



the bar bulletin

MAY 2022

FRESNO COUNTY BAR ASSOCIATION

www.fresnocountybar.org

VOL. 43 NO. 5

“CRISTINA’S COMMENTARY”

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



“We the People of the United States, in Order to form a more perfect union, Establish justice, Insure domestic tranquility, Provide for the common defense, Promote the general welfare, And secure the blessings of liberty to ourselves and our posterity. Do ordain and establish This Constitution For The United States of America.”

A powerful Preamble to one of the most important documents in the history of our world. Signed in 1787, the Constitution of the United States of America is described by the American Bar Association as a “dynamic document, as it not only outlines a blueprint for government, but also delegates power, articulates rights, and offers mechanisms for change. It is neither perfect, nor exhaustive, as our nation’s history makes clear. Legislation, court rulings, amendments, lawyers, and ‘we the people’ have built upon those original words across generations to attempt to make the ‘more perfect Union’ more real.” That effort continues today, as contemporary leaders and everyday citizens raise their voices as loud as ever to fulfill the promise of the Constitution. Defining and refining those words of the Constitution might be our oldest national tradition, and how each of us works—together—toward a more “perfect Union.”

For more than half a century, the American Bar Association (ABA) and United States Government have officially dedicated May 1st as “Law Day”, to celebrate the rule of law. Although recognized on May 1st, Law Day programs and activities can be designed to last throughout the month of May. The goal of Law Day is to celebrate the role of the law in everyday life and in society. AmericanBar.org describes Law Day as “providing an opportunity to understand how law and the legal process protect our liberty, strive to achieve justice, and contribute to the freedoms that all Americans share.”

The theme announced for Law Day 2022 is, “Toward a More Perfect Union: The Constitution in Times of Change.” We certainly have experienced significant changes over the past three (3) years in all aspects of life, both personal and professional. Our Court system is no different. Just this month, a federal judge in Florida rejected President Biden’s mask mandate for public transportation. The U.S. Supreme Court in January 2022 invalidated a vaccine requirement for large companies, but gave the green-light and upheld vaccine mandates specifically imposed on workers at hospitals and other places that receive Medicare

Continued on page 2

A Traynor Team and a Tribute



The SJCL Traynor Team (L to R): Carragan Huerta, Hannah Janigian, and Besan Farra.

San Joaquin College of Law Traynor Moot Court Team Coach Professor Amanda Cary couldn’t be prouder of her team. “I just wanted to congratulate Hannah, Carragan, and Besan for doing an amazing job at the 2022 Traynor Moot Court Competition. Hannah wrote an excellent brief and provided a lot of support to Besan and Carragan in helping them prepare for their arguments, which took place on April 2nd. Carragan and Besan performed like seasoned advocates in both rounds of oral argument. For their efforts, Carragan and Besan were among only a handful of students who received individual merit awards for oral argument. It was a pleasure to work with all

three of them and I am very proud of what they accomplished. I know Jenn would have been proud too.”

The “Jenn” she refers to is SJCL alumnae and professor Jennifer Oleksa, who passed away in February following a courageous battle with brain cancer. Traynor Coach Cary explains the connection:

“Jenn put the team together and asked me to coach with her at the beginning of the Fall semester. Because of her subsequent declining health and passing earlier this year, I ended up coaching the team on my own. We all just wanted to make her proud, because she put a lot of faith in us.”

MARK YOUR CALENDARS!!!

FCYL & FCBA’S MAY MIXER WITH A TWIST

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SEE INSIDE CALENDAR FOR MORE INFORMATION

FCBA’S WITKIN LUNCHEON

FRIDAY, JUNE 24, 2022; 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/COST: TBA

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

MARK YOUR CALENDARS!!!

FCBA’S LAW DAY

WEDNESDAY, MAY 18, 2022; 12:00 – 1:15 P.M.

SPEAKER: HON. STANLEY A. BOONE
MAGISTRATE JUDGE U.S. DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA

TOPIC: “TOWARD A MORE PERFECT UNION:
THE CONSTITUTION IN TIMES OF CHANGE”

LOCATION: HOLY TRINITY ARMENIAN
APOSTOLIC CHURCH
2226 VENTURA AVE, FRESNO, CA 93721

PLEASE SEE INSERT INSIDE

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

and Medicaid funding. Last summer, the highest Court in the land struck down a moratorium on evictions. The late Justice Ruth Bader Ginsburg once stated, “It’s hard not to have a big year at the Supreme Court.” This year, 2022, certainly seems bigger than others upon reviewing the U.S. Supreme Court’s Docket which includes a series of transformative cases related to abortion, affirmative action, gun control, religious liberty, and an assortment of other issues. What do these cases mean for Americans? What changes or impact will these decisions have upon you?

We invite you to join the Fresno County Bar Association in celebrating Law Day at our luncheon on May 18, 2022, where United States Magistrate Judge Stanley A. Boone of the Eastern District of California, Fresno Division, will speak about this year’s theme, “The Constitution in Times of Change.” MCLE credit will be offered for this presentation. Additionally, elementary age students within our community will have an opportunity to participate in an art contest by submitting an illustration or drawing pertaining to the 2022 Law Day Theme by May 13, 2022. Awards will be given for 1st and 2nd place at each grade level and names will be announced at our May 18th luncheon. If you know any 4th-6th graders in Clovis Unified School District who are interested in participating in this contest, please contact Anita Martinez at anita-martinez@fresnocountybar.org. In future years, my hope is that we can involve more of our youth and additional school districts within our community in this project. I have also been contacted by a colleague who expressed an interest in developing a program discussing Civics Education and fundamental changes in our Constitutional system with our youth. If you have any interest in participating in an event like this or other events which can be incorporated into our future Law Day celebrations, please feel free to email me at Cristinajb@559familylaw.com.

Our Constitution has been the guiding force behind our democratic system of government and has been used as a model for better government around the world. As we celebrate Law Day, I would like to take a moment to recognize the importance of our Constitution and to share some quotes to help remind you of the wisdom and enduring power of this historical document:

“The glory of justice and the majesty of law are created not just by the Constitution-nor by the court-nor by the officers of the law-nor by the lawyers-but by the men and women who constitute our society-who are the protectors of the law as they are themselves protected by the law.”-Robert F. Kennedy

“If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought, not free thought for those who agree with us but freedom for the thought that we hate.”-Oliver Wendell Holmes, Jr.

“We the people are the rightful masters of both Congress and the courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution.”-Abraham Lincoln

“We have the oldest written constitution still in force in the world, and it starts out with three words: ‘We, the people.’”-Ruth Bader Ginsburg

“Every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.”-Alexander Hamilton

“The liberties of our country, the freedom of our civil constitution, are worth defending against all hazards. And it is our duty to defend them against all attacks.”-Samuel Adams

“The American dream comes from opportunity. The opportunity comes from our founding principles, our core values that’s held together and protected by the Constitution. Those ideas are neither Republican, Democrat, conservative, liberal, white, or black. Those are American ideologies.”-Ted Yoho

“As the Constitution endures, persons in every generation can invoke its principles in their own search for greater freedom.”-Anthony Kennedy

“The Constitution of the United States was made not merely for the generation that then existed, but for posterity-unlimited, undefined, endless, perpetual posterity.” -Henry Clay

We look forward to you joining us on May 18th for our Law Day celebration!



**FRESNO COUNTY
BAR BULLETIN**

www.fresnocountybar.org

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The editorial board solicits your comments and contributions. The **June issue of The Bar Bulletin** will be published in **early June, 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 May 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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Interviews will be scheduled throughout May 2022.

End of the Roll (Things you might have missed. Possibly intentionally)

By Kilroy



Shifting MCLE Requirements

There are changes to MCLE requirements this year. Per Cal Bar: "While all attorneys will still be required to complete 25 hours of MCLE every three years, the total hours must now include no less than seven hours as follows:

- At least four hours of legal ethics.

- At least two hours dealing with elimination of bias. Of the two hours, at least one hour must focus on implicit bias and the pro-

motion of bias reducing strategies.

- At least one hour of education addressing competence issues.

- So, same # of credits, but shifting categories.

Shifting Technologies

You may think your clients really, REALLY want to meet in your fancy conference room, but Clio's 2021 Legal Trends report says otherwise. A stunning 79% of clients want remote meeting options, and 81% want to pay the bill online. This may explain the success of

such online platforms as Legal Zoom, but it's no excuse for brick-and-mortar firms to balk and bolt. Other features appealing to clients nowadays include text messages, user-friendly websites, and multi-lingual chatbots.

Shifting Timelines

Is inflation delaying life events? A new survey from the Nationwide Retirement Institute says more than one-third of Gen Zers and millennials are reconsidering plans to start a family, while about 13% of Gen Xers and baby boomers are considering postponing retirement. It also found Americans are combating inflation by relying more on credit cards, seeking higher pay, and reducing contributions to retirement plans.

Shifting into Recession?

Former Federal Reserve Chair Alan Greenspan says the "Men's Underwear Index" indicates if a recession is coming; if sales dip, it means men are pinching pennies where it might not be noticed. Not convinced? Try the "Skyscraper Index," which says an increase in very tall buildings happens as a recession creeps up, crashing down on us when a building that breaks the record is completed. There's also the "Lipstick Index," created by an Estee Lauder chair who believes women purchase little

"pick me ups" as the economy heads south. And speaking of "pick me ups," dating sites like Match also enjoy a boom during busts.

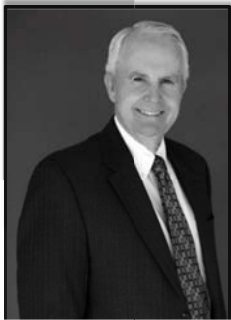
Basketball Court?

A first-year University of North Carolina law school student filed a motion to get an extension on a major class project. Jess Errico watched her North Carolina Tar Heels head into a semi-final match-up with arch-rival Duke. It was a match-up that had never happened with advancement to the NCAA conference on the table. She realized she might have to miss it because of the class project due date, so she argued for a delay using the very lessons her professors had been teaching throughout the year. And she won.

The Third Time is Charming

Judge Judy Sheindlin will deliver the keynote address at New York Law School, her Alma Mater's 2022, commencement ceremony. Her daughter, a 1993 grad, will hand her mom her second honorary degree from New York Law School. Sheindlin, a 1965 alumnus, will then present her granddaughter, a 2022 grad, with her law degree.

Justice Stephen J. Kane (Ret.)



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CLINIC CORNER

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AND THE NALC AWARD GOES TO...

By Missy Mckai Cartier, PIO SJCL



At San Joaquin College of Law, we are not sure whether the strongest message of this story should be congratulations or gratitude. So we will start with the former, celebrating Jessica Jaramillo Perez for winning the New American Legal Clinic's Pro Bono of the Year Award. Her efforts have assisted so many who lacked the legal power to lift themselves into

citizenship. For that, and for believing in the vision of NALC, we are beyond grateful.

We interviewed Jessica, a 2021 SJCL grad, to get a better picture of this benefactor to many.

What type of Law are you practicing right now?

Right now, I am an Associate Attorney at the Law Office of Carlos Fuentes in Merced. We primarily practice criminal defense.

What inspires you to help the NALC Clinic clients?

While I was a student at SJCL I took Professor Barreto's NALC class, and it quickly became one of my favorites. The clients are kind, understanding, and immensely grateful for the help. I loved the way the clinic was structured and Professor Barreto's passion for immigration law really rubbed off on me. She is doing such a great job maximizing the number of people NALC can help and I'm happy to contribute in a small way.

How great is the need for immigration attorneys in the Valley?

There is a huge need for immi-

gration attorneys in the valley and that need is only increasing. More importantly, there's an even bigger need for pro bono and low-cost representation. The vast number of people who have the need for immigration legal services can't afford to pay a lot for these services. This is especially true in the Valley where a large part of the clientele is made up of farmworkers and their families.

Is there any case in particular that sticks in your mind or resonates with you?

Through NALC I have been working with a juvenile on his Asylum and Special Immigrant Juvenile Status cases. This minor was abandoned by his mother before he turned one and his dad passed away when he was only ten. He travelled to the US alone and is now residing with one of his uncles. NALC is representing him in his fight to remain in the US and I'm delighted to be a part of his legal team.

How hard is it for attorneys to become Pro Bono attorneys for NALC?

Becoming a Pro Bono attorney for NALC is not hard. I emailed Professor Barreto asking for information on how I could gain experience in immigration law, and she provided an endless number of resources for me. She told me I could become a Pro Bono attorney for NALC and gave me all the information I needed to make an informed decision. I should add the work itself is not easy by any means, but it's worth it! I would encourage anyone considering becoming a NALC Pro Bono attorney to do it! Professor Barreto, Staff Attorney Jaspreet Klar Jauregui, and everyone at NALC are super supportive, patient, and helpful.

Is there anything else you would like to add?

I'm very humbled by this recognition. I'd also like to add that I'm grateful to Professor Barreto for providing me this opportunity to help clients in need while gaining valuable immigration experience.

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100 Notable Women of Fresno Includes More Than a Dozen Attorneys

By Missy Mckai Cartier PIO SJCL



Francine Farber says this exhibit and presentation was developed by the Suffrage Centennial Committee of the League of Women Voters of Fresno to celebrate the 100th anniversary of women receiving the right to vote in April of 1920.

A number of events were held successfully, until Covid hit and the event went on hiatus, but it came back in limited form last year and it's back again for 2022. This time, it will be held at the Madden Library at 3 p.m. on May 4th. The posters celebrating each woman will be on display for several weeks on the library's second floor, with the event held in the library's Ellipse. Four of the Notable Women will speak, including Juanita Stevenson, Luisa Medina, Elizabeth Laval and retired Judge Jane Cardoza, the first Latina to serve as a judge in Fresno County Superior Court.

More than a dozen women attorneys appear on the list along with Judge Cardoza, including some who are listed in categories other than Law (We're looking at you, Susan B. Anderson and Anidelle Flint).

Farber, the Chair of the Committee, says they had no trouble finding 100 names; it was the winnowing that was work. Most of the photos were taken by Fresno Photo Laureate Howard K. Watkins, and each person attending the free event will receive a booklet containing all 100 biographies. Light refreshments will be served. Congratulations to all one hundred!

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Fifth District Court of Appeal - an Early History

The recent history of the Bankruptcy Court in Fresno in March's Bulletin prompted interest in telling the history of the Fifth District Court of Appeal, and I was drafted by the author of the Bankruptcy Court article to pen this history.

The California Courts of Appeal are the state intermediate appellate court system. Our state Constitution originally made the California Supreme Court the only appellate court for the whole state in 1849, but a rapidly growing population and caseload led to a 1904 constitutional amendment to create three Court of Appeal districts, which covered the entire state. They were assigned numbered headquarters in San Francisco (1st), Los Angeles (2nd) and Sacramento (3rd), with three justices each. Appeals from all Southern California, including the San Joaquin Valley, were heard in Los Angeles in the Second District.

Again, because of expanding population and caseload, and complaints of traveling hundreds of miles to Los Angeles just to argue an appeal for 30 minutes, the Fourth District was created in 1929 as a "circuit-riding" court and would sit in three cities—Fresno (January-April), San Diego (May-August), and San Bernardino (September-December). Two Fresno County Superior Court judges were appointed to the

Fourth District and rode "the circuit"—Charles R. Barnard and Arthur C. Shepard. Barnard was appointed in 1929 as one of the first three justices to serve on the Fourth District. He was elected as the presiding justice in 1931 and retired in 1958. Barnard's son, Robert Barnard, was a municipal court judge in Fresno, serving 17 years following his appointment in 1960. Robert Barnard's son-in-law, Dwayne Keyes, is a retired Fresno County Superior Court judge who served from 1983 to 2005.

Shepard was appointed to the Fourth District in 1958 and retired in 1963. He was part of a large legal family that began practicing law in Selma in 1883 and continues today with fourth generation attorney Jeff Shepard.

Once again, population and caseload growth led to the creation of the Fifth District in 1961, located in Fresno, covering counties once included in the Fourth District. Its jurisdiction covers nine San Joaquin Valley counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne. The combined population of these counties in 1960 was 945,800. Today it is over 3.6 million. The Fifth District originally consisted of three justices. The Legislature added a fourth in 1975, another in 1979 and three more in 1981. A ninth

justice as added in 1987 and a tenth in 2000.

Finally, the Sixth District was formed in 1981, and is located in San Jose.

Appellate justices are nominated by the Governor and confirmed by the Commission of Judicial Appointments, consisting of the state Chief Justice and Attorney General, and the senior presiding justice of the local Court of Appeal.

As I mentioned, the Courts of Appeal continue to grow with our population and caseload. As an example, there were 50 appellate seats in 1970, when our state population was approximately 20 million. Today there are 106 seats and a population of nearly 40 million. Unlike some districts, the Fifth District is not divided into divisions and operates with three rotating panels, with three justices sitting on each panel.

A total of 39 individuals have held seats on the Fifth District—29 past and 10 present members. Most were elevated from various county superior courts throughout the district (each county has had at least one justice from that county, except Tuolumne). They have come with various backgrounds—private civil and criminal practice, deputy district attorneys, court research attorneys, among others. Two have come from the Legislature.

The first three were impressive: Ralph M. Brown from Modesto, Philip Conley from Fresno and Frederick E. Stone from Bakersfield, each appointed by Governor Edmund G. Brown, Sr. in 1961. Conley was named the presiding justice. He was born in Madera, where his father was the superior court judge. He graduated from the University of California (there was only one campus then), where he was editor in chief of the Daily Californian, the college newspaper. He attended Harvard Law School before serving in the Army during WWI. He was married to Phebe McClatchy, widow of Fresno Bee founder Carlos McClatchy, and lived on Huntington Boulevard. He retired in 1969 for health reasons and died a week later.

Ralph Brown graduated from the University of California and Stanford University Law School in 1932 (a classmate of Justice Stone) and practiced in Modesto from 1933 to 1961. He was also a long-time member of the State Assembly and known as the author of the Brown Act, which requires local government business be conducted at open and public meetings. He was speaker of the State Assembly and carried the legislation to create the Fifth District. He was then nominated as an associate justice of the new appellate court. He died in 1966.

Frederick E. Stone was born in Fresno but raised in Porterville. He received a bachelor's degree from the University of California, a law degree from Stanford and practiced law in Porterville from 1933 until 1947, except when he served in the U.S. Navy during WWII. He was appointed to the Tulare County Superior Court in

1947 and elevated to the Fifth District in 1961. His first law clerk was Attorney Larry Wayte, who still practices law at McCormick Barstow. He retired as the presiding justice in 1972 and moved to Cayucos, where he passed away in 2004. Upon his retirement, a Fresno Bee editorial described Stone as "even-handed, compassionate, respected. As a trial judge he maintained complete control of his courtroom ... by the force of his presence and competence, not by bullying." His son William Stone was elevated from the Kern County Superior Court to the Fifth District in 1988, where he served until his retirement in 1999.


Another interesting appointment was Thomas I. Coakley, who was elevated from the Mariposa County Superior Court in 1969. While in college at U.C. Berkeley in the 1920s, Coakley formed a 12-piece "big-band" orchestra that played throughout the West Coast, taking a break when he attended Boalt Hall. He was admitted to the State Bar in 1933. His band performed at the Palace and St Francis hotels in San Francisco and Roosevelt Hotel in Hollywood. He left music in 1936 to pursue a law career at age 31. His practice was centered in San Francisco. He was appointed to the Mariposa County Superior Court in 1953 and, as mentioned above, elevated to the Fifth District in 1969, where he retired from in 1971. He ran unsuccessfully as the Republican nominee for state Attorney General in 1962. He died in 1995.


Justice George Brown had an interesting upbringing and pre-law career. He was raised in the Death Valley town of Shoshone, population 200, 190 of whom were Native Americans. His father opened a general store there and later became a State Senator, representing Inyo, Mono and Alpine counties. When he was young, Brown traveled to Sacramento regularly to attend legislative sessions with his father. After graduating from U.C. Berkeley, he was commissioned as an officer and selected to attend Command and General Staff School. Upon graduation, he was assigned to the headquarters of the European Theater in London, with the rank of Major, under the command of General Eisenhower, working on the planning of the invasion of Europe, specifically Normandy, Omaha and Utah Beaches. After Paris was liberated, Brown moved from London to Versailles and the Petit Palace, once home to Marie Antoinette, where he remained until V-E Day in 1945.

After returning to civilian life, Brown graduated from Stanford Law School and practiced law in Bakersfield with Borton, Petrini, Conron and Brown. After 20 years of private practice, he was appointed to the Kern County Superior Court in 1969, and to the Fifth District as associate justice in 1971, succeeding Coakley. He became the presiding justice in 1972. He retired in 1987 and died in 1998.


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Fifth District Court of Appeal - an Early History.

(Continued from page 6)

There is an interesting side story, verified by a credible source (my father). In 1968 Brown suffered a heart attack. The next year, he became the third person to undergo open heart bypass surgery by Dr. Michael DeBakey in Houston. Governor Reagan had become interested in him as a potential replacement for Chief Justice Roger Traynor in 1970, based on his impressive career and personal meetings. Because of his heart issues, a committee of doctors at UCLA Medical School examined George at the Governor's request, to see if he would have the stamina to be Chief Justice of the California Supreme Court. The doctors concluded that the pressure of the job would simply be too high to risk. Instead, Reagan appointed Donald Wright, who retired in 1977. People have openly speculated that if Brown had been appointed Chief Justice, as the Governor originally intended in 1970, he would have served for many years past the first Jerry Brown era. Rose Bird would never have been appointed Chief Justice and there would not have been a recall election where three members of the California Supreme Court were removed from office.

Another story was when the Administrative Office of the Courts proposed a bill in the Legislature to move the Fifth District to Sacramento as another division of the Third District, all in the name of "efficiency." Brown's efforts before the legislative committees proved successful and the proposed bill was defeated.

From 1961 until 1976, the Fifth District operated with three sitting justices. Another seat was added in 1976. Governor Jerry Brown was in his first term and openly expanded the applicant pool of judicial candidates statewide, sometimes creating a stir among traditional local bar groups. For the new opening, Brown chose a Stanford-educated small-town practitioner, George A. Hopper, from Orange Cove. Hopper was on the Fresno Municipal Court, having failed to be elevated to the superior court despite his efforts. Hopper served on the Fresno Municipal Court for 13 years and developed a well-earned reputation for "educating" young attorneys appearing before him for misdemeanor trials and preliminary hearings on the history and subtleties of the Constitutional rights of criminal defendants. The experience was widely referred to as being "Hopperized." Surviving such an experience was a badge of distinction. After his untimely death at 59 in 1981, the Fresno County Young Lawyers started holding the Annual George A. Hopper Memorial Scholarship Luncheon in his honor, which has had many prominent speakers and sold-out gatherings to this day.

Hopper's education of attorneys did not stop after he was elevated to the Court of Appeal. My source told the story of a case where a young attorney was appearing at the podium before the panel. With

Brown presiding, the decorum was very formal. With no warning, Justice Hopper started to "Hopperize" the attorney, who suddenly fainted. Brown called a court recess, while staff attempted to revive the young attorney. Hopper kept asking, "What happened?" After a long pause, Brown deadpanned, "You killed the lawyer." Hopper ran back into the courtroom and was relieved to find the attorney had recovered. The argument was completed with the lawyer seated at the counsel table.

Following a retirement in 1978, Governor Brown appointed, to the surprise of many, State Senator George Zenovich. Zenovich was a long-time, influential and respected legislator (and professional musician) who started practicing law in Fresno in 1953 and was

elected to the State Assembly in 1963 and the State Senate in 1970, where he had served as Majority Leader. The appointment was met with some skepticism since Zenovich had no judicial experience and had not actually been in a courtroom for many years. But he surprised most observers and brought a new, practical and valuable perspective to the court from an actual legislator and author of many significant laws. He even declared unconstitutional a law he had cosponsored while in the State Legislature.

Being a successful politician and having worked in the Legislature for 16 years, Zenovich had learned how to work with diverse groups and recalcitrant, difficult colleagues. (Hard to imagine today.) According to my source, Justice Hopper could sometimes be difficult in his early years on the appellate court (as experienced by the lawyer who

fainted). Remember, there were only four justices on the Fifth in 1976-1979 and they sat in panels of three. So, one worked with the other three constantly. Also, the Fifth District was located in the old utilitarian State Building on the Mariposa Mall in very tight quarters, unlike our spacious courthouse of today. Whatever tension was present because of personality differences, my source told me it lifted when George Zenovich arrived in 1979. He retired from the court in 1984 and began a new career as a very successful political consultant in Sacramento. Our courthouse was named in his honor in 2007.

This concludes the Early History of the Fifth District Court of Appeal, since I've reached the word limit. (See Cal. Rules of Court.)

*Donald Franson is an Associate Justice of the Fifth District Court of Appeal, where his father sat from 1972 to 1990 and served the last three years as the presiding justice.

FRESNO COUNTY BAR ASSOCIATION

The Fresno County Bar Association invites you to the
Special En Banc IN MEMORIAM Session
of the Fresno County Superior Court to commemorate the passing
of the following local attorneys in 2021:

1st Session – 4:00 p.m.
Wednesday, May 25, 2022

Trudi Manfredo
Philip G. Michaelides
Marian J. Mosley
Douglas V. Thornton
George Vasquez

2nd Session – 4:00 p.m.
Wednesday, June 8, 2022

James A. Dubbels
John F. Duffy
Terry C. Hillblom
Frank H. Lang
Debra A. Mosley
Vic Sepulveda
Terry A. Wapner

The first En Banc In Memoriam Session will be held on Wednesday, May 25, 2022 at 4:00 p.m., while the second En Banc In Memoriam Session will be held on Wednesday, June 8, 2022 at 4:00 p.m. Each session will be held in the Brad R. Hill Jury Assembly Room, located on the 1st floor of the B.F. Sisk Courthouse, 1130 "O" Street, Fresno, California 93721
Fresno County Superior Court will preside over the reading of proclamations eulogizing the 12 individuals.

Individuals or firms wishing to make a donation in memory of one or more of these individuals are encouraged to send such donations to the Bar Association's "Fresno County Bar Association Memorial Scholarship Fund" c/o FCBA, 2444 Main St., Ste. 125, Fresno, California 93721.

The funds are used for the Association's law school scholarships which are administered through the Central Valley Community Foundation.
The donations are tax-deductible.

The Bench, Bar, family and friends of the honorees are cordially invited to attend the En Banc In Memoriam Session.

FCBA's 140th Annual Banquet



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

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



Burt Pines, Judicial Appointment's Secretary for Governor Gray Davis, giving the keynote address at the May 1st Law Day Luncheon.



Law Day Co-Chair Melissa White, District 5 Governor Tony Capozzi, CCLS Executive Director Chris Schneider, Burt Pines, Presiding Judge Gary Hoff, and FCBA President-Elect Kim Gaab.



Melissa White, Pro Bono Attorney of the Year David Silva, representatives of the Pro Bono Law Firm of the Year Coleman & Horowitz, Liberty Bell recipient Rachel McDougall-Smith, Pro Bono Section Chair Paul Lerandeau, Burt Pines, Chris Schneider, Tony Capozzi, and Kim Gaab.



Judicial Officers at Law Day & appointed by Gov. Davis; Justice Dennis Cornell, Madera Superior Court Judge Jennifer Detjen, Fresno Superior Court Judges Bruce Smith & Mark Snauffer, Burt Pines, and Fresno Superior Court Judges Gary Orozco, Denise Whitehead, Alan Simpson & Dale Ikeda.



Superior Court Judge Robert Oliver announcing Scott Harkleff as the recipient of the 2002 Hollis G. Best Law School Scholarship.



Opening Day at the new Fresno Grizzlies' Stadium in Downtown Fresno.



The Grizzlies drew a standing room only crowd for the season opener, which the home team won 4 to 1 over the Tacoma Rainiers.



U.S. Magistrate Judge Lawrence O'Neill giving the keynote eulogy at Fresno County's Peace Officers' Memorial in Courthouse Park.



Mayor Alan Autrey and other dignitaries with the family of the late Deputy Sheriff Erik Telen whose name was added to the Memorial.



Participants in the Volunteers In Parole Luncheon: State Bar President Karen Nobumoto, Committee Chair Joan Jacobs Levie, VIP Director Denise Reda, Emcee Judge Lawrence O'Neill, FCBA Pres.-Elect Kim Gaab, VIP Deputy, Director John Hix, FCBA President Beth Stratton, Past-President Mike Slater, and Karen Lynch.



The Superior Court's In Memoriam Session featured: Paul Asperger (for Otto Berg), FCBA President Beth Stratton, Robert Ishikawa (for Jim Ishikawa), Jim Christiansen (for Justice Donald Franson Sr.), Jack Baker (for Hon. Leonard Meyers), and Presiding Judge Gary Hoff (for Judge Robert Mardikian).



The new Fresno County Jail at Fresno and M Streets nearing completion.

10 YEARS AGO FROM THE WATKINS PHOTO ARCHIVES (May 2012)

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



FCBA President Ken Taniguchi and Law Day program emcee welcoming everyone to the luncheon held at the Radisson Hotel.



Judge Robert Oliver announcing Serenia Jimenez from McGeorge Law School as the recipient of the Holis G. Best Memorial Scholarship.



Ana De Alba receiving the 2012 Pro Bono Lawyer of the Year Award from Pro Bono Section Chair Rebecca Medina and CCLS Executive Director Chris Schneider.



Robert Wilkinson receiving on behalf of Baker, Manock & Jensen the 2012 Pro Bono Law Firm of the Year Award. Also pictured: Rebecca Medina, Chris Schneider & BMJ attorney Ken Price.



Former FCBA President Howard Watkins presenting the 2012 Liberty Bell Award to Bullard High School's Roy Verdusco for the school's Law & Social Justice Career Pathway program.



Keynote speaker, State Bar President Jon Streeter, commending the Fresno Superior Court for their work in keeping the court operating in the face of extensive state budget cuts.



Fresno County Women Lawyer's President Magi Fainer with U.S. Magistrate Judge Barbara McAuliffe at the FCWL Judicial Reception.



Janet Wright, Judge Jim Petrucelli, Kathy Hart, and Pauline Seiler at the FCWL Judicial Reception.



More of the attorneys and judges at the FCWL Judicial Reception held at the law offices of Baker, Manock & Jensen.



Superior Court CEO Tamara Beard speaking at a press conference on why substantial state budget cuts were forcing the Superior Court to close down all of the Fresno County courts outside the City of Fresno.



Fresno Mayor Ashley Swarengin delivering her State of the City address at the May luncheon of the Fresno Chamber of Commerce.



In Memoriam speakers: 1st row: Annette Ballatore-Williamson (for Michele Carli), Bonnie Anderson (for Kurt Jaenike), Frank Butler (for Charles Moore), Rayma Church (for David Roberts); 2nd row: Presiding Judge Gary Hoff, Ernest Benck, Jr. (for Michael McGinnis), Jim Parks (for Russell Templeton), William McPike (for Marc Stefano), & Frank Maul (for James Hays).

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Cheers and Tears

By Missy Mckai Cartier PIO SJCL



This year's Scholarship Ceremony at San Joaquin College of Law saw nearly 60 scholarships awarded to highly deserving students on April 2nd, but tears flowed as three of the scholarships were unveiled for the first time.

Shannon Pell began to choke up as she presented the scholarship in honor of her late father, James C. Pell. Shannon, a 2006 graduate of SJCL, says her dad was not an attorney, but was a fierce advocate of justice and the award continues his tradition of supporting it.

Meanwhile, most of the room was in tears as James Mugridge presented the first scholarship in George Vasquez's honor. Along with Amanda DeHart, Mugridge and Vasquez were both on the Traynor Team in 2013, bringing home the trophy to SJCL for the first time. Both alumni have since served as adjunct faculty at SJCL. Mugridge said George died of Covid last year, adding he contracted the virus before the vaccine was available. He added George did not have a choice, but everyone now does, and he urged viewers to get their shot.

Even Dean Jan Pearson was unable to hold back tears as the parents of Jennifer Oleksa handed out her memorial scholarship. Both Jenn and her mom, Michelle Oleksa, are SJCL Alumni. Jenn, a 2016 grad, was already a Deputy Attorney General in the Criminal Division of the California Attorney General's Office and adjunct faculty at SJCL when she developed brain cancer. She lost her two-year battle last February. Michelle was thrilled to announce the Scholarship recipient; she had been a student in Jenn's class and Jenn had mentioned how remarkable she was.

Speaking of remarkable, Public Relations Co-Chair and Soroptomist International of Clovis Board Member Judith Preuss was so impressed by this year's scholarship winner she invited her to an upcoming Soroptomist luncheon, asking that she tell her story before the group. Karen Lopez Pena is not only an immigrant, but she is the first member of her family to attend school past the second grade.

Hers is not the only remarkable story among the students and graduates of SJCL. Many struggle, but persistence paves their way. Congratulations to all of them and special thanks to all who have made these scholarships possible:

- Andres Diaz Special Education Scholarship - Laura Higareda-Chapa
- Baradat & Paboojian Trial Advocacy Scholarship - Aosam Saleh
- Bertha and John Garabedian Military Service Scholarships - Booker Senatore, Travis Childress, Vladimir Pacheco, and James Proctor
- Carolyn T. Mirviss Scholarship - Lisa Talley
- Cartier First Year Improvement Scholarship - Reynaldo Alvarez
- Central California Bankruptcy Association Scholarships - Besan Farra and Nancy Leon
- Darryl B. Freedman Bar Study Support Scholarship - Rosie Palomino
- Delta Theta Phi First Year Scholarship - Karan Nagra
- Delta Theta Phi Scholarships for Participation - Leslie Miller and Travis Childress
- Elizabeth O'Neill Memorial Scholarship - Bianca Lazcano
- Entrepreneurial Spirit Scholarship - Alice Uribe-Cardona
- Ernest S. Kinney Trial Lawyer Scholarship - Stephanie Landeros

- First Generation Student Scholarship - Marisol Cruz Rodriguez
- Founders' Scholarship - Janelle Di Mino
- George J. Vasquez Memorial Scholarships- Carragan Huerta and Jessica Gonzalez
- Ibarra/Casillas Lawsuit Scholarships - Cindy Arredondo, Willie Barrera, and Brittany Hieng
- James C. Pell Memorial Scholarship - Vanessa Fayad
- Janice Pearson Scholarship - Stephanie Adams
- Jennifer Lynn Oleksa Scholarship - Carragan Huerta
- Judy Wiseman Memorial Scholarship - Allison Rodriguez
- Kharazi Bar Study Support Scholarship - Sylvia Luna
- LawSUIT Scholarships - Diana Aguilera and Brittany Hieng
- Legal Edge Scholarship - Savana Perez
- Leon S. Peters Leadership Awards - Jessica Gonzalez, Helen Lee, Hannah Janigian, Ann-Marie Padilla, and Jacqueline Vazquez
- Loomis Legacy Award and Scholarship - Rosa Oregel-Gonzalez
- LSCA Community Action Scholarship - Laura Higareda-Chapa
- LSCA Executive Board Scholarship - Lorena Vargas
- LSCA Outstanding Member Scholarship - Besan Farra
- Mike Rhodes Social Justice Scholarship - Raquel Chavez
- Proctor Scholar of the Year - Diana Malcolm
- Proper Defense Law Corporation Employed Student Scholarship - Lorena Vargas
- Public Service Scholarship - Gurjot Brar
- SBA Academic Improvement Scholarship - Gloria Toledo Pulido
- SBA Bar Study Support Scholarships - Amreet Badesha and Landon Sciacca
- SBA Covid-19 Pandemic Hardship Scholarships - Terrance Dennis and Hannah Ravizza
- SBA Strong Academic Performance Scholarship - Reynaldo Alvarez
- Soroptomist International of Clovis Woman's Advocate Scholarship - Karen Lopez Pena
- Spirit of San Joaquin Scholarship - Madison Erickson
- The Notorious Ruth Bader Ginsburg Scholarship - Armida Mendoza
- Trudi Gale Manfredo Scholarship - Abigail Unruh

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We have an office located at 1233 W. Shaw Ave., Suite 100, 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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Submitted by CCLS Development Team



The month of April is recognized as National Volunteer Month, the whole month set aside to honor volunteers for their significant contributions. Central California Legal Services (CCLS) is grateful to our dedicated volunteers who generously give their time and are making a difference in our community.

Such is the case with the UC Berkeley Law students who spent their entire spring break with CCLS! With their assistance, eight individuals began the process to successfully clear their records through the Criminal Record Expungement Clinic. The clinic is a partnership with the Root & Beyond, the Clean Slate program and the CCLS Pro Bono Program. The students joined us through the Berkeley Law Alternative Service Trip (BLAST) – a service-oriented program that gives law students hands-on experience working with clients in communities outside of the Bay Area.

The UC Berkeley Law students also assisted at our Workers' Rights Clinic, a joint program with the Legal Aid at Work program located in San Francisco. This virtual clinic assists low-wage workers with advice and guidance on enforcement of workers' right in the workplace and occurs on the third Tuesday every month.

CCLS and our partners provide numerous opportunities for volunteer attorneys and students all year long! Here are a few ways you can make a difference:

- Represent survivors of domestic violence at *Project First Step*
- Narrate a *Know Your Rights* YouTube episode
- Assist with discrimination, unemployment insurance and more at *Workers' Rights Clinics*
- Clear criminal records at *Criminal Expungement Clinics*
- Help self-represented litigants learn about guardianship at *Guardianship Clinics*

Thank you to our many volunteers who include pro bono attorneys, law students and others for your assistance in breaking down barriers to opportunity and justice. You make the Central Valley a safer and healthier place where our friends, family and neighbors can thrive!

Please consider giving of your time and skills – we would love to hear from you! Connect with us at probono@centralcallegal.org or call us (559) 570-1274.

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.

CALENDAR

MAY

- 4 - **1HR MCLE - GENERAL** - Family Law Section Mtg. – Via Zoom - **Time:** 12:00 p.m. – 1:00 p.m. - **Speaker:** James P. Braun, CPA/ABV/CFF - **Topic:** "Tax Aspects of Divorce in California." - **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 brenda-hookesq@gmail.com. Please forward \$5 MCLE payments to Fresno County Bar Association, 2444 Main Street Ste. 125, Fresno, CA 93721.
- 5 - **1HR MCLE - GENERAL** - Estate Planning Section Mtg. – Via Zoom - **Time:** 12:00 p.m. – 1:00 p.m. - **Speaker:** Donovan Torne, CFA,ASA, Director, Valuation & Financial Analytics at Moss Adams - **Topic:** "Outrageous Parties, Heavenly Bills" – A Discussion of Assets Valuations in a Volatile World, Proposed and Upcoming Tax Law Changes, and Irrelevant Musings on Irrational Behavior. - **Cost:** Free to FCBA section members or \$5 if **MCLE** if requested, \$25 for non-section members & \$50 for non-FCBA members. Please send payment to FCBA at 2444 Main St, Ste. 125, Fresno, CA 93721 RSVP & questions to Christina Olson via email: christina@rjc-law.com.
- 6 - 10th Annual Law Day Yosemite - Free bus ride and breakfast on board for local lawyers and staff. Ceremony begins at 10am on Sentinel Bridge. Join Judge David Gottlieb, Retired Magistrate Judge Mike Seng, other local judges, lawyers and in Yosemite Valley to celebrate the Rule of Law. RSVP at (559) 431-7770 or via email to michelle@chandlerlaw.com.
- 18 - **1HR MCLE - GENERAL** - Law Day - **Time:** 12:00 – 1:15 p.m. - **Speaker:** Hon. Stanley A. Boone, Magistrate Judge U.S. District Court, Eastern District of California - **Topic:** "Toward a More Perfect Union: The Constitution in Times of Change." - **Location:** Holy Trinity Armenian Apostolic Church – 2226 Ventura Ave, Fresno, CA 93721 - **Cost:** \$35 for FCBA Members - \$45 for non-members (includes 1hr of MCLE)
- 19 - FCYL & FCBA's May Mixer with a Twist - **Time:** 5:30-7:30 p.m. - **Location:** Miles Sears & Eanni (2844 Fresno St, Fresno, CA) Front Patio Area - Come join us for some food, drinks, speed networking and great conversations! Free to FCYL and FCBA Members. RSVP to anitamartinez@fresnocountybar.org.
- 26 - 1st Annual Banquet CCAPABA (Central California Asian Pacific American Bar Association) - **Location:** Shinzen Garden (inside Woodward Park – 114 W. Audubon, Fresno, CA 93720) - **Time:** 6:00 p.m. - **Keynote Speaker:** Judge Anthony Ishii. For more information contact Vicky Xiong 559-840-2780 or email ccapaba@gmail.com.

MARK YOUR CALENDARS!!!

JUNE

- 24 - **1HR 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/Cost:** TBA - RSVP to FCBA office at 559-264-2619 or email anitamartinez@fresnocountybar.org.

Welcome New Members

ANALI CORTEZ BULOSAN
DANIEL R. CISNEROS

CONSTANTINO RAYA, JR.
ZENA M. SIN





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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.

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.



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