

Merced County Bar Association



Volume 2, Issue 4

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April 2018

President's Column

Casey Aitchison
MCBA President

Our April 5, 2018 MCBA luncheon meeting produced another banner turn out, with attendees receiving one hour of Ethics MCLE credit for Judge Jeanne Schechter's thought provoking presentation on The Ethics of Trials and Tribulations – When Disaster Strikes. Judge Schechter left all of us contemplating what additional pre-planning we may do to ensure our clients' interests will be protected in the event of an emergency. Her course material is available at the MCBA web site <http://mercedbar.org/mcba-mcle-materials/>

Our next MCBA event will be our annual **Law Day** celebration on **May 3, 2018**, at the Italo-American Lodge located at 1351 W 18th St, Merced, California. Our Keynote Speaker is Justice Charles Poochigian of the 5th District Court of Appeal, on the Law Day theme of Separation of Powers: Framework for Freedom. We invite you to attend and to bring your office staff and significant others. The cost for the luncheon is \$20.00 per person, for both members and non-members. Please RSVP by calling the law office of Aitchison & Emery at (209) 725-0770 or email

Casey@MercedDivorce.com We need to have a guest list in advance of the luncheon, so it is important to RSVP.

Prior to the luncheon, MCBA will be providing 2 hours of free MCLE credits to members and non-members in required topics including Substance Abuse and Elimination of Bias. The Courses will take place at Italo-American Lodge. The Law Day agenda: 10:00 a.m. David Mann – The Other Bar, 1 hour MCLE credit in Substance Abuse/Competence

11:00 a.m. Judge Carol Ash, 1 hour MCLE credit in Elimination of Bias, with her presentation of “#MeToo#TimesUp: Avoiding Gender Bias and Sexual Harassment in the Workplace”

12:00 p.m. Justice Poochigian, Separation of Powers: Framework for Freedom

Judge Ash to Provide MCLE Course on Elimination of Bias



Merced County Superior Court Judge Carol Ash will be the speaker on the required topic of Elimination of Bias with her presentation of “#MeToo#TimesUp: Avoiding Gender Bias and Sexual Harassment in the Workplace” on **May 3, 2018 at 11:00 a.m. at the Italo-American Lodge**, located at 1351 W 18th St, Merced, California. There is no fee for attendance, and the session is open to members and non-members alike. Please RSVP so that we have a head count, by calling the law office of Aitchison & Emery at (209) 725-0770 or emailing Casey@MercedDivorce.com

The California State Bar requires attorneys to have 25 Minimum Continuing Legal Education (MCLE) credits every three years, including one hour of Recognition and Elimination of Bias. Judge Ash's presentation on Thursday, May 3, 2018, will provide attending attorneys with the required one hour of MCLE credit on Elimination of Bias.

Judge Ash was appointed as a Merced County Superior Court Judge in 2007 after serving as a Senior Staff Attorney for the Court between 1999 and 2007, and as a Deputy District Attorney from 1984 to 1999. Judge Ash received a Bachelor's Degree from Loma Linda University and a J.D. from Willamette University College of Law.

2018 MCBA OFFICERS

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George Leavell, Secretary
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Skye Emery, Treasurer
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Calendar of Events 2018

January 4 – MCBA Luncheon – Bella Luna Bistro – Judge Proietti’s discussion on Best Practices in Civil Law and Motion

February 1 – MCBA lunch at Elks Lodge Merced: Matthew Serratto on criminal law updates

March 1 – MCBA lunch at Elks Lodge Merced: Judge Bacciarini’s discussion of Elimination of Bias

April 5th at Noon – MCBA lunch at the Elks Lodge: Speaker: Judge Schechter-ETHICS (1 MCLE credit *REQUIRED SUBJECT*)

May 3rd - MCBA Law Day at the Italo-American Lodge: Speaker: Justice Poochigian, 5th District Court of Appeals, on Separation of Powers and MCLE classes 10AM and 11AM



June 7th at Noon - MCBA Lunch at the Elks Lodge; Speaker: Kirk McAllister – Recent developments in Brady v. Maryland (1 MCLE credit)

July 5th - MCBA Summer Social at 6 p.m.; Branding Iron in Merced

August 2nd at noon – MCBA Lunch at the Elks Lodge: speaker: TBA

September 6th at Noon - MCBA Lunch at the Elks Lodge: Speaker: Judge McCabe – *Subject TBA*

October 4th at 6 p.m. - West Side Dinner at Wool Growers, 609 H Street, Los Banos

November 1st at Noon - MCBA Lunch at the Elks Lodge: Speaker: Dave Elgin – Cross-examination

December 6th at 6 p.m.- Holiday Party at the Branding Iron in Merced

JUSTICE POOCHIGIAN KEYNOTE SPEAKER ON MAY 3, 2018

The MCBA is honored to have Justice Charles S. Poochigian as the keynote speaker at our annual **Law Day Luncheon on May 3, 2018, at the Italo-American Lodge.**



Justice Poochigian was appointed to the Court of Appeal, Fifth Appellate District by Governor Arnold Schwarzenegger in August, 2009. He previously practiced law with Dowling, Aaron and Keeler in Fresno principally representing clients on matters involving regulatory issues. His legal career began in 1975 when he formed a partnership with Steven M. Vartabedian (also an associate justice with the Court of Appeal). His practice consisted of representing clients in both litigation and transactional matters involving real estate, contracts, general business counseling, wills and probate. Following 13 years of private practice in Fresno, he was appointed to the senior staff of Governor George Deukmejian in 1988 and was later named to the senior staff of Governor Pete Wilson for whom he served as Appointments Secretary. As Appointments Secretary, he assisted the Governor in his appointments of key executive branch officials and members of state boards and commissions. His primary focus was assisting the Governor in his selection of judges for California's trial and appellate courts.

In 1994, Charles Poochigian was elected to the California State Assembly where he served from 1994-1998. He then served two terms in the California State Senate (1998-2006). While in the Legislature, he distinguished himself for his substantial legislative and policy work covering a wide range of subject matter including criminal justice, education reform, workers' compensation law, taxation, agriculture, budget, environment and natural resources. He held numerous leadership positions including service as Chair of the Assembly Appropriations Committee in his first term, chair of the Constitutional Amendments Committee, a member of the Little Hoover Commission and Vice-Chair of the Senate Public Safety Committee, among many other committee leadership roles and assignments.

MCBA Provides 1 hour free MCLE Substance Abuse with David Mann

The MCBA invites you to join us for a free hour of MCLE credit on the required topic of Substance Abuse/Competence, with David Mann of The Other Bar. **Mr. Mann will provide his presentation on May 3, 2018 at 10:00 a.m. at the Italo-American Lodge** located at 1351 W 18th St, Merced, California. The session is open to members and non-members. Please RSVP by calling the law office of Aitchison and Emery at (209) 725-0770 or email Casey@MercedDivorce.com.



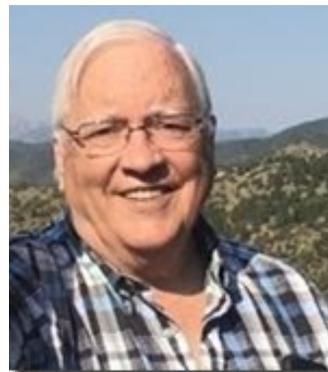
David Mann is a graduate of Ohio State University and Stanford Law School. He served as a Deputy Public Defender in San Francisco before becoming a solo criminal defense practitioner. After 12 years of practice, substance abuse-related issues caused him to resign from the bar with disciplinary charges pending.

Following a relentless battle with addiction which included numerous hospitalizations and periods of living on the streets, he succeeded in getting clean and sober in 1998. Since then he has worked, among other things, as a cab driver, a private investigator, a paralegal, and a drug and alcohol rehabilitation counselor.

David presently serves as the Northern California Consultant to The Other Bar, a statewide organization of recovering attorneys, judges, and law students. In this capacity, he spends his time providing outreach and education to the legal community and assisting attorneys as they struggle with substance abuse and related challenges that threaten their ability and/or eligibility to practice law.

Sidebar

It is with great sadness that the MCBA announces the March 11, 2018 passing of longtime Merced attorney, Charles Rayburn Wilson.



Born January 5, 1945, in Bloomington, Illinois, he was the son of the late Charles and Nora Wilson. Charlie spent his childhood in Port Washington, Wisconsin and enjoyed being the eldest of five children: Michael Wilson, the late Sara Wilson, the late Roger Wilson and Nancy Ann Crandall.

Charlie graduated from Port Washington High School where he was on the debate team, was editor of the yearbook, played three years of both varsity football and track, was in theater, and earned his Eagle Scout award. Charlie attended the University of Wisconsin at Madison where he met and married the love of his life, Lenice. They treasured 52 years of happy marriage. After receiving his Bachelor of Science in Political Science and Juris Doctorate degrees, Charlie began his 48-year legal career at Castle Air Force Base as a Judge Advocate Officer. In 1974, he completed his military service as a Captain, received the Air Force Commendation Medal, and began his legal career in Merced.

In 1995, he established the Law Office of Charles Rayburn Wilson and was proud that he never retired. Charlie enjoyed traveling, hiking, photography, jazz, bridge, theater, being a foodie and most of all his family. He was a dedicated and loving husband, dad and grandfather (aka Grandweezil), uncle, great-uncle and brother/brother-in-law.

Charlie dedicated most of his volunteer time and gifts to the American Cancer Society for over 35 years. He organized Relay For Life events, served as chapter President, and was a leader in the movement for a Smoke Free California. He will forever be remembered for his sense of humor and wit, generosity, honesty, belief in paying it forward, patriotism, being the master of surprises, and all the love and priority he gave his family and friends. Charlie is survived by his loving wife, Lenice, his daughters, Courtney and Andrea (Brian), his grandchildren, Kristen (Andre) and Geoffrey, as well as many nieces and nephews.

CONGRATS TO NEW MINOR'S COUNSEL, GWIN AND EMERY



The MCBA congratulates attorneys Melbourne Gwin and Skye Emery for completing the requisite training for qualification to accept appointments by the Merced County Superior Court to represent minor children in probate guardianships and family law custody proceedings. Mr. Gwin and Ms. Emery completed the training during the Minor's Counsel Training Symposium in San Luis Obispo in March 2018. The faculty at the symposium was an impressive line-up, including Dr. Philip Stahl, the renowned psychologist in the landmark case of *LaMusga*.

California law regarding minor's counsel has evolved significantly in the past few years. Prior to 2010, the role of minor's counsel was to essentially act as an evaluator of sorts, making a report and recommendation to the Court regarding custody and visitation. This role began to change in 2007 with the case of *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, 1368. In *Elkins*, the California Supreme Court held that family law litigants should have the same due process protections as litigants in other types of civil cases. The court recommended that the Judicial Council of California establish a task force to "study and propose measures to assist trial courts in achieving efficiency and fairness in marital dissolution proceedings." In response to this recommendation, the Elkins Family Law Task Force was appointed.

The Elkins Family Law Task Force published its Final Report and Recommendations in April 2010, which states in pertinent part with regard to minor's counsel:

"The goal of [minor's] counsel's representation should be to provide the court factually correct information through the presentation of reliable, admissible evidence in a proper court proceeding. Because minor's counsel is acting in the role of an attorney, he or she should not make 'recommendations,' file a report, testify, or present anything other than proper pleadings."

Congrats (Cont'd)

The California Legislature responded to the Elkins mandate in 2011 by revising Family Code Section 3151 (a). The revised statute now provides that the role of minor's counsel is to gather "admissible evidence," not hearsay, and present the admissible evidence to the Court "in the manner appropriate for the counsel of a party."

Similarly, California Rules of Court, Rule 5.242 was amended in 2012 in response to the Elkins Family Task Force, to provide that "the role of the child's counsel is to gather evidence that bears on the best interest of the child and present that admissible evidence to the court in any manner appropriate for the counsel of a party."

Family Code Section 3151 provides that "If the child so desires, the child's counsel shall present the child's wishes to the court." However, if minor's counsel wants to provide information from the child other than simply stating the child's wishes, the Court must require that the information be in writing and be provided to the parties by an individual who will be available for testimony and cross-examination. (California Rules of Court, Rule 5.250 (d) (2) (C).)

The take-away from all of this, is that minor's counsel is no longer supposed to act in the capacity of a mini-evaluator, but rather, is constrained to only present admissible evidence in the same manner as any other attorney in the proceeding.

CCLS MERCED OPEN HOUSE

CCLS thanks everyone who came to the CCLS Merced Open House. There was tremendous attendance from members of the legal community, our partners and supporters. It was a wonderful opportunity to meet new friends, greet old ones, and share stories with one another. Thank you for showing your support and making our event a success!



Superior Court Judge Lo and Paul Thao (CCLS Board Member)

Attorneys Aitchison and Emery Announce New Law Partnership



Attorneys Casey Aitchison and Skye Emery have announced the formation of their new law partnership, Aitchison & Emery.

This year marks Ms. Aitchison's 29th year practicing law in Merced County. Ms. Aitchison served as a Congressional Page before going on to receive her undergraduate degree in Business Management. In 1989, she earned a Juris Doctor from San Joaquin College of Law in Fresno, California, where she served as President of the Student Bar. She passed the California Bar exam in 1989 and worked for a law firm in Merced prior to founding her law practice in 1994.

In 2018, Skye Emery became a partner in the law firm and together they established Aitchison & Emery.

Ms. Aitchison currently serves as President of the Merced County Bar Association and is a member of the National Association of Counsel for Children, the Association of Family and Conciliation Courts, as well as the State Bar of California. Ms. Aitchison practices with an emphasis in family law, guardianships and adoptions, and is frequently appointed by the Superior Court to represent children in custody matters.

After raising her children in Merced and seeing them off to college, Ms. Aitchison now resides in Catheys Valley, where she and her husband own and operate California's largest alpaca ranch.

Ms. Emery earned her Juris Doctor from San Joaquin College of Law. She represented the Law School at the UC Davis National Moot Court Competition where she received the award for Best Brief. In her time at San Joaquin College of Law, she served as Treasurer of the Student Bar Association as well as being published in the Law Review. Ms. Emery clerked at the Merced County District Attorney's Office for two years before serving as a Deputy District Attorney. As a prosecutor, she worked extensively in the areas of domestic violence and protective order issues.

Aitchison and Emery (Cont'd)

In 2017, she began working for the Law Office of Casey Aitchison exclusively in the area of family law, and the following year joined in partnership to form Aitchison & Emery.

She currently serves as the Treasurer of the Merced County Bar Association and is a member of the American Bar Association, the National Association of Counsel for Children, Association of Family and Conciliation Courts, as well as the State Bar of California.

Ms. Emery is an active member of the Merced community where she resides with her family. She and her husband, a local physician, have four children, one of whom is currently attending college out of state.

MERCED SUPERIOR COURT NEWS

The construction of the new courtroom in the main courthouse (2260 N Street located on the first floor) is now complete and officially opened for use on Monday, April 9th. Superior Court Judge Paul Lo will preside over the calendar from the former Courtroom 11.

Due to the opening of Courtroom 2, the numbering of the three outlying Courtrooms will change. Please note that Juvenile Court located at Sandy Mush will now be numbered as Courtroom 11 and the Los Banos Courtrooms will be numbered Courtrooms 12 and 13.

Local Rules- the draft Local Rules for the July 2018 publication have been posted to the Courts website <http://www.mercedcourt.org/> for the 45 day comment period.

Friendly Reminders

If you have not done so already, please pay your MCBA dues of \$110 for 2018.

Merced County Bar dues this year are \$110 and anyone interested in joining can contact MCBA at mercedbar@gmail.com for an application.

Download a Member Application on the member's resources page of our website: www.mercedbar.org/member-resources/

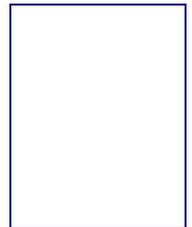
Thank you for your 2018 MCBA Membership!

Please invite a non-MCBA member to the next luncheon!

Casey Aitchison	Gabriel A. Delgado	J. Scott Jordan	Deanne Peterson
Tabasum Akbari	Maile C. Dunlap	Jeffrey S. Kaufman	Diane V. Rathmann
Edward M. Amaral	Thomas E. Ebersole	Thomas J. Keene	Kenneth M. Robbins
Jenna M. Anderson	Skye Emery	Kevin F. Kelley	Sara Rosenthal
Vincent Andrade	James N. Fincher	Cyril L. Lawrence	Monika Saini
Deborah Bennett	Kelly C. Fincher	George B. Leavell	Lisette M. Silva
Eric S. Beiswanger	Kimberly G. Flores	Kenneth R. Mackie	Shane G. Smith
Mason L. Brawley	David A. Foster	Richard T. Marchini	Bruce B. Sousa
Marvin J. Brown	Arthur F. Godwin	Weldon J. Mattos, Jr.	Stuart B. Spencer
Geraldine Brown (Honorary)	Christopher Goodness	Roger S. Matzkind	Karen R. Spinardi
Corbett J. Browning	Jeff B. Grant	C. Logan McKechnie	James E. Stone
Aaron N. Castleton	Janinda Gunawardene	Phillip McMurray	Ralph S. Temple, Jr.
Jeffrey C. Castleton	Robert T. Haden	Derek Meyer	Jennifer Tran
Julie Collura	Emily J. Haden	Rachel Miller	Rickey D. Wallace
Jeffery B. Corant	Kyle Hampton	Thomas Min	Alfred L. Whitehurst
Beau C. Correia	Forrest W. Hansen	Paul Carter Mullen	Darryl Young
Thomas Curry	Ann M. Hanson	Michael W. Murphy	
Betty L. Dawson (Honorary)	David D. Haycraft	Michael Noguera	
Anthony De Jager	Bruce J. Hendricks	James P. Padron	

If you haven't already paid your 2018 dues, please bring your dues payment to the next luncheon, or mail it in to MCBA, PO Box 2982, Merced, CA 95344.

Merced County Bar Association
P.O. Box 2982
Merced, California 95344



MERCED COUNTY BAR ASSOCIATION



MEMBERSHIP APPLICATION – 2018

Annual Dues
Active: **\$110**
Retired: Honorary

Please mail the completed the application and dues payable to:
MCBA
P.O. Box No. 2982
Merced, CA 95344

The following data will be used for your Member Information of the MCBA records and MCBA website member directory page: <http://mercedbar.org/members/>

Name: _____

Bar#: _____

Firm Name: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Website: _____

Areas Of
Practice: _____

Law
Schools: _____

Dues
Enclosed: _____