



# the bar bulletin

JANUARY 2022

FRESNO COUNTY BAR ASSOCIATION

www.fresnocountybar.org

VOL. 43 NO. 1

## “CRISTINA’S COMMENTARY”

By Cristina M. Jelladian-Buchner  
President,  
Fresno County Bar Association



Happy New Year! Each New Year offers every one of us the opportunity for change and new beginnings. My new beginning started November 1, 2021, when I opened my own family law office, Jelladian Buchner Law, APC, and left Wild Carter & Tipton, a firm I had been with for the past 15 years. To say the change was bittersweet is an understatement. While I was excited about my new adventure and the fact that I would be sharing office space with Brian Tatarian, the first attorney who gave me an internship opportunity which allowed me to work alongside him and Kim Sieckman, his wonderful assistant, and to learn family law; I was saddened to leave my mentor for the past 15 years, Richard Harris, and those who had become like family to me at the firm. I will always be grateful for the opportunities I have been given to work with these talented mentors, in addition to Julia Brungess, another well-respected family law attorney who hired me as a law clerk, encouraged me, and shared her knowledge and experience with me. I am sure many of you can relate and have had similar experiences.

In fact, since Covid shutdowns began in March 2020, we all have experienced a myriad of changes impacting every aspect of the world as we once knew it. Kristin Kreuk said, “Life is about change, sometimes it’s painful, sometimes it’s beautiful, but most of the time it’s both.” I am a realist who sometimes views the glass as half empty instead of half full. However, when I think about the quote above, I see so much truth in it in all aspects of life, but especially as it relates to changes the legal community has experienced over the last few years. For example, we all initially struggled to learn and navigate through Zoom at the onset of Covid shutdowns, yet now many of us enjoy the convenience of Zoom court appearances. While many members previously enjoyed attending in person MCLE events offered by FCBA, this was not allowed during Covid. As a result, the FCBA Board offered members interesting online MCLE presentations on relevant subject matters impacting our legal community at no cost other than the nominal fee required for MCLE credits. This was a win-win scenario! Instead of spending extended hours in the office, some enjoyed the ability to work from home because this allowed more time with family, casual attire while working, and decreased dry cleaning bills! Sounds great, right? There is positive and negative in nearly every event we experience in life. While I am not ignorant of the fact that there is a great deal of tragedy and pain surrounding Covid and the impact it has had and continues to have around the world and within our community, I realize I cannot change this, I can only change my perspective and how I advocate for what I believe is right. Mary Engelbreit said, “If you don’t like something change it; If you can’t change it, change the way you think about it.”

In 2022, I choose to change my perspective, to try and focus on the positive and all that I am grateful for—family, friends, good health, mentors and trusted colleagues, and new opportunities to name just a few. I am humbled and honored to serve as the FCBA President for 2022, and I look forward to my swearing in on January 21st. I have really enjoyed my time serving as a Board member and getting to know other members within our legal community. Our Board is comprised of very talented attorneys who have diverse practices and backgrounds. On behalf of the entire Association, I want to extend our gratitude to Madam President, Victoria Bernhardt, for her excellent leadership as our President in 2020 and 2021 as she successfully navigated her way, with the support of our Board, through uncharted experiences. I want to thank Victoria in advance for her anticipated advice and guidance in the year ahead. We would also like to thank the following outgoing Board members for their dedicated service: Judge Oliver (Ret.), Cheryl Browns, Deborah Coe, and Christopher Lozano. We are grateful for the insight, wisdom, and experience shared by Judge Oliver and Ms. Coe over the years, as well as the

Continued on page 2

## Hatakeyama is Newest, and Maybe Youngest, ALJ

By Missy Mckai Cartier PIO SJCL



Bryce Yonehiro Hatakeyama grew up with a legacy which included great sadness. While both of his grandfathers served in the Army during World War II, his grandmothers spent that time in a

Japanese Internment camp. This family history was a part of what eventually drove his desire to become a judge, to leave behind a different “family legacy.”

That drive was rewarded when he was recently appointed as an Administrative Law Judge for the State Workers’ Compensation Appeals Board, after years of being a Workers’ Comp attorney. During that time, he worked with numerous Hmong and other Southeast Asian clients, noting they were “good people who were often taken advantage of,” adding “There are not a lot of attorneys helping these people.”

He also noticed a dearth of Asian ALJs and began to feel the lack of representation on the bench was another obstacle for Southeast Asians. While becoming an ALJ wasn’t always his goal, he began to feel it take hold. He was surprised when he heard he

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## MARK YOUR CALENDARS!!!

### FCBA’S 140TH ANNUAL BANQUET & INSTALLATION

FRIDAY, JANUARY 21, 2022; 5:30 P.M.

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SEE INSERT INSIDE

### FCBA’S JANUARY MCLE VIA ZOOM

THURSDAY, JANUARY 27, 2022; 12:00 – 1:00 P.M.

SPEAKER: MANDY JEFFCOACH, ESQ.  
WHITNEY, THOMPSON & JEFFCOACH

TOPIC: “AVOIDING ETHICAL TRAPS FOR BUSINESS ATTORNEYS”

1HR MCLE – ETHICS

SEE INSIDE CALENDAR FOR MORE INFORMATION

### CHECK CALENDAR INSIDE

THIS ISSUE FOR  
“ADDITIONAL EVENTS”  
OR OUR WEBSITE:

[www.fresnocountybar.org](http://www.fresnocountybar.org)

**2022 FCBA MEMBERSHIP FEES ARE NOW DUE & PAYABLE BY JANUARY 15, 2022**

**“CRISTINA’S COMMENTARY”**,  
(Continued from page 1)

knowledge, time, and commitment of Ms. Browns and Mr. Lozano. We are excited that Board Member, Brent Woodward, is elevating to the role of 1st Vice President, and we congratulate and welcome our new Board Members: Megan Dutra, Ben Nicholson, Christopher Rusca, Lyndsie Russell, and Renee Sample.

The Mission Statement of the FCBA is to Foster the System of Justice; To Support and Bring Together Lawyers Who Serve It; and To Assist the Community, it Serves. We will work hard to serve your needs and to fulfill the very important mission statement of our organization, but we cannot do that without you, our members. We encourage your continued and increased involvement and we welcome your suggestions on ways to improve. You have our promise that we will work hard to promote and maintain the high degree of collegiality enjoyed by the Fresno Bar. We have an exciting year ahead which starts with our Annual Banquet and Installation of Officers at Fort Washington County Club, on January 21, 2022. The evening will be a fun night with colleagues, wine and mixers, raffle prizes, auction items, and expected laughter from our witty presenters. You won't want to miss it! On January 27, 2022, Mandy Jeffcoach of Whitney Thompson & Jeffcoach will present on "Avoiding Ethical Traps for Business Attorneys" via Zoom for our first MCLE of the year; and on February 16, 2022, Federal Magistrate Judge Stanley Boone, Eastern District of California, Judge Jeffrey Hamilton, Fresno County Superior Court; and Casey Van Veen of Lighthouse Global e-Discovery Solutions will be presenting as a panel on e-discovery, expectations from the Bench, and the technology available to meet those expectations. Presiding Judge, David Kalemkarian, will be speaking at The State of the Court Update and Pro Tem Recognition which is expected to occur in April 2022. Other events throughout the year include Law Day, Witkin Lunch and/or Dinner, Red Mass, Judicial Appreciation Night, and Oktoberfest. There literally is something for everyone to enjoy! Please look for email updates from Anita Martinez, Executive Director of FCBA for more details on these events. If you see me at an event, I invite you to come up and say hello. I look forward to meeting you and seeing other familiar faces as well.

No matter what your goals are in the coming year or how many New Year's resolutions you plan on making for 2022, I encourage you all to take a moment to acknowledge the start of the New Year, to celebrate all of your experiences in 2021; and to welcome the New Year ahead. Alex Morritt said, "New year—a new chapter, new verse, or just the same old story? Ultimately we write it. The choice is ours." What will your choice be in 2022? Will you make changes or try something new? On December 31st, before the festivities of the New Year commence, I ask that you join me in taking a brief moment to reflect on the changes you would like to see in our FCBA, how we can work together for the benefit of our legal community, and the significance of the words shared by Brad Paisley, "Tomorrow is the first blank page of a 365-page book. Write a good one." I intend to!

Sending you wishes for a healthy and prosperous New Year, and we look forward to seeing you soon at our upcoming FCBA events!



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**Hatakeyama is Newest...**,  
(Continued from page 1)

had been elevated to the position after his third or fourth try but admits he would have tried again in the future if it hadn't happened now. Part of the reason for his surprise comes from his age: at 39-years-old, he believes he is the youngest ALJ locally, and possibly statewide.

While the position comes with a slight pay cut compared to his previous job, he is excited to start and plans to stay until retirement. He says he is "always an optimist, ready to fight the good fight."

Judge Hatakeyama has a wife and four-year-old son. He offers

special thanks to San Joaquin College of Law, thanking nearly every professor by name, but especially Dean Pearson. He recalls crying in her office after an especially brutal part of his first year, absolutely certain he would flunk out. She wouldn't have it, and he remembers how gentle and kind she was when he was so low. He speaks of his class of 2009 as "a special class, a special experience."

Judge Hatakeyama is the 22nd ALJ from the SJCL alumni ranks, and its 61st bench officer.

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The editorial board solicits your comments and contributions. The **Feb. issue** of *The Bar Bulletin* will be published in **early Feb., 2022**. Articles and materials for that issue must be submitted, via email, to Anita Martinez (anitamartinez@fresnocountybar.org) or Dean B. Gordon (dean@deangordonlaw.com), c/o Fresno County Bar Assn., 2444 Main Street, Suite 125, Fresno, 93721 in Word or Word Perfect format **no later than Jan. 15, 2022**. If you are interested in contributing to the forthcoming issue or any future issues of *The Bar Bulletin*, please call any member of the editorial board to make the necessary arrangements before preparing materials for publication.



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## Impromptu Bar Admissions Ceremony

By Missy Mckai Cartier PIO SJCL



U.S. Magistrate Judge Erica Grosjean poses with new bar admittees after the impromptu "swearing in session" on November 18th. Pictured (L-R): Hon. Erica Grosjean, Frankie Oliveras III, Ashley Emmerson, George Harris Jr., Nathan Martin, Jenna Halop, Surinder Padda, Travis Tubandt, and Dusty Nunes.



Travis Tubandt interned for U.S. Magistrate Judge Erica Grosjean, who was gracious enough to perform the impromptu ceremony.

In keeping with the rare circumstances surrounding the newest group of courageous bar passers, a unique swear-in session was organized on the fly to fill in for the cancelled (COVID) FCBA sponsored courthouse event.

The Honorable Erica Grosjean officiated the first-ever SJCL group swear-in, held at the Senior Citizens Center (and future home of the new SJCL law library) next door to the Law School, on the Thursday following the bar result announcements.

Eight of the 24 SJCL bar passers took the attorney's oath together, with family and friends on hand to witness the happy occasion. Judge Grosjean told the admittees it was an honor to be there, noting that she knew most of them from her work as an SJCL adjunct professor.



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## Looming Attorney Shortage?

By Diane Skouti, SJCL Alumni Liaison



One has only to glance at San Joaquin College of Law's online Job Board to see how many law firms and agencies are seeking to fill open attorney positions in the Central Valley. Often times, a job listing is re-posted more than once because it has gone unfilled for more than a month. And it seems paralegals are just as hard to come by, as noted by local attorneys like Glen Gates, who says his firm has had trouble filling paralegal positions as well.

In early November of 2021, corporate law firms in San Francisco and the Bay Area were reporting that they had on occasion, turned away clients due to a shortage of associate attorneys. With a windfall of work coming through their doors (some due to COVID), both large and smaller firms reported passing up client opportunities due to short staffing. Losses in potential revenue for some larger firms were estimated to be in the \$ millions. (Mitchell, Rick, November 2, 2021.)

Likewise, in September of 2021, the District Attorney in Pueblo, Colorado was struggling to fill five vacant attorney positions in his office. Due to a shortage of attorneys across Colorado, law students who have yet to graduate or are awaiting bar results are now being considered for positions where previously, more experience was preferred. Due to understaffing, postponed court hearings have caused a backlog of delayed cases, and the quest for crime victims seeking justice is prolonged even more than usual.

When combined with the current upturn in instances of violent crime, the situation in Colorado, as well as much of the rest of the country, is dire. (Chuck, Natalie, September 28, 2021.)

In addition to the usual ebb and flow cycles of interest in professions like the law, a whole lot of baby boomer attorneys are now preparing to retire. Where plenty of older, country lawyers were once happy to serve those living outside of city limits, the tendency of lawyers today is to base themselves in urban areas where the salaries are higher. This "graying bar" of attorneys, who are retiring and not being replaced, aids in the proliferation of "legal

deserts" in rural areas and small towns. In these areas, folks needing assistance with everyday issues like contract disputes, estate planning, real estate transactions and divorce, must search far and wide for legal help.

While lawyer jokes abound about billable hours and the fleecing of the uninformed, the fact is that salaries in rural areas are often too low to meet the financial burdens of recent law school graduates and their mountainous student loan debt. Thus, as addressed at a forum on the SJCL campus back in 2018, gaps in legal access in rural communities continue to grow.

A 2019 report in the ABA Journal noted that the New Mexico Supreme Court was considering using licensed legal technicians to provide civil legal services in order to improve the availability of legal services in the state. (Weiss, Debra C., May 28, 2019). Of all the counties in New Mexico at that time, some 21% had five or fewer lawyers and two had no attorneys at all. Other states, like Washington and Utah, have already begun to license nonlawyer legal technicians to address the same issues.

While cost has always been a factor associated with legal access, some estimates claim that the cost of hiring a lawyer is now out of reach to some 80% of the population - yet most in this group do not qualify for free legal aid or programs. In addition, the COVID pandemic has uncovered yet another context for "legal needs." With so many individuals experiencing financial difficulties, unemployment, and health concerns due to COVID, it has been demonstrated that a shortage of attorneys, and specifically rural attorneys, "has significant impact on public health." (Statz, M., Termuhlen, P., 2020)

While the relationship between public health and attorneys in civil and criminal contexts is well known, the same relationship is responsible for establishing equitable health-related laws and policies that impact health care. It is the interventions of attorneys that transform institutional practices and help bring about the stability necessary for health maintenance.

Thus, the justice gaps that exist rurally are leaving parallel rural health inequities in their wake.

As a service that is needed at one time or another by just about everyone - ultimately as unavoidable as the undertaker - students currently enrolled in law school can take comfort in the knowledge that there will very likely be more than one job awaiting them upon joining the bar.

Chuck, Natalie, September 28, 2021. "District Attorney's staff shortage forcing victims to wait for justice." KOAA News 5: <https://www.koaa.com/news/crime/district-attorneys-staff-shortage-forcing-victims-to-wait-for-justice>


Mitchell, Rick, November 1, 2021. "Wake Up Call: Talent Shortage Hits California Firms/Wallets". Bloomberg Law: [Wake Up Call: Talent Shortage Hits California Firms' Wallets \(bloomberglaw.com\)](https://www.bloomberglaw.com)

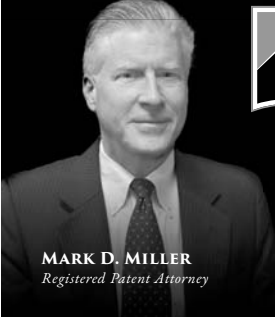
Weiss, Debra C., May 28, 2019). "Facing shortage of lawyers in some areas, this state is considering licensing legal technicians". Found at: Facing shortage of lawyers in some areas, this state is considering licensing legal technicians (abajournal.com)

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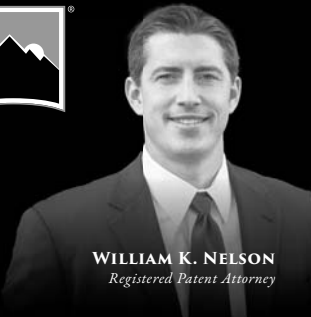
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## IT'S NOT ABOUT THE KETCHUP...

### Women in Leadership Series Serves Up Some Good Advice

By Diane Skouti, SJCL Alumni Liaison



For one of her first jobs, California Chief Justice Tani Cantil-Sakauye worked as a waitress in a lousy restaurant serving people who were often demanding and rude. She says, at the time, the experience provided her with zero inspiration. And yet, she attributes that job, in part, to her successful career as the leader of the state's Judicial Branch, and her service as the chair of both the Judicial Council and Commission on Judicial Appointments.

How so, one might ask?

"Because I learned that it was never about the ketchup!" Justice Cantil-Sakauye said during a panel discussion entitled "How to Become and Thrive as a Leader". As part of the Women in Leadership Series, the virtual program was presented via Zoom by the US Attorney's Office for the Eastern District of California's Special Emphasis Program, Federal Bar Association, Fresno County Women Lawyers, and Women Lawyers of Sacramento.

Over a hundred participants from across the state logged in to the panel discussion, which included student perspectives from Rosa Oregel-Gonzalez, a 4L at San Joaquin College of Law who immigrated to the U.S. from Mexico at the age of 12 and will graduate this spring. Rosa was awarded SJCL's 2021 First Generation Student Scholarship, the 2021 La Raza Lawyers Association Scholarship, the 2020 Fresno County Women's Scholarship, and the 2019 George A. Hopper Moot Court Best Brief Award. Zofia Trexler, a Fresno City College student who will graduate with three Associates degrees and a Cal Law Scholar certificate this spring, also spoke on the panel.

During her introductory statement, the Chief Justice noted that rudeness and anger are often aimed at those in service industries and beyond, but if you pay close enough attention, you learn

that the reasons are always much bigger than say, an urgent need for ketchup. Years later, as a new attorney and ultimately a judge, she found that her go-to phrase applied to many situations in law and has helped her to maintain her confidence while meeting each new challenge in her career.

It is a great advantage, Chief Justice Cantil-Sakauye said, to employ emotional intelligence when striving for a leadership role. "You can't stand in the shadows; you need to speak up – but civilly – be inclusive and respectful. Incorporate the ideas of others that can bolster your position. Let people know who you are and show up."

Panelist Judge Consuelo Callahan, United States Circuit Judge for the Ninth Circuit Court of Appeals, agreed. "You can find experiences that can benefit you every day (at any age). You need to look to those people who others listen to. Those who are able to gain the cooperation of others and listen to their ideas."

Judge Callahan recommended that aspiring women leaders get involved in causes that they feel are important, and to put themselves in the presence of others with similar goals. "You need to put yourself out there and even be a little uncomfortable; you will learn from it." She explained how the development of leadership skills comes from taking on challenges and overcoming the fear that comes from that.

"Successful people still get scared a lot," she said. "I just ask myself: is my own death or great bodily injury involved? If not, then I know I can survive it and learn something useful!"

"Developing as a leader requires listening to all sides, being able to look at things broadly. We can't get offended by other points of view," she said.

Judge Callahan explained how it's never too early or too late to develop leadership skills. "Students and young people who

have not yet had the opportunity to achieve a title can definitely be leaders," she said. "We need to have the courage to evaluate a situation and then make decisions based on our own beliefs. Listen to others, but don't follow them blindly."

Fellow panelist Lindsay Fox, President and CEO of the United Way for Fresno and Madera counties noted that long resumes with bullet points are not always indicative of great leadership skill. She said that those experiences that are nuanced, those times we overcame obstacles or were provided with opportunities to watch and observe, are invaluable. Having proximity to good leaders can be a huge benefit, she said. You can see how they operate – both good and bad – and learn what leadership culture really is. "If you can observe decision making, mentorship, the management of stressful situations, it's the best way to learn."

Fox invoked a phrase by Fred Rogers of "Mr. Rogers Neighborhood" fame: Look for the helpers. "Always watch for those people who can help you by providing support and mentorship

wherever you are, and always be sure to thank them," she said.

A recurring theme expressed by each of the panelist-leaders was to find comfort and confidence in who we are, know our own strong points, our own stories, and listen to the stories of others. "We are all worthy" said Judge Callahan.

The Chief Justice agreed: "The best way to overcome obstacles – is to have obstacles," she said. "If you want to be able to make lives better and contribute to policy, you need the experience of having had challenges (yourself). Obstacles are like the wind," she added. "They cause us – like trees – to develop roots, to dig down and grow stronger so that ultimately, we may thrive."



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## An Update on a Photo in the December 2021 Bar Bulletin



Last month's Bar Bulletin included a photograph of former District Attorney William A. Smith and David St. Louis at the Bar Banquet held 40 years ago at the old Elks Lodge on E. Kings Canyon Road. Here is the rest of the story. As pictured above, Smith went on his own to tell some jokes, including some about women, and political correctness was evidently not a major concern of his.

When Smith returned to his seat in the audience, Judge Annette LaRue came over with a glass of water and poured it on Smith's head. Ever handy with his camera, Howard Watkins got a photograph as Smith was smiling and drying off his glasses and, task completed, Judge LaRue turning to go back to her own seat. A good laugh was had by all.



## Hope and Community Justice

Submitted by CCLS Development Department

Maria, a disabled veteran, was already struggling to make ends meet when her modest rental home was sold to a "flipper." After 12 years, the rental was her home and now Maria and her daughter were being pushed out for a quick profit. Maria no longer drives and can't physically pack and move. Finding affordable replacement housing is always difficult, especially during the Covid-19 pandemic. Served with an eviction notice, Maria worries ... where will she go and who will help?

Maria's old landlord falsified information in the eviction lawsuit, misleading the court. CCLS represents Maria, pursues legal action and reveals the truth; the judge rules against the landlord in a court order. With renewed hope, Maria wins a favorable cash settlement, additional time to move, and dismissal of the eviction preserving her good rental history. With your help Maria avoids immediate homelessness; however, she will still need affordable replacement housing. Your donation helps families like Maria's today and their legal needs for tomorrow.

Maria's story is one voice, but imagine if she was your sister, friend or even you. There are many stories to be told and every victory that impacts our clients' lives begins with your support. Fifty-five years ago, with financial support from the FCBA, CCLS was founded on the hope of social justice, equity and opportunity for all. Over the years, the legal community remains at the heart of our fight for affordable housing, access to health care, family safety and issues important to our clients. Central California Legal Services (CCLS) is truly grateful for your commitment and ongoing support.

The New Year brings hope and a renewed commitment for us all. CCLS appreciates the support we have received from the legal community over the past fifty-five years. You advance justice and empower people.

In this new year, please consider a gift to CCLS that will help families maintain safe housing, economic stability and access to services. Will you make a gift of \$55, \$555, or \$5,555 in celebration of our 55th anniversary? For more information about your donation or major gift, please contact: Ms. Luisa Medina, CCLS Development Director, at (559) 570-1242, email: [luisa@centralcallegal.org](mailto:luisa@centralcallegal.org); or Paul Carter Mullen Esq., Deputy Development Director, at (559) 570-1224, email: [pmullen@centralcallegal.org](mailto:pmullen@centralcallegal.org).

## A LOOK BACK TO THE BAR BANQUET HELD 12/4/1981



For many years, the FCBA's Annual Bar Banquet was held the first Friday in December at various local venues, including the Elks Lodge, formerly located on E. Kings Canyon Road. Pictured above is part of the head table at the Bar Banquet held 40 years ago. They are some of the Bar leaders in attendance: FCYLA President Hal Bolen, FCBA Secretary James V. Gregory, future Judge John "Nip" Gallagher, Jr., future Judge/Justice Stephen Kane, FCYLA President-Elect John McGregor, and FCBA Treasurer Harold Lai, Jr.



## WATKINS PHOTO CORNER

On the next page are 12 photographs taken 20 years ago. All of the photographs are now on the Watkins Photo Archive Project website, at [www.watkinsphotoarchive.com](http://www.watkinsphotoarchive.com). Simply go to "PHOTOGRAPHS," then to January of 2022 and click on the first album to view and individually download any desired photograph.

A reminder that the more than 210,000 photographs taken by Howard K. Watkins since September 2007 are also on the website. The Bar-related photographs are periodically added to the FCBA's website at <http://www.fresnocountybar.org/resources/photos>. Over 50,000 of the photographs in the collection represent the photographic history of our legal community for over 48 years.

Howard thanks everyone in the legal community and beyond for supporting his Photo Archive Project. He will now be focusing his time on indexing some 50,000 photographs he took between 1973 and 2002. He also thanks the Central Valley Community Foundation for their support in helping raise the funding needed to allow Howard's Photo Archive Project to move forward. For more information, call or e-mail Howard directly at (559) 355-7040; [howardkwatkins@gmail.com](mailto:howardkwatkins@gmail.com). Also, please note his new address of 964 Palo Verde Avenue, Long Beach, CA 90815. He and his wife recently moved there and to be near family (and to free up Howard's time to actually index the community photographs).



## 20 YEARS AGO FROM THE WATKINS PHOTO ARCHIVES

(Photos by Howard K. Watkins; www.watkinsphotoarchive.com)



At the Annual Bar Banquet, Out-going FCBA President Michael Slater passed the gavel on to his successor, Beth Stratton.



Michael Slater presenting Out-going Board Member Rachel Hill with a plaque honoring her service.



Keith White receiving a plaque for his service as President of the Fresno County Young Lawyers for 2001.



Longtime Board Member Brian Tatarian receiving a plaque in recognition for his many years of service on the Bar Board.



Rene Lastreto with the assistance of President Slater conducting a live auction for marvelous catered dinners sponsored by various local law firms.



William Keeler making the high bid on one of the auctioned dinners.



Tim Sullivan presenting Mario Beltramo a binder of the music for "That's Beltramo" a parody sung by Sullivan and Greg Maon to the tune of Dean Martin's hit "That's Amore."



Rene Lastreto, Volunteers in Parole Director Denise Reda, FCBA Executive Director Vicki Savaria, 2002 FCBA President Beth Stratton, and 2001 FCBA President Michael Slater post-program.



Justice Nickolas Dibiasao, Jim Phillipa, Judge Frank Creede, Jr., and Mary Creede.



Jean Pinkerton, G. June Register, and Janine Reagan.



Judge Denise Whitehead and Judy Barron.



The Annual Wine, War Stories & Words of Wisdom for newer attorneys included several speakers including: Frank Nunes, Leigh Burnside, Co-Emcees Justice Herbert Levy and Richard Watters, Justice Rebecca Wiseman, and Jeffrey Hamilton.



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## Valley Verdicts

VENUE/CASE TYPE	INJURY	RESULT
<b>FRESNO</b> Premises Liability	Complex Regional Pain Syndrome	\$1,250,000
<b>KERN</b> Vehicle Negligence	Soft Tissue Spine Injuries	\$100,000
<b>U.S.D.C., E.D.CAL.</b> Labor & Employment	Monetary Damages - PAGA	\$104,000

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## TRIALS DIGEST'S CASE OF THE MONTH

2021 WL 5193670

### PATRON TRIPPED OVER AN EXPOSED PALLET

**PREMISES LIABILITY** - Trip-and-Fall; Grocery Store

**FRESNO COUNTY SUPERIOR COURT**

*Soto v. Garcia's Supermarket*, Docket number: 19-CECG-01669. Judge: Kimberly A. Gaab. Trial type: Settlement. Result date: May 19, 2021.

**RESULT: \$1,250,000**

**COUNSEL**

Plaintiff: Warren R. Paboojian, Baradat & Paboojian Inc., Fresno, CA  
Plaintiff: Nolan C. Kane, Baradat & Paboojian Inc., Fresno, CA  
Defendant: Marc Stamper, Law Office of Penny S. Moore, Fresno, CA

**FACTS/CONTENTIONS**

Rosario Soto, a 48-year-old woman, said she suffered a torn left meniscus that required surgery and then developed complex regional pain syndrome when she tripped over an exposed pallet while shopping in the produce section of defendant Garcia's Supermarket. The plaintiff filed a premises liability complaint against the defendant. The defendant contested the allegations. According to the plaintiff's attorneys, the parties reached a \$1,250,000 settlement after mediation.

**CLAIMED INJURIES**

Complex Regional Pain Syndrome; Torn Left Meniscus Cartilage; Knee

**CLAIMED DAMAGES**

Not reported.

**SETTLEMENT DISCUSSIONS**

Not reported.

**EXPERTS**

Plaintiff: Neurologist: Miller, Kurt, M.D., Fresno, CA  
Plaintiff: Neurologist: O'Laughlin, Thomas, M.D., Thomas J. O'Laughlin MD, Clovis, CA  
Plaintiff: Safety Engineer: Flynn, Jim, P.E., J2 Engineering Inc., Fresno, CA  
Defendant: Orthopedic Surgeon: Cerruti, Michael, M.D., Sacramento, CA

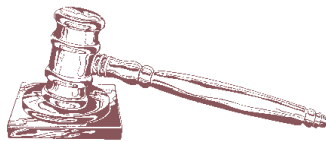
**EXPERT TESTIMONY**

Not reported.

**COMMENTS**

Not reported.

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## THE OTHER BAR



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## High School Mock Trial 2022: Murder or Manslaughter?!?

By Melissa Aaron, Content Specialist  
Office of the Fresno County Superintendent of Schools

Fresno County's High School Mock Trial Competition is in desperate need for attorneys to volunteer a few hours of their time in the evening to score a round (or two or more!) of the competition. Each round requires we have a total of 18 scoring attorneys. With 12 high schools competing "live" in six courtrooms of the Fresno County Superior Court, for four rounds of trials, that means we need enough attorneys to fill the 72 scoring slots. So, we need your help!

If you have wondered how you can give back to the community this season and help hard working High School students experience first-hand the trial of a criminal case, *People v Cobey*, involving a charge of murder or manslaughter, then this a perfect opportunity to do so. Please check your calendar to see if you are available on one of more of the following evening(s), sign up using the link below, and let us know which round (or rounds!) you can score.

**Competition Dates:**

- Round 1 – Wednesday, January 19, 2022
- Round 2 – Tuesday, January 25, 2022
- Round 3 – Thursday, January 27, 2022
- Round 4 – Tuesday, February 1, 2022

We know you're busy, so be aware that **no prep work nor reading of case material is required** to serve as a scoring attorney. All attorneys who sign up will receive the full case, case brief, exhibits, information on logistics of judging and other supporting documents for your optional review prior to their trial date. Attorneys will also receive parking information.

On the night of each round, an orientation will be held in Department 70 of the Fresno County Superior Court on Van Ness at **5:30 PM. (Please arrive on time)**. Rounds ideally will start at 6:00 p.m. and usually run between 90 minutes to 2 hours to complete, including your constructive comments to the participants after the trial.

These trials are intense, entertaining, and awe inspiring. If popcorn was allowed in the courtroom, you would likely want to bring it. You will see students who may one day be a juror or, possibly, an opposing counsel in one of your own trials. For the students, it is a chance to learn how to be a credible witness or effective trial attorney.

You really don't want to miss this opportunity. Please sign up to support this program with your time and encourage your colleagues to volunteer to score as well!

Sign Up @: [tinyurl.com/ScoreMock22](http://tinyurl.com/ScoreMock22)  
Or Scan this QR Code:



**Sponsorship Opportunities:** If you or your law office or organization would like to be a sponsor for Fresno County Mock Trial, provide a scholarship for a senior, help cover the cost of preparing the exhibits used in the trial, or provide funding for travel for our County's winning team, please contact Melissa Aaron, Mock Trial Coordinator: [maaron@fcoe.org](mailto:maaron@fcoe.org). **Questions?** Contact Ms. Aaron at that same email address.

## FEE ARBITRATION

The FCBA is in need of panel members to serve as arbitrators. The fee arbitration program was established to provide arbitration assistance to attorneys and clients regarding conflicts over billings. The process serves as a communicative link between attorney and client in a period of distress. It is designed to foster better relations and to provide an informal forum for the resolution of disputes. The program is aided by the voluntary efforts of FCBA members.

If you are interested in becoming an attorney arbitrator, please call the FCBA office at (559) 264-2619 or email [angelicanunez@fresnocountybar.org](mailto:angelicanunez@fresnocountybar.org) for more information.

**FREE MCLE and a Chance to be a Change Maker for Survivors of Domestic Violence and Elder Abuse....and you can zoom it from your Home on a Saturday! By the Project First Step Committee.**

The Project First Step Committee invites you to our free zoom MCLE workshop on January 22, 2022. We provide 4.0 hours of MCLE-three general and one ethics - and give you a chance to learn how to use your legal training to turn victims of domestic violence and elder abuse into survivors through Project First Step. Violence against families is a big problem in Fresno, we see the violence on the news every day. We have a solution but the Project First Step Committee needs your help in making it work and is willing to pay for it with training.

Project First Step is a unique collaboration of non-profits and the Justice for Families Project of the Fresno County Superior Court which includes the Marjaree Mason Center (MMC), Central California Legal Services (CCLS), and the Pro Bono Section of the Fresno County Bar Association. The group has expanded the reach of Project First Step by offering services through Project First Step at the Court to working poor and retired victims whose income makes them ineligible for services through Central California Legal Services.

Project First Step asks attorneys to donate a few hours of their time each month to represent victims in limited scope hearings to obtain their Domestic Violence or Elder Abuse Restraining Orders. Potential clients come from the Marjaree Mason Center, CCLS, the Justice for Families Project of the Fresno Superior Court, and Centro La Familia. Clients have already filed for a restraining order and have received temporary orders. Attorneys represent clients at their hearing(s) with the goal of obtaining final restraining orders.

Attorneys receive instruction through the ZOOM MCLE training in what domestic violence is, how it impacts our community and the lives of victims, how to prepare to represent a client at a limited scope hearing and what to do after the hearing is over. Attendees will also learn about domestic violence and its impact on the client's immigration status and the ethics of pro bono service.

For information regarding training go to, [https://us02web.zoom.us/meeting/register/tZlvf6srzMrGt0Vghk2o4jfd\\_g2ak8JSiVK](https://us02web.zoom.us/meeting/register/tZlvf6srzMrGt0Vghk2o4jfd_g2ak8JSiVK). You can also contact Rachel McDougall-Smith, Justice for Families Project (559) 457-4952, [rmcdougallsmith@fresno.courts.ca.gov](mailto:rmcdougallsmith@fresno.courts.ca.gov), or Montez Brooks, CCLS, (559) 570-1236, [mjbrooks@centralcallegal.org](mailto:mjbrooks@centralcallegal.org).



**Attorney Referral & Information Service  
of the Fresno County Bar Association**

We are in need to grow our list of panel attorneys in this program. The FCBA Attorney Referral Service is a public service which currently serves Fresno, Madera, Kings, & Tulare counties in providing the public with up to ½ hour consultation for legal advice.

The prospect for a panel attorney is a mix of fee-producing and consultation only cases in at least 30 practice areas. The FCBA offices charges a \$35 administrative fee to the potential client, which covers the office or telephonic consultation with the attorney. This service is not provided to the public on a low income or pro-bono basis and the panel attorney determines whether to accept the client for representation at their regular hourly rate.

If you are interested in becoming an attorney panel member, please email [angelicanunez@fresnocountybar.org](mailto:angelicanunez@fresnocountybar.org) or call the FCBA office at (559) 264-2619 for more information.

## CALENDAR

### JANUARY 2022

- 8 - **4HRS MCLE (ETHICS, ELIMINATION OF BIAS, AND COMPETENCY)** Got MCLE? - Via Zoom - San Joaquin College of Law Alumni Association's Virtual MCLE Program - **Cost:** Free for SJCL Alumni members; \$125 for non SJCL Members - Contact Diane Skouti at: [dskouti@sjcl.edu](mailto:dskouti@sjcl.edu) for more information.
- 21 - FCBA's 140th Annual Banquet & Installation of Officers - **Location:** Fort Washington Country Club, 10272 N. Millbrook Ave., Fresno, CA - **Time:** 5:30 - 6:30 p.m. (wine & hors d'oeuvres) & 6:30 - 8:30 p.m. (dinner & program) RSVP to FCBA office at (559) 264-2619 or email [anitamarinez@fresnocountybar.org](mailto:anitamarinez@fresnocountybar.org) or [angelicanunez@fresnocountybar.org](mailto:angelicanunez@fresnocountybar.org) **(SEE INSERT IN THIS ISSUE).**
- 22 - **4HRS MCLE (3HRS GENERAL/1HR ETHICS)** - Project First Step Zoom MCLE Limited Scope - Helping DV/EA victims take the First Step to becoming survivors - **Time:** 9:00 - 1:00 p.m. - **Speakers:** Marjaree Mason Center, Nancy Stegall with Borton Petrini, Jamie Xiong Vang with McCormick Barstow and others. - **Topic:** Domestic Violence/Elder Abuse and using Limited Scope to Help Survivors - **Cost:** Free - Register at: [https://us02web.zoom.us/meeting/register/tZlvf6srzMrGt0Vghk2o4jfd\\_g2ak8JSiVK](https://us02web.zoom.us/meeting/register/tZlvf6srzMrGt0Vghk2o4jfd_g2ak8JSiVK)
- 22 - **4HRS MCLE (2 HOURS ETHICS/1 HOUR COMPETENCE ISSUES/1 HOUR ELIMINATION OF BIAS)** - Federal Bar Association's Last Chance MCLE - Via Zoom - **Time:** 9:00 a.m. to 1:00 p.m. - **Cost:** Federal Bar Association Members - **FREE** (must register in advance) - Non-Members - **\$40** (if registered by January 19, 2022) or **\$50** (after January 19, 2022) - **FREE** (if you sign up to be a Federal Bar Association Member when you register) - Please make all checks payable to the "Federal Bar Association" and send them to Carol Moses at 636 North Ingram Avenue, #104, Fresno, CA 93711. Please RSVP with name and Bar Number to Lisa Ingram at [lingram@yosemitelawyer.com](mailto:lingram@yosemitelawyer.com) or (559) 449-9069.
- 26 - **1HR MCLE - GENERAL** - FCBA's Ag Law Section Mtg. - **Location:** Baker Manock & Jensen, 5260 N. Palm Ave, Suite 201, Fresno CA 93704 - **Time:** 7:00 a.m. - 8:30 a.m. - **Speaker:** Lauren Layne, Esq. - **Topic:** Water Law Update - What's the latest on SGMA in the Central Valley? - **Cost:** \$20.00 per person for Ag Law Section Members, \$30.00 for FCBA Members/Non-Section Member (includes breakfast and 1.0 hour MCLE credit provided by Baker Manock & Jensen). RSVP to [jlewis@bakermanock.com](mailto:jlewis@bakermanock.com).
- 27 - **1HR MCLE - ETHICS** - FCBA's January MCLE Via Zoom - **Time:** 12:00 - 1:00 p.m. - **Topic:** "Avoiding Ethical Traps for Business Attorneys" **Speaker:** Mandy Jeffcoach with Whitney, Thompson & Jeffcoach Please email [anitamarinez@fresnocountybar.org](mailto:anitamarinez@fresnocountybar.org) for registration link.

### MARK YOUR CALENDARS !!!

### FEBRUARY 2022

- 16 - **1HR MCLE - FCBA's February MCLE - In Person - Location:** Holy Trinity Armenian Church, 2226 Ventura Ave, Fresno, CA 93721 - **Time:** 12:00 - 1:00 p.m. - **Speakers:** Federal Magistrate Judge Stanley Boone, Eastern District of California, Judge Jeffrey Hamilton, Fresno County Superior Court & Casey Van Veen, Lighthouse Global eDiscovery Solutions - **Topic:** Do's and Don'ts of E-Discovery, Expectations of the Bench and the Technology Available to Meet those Expectations **Moderators:** Cristina Jelladian-Buchner and Nikole Cunningham - **Cost:** \$30 for FCBA Members; \$50 for non-FCBA Members - Includes MCLE  
RSVP to [anitamarinez@fresnocountybar.org](mailto:anitamarinez@fresnocountybar.org).



## Arrivals And Departures

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## Welcome New Members

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