

NON-SEQUITUR

The Publication of
The Stanislaus County Bar Association

April 2010

PRESIDENT'S MESSAGE

By Judy Jensen

On behalf of the Board of Directors, we hope that all of you are enjoying a great start to 2010. As you all now know, we did not have a separate officer and director Installation event. Your 2010 officers and directors were installed by the Honorable Marie Silveira at the Holiday Luncheon in December. Sally Chenault is our newest board member and has come into our meetings with lots of enthusiasm and fresh ideas.

We have had a busy start to the year. Having a hard-working board of directors and organized executive director has allowed us to schedule many beneficial events. In January, the bar association offered a free Substance Abuse MCLE to members who had paid their dues. We

hope to repeat this event in January 2011. On January 8th, David Gianelli and Margaret Middleton presented an MCLE on Estate Tax and Probate Legislative Law Updates. On January 22nd, the Honorable Marie Silveira presented an MCLE on Courtroom Ethics - A View from the Bench. March 5th, Gary Davis presented Mediation - Tools, Tips and Techniques. On March 19th, Craig Needham presented Trial Evidence. Most recently, on April 16th, Jim McDade and Brett Dickerson educated the bar association on the new 2010 employment laws. We appreciate and thank all of our presenters for donating their time to our MCLE program.

Upcoming MCLE events include Randy Wilson, on April 23rd, an attorney and legal marketing consultant, who will

present an MCLE titled "Blogging and Other Social Networking - To Tweet or to Blog - that is the question!" On June 25th Wade Hansard and Jay Christoffersen from McCormick Barstow will speak on Coverage and Bad Faith Litigation.

On April 29th, the bar association will be hosting the 2010 Judicial Candidates Forum at the Martin G. Petersen Events Center.

MARK YOU CALENDARS for May 7th! Our Annual Law Day Luncheon will be held on that date at the SOS

Club. Our guest speaker is Justice Steven M. Vartabedian from the Fifth District Court of Appeal. This will be a great event and I look forward to seeing all of you there. Lastly, golf is back! So put together your foursome and enjoy a wonderful day of golf on Saturday, June 5, 2010!

LIBERTY BELL AWARDED TO KENNI FRIEDMAN

Kenni Friedman has been selected to receive the 2010 Liberty Bell Award at this year's Law Day Luncheon. The Liberty Bell is awarded to a nonlawyer to honor an outstanding citizen in our community who, through mostly volunteer efforts, has fostered a greater respect and better understanding of our laws and legal system, has contributed to the effective functioning of our institutions of government and takes pride in our nation's system of freedom for all under the law. Congratulations Kenni!

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UPCOMING 2010 EVENTS



April

- 22nd LRS Committee Meeting - Noon
- 23rd MCLE - Blogging and Other Social Networking Speaker: Randy Wilson
Noon – Jury Assembly Room
- 29th Judicial Candidates Forum
6:00 p.m.
Martin G. Petersen Events Center

May

- 1st Law Day at the Mall
10:00 a.m.- 4:00 p.m.
- 7th 2010 Law Day Luncheon
Keynote Speaker:
The Honorable Steven M. Vartabedian
Fifth District Court of Appeal
Noon – SOS Club

June

- 5th Golf Tournament
Dryden Golf Course
9:00 a.m. – Shotgun Start
- 25th MCLE – Coverage and Bad Faith Litigation
Speakers: Wade Hansard and Jay Christoffersen- McCormick Barstow
Noon – Jury Assembly Room

THINGS THAT AREN'T BILLABLE

Spring has sprung - so let's get outside and do some stuff!

The peanuts and nachos await. Show them who's boss & get yourself to a ball game! The Modesto Nuts are in full swing for the 2010 season.

All in all we're just another brick in the wall. Dude, the Pink Floyd Laser Extravaganza is April 24 at 8 p.m. at the State.

The San Francisco International Beer Festival is April 24, 2010 at the Fort Mason Festival Pavillion. What could be better than a beer by the bay?

The Stockton Asparagus Festival is April 23 to April 25 for all your asparagus needs. Participate in the Spear it Run, the Spear of the Valley Recipe Contest or, if you dare, the asparagus eating competition. The festival comes complete with Blue Oyster Cult in concert on April 24 (cause nothing says asparagus like Blue Oyster Cult). Or, for the total asparagi-marathon experience, party it up in your tight red leather pants with Loverboy on April 25 (it's, like, so totally awesome!)

Digested the asparagus and ready to move on? Get over to the Patterson Apricot Fiesta June 4th through 6th. More information will be available in May, so that's about the extent of our information as of now, but keep an eye on the website. We're guessing that apricots are featured. Last year included a petting zoo, hot air balloons and a parade.

Take a drive to Petaluma for the Great Petaluma Chili Cook-Off on May 8th at the Sonoma-Marín Fairgrounds.

The Roseville Strawberry Festival is May 8th and 9th at the Placer County Fairgrounds.

The Sacramento Doggie Dash is June 5th. Sponsored by the Sacramento SPCA, the event is held in William Land Park and helps to raise money for shelter animals. Participate in the fun run/walk, stroll through a vendor's row then settle down and take in a frisbee dog show. (Too far? We'll remind you later, but the frisbee dogs are coming to Modesto in October.)

PHILIP A. PIMENTEL
Stanislaus County Candidate
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FORE!!

By: Michael Dennis & Crystal Swanson-Dennis

If you read the flyer for the triumphant return of the SCBA's Golf Tournament, you will read, "Short on teammates? Don't worry. If you don't have a foursome, we will find one for you!" Let's just say that it would behoove you to fill your team, because if you don't, I just might become the fourth member of your team.

Recently, I headed to the driving range on McHenry for my first golf lesson. For those who have not witnessed my golf game, I am not very good. For those of you have, I apologize. Hey, you can't be expected to have the looks, the rapping ability, and a stellar golf game as well. Something has to give, and for me, that something is golf.

My instructor first had me take some practice swings. Let's just put it this way, after one practice swing, she confiscated the balls. The lesson went from, "Let's see your swing," to "Maybe just your back swing," to "Let's just see your grip on the club," to "Give me the club before you hurt yourself."

Apparently, my hand-me-down clubs were "girl's clubs" because they were too short. Thus, I now had my excuse for every bad swing. "It must be the clubs!" Because the clubs were so short, I had to sort of bend down and lean out over the ball. Silhouetted against the setting sun, this posture could only be described as dashing. My handsomeness was immediately upgraded to devastating.

Now my family has hailed, for generations, from Nebraska. Before that, we called Ireland home. Therefore, I can unquestionably use pen when checking the box for "Caucasian" on any ethnicity form. What this means is that my ancestors got together and decided that our hips should forever be locked in place. Our direction would be forevermore forward, with no wasted back and forth motion. I have moseyed, ambled, and walked, but I have never been accused of sashaying. Alas, the golf swing requires quite a bit of hip rotation. My instructor directed me to watch her hips as they rotated to give me an example. I respectfully declined. As an attorney who has dabbled in the area of sexual harassment law, there was no way I was going to watch her hips. This was nothing short of entrapment! Unlike most students who are told to practice their swing, I was directed to go take some salsa dancing

lessons to loosen myself up. Soon, I shall play golf with mucho gusto!

Anytime I lost track of where I hit the ball, (which was every time) she informed me that it was because I hit it over the fence. This "fence" must be some kind of golf metaphor. She would then ask, between chuckles, if I hit the grass after a swing, in spite of the fact that a toupee sized divot was landing about 10 feet away. She was also very hands on. After I finished my swing, she would grab my hips and forcibly rotate me to where I was supposed to end up. I could hear my muscles, and my ancestors, screaming in protest as my hips pivoted double digit degrees. I think I pulled all the fat along the left side of my body.

"When you finish your swing, if you fall, you should fall forward. So, if I push you..." I was then shoved onto the range. She would then shove me after every swing until I got it right. I would like to say that I was only shoved once. I would like to say that.

The lesson finally came to end, and, being out of shape, I was tired, sore, and needed to put a beer on my wounds. Conveniently, Nino's bar is across the street from the driving range, and, in order to go south on McHenry, you must pull a U-turn in its parking lot. It would have been rude not to stop.

Continued on Page 4

SCBA GOLF TOURNAMENT



Date: Saturday, June 5, 2010

Place: Dryden Park Golf Club

920 Sunset Avenue, Modesto

Registration Time: 8:00 a.m. in conjunction with the putting contest.

Tee Time: Shotgun tee off at 9:00 a.m.

Format: 4 person modified scramble

Cost: \$95.00 per person includes golf, cart, lunch, and refreshments.

There will be prizes for the closest to the pin, long drives, net and gross low scores.

Pick up the phone and call the SCBA office at 571-5729 to reserve your space. You do not have to form a team, you may sign up individually and be guaranteed that we will pair you with golf-gifted teammates.

Fore...Continued from page 3

Fast forward to my final golf lesson. Although it was promised that I would learn how to use all my clubs, I never progressed past using my 8 iron. Apparently, my lack of flexibility was hindering my game. To quote my instructor, "You're so stiff I bet you're a horrible dancer." Hey, as long as the Robot remains a viable dance move, I take the position that I dance just fine.

Anyway, my lesson ran long so I moved off to the side to hit my final balls while my instructor introduced herself to three new clients. So there I was, suddenly with an audience. A hush spread across the gallery as I reared back and let it fly, the culmination of a month of instruction. The only thing that flew, unfortunately, was the club head as it snapped off the shaft and went hurling onto the range.

Naturally, having the devastating looks described above, the ladies were watching. How could I salvage the situation with pride intact? I immediately went into my impersonation of Dick Vital describing a young Shaquille O'Neill. "He is too big and too strong for this game." I, like Shaq, am apparently too big and too strong for my chosen sport. Shaq, however, merely shatters backboards made of glass. Pansy. I, on the other hand, shattered an object forged from iron. Therefore, there is a good chance that I am far too muscular for golf. Besides the length of my clubs, I now have another excuse.

I sheepishly called out to my instructor to have everybody on the range stop swinging so I could retrieve the head of the club. I had no idea where it landed, so, to add to my humiliation, I had to play a game of "hot and cold" with somebody who saw where it landed. "Your getting hot, hotter, oh no, now you're ice cold, warmer, warmer, you're burning up...." The farther away I got, the louder the guy had to yell, thereby insuring everybody at the range knew what was going on. The club head landed about 50 yards out, which is just yet another indication that with me, the sword, or club, is mightier than the pen. In your face, pen!



In the end, my instructor officially called the time of death of my 8 iron at 7:50 p.m. Being Irish, I, of course, had to have a wake. Again, Nino's Place is just across the road.

So, who wants me on their team for the SCBA Golf Tournament? The line starts over there....

FROM THE LAW LIBRARY



By: Janice K. Milliken, Law Librarian

As many of you are aware, county government is facing a significant shortfall in funding. There are several reasons for this, but it is mostly a result of unprecedented decreases in discretionary revenue as well as the State budget crisis. The Modesto Bee reported on action that the Board of Supervisors took in early April to cut salaries and wages by five percent (5%) across the board. As I understand it, departmental program and staffing reductions is part of a thirty (30) month budget strategy to allow for the restructuring of revenues and expenditures. These Labor Cost Reduction Agreements, which include other strategies in addition to the five percent (5%) salary reductions, is intended to provide direct salary cost savings during the next two (2) fiscal years.

Civil filing fees from sources such as Probate, Family Law, and Personal Injury lawsuits support over eighty-five percent (85%) of law library operations. However, the Law Library does receive monies from the County General Fund, and as such, our operations will be affected.

Salary reductions and furlough days will be a part of the future beginning July 3, 2010 and ending June 30, 2012 (two Fiscal Years). How this will affect the services the Law Library delivers to you has yet to be determined.

We will be conducting a survey, which will be emailed to our qualified borrowers. We respectfully request you to complete it and return it promptly. For others, the survey will be available to fill out in the library. The survey is designed to determine how our patrons use the library and what the preferences are regarding hours of operation.

While final decisions regarding closures, reduced hours, and diminished services will be determined by the Law Library Board of Trustees, feedback from the legal professional community will certainly be considered. As always, the ultimate decision will focus on cost savings and efficiencies while endeavoring to strike the correct balance to meet the needs of our library patrons.

Play golf. Play golf. Play golf. Play golf.

Law Day 2010

Please join us for Law Day 2010 scheduled for Friday, May 7, 2010 at noon at the Sportsmen of Stanislaus Club (SOS) located at 819 Sunset Avenue, Modesto.

Keynote Speaker:

Justice Steven M. Vartabedian
Law Day and the 5th DCA- 50 Years
and Beyond

★★★

Presentation of the 2010
Liberty Bell Award
Kenni Friedman

★★★

SCBA Scholarship Presentations

★★★

Please contact the SCBA office
at 571-5729 for reservations.

**Join the Lawyer Referral Service of the
Stanislaus County Bar Association
and build your client base!
Call 571-5729 for an application**



HELP WANTED

LEGAL ASSISTANT: Legal assistant needed starting May 1st. Family law background strongly preferred. Current legal assistant will be out approximately 4-6 months, perhaps longer. Send resumes to Law Office of Michael G. Loeffler, 520 13th Street, Modesto, CA 95354; fax (209) 544-7151. Replies will be kept in confidence.



Have you paid your 2010
SCBA dues?

Membership dues were due by January 31, 2010. If you need a Membership Form or further information, please contact the SCBA office at 571-5729.



Julia Bolton Mensinger
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FROM THE COURT



A NEW COURTHOUSE FOR THE SUPERIOR COURT

BY: Michael Tozzi

The Office of Courthouse Construction Management (OCCM) a department within the Administrative Office of the Courts (AOC) has recommended a new courthouse in a new location. Yes, you read that correctly. Senate Bill 1407 created the courthouse construction bond money and we have been advised by OCCM that our new 26 department courthouse is moving forward with a price tag of \$277,000,000. There is a process that has to happen before groundbreaking can take place. A Project Facility Report has been prepared and it will reach the Department of Finance (DoF) sometime in late April. Thereafter the process will involve the Joint Legislative Budget Committee (JLBC) and the State Public Works Board.

The time line for this project once approved by the DoF and the JLBC is as follows: The site acquisition phase will begin this summer. The Design Phase will begin in the Spring of 2012, following the completion of site selection and site acquisition phases. Construction of the new 26 department courthouse is scheduled to begin in the Spring of 2014 and be completed sometime in 2016. At some point in time, the current Court Advisory Group (Judges Jacobson, Cordova and Steffen and Mr. Tozzi and Mrs. Romero-Soles) will be expanded to include community and SCBA members.

There will be much more information for you as the project moves along. A site has not been selected and there has been no discussion about moving it away from downtown. Any speculation at this point in time would be premature.

KIOSKS AROUND THE COUNTY

The court with the cooperation of various cities has installed information kiosks in Turlock, Oakdale, Patterson, and the County-City Admin building. A person can use the kiosk to a) look up a pending case, b) pay a traffic citation, and c) check a case disposition. It's a very convenient way to deliver limited services for persons who live a long way from downtown and those without courthouse internet access.

LANDLORD-TENANT/SMALL CLAIMS CLINIC

The Court, in collaboration with CRLA, received a partnership grant award from the State Bar Association last year to form a Landlord-Tenant/Small Claims Clinic for assistance to self-represented litigants. The Clinic is relocating to City Towers on the 6th floor.

Clinic Hours

Mon. 9:00 AM – 3:30 PM	Thurs. 9:00 AM – 3:30 PM
Tues. 9:00 AM – 3:30 PM	Fri. 9:00 AM – 3:30 PM
Wed. CLOSED	

NEW LEGISLATION

The Legislative Update page on the court's website has recently been updated. All of the bills currently being tracked by the 2010 legislative committee are listed and grouped according to area of law. Each bill has its own individual link to current status, history, complete bill text, amendments, analyses and votes. The legislative update webpage is accessible under the General Information tab on the Court's home page. You can check out the webpage at: <http://www.stanct.org/Content.aspx?page=legislativeupdate> Michael Tozzi and Margaret Middleton are on the court's legislative committee.

CALL FOR ATTORNEYS FOR PROBATE MATTERS

The court is inviting attorneys to submit applications to be on the list of court appointed attorneys in probate matters. Application and certification forms are available on the court's website under probate forms, items 17 and 19. The application form may be accessed at: www.stanct.org/Store/Forms/application_for_appointment_as_counsel.doc and the certification form can be accessed at: www.stanct.org/Store/Forms/Certification_of_Attorney_re_Qualifications.pdf

Once completed, please submit the application and certification forms to Margaret Middleton, Probate Examiner, for processing. Margaret's contact information is:

Stanislaus County Superior Court
Margaret Middleton, Probate Examiner
Telephone: (209) 530-3180

CONGRATULATIONS TO
ANN AMERAL
on her appointment to the Stanislaus
County Superior Court.

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IN MEMORIAM

Since the beginning of this year, Stanislaus County has lost three members of its legal community. The SCBA extends its sincere condolences to the families of Judge J. Augustus "Augie" Accurso, Judge Norman Reid and E. Paul Fulfer. For specific information regarding memorial contributions, please contact Roberta at the SCBA office at 571-5729.



APPLICATIONS AVAILABLE FOR THE 2011 JNE COMMISSION

The California State Bar is seeking active members of the State Bar, former members of the judiciary, and members of the public who are interested in volunteering to serve on the 2011 Commission on Judicial Nominees Evaluation (JNE Commission). Information on the commission, time commitment and the application are available from the website at www.calbar.ca.gov (select links to Attorney Resources/ Committees and Commissions/ Other Entity Appointments) or from the State Bar's Appointments Office: 415/538-2318; fax 415/538-2255. **The application deadline is June 1, 2010.**

READERS NEEDED

Judges are needed for the Lincoln Exhibit Essay Contest for junior high and high school students. No experience is necessary and orientation/training will be provided by the Stanislaus County Office of Education (SCOE). Judging is scheduled for Wednesday, May 12th from 8 a.m. to noon at SCOE. Lunch will be provided.

If you are interested in helping with essay reading, please contact Barbara Little at 238-1710 or by email:

blittle@stancoe.org



AROUND THE OFFICES

Brent L. Bixby and **John Nguyen** have relocated to 1130 14th Street, Modesto.

Joyce Gandelman is now working with the City of Merced Dept of Child Support Services.

Emily A. Wirowek has joined the Gianelli firm.

Robin Reno moved to 626 15th Street, Modesto.

CRLA is now located at 1111 I Street, Suite 310, Modesto.

Ralph Gaarde has associated with Paul Echols.

George Skol relocated to the Arata, Swingle, Sodhi & Van Egmond firm.

Pete Fisher recently passed the Bar and is an associate at the Curtis office.

Tamie Cummins can be found at the Borton Petrini office.

Betty Julian (formerly with Damrell) is now at the McCormick office.

Sonya Bouma is new to Modesto and has set up her office at 416 14th Street, Suite 120, telephone 527-8700. Her primary focus is family law.

Stephanie Woo has joined Frank Zumwalt's office.



And last, but not least, congratulations to **Hugh Breerton** and **Dale Thayer** on their retirement! Dale moved to New Mexico.

2010 JUDICIAL CANDIDATES FORUM

Join the SCBA for the 2010 Judicial Candidates Forum, moderated by Merced County Superior Court Judge John Kirihara.

April 29, 2010

6:00 p.m.

Martin G. Petersen Events Center

720 12th Street, Modesto, CA

\$25.00 per person



Superior Court Judge Candidates

Shawn D. Bessey

Martha J. Carlton-Magana

Geoffrey C. Hutcheson

William E. Mussman, III

Philip A. Pimentel

Nancy B. Williamsen

Appetizers and wine will be served.

To make reservations, contact the SCBA office at 571-5729.