



2007 Calendar of Events

Please mark your calendar for these upcoming NCBA events. Locations to be announced via the newsletter and website (www.nevadacountybar.com) unless otherwise noted.

Jan. 17	LRS Annual Meeting The Holbrooke, GV	5:30pm
Jan. 19	Public Law Center Seminar on Wills and Trusts; Courthouse	Noon
Jan. 22	Family Law Section Meeting Mediation Room, Dept. 3 Nevada County Court	Noon
Jan. 24	NCBA MCLE Luncheon Effective Use of Mediation	Noon
Feb. 6	Annual Bench and Bar Dinner Stonehouse, NC	6:30pm
Feb. 7	Estates Planning Council Trolley Junction, NC	11:45am

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Next MCLE Lunch: January 24

Where: Stonehouse
107 Sacramento Street
Nevada City

When: January 24, 2007

11:30 a.m. (Executive Committee)

12:00 p.m. General Membership

Price: \$26.00 if RSVP

\$30.00 if No RSVP

lunch choices: Chicken Mediterranean or Vegetarian Dish

The Honorable Frank Francis, Ret., and Dave Finch, ADR Section Chair, will discuss the Effective Use of Mediation.

Attend this luncheon and receive one unit of credit toward your MCLE requirement.

ADR Survey Inside

Inside this addition of the NCBA Newsletter, you will find a questionnaire for you to fill out and return. The ADR Section wants to get a sense of what bar members think about ADR. Your answers will help the ADR Section in determining how best to assist the bar, and the community, in finding economical methods for dispute resolution. Please take the time to fill out your survey and return it as directed.

Annual Bench and Bar Dinner

DON'T FORGET! The NCBA Bench and Bar Dinner is set for Tuesday, February 6, 2007 at the Stonehouse Restaurant in Nevada City. The festivities begin with cocktails at 5:30 p.m. followed by dinner at 6:30 p.m.

President's Report: Happy New Year!

Best wishes to each and all of you for a happy, healthy and successful 2007! Now that the holiday seasons winds down to the more peaceful midwinter state, your NCBA officers are hard at work preparing for the coming year.

Please mark your calendars for the **Annual Bench and Bar Dinner slated for Tuesday, February 6th** at 5:30 (cocktails), 6:30 (dinner) at the Stonehouse Restaurant in Nevada City. Invitations will be going out soon, but if you would like to get a head start on it, the price for the three-course meal (Smoky Spinach Salad, Cheesecake and an entrée) is \$40 for those who timely RSVP and \$50 for those who wait to the last minute. Send your check payable to the NCBA to P.O. Box 1473, Nevada City CA, 95959 with your choice of Mediterranean Chicken or Polenta Portabella Napoleon. In addition to networking with members of the bench and our local bar, we will recognize newly elected Judge Tom Anderson, who took his oath of office on the Courthouse steps on a brilliant winter afternoon on January 5th before a crowd of family, friends and supporters. Congratulations and welcome Judge Anderson! We will also recognize on February 6th the outgoing officers for 2006 (I am stepping down after two years of service to NCBA, as is Secretary Ed Batista, who has moved to LA) and elect a new slate for 2007. Join us!

It is now time to **renew your membership in NCBA**. Your officers are proud to have built on the work of our predecessors by increasing dues-paying membership from 98 to 122 in 2005 and to 133 in 2006. Help us continue that success by renewing your membership! Dues will remain at \$50 next year, but we will increase the voluntary donation to the Nevada County Law Library to \$30 per person. Those who pay at least \$20 to the Library will benefit from a new contract between the NCBA and the Law Library which allow those who donate to use outside our Library inter-library loan materials borrowed from the Sacramento Law Library and other libraries. Others will be required to use these

President's Report, Continued

materials only in the Library to protect the Library from fees and fines for late and missing books. If you have not received your dues invoice by mail or email, contact Vice President Steve Baker at the contact information shown at the end of this newsletter. You can also find the renewal form on our website at www.nevadacountybar.com.

Our next **MCLE lunch on Alternative Dispute Resolution** will feature retired Nevada County Superior Court Judge Frank Francis and ADR Section Chair Dave Finch. This will be held **January 24th at noon** at the Stonehouse Restaurant. Lunch is \$26 for those who timely RSVP and \$30 otherwise. RSVP to Hope Light in my office via fax at 432-7356 or email to hlight@cllaw.us with your choice of chicken or the vegetarian entrée. The officers will meet there at 11:30 a.m. to continue planning for the Bench & Bar Dinner. Join us for what will be a very interesting discussion.

Another opportunity to participate in our legal community is the **Lawyers Referral Service** of Nevada County Legal Assistance, Inc. If you are interesting in joining the LRS panel, please check out the information about LRS on the NCBA website. Note **the annual meeting of LRS** is January 17th from 5:30 to 7:30 p.m. at the Holbrooke Hotel in Grass Valley. Come support one of the most valuable non-profits in our community!

Before signing off for the month, I'd like to take a moment to acknowledge the quiet efforts of **the NCBA's Fee Arbitration Panel** Administrator, Andy Harris. Andy has worked hard to keep our Fee Arbitration Program in compliance with State Bar rules and recently traveled to San Francisco for a State Bar meeting on updated requirements. Updated rules for the Program were recently approved by the officers of the NCBA and appear on our website. If you have an interest in arbitrating a fee dispute with one of your clients, or serving as an arbitrator, contact Andy at the contact information shown at the end of this newsletter. Andy, thank you for all your hard work.

President's Report, Continued

If you are interested in helping with any NCBA event, contact any of the officers. Your participation is what makes the NCBA what it is. Chip in and you'll be surprised what you get out of it!

Mike Colantuono, NCBA President

Law Library

The Law Library Trustees meeting of December 13th was the first of many which was not focused solely on addressing the Library's fiscal problems, although those problems did bear discussion. Other topics included recruitment of new Trustees, the establishment of a donation table, and a potential new service for the library – renting the conference room for use in depositions, client meetings, video and telephone-conferencing, etc.

As to finances, the November 30th balance was back to \$21,223.88 – in the range of the Library's position before the onset of our recent fiscal woes. Still, the current budget remains a bit more than \$3,000 per year out of balance, so efforts to reduce cost and raise revenues continue. On the cost side, we intend to confirm the value of our holdings of books and other materials in an effort to reduce the insured value of the collection and, thereby, our insurance premium costs. On the revenue side, the Library is looking to the practices of its peers in renting its conference rooms to provide a service to the lawyers who practice in our community and to create additional revenue for the Library.

The County Board of Supervisors approved the Trustees' request for an increase in the amount the Library receives from non-exempt civil filing fees by \$3 per filing. Now it is up to the Administrative Office of the Courts to implement this new measure. Thanks to David Alkire and Rob Shulman for hustling to get this to the Board quickly.

The Trustees approved a contract between the NCBA and the Law Library under which the

Law Library, Continued

Library will allow NCBA members to use inter-library loan materials outside the library in exchange for the NCBA's commitment to maintain the voluntary dues checkoff which allows members to donate funds to the Library when they renew their NCBA memberships. (Dues invoices are out now, so please renew and remember the Library when you do!)

In other good news for the Library, the Court decided to provide funding to increase Librarian Mary Kirby's hours by two hours a day. She will now be available in the Library from 9 am to 3:30 p.m. each day. Our thanks to the Court!

If you've been to the Library lately, you will have noted our new donation table, where we solicit donations of gently used, nearly new materials which will be of use to our patrons. If you have a guidebook or hornbook which has been replaced with a new edition, don't throw the old one away! Bring it to the Library and place it on the donation table. We'll make good use of it!

The membership of the Trustees needs augmenting for a number of reasons: the retirement of Ron Wolfson from the DA's office (but not from the Fair Board – congratulations Ron, on the Governor's decision to reappoint you), the retirement of Judge Bryan (who appointed Ron) from the Court, and David Alkire's decision not to seek reappointment by the Board of Supervisors after three years of able service. Accordingly, new appointees are needed both by the Judges of Court and by the Board of Supervisors. If you have any interest in serving our Library, or if you have thoughts or concerns about the Law Library, contact Trustees Mike Colantuono (432-7359, mcolantuono@cllaw.us); Rob Shulman (265-1510, rob.shulman@co.nevada.ca.us); or David Alkire (265-6667; alkirelaw@myway.com).

- Mike Colantuono, NCBA President

Alternative Dispute Resolution: Answer and Return Your Survey

For the Rip Van Winkle's among us, the cost of litigation is outrageous. Further, the thought of letting a panel of twelve people (who are not necessarily interested in justice) to resolve your client's case, can cause even the most confident counsellor to lose sleep.

Alternative Dispute Resolution is a way to bring your client's costs down and, hopefully, provide you and your client more say in the outcome of the dispute. Can ADR help you? What do you know about ADR?

The ADR Section of the NCBA wants to get a sense of what bar members think about ADR. The section wants to see what your experiences and preferences are with respect to options such as Direct Negotiations, Mediation, Settlement Conferences and Non-Binding Arbitration. They want to hear what qualities you are looking for in a "suitable neutral." Please take a few minutes to complete the survey enclosed with this newsletter and return it as soon as possible. Once the ADR Section tallies the results, they will present those results in the next NCBA newsletter. Follow up ADR programming based upon those survey results is anticipated as well. Also, please note that Effective Use of Mediation will be presented at noon on January 24 at the Stonehouse as part of the NCBA MCLE program.

Spring Training: Become a Mediator for Third District Court of Appeal

The Appellate Mediation Program Committee for the Third Appellate District has recently announced that Dana Curtis Mediation is conducting a training session in March 2007. The Appellate Mediation Committee encourages applications from attorneys throughout the 23 counties that it serves. Contact Anne K. Meline, Mediation Coordinator with the Appellate Mediation Program, Court of Appeal, Third Appellate District: Phone: (916) 274-5882; fax: (916) 641-6527.

Public Law Center

Happy New Year! Changes always happen at the turn of the year; the biggest news at the courthouse is the arrival on the bench of our newly elected Judge, the Honorable Thomas Anderson. Other changes include: New Judicial Forms. Before you prepare your next document for court, be sure you are using the latest form. Don't forget to check for changes in the law as well. Did you know that landlords need to now give 60 days notice to tenants who have resided in the premises for over one year? Also, please note our small claims calendar has moved from Wednesday to Mondays.

Upcoming Public Law Center Seminars:

January 19: Shelia Romera on Wills and Trusts.

February 16: Scott Browne on Road Associations.

March 16: Michael Colantuano on Boundary Disputes.

All seminars take place in either Department 1 or 2 and run from noon to 1:15 p.m.

State Bar Fee Arbitration Course

The State Bar of California's Committee on Mandatory Fee Arbitration and the Placer County Bar Association has invited members of the Nevada County Bar Association to attend Fee Arbitrator Training on Thursday, March 1, 2007, 1:00-4:00 p.m. (registration and refreshments at 12:30 p.m.).

This Training session will be held at The Ridge, 2020 Golf Course Road, Auburn, and is offered to all prospective and current volunteers who arbitrate attorney-client fee disputes for the Mandatory Fee Arbitration Programs through Nevada County and the State Bar of California. The course will provide the basic training required to serve on a bar program's fee arbitration panel and also provides the periodic training recommended for all current fee arbitrators.

To reserve a space, please leave a message at 530-885-6531 or e-mail eos7@sbcglobal.net.

Section Notes

Family Law Section:

The next Family Law Section meeting will take place at noon on Monday, January 22, 2007. The subject of the meeting will be what attorneys need to tell their clients prior to mediation. The meeting will take place in the mediation room of Department 3 of the Nevada County Superior Court. Judge Dowling and Commissioner Thomsen are expected to attend.

Gold Country Estate Planning Council:

The Gold Country Estate Planning Council meets monthly at 11:45 am-1:15 pm, every first Wednesday. The luncheon meetings are held at the Trolley Junction Café (at the Northern Queen Inn) in Nevada City. The February 7th meeting will feature a presentation by legal, tax and financial professionals of a case study involving an A-B Trust, Disclaimer, IRAs, Medi-Cal and taxes. All are welcome. To RSVP for the next meeting, please call Terry Brown at 273-1323. Or check out the website: www.estateplanningcouncil.net.

Criminal Law Section:

Criminal Law Section meetings are held on the second Tuesday of the month from 5:30 p.m. to 6:30 p.m., upstairs at the Stonehouse.

Classifieds, Etc.

Secretary, Needing a Change: Competent, highly recommended by current boss, Jim Anderson, needing a change. Call Faith @ 272-7591, evenings.

Increase in Copying Charges at D.A. Office:

Beginning February 1, 2007, the Nevada County District Attorney's Office will charge \$.50 per page for all photocopies.

NCBA CONTACT INFORMATION

OFFICERS

Michael G. Colantuono - President
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SECTION & COMMITTEE CHAIRS

Dave Finch - ADR Section Chair
477-6400, drfinch@mediationserv.com

Steve Munkelt - Criminal Law Section Chair
265-8508, smunk@gv.net

Chuck Eckerman - Family Law Section Chair
477-2440, eckerlaw@sbcglobal.net

Andy Harris - Fee Arbitration Program Admin.
823-9736, aharris@asilaw.org

Kipp Wordell - MCLE Chair
470-0900, kippcharlton@sbcglobal.net

NCBA
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SURVEY OF ADR
 PREFERENCES, OBSERVATIONS & SUGGESTIONS
 AMONG AND BY MEMBERS OF NCBA

December, 2006

The ADR Section of NCBA requests your help in determining the preferences of the trial bar with respect to the four most basic alternative dispute resolution processes of (1) Direct Negotiation, (2) Mediation, (3) Court Settlement Conferences, (4) Non-binding Arbitration. Please answer the following:

- Express your preference ranking of the following as 1 through 4, as the most effective means to resolve disputes in your practice, taking into account both costs and frequency of settlements achieved.

Direct Negotiation	_____
Mediation	_____
Settlement Conferences	_____
Non-binding Arbitration	_____

- Rank the four processes by frequency of settlements reached in your practice, by circling your choice:

Direct Negotiation	Sometimes	Often	Most Often	Never/Rarely
Mediation	Sometimes	Often	Most Often	Never/Rarely
Sett. Conferences	Sometimes	Often	Most Often	Never/Rarely
Non-binding Arb.	Sometimes	Often	Most Often	Never/Rarely

- In processes where a Neutral, including a sitting or retired judge is employed, rank the following in order of importance as 1 through 3.

Process expertise	_____
Subject matter expertise	_____
Combined expertise	_____

- Rank by importance in your experience the following traits of a suitable Neutral, including a sitting or retired judge as 1 through 8.

Process training	_____
Legal scholarship	_____
Judicial experience	_____
Community prominence	_____
Subject matter experience	_____
Communication skill	_____
Sociable demeanor	_____
Fee rate	_____

5. Are you interested in learning more about mediation and its effective use?

_____ Yes _____ No

6. Have Nevada County Neutrals generally met your expectations for quality of process?

_____ Yes _____ No _____ Never/Rarely Used

7. Have your clients generally shown interest in learning more about mediation and its effective use?

_____ Yes _____ No

8. Has the Nevada County Court's ADR program generally met your expectations for assistance with the mediation, non-binding arbitration, or settlement conference processes?

Mediation	_____ Yes	_____ No	_____ Never/Rarely Used
Arbitration	_____ Yes	_____ No	_____ Never/Rarely Used
Sett. Conf.	_____ Yes	_____ No	_____ Never/Rarely Used

Please take a moment and jot down a few points of positive reinforcement for, of dissatisfaction with, or any suggestions for improvement or change you may have regarding any mediation or settlement conference process in which you have participated in connection with disputes being resolved in the Nevada County Court.

The ADR Section gratefully appreciates your help. Your responses are considered confidential and you will not be cited or quoted in any publication of the general results of this survey or otherwise.

PLEASE RETURN THIS FORM ASAP AND PREFERABLY BEFORE FEBRUARY 9,2007, TO NCBA, P.O. BOX 1473, NEVADA CITY, CA 95959-1473.

Nevada County Bar Association
Post Office Box 1473
Nevada City, CA 95959-1473

Nevada County Bar Association

Next MCLE Lunch: January 24
Effective Use of Mediation
Stonehouse, Nevada City
