



the bar bulletin

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FRESNO COUNTY BAR ASSOCIATION

www.fresnocountybar.org

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“CRISTINA’S COMMENTARY”

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



Goodbye, February! Hello, March! The month of March is a favorite amongst the crowds because there are so many special days to recognize and celebrate! Not only do we welcome Spring and beautiful weather, but for many of us who are religious, we recognize Ash Wednesday; for sports enthusiasts, we look forward to March Madness; and for those of you looking for fun gatherings with tasty food and some frothy, cold beverages in a chilled glass, St. Patrick’s Day and Mardi Gras cannot come soon enough!

While not as commonly known, we also celebrate Women’s History Month in March which honors the vital role women have played in American History. When I think of influential women who have significantly impacted the history within the legal profession, the first person that comes to mind is Sandra Day O’Connor, the first-ever female Associate Justice of the United States Supreme Court. Justice O’Connor was a Stanford graduate, obtaining both her undergraduate and law degrees from this prestigious university at a time when opportunities for women in the field were limited. In her years of service to the Supreme Court, Justice O’Connor contributed significantly to issues concerning abortion, sexual harassment, gender equality, freedom of religion, and more.

Next, Ruth Bader Ginsburg, the second female Supreme Court Justice, as well as the first Jewish female justice, who presented a strong voice in favor of the rights of workers, separation of church and state, and gender-based equality, including co-founding the Women’s Rights Project at the American Civil Liberties Union (ACLU). Ginsburg was known for her powerful opinions which ultimately brought her internet fame when a law school student started a Tumblr blog known as “Notorious R.B.G.” including photos, articles, and excerpts of Justice Ginsburg’s opinions. Thereafter, Justice Ginsburg’s personal and professional journey were documented in the movie, “On the Basis of Sex.” Ginsburg passed away in 2020; however, she is remembered today for both her impact in the legal field and the barriers she broke within it, as she served and advocated for women’s rights. Additionally, I personally appreciated her wit and humor, a glimmer of which can be seen in her quotes like, “In every good marriage, it helps sometimes to be a little deaf.”

Then, Sonia Sotomayor became the first Latina Supreme Court Justice, and the third woman to be an Associate Justice. Throughout her career, she was an advocate for equal rights, justice, and gender equality. Born to Puerto Rican parents, Sotomayor grew up in a public housing project in the South Bronx. She was diagnosed with diabetes as a young girl and her father passed away when she was 9 years of age. Sotomayor persevered through hardships and discrimination to receive her J.D. from Yale Law School. As a Justice, Sotomayor is known for her forceful dissent in several racial discrimination cases, as well as siding

Continued on page 2

Presiding Judge David C. Kalemkarian



Pictured left is the Honorable David C. Kalemkarian who began his two-year term and the Presiding Judge of the Fresno Superior Court, effective January 1, 2022. Judge Kalemkarian previously served as the Assistant Presiding Judge to Judge Arlan L. Harrell.



FCBA’s February 16th Luncheon



Magistrate Boone pausing the presentation to pose for photos. Panel speakers were Magistrate Stanley Boone, Casey Van Veen with E-Discovery, Hon. Jeffrey Hamilton, and was moderated by Nikole Cunningham.



FCBA’s first in person luncheon since February 2020 was held at Holy Trinity Armenian Church.

MARK YOUR CALENDARS!!!

FCBA’S MARCH MCLE VIA ZOOM

THURSDAY, MARCH 24, 2022; 12:00 – 1:15 P.M.
SPEAKER: JAMES P. BRAUN, CPA/ABV/CFP/CGMA
TAMIYASU, SMITH, HORN & BRAUN

TOPIC: CURRENT ISSUES IN BUSINESS VALUATION

Email anitamartinez@fresnocountybar.org for registration link

FCBA’S APRIL & PRO-TEM RECOGNITION MCLE VIA ZOOM

WEDNESDAY, APRIL 6 2022; 12:00 – 1:15 P.M.

SPEAKER: HON. DAVID C. KALEMARIAN
PRESIDING JUDGE OF THE FRESNO COUNTY SUPERIOR COURT

TOPIC: “STATE OF THE COURT UPDATE”
AND “PRO TEM RECOGNITION”

SEE INSERT INSIDE

**CHECK CALENDAR
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“ADDITIONAL EVENTS/INFORMATION”
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“CRISTINA’S COMMENTARY”,
(Continued from page 1)

with the majority in a 5-4 decision that upheld the Affordable Care Act. Finally, Supreme Court Justices, Elena Kagan, became the fourth woman, and Amy Coney Barrett, became the fifth woman, to become members of the Court. Kagan became the first woman solicitor general of the United States in 2009 after being nominated to the office by former President Obama and has been an Associate Justice since 2010. Prior to Justice Barrett’s confirmation in October 2020, she had a long career in law as both a judge and a distinguished professor at Notre Dame. She is known for her strong Catholic faith, which is frequently debated and controversial in light of abortion issues brought before the Court, and she recently made note in one of her speeches of being “the first woman to serve on the Court with school-aged children.” Regardless of whether you agree with the opinions rendered by each of these Justices, I am certain we can all agree that these women should be recognized, remembered, honored, and celebrated for their contributions to the field and for their roles in American History and within the legal community.

During Women’s History Month, I think it’s also important to recognize mothers and other parents who made history in 2020 and 2021 by becoming advocates for their children after experiencing school closures following Governor Newsom’s State of Emergency and Executive Orders issued in March 2020. Most schools closed between March 13 and March 18. I recall the day vividly for my own children and their District. It was a memorable Friday the 13th in March 2020 and parents were told that schools were shutting down for two (2) weeks to “flatten the curve.” That promised 2-week period ended up being much longer, with many mothers and parents taking on a second full-time job as educators for children who were finishing up the school year at home and online in June 2020. Even in the 2020-21 school year, many children had still not been given the opportunity to return to the classroom to receive an in-person education. In response to school closures and many children struggling with the new educational model which included a large amount of asynchronous learning, mothers and other parents joined together to advocate for children who were suffering mentally, emotionally, physically, academically, and socially. Large groups of mothers showed up to advocate at school board meetings, others joined forces on various social media groups, and at local community events to advocate for our children’s safe return to school, and demanded action to remedy the harms our children were experiencing. These mothers did not all know one another, but they had one thing in common—a love for their children. Mothers were advocating for normalcy for their children who were being deprived of their right to a public education, for their children’s opportunities to be involved in sports, school events and other extra-curricular activities, amongst other issues. Some mothers even pursued legal action to protect the rights of their children. Many have been supportive of these mothers’ efforts questioning school closures, challenging mask and vaccine mandates/recommendations, and the introduction of controversial subject matters into our children’s curriculum; however, others opposed their efforts.

Frustrations are currently at an all-time high in light of recent updates wherein Governor Newsom has allowed vaccinated Californians to remove masks in most indoor settings effective February 15, 2022, but delayed decisions on lifting the school mask mandate impacting our children. These continued delays in addressing our children’s needs became more controversial as media images of the Super Bowl at Sofi Stadium circulated showing hundreds of thousands of football fans on February 13th, with hardly a mask in sight. Mothers and parent advocates have now posed the question, why is it acceptable for our government leaders, celebrities, and other elites to go without masks when our children, who have the lowest Covid risk, and arguably the most to lose developmentally, are being forced to continue wearing them approximately seven (7) hours per day while attending school? Other advocates have questioned why teachers’ unions with large financial interests seem to have more of say in decisions impacting the health and safety of our children than parents do? Why are parents not being allowed a choice on what is best for their own child(ren)?

While Justice O’Connor was wise beyond measure and known for saying “Parents should continue to become more involved with their communities, and more involved in their children’s education,” it is highly unlikely she could have contemplated the widespread effects of Covid-19 and how it has impacted our children and their education today. Nevertheless, I believe school closures and related controversial events impacting our children have been an eye-opening experience for most parents and the events which have transpired ultimately forced many parents to become more aware, more involved, and ultimately, to become better advocates for our children. Justice O’Connor also said, “We pay a price when we deprive children of exposure to the values, principles, and education they need to make them good citizens.” The price our children have paid throughout Covid is far too steep in my opinion. So as we celebrate Woman’s History Month and we recognize the legal scholars mentioned above, I hope you will join me in recogniz-

ing and showing appreciation for every woman and every parent who showed up to make history in the last two (2) years by advocating lawfully and respectfully on behalf of our children, as well as those who continue to advocate today in support of our youth, their interests, and parents continuing to have a voice in choosing what is best for their child when it relates to their education and individual interests. Every one of us has a role to play in changing the world for the better. In honor of RBG, may we all continue to advocate for the world we wish to see.



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The editorial board solicits your comments and contributions. The **April issue of The Bar Bulletin** will be published in **early April, 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 March 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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Law Day Yosemite 2022: May 6, 2022 The Tenth Anniversary

By Presidential Proclamation, the first of May each year is set aside to encourage Americans to recognize and appreciate the importance of the Rule of Law in

schools in the mountains around Yosemite, bringing students to the Park and in contact with the judicial system, many for the first time. It has been a tremendous

burse each of the involved schools up to \$500.00 for bus transportation, plus cover the student lunch cost. We anticipate the attendance of at least 400 students, plus the

itself by personally attending, contributing financially or contacting the Law Day Committee to volunteer your services on the day of the event.



this country. Each year, the Law Day Yosemite Committee invites eighth grade students from local schools to participate in Law Day and celebrate the Rule of Law in Yosemite Valley.

The upcoming year will mark the tenth anniversary of Law Day Yosemite! The San Joaquin Valley Chapter of the Federal Bar Association takes great pride in sponsoring the Law Day Commemoration in Yosemite Valley. Students, lawyers, federal and state judges, the National Park Service, other dignitaries and visitors will assemble at the Sentential Bridge where there are breathtaking views of Yosemite Falls and Half Dome. Mounted U.S. Park Rangers present the colors and the Clovis West High School Band plays patriotic tunes. All pledge allegiance to the flag and sing the National Anthem.

Law Day Yosemite is not as grand as the law-related commemorations held for students in connection with the Sacramento, Fresno and Bakersfield courts, but it is the only one that reaches out to the many very small, rural

success and we intend this, the tenth Law Day Yosemite, to be the grandest of all.

All students attending Law Day Yosemite are invited to participate in an essay contest. This year, the theme is "Toward a More Perfect Union: The Constitution in Times of Change." The top three essay writers will be announced at the Law Day Yosemite Celebration. The winning essay will be read aloud to the audience, prizes are awarded to the top three finalists and the winning author has their photograph taken with federal judges and the guest speakers.

Students will also hear lectures from our esteemed guest speakers: Tanya Trujillo, Assistant Secretary for the Department of the Interior for Water and Science and Kevin Washburn, former Assistant Secretary for Indian Affairs for the Department of the Interior, former general counsel for the National Indian Gaming Commission, and current Dean of the University of Iowa College of Law. The morning concludes with lunch for the students before the return bus trip to their schools.

We have committed to reim-

Clovis West Band. The winning essay writers receive worthwhile awards to encourage critical thinking and participation in the essay contest.

On behalf of the Law Day Yosemite Committee, we welcome you to participate in the event

Should you have any questions, wish to RSVP or require more information, please contact Carol Moses by email at carol@yosemite-lawyer.com, phone (559) 449-9069 or (559) 240-5456.

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CENTRAL CALIFORNIA BANKRUPTCY ASSOCIATION HISTORY OF EASTERN DISTRICT

By: Riley C. Walter

This is the fourth article out of twelve to be written to promote collegiality and civility among bankruptcy professionals in our area and to foster good relationships among CCBA members.

A few months ago, I wrote about four former bankruptcy judges who had been appointed and who presided in Bakersfield and

McGugin was appointed as referee. He had been a long serving trustee. He served as Trustee shortly after WWII when he returned from serving our country in the South Pacific. McGugin was the father-in-law of Hilton Ryder, who is a long time and current member of the CCBA. McGugin & Ryder was the preminent debtor firm in

he resigned to be a judge of the Fresno County Superior Court, where he served for many years.

U.S. District Judge Crocker then appointed Charles Sells as a referee for the Fresno Division. He served from January 2, 1968 to January 27, 1968; (why for such a short time I do not know). His office was also in the old Post

February 16, 1988 to January 16, 2001. Judge Dorian had graduated from Boalt Hall and came to Fresno where he worked at Legal Aid with Albert J. Berryman.

When Judge Ford retired, he was followed by Judge Whitney Rimel. Judge Rimel served from February 4, 1998 to March 15, 2002. She had been a long-time



Fresno. That trip down memory lane prompted me to think back about all the bankruptcy judges who have been appointed to the Fresno Division of the Eastern District of California and the history of the District and Division.

To answer the question, it was necessary to go back in time and history.

The Eastern District of California came into existence in 1966. At that time Fresno and Bakersfield had growing populations. The Valley was rapidly increasing in population and the number of bankruptcies were as well. The Eastern District was carved out of what was then the Southern District. The Southern District was then carved into the Central District and the Southern District.

Prior to the creation of the Eastern District, Fresno Division, meetings of creditors that were held in Fresno were conducted by bankruptcy referees, as they were then known. Travel to Los Angeles was usually not required.

As an example, William A.

Fresno for many years in the 60's, 70's and 80's.)

In 1966 the Eastern District came into existence. It is comprised of 34 counties running from the Southern Kern County line to the Oregon border, to the east of the Coast Range.

U.S. District Judge Myron D. Crocker was the first appointed U.S. District Judge for the new district. Prior to Judge Crocker's appointment the Honorable Judge Gilbert Jertberg was sitting in Fresno by designation from the then Southern District. (Note: Judge Jertberg lived in a house in Fig Garden that "melted down" in 1938 during one of the then frequent floods of Fancher Creek of that area.) The courtroom was in the old Post Office building on Tulare Street, now headquarters of FUSD.

Judge Crocker appointed Donald R. Franson as a referee (he was the father of Donald R. Franson, Jr. who now sits on the Fifth District Court of Appeal). Referee Franson served July 1, 1965 to December 31, 1967 when

Office building.

After Charles Sells resigned, Charles Hamlin served as a referee and then as Judge from March 1, 1968, to February 15, 1972, when he joined the Fresno County Superior Court.

It seems being a bankruptcy referee/judge is good training ground for the Superior Court.

In 1978 the title of referee changed to judge. The first to hold this title in the Fresno Division was Eckhart A. Thompson who served from February 16, 1972 to February 15, 1988. (I had the privilege of being his first ever law clerk.) In the late 1980s Judge Thompson had the greatest case-load of any bankruptcy judge in the nation. Judge Thompson was the first bankruptcy judge to travel monthly to Bakersfield to hold court.

Judge Thompson had high national notoriety because he presided over the nationally publicized trial of Goldilocks and The Three Bears. The trial was held in the ceremonial courtroom with a jury of twelve 8th graders and two alternates. The issue was a charge of breaking and entering and the defense of necessity. Goldilocks was acquitted. The "trial" was widely covered by the media.

When Judge Thompson was in the process of retiring, the Division had a series of visiting judges from all over the west while the solicitation process went on. Because of the burgeoning case-load, two bankruptcy judges were appointed: Judge Richard T. Ford was appointed in January 1, 1988 and he served until February 3, 1998 and on recall for many years afterwards. Judge Ford had been a long time Chapter 7 Trustee and bankruptcy practitioner here in Fresno.

At about the same time Judge Brett Dorian was appointed and he, too, had been a bankruptcy trustee. Judge Dorian served from

partner in a prominent Sacramento law firm where she practiced bankruptcy and commercial law.

When Judge Dorian retired, Judge Richard Lee was appointed and he served from January 17, 2001 to July 18, 2015. Judge Lee had been a partner in the Fresno based firm, Kimble MacMichael & Upton. Judge Lee served on recall for many years.

With the retirement of Judge Rimel and her relocation to her ranch in Montana, Judge Fredrick Clement was appointed. Judge Clement had been an active bankruptcy practitioner in Redding. Judge Clement served in Fresno for several years and then relocated his chambers to Sacramento where he now presides. He was originally appointed on March 16, 2012.

Judge René Lastreto II followed Judge Lee and was appointed September 14, 2015 and he is currently sitting in Fresno and Bakersfield after a distinguished career as a commercial lawyer (and disc jockey and thespian).

Judge Jennifer Niemann was then appointed on June 6, 2020. She is also from Sacramento with experience with several bankruptcy courts and is also currently sitting in Fresno and Bakersfield.

I hope that you have enjoyed this trip down memory lane. Should the occasion ever warrant, if you would like to see photos of the judges from Referee William A. McGugin to Judge Richard Lee, you will find them located on the hallway wall near the fifth floor of the Federal Courthouse and portraits of Judges Lastreto and Neiman are in the law library.

I will next report on some "famous" bankruptcy cases from our area.

Thanks.

Riley C. Walter

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New SJCL Public Service Scholarship

By Missy Mckai Cartier PIO SJCL



Bob Hazen was excited to begin a career as a Public Defender after he graduated from San Joaquin College of Law in 1986. The only problem? He resided in Kings County, where there was no Public Defender's Office.

So Hazen ended up putting his name on a roster of attorneys willing to take cases traditionally handled by that office, and found himself rotating around Kings County to smaller cities like Lemoore and Corcoran, even taking on cases of those in Avenal State Prison.

Hazen remembers he was simply the "Attorney of the Day" when he would show up in court, where he would be handed somewhere between five and 20 cases each time. Even now, he points to the

uneven amount of resources devoted to indigent cases compared to those available to defendants with money.

He feels a kinship with those who hear the calling of the under-financed and under-served. Hazen and his wife, Rachael, have created the Public Service Scholarship at SJCL for someone "who wants to do that kind of work."

The scholarship is one of at least a half dozen new scholarships at the Law School this year. It will be awarded to a 2nd-5th year student in good standing who has demonstrated both financial need and a commitment to public service with an intent to practice in that area upon graduation from SJCL.

Help for Our Next Gen Colleagues

Note: This story has no byline because it is written on behalf of the FCBA

The Fresno County Bar Association would like to thank those who donated to the FCBA Memorial Fund at the two En Banc In Memoriam Sessions of the Fresno County Superior Court last year. Also, much thanks to all of our dues-paying members! Between the donations and some help from the dues, FCBA was able to fund two scholarships this year.



Jacqueline Vasquez is a second-year law student at San Joaquin College of Law. It was simply by chance she ended up in love with the law; she got a courtroom job working as a Criminal Law Examiner and immediately knew it was her destiny. She felt a kinship with those she saw there and knew she could make a difference. She is the 2021 winner of the Mario G. Olmos Scholarship.



Hannah Ravizza is a first-year student at SJCL. When she was just ten years old, she lost her father, who had been her biggest cheerleader. She knew there was one way to honor him; she is following in his footsteps to become an attorney. Hannah previously won the Larry Hoskins Scholarship at the November 2021 Mario G. Olmos Memorial Banquet.

These two law students are hoping to make a difference. Those who helped fund these scholarships already have.

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End of the Roll

(Things you might have missed. Possibly intentionally)

By Kilroy



The Stationary Bike Heads Downhill

Just a month after "Mr. Big" met his demise pedaling to nowhere on his Peloton, another fictional character joined the "Sex and the City" icon in the virtual sports injury casualty line. "Billions" character Mike "Wags" Wagner doesn't die but does suffer a heart attack after his Peloton workout. All of this is virtual, or course, but the effect on Peloton stock is not. Seems those seeking an "out" from New Year's resolutions are flocking to fiction over fitness.

Legal McLawface?

You may recall about five years ago a British government agency decided to let the Internet suggest a name for a \$287 million polar research ship. The Natural Environment Research Council had suggested such names as Shackleton, Endeavour and Falcon, but the winning name was Boaty McBoatface. While this may feel like a perfect place for a facepalm, the agency was apparently on to something. In Minnesota nowadays, snowplows with names including Plowy McPlowface, Darth Blader and F. Salt Fitzgerald are local celebs. This year's new additions include "CTRL Salt Delete," "Edward Blizzardhands" and (our favorite) "Betty Whiteout."

Just the Tip, Please

An Assembly bill crawling toward possible fruition would ban single-use cigarette filters in California. Supporters say the butts are not biodegradable, offer no health benefits to smokers,

and cost millions to clean up each year. Indeed, 90% of the 12 billion butts sold in CA each year are filtered and in 2020, they made up 30% of the trash collected on Coastal Cleanup Day. Meanwhile, public agencies across the state estimate the cost to clean up butts adds up to more than \$40 million per year.

Note that this ban is only for single-use filters, which could signal the return of the quellazaire. Think 1920s flappers with their foot-long filters. Breakfast at Tiffanys. Marlene Dietrich. For those who think the quellazaire was only limited to women, think FDR. And The Penguin.

Goldfish Could be the Gold Standard

For those doing any marketing online, a new survey from Digital.com is an attention-getter. Apparently, we have no attention span. More than a thousand online shoppers were asked how long they typically wait for web pages to load before abandoning a website. Fifty-three percent said you've got three seconds. Half said they'll just abandon their carts if the page is too slow. Meanwhile, it is reported that goldfish have a 9-second attention span.

The ABA Journal reports many lawyers are refusing to return to the office without their pandemic puppies. Many will only accept work if there is a puppies perk in place, while others are even using their pups to screen potential employees. If the dog doesn't like you, you may be arf the list.



This column is shared by the two clinics at San Joaquin College of Law. The clinics include the New Americans Legal Clinic (NALC), which offers services to legal immigrants seeking a path to citizenship, and the BREN Clinic, which helps individuals with Intellectual and Developmental Disabilities obtain the services they need.

NALC Student Helps Young Girl Get Urgent Surgery

By Linda Barreto, NALC Director

Under the direction and supervision of New American Legal Clinic (NALC), 4-L student, Diana Aguilera, helped obtain an emergency temporary guardianship for a 14-year-old girl in need of urgent surgery.

The child was born Mexico and was given to her current guardian as an infant. The child's biological mother did not have the means or ability to care for the child. There is no father listed on the child's birth certificate. There were no other family members willing to care for the child. The child was brought to the United States by the guardian and has lived in the United States undocumented since that time. Prior to their arrival in the United States, the biological mother of the child signed a notarized letter giving authority to the guardian to care for the child. Sadly, the child's biological mother died from COVID in 2020.

For the past two years, the child has been dealing with severe health issues impacting her spinal cord and brain. Her condition is very painful, and she is unable to walk properly. Her care team at Valley Children's Hospital advised spinal surgery to correct the issues. However, due to the lack of legal guardianship, the surgery was pushed back several times because the hospital could not accept the notarized letter as sufficient. Due to lack of resources, the guardian could not afford an attorney to assist her with obtaining the legal guardianship necessary to consent to the surgery and up to this point no other legal aid service was able to assist the family.

On January 24th, 2022, a social worker from Valley Children's Hospital and the guardian consulted with NALC for assistance. Both were desperate, because after several months, the guardian had been unable to obtain legal guardianship of the young girl and the surgery had to be postponed once again to February 4. The guardian did not have the resources to hire a private attorney and no other legal aid servicers were able to help her.

The NALC legal team and Diana jumped right on the case and completed the Ex Parte request for temporary guardianship. The temporary guardianship was granted on February 3, 2022, one day before the scheduled surgery. Additionally, a hearing was set in April to obtain full guardianship and Special Immigrant Juvenile Findings. If the orders are granted NALC will also help the young girl obtain lawful permanent residency in the United States. The child is recovering at home and says her pain has significantly improved and she can now focus on her schoolwork.

For her part Diana says, "It was a great learning experience, and I am grateful to use the skills that I have learned in law school to help a family in need."

The New American Legal Clinic (NALC)'s mission is to train law students with hands on experience and create a sustainable pipeline of future immigration attorneys in the Central Valley, while providing a much-needed free resource to the community. To refer a case please call 559-326-1553.



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REMEMBRANCE OF THINGS PAST

By Kathy Hart



A year or so ago, while idly browsing through my 1954-1958 childhood diaries—something I do every five years or so—I felt an unquenchable longing to try to locate lost friends from 65 years ago. Could I locate them? Would they remember me? Would I need to apologize for terrible adolescent misdeeds? The diary entries were tantalizing (at least to me). July 27, 1954, when I was 11: “Terry and I killed a hissing blow snake (the word “hissing” is underlined three times in my diary). I am going to have it stuffed.” There is no mention of a trip to the taxidermist, dissection or burial of the snake, but there are references a few days later on August 3, 1954 to a wild duck that has made its home in the chlorinated family swimming pool (the duck did not survive) and a girl in the neighborhood stepping on her pet parakeet, which also did not survive. (“parakeet” spelled “parrakeat,” but I was only eleven.)

The entire summer of 1954 is peppered with references to the neighborhood roulette game and to experiments with my Gilbert Chemcraft chemistry sets that, I believe, were outlawed at some point because they encouraged the use of flammable bunsen burners at home and the titration of vials of potassium ferrocyanide, a substance belonging to a family of toxic chemicals. How fun were the fifties! Especially the neighborhood roulette games, where I always played banker and therefore had ready cash to renew my supply of potassium ferrocyanide and other malignant chemicals.

My friend Terry from across the street, who took a more leading role in the execution of the hissing blow snake than I, was three years older. He lived with his mother in Omaha during the school year, but every summer stayed with his father and stepmother in Salt Lake City. There was always a ton of Snelgrove’s top-quality ice cream served on their front porch every night, and canasta parties for later on. I did not play the banker at the canasta parties. We played only for chips that could be exchanged for more scoops of ice cream the next night. All went well through the

years until Saturday, September 7, 1957, when Terry (now old enough to drive) and I (age 14) took his father’s car on dirt roads to the adjacent mountains. I wrote: “Terry got permission to take the car, so we were off to the hills. We went into some caves [gypsum, limestone and water caves]. When we started to go home, the roads kept getting worse and we had to go on. So, we got stuck! We had to walk 2 miles home, get a wrecker to tow us out, and hear the screams of anger from his dad and stepmom.”

Things were back to normal the next day, because on Sunday, September 8, 1957, I wrote: “Terry and I practiced knife throwing—a great sport.” The last time I saw Terry was Christmas, 1958. I had my own boyfriend by then (I was sixteen) but some nostalgic longing for Terry remained, because on January 1, 1959, I wrote that I would never see Terry again because his dad and stepmother were moving to Denver: “I’ll never see him again,” “he’ll never come here again,” “I’ll try to remember him.” By then the neighborhood roulette gang had disbanded, the Chemcraft sets put in a box, and the canasta games ended. All that remained was the Snelgrove’s high quality ice cream, which lasted until 1991. I mean that the store lasted until 1991; of course, the ice cream would have melted long before then.

Last year, Christmas, 2020, I decided to try to locate Terry 62 years later. I knew his first and last name, his approximate age of three years older than I, and that he had lived in Omaha. I used no paid search engines. I used a search engine called “zabasearch.com, and finagled my way through various sites, including Florida voter registration records. I finally located a person with the same first and last names and an age of 81 living in Jacksonville, Florida. The search records showed his home address and a reference to his having at one time lived in Omaha. Eureka! I sent a snail mail letter to the Jacksonville address asking if this was the same Terry who used to visit his dad in Salt Lake City in the

summers and who could identify any automobile by sight from half a mile away, whether it was a 1952 Studebaker or a 1947 Dodge. In my letter I did not mention the stuck car or the hissing blow snake. About a week later I received a telephone call from Terry letting me know he was the same Terry.

I wanted to relive my childhood in that phone call. I wanted to tell him that I had loved him and that memories of those summer evenings in the fifties captivated me decades later. I wanted somehow to express that with him, whether it was digging a little cavern in the clay pit close to our houses or lighting up the bunsen burner, every day with him was an intoxicating adventure. We were Lewis and Clark on our neighborhood Voyage of Discovery. We were the pirates of the Avenues. Instead, the conversation was woefully perfunctory. He told me he had a long career in law enforcement, working for several law enforcement agencies after graduating from the University of Nebraska. He was retired with adult children living close by his home, within walking distance. I told Terry I was a mostly retired lawyer who also had adult children living close by, within walking distance. And that was it. No gushing nostalgia. No exuberance for lost time. Just two old people clawing for common ground. I know, dear reader, you thought the story would end up with my booking a flight to Jacksonville, becoming engaged to Terry, and writing a memoir about it. Alas, the conversation ended with a “Maybe we’ll talk again.” So far, we haven’t.

I have wondered whether my pursuit of past memories was eccentric or somehow connected to the social isolation of the last two years. My curiosity was answered when a few weeks ago I read a biography of John Updike written by Adam Begley in 2014, which remarked: “The compulsion to circle back to any place where he [Updike] felt some essence of his being was stored grew stronger as he grew older.” That answered it: probably everyone growing older has an impulse to revisit the mental frontier where some essence of their being is stored.

And there were other bits of nostalgia last year in my excursions to the land of lost time. There was Harvey, whom I haven’t seen since 1960, who was transfixed at age 12 by my father’s electrical engineering devices spread about the basement. My father, a powerline contractor, had a thousand devices stored in the basement next to the pool table—relay switches, magnetos, step up and step down transformers, capacitors, Ford coils. Playing pool was awkward, because your pool cue kept hitting reels of copper wire and parts of old powerline poles. I knew, in one flashing moment of intuition when I was about 10, that Harvey, who inspected with devoted fascination each piece of my father’s powerline paraphernalia, would have a career in electrical engineering. Sure enough, he was easy to track down on the internet. I just plugged in his name, added “electrical,” and up popped a professor of electrical engineering at the University of Colorado with the same name. I wrote to him as well, and he emailed me his curriculum vitae, his list of electrical engineering publications, his life history, and some cowboy poetry. I liked the cowboy poetry the best.

So, what should we call this exploration of old recollections? The French novelist Marcel Proust wrote a book about childhood memory in the early twentieth century titled “*A la recherche du temps Perdu*.” His magnum opus has been variously translated into English as “*Remembrance of Things Past*,” or “*In Search of Lost Time*.” Proust wrote that with one bite of a madeleine cookie as an adult, he was exquisitely transported into the village of Combray, where he recalled his childhood with vividness and awe. I have been trying to decide which is the better translation “*Remembrance of Things Past*” or “*In search of Lost Time*.” Remembrance is more melodic and poetic; “In search of” sounds scientific and mechanical. But perhaps I like best of all the 17th century poet John Donne’s evocation of childhood: “Go and catch a falling star/Get with child a mandrake root/Tell me where all past years are.”

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.

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VENUE/CASE TYPE	INJURY	RESULT
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Vehicle Negligence	Spinal Nerve Injury	Defense
KERN		
Medical Malpractice	Bile Duct	Defense

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TRIALS DIGEST'S CASE OF THE MONTH

2021 WL 5767818

JURORS FOUND AMERICAN AMBULANCE AND ITS EMPLOYEES' 100 PERCENT AT FAULT

NEGLIGENCE - Private Ambulance; Inadequate Treatment
Nurse Malpractice - Inadequate Care

FRESNO COUNTY SUPERIOR COURT

Merlo, By and Through His Conservator and Guardian Ad Litem, Merlo v. Bassi, CRNA; American Ambulance; Portillo; Freer; Schneider, Docket number: 18-CECG-03026. Judge: Kristi Culver Kapetan. Trial type: Jury. Result date: October 05, 2021.

RESULT: \$49,800,000

Compensatory Pain & Suffering: \$20,000,000
Compensatory Past Medical: \$1,000,000
Compensatory Future Medical: \$15,000,000
Compensatory Past Wages: \$700,000
Compensatory Future Wages: \$3,100,000
Total Compensatory Award: \$39,800,000
Loss of Services: \$10,000,000
Loss of Services by Spouse: Yes
Comparative Negligence Percentage: 0

COUNSEL

Plaintiff: Daniel R. Baradat, Baradat & Paboojian Inc., Fresno, CA
Plaintiff: Kevin B. Kalajian, Baradat & Paboojian Inc., Fresno, CA
Plaintiff: Warren R. Paboojian, Baradat & Paboojian Inc., Fresno, CA
Plaintiff: Adam B. Stirrup, Baradat & Paboojian Inc., Fresno, CA
Defendant: Vanessa L. Efremsky, Donnelly Nelson Depolo Murray & Efremsky APC, Walnut Creek, CA
Defendant: Sonja M. Dahl, Donnelly Nelson Depolo Murray & Efremsky APC, Walnut Creek, CA

FACTS/CONTENTIONS

Nicholas Merlo, a 39-year-old male, reportedly suffered anoxia, or loss of oxygen, rendering him in a permanent vegetative state, and brain damage while under the care of nurse anesthetist Simranjit Bassi, CRNA, and defendant paramedics Brina Portillo, Allison Freer and Katherine Schneider, employees of defendant American Ambulance. Merlo reportedly underwent an upper endoscopy/esophagogastroduodenoscopy (EGD) and colonoscopy procedure. The procedure allegedly began to fail and Bassi administered oxygen and intubated Merlo and an ambulance was called. Merlo's spouse claimed the defendant paramedics transported Merlo to a hospital where the doctor who performed the EGD and colonoscopy procedure had privileges, instead of a closer hospital. The paramedics also allegedly did not hear left lung sounds during transport, so they extubated and reintubated Merlo to readjust the endotracheal tube. After arriving at the emergency room, blood was allegedly found in Merlo's mouth and the emergency physician reintubated Merlo in one attempt. Numerous errors were also allegedly later discovered in the ambulance medical records. Merlo's spouse contended defendant Bassi acted negligently. She also claimed the defendant paramedics negligently extubated and reintubated Merlo without utilizing advanced airway placement verification devices, failed to take Merlo to the closest emergency room and failed to properly document medical records, representing gross negligence. American Ambulance was sued as the paramedics' employer. The defendants denied liability. The paramedics claimed the receiving hospital emergency room and doctor were negligent in failing to timely intubate Merlo. Jurors found American Ambulance and its employees' 100 percent at fault.

CLAIMED INJURIES

Brain Damage: Severe. Coma: Semi

CLAIMED DAMAGES

Not reported.

SETTLEMENT DISCUSSIONS

Not reported.

EXPERTS

Plaintiff: Not reported.
Defendant: Not reported.

EXPERT TESTIMONY

Not reported.

COMMENTS

Not reported.

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Pro Bono Awards to be Presented at Law Day for Firm and Attorney of the Year

The Pro Bono Services Section of the Fresno County Bar Association will recognize an attorney and law firm that have provided outstanding pro bono legal services to some of our community's neediest individual low-income families, the homeless, veterans, battered women, and immigrants **Tentatively scheduled on Wednesday, May 4, 2022 at 12:00 p.m.** The 2022 Law Day theme is:

"Toward a More Perfect Union; The Constitution in Times of Change"

Due to the strains on our local and state resources, it is especially important to recognize those who give their time to assisting the underserved of our community. Please nominate an individual or firm that has demonstrated dedication to improving the delivery of legal services to those of limited means by **Tuesday, March 15, 2022**. Dedication would include activities that satisfy previously unmet needs in underserved segments of the community, successfully representing persons of limited means in criminal or civil matters, and/or working towards achieving legislation that positively impacts the delivery of legal services to these individuals.

Nominations should include the contact information of both nominees and nominators and concrete examples of the nominee's contributions to the delivery of legal services to those of limited means. All nominations can be mailed to Fresno County Bar Office at 2444 Main Street, Ste. 125, Fresno, CA 93721 or e-mailed to Anita Martinez at anitamartinez@fresnocountybar.org, no later than **Tuesday, March 15, 2022**.

NOTICE

OF PROPOSED REVISIONS TO THE LOCAL RULES OF THE FRESNO COUNTY SUPERIOR COURT

The Local Rules Committee for the Fresno County Superior Court has distributed for public comment proposed revisions to the local rules to become effective July 1, 2022. Pursuant to California Rules of Court, rule 10.613, (formerly rule 981(g)(3)(B)), you are hereby notified that the Fresno County Superior Court has posted the revisions for public comment to the Court's web site from February 7, 2022 through March 25, 2022, at: <http://www.fresno.courts.ca.gov>. A hard copy of the proposed revision is available upon request by calling Rose Flores at (559) 457-2033.

Any comments should be directed to the committee chair, the Hon. D. Tyler Tharpe, at 1100 Van Ness Avenue, Fresno, CA 93724 or (559) 457-6309. The deadline for submitting comments is Friday, March 25 2022.

THE OTHER BAR



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LIBERTY BELL NOMINATIONS DUE

Nominations for the American Bar Association's Liberty Bell Award are being accepted at the Bar Office. Any Association member may make nominations for the award by sending a short letter with the reasons for the nomination(s) to the Bar Office at 2444 Main Street, Suite 125 - Fresno, CA 93721. Nominations may also be sent by e-mail to: anitamartinez@fresnocountybar.org.

The Liberty Bell Award is given to a member of the general public who has helped to improve our system of justice through work in the community. Nominations for this award are due on Tuesday, March 15th, 2022. The award will be presented at the **Law Day luncheon Tentatively scheduled for Wednesday, May 4, 2022.**

Please take some time to nominate someone you feel deserves this prestigious award. As always, thank you for your continued support.

LAW DAY

What Is Law Day? A national day set aside to celebrate the rule of law, Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share. The 2022 Law Day Theme is "Towards a More Perfect Union; The Constitution in Times of Change".

When Is Law Day Celebrated? May 1 is the official date, but celebrations often take place either before or after that date. Some Bar Associations celebrate Law Week or Law Month. Law Day also provides an opportunity to recognize the role of courts in our democracy.

How Did Law Day Begin?

1957 – American Bar Association President Charles S. Rhyne, a Washington, D.C., attorney, envisions a special national day for celebrating our legal system.

1958 – President Dwight D. Eisenhower establishes Law Day as a day of national dedication to the principles of government under law.

1968 – May 1 is designated by joint resolution of Congress as the official date for celebrating Law Day.

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 for more information.



CALENDAR

POSTPONED FCBA'S 140TH ANNUAL BANQUET & INSTALLATION DATE TO BE DETERMINED

MARCH

- 3 - **1HR MCLE - GENERAL** - FCBA Estate Planning Section Mtg. - Via Zoom - **Time:** 12:00 p.m. - 1:00 p.m. - **Speakers:** Steven Diebert and Rick Smith, California Probate Referees - **Topic:** Review of Current Appraisal Practice, Process and Current Trends Regarding Estate Areas - **Cost:** Free to FCBA section members or \$5 if **MCLE** is requested, \$25 for non-section members & \$50 for non-FCBA members. RSVP & questions to Christina Olson via email: christina@rje-law.com.
- 9 - **1HR MCLE - GENERAL** - FCBA Family Law Section Mtg. - Via Zoom - **Time:** 12:00 p.m. - 1:00 p.m. - **Speaker:** Art Grater, Co-Creator of DissoMaster, Executioner, Propertizer and other Family Law Computer Programs. - **Topic:** DissoMaster - **Cost:** Free to FCBA section members or \$5 if **MCLE** is requested, \$25 for non-section members, plus \$5 for MCLE & \$50 for non-FCBA members. **RSVP & questions** to Brenda Hook at brendahookesq@gmail.com Please forward \$5 MCLE payment to Fresno County Bar Association, 2444 Main Street Ste. 125, Fresno, CA 93721.
- 24 - **1HR MCLE - GENERAL - FCBA's March MCLE Via Zoom - Time:** 12:00 - 1:15 p.m. - **Speakers:** James P. Braun, CPA/ABV/CFF/CGMA - **Topic:** Current Issues in Business Valuation - **Cost:** Free for FCBA members; \$30 for non-FCBA members; Includes 1hr MCLE - Email anitamartinez@fresnocountybar.org to receive registration link.

MARK YOUR CALENDARS !!!

APRIL

- 6 - **1HR MCLE - GENERAL** - FCBA's April & Pro-Tem MCLE Via Zoom - **Time:** 12:00 - 1:15 p.m. - **Speaker:** David C. Kalemkarian, Presiding Judge of the Fresno County Superior Court - **Topic:** State of the Court Update & Pro-Tem Recognition - **Cost:** Free to FCBA members; \$30 for non-members; Includes 1hr MCLE - Email anitamartinez@fresnocountybar.org for registration link.

Welcome New Members

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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 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.



bar bulletin

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