Membership\$ 135.00 *New Attorney Member\$ 110.00 Retired Attorney\$ 50.00 **Associate Member\$ 30.00	AMOUNT ENCLOSED:  Dues\$  ***Scholarship Contribution\$  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.

# Out of Order Or

Cover courtesy of

# LOOKING FOR SCOTUS CONTROVERSY? CASE REVELATIONS? O'CONNOR BOOK STICKS TO FACTS OF COURT HISTORY

By Debra Cassens Weiss

Readers hoping for juicy revelations about controversial Supreme Court cases or "tell all" insights won't find them in Sandra Day O'Connor's latest book.

But those looking for a "succinct, snappy account" of the Supreme Court's history should pick up the latest book by the retired justice, the New York Times reports. The Christian Science Monitor also has a review of the book, Out of Order: Stories from the History of the Supreme Court.

"This book is all about the facts," the Christian Science Monitor says. "In the beginning, in 1789, the Supreme Court was smaller (six members), had no neoclassical building to call home, and, frankly, didn't have a whole lot to do. It heard no cases in its first four terms. Justices were appointed and often bolted as soon as something better came along."

O'Connor reports that early court records "were rife with textual errors, corrections and revisions," according to the Times account. Written opinions weren't required until 1834. Travel was a requirement, as justices spent as much as six months a year serving on trial courts. The roads were rough, and so were the accommodations; justices "were sometimes forced to share rooms with unsavory characters," O'Connor writes.

MSNBC published an excerpt. "So many aspects of the court were shaped and developed little by little, year by year, person by person," O'Connor writes. "The court was a daring, bold, but risky political experiment, and its beginnings were modest and uncertain."



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Job Opening:

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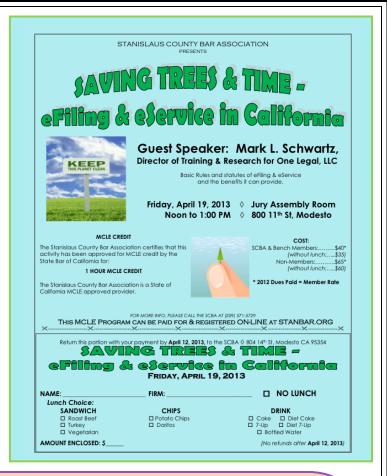
**Fitzgerald Abbott & Beardsley** LLP is expanding its land use, natural resources, business & corporate transactions, and real estate practices with the opening of a Fresno office.

This is an exciting opportunity for the right candidate to join a quality firm that offers interesting work, great prospects, and a collaborative working environment.

To apply, send cover letter, resume, and deal sheet to: Marsha van Broek, Executive Director mvanbroek@fablaw.com

For more information, please visit: www.fablaw.com/careers





# 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!

Simple appointment process: LRS representative will schedule appointments with your office at your convenience with clients who have a matter in your area(s) of expertise. The client pays a \$50.00 administrative fee to us over the phone, for a 30-minute consultation. Each month you will receive a statement from the LRS listing your appointments for that month. All you do is indicate the LRS clients who kept their appointments (and did not), and send the statement back to the LRS office.

If the client retains you, any further attorney's fees are entirely yours!

For more information, call the LRS at (209) 571-5729 or go to stanbar.org

# SCBA SCHOLARSHIPS & CRITERIA

The Stanislaus County Bar Association (SCBA) is pleased to announce that it will be offering scholarships to at least two qualifying graduating seniors.

The SCBA Scholarships will be awarded to a Stanislaus County senior high school student. Strong preference will be given to the applicant who plans a career in law, i.e., attorney, law enforcement, administration of justice, or paralegal to name a few.

The recipient will be expected to attend, at minimum, a two to four year college or university. The criteria for qualification include a minimum 3.0 grade point average during high school to date. They must have demonstrated leadership, and participation in school activities and graduate from high school in the 2013.

### CRITERIA AND SCHOLARSHIP INFORMATION

- 1. The SCBA will award two (2) scholarships in the amount of \$1,000.00 each.
- The scholarship will be awarded to a graduating senior enrolled in a Stanislaus County High School.
- Application Deadline will be April 12, 2013 and recipients will be determined by April 19, 2013.
- 4. The recipients will be awarded their scholarship at the SCBA Annual Law Week Luncheon, Friday, May 3, 2013. They will be our honored guests at the luncheon and will dine with us, at our expense (scholarship recipient and 1 (one) parent or guardian).

Sincerely,

Dean Petrulakis, Andrew Mendlin, Michael Dennis and Jeffrey Mangar 2013 SCBA Scholarship Committee CBA Scholarship

# STANISLAUS COUNTY BAR ASSOCIATION APPLICATION FOR THE STANISLAUS COUNTY BAR ASSOCIATION SCHOLARSHIP

Applicants pursuing a career in law are especially encouraged to apply and preference given to such applicants.

Please type or print:					
Name					
	First	M.I.		Last	
Home	Street		City	State	Zip Code
Phone Number (_	)	(Hom	e or Cell –	circle one)	
Social Security Nu	mber				
High School Atter	nding				
Principal's Name			Couns	elor's Name	

### Mandatory Attachments to this Application:

- 1. Biographical essay including activities and future plans (1 page maximum).
- 2. Two (2) letters of character reference.
- 3. Current transcript, including first semester senior grades.

Completed applications must be postmarked (or hand-delivered) by April 12, 2013 to:

Stanislaus County Bar Association Attn: Scholarship Committee 804 14th Street Modesto CA 95354

3-26-1919 ~ 3-9-2013

family of William (Bill) Mitchell. He passed away on Saturday, March 9, 2013, at the age of 93.

Bill served in the Army during WWII, and was President of the YMCA, in addition to his long successful legal career. He will be missed.

A private memorial will be held by the family this summer in the Sierras. In lieu of donations, flowers, or condolences, the family would ask that you please consider opening your home to an international student, embrace a new idea which contributes to international peace, or take a moment to enjoy the majesty of the Sierras.

THE STANISLAUS COUNTY BAR ASSOCIATION CORDIALLY INVITES YOU AND YOUR OFFICE STAFF TO OUR 55<sup>™</sup> ANNUAL LUNCHEON

# N DAY 2013

FRIDAY, MAY 3RD, 2013 ~12 O'CLOCK NOON THE SPORTSMEN OF STANISLAUS (SOS CLUB) 819 SUNSET AVENUE, MODESTO CA 95354

JUSTICE ROSENDO PEÑA, JR. OF THE 5TH DCA KEYNOTE SPEAKER



"Realize the Dream: Equality for All"

Do 06

LIBERTY BELL AWARD RECIPIENT SCBA SCHOLARSHIP PRESENTATIONS

> Bo 065 \$50 PER PERSON

Please mail with correct payment before April 26, 2013, to: SCBA • 804 14th St, Modesto CA 95354

# **LAW DAY LUNCHEON 2013**

Guest Name(s):

LUNCH: Chicken Cac	ciatore & Lasange	(All Lunches include a Garden Salad, Dessert, Coffee, Iced Tea and Water)
		or SCBA for \$ is enclosed or 10 (guests listed above) = Enclose \$500 check Annual Law Day = Enclose additional \$500*
	* Greatly appreciated &	name/firm included in Program, Non Sequitur & Website  For more information, call SCBA at /2091 571-5729 or STANBAR OPG.

# NON SEQUITUR AID RATTES

Business Card - \$50

Quarter Page - \$150

Half Page - \$300

Full Page - \$600

SBCA Member - 10% Discount (for each issue)



# STANISLAUS COUNTY BAR ASSOCIATION 804 14TH STREET, MODESTO CA 95354 (209) 571-5729 ◊ Fax (209) 529-6130

www.stanbar.org

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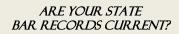
Marlisa A. Ferreira

# **EXECUTIVE DIRECTOR**

Deana Skelton

## LAWYERS REFERRAL SERVICE

Michelle Fee



BUSINESS & PROFESSIONS CODE §6002.1 REQUIRES ALL ATTORNEYS TO REPORT CHANGES TO THEIR ADDRESS & PHONE #s TO THE STATE BAR WITHIN 30 DAYS. YOU CAN CHECK YOUR CURRENT LISTING AT www.calbar.org

