



## 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](http://www.nevadacountybar.com)) unless otherwise noted.

May 9	Law Library Trustees	Noon
May 16	Lawyer Referral Service Mtg.	Noon
May 19	Ethics Symposium	all day event
	Southwestern University School of Law – L.A.	(415) 538-2107
May 23	MCLE Lunch	Noon
May 28	Court Holiday	

June 1 Apply to JNE Commission

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The State Bar's Commission on Judicial Nominees Evaluation (JNE) needs excellent attorneys and public members to apply for membership before the fast-approaching June 1, 2007 deadline! If you are dedicated to a fair, diverse, top-quality judiciary and you have the time to serve in the most rewarding volunteer position anywhere, please go to the State Bar's Web site (<http://www.calbar.ca.gov> - [www.calbar.ca.gov](http://www.calbar.ca.gov)) and type in "JNE" in the "Search" field to find and download an application to serve on the 38-member commission. For more information call the JNE commission director, Biljanna (Billie) Sivanov, 415-538-2274, or William Kopeny, current JNE chair, 949-453-2243.

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### Next MCLE Luncheon

**Where:** Stonehouse Restaurant  
107 Sacramento Street  
Nevada City

**When:** May 23, 2007  
11:30 a.m. Executive Committee  
12:00 General Membership

**Price:** \$26 ea. Members with RSVP  
\$30 ea. No RSVP

Program includes 1 hour of MCLE Credit:  
Lynne Goodwin will moderate an open discussion on the identification and satisfaction of Medi-Cal liens.

The choices for May 23 will be (1) Philly cheese steak sandwich with house chips, or (2) Chinese chicken salad with cashews/wontons/mandarin oranges/mixed baby greens with house citrus vinaigrette. The salad can be vegetarian, if preferred. rotisserie chicken or pasta primavera (vegetarian). Attendees should email [jlfordlaw@yahoo.com](mailto:jlfordlaw@yahoo.com) with their meal choice before May 25, 2007 in order to receive advance pricing.

## President's Message

### Time to Step to the Plate

*California Lawyer Magazine* recently honored 43 attorneys who made a difference in 2006; lawyers who made a significant impact on the law or policy. The Nevada County Bar Association intends to make a difference by promoting and encouraging our membership to participate in numerous community building events. One such event is the American Cancer Society Relay for Life, scheduled for June 2<sup>nd</sup> and 3<sup>rd</sup> at the Nevada County Fairgrounds.

Cancer has affected all of us, directly or indirectly. It is likely that each of you has had a family member, friend,

neighbor or colleague who has suffered from cancer in one form or the other. Many productive and wonderful lives have been ravaged and cut short.

**The Relay for Life** is both a fund-raising event for the American Cancer Society and a celebration. On June 2, at 8:30 a.m. is the survivor's breakfast, honoring those people who have survived cancer. The relay, which is really a 24 hour walk around a course at the fairgrounds, begins at 10 a.m. and continues until 10 a.m. on June 3. A celebration and memorial for cancer victims who have died takes place at 9 p.m. on June 2.

The term "relay" is broadly construed. Individuals and groups of virtually any size can participate. It is not even required that you walk the entire 24 hours. Indeed, it is not required that one walk at all! The key here, is to support the American Cancer Society. Approximately 65% of money raised goes to cancer research while about 35 % stays in the county, supporting such local programs as Road to Recovery, which provides cancer patients rides to radiation and chemotherapy treatment, and Looks Good, Feels Good, which helps provide wigs and prosthetics for cancer survivors.

Nevada County Bar Association will be sponsoring its own relay at this year's relay for life. At the same time, we are encouraging all members of the bar to "step to the plate" by supporting our relay with a financial contribution to the American Cancer Society. I encourage you to write a check in any amount you can, payable to the American Cancer Society. Send your checks to the Nevada County Bar Association, P.O. Box 1473 Nevada City, CA 95959-1473. We will forward all checks to the American Cancer Society through the Nevada County Relay for Life.

**Another related program that needs your support is Project Pink.** What, you ask, is Project Pink? This is the campaign of the Sierra Nevada Memorial Hospital Foundation to bring x-ray digital specimen radiography

equipment to our hospital. Having this equipment here will help immensely in the fight against breast cancer by making lumpectomies safer and more efficient. You will hear more about this program in our next newsletter. In the meantime, talk to Nanci Clinch for more information.

Stephen C. Baker, President

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### ***Courthouse Notes:***

**To all Nevada County Bar Association:**  
On behalf of all the Trustees of the Nevada County Law Library would like to thank you for your gracious donation. We really count on and appreciate support from the local Bar membership, donations like yours help to sustain our library and benefit our community.

#### **BOARD OF TRUSTEES**

##### **PRESIDENT**

Robert Shulman,  
County Counsel

##### **VICE PRESIDENT**

Michael G. Colantuono, Esq.

##### **TREASURER**

G. Sean Metroka,  
Court Executive Officer

#### **TRUSTEES**

Hon. Julie McManus,  
Superior Court

Hon. Thomas M. Anderson,  
Superior Court

Mr. David Alkire, Esq.  
Jeffrey Guyton, Esq.

#### **LAW LIBRARIAN**

Mary A. Kirby

#### **COURT EXECUTIVE**

##### **OFFICER**

G. Sean Metroka

#### **HOURS**

Monday – Friday  
8:00 am – 5:00 pm

#### **LAW LIBRARIAN HOURS**

Monday – Friday  
9:00 a.m. – 3:30 p.m.

## Section Notes

### Criminal Law Section:

The criminal defense group is meeting on Thursday evening for **MAY 10 at 5:30 upstairs at the Stonehouse**. With the recent changes on the bench, in the DAs office and the new Public Defender, there are many ideas, issues and complaints on the agenda. (If you would like to receive the group's e-mail notices, call Anita at 265-8508.)

The meetings are kept to about one hour max, so as many as possible can attend. There are kudos each month for individual successes, and contributions to criminal defense - if you have a nomination, tell Steve or Anita at 265-8508. - Steve Munkelt

### Family Law Section:

May's meeting has yet to be set. Information will be faxed to section members or contact Chuck Eckerman at (530) 477-2440.

**ADR Section:** The next meeting of the ADR Section of NCBA will be **Wednesday, MAY 16, 2007**, at Noon at the new Lin Q Buffet, 682 Freeman Lane, next to Raley's. Contact Rosemary Metrailler 265-3062.

### Gold Country Estate Planning Council:

We pick up again in September. Meeting monthly at 11:45 a.m.-1:15 p.m., every first Wednesday. The luncheon meetings are held at the Trolley Junction Café (at the Northern Queen Inn) in Nevada City. All are welcome! To RSVP for the next meeting, please call Terry Brown at 273-1323. Or check out the website: [www.estateplanningcouncil.net](http://www.estateplanningcouncil.net).  
<<http://www.estateplanningcouncil.net>>

### Treasurer's Report

Nevada County Bar Association is gearing up to do a membership drive for all attorneys who claim Nevada County as their mailing address. If you have colleagues who are not members, encourage them to join.

We are pleased to announce we collected \$1270.00 for the Law Library so far, which came in with membership dues; \$740 for the privilege of borrowing and \$530 as donations. We want to thank our contributing members for this support.

Our income is primarily annual membership dues. We have a thriving and exciting association with approximately 120 members.

- Debra Sitzberger, Treasurer.

### Request for Public Comment

Proposal to Seek Contributions to Legal Services on State Bar's Annual Fee

Statement to Implement AB 2301

**Deadline for Comment: May 31, 2007**

Because of the significant lack of funding for civil legal services for low-income Californians, **AB 2301** was enacted in 2006. That bill authorizes the State Bar to facilitate voluntary contributions to legal services, with the contribution to be included in the Bar's annual fee statement to its members. The State Bar's Task Force on Lawyer Support for Legal Services is now seeking public comment on its proposed recommendation for implementing AB 2301.

The Task Force is considering the following proposal to the Board of Governors:

That the State Bar request a voluntary contribution of \$100 in its annual member fee statement, beginning with the fee statement for 2008; That the request be prominently displayed, right after the mandatory fees and costs, and that members be given two optional subtotals -one with the voluntary contribution and one without; The contributions would establish and support the Justice Gap Fund at the Bar's Legal Services Trust Fund Program. The Justice Gap Fund would be distributed to qualified legal services recipients of the Trust Fund Program, based on the statutory formula established in Business and Professions Code Section 6210, et. seq. Distribution of the Justice Gap Fund should be reviewed periodically, in conjunction with an analysis of other available funds, to determine if any change in the distribution of these funds may be warranted. As called for in the legislation, the first review would occur.

**The full text of the public comment and supporting documents can be found in the "Public Comment" section of the State Bar's web site [JUSTICE GAP FUND].**

#### *Statewide Meetings and Events*

#### **Save the Date:** Bench-Bar Conference

The Judicial Council, the California Judges Association, and the State Bar of California are co-hosting the California Bench-Bar Biannual Conference on September 26-30 in Anaheim. The conference's Fred Friendly plenary session will focus on procedural fairness in the courts and its impact on public trust and confidence. The conference will also feature collaborative courses planned by the bench and bar that will be open to California judicial branch leaders and judicial officers. More information on the conference, including the agenda and hotel and conference registration, is expected to be available June 4. Contact: AOC Education Div, 415-865-7745, <mailto:cjerprograms@jud.ca.gov>  
[cjerprograms@jud.ca.gov](mailto:cjerprograms@jud.ca.gov)

## **Law Library Report**

The Law Library Trustees did not meet in April, due to spring break. We did receive fiscal reports, however, which show the Library with positive cash flow for the current fiscal year through the end of March, although our reserves dipped by \$8,000 due to the fact that many of our annual subscriptions are due in March. As of March, the Library had reserves of \$19,610, below our February peak of \$27,000 but well above our bottoming-out point of \$6,646 in July of last year.

Topics for discussion at our May 9<sup>th</sup> meeting include finances, options for insuring the Library's property, and the new Wi-Fi wireless internet access service made available in the Library and elsewhere in the Courthouse. More details on that next month.

- Mike Colantuono

If you have thoughts or concerns about the Law Library, contact Trustees Mike Colantuono (432-7359, [mcolantuono@claw.us](mailto:mcolantuono@claw.us)); Rob Shulman (265-1510, [rob.shulman@co.nevada.ca.us](mailto:rob.shulman@co.nevada.ca.us)); or David Alkire (265-6667; [alkirelaw@myway.com](mailto:alkirelaw@myway.com)).

### **ADR NOTES:**

### **SURVEY SHOWS LAWYERS PREFER MEDIATION**

The ADR Section survey of ADR preferences, with results now tallied, makes clear that Nevada County lawyers favor mediation over other ADR processes. Though the sample (31 out of more than 120) was disappointingly small, and though the ADR Section members claim no polling or statistical expertise, it seems clear from the responses that our Bar has found mediation to be a useful alternative to litigation.

In response to the question that asks for a scoring of preference for the four processes of direct negotiation, mediation, settlement conferencing and non-binding arbitration, thirty of the thirty one respondents put direct negotiation either first or second and

twenty five put mediation first or second, with only eight scoring settlement conferencing at the higher values. Non-binding arbitration came in a distant last. Since cost as well as effectiveness was being considered here, it is not surprising that a majority preferred low cost direct negotiation. But, where direct negotiation is either not preferred or has not worked, it is clear that local attorneys opt for mediation over the other alternatives.

This conclusion is bolstered by the results of the second question asking for the frequency of settlements reached in the four processes. The largest number indicated "often" or "most often" for direct negotiation, and a close second ranked mediation in those frequencies. Again, non-binding arbitration came in a distant last. These results were further confirmed by the respondents' comments, which tended to heavily support mediation, as a process the Court should encourage, several suggesting it should be encouraged earlier in the litigation process. Twenty-one respondents said their clients also have shown interest in mediation.

The survey sought further to identify what traits lawyers look for in a neutral, including retired judges, when an ADR process is to be used. We asked you all to rank your preferences with respect to the following traits: process training, legal scholarship, judicial experience, community prominence, subject matter experience, communication skill, sociable demeanor and fee rate. The clear winner here was communication skill, with process training second. Subject matter experience was thought important by eleven respondents, and judicial experience was put first or second by six, as was legal scholarship. Bringing up the distant rear were fee rate, sociable demeanor, and community prominence.

In response to the question of whether the local Court's ADR program has met expectations for assistance with the processes of mediation, settlement conferencing, and non-binding arbitration, a fairly large percentage of respondents revealed that they rarely or never used the Court's program. Of those who had used it more than rarely, the positives versus negatives were 12/7 for mediation, 9/10 for arbitration and 19/5 for settlement conferencing. These results suggest that while the Court's settlement conference efforts have largely met expectations, its mediation efforts have met with muted satisfaction. Again, the arbitration approach finds little satisfaction.

The ADR Section wishes to express its thanks to all of you who took the time and made the effort to help us better understand the needs and preferences for ADR in Nevada County. We hope that we can advance the quality, availability, and use of ADR locally, utilizing your comments and concerns.  
-Dave Finch. ADR Chair

## **CLASSIFIEDS**

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Legal Assistant seeking part time employment, highly recommended by Attorney James R. Anderson. Please call Faith Hegeman 272-7591.

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### **OFFICE AVAILABLE TO FAMILY LAW**

#### **ATTORNEY**

**Will share expenses**

**Call Lorraine Reich**

**274-1077**

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### **Free MCLE!**

**On May 18<sup>th</sup>, noon – 1:30**

local attorney Morgan Halperin will present on “**Updates In Landlord /Tenant Law**”.

Join us at the courthouse for 1 hour of MCLE and an interesting presentation. Thank you Morgan!

All presentations are available via videoconferencing at the Truckee Courthouse – please RSVP so we can set up the equipment.

See our Web Page “nevadacountycourts.com” for all 2007 listings.

Speaking of MCLE, are you interested in presenting an MCLE class with the Nevada County Bar? Contact any of the bar officers for details. Share your knowledge.

## **NCBA CONTACT INFORMATION**

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### **OFFICERS**

**Stephen C. Baker** - President  
272-9977, sbaker@dbplaw.net

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**Debra Sitzberger** -Treasurer  
274-1321, debbisitzberger@sbcglobal.net

### **SECTION & COMMITTEE CHAIRS**

**Rosemary Metrailler** - ADR Section Chair  
265-3062, rmetrailler@metrailler.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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**Nevada City, CA 95959-1473**  
*www.nevadacountybar.com*

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

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## **Nevada County Bar Association**

**MCLE LUNCHEON  
MAY 23, Noon  
Stonehouse Restaurant**

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