

NON-SEQUITUR

The Publication of
The Stanislaus County Bar Association

August 2011

PRESIDENT'S MESSAGE

By Peter Stavrianoudakis

I wanted to share a few highlights of the past months and a few firsts. The Golf Tournament was rained out for the first time in SCBA history. On the original date, a few brave souls played 9 while we tore down and most made it back for our event two weeks later. For those of you that braved the hurricane winds and torrential downpours on the original date, my hat's off to you. Of course the wind blew my hat off with no effort on my part. Thanks again to our committee (even though I've heard it practically runs itself) and all our sponsors without you this event would not be possible. CASA appreciated our donation.

This term, we have sponsored more MCLE's than ever before. I want to thank our committee for the arm twisting in getting such excellent speakers and to the speakers for delivering such great continuing education programs for us. We are now featuring MCLEs directed at the workhorses of every law firm, the clerks and paralegals. With the addition of these programs targeting your staff members, we hope that you will sponsor their associate membership in our local Bar Association. The cost savings of one class all but pays for the associate membership.

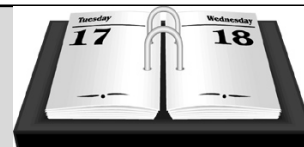
The Lawyer Referral Service is doing better than ever. For years, this valued service has operated at a loss and survived through the financial assistance of the Bar Association. The operations have now been made more efficient (both operationally and in collecting the up-front referral fee), it is now not only paying for itself, but is also paying arrearages owed to the Association.

Continued, p. 4

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UPCOMING 2011 EVENTS



SEPTEMBER

- 7 **Evening** MCLE: (Bankruptcy Topic pending), with Honorable Ronald H. Sargis of the U.S. Bankruptcy Court, Eastern Dist.
Location: Appetez, 6:00-7:30 pm
(MCLE: 1 hour credit)
- 14 Board of Directors Meeting
Noon: Borton Petrini Office
- 16 MCLE: "**Employment Law Update 2011**"
Noon: Jury Assembly Room
(MCLE: 1 hour credit)
- 30 MCLE: "**Probate Potpourri**"
Noon: Jury Assembly Room
(MCLE: 1 hour credit)

OCTOBER

- 12 Board of Directors Meeting
Noon: Borton Petrini Office
- 14 MCLE: "**Pitfalls and Remedies in Filing**"
Noon: Jury Assembly Room
(MCLE: 1 hour credit)
- 16 **MOVIE NIGHT**
Movie Title: **THE CAINE MUTINY**
Sun., 3:00 pm: State Theatre
- 20 **BENCH BAR DINNER**
Theme: **Roaring 20's – Speak Easy**
Location: **S.O.S. Club**
Time: **6:00 pm**

Continued , p. 3

SCBA COST SAVINGS

Prior to implementing paperless delivery, it cost the SCBA approximately \$ 67 for each mailer. For the 15 MCLE programs in 2010, SCBA spent \$ 934 in postage alone. As of March 2011, the SCBA switched delivery from 340 physical addresses to e-mail. We have nearly eliminated our paper and envelope costs attributable to those functions. Please contact *Deana Skelton at the SCBA office (209) 571-5729* or e-mail your address to: deana@stanbar.org. We'll gladly add you to our electronic distribution list.

Legislative Update

Urgency legislation – AB 110. On Thursday, July 14, 2011, Assembly Bill 110 was passed in both houses. This bill amending Sections 68526, 68926, 68926.1, 68926.3, 68927, and 40602.5 of the Government Code and Section 1203.01 of the Penal Code is currently awaiting signature by Governor Brown. This bill, to be effective immediately, establishes a filing fee of \$325 for a party other than appellant filing its first document in a civil case appealed to a court of appeal, for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of the Supreme Court, or for a party other than petitioner filing its first document in a writ proceeding within the original jurisdiction of a court of appeal. This bill also establishes a fee of \$325 for a party other than petitioner filing its first document in a civil case in the Supreme Court after a decision in a court of appeal. This bill specifically excludes a party other than the appellant or petitioner from the requirement to pay the \$170 additional fee required by Government Code §68926.1(b).

In addition, this bill amends Section 1203.01 of the Penal Code to limit the sentencing transcripts trial courts must send to the Department of Corrections and Rehabilitation (CDCR) to only those that CDCR needs (for sentences of life and life without the possibility of parole).

Other transcripts will still be available to defendants and CDCR, upon request. The full language of AB 110 may be found at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0101-0150/ab_110_bill_20110714_enrolled.html

Probate legislation - AB 1305. New probate legislation brings a significant change in probate. Threshold values for probate matters have remained the same for the last 15 years. AB 1305, recently signed by Governor Brown, increases the threshold value for formal probate proceedings from \$100,000 to \$150,000 and the threshold for real property of small value matters from \$20,000 to \$50,000. This higher threshold will likely increase the number of small estates eligible for summary procedures and make dealing with these estates less costly for your clients.

Judicial Council forms will be modified and your practice guides and other probate publications will need to be updated, but we anticipate no change in our local court procedures. We may experience an impact on workflow in that there may be fewer formal probate proceedings and a corresponding increase in summary proceedings, but for the most part we should see business as usual in our probate department. A complete copy of AB 1305 may be found at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1301-1350/ab_1305_bill_20110725_chaptered.html

For further information, please contact Michael Tozzi, Michael.Tozzi@stanct.org or Margaret Middleton at Margaret.Middleton@stanct.org

LEGAL SECRETARY/ RECEPTIONIST

25 hours a Week. Fax resume to 538-0227

Law Office of Cousins & Edington
Ceres, CA - No calls please!

FROM THE LAW LIBRARY

By: Janice K. Milliken, Law Librarian



As part of the County's cost saving measures, closure and furlough days were enacted as of July 1, 2011. A proposed schedule was unanimously adopted by the County Law Library Board of Trustees at their most recent meeting. Closure and furlough days will closely mirror last fiscal year's schedule.

The Law Library will be closed during Fiscal Year 2011 – 12 on the following dates (schedule also includes Holidays):

Friday September 2 – Monday 5, 2011

Monday October 10, 2011

Friday November 11, 2011

Monday November 21 – Friday 25, 2011



SAVE THE DATE!!!!

BENCH-BAR DINNER

OCTOBER 20, 2011

Law Offices of Brunn & Flynn

seek an attorney with 4+ years experience in transactional and civil litigation. Please send your resume and a writing sample to: Office Administrator, 928 12th Street, Suite 200, Modesto, CA 95354 or via e-mail to mail@brunn-flynn.com.

McCormick Barstow Super Lawyers

Congratulations to Kenneth C. Cochrane, Matthew K. Hawkins of McCormick, Barstow LLP for being named 2011 Super Lawyers!

Super Lawyers selects attorneys using a rigorous rating process. Peer nominations and evaluations are combined with third party research. Each candidate is evaluated on 12 indicators of peer recognition and professional achievement and selections are made on an annual, state-by-state basis. As Super Lawyers, these esteemed individuals join the top 5% of licensed active attorneys in the state.



CALENDAR CONTINUED, FROM P. 1

NOVEMBER

- 9 Board of Directors Meeting
Noon: Borton Petrini Office

TBA MCLE: Nominating Lunch and Judicial Calendar Lunch
Location: TBD
(MCLE: 1 hr Judicial Calendar credit)

DECEMBER

- 9 **Annual Meeting/Holiday Luncheon**
Noon: **SOS Club**
Elections/Charity Donations

Presidents Message, cont., p. 1

The changes have resulted in increased revenue and reduced cancellation and no shows, easing the burdens on the LRS panelists.

What's on the fore front? We are currently adding an on-line payment option to our website. That's right: with our next upgrade you will be able to go on-line and reserve your MCLE classes, pay membership dues and order your MCLE lunch without taking pen to paper or getting out of your chair.

Bench Bar is coming up, so get ready for a roaring good time as we go back to the roaring 20's prohibition, speakeasies, pinstriped suits and Al Capone apparel. Our Bar has been long known for hosting some great events and this will be one of them. Let's make this the best ever; I hope to see you there.

MEDIATION & ARBITRATION

Calvin Moorad, Bar No.: 34748

- *Extensive experience in areas of real property, business, construction/development and estates.
- *Extensive mediation and arbitration experience.

For info contact Law Offices of Calvin Moorad
1020 - 15th St, Ste 8, Modesto CA 95354
(209) 526-0006; Fax (209) 526-0005
cal@mooradlaw.com

Stanislaus Superior Court is Recognized for Improvement in the Administration of the Courts

by Jeanine Tucker, Court Operations Manager

Stanislaus Superior Court, along with Fresno Superior and the 5th District Court of Appeal were recognized on July 25th, at a ceremony at the Fresno Superior Court, for their collaborative project, the *Transcript Assembly Program*. This project, initiated by the 5th DCA, is the first program in California which automates the compilation, preparation, and transmission of Clerk's Transcripts, prepared in Civil appeals.

These three courts were some of the recipients of the 2010-2011 Ralph N. Kleps Award., the highest award given to state courts by the Judicial Council. The biennial award, created in 1991, was established to honor Ralph N. Kleps, the first Administrative Director of the Courts in California, and was presented by Justice

Ronald Robie. The award honors local court programs "demonstrating greatest success through innovation", as well as "statewide initiatives to modernize infrastructure and better serve court users".

Utilizing TAP reduces the amount of staff time spent by more than four hours per 300 pages, the time needed to manually assemble and prepare the appeal transcripts for unlimited Civil cases. Further, it results in savings at both levels of the court by reducing the amount of paper used, and shipping and storage costs.

Cutting the case processing workload by 50% allows the courts to partially offset staffing reductions which have resulted during the state's fiscal crisis. The successful completion of this pilot project marks the beginning of new projects designed to expand electronic transmission and assembly of Clerk's transcripts to Juvenile Dependency and other case types and to gain additional

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AROUND TOWN

Linda Brown (formerly of: A Pair A'LeGALS) is now doing business as:

"Downtown Linda Brown," Legal Document Service Assistant

418 – 13th St, Modesto CA 95354

linda@downtownlindabrown.com

(209) 529-7254 Fax (209) 529-7244

Stephanie Louise Jamieson, Esq., has new contact information:

PO Box 132, Patterson CA 95363-0132

(925) 212-3539 Fax (209) 566-2710

Joyce Gandelman has taken over the Seniors Law Project from CRLA, and can be reached through the following contact information:

121 Downey, suite 102, Modesto, CA

(209) 577-3814

seniorsjoyce@gmail.com

Law Office of Steven A. Smith has discontinued use of its PO Box. Please transmit all mail to:
502 – 13th St, Modesto CA 95354

Pablo A. Tagre, Attorney at Law has new contact information:

1500 Standiford Ave, Bldg C

Modesto CA 95350

(209) 877-7457 Fax (209) 691-5552

ptagre@tagrelaw.com / www.tagrelaw.com

Michael Halley retired on July 29, 2011, and has updated contact information:

517 W Fairmont Ave, Modesto CA 95350

(209) 522-7572

David C. Johnston and Anthony D. Johnston have opened a new practice:

Johnston & Johnston Law Corp.

627 – 13th St, Modesto CA 95354

(209) 579-1150 Fax (209) 579-9420

david@johnstonbusinesslaw.com

anthony@johnstonbusinesslaw.com



**ALMOST TIME FOR MOVIE NIGHT
GET READY – PLAN TO ATTEND**

JOIN SCBA AT OUR

Night at the Movies

Sunday – October 16th

STATE THEATER

1307 J St, Modesto

What's Playing:

"THE CAINE MUTINY"

Flyer coming soon with more info!



MULLIGAN

By Keric J. Cushing



Our annual golf tournament got its “do over” on June 18, 2011. As Judge Hurl Johnson confirmed, for the first time in the history of the tournament he started many moons ago, it was actually rained out. It was the kind folks at Dryden that permitted us to reschedule the tournament given the unre-



lenting rain on June 4, 2011. While they were willing to let our players play, there were far fewer players that showed up willing to do so. Many thanks to

Dryden for being so accommodating and a big thank you to all of our volunteers, committee members, tournament sponsors, prize contributors, and participants for making the event a success. That success allowed SCBA to make a donation to CASA (check out the picture of our fearless leader handing over the check to CASA Executive Director Steve Ashman).

So who won? Well, what's a golf tournament without a bit of controversy these days? A picture of the scoreboard is included for “clarification.” The idea was to award prizes for “low gross” and “low net.” The prizes were the same in each category, with first place garnering \$60 per player in pro shop script. Ultimately, the winners with the lowest posted score were the team of Petrulakis, Schmidt, Barrett, and Ferlmann and second place (based upon a number of putts tiebreaker) was the team of Johnson, Allen, Thornberry, and Thornberry. Congratulations!

What ultimately became clear is that because not all participants provided handicaps, real or imagined, Dryden, unbeknownst to me, utilized a “modified Callaway”

scoring system. Translated, that means I have no idea what any net scores were, and the score-cards were tossed by the time I requested them the next day. Under a Callaway scoring system, there is no adjustment to a team score that is under par. Where the team score is over par, and depending by how much, deductions are made based upon the highest scoring holes (which can never exceed double the par score). Anyone really interested needs to look it up as any further explanation here will be clear as mud!

For a change, a “prize” (of \$20 per player in pro shop script) was awarded for “high” gross and for high “net” so that coming in last place actually meant something. The honor of both high scores went to the team of Balmain, Foley, Lee, and Houston. To the extent available, additional pro shop script will be distributed to teams with what appear to be lowest gross scores (or maybe I'll just throw darts at a picture of the scoreboard to award it).



The On-Course Challenge winners are identified on page 7. Congratulations to you!

All this from a tournament that essentially “runs itself!” In the end, it was a great day and good to

see everyone out there supporting the SCBA. We couldn't continue to do what we do without the invaluable and generous assistance of volunteers, committee members, tournament sponsors (see page 9), prize contributors, and participants. Thanks



GOLF TOURNEY

<table> <tr><td>Horroca</td><td>80</td><td>73</td></tr> <tr><td>Stenson</td><td></td><td></td></tr> <tr><td>Hays</td><td></td><td></td></tr> <tr><td>Petersen</td><td></td><td></td></tr> </table>	Horroca	80	73	Stenson			Hays			Petersen			<table> <tr><td>Gallahan</td><td>79</td><td>73</td></tr> <tr><td>Bryan</td><td></td><td></td></tr> <tr><td>Smolke</td><td></td><td></td></tr> <tr><td>Taylor</td><td></td><td></td></tr> </table>	Gallahan	79	73	Bryan			Smolke			Taylor			<table> <tr><td>Kolarakis</td><td>64</td><td></td></tr> <tr><td>Seuss</td><td></td><td></td></tr> <tr><td>Kopaschke</td><td></td><td></td></tr> <tr><td>Hehlogianahis</td><td></td><td></td></tr> </table>	Kolarakis	64		Seuss			Kopaschke			Hehlogianahis					
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2011 SCBA Golf Tournament On-Course Challenges

LONG DRIVE:

MEN'S:.....Nate Thornberry

WOMEN'S:.....Joanna Balmain

CLOSEST TO THE PIN:

Hole #5:.....Chad Yates, 6' 5"

Hole #9:.....Kory Garcia, 11' 7"

Hole #10:.....Nate Thornberry, 15' 7"

Hole #17:.....Steve Ferlmann at 4' 7"



Donation to CASA

ATTORNEYS WANTED: The Senior Law Project is offering you an incredible opportunity to "Pay Forward" by providing free legal services to Senior Citizens in Stanislaus County. We need help with wills and trusts, real estate/housing, bankruptcy, public benefits and a few litigation matters. If you would like to make a difference in the life of a senior and are interested in accepting up to 4 cases per year, please contact Joyce Gandelman at 209-577-3814 or seniorsjoyce@gmail.com.

Your good deeds will not go unrewarded

NEW JUDGES' LUNCHEON



On June 24th, at Galletto's Ristorante, the SCBA hosted a luncheon to congratulate our two newest judge's and commissioner. We had a wonderful turn out and enjoyed conversations with the Honorable Shawn Bessey, the Honorable Valli Israels, and Commissioner Ken Hara.



THANKS TO OUR GOLF TOURNAMENT SPONSORS

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Turlock CA 95380
(209) 669-0880

Law Office of Thomas P. Hogan

1207 - 13th St, Ste 1
Modesto CA 95354
(209) 492-9335

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627 - 13th St, Ste E
Modesto CA 95354
(209) 579-1150

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