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March 8, 2013

SUPREME COURT
FILED

MAR 11 2013

Frank A. McGuire Clerk

Deputy

Clerk of the Supreme Court of California
350 Mc Allister Street
San Francisco, CA 94102-4797

In re Sergio C. Garcia on Admission S202512
Significant New Authority: *Gunn v Minton*

Pursuant to California Rules of Court, Rule 8.254, Applicant Sergio C. Garcia informs the Court of significant new authority, *Gunn v Minton* (filed on February 20, 2013) ___ U S _____; also reported at 2013 WL 610193; 105 U.S.P.Q.2d 1665; 13 Cal. Daily Op. Serv. 1971; 2013 Daily Journal D.A.R. 2342.

The *Gunn* case is relevant to the discussion of the relative roles of the Federal and State Governments with respect to licensing of attorneys, as discussed by the Opening Brief of the Committee of Bar Examiners at page 8, and the Response Brief of Sergio Garcia at page 2.

There being no official page number, we recite the relevant language from Section III-D of the Gunn opinion:

> "We have already explained the absence of a substantial federal issue within the meaning of *Grable*. The States, on the other hand, have "a special responsibility for maintaining standards among members of the licensed professions." *Ohralik v. Ohio State Bar Assn.,* 436 U.S. 447, 460, 98 S.Ct. 1912, 56 L.Ed.2d 444 (1978). Their "interest ... in regulating lawyers is especially great since lawyers are essential to the primary governmental function of administering justice, and have historically been officers of the courts." *Goldfarb v. Virginia State Bar,* 421 U.S. 773, 792, 95 S.Ct. 2004, 44 L.Ed.2d 572 (1975) (internal quotation marks omitted)."

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S202512
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DECLARATION OF SERVICE BY MAIL

I am over the age of 18 years and I am not a party to the within cause. I am employed by Fishkin & Slatter, LLP, and my business address is 1575 Treat Blvd., Walnut Creek, CA 94598, County of Contra Costa. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence would be deposited with the United States Postal Service that same day in the ordinary course of business. On this day I served the

NOTICE OF SIGNIFICANT NEW AUTHORITY: *GUNN V MINTON*

by placing a true copy in a sealed envelope with postage fully prepaid, and placing the envelope for collection and mailing on this day, following ordinary business practices, in the County of Contra Costa, California, and addressed to:

SEE ATTACHMENT A

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on the date below at Walnut Creek, California.

_____ _____

DATE PATRICIA HOEKWATER