

S194951

In the Supreme Court of the State of California

RICHARD SANDER, JOE HICKS, and the
CALIFORNIA FIRST AMENDMENT COALITION,
Petitioners,

v.

STATE BAR OF CALIFORNIA and the
BOARD OF GOVERNORS OF THE STATE BAR OF CALIFORNIA,
Respondents.

SUPREME COURT
FILED

AUG 05 2011

Frederick K. Ohrion Clerk

Deputy

*After a Decision of the Court of Appeal, First Appellate District, Division Three,
Appeal No. A128647, on Appeal from the Superior Court of the County of San Francisco,
Case No. CPF-08-508880, Hon. Curtis E. A. Karnow*

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ANSWER TO PETITION FOR REVIEW, MEMORANDUM OF POINTS AND AUTHORITIES, AND DECLARATION OF EVGENIA N. FKARAS

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*Attorneys for Respondents Richard
Sander and Joe Hicks*

REQUEST FOR JUDICIAL NOTICE


In accordance with California law, Respondents Richard Sander, Joe Hicks, and the California First Amendment Coalition request that the Court take judicial notice of the following document attached to the accompanying Declaration of Evgenia N. Fkiaras, filed herewith, and of the documents referred to therein:

Exhibit A: Docket (Register of Actions) for Case No. S165765,
Sander v. State Bar of California.

This request is made on the grounds that the documents for which judicial notice is sought are records of this Court, are referred to in the Answer to Petition for Review, and are necessary to the consideration and determination of the current petition. The request is based on Evidence Code sections 452 and 453, on the accompanying Memorandum of Points and Authorities, and on the Declaration of Evgenia N. Fkiaras provided herewith.

Dated: August 4, 2011

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By 
JAMES M. CHADWICK
GUYLYN R. CUMMINS
EVGENIA N. FKARAS
DAVID E. SNYDER
Attorneys for Respondent
California First Amendment Coalition

Dated: August 3, 2011

BOSTWICK & JASSY LLP

Bv 

GARY L. BOSTWICK
JEAN-PAUL JASSY
Attorneys for Respondents
Richard Sander and Joe Hicks

MEMORANDUM OF POINTS AND AUTHORITIES

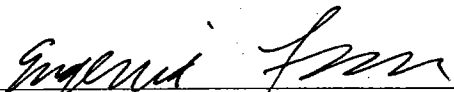
If a request for judicial notice is made, notice of the request is provided, and sufficient information is provided to enable the Court to take judicial notice, judicial notice is mandatory. (Evid. Code § 453.)

Evidence Code section 452 provides that the Court may take judicial notice of, among other things, “[o]fficial acts of the . . . judicial department[] of the United States and of any state of the United States.” (Evid. Code § 452, subd. (c).) Evidence Code section 452, subdivision (d), provides that judicial notice may be taken of records of “any court of this state.” (Evid. Code, § 452, subd. (d).) Judicial notice of briefs submitted to and orders of this Court is appropriate. (See, e.g., *People v. Romero-Arellano* (2009) 171 Cal.App.4th 58, 64 [taking judicial notice of brief submitted in prior proceeding in the California Supreme Court].) Exhibit A is a record of the judicial department; specifically it is the docket of a case before this Court. It refers to documents filed with the Court and orders issued by the Court in the case. This docket and the documents it refers to are therefore subject to judicial notice.

Respondents therefore respectfully request that the Court take judicial notice of Exhibit A of the Declaration of Evgenia N. Fkiaras and the documents Exhibit A refers to.

Dated: August 4, 2011

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By 

JAMES M. CHADWICK
GUYLYN R. CUMMINS
EVGENIA N. FKARAS
DAVID E. SNYDER
Attorneys for Respondent
California First Amendment Coalition

Dated: August 3, 2011

BOSTWICK & JASSY LLP

By

A handwritten signature in black ink, appearing to read "Gary L. Bostwick", is written over a horizontal line.

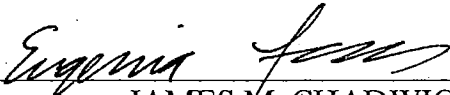
GARY L. BOSTWICK
JEAN-PAUL JASSY
Attorneys for Respondents
Richard Sander and Joe Hicks

CERTIFICATE OF WORD COUNT

The text of the Memorandum of Points and Authorities in support of the Request for Judicial Notice consists of 225 words, excluding signatures, as counted by the computer program used to generate the Memorandum.

Dated: August 4, 2011

SHEPPARD MULLIN RICHTER & HAMPTON LLP

By 

JAMES M. CHADWICK
GUYLYN R. CUMMINS
EVGENIA N. FKARAS
DAVID E. SNYDER
Attorneys for Respondent
California First Amendment Coalition

DECLARATION OF EVGENIA N. FKARAS

I, Evgenia N. Fkiaras, declare as follows:

1. I am an attorney with the law firm of Sheppard Mullin Richter & Hampton, LLP, counsel for Respondent California First Amendment Coalition. I am duly licensed and admitted to practice before this Court. I have personal knowledge of the following matters, and if called as a witness could and would testify thereto.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Docket (Register of Actions) for Case No. S165765, *Sander v. State Bar of California*, available on the website of the California Supreme Court at: http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=0&doc_id=1897443&doc_no=S165765.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 4 day of August, 2011, at San Francisco, California.


EVGENIA N. FKARAS

CALIFORNIA APPELLATE COURTS

Case Information

Supreme
Court

Supreme Court

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Docket (Register of Actions)

SANDER v. STATE BAR

Case Number S165765

Date	Description	Notes
08/07/2008	Petition for writ of mandate/prohibition filed	Petitioner, Richard Sander, et al. by counsel, James M. Chadwick.
08/07/2008	Filed:	Appendix of Exhibits in support of petition- one bound volume. by counsel, James M. Chadwick.
08/07/2008	Filed:	Request for judicial notice- one volume by counsel, James M. Chadwick.
08/07/2008	Filed:	Declaration of Barbara S. Clements, PH.D. by counsel, James M. Chadwick.
08/18/2008	Opposition filed	State Bar of California, Respondent Michael Von Loewenfeldt and Rachel S. Grunberg, counsel
08/18/2008	Filed:	2-volumes of exhibits
08/18/2008	Received:	Certificate of Service (placed in Respondent's Opposition)
08/28/2008	Reply to preliminary opposition filed	Richard Sander et al., Petitioners Evgenia N. Fkiaras, counsel
08/28/2008	Filed:	Declaration of Jane Yakowitz
08/28/2008	Filed:	Declaration of Richard Sander
09/15/2008	Received:	Motion for Leave to Intervene (submitted w/Complaint in Intervention and Appendix of Exhibits in Support) Dwight Aarons et al., Intervenors William F. Abrams, counsel (to court for permission to file)
09/17/2008	Petition for writ of mandate/prohibition denied	The request for judicial notice is granted. The petition for writ of mandate or other extraordinary relief is denied without prejudice to re-filing in an appropriate court. Permission to file the "Motion for Leave To Intervene" is denied as moot.

[Click here to request automatic e-mail notifications about this case.](#)

PROOF OF SERVICE
By U.S. Mail
Sander v. State Bar,
California Supreme Court Case No. S194951

I declare I am over eighteen years old, not a party to the within action, and am employed by Sheppard, Mullin, Richter & Hampton LLP, Four Embarcadero Center, San Francisco, CA 94111. I am readily familiar with the practice at my place of business for collection and processing of mail. All such mail is deposited with the United States Postal Service on the same day it is collected in the ordinary course of business.

On August 5, 2011, I served the REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ANSWER TO PETITION FOR REVIEW, MEMORANDUM OF POINTS AND AUTHORITIES, AND DECLARATION OF EVGENIA N. FKIARAS by enclosing a true and correct copy in envelopes addressed as shown below, then sealing and placing in the designated location at my place of business for prepaying first class postage and depositing in the U.S. Mail in San Francisco, California, on today's date, in accordance with ordinary business practices.

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Clerk, First District Court of Appeal
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 5, 2011, at San Francisco, California.



Margaret Wong