



the bar bulletin

JUNE 2022

FRESNO COUNTY BAR ASSOCIATION

www.fresnocountybar.org

VOL. 43 NO. 6

“CRISTINA’S COMMENTARY”

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



Legal news filled the media headlines in May 2022. Some were intrigued by the highly publicized defamation trial between Johnny Depp and Amber Heard or allegations made against Fresno City Councilmembers, while others were devastated by the leak of Justice Alito’s draft majority opinion suggesting the Supreme Court was preparing to overrule *Roe v. Wade*. How could this have happened? I would venture to say that most of you have been asking yourself the same question.

Honesty, fairness, and integrity are all adjectives frequently used to describe the highest Court in the Nation. These same adjectives have historically been used by many when describing our voting rights, our election process, and yes, for some, even our government. Yet it seems like in recent years the trust in the American government is declining, and the sanctity of our democratic process and these related fundamental American rights in general have been called into question. The Supreme Court functions as guardian and interpreter of the Constitution, ensuring the American people “Equal Justice Under Law.” But how can the Justices ensure “Equal Justice” when the Nation is now living through what Chief Justice John Roberts describes as a “singular and egregious breach” of trust?

At a recent event, Justice Clarence Thomas commented on this incident involving the Supreme Court by stating, “the lack of trust at the Court changes the institution fundamentally.” He explained, “it once was unthinkable that even a single line of a draft opinion could be prematurely disclosed. There’s such a belief in the rule of law, belief in the Court, belief in what we were doing that that was verboten.” He expressed concerns that “the trust and belief in the institution will be lost forever.” While I will not delve into the legal issues discussed within this controversial leaked opinion, this ineffable act appears to have created a divide within our highest Court impacting the collegiality that was once shared between the Justices, and it will certainly have a widespread effect throughout the legal community. So how do we begin addressing these concerns and where do we go from here? After all, “trust takes years to build, seconds to break, and forever to repair.”

Abraham Lincoln said, “A house divided against itself cannot stand.” Over the past two years, a multitude of issues have created a divide amongst our great Nation and within our community including, Covid, masks, vaccines, mandates, abortion, school and church closures. Other divisive subjects include Critical Race Theory, the introduction of controversial sexual content to our children in schools, and more recently, Senate Bill 866 which recently passed the Senate in a 21-7 vote in support of a minor child’s capacity to give consent to medical care without parental consent. Even if we disagree on every one of these issues listed, can’t we put those difference aside and be kind to one another? Isn’t that what Justices Ginsburg and Scalia once did? Their friendship was described as one where they didn’t have to compromise their beliefs or their friendship as colleagues. Thomas Jefferson said, “I never considered a difference of opinion in politics, in religion, in philosophy, as cause for withdrawing from a friend.”

Our strength as a Nation and as a community comes in our unity. It comes from respecting one another even when we may have divergent viewpoints, from supporting one another whenever possible, from spending time together with our colleagues, creating and building relationships, attending luncheons, mixers, and other events held within our community (especially those held by FCBA). While we don’t yet know what the investigation into this injustice will reveal or how it will be conducted, how the trust that once existed will be restored, what long term effect this may have upon the Court, we cannot worry about things in which we have no control. What we do know is that FCBA is continuing

Continued on page 2

Help Empower Community Voices

By Lisa Birrell, CMAC Secretary



If you are looking for a way to help our community support the values of freedom of speech and ideas, the Community Media Access Collaborative (CMAC) is the place for you. CMAC invites you to join its Board of Directors as a volunteer member and advocate for an “open mic for everyone.” Our goal is to give all voices an avenue to express themselves through media resources, video production and free broadcasting on CMAC’s three free cable-access channels – Public (CMAC1), Education (CMAC2) and Government (CMAC3) on Comcast Xfinity and AT&T U-verse – as well as streaming on Roku, Apple TV, Amazon Fire TV and cmac.tv.

Our Board welcomes diverse ideas and experiences but are especially in need of a member with a legal background. To be clear, we are not looking for someone to be “of counsel,” but rather, someone to tell the Board when a discussion is running into potential illegalities and the Board should consult its own counsel. As a Board member, you will participate in bi-monthly Board meetings at CMAC, located in downtown Fresno at 1555 Van Ness Ave., (a.k.a., the “old Bee building” or “former home of the Fresno Met Museum”). The Board also has an annual local retreat where you will help shape the direction and growth of CMAC.

Even more important to know about CMAC is that it is a fun, vibrant non-profit organization with creative members and staff dedicated to helping “level the playing field” so everyone has an opportunity to share ideas and tell stories through media resources, no matter their level of experience. The staff offers free workshops with a CMAC membership, including scriptwriting, production, editing, content creation for social media and much more.

We need you to help us empower all voices in our community by promoting awareness, understanding, dialogue and civic engagement! For more information and an application to become a Board member, please visit cmac.tv/boardapp or call (559) 266-2622.

MARK YOUR CALENDARS!!!

FCBA’S WITKIN LUNCHEON

FRIDAY, JUNE 24, 2022; 12:00 – 1:15 P.M.

SPEAKER, JAMES J. BROSNAHAN
SENIOR COUNSEL, MORRISON & FOERSTER LLP

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&

GORDON M. PARK
MCCORMICK BARSTOW

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PLEASE SEE INSERT & PAGE 6 FOR RECIPIENT INFORMATION

**CHECK CALENDAR INSIDE THIS ISSUE FOR
“ADDITIONAL EVENTS/INFORMATION”
OR OUR WEBSITE: www.fresnocountybar.org**

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

to “Foster the System of Justice; to Support and Bring Together Lawyers Who Serve It; and to Assist the Community it Serves,” and we look forward to you joining us at the Witkin Luncheon on June 24th and re-connecting with our legal community at future events! In closing, I ask that you remember the words of Eckhart Tolle who said, “The power for creating a better future is contained in the present moment: You create a good future, by creating a good present.”



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The editorial board solicits your comments and contributions. The **July/Aug. issue of The Bar Bulletin** will be published in **early July, 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 June 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.

**Save the Date! Champions of
Justice – Sept. 22, 2022**

Submitted by CCLS Development Staff



Vincent Andrade is the recipient of the Cruz Reynoso Legacy Award for his dedication to public service. Andrade interned as a law student to assist immigrants and defend incarcerated individuals. As a CCLS board member, he was instrumental in the Merced Free Legal Clinic’s public education work, helping underserved residents understand and vindicate their legal rights. He worked to develop both the Mental Health Court and the Drug Treatment Court, creating an essential pathway to rehabilitation for individuals within the criminal justice system.

This award proudly recognizes the life of Cruz Reynoso, former Associate Justice of the Supreme Court of California, and his enduring impact on civil rights and social justice.

Lali Moheno is the recipient of the Mary A. Curry Communities Rising Award for her life-long commitment to improving the wellbeing of farmworker women. She is the founder and driving force of the Farmworkers Women’s Conference. Since 1999, thousands of women have gained access to critical information regarding health care, fair wages, sexual harassment, domestic violence and childcare. She grew up in a migrant farmworker family, working alongside her mother and witnessed first-hand the violent situations women endured. She holds an undergraduate and master’s degree in education.

This award is named after Mary A. Curry who continues to devote her life to community activism and create positive and long-lasting change in the community.

Celebrate these honorees on September 22nd, 2022 at the San Joaquin River Parkway and Conservation Trust from 4:00 p.m. to 7:00 p.m. For information regarding sponsorships and advertising opportunities and tickets please contact Ms. Luisa Medina at luisa@centralcallegal.org, (559) 570-1242 or Kasey Madden at kmadden@centralcallegal.org, (559) 570-1277. For updates, please visit our website www.centralcallegal.org.

At the Champions of Justice Awards Reception, Central California Legal Services (CCLS) recognizes those who contribute to justice and equity through their extensive community work. This year, we are excited to honor three outstanding individuals: Dr. Carole Goldsmith, Vincent Andrade and Lali Moheno.

Dr. Carole Goldsmith, Chancellor of the State Center Community College District is the Ronald M. George Equal Justice Award recipient. She has a long history of creating systemic change and championing equity and diversity in education and throughout the community. Dr. Goldsmith is the immediate past president of Fresno City College and has committed her life to helping students succeed. She served as president of West Hills College Coalinga and was vice chancellor of Educational Services and Workforce Development. Dr. Goldsmith started her career as a K-12 teacher at a rural school, and employed in leadership positions in adult education and with a private post-secondary college.

This award is named in honor of Ronald M. George who was Chief Justice of the California Supreme Court from 1996 to 2011. Chief Justice George provided nearly 40 years of equity-focused judicial leadership and championed initiatives to ensure access to the justice system.



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Welcome New Colleagues!

By Missy Mckai Cartier PIO SJCL



The traditional SJCL Staircase shot! Back Row (L to R): Nicolas Mancillas, Daniel Sharma, Raul Magana, and David Piercy. Front Row: Taylor Pittman, Aimee Perez, and Rajveer Kaur.



(L to R): Michael Aed, CA State Bar Board of Trustees Member Mark Broughton, and U.S. Magistrate Judge Erica Grossjean.

"I'm going to be standing on this staircase while you take my picture in a few years."

It's a common statement from students at San Joaquin College of Law; they are talking about the traditional staircase shot, which celebrates the latest batch of barpassers. That tradition, part of the Champagne Toast, was on hiatus for most than two Covid-wracked years but returned with a roar on the evening of May 16th as bar passers were toasted, congratulated and, in some cases, sworn into the bar.

U. S. Magistrate Judge Erica Grosjean graciously administered the oath to the latest colleagues of the bar. It is the second time she has offered such services to SJCL bar passers because the normal Bar Admissions Ceremony has also been on Covid-hold.

Judge Grosjean minced no words as she recalled how hard she had worked to reach the same pinnacle in her own life. As an SJCL Adjunct Professor for the past five years or so, she told the admittees she knew

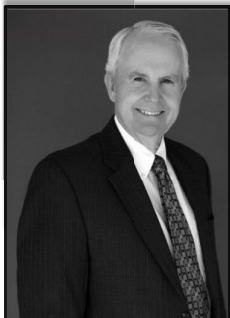
there were no "easy graders" at SJCL, and just graduating was a feat unto itself. And while not a graduate of the Law School herself, Judge Grosjean said SJCL is "the heart of the local legal community."

As is the usually the case with SJCL bar passers, more than half had "you pass, you're hired" offers in hand. Nicolas Mancillas heads to Perez, Williams, Medina & Rodriguez, David Piercy was picked up by the Law Office of Michael J. Aed, Taylor Pittman is already working at the Moran Law Firm, while Daniel Sharma is already serving as a Tulare County Deputy District Attorney.

Congratulations to the February SJCL bar passers, including:

- | | |
|-------------------|----------------|
| Rajveer Kaur | Raul Magana |
| Nicolas Mancillas | Aimee Perez |
| David Piercy | Taylor Pittman |
| Daniel Sharma | |

Justice Stephen J. Kane (Ret.)



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- Arbitrator
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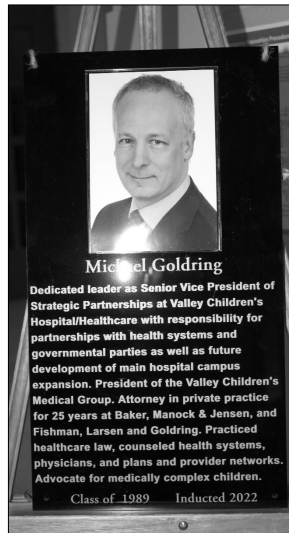
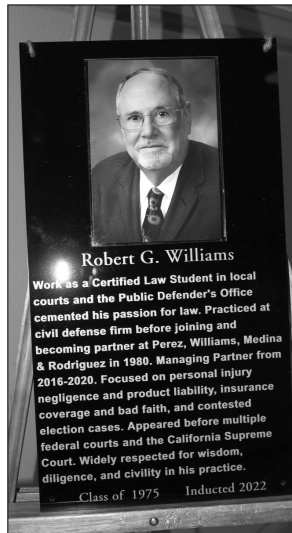
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SJCL Hall of Fame Admits Michael Goldring and Robert Williams

By Missy Mckai Cartier PIO SJCL



Congratulations to the two newest members of the San Joaquin College of Law Hall of Fame, 1989 grad Michael Goldring and Robert "Bob" Williams, a member of the Class of 1975. Both were feted and honored at a ceremony on April 28th stretching down the steps of the Law School and pouring into Veteran's Park.

Kathy Hart, a 1977 SJCL alumna and already a Hall of Fame member, introduced both inductees. She says Michael Goldring graduated from the University of Southern California before attending law school. Hart noted that Goldring worked for 25 years in private practice before moving to his current positions in

health care. "He joined Baker, Manock, and Jensen, developing an expertise in health care law as he became a partner in the firm. Then, together with Bob Fishman and Doug Larson, he founded the firm Fishman Larsen and Goldring."

Eight years ago, he took a position as in house counsel for Valley Children's Hospital Network, where he is currently Senior Vice President of Strategic Partnerships. As such, he is responsible for the expansion of Valley Children's main campus, which is already a nationally recognized 358-bed facility with nearly 700 physicians and 3,5000 staff associates.

But there was a very personal reason that Goldring became so very interested in health care law. Twenty-nine years ago, his daughter, Rachel, was born with a heart condition so severe that he and his wife were warned she might never leave the neonatal intensive care unit alive. At the Hall of Fame induction Ceremony, Rachel sat in the audience, applauding her father.

The second honoree, "Bob" Williams, is about as "Clovis" as you can get. He grew up on a dairy farm in town, which meant he worked there every day, even as a child. As Hart explained, "Indentured servitude may be ille-

gal in this country, but it's not when it's a family farm." In addition, he graduated from the old Clovis High, the 102-year-old structure which SJCL now proudly occupies, and his name is engraved on the stones depicting each class graduating from the building.

After attaining his degree at Fresno State, he joined the Army Reserves, where a friend told him about SJCL. He called on a Thursday and started law school four days later. He says he is still shocked to this day at how quickly his life changed in less than a week. After graduating as Class Valedictorian, he joined a civil defense firm for five years before joining Bob Perez in a personal injury firm. That firm is now Perez, Williams, Medina and Rodriguez. He is now semi-retired after 40 years with the firm.

Williams says he is thankful to SJCL for the opportunities it has provided him in life, but feels the next inductee into the Hall of Fame should be his entire graduating class. He points out 1975 was only the second SJCL graduating class, but eleven out of its 12 graduates passed the bar on the first try, putting the Law School on the map nationwide. While Goldring's class of 1989 came 14 years later, Michael pointed out that 21 of his class of 22 did the same.

Quall Cardot LLP is pleased to announce that Ranjeet K. Brar has become a partner of the firm, effective January 1, 2022.



Ms. Brar, a Fresno native, is an accomplished attorney. She attended the University of California, Riverside, earning her undergraduate degree followed by California State University, Fresno, earning her master's degree in 2008, and then her Juris Doctor in 2012 from San Joaquin College of Law. Thereafter, Ms. Brar became an associate of Quall Cardot LLP and has been with our team since the firm's inception.

All of QC congratulates Ms. Brar on her latest accomplishment!



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Tenth Annual Law Day Yosemite

A Photo Essay by Mark King

The Tenth Annual Law Day Yosemite on May 6th celebrated our national ideals of liberty, justice, and equality, along with a rededication to these principles and promotion of public education on the importance of the rule of law. The annual program drew school busloads of middle and high school students, along with an impressive showing from the bench, all against the backdrop of the jewel of the National Park Service, Yosemite National Park. This year's speakers emphasized, in part, how Native Americans have been affected by the law. The event was sponsored by Chandler Law.



Fresno County Bar Association's 2022 Bernard E. Witkin Lifetime Achievement Award Recipients



GORDON M. PARK

In high school, Mr. Park attended a Roman Catholic Seminary with plans to become a parish priest. He lasted a few years, but when he discovered what the vow of celibacy meant, he finished at public high school. He attended CSU Long Beach because it was the only CA college that did not require him to take any math classes to graduate. In 1973 he graduated with a Bachelor of Arts *summa cum laude* and went on to attend UCLA School of Law where he received his Juris Doctor in 1976. He was recruited to join the McCormick Barstow law firm in 1976, even though

he confessed during his interviews that being born and raised in Los Angeles, he had no clue where Fresno was located exactly. He has practiced his entire legal career with the same law firm. As a civil trial attorney, he has represented clients in major civil litigation matters and has tried more than 60 jury trials in California and Nevada courts. He has been a member of the American Board of Trial Advocates (ABOTA), San Joaquin Chapter since 1989. Mr. Park has testified as a qualified expert in courts in California and Nevada regarding property insurance law and bad faith claims handling.

Mr. Park strongly believes in giving back to his community and has volunteered hundreds of hours of pro bono legal services to Fresno County's indigent community, 259 hours alone in 2021. He has also served as an officer and director of several local school, church, and civic organizations. He has served as a youth soccer coach, referee, and elected Board Officer with local soccer leagues. He takes pride in having served as coach for the Buchanan High School Mock Trial team for over 10 years and also taking several Buchanan High teams to the State and National

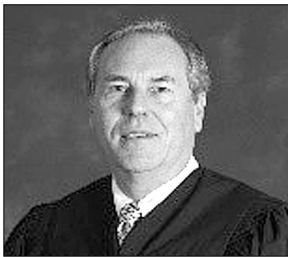
finals in the National History Day Competition. He then co-founded, and served as instructor and attorney coach of the Fresno State Mock Trial Team from 2005 to 2021. There are currently over a dozen of his mock trial alumni serving as effective trial lawyers in the San Joaquin Valley.

Mr. Park is a member of the State Bar of California, Fresno County Bar Association, American Bar Association's Tort and Insurance Practice Section, Association of Defense Counsel of Northern California, and Northern California Fraud Investigators Association. In 1999, when his law firm needed a partner to get licensed in Nevada, he volunteered to take the Nevada Bar. A number of the firm's partners started a pool betting on Park not passing the Nevada Bar- one of the hardest in the country. Although Mr. Park refused to bet on himself being fairly sure he would flunk it, he miraculously passed and opened the firm's Las Vegas branch office. He is a member of the Nevada State Bar and Clark County Bar Association.

Mr. Park served on the Fresno County Bar Governing Board for a number of years and then was elected

President of the Fresno County Bar Association in 2006. He also served as a County State Bar Delegate for 8 years. Mr. Park is a past recipient of the Fresno County Bar Association's Honorable Blame Pettit Mentor of the Year Award, and the 2007 *California Lawyer's* Angel Award for outstanding pro bono service.

Mr. Park's wife, Susan, has stuck with him since 1973 and they have three children and nine grandchildren. His oldest son, Ryan, attended CSU San Luis Obispo, was on the Bachelorette TV show and is married with two girls living in Oahu, Hawaii. Mr. Park's daughter, Lauren, graduated #1 in her class at University of Virginia and was given a full ride scholarship to attend Pepperdine Law School becoming her class Valedictorian. She is married with three boys living in Lexington, Virginia. His youngest son, Travis, attended Whitworth College in Spokane in the Army ROTC. Then as an Army lieutenant, he commanded a military police infantry platoon in Afghanistan, and was awarded the Bronze Star Medal for heroism. He is married with three girls and one boy, serving as a police sergeant in Pasco, Washington.



HON. GARY D. HOFF

Gary D. Hoff passed away peacefully from cancer on March 7, 2022, after having touched the lives of hundreds, if not thousands, of people socially and professionally. Born October 20, 1948, to Herman Joseph and Virginia Hoff, he was second in the line of succession. Paul was the oldest, then Gary, Judy and Kurt. They grew up in the San Fernando Valley in a modest two-bedroom one bath home.

Gary attended Notre Dame High School in Sherman Oaks. He went on to Cal State Northridge obtaining his BA and received his JD from San Fernando Valley College of Law. Upon passing the bar, he made a pilgrimage north to the San Joaquin Valley in search of employment.

Gary took a job in the Fresno County District Attorney's Office in 1977 and never looked back.

He was initially assigned to Juvenile Hall at 10th Street, long before the current Juvenile Campus on American Ave. became a concept. His first nemesis was a young [seasoned] Deputy Public Defender, [and future Chief Deputy DA and Judge] Jim Oppliger. Jim had started with the Public Defender's Office six months earlier making him the seasoned veteran. Gary's straightforward approach to his cases and Jim's devious nature, must have made for some epic courtroom battles and the time spent at Juvenile Hall must have been where Gary developed his interest and compassion for children and the law.

Once hired by the Fresno County District Attorney's Office, he made a

return visit to Gold Arrow Camp at Huntington Lake, a location Gary spent many summers as a camper and counselor. He was introduced by the camp director to the camp's new "office worker." Musician Tom Petty a few years later would say, "Yeah, that's when it happened, the world caught fire that day."

Her name was Margaret [Meg] Gary, and she became Gary's best friend, confidant, muse and light of his life.

After completing his rotation at Juvenile Hall, Gary progressed through preliminary hearings, felony trials, became a supervising deputy, homicide deputy and then Chief Homicide Deputy. Gary prosecuted many high-profile cases over the years, losing few if any.

Gary was appointed to the Fresno Superior Court in 1994 by Governor Pete Wilson and quickly became a leader, serving in virtually every division. He also became a mentor and advisor to all. It did not matter what your assignment was, at some point every judge on the bench consulted with Gary to gain insight and perspective on a particular issue.

Records kept by Court Administration would verify that Gary served as official mentor judge to more new judges than any other judicial officer. This would be because there is no case type Gary could not [or did not] handle and he handled all with distinction. It did not take long for presiding judges and calendar clerks to take advantage of his vast knowledge and flexibility. More importantly, he never complained about an assignment and often volunteered for those assignments many thought beneath them. His goal was stay busy and do as much justice as he could. He was effective in that for 28 years.

Administrative Presiding Justice Brad Hill said in an interview: "He was the quintessential trial judge. He was fair. Both sides always felt that they got a fair shake from Judge Hoff. Jurors loved him. He was respectful of them and their time. His colleagues really had immense respect for Judge Hoff."

Gary is credited with creating and

stewarding several court programs to benefit the public. They included Access to Justice Coalition; a court dedicated to resolving domestic violence matters; a homeless court; a Spanish self-help center; the Superior Court Action Center; Fresno County Youth Court; Fresno County Juvenile Bootcamp Program; Keep Kids in School Program; and Fresno County Court Appointed Special Advocates Program (CASA).

Of all these programs, Gary was most proud of the creation and development of the Fresno County Youth Court, which started in several local high schools in the late 1990s. Youth Court generated national interest and attention. In "youth court" students learned about the judicial system and jury service by holding their peers accountable for minor offenses occurring on campus or at campus sponsored events. Gary was a firm believer in early intervention that would help young offenders before they could turn to more serious crime. There are now youth courts at several high schools throughout Fresno County.

From his days as a child organizing the local "cops and robbers" roleplay in the neighborhood, to serving as presiding judge or as the supervising judge of court divisions, Gary was always a leader. Including two extended three-year terms as Presiding Judge, three 2-year terms as Assistant Presiding Judge and being elected to "at-large seats" on the Court's Executive Committee for at least five 2-year terms. Gary maintained an official leadership role on the court for more than 25 years.

Judge Hoff made no snap or knee jerk decisions. Every ruling was thoughtful and deliberate and never arbitrary or capricious.

Gary was so very brave in all things. Having been through cancer treatments before with [son] Kyle, [wife] Meg, [brother] Paul, brother [Kurt] and others, Gary had diagnosed himself after his chest x-ray at stage IV, well before meeting with his oncologist. By the time his diagnosis was confirmed he already had an organized plan as to treatment, prognosis and what he needed to do in terms of getting his affairs in order.

Though it would have been very easy, Gary never expressed pity or sorrow for himself but instead bravely consoled those around him.

Gary possessed a very dry and wicked wit and to those who knew him, it was on constant display.

Gary was very devoted to his family. After their brief courtship in 1978, Gary and Meg married. Kyle arrived in May of 1981, followed by Maureen in December of 1983.

His sister Judy says Gary developed his passion for gardening from Herman Joseph. When Meg was alive the two of them would work together for hours on the weekends and Meg would work hours during the week to make their backyard into a showcase for Better Homes and Gardens. It was their sanctuary. Upon Meg's passing, Gary maintained the tradition. He would work from Friday evening to late Sunday night in the spring and summer, trimming, raking, replanting, caring for the pool, the spa and the koi and turtle pond, also known as the "Heron Feeding Preserve."

Gary was also a huge fan of Bob Dylan. Frequently asked to speak at court events, committee meetings, judges meetings, community events, weddings, adoptions, etc., there was no speaking opportunity where Gary could not find a Dylan lyric or quote he could shoe horn into his speech. In his parting email to his Superior Court family, Gary quoted Dylan from "Farewell": "We will meet another day, another time. It's not the leaving that's grieving me, but my friends who are bound to stay behind."

There are two kinds of people in the world. There are those who knew, respected and loved Gary Hoff, and those who simply did not know him.

In conclusion, Gary's good friend and former nemesis, Jim Oppliger succinctly said: "Of all the great guys in our life, Gary stood taller. His strength and sense of humor in his time of illness might be considered inspiring to most people. But to those of us who knew him it was just who he was."

20 YEARS AGO FROM THE WATKINS PHOTO ARCHIVES (March 2002)

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



San Joaquin College of Law Dean Janice Pearson welcoming everyone to SJCL's "Heated Up the Night" Roasting of Fresno Mayor (& former Green Bay Packer quarterback) Alan Autry.



Fresno State Football Head Coach Pat Hill roasting Mayor Alan Autry.



Coach Hill holding up an 8x10 autographed photo of Mayor Autry as part of his mayoral roasting.



Former FCBA President Larry Wayte being honored by the Fresno Chapter of the Hastings Alumni Association with its Alumnus of the Year Award presented by Chapter President Jim Shekoyan and Hastings' Dean Mary Kay Kane.



Recently retired Superior Court Judge Stephen Henry being honored with a surprise reception after a Fresno Philharmonic Orchestra performance conducted by his wife Judie. Bowtie wearing Judge Henry is pictured with members of his family and FPO senior staff.



Superior Court Judge Vincent McGraw and challenger Jon Kapetan with Fresno County Women Lawyers' President Joan Jacobs Levie at the FCWL luncheon featuring the two speakers.



FCBA President Beth Stratton welcoming everyone to the Annual State of the Local Judiciary. The luncheon also honored attorneys volunteering at least 25 hours as a Pro Tem Judge.



Attorney George Lane receiving special recognition for his 456 hours of donated time handling court matters. Also pictured are the Court's Master Calendar Division Manager Linda Reed, and Presiding Judge Gary Hoff.



Presiding Judge Gary Hoff speaking at the FCBA luncheon. Instead of a formal address, he responded to various questions submitted by FCBA members. He noted that the combined service of the Pro Tem Judges was the equivalent of two full-time judicial positions.



Assistant Presiding Judge Brad Hill and the attorneys at the FCBA luncheon who had donated at least 25 hours in service as a Pro-Tem Judge.



Fresno's Kids First program lauded at the Family Law Section luncheon. Pictured are Section Chair Paul Lerandean, FSU Professor of Child and Family Services Dr. Richard Berrett, and FSU lecturer Gary Malone.



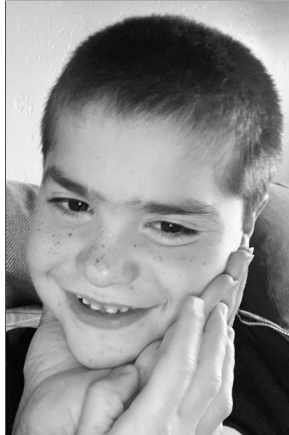
Central California Legal Services held a thank you reception for Pro Bono attorneys and supporters of CCLS. Pictured are Paul Lerandean, CCLS Pro-Bono Coordinator Rachel McDougall-Smith, FCBA Executive Director Vicki Savaria, and Judge Herbert Levy.



The BREN Clinic at SJCL recently received another generous donation (\$150,000) from GRAND (Growing Resources for Autism and Neurodevelopmental Disabilities) as they advocate for the special education rights of individuals and families affected by intellectual and development disabilities. In 2021, nearly 1,000 individuals and families were served by the clinic. Fifty-two families received legal services through free representation and more than five hundred individuals participated in the online advocacy courses. Congratulations to Director, Jodie Howard and the law students and volunteers who provide these invaluable and desperately needed services.

Paula's Story

By Diane Skouti, SJCL Alumni Liaison



like we went to war in that instant with the agencies and services that were meant to help." And the refrain, familiar to so many families with special needs children, continued as Matthew grew. "Matthew now is like a one-and-a-half year old living in an 8-year old body. He has so many issues. I just want him to have the services and help he is entitled to like everybody else. I want him to learn to the best of his ability to one day be able to do the basic things.", Paula said. Even though he has been in school since the age of two or three, Matthew has progressed very little. He has no ability to use language, cannot feed or care for himself, or communicate his needs. "We work with him in specific ways here at home, but then he digresses at school because there is no cohesion to the process."

According to mom, Paula, her son Matthew, age 8, has had the short end of the stick in life thus far. Matthew is a twin who was born with Waardenburg Type 2A, a very rare condition (only 28 others in the United States share this condition) that caused him to have deafness and severe vision impairment. Matthew also has intellectual disability and autism.

As Paula describes, Matthew's story was heartbreaking even before he was born. "We knew he had problems when he was in-utero but when he was born, they told us he was normal. Then he failed the newborn hearing test. That was the point at which we should have received some information and assistance about resources for our child, but the system failed us." Paula recounted through silent tears how her family was not made aware of resources that should have been offered to Matthew as they learned of other additional medical and developmental issues.

"When a deaf child is born, you are supposed to receive help from the county with resources. We were left completely on our own. I felt

Paula says, "It is important that everyone (the school district, the teachers and aids, anyone who is involved in Matthew's education or care) be on the same page with good communication between home and school, not to mention the use of resources." Unfortunately, so many parents of special needs kids are often accused of asking for special treatment when they are simply asking for any extra help that may be available through government funding.

"The Individuals with Disabilities Education Act (IDEA) provides funding for resources and assistance for special needs children in public schools. It shouldn't be like pulling teeth to get them the help they need.", Paula says. She feels many parents don't realize to ask what other help may be available, therefore other services are not offered or provided. This is why advocacy is essential.

Through a friend of a friend, Paula was connected with Jodie Howard and the BREN clinic at San Joaquin College of Law. Upon inspecting a summary of what had and had not been provided for

Matthew, Jodie was able to identify which services and programs could benefit him. By asking for a Behavior Intervention Plan (BIP), Matthew's daily schedule could be improved.

"It has taken the influence of an attorney (someone who knows the legal rights of each child to an equitable education) to get Matthew the services he should have had from the start. It has been the difference of night and day in the six months that we have been working with Jodie (and BREN).", Paula said.

Research has shown that inclusion in general education classrooms is an important element in the education of special needs children. Matthew has never had the chance to be in an inclusive classroom. "There should be meetings, like an open forum, that include parents, the school district, school staff, In Home Supportive Services (IHSS) and Central Valley Regional Center (CVRC), attorneys, and anyone who has a hand in the education and care of special needs kids." It takes knowledge and understanding by all involved, including those families without special needs kids so they can all be part of the solution.

Paula describes the feeling that many families face, of being on the "opposing side" in a battle to obtain the best education possible for their child. "We already have so much on our plates just trying to care for our special needs kids. We are struggling. Why does our child's legally granted education have to be a

struggle too?"

And Paula is not fighting for Mathew alone. A self-described bleeding heart, she says she feels strongly for all special needs kids and their families. "Some of the parents are just too overwhelmed to help their children, some don't know where to turn. Some of the children may not be receiving the love and support they need at home. It breaks my heart every day. Until you've walked an inch in our shoes, you have no idea what it's like."

The very nature of having a special needs child causes many families to live secluded lives. "We aren't able to do things like other people do. We can't go many public places," she said. It shouldn't follow that these families must also fight for the assistance their children need to grow and learn.

Like any parent, Paula worries about Matthew in the future. "I worry constantly about him. What will happen when my husband and I are no longer here? More than anything he needs to learn as much as he can."

Paula says, with Jodie Howard's "plethora of people, resources, and groups to reach out to", things have improved a great deal for her family. "Everyone should be piggy-backing and trying to help these families through their difficulties, for the sake of the children."

For Jodie Howard and the BREN clinic, that is precisely the point.

BYOC [Bring Your Own Camera]

For over 35 years, Howard Watkins has been the official photographer for the Bar Bulletin and taken photographs at FCBA Section meetings and for our several affiliated Bar organizations. The volume of his photography work has precluded him from indexing some 50,000+ photographs, which he needs to get done in order for Fresno State's Henry Madden Library to put them online.

As a consequence, effective January 1, 2016, FCBA sections and affiliated Bar organizations wanting to have photographs in the Bar Bulletin will need to find their own digital photographer to take their photographs and arranged to have the photograph(s) captioned. Any photographs with captions need to be emailed to Anita Martinez at anitamartinez@fresno-countybar.org prior to the 15th of the month prior to the monthly issue of the Bar Bulletin. As usual, all submissions are subject to Editorial Board review and space availability.



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OFFICE SPACE AVAILABLE

We have an office located at 1233 W. Shaw Ave., Suite100, Fresno with space available for an attorney and 1-2 staff members. The space will include a common reception area, conference rooms, telephone system, copier/fax, and receptionist, together with sharing other common expenses and a lunchroom. The attorneys in the suite are: Tom Tusan, Stan Teixeira, Bryan Pinion, Russ Cook, and Kathleen Talens. If you are interested, please call 225-2510 and ask to speak to Tom Tusan or email him at tom@tusanlaw.com.

End of the Roll

(Things you might have missed. Possibly intentionally)

By Kilroy



Where have all the Associates gone?

NALP Foundation for Law Career Research and Education says the attrition rate in 2021 was 26 percent, the highest in the history of the survey. And these weren't the newbies washing out; a whopping 53 percent were lateral moves. So why are associates bailing on their firms? Nineteen percent say they wanted to pursue a specific practice area, 17% wanted a career change to another type of legal job, and 12% wanted no money.

Maybe it was their day to work remotely?

Davis Polk announced last week its lawyers are expected to work in-office three to four days a week. Attendance is mandatory on Tuesdays, Wednesdays and Thursdays for all practices and seniority levels. The opportunity to work remotely is now seen as a major perk for employees, but nailing down the days is a new one.

Where has all the plastic gone?

Apparently, nowhere. The non-profit Last Beach Cleanup and the advocacy group Beyond Plastics say the U.S.'s plastic recycling rate stinks, with just 5 to 6 percent

converted into new products in 2021. The findings add fire to the groups' allegations that the plastics industry has been disingenuous in its promotion of recycling to solve the plastic pollution crisis. The CA Attorney General has already announced an investigation into petrochemical companies for a "decades-long plastics deception campaign" to promote recycling, even though they allegedly knew recycling could never keep up with plastic production rates. Stick a plastic fork in it.

Where have all the celebrations gone?

You just have to know where to look! It turns out June is National Accordion Awareness Month, and it contains special days like:

June 1 - Flip a Coin Day dates back to Julius Caesar, who would flip a coin to make decisions where the right choice was unclear. The correct answer was "heads", which of course was his image on the coin.

June 17th - National Take a Road Trip Day is on a Friday, so you can call in to work and make a long weekend of it. Be adventure-some. And possibly unemployed.

June 18th - National Splurge Day is a day to treat yourself excessively, go crazy, have fun, and do it in style. Go out and buy that boat you've always dreamed of. Sure. We dare you!

Of course, June also includes Flag Day, Juneteenth, and Father's Day, but

You can only be a father 25 times

Colorado is on the cusp of passing a "Donor-Conceived Person Protection Act," which would protect kids born through egg or sperm donation. The bill would allow donors' information to be released to the kids when they turn 18, along with their medical histories. In addition, the bill stops egg and sperm banks from allowing more than 25 live births from a single donor's sperm or eggs. The bill is partially the result of a woman finding out her two children, from the same sperm donor, have at least 25-half-siblings from that same source. And that's a whole lotta Hallmark.

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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 ARS office charges a \$45 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 or call the FCBA office at (559) 264-2619 for more information.

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VENUE/CASE TYPE	INJURY	RESULT
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Labor & Employment	Monetary Damages	\$225,000
Vehicle Negligence	Brain Injury; Hip/Pelvis Fractures	\$11,955,702
KERN		
Medical Malpractice	Aggravated Knee Condition	\$232,450

Cases reported in recent issues of TRIALS DIGEST®.

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TRIALS DIGEST'S CASE OF THE MONTH

2022 WL 1227050

PLAINTIFF SPENT NINE WEEKS IN A COMA AND SUFFERED NUMEROUS OTHER INJURIES IN FREEWAY ACCIDENT

VEHICLE NEGLIGENCE - Truck Accident

FRESNO COUNTY SUPERIOR COURT

Viruegas, by and through His Guardian Ad Litem, Ferrante v. State of California.
Docket number: 18-CECG-02713. Judge: Rosemary McGuire. Trial type: Jury.
Result date: March 14, 2022.

RESULT: \$11,955,702

Compensatory Pain & Suffering: \$4,500,000
Compensatory Past Medical: \$1,139,058
Compensatory Future Medical: \$5,010,909
Compensatory Past Wages: \$135,200
Compensatory Future Wages: \$1,171,354
Total Compensatory Award: \$11,955,702
Comparative Negligence Percentage: 20
Judge Reduced Award To: \$7,208,311

COUNSEL

Plaintiff: Douglas L. Gordon, Miles, Sears & Eanni, Fresno, CA
Plaintiff: Lyndsie N. Russell, Miles, Sears & Eanni, Fresno, CA
Defendant: James W. Walter, Office of the Attorney General, Sacramento, CA
Defendant: David Yengoyan, Office of the Attorney General, Sacramento, CA

FACTS/CONTENTIONS

Luis Viruegas, a 33-year-old granite installer, according to counsel, suffered an epidural hematoma, midline shift and a diffuse axonal brain injury, along with numerous fractures, including to his femoral head and pelvis, when the box truck in which he was a passenger unavoidably struck a pickup truck owned by defendant State of California which had stopped in the roadway. State of California driver Anthony Quiring had reportedly stopped in the roadway near an exit ramp because he had observed a shelving unit fall from a truck and collapse on the freeway. He allegedly attempted to move the shelving unit but was unable to do so and returned to his truck and called 911. Quiring also allegedly backed up on the freeway, away from the shelving unit. According to the plaintiff's attorney, the impact from the collision was to the front right portion of the box truck, where Viruegas was sitting, causing intrusion into his seating space. The box truck reportedly crashed onto its left side and all passengers had to be extricated by the fire department using the jaws of life. Viruegas was allegedly hospitalized for approximately two months and, according to court documents, spent nine weeks in a coma. He was reportedly unable to work and required assistance with daily care. Viruegas, through his guardian ad litem, contended Quiring negligently, among other things, stopped on the roadway, violating state motor vehicle laws, constituting negligence per se, according to court documents. The defendant denied liability, according to court documents, and asserted failure to wear a seat belt and comparative fault as defenses. Quiring also claimed he had activated his emergency lights. The defendant also brought a cross-claim against multiple defendants for indemnity and contribution. The plaintiff, according to the plaintiff's attorney, admitted he was not wearing a seatbelt, but argued at trial that lack of a seatbelt did not make a difference in the severity of his injuries due to the significant intrusion into his seating area. The case was consolidated with case no. 18-CECG-02773, according to submitted information. Jurors found the plaintiff 20 percent at fault, Quiring 75 percent at fault and the driver of the box truck 5 percent at fault. The award was reduced accordingly in judgment, per fault apportionment.

CLAIMED INJURIES

Coma: Temporary; Brain Damage: Mild; Fracture of One Hip; Pelvis Fracture.

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Neuroradiology: Azmoun, Leyla, M.D., Fresno, CA
Plaintiff: Neuropsychologist: Delis, Dean, Ph.D., San Diego, CA
Plaintiff: Physical Medicine and Rehabilitation: Edwards, John, M.D., Fresno, CA
Plaintiff: Physical Medicine and Rehabilitation: Magnusson, Amy, M.D., San Diego, CA
Plaintiff: Nurse Consultant and Life Care Planner: Olzack, Linda, R.N., B.S.N., Atwater, CA
Plaintiff: Biomechanical Engineer: Hoffman, Michelle, M.S., Tempe, AZ
Plaintiff: Accident Reconstruction: Dickerson, Charles, Mesa, AZ
Plaintiff: Human Factors: Post, Robert, Ph.D., Davis, CA
Plaintiff: Vocational Rehabilitation: Sarkisian, Jeffrey, M.S., Fresno, CA
Defendant: Neuropsychologist: Filanosky, Charles, Ph.D., San Francisco, CA
Defendant: Neurologist: Gold, Michael, M.D., Los Angeles, CA
Defendant: Orthopedics: Pompan, Donald, M.D., Salinas, CA
Defendant: Life Care Planner: Craigmyle, Jennifer, R.N., Rancho Cucamonga, CA
Defendant: Forensic Animation: Fries, Jason, San Francisco, CA

Defendant: Accident Reconstruction: Heichman, Kenneth, Cameron Park, CA
Defendant: Human Factors: Kubose, Tate, Ph.D., Los Altos, CA
Defendant: Mechanical/Biomedical Engineer: Ravani, Bahram, Ph.D., Davis, CA

EXPERT TESTIMONY

Not reported.

COMMENTS

Not reported.

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CALENDAR

JUNE

- 1 - **IHR MCLE - GENERAL** - FCBA Family Law Section Mtg. - **Time:** 12:00 p.m. - 1:00 p.m. - **Location:** 2226 Ventura Ave, Fresno, CA - **Speaker:** James P. Braun, CPA/ABV/CFP - **Topic:** "Tax Aspects of Divorce in California." - **Cost:** \$30 FCBA section members plus \$5 if MCLE is requested, \$35 for non-section members, plus \$5 for MCLE & \$55 for non-FCBA members. RSVP & questions to Brenda Hook at brendahookesq@gmail.com.
- 2 - FCWL 18th Annual Judicial Reception In Honor of New Women Judges in Fresno County - **Time:** 5:30-7:30 p.m. - **Location:** Baker Manock & Jensen 5260 N. Palm Ave. Ste. 201, Fresno, CA 93704. Event is free to the legal community. RSVP to fcwl.president@gmail.com.
- 8 - Special En Memoriam Session - **Time:** 4:00 p.m. - **Location:** B.F. Sisk Courthouse, 1130 O Street, Fresno, CA (Jury Assembly Room).
- 23 - Save the Date - Join LRLA & FAC in celebrating the appointment of Judge Irene Luna & Virna Santos - More information to follow.
- 24 - **IHR MCLE - GENERAL** - FCBA's Witkin Luncheon - **Time:** 12:00 - 1:15 p.m. - **Speaker:** James J. Brosnahan Senior Counsel, Morrison & Foerster LLP - **Topic:** "United States Supreme Court: Cases of the Past Year" **Location:** Pardini's, 2257 W. Shaw Ave, Fresno, CA. RSVP to FCBA office at (559) 264-2619 or email anitamarinez@fresnocountybar.org.

NOTICE

Revisions to the Local Rules of the Fresno County Superior Court go into effect on July 1, 2022. The revisions will be available on June 20, 2022 and may be obtained on the Court's website at: <http://www.fresno.courts.ca.gov>.

The Local Rules Committee for the Fresno County Superior Court is now accepting proposals for revisions to the rules, to become effective January 1, 2023. Any bar member who would like to propose a revision is asked to contact the committee chair, Hon. D. Tyler Tharpe, at 1100 Van Ness Ave., Fresno, CA 93724 or (559) 457-6309. The deadline for submitting proposals is July 5, 2022.



Arrivals And Departures

Please advise the Clerk's Office of the Superior Court, in writing, of your change of address so they can update records for purpose of service.

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Welcome New Members

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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.

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