



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.

- June 12 Deadline for Public Comment
 – see below

- June 12 Criminal Defense Mtg. 5:30
 Stonehouse Restaurant

- June 15 “How to Collect on a Lawsuit” Noon
 Nevada County Superior Court

- June 27 ADR Lunch at Kane’s Noon

- June 30 AOC Advisory Committee Nominations
 Deadline

Board Committee on Member Oversight authorized release of proposed "Ca. Attorney Guidelines of Civility and Professionalism". See Info below.

30 YEAR ANNIVERSARY! JUNE 25, 2007 5:50 – 7:30

Join us to celebrate the 30th year of provision of legal services to our local community Nevada County Legal Assistance/ Lawyer Referral Service

*Nevada City Winery Tasting Room
321 Spring Street
Donations Accepted*

Please RSVP 272-5962

Next MCLE Luncheon

Where: Stonehouse Restaurant
107 Sacramento Street
Nevada City

When: July 18, 2007
11:30 a.m. Executive Committee
12:00 General Membership

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

July's program will be Steve Munkelt & Gayle Tonon who will argue each other's side in a current Federal case. Sharpen your litigation skills!

President's Message Gotta Dance!

When the Bar officers originally planned to combine our celebration of Law Day with the retirement dinner for Judge Al Dover, we felt it best to defer to Judge Dover's wishes as far as some of the details of the event. So, at Judge Dover's suggestion, Law Day Dinner is now Law Day Dinner/Dance. I suppose it is only fitting as we have all danced before Judge Dover in the courtroom at one time or another.

The festivities will take place at the Miner's Foundry on **Thursday, September 20, 2007**. Please note, the date has changed from what was announced in the newsletter previously. Re- mark your calendar and plan to be there. Invitations will be sent out later this summer.

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Speaking of Law Day, the theme for Law Day this year is Liberty Under Law: Empowering Youth, Assuring Democracy. The essay question will be distributed among our high schools at the beginning of the school year. Who among the bar is willing to read the essay contest entries? I need five people willing to read and evaluate all entries over the course of about two weeks in September. You will get the enjoyment of seeing how some of our young people think and the satisfaction of helping to award prize money to the most deserving. Contact me as soon as possible to get your name on the list.

To complete Law Day, we need prizes for the winning entries: first place, \$500; second place \$250, and third place, \$100. Those who contribute will be acknowledged in the program and at the dinner.

Project Pink: The Sierra Nevada Memorial Hospital Foundation is conducting a summer campaign to raise money for the hospital to obtain an x-ray digital specimen radiography. This equipment scans breast tissue and allows the surgeon to see images on a screen in the surgical room. The image can also be networked to other departments for review. Currently, the specimen must be sent to another location of the hospital for scanning and development. The imaging system sought will help with more accurate readings, shorter surgery times and reduced surgery costs.

This is yet another opportunity where we can show our community that lawyers do make a difference for the better, and not just in the courtroom. Your contribution will not only help bring this imaging system to our hospital, it will also help change our image, and show the commitment of the bar to the people of our community. Do your part and make a difference. If you have any questions, contact Nanci Clinch at 265-8690.

The next NCBA MCLE luncheon is scheduled for Wednesday, July 25, 2007 at noon at the Stonehouse Restaurant. Stephen Munkelt and Gayle Tonon will present arguments regarding a case currently before the Ninth Circuit Court of Appeal involving civil rights and the First Amendment. You will not want to miss this. Plan to come and be prepared to participate.

Golf for Kare: Finally, golfers, make your plans to compete in the Golf for Kare golf tournament, a benefit for the Kare Crisis Nursery. The tournament takes place on Friday, September 14. Contact Bob or Debbie Krogman for more details: 268-8199.

Thank You Lynne Goodwin for your presentation on identification and satisfaction of Medicare and Medical liens at the last NCBA MCLE luncheon. It was a very informative afternoon!

Courthouse Notes:

Comings & Goings:

No judicial appointments yet, but it nice to see familiar faces still around the courthouse. Stay tuned.

Two summer interns at the courthouse – potential future lawyers, stop into the Public Law Center and give Dylan & Alex your thoughts on the profession (keep it nice!)

A Farewell GALA for Judge Dover - Sept 20th at the foundry – bring your dancing shoes!

PLACER COUNTY:

The Court Executive in Placer County sent notice of the update of the Local Rules of Court, which go into effect July 1, 2007. The draft may be viewed at the court website at www.placercourts.org.

COMMUNITY EVENTS:

June 14th Wage & Hour Laws \$25 provided by Sac. Area Human Resource Association 12-2 pm Trolley Junction

e-mail goldcountrysahra@yahoo.com

Sept. 14th Golf for KARE Crisis Nursery
Contact Bob or Debbie Krogman (530) 268-8199

Sept. 23rd 6th Annual BILL SCHULTZ CLASSIC Golf Tournament

Supporting Community Recovery Resources
Auburn Valley Country Club – Call Jim Phelps at (530) 273-9541.

Section Notes

Criminal Law Section:

Criminal Defense Committee will be meeting the 2nd TUESDAY of the month. Next meeting is June 12, 2007 at 5:30 p.m. at the Stonehouse Restaurant. (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:

June'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, June 27 at noon at Kane's, and every other month on the 4th Wednesday after that;. Contact Rosemary Metrailler 265-3062. This month's agenda The agenda will include a brief report from Richard Burton on the local Restorative Justice project and how it fits into the realm of alternative dispute resolution, then a group-participation "brainstorming" session led by Chuck Farrar that will include such topics as "caucusing – when to use it and when not" and other issues which those present want to discuss.

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>>

If you have an event you are involved in – let me know & I will include it as space permits.
hstauts@nevadacountycourts.com

Judicial Council Advisory Committee

Vacancies: courtinfo.ca.gov/jc/apply
Deadline to apply June 30.

Request for Public Comment

Deadline for Comment: June 12, 2007

Board Committee on Member Oversight authorized release of proposed "Ca. Attorney Guidelines of Civility and Professionalism".

The proposal is available at the State Bar's web site, calbar.ca.gov. On the home page click on the "Public Comment"

There are two versions of the proposed Guidelines. A 14-page version contains the entire set of guidelines, which consists of an Introduction, 21 Sections with examples, and a voluntary attorney pledge at the end. The second version condenses the guidelines into 2-pages without the Introduction and the examples.

Before the proposed Guidelines were submitted to the Board Committee on Member Oversight, the Attorney Civility Task Force made an earlier version of draft standards of civility available for informal feedback in February and March. The feedback received on the earlier version allowed the task force to have the benefit of a wide range of input for the proposed Guidelines.

Written comments should be submitted by June 12th to Teri Greenman or Mary Yen at teri.greenman@calbar.ca.gov or mary.yen@calbar.ca.gov or at The State Bar of California, 180 Howard Street, San Francisco, CA 94105. If you have questions, Teri may be reached at (415) 538-2454 and Mary may be reached at (415) 538-2369.

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. 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>
jerprograms@jud.ca.gov

Law Library Report - - Mike Colantuono

Major items discussed at the Law Library Trustees meeting of May 9th were the new WiFi service available to Courthouse patrons, finances, insurance, and new borrowing policies for Nolo Press books.

With funding from the Administrative Office of the Courts, the Court has established WiFi wireless internet access for the benefit of attorneys and others with laptops and other wireless devices. Service is strongest in and near the Library and 15 minutes of use are available without a password. If you need to work for longer than 15 minutes, check in with Library staff, who can give you the pass word. The pass word will change periodically to prevent "cyber squatters" from monopolizing this service.

May fiscal reports show the Library with positive cash flow for the current fiscal year through the end of April, with our reserves climbing from the dip caused by the many annual subscriptions due in March. As of April 30th, the Library had reserves of \$21,075. While our finances still require close monitoring, it appears that no further subscription reductions will be needed in the near term.

We continue to examine insurance options. After reducing our insurance bill by several thousand dollars last year by joining the County's risk pool, we are now looking at the valuation of our books (our primary asset) to make sure they are appropriately insured. There may be some room to further reduce our premiums without leaving the Library underinsured.

Finally, the Board approved a new policy for circulation outside the library of Nolo Press books – the most popular resource for lay users of the Library and the books most commonly unreturned. A new checkout agreement was approved and a \$1 per day fine established. Those who fail to return books will be barred from further borrowing.

Topics for discussion at our June meeting include finances, insurance and the possibility of a reduced meeting schedule, as stable Library staffing has now put us in a position where bi-monthly meetings may be sufficient.

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

CLASSIFIEDS

Office available Now in 7-Hills District of Nevada City behind Peace Center at 102B Argall Way. \$450-\$475 per month includes utilities & 1 year lease. To see, Call Shirley at 265-5545.

OFFICE AVAILABLE TO FAMILY LAW

ATTORNEY

Will share expenses

Call Lorraine Reich

274-1077

Free MCLE!

On Friday June 15th, noon – 1:30

Local attorney Jennifer Walters will present on “**How to Collect on a Lawsuit**”.

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

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

OFFICERS

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SECTION & COMMITTEE CHAIRS

Rosemary Metrailler - ADR Section Chair
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Steve Munkelt - Criminal Law Section Chair
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Chuck Eckerman - Family Law Section Chair
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Andy Harris - Fee Arbitration Program Admin.
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Kipp Wordell - MCLE Chair
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**Nevada County Bar Association
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Nevada County Bar Association

**Law Day Dinner
September 20, 2007
Celebrating & Dancing at
The Foundry!**
