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Court Rules on Temporary Judge's Powers

The Recorder
By Mike McKee
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Temporary judges' powers are limited to resolving the issues they were assigned to hear, a state appeal court ruled Tuesday.

The decision by San Francisco's First District Court of Appeal held that JAMS arbitrator Harry Low had authority to oversee probate issues in an estate case involving former Marin County District Attorney Michael Gridley and his sisters. But the court called a subsequent dispute over the sale of the Dixon Ranch — more than 1,800 acres of estate property in Solano County — "an ancillary proceeding, completely separate from the probate case, which will be heard on its own record and result in an independent judgment."

"There is absolutely no evidence," Justice Paul Haerle wrote, "that the parties to the Dixon Ranch petition entered into a stipulation that adjudication of that petition could be assigned to Justice Low or to any temporary judge."

The ruling means the Dixon Ranch dispute remains in front of San Francisco Superior Court Judge John Dearman.

Mary Mix, a partner in San Francisco's Livingston Mix who represents sisters Christine and Patricia Gridley, couldn't be reached for comment.

But James Wagstaffe, a partner in San Francisco's Kerr & Wagstaffe who represents Michael Gridley, said he was "pleased with this decision, by and large."

He said the court could have undone Low's authority on all issues, but wound up saying only the Dixon Ranch dispute was outside his purview.

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