



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.

April 12	Criminal Law Section	5:30
April 18	Alternative Dispute Resolution Lin Q Buffet	Noon
April 20	Public Law Seminar: Elder Abuse: Criminal & Financial Issues	Noon

April 20 – 21
Placer County MCLE at Granlibakken
(info@placerbar.org; 916.557.9181)

April 23	Family Law Section Meeting Courthouse Department 3	Noon
April 25	NCBA Executive Committee	Noon
May 9	Law Library Trustees	Noon
May 19	Ethics Symposium all day event Southwestern University School of Law – L.A.	

(415) 538-2107

May 28 Court Holiday

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 liens.

SAVE THE DATE: SEPT. 26

Law Day Dinner Honoring Judge Dover

At Miner's Foundry

**High School Essay Contest Winners
Announced**

President's Message

Law Day

I think it is fair to say that most practicing lawyers are too busy to give much thought to Law Day, celebrated nationally on May 1, though celebrated locally in the fall.

In fact, Law Day was "born" out of the cold war. In 1957, American Bar Association President Charles S. Rhyne originated the idea in response to the Soviet Union's annual May Day parade of new war weapons. Mr. Rhyne, distressed by the attention to "war-making rather than peace-keeping," wanted to contrast the United States' reliance on the rule of law with the Soviet

INSIDE THIS ISSUE

- 1 President's Message
 - 2 Courthouse Notes / Comings & Goings
 - 3 Section Notes & Treasurer's Report
 - 4 Law Library Report
 - 4 State Bar & Judicial Council News
 - 5 Classifieds, Job Announcements
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Union's rule by force. He drafted a United States Presidential Proclamation ultimately signed by President Eisenhower designating May 1 as Law Day.

In the Proclamation, President Eisenhower identified the principles of guaranteed fundamental rights of individuals under the law as the heart and sinew of our Nation. The President proclaimed a day of national dedication to the principle of government under law, affording us "an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the World upon them."

In 1961, a joint resolution of Congress designated May 1 as the official date for celebrating Law Day. US Code, Title 36, Section 164 provides: "The first day of May of each year is hereby designated as Law Day, U.S.A. It is set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; of their rededication to the ideals of equality and justice under law in their relations with each other as well as with other nations; and for the cultivation of that respect for law that is so vital to the democratic way of life."

As mentioned above, Law Day in Nevada County is celebrated in the fall, for practical reasons. Our celebration includes encouraging all students from local high schools to participate in our Law Day essay contest. Given the convergence of so many high school activities in the spring, the Nevada County Bar Association decided to celebrate Law Day in the fall. Hopefully, this gives students a better opportunity to participate in our contest.

This year, Law Day in Nevada County will be celebrated on the evening of Wednesday, September 26 at the Miner's Foundry in Nevada City. That celebration will also coincide with our retirement dinner for Judge Al Dover. Details will be forthcoming in future newsletters. Nevertheless, mark your calendar's now.

Congratulations to the Public Law Center! The Administrative Office of the Courts for the State of California has asked the Public Law Center for a copy of one of its seminar tapes for California Court News on cable television.

Thank you to Peter Bronson. Peter presented an interesting, and sometimes sobering seminar on creditors' rights and bankruptcy at the March Bar Association luncheon. The next NCBA MCLE luncheon is scheduled for Wednesday, May 23 at the Stonehouse in Nevada City. Lynne Goodwin will moderate an open discussion on the identification and satisfaction of liens. Be there!

Stephen C. Baker, President, NCBA

Courthouse Notes

WI-FY in the Law Library!

Bring your lap top and e-mail research. Thanks to AOC funding we offer 15 min. free and a password can be issued for extended use.

Visiting Judges:

Don't be surprised. There will be several new and returning judicial officers covering the bench through the end of May.

Comings & Goings:

Welcome to new Public Defender Donald Lown. His first day in the permanent position was April 10, 2007. He joins us from the Yolo County Public Defender's Office and has been acting as temporary Public Defender.

Section Notes

Criminal Law Section:

The criminal defense group is meeting on Thursday evening for the third time on **April 12 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:

April's meeting will be **April 23rd** at Noon in Department 3 of the Courthouse. The topic will be "How to Value a Business."

ADR Section: The next meeting of the ADR Section of NCBA will be **Wednesday, APRIL 18, 2007**, at Noon at the new Lin Q Buffet, 682 Freeman Lane, next to Raley's. Welcome to Rosemary Metrailler who is the new chair of this section.

Gold Country Estate Planning Council:

We held our year-end dinner for members and SO's. 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>>

Treasurer's Report

Nevada County Bar Association books are balanced and all bills are paid to date. We have \$11,834.25 in the bank. Our net income to date (this fiscal year) is \$5251.58. We have collected \$5400.00 in dues so far for 2007 membership. Our expenses to date have been \$4827.14. Our largest expenditure to date was the annual dinner, which was greatly attended.

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. Encourage your fellow bar members who are not already members to become NCBA members. We welcome them.

Our main ongoing expense is still postage and reproduction. To those of you taking the newsletter electronically, we very much appreciate it!

I would like to encourage members to receive NCBA newsletters and correspondence **by email**. To do so contact Helen Cavanaugh Stauts by email, hstauts@nevadacountycourts.com and she will put you on the list.)

For all members it is important for you to know, that our books and records are open to you at any time for analysis and review. The books are now conveniently kept on a QuickBooks program. - Debra Sitzberger, Treasurer.

Free MCLE!

On April 20 at noon at the Courthouse, Cindy J. Culcasi, Compliance Manager with Wells Fargo, San Francisco will join a member of our local District Attorney. See our Web Page for all 2007 listings.

EASY DONATION OPPORTUNITY!

1. **Complete a short form at nolo.com/library/matching_funds.cfm**
2. **Name Nevada County Law Lib.**
3. **Donate an amount & Nolo will MATCH!**
4. **Tax deduction for you, more books for NCLL!**

Law Library Report

The Law Library Trustees meeting of March 14th had three topics of interest to NCBA members: conference room rentals, the Library's participation in the California Council of County Law Libraries, and finances.

In an effort to raise additional revenues for the Library and to provide a service to the local legal community, commencing March 1st, the Library has made its conference room (which seats 8 to 10) available for rental by lawyers and others for depositions, meetings and the like. Charges are \$10 per hour for use of the room and \$15 per hour for use of the room with videoconferencing or teleconference equipment (which can link County facilities only at this price; linking other sites will require a price quotation). If you wish to reserve the room, contact the Law Library at 265-2918 or the Public Law Center at 470-2594.

The Nevada County Law Library is a member of the California Council of County Law Libraries, which had its annual Legislative Days in the State Capitol slated for March 27th and 28th. Law Librarian Mary Kirby and Public Law Center Director Helen Cavanaugh-Stauts were to represent us in meetings with Assemblyman Keene, Senator Aanestad and others. One key message is the need to identify a more stable revenue source for law libraries in the future given that filing fee revenues have been waning due to the advent of ADR and the increased range of cases eligible for fee waivers. We will hear a report on the legislative efforts at our next meeting, which will be May 9th, as we are taking April off for spring break.

On the finance front, the Library's reserves dipped down again due to the need to pay \$15,000 in March to cover five of seven major subscriptions with Lexis / Nexis (which includes the official California reports) and the annual fee for our on-line card catalog software. Efforts are underway to enhance the utility of the on-line catalog and we will update you when a new, more user-friendly web address is available. Even with the March bills, however, we have brought our costs down considerably and have stabilized library finances. Financial support and book donations are always welcome, however!

- Mike Colantuono

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).

Judicial Council News

Branch Leaders Push for New Judgeships
The AOC Office of Governmental Affairs is working with presiding judges, court executives, and attorneys from throughout the state to encourage members of the Legislature to pass AB 159. This year's legislation to secure the next 50 judicial positions for fiscal year 2007-2008, the bill is scheduled to be heard in the Assembly Judiciary Committee on April 10. The bill allocates the new judgeships under the formula approved by the Judicial Council at its February 23 business meeting, and also authorizes the conversion to judgeships of up to 162 eligible subordinate judicial officer positions, upon vacancy. In addition, the bill authorizes the creation of an unspecified number of Court of Appeal judgeships yet to be determined.

Legislative Update

Governor Signs Bill on Sentencing Laws
Senate Bill 40, which revises California's sentencing scheme that was ruled unconstitutional by the U.S. Supreme Court's decision in *Cunningham v. California*, was chaptered March 30 and takes effect immediately. SB 40 provides that when a felony is punishable by a triad of terms of incarceration in state prison, the choice of the appropriate term would rest within the discretion of the court. The bill also requires the court to state the reasons for its choice on the record at the time of sentencing. The Judicial Council's Criminal Law Advisory Committee has begun review of the current California Rules of Court regarding the determinate sentencing laws to determine what amendments might be warranted.

CLASSIFIEDS

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

OFFICE AVAILABLE TO FAMILY LAW

ATTORNEY

Will share expenses

Call Lorraine Reich

274-1077

Pay Your Dues!

Invoices for 2007 dues (\$60, including \$10 for the Law Library) were mailed in December. If you have not yet paid, please send your check to the P.O. box. Second notices have been sent.

May 1st NCBA will be turning over our list of members who have paid for the borrowing privilege at the Law Library. Any member who is interested in this privilege can still pay \$20 now for that.

Supreme Court Chambers Attorney Part-Time Position:

Personal Staff of Chief Justice

Ronald George

Location: San Francisco.

Contact: Administrative Office of the Courts
(415) 865-4272

Salary: \$5,004 a month

NCBA CONTACT INFORMATION

OFFICERS

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Dave Finch - ADR Section Chair
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Andy Harris - Fee Arbitration Program Admin.
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Nevada County Bar Association

**Save the Date
September 26
Law Day Dinner Honoring
Retired Judge Al Dover**
