

NON-SEQUITUR

The Publication of
The Stanislaus County Bar Association

July/August/September 2010

PRESIDENT'S MESSAGE

By Judy Jensen

The end of 2010 is bringing some exciting changes for the SCBA. The SCBA website will be getting a facelift. The website is being redesigned to reflect the high quality legal services available in Stanislaus County while also being user friendly. Our goal is to promote our Bar Association and its members to the public. The new website will contain sub-domain elements, including an attorney directory with filtered search functionality. The public will be able to search attorneys by attorney name, by firm name and by practice specialties. We will be asking all members to update their contact information, to provide us with their practice areas and if desired, their photo when filling out their 2011 SCBA membership applications. The new website will also have an events calendar with links to event posts, such as MCLE information, Law Day and other cannot miss events. An advertising component of the website will allow members and legal vendors to place ads to market their products. Our website address will remain unchanged: www.stanbar.org. Thank you to board member, Sally Chenault, for heading up this project.

The Bench Bar Dinner is rapidly approaching. The event is scheduled for the evening of October 21st. The 5th District Court of Appeals will be in town that day and some of the justices will be joining us for the evening. We hope to see you there!!

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UPCOMING 2010 EVENTS



October

15th MCLE- Jury Assembly Room- noon
Program: Collateral Source Rule
Presenters: Scott H.Z. Sumner, attorney with Hinton, Alfer & Sumner and Dean Petrulakis, attorney with McCormick Barstow

17th SCBA Night at the Movies

JUDGMENT AT NUREMBERG

Sponsored by
The Modesto Film Society and the SCBA

**Sunday, October 17, 2010
3:00 P.M.**

The State Theatre - 1307 J Street, Modesto
\$8.00 General Admission
Tickets available at the SCBA office
804 14th Street, Modesto / 571-5729



21st Bench-Bar Dinner
Charity Ballroom (Elks Lodge)- 6:00 pm
1960s Theme

November

5th MCLE- Jury Assembly Room- noon
Program: The Impact of Family Dynamics and the Psychology of Aging on Conservatorships
Presenter: Sandra Lucas, Family Court Services Manager

19th SCBA Nominating and Judicial
Calendar Luncheon
Noon at Jacobs Restaurant
1 Hour of MCLE credit

December

10th SCBA Annual Holiday Luncheon and Elections
Noon at the SOS Club

IN MEMORIAM

The Stanislaus County District Attorney's Office recently experienced two sudden and tragic deaths.

NATHAN BAKER (October 4, 1967 – August 5, 2010). Nate was a prosecutor for the DA's Office for fourteen years. He passed away at UCSF Medical Center while undergoing medical procedures. He is survived by his wife and two children. Remembrances can be sent to the Nathan Baker Memorial Fund at Bank of the West, 1401 Oakdale Road, Modesto, CA 95355, or c/o Stanislaus County District Attorney's Office, PO Box 442, Modesto, CA 95353.

SHAWN LYNN BARLOW (February 20, 1970 – September 19, 2010). Shawn joined the DA's office in 2003. He is survived by his fiancé, attorney Lindsey Robbins and his mother, Family Court Mediator, Glenda Catazarite-Pometta. Remembrances can be sent to the Shawn Barlow Memorial Fund at any US Bank.

Both Nate and Shawn played in the SCBA Golf Tournament with Shawn Bessey and they were affectionately referred to as "The Three B's from the DA's Office." The Stanislaus County legal community extends prayerful thoughts and sympathy to their families and the DA's office.

JAMES LEAP- Many of you know James Leap, he was a Family Support Attorney in the early 1980's. He went into private practice and retired in the mid to late 90s. He and his wife, Virginia, retired to Mariposa. Jim died on Monday, September 13, 2010, from a heart attack. He was 70 years old with a history of heart problems. Jim was a fine attorney and well respected by others. He participated in many SCBA functions and was very helpful in the early years of the annual golf tournament. A funeral was held in his home state of Utah. If anyone wants to leave a remembrance, please send to the local Veteran of Foreign Wars or other veteran organization. (This information was provided by the Honorable Hurl Johnson.)

WILLIAM H. MICHAEL- William H. Michael was a partner with Lamb & Michael, A Professional Corporation. He passed away at the age of 62 on August 18, 2010.



THANK YOU NOTE

On behalf of the family and friends of Shawn Barlow, I wish to thank the Stanislaus County legal and law enforcement community for the outpouring of love and support shown. I am honored to be a part of such an incredible community. While we have all been hit by the downturn in the economy, making our time and resources scarce, the absolute willingness by everyone to assist us during this time has been remarkable. From the attorneys I do not know willing to cover court appearances for me to those attorneys dearest to me who are my family doing everything they can to keep my practice going, I do not know how I will ever repay you. We are so fortunate to be members of a true legal community who comes together in good times and in bad. Thank you all.

Lindsey A. Robbins

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FROM THE LAW LIBRARY

By: Janice K. Milliken, Law Librarian



As some of you may have already noticed, we have “jumbled up” the Reference Room collection, consisting of the Rutter Group, Nolo, and CEB books. We did it on purpose! But, we didn’t do it to confuse you. The entire library collection of materials (with the exception of the Reporter volumes) is being cataloged. We are using the Library of Congress classification system because it is more appropriate for a specialized collection.

What does this mean for you, our library patron? An OPAC (online public access catalog) allows you to search complete bibliographic information (author, title, publisher, date of publication) plus location and call number for each book or other item in the Law Library’s holdings from your office or home PC. LibraryWorld’s mobile access provides the ability to search our library from mobile devices such as the iPhone or Blackberry. Access is, of course, 24/7. There is no charge for this service.

LibraryWorld is a professional library system that automates all the general tasks of library management including cataloging, circulation, patron, and acquisition records. The full suite of modules is available to manage the library using any standard Web browser. Future projects will include the automation of the check out/check in procedure.

As of this writing, the projected date for Web access to the California collection is October 1, 2010. Go to: www.stanislauslawlibrary.org and click on the catalog button under the masthead. Although it is easy to use, please feel free to call us at **558-7759** if you need assistance.

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CALL LINDA BROWN AT 529-7254

SCBA WEBSITE PHOTOGRAPHERS NEEDED!



Attention all photographers! Photos taken by our members will be used in our website. They do not need to be law related - just have a Stanislaus County theme. Please submit all photographs you would like considered in our website to Sally Chenault at schenault@damrell.com.



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AROUND THE OFFICES

Kulwinder Kenea Bains (formerly with Gianelli & Associates) has returned to Modesto and is now in private practice at City Tower, 801 10th Street, 5th Floor, Suite 106, Modesto; 521-1500. Her practice includes estate planning, probate, trust admin., business planning and civil litigation.

Paul Echols and Ralph Gaarde have relocated to 619 13th Street, Suite I, Modesto

The Tribsch firm is expanding. They just added new associate Vincent Jamison.

Aric Bright (formerly with the Public Defender's Office) is now at the County Counsel's Office.

CRLA has increased its staff by adding Daniel Malakauskas, Arsenio Mataka and Jessenya Hernandez.

Congratulations to our new Stanislaus County Court Commissioner- Ken Hara.

Congratulations to Bobby Neal on his retirement. Turlock will miss you.

Congratulations to Jeeni Casey (nee Jeeni Phillips) at the Curtis office on her recent marriage.

FROM THE COURT



New Courthouse:

Judge Jacobson, Judge Cordova and the Superior Court Administration Team recently held their first "kick off" meeting with staff from the Administrative Office of the Courts. The court will be holding monthly meetings with the AOC Team. One of the first orders of business will be to develop a Project Advisory Group (PAG). The PAG will most likely include representatives from the various County and City Departments, SCBA, Modesto Fire, and others. Stay tuned for future news.

5th District Court of Appeal Visit:

As you are aware the 5th District Court of Appeal will be visiting our county on Thursday, October 21st. Prior to the evening Bar function, the Justices will hear an oral argument in the Board of Supervisor's chambers. As part of the courts outreach program students from our local high schools and CSUS will be observing and will be allowed to ask the attorneys and Justices questions after the oral argument. The Justices comprising the panel will be Justices Herbert I. Levy, Charles S. Poochigian and Jennifer R.S. Detjen. They will visit the students at CSUS in the afternoon for a question/answer period before the Bar event.

Top Ten Ways to Make Up that Lost Billable Hour Thanks to Daylight Savings Time

By: Michael Dennis & Crystal Swanson-Dennis

1. "This status letter is to inform you that absolutely nothing is happening in your case."
2. "I think I should personally appear at that CMC in Marin."
3. "Affirmative Defense Number Seventy-Five..."
4. "Plaintiff's One Hundred Eighth Cause of Action..."
5. "This correspondence will confirm the voice message that I left you after hours on Friday..."
6. "Well, looks like we've been going for about 10 minutes now, let's take our first break."
7. "Prepare and defend non-opposed motion: 1.1 Hours."
8. "Review legal publication Non-Sequitur."
9. "Update advertising" (i.e. update Facebook Status) "Managing Partner Likes This!"
10. "Plaintiff hereby refuses to re-allege and incorporate by reference paragraphs 1-14 above and will instead re-state each paragraph verbatim."

LEGISLATIVE UPDATE

By Margaret Middleton



Information concerning new legislation for 2010 is contained on the legislative update webpage of the Superior Court's Website. The legislative webpage provides links to bill documents which include current status and bill history. In addition, the links enable users to gain access to complete bill text, amendments, analyses, and voting records. The webpage is organized by area of law and contains a very brief indicator of the subject matter of the legislation. A few samples are listed here:

AB 2284-Jury trial: rules of court (To Governor 09/03/10)-Would establish the Expedited Jury Trials Act operative until January 1, 2016.

AB 1263- Unlawful detainer: service of notice (Chaptered 08/17/10)- Amends CCP 1162 to differentiate service for residential tenant (CCP 1162 (a)) and commercial tenant (CCP 1162(b)) by not requiring any attempt to personally serve at either residence or place of business when no one is at the commercial property to accept service.

AB 2493- Conservators: photograph of missing Conservatee (Chaptered 07/15/10)- Requires that, upon establishing a conservatorship and each year thereafter, a conservator shall maintain a photograph of the Conservatee for identification purposes.

To find the legislative update page: Go to the court's homepage, find the General Information link on the Court Information tab, select Legislative Update in the pull down menu, and click on any bill number or on the link "click for details."

For further information, please contact Michael Tozzi, Michael.Tozzi@stanct.org or Margaret Middleton at Margaret.Middleton@stanct.org (209) 530-3180.

THINGS THAT ARE NOT BILLABLE

By: Michael Dennis & Crystal Swanson-Dennis

The Wray Ladine Inns of Court is gearing up. On October 14th our Inn squares off with the Callahan Inn at the UOP campus. Earn MCLE credit and have some fun. We won in 2008. They won in 2009. It's time to take them down! The Wray Ladine Inn has meetings in November, January, February, March and April. Come support your friends in the legal community.

Get out and take a Halloween Haunted Hay Ride. The lighthearted beware! Enter at your own risk! Join in for an evening of scary creatures, spooky characters and things that go bump in the night. Fun for the entire family. Come to Jacob Myers Park on October 22nd and 23rd from 7 to 10 p.m. Children under 3 are free and must sit on a parent's lap.

If you can't make the Inns of Court in Stockton, make Bob Barker proud by "helping to control the pet population." Attend the Furball Soiree at the Gallo Center on Thursday October 14th from 7 to 10 p.m. The Furball Soiree, sponsored by non-profit Alley Cat Guardians, supports the trap, neuter and return program. The spay/neuter clinic is designed to sterilize 50 stray cats each day of operation, with a goal to alter 5,000 cats in the first 12 months of operation. Come out and support this worthy cause. Live music, silent auction items, wine tasting from dozens of CA wineries and hors d'oeuvres by local restaurants. \$55 in advance, \$65 at the door. We give it two paws up! Visit alleycatguardians.org.

Sunday, October 17th is SCBA night at the movies. The State Theater is showing Judgment at Nuremberg. The show starts at 3:00.

The valley's coolest Halloween Party is back! Think you can still cut a rug or bust a fly move? Let's see what you've got! Shadowfest is October 29th, 9:00 at Gallettos. Be there! (No pressure, but all the cool kids are going.) Proceeds will be used to take less fortunate children shopping for school clothes.

Time to kiss that extra hour of sleep goodbye! Its almost the end of daylight savings time. Don't forget to "Fall Back" and set your clocks back one hour on November 7th.

Lace up your shoes and plan to walk off the bird (and the potatoes, the stuffing, the pie, you get the idea). The Modesto Turkey Trot is November 25th at Tuolumne Park. You can run in the Turkey Trot, starting at 9:30 or Walk in the Gobbler Walk, starting at 9:35. Go to cvrrunning.com for more info and to pre-register.



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STOMP

By: Michael Dennis & Crystal Swanson-Dennis

Sometimes, I need to blow off steam but adding exclamation points to my discovery requests no longer cuts it. I had do something active, yet classy, as would befit a pillar of the legal community such as myself. Which brings us to Saturday....

A Diet Coke (tm) in one hand and an Egg McMuffin (tm) in the other, she exhaled, "I'm soooo good right now." (Note the egg had been removed leaving just mcmuffin, mcsausage, and mccheese because, "You can't trust a fried egg that is perfectly round.") The "right now" of which Crystal spoke was the two of us driving to Murphys for its 33rd Annual Grape Stomp. If you want to see our stats, we competed under the name Gen-u-wine. (Represent!) This was a way to blow off steam, yet, because wine was involved, remain a class act.

Grape stomping is a team event. Half a barrel is filled with grapes. One team member is the stomper, who, obviously, climbs into the barrel and stomps the grapes. The other, the mucker, "mucks" the juice into a bucket below the spigot. Teams compete all morning, with finals in the afternoon. Each heat lasts 3 minutes, and a team advances based on how many pounds of juice they capture. (Yes, pounds!)

Strange, no one seemed to know if the juice was then bottled. Thus, if you happen upon an exquisite bottle of wine from Murphys, that unique taste just might just be feet. Over 100 teams entered the barrels that morning. Our competition bore names such as the Mother Muckers and Eat, Pray, Stomp. The team next to us was Vino 911, and featured two uniformed "police officers," heavily mustached and sporting short shorts. (Very short, as one crowd member asked of another, "um, did you just see what I just saw?")

The barrels sit atop a River Dance sized stage and there is room for hundreds of spectators. There is even a MC who asked about our sponsor, to which we replied: "We don't have a sponsor, because we don't have a problem, and can stop any time we want." Wine sales are brisk so the crowd is always on the verge of either loving or hating you. Bring it! Today is a great day to die! (Especially if paired with a fine Pinot.)

Crystal was our stomper, and I would be submerging myself in the barrel to muck out the juice. (That hair in your wine glass might just be mine. Enjoy.) By the way, if any of you want to judge Crystal, instead of walking a mile in her shoes, you must now stomp a mile in a barrel of forty degree grapes.

"On your mark, get set, stomp!" Harking back to her younger days, Crystal danced her way to an early lead - a hint of the hustle, a bit of the bus stop, and a dash of the running man. She was a maniac, maniac, stomping like she never stomped before. I think at one point she was doing the Casper Slide. ("Stomp two times. Turn to the right. Cha cha real smooth.") Within the first minute, the grapes were pulverized and the pulp began to clog the spigot. Now, stick anyone in a wine barrel up to their knees in freezing grapes and any laid back facade is stripped away. Here's an example of our communication skills (communication being key to effective teamwork): "Forget the stems, GET THE JUICE!" "Sorry about stepping on your finger, but WORK WITH ME!" Of course, grape juice and pulp were pelting my eyes, nose, and ears, so I was unable to respond. It was like being on the wrong end of a wood chipper.

After 3 minutes (or 5 minutes Canadian), the heat came to an end. Of all the grapes placed in barrel, we extracted 7.04 pounds of juice. As we learned while waiting in the kiss and cry booth, i.e. the area where you hose off, we came in fourth! There was much rejoicing.

Celebratory goblets of wine in our fists, we hit the main drag and partook of the rest of the festival. We cruised craft booths and popped into tasting rooms when our cups raneth empty. There were many tasting rooms, progress was slow. Tee shirt sales, however, were brisk. "Sorry, we only have ladies extra smalls left." (Great) So, as the heat of the day washed over the festival, all the juice, pulp and stems that had saturated my shirt began to dry. Essentially, as I meandered through the festival with a glass of wine in one hand, it appeared that I had already been sick, then rallied, without bothering to put on a clean shirt. Very classy indeed.

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2010 MOCK TRIALS

This December ten area high schools will compete in the 23rd annual Mock Trial Competition at the Stanislaus County Courthouse. The teams are comprised of eighteen to twenty students who will try their cases in front of sitting superior court judges. The schools' courtroom-performances are scored by practicing attorneys from the Stanislaus County area, and the winning team advances to the state competition in March. This year, Modesto and Johansen high schools will look to defend their championship runs, with last year seeing Modesto advance to the state level.

The case at bench: Assault with a deadly weapon. The triers of fact will decide the fate of a student accused of brutally beating a fellow classmate with a brick. With pretrial motions based on the First Amendment, this case also explores the effects of "cyber-bullying" in the virtual hallways of our modern schools.

OFFICE SPACE FOR RENT

Great location & presentation. Office available for rent on October 1st -2000 square feet. The space includes three private offices, conference area, reception station, seating area for clients, and break room. Freshly painted, new carpet, phone system, has furnishings if needed, parking, located on 13th Street near I Street.

906 13th Street \$2,200 monthly

For more contact:
Robert Eckert 605-3909
West Coast Marketing Group



The Stanislaus County Bar Association Invites You to the 2010 Bench-Bar Dinner

Program:

If you remember the 1960's, were born in the 60's or have just heard of the 60's, then you will enjoy this groovy event. Grab your platform shoes, throw on your mood ring and bring your pet rock to this funka-delic legal party.

Justices from the Fifth District Court of Appeals will be joining us.

- 6:00 p.m. – No-Host Cocktails
- 6:30 p.m. – Buffet Dinner
- 7:00 p.m. – Entertainment

Thursday

October 21, 2010

The Elks Lodge

645 Charity Way
Modesto, California

*\$40.00 per person
(guests are welcome)*

RSVP by October 14, 2010

For further information, please call the SCBA office at 571-5729

Payment must accompany reservation

2010 Bench-Bar Dinner Thursday, October 21, 2010

Names of Persons Attending _____

Check for \$ _____ is enclosed. (No refunds after October 14, 2010.)

**Please return this portion with your remittance by October 14, 2010 to:
The Stanislaus County Bar Association, 804 14th Street, Modesto, CA 95354**

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