



## 2008 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.

<b>JAN 23</b>	<b>MCLE LUNCHEON</b> Stonehouse Restruant – Nevada City
<b>FEB 5</b>	<b>Election Day.</b>
<b>FEB 6</b>	<b>Legal Capacity – Trolley Junction</b> <b>See Gold Country Estate Planning</b> <b>11:45</b>

Plan ahead – legal holiday Feb 12<sup>th</sup> & Feb. 18<sup>th</sup>, 2008

### MCLE compliance deadline

Members of MCLE compliance group 3 — last names N through Z — face a Feb. 1, 2008, deadline to complete 25 hours of continuing education courses.

### Recent legislation:

Assembly Bill 1248, provides for new, revised, and clarified fees which constitute part of the uniform civil fee structure.

The 2008 Judicial Council forms and accompanying Publisher's List are now available for download at <http://www2.courtinfo.ca.gov/formspub/>

## Next MCLE Luncheon

**JANUARY 23, 2008**

\*\*\*\*\*

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

**When: January 23, 2008**  
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:  
**Alternative Dispute Resolution**

– see enclosed article -

Attendees should email [jlfordlaw@yahoo.com](mailto:jlfordlaw@yahoo.com) with their **meal choice before Jan 21, 2007** in order to receive advance pricing.  
Chicken Citrus Chutney with potato and vegetable or Penne Pasta Alfredo

## **PRESIDENT'S REPORT: Happy New Year!**

Another year is upon us! Have you sent in your NCBA dues?

**Before you put any more dates on your calendar, mark Thursday, February 21, 2008 at 5 p.m. That is the date and time for the NCBA's annual bench and bar dinner at the Stonehouse Restaurant in Nevada City. That night, the bar officers will announce those law related organizations recommended to receive grants, you will elect a new slate of officers for the coming year and, with a little luck, we will have a special guest prepared to speak a few words of wisdom to all of us.**

Most importantly, the bench and bar dinner is a great opportunity for you to re-connect with your fellow

---

## INSIDE THIS ISSUE

- 1 President's Message
  - 2 From the Bench
  - 3 Section Notes / MCLE on Motorcycles
  - 4 Const. Amendment; Ethics Symposium
  - 4 MCLE Opportunities; Public Interest Funding
  - 5 Classifieds & Officers
-

lawyers outside of the courtroom and away from the "intellectual sword swallowing" that can be the practice of law. Come have some fun! Tickets are \$35 per person, if you RSVP before February 11 and \$50 per person after that date. Invitations with dinner selections will be sent out soon.

While you are marking your calendar, be sure you also mark Wednesday, January 23, 2008 at noon and again at the Stonehouse Restaurant. That is the date, time and location of the next NCBA MCLE luncheon. The ADR Section of the bar will present its program on Alternative Dispute Resolution: Using Mediation - Why and How. John Hardy, Chuck Farrar, Dave Finch and Rosemary Metrailler join forces to present a full program on the practicalities of mediation. Plan to get there early as the program will begin right at noon.

Are you interested in presenting an MCLE course at the bar luncheon? Contact me and let me know what you would like to do. I can be reached at 530/272-9977 or at [sbaker@dbplaw.net](mailto:sbaker@dbplaw.net).

Finally, I am planning to expand the NCBA Law Day Essay Contest this year. I want to see more kids from more Nevada County Schools participate. Contact me at the above number or e-mail address if you would like to help. In the meantime, enjoy the winter!

Stephen C. Baker President, Nevada County Bar Association

\*\*\*\*\*  
**FROM THE BENCH:**

**Notice of Unavailability:**

The recent case of *Carl v. Superior Court* (4th Dist, Div 3, Nov 21, 2007) concluded that a "notice of unavailability" is not a fileable document under the Rules of Court. The bench has discussed the implications of this case for this county. Despite the *Carl* decision, the clerk will continue to accept for filing notices of unavailability. However, the bench notes that such notices are advisory only as to any absence and once again reminds the bar, and particularly sole practitioners, of their obligation to provide coverage counsel during their absences.

Separately, in our continuing efforts to educate the public, the Court has added a new page to the Nevada County Superior Court website. Entitled *For the Record* articles will be published from time to time on matters of public interest. Our first article, concerning disqualification, may be found at [http://court.co.nevada.ca.us/services/general\\_info/public\\_education.htm](http://court.co.nevada.ca.us/services/general_info/public_education.htm). If the bar has any suggestions about content, please contact Judge Sean Dowling through Ms. McCalligan at 265-1476.

\*\*\*\*\*

**Save the Date:**  
**Annual Bar / Bench Dinner**  
**February 21, 2008 at the**  
**Stonehouse Restaurant in Nevada**  
**City.**  
**Election of Officers and**  
**Award of Grants**

\*\*\*\*\*

**MCLE LUNCH JAN. 23, 2008**  
-----

The January 23, 2008 MCLE Program will be presented by several members of our ADR Section, entitled Using Mediation - Why & How. The first presentation will be by former insurance company attorney John Hardy entitled "DO YOU WANT THE MONEY OR NOT?" John will reveal practical, inside secrets about how to effect settlement through mediation with an insurance company. He'll explain how insurance companies prepare for mediation, and how you as a professional can ready your brief, yourself, and your client as well. Next Chuck Farrar will delve even deeper into the specifics of "PREPARING YOUR CLIENT." Chuck will explore how to devise best case/worst case alternatives, the costs of each, and the differing roles of the mediator, counsel for the parties, and the principals to the dispute—the clients. Dave Finch will follow with a focused discussion on "EFFECTIVE USE OF THE OPEN SESSION." He'll suggest ways to deal with the strong emotions of the adverse party and how to build respect for your client's position. Finally, as time permits, Rosemary Metrailler will talk about "GETTING MORE THAN DOLLARS," namely, things a mediator can do that a court can't. All this for the price of a good lunch, good company, and 1.0 hour of MCLE credit.

Rosemary Metrailler

## Section Notes

### Criminal Law Section:

The criminal defense group is meeting on **2nd TUESDAY of the month** 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:

Monthly Seminars presented by local experts in the issues of Family Law are offered now through June 2008. Come & learn while receiving MCLE.

### CIVIL LITIGATORS:

Judge Anderson will be scheduling a Roundtable re: procedure and policies. If you want to be on the invitation list: (530) 265-1380

### ADR Section:

January 23, 2008 at the Stonehouse Restaurant in Nevada City. On that date, the ADR Section of the bar will present its program on Alternative Dispute Resolution. Rosemary Metrailler promises a full program with an interesting panel. Contact Rosemary Metrailler : [rmetrailler@metrailler.com](mailto:rmetrailler@metrailler.com)

### 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 next meeting  
on FEBRUARY 6TH will feature  
a presentation by geriatric psychiatrist  
Helen Crawford M.D.  
discussing assessment  
of capacity.**

All are welcome! Please call Terry Brown at 273-1323 to RSVP - Or check out the website:  
[www.estateplanningcouncil.net](http://www.estateplanningcouncil.net).

### MCLE on Motorcycles!?

**[This is a unique enough idea that SOMEONE in Nevada County will want to take part – Editor]**

My name is Warren K. Miller, Esq. I live in Los Angeles and have been a trial lawyer for 34 years and a motorcycle enthusiast all my life. Seeking new opportunities, I have formed "Legal Riders™," a company combining my love of the law and my love of the open road. We will be offering 4-day motorcycle trips, coupled with MCLE lectures, discussions and forums. All of our MCLE lectures will be approved by the California State Bar and count towards everyone's MCLE requirements. Our trips planned for 2008 include Palm Springs, Grand Canyon, Yosemite, Yellowstone, Napa Valley, New Mexico, PCH (from LA to SF on Hwy 1), Los Cabos and Cancun, Mexico. The cost of the program, including world-class dining and accommodations, trip related activities, Harley-Davidson rental charges, gas and insurance is all-inclusive, except for the attendees' transportation to and from the origination and terminal ride site. Attendees are also welcome to bring their spouses or significant others for a minimal additional charge. We anticipate our groups will range in number from 12 to 16 bikes, involving 20 to 30 people. Of course, depending upon geographic factors, attendees can bring their own bikes. Our first ride will be March 7 - 11, 2008, and will be based in Palm Springs, California, with 3 day rides out of Palm Springs. In addition, all of the amenities of the Palm Springs area will be available to enjoy as well.

The purpose of my contacting you is 3-fold: (1) To make an initial introduction; (2) To determine if any members of your association would be interested in our programs; and (3) To solicit MCLE lecturers who ride motorcycles and would be willing to be a MCLE lecturer on one or more of our trips. All costs of the trip for the MCLE lecturer will be "comped" in consideration for his or her lectures.

Would you please take a moment to forward this e-mail to all attorneys in your firm and ask them, if they are interested, to respond to me with any questions they might have. Also, I would appreciate your forwarding this e-mail to any lawyers outside your firm who you know are motorcycle enthusiasts. We are compiling our database and would love to include as many lawyers who are motorcycle enthusiasts as possible. Finally, I would like to sign up some MCLE lecturers for the various trips.

**Legal Riders, LLC**  
**Warren K. Miller, Esq.**  
President  
8320 Lincoln Blvd., Suite 130  
Westchester, CA 90045  
Off: (310) 338-9629  
Fax: (310) 670-8030  
[www.legalriders.com](http://www.legalriders.com)

The Stanford Public Interest Law Foundation is pleased to invite nonprofit organizations to apply for funding. Last year, we awarded nearly \$60,000 to eight organizations targeting a range of legal and social problems in a variety of communities. You can learn more about the Stanford Public Interest Law Foundation at <http://spilf.stanford.edu>.

The 2008 grant application is now available for download at <http://www.courtinfo.ca.gov/programs/equalaccess/funding.htm>. We encourage you to apply and hope that you will forward the application to any other organizations that would benefit from our support. Do not hesitate to contact us if you should have any questions or cannot open the application.

Caeli Higney and Brent Harris  
Vice Presidents, Project Grants  
Stanford Public Interest Law Foundation

### **MCLE Opportunities:**

**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 next meeting on **FEBRUARY 6TH** will feature a presentation by **geriatric psychiatrist Helen Crawford M.D. discussing assessment of capacity. All are welcome!** To RSVP for the next meeting, please call Terry Brown at 273-1323.

\*\*\*\*\*

### **The State Bar of California:**

#### **Standing Committee Appointments:**

The State Bar of California is recruiting for the 2008-2009 appointments to the State Bar standing, section executive, and special committees. Attached are two files concerning those appointments: A file of a memo from the Appointments Administrator, along with an appointment schedule; and a file of the application itself.

If you or your members have any comments, questions, or suggestions relating to State Bar matters, please feel free to contact me.

John Dutton,  
District 1 Representative

State Bar Board of Governors

Santa Clara County Judge (Ret.)  
1505 Grass Valley Highway  
Auburn, California 95603-2806  
(530) 885-1906

### **Constitutional Amendment:**

Supreme Court Seeks Proposed Amendments to Constitution in Death Penalty Appeals. Chief Justice Ronald M. George announced that the justices of the California Supreme Court have unanimously agreed to endorse a proposal to amend the California Constitution. The amendments would permit the transfer of capital appeals from the Supreme Court to the Courts of Appeal. Chief Justice George is asking the Judicial Council to expeditiously consider the transfer proposal and to assist in the development of a Legislative Constitutional Amendment for placement on the November 2008 General Election ballot.

### **SAVE THE DATE! Twelfth Annual Statewide Ethics Symposium – May 3, 2008**

Please mark your calendars for Saturday, May 3, 2008 and plan to attend the Twelfth Annual Statewide Ethics Symposium, which will be held in San Francisco. As you know, the Symposium provides advanced programs for attorneys in all practice areas interested in cutting-edge ethics issues. The Symposium will begin with welcoming remarks from State Bar of California President **Jeffrey Bleich** (pictured right). There will also be a special keynote address delivered by **Erwin Chemerinsky**, Professor of Law, Duke University and founding dean of UC Irvine's Donald Bren School of Law.

**Civil Litigation Meeting:** Judge Anderson setting a date – to be included on the invitation list, contact Hilary Burget at 265-1380.

\*\*\*\*\*

Attorney with inactive license seeks employment in Nevada County area as Paralegal or ??? Anxious to relocate to Grass Valley in near future. Fifteen years experience in management within real estate development industry. For resume please e-mail [louiseoates@aol.com](mailto:louiseoates@aol.com).

**Lawyer Referral Service**  
Address is 120 North Auburn, GV.  
(530) 272-5962

**THE OTHER BAR**

Free confidential assistance to lawyers, judges, paralegals and law students with substance abuse problems. Weekly Other Bar 12-step Meetings are held in many areas, and others are being established. For times and locations, or to start a meeting in your area, contact the number or website below: Provider of Certified MCLE Instructors  
Confidential Hotline: (800) 222-0767 [www.otherbar.org](http://www.otherbar.org)

\*\*\*\*\*

**Now is the time!**

Place your ad in The Gold Country Telephone Directory Get the most exposure, in the only locally owned "Yellow pages" **Gold Country Telephone Directory.** The most complete, local directory with the largest distribution in Nevada County .

To schedule an appointment call Michele Woods 559-8348 When your neighbors need your help, be available and show that YOU are the Attorney they are looking for.

You are the solution!

\*\*\*\*\*

Truckee Branch: Judge Holmer

Nevada City Branch  
Department I: Judge Heidelberg  
Department II: Judge McManus  
Department III: Presiding Judge Dowling  
Department IV: Judge Tamietti  
Department V: Commissioner Thomsen  
Department VI: Judge Anderson effective October 22  
The LPS and Mental Health Court calendars heard in Dept. VI with Judge Anderson.

**NCBA CONTACT INFORMATION**

**OFFICERS**

**Stephen C. Baker** - President  
272-9977, [sbaker@dbplaw.net](mailto:sbaker@dbplaw.net)

**Helen Cavanaugh Stauts** - Vice President  
470-2596, [hstauts@nevadacountycourts.com](mailto:hstauts@nevadacountycourts.com)

**Judy Ford** - Secretary  
265-0154, [jlfordlaw@yahoo.com](mailto:jlfordlaw@yahoo.com)

**Debra Sitzberger** -Treasurer  
274-1321, [debbisitzberger@sbcglobal.net](mailto:debbisitzberger@sbcglobal.net)

**SECTION & COMMITTEE CHAIRS**

**Rosemary Metrailler** - ADR Section Chair (530)  
265-3062 [rmetrailler@metrailler.com](mailto:rmetrailler@metrailler.com)

**Steve Munkelt** - Criminal Law Section Chair  
265-8508, [smunk@gv.net](mailto:smunk@gv.net)

**Chuck Eckerman** - Family Law Section Chair  
477-2440, [eckerlaw@sbcglobal.net](mailto:eckerlaw@sbcglobal.net)

**Andy Harris** - Fee Arbitration Program Admin.  
823-9736, [aharris@asilaw.org](mailto:aharris@asilaw.org)

**Kipp Wordell** - MCLE Chair  
470-0900, [kippcharlton@sbcglobal.net](mailto:kippcharlton@sbcglobal.net)

**NCBA**  
**P.O. Box 1473**  
**Nevada City, CA 95959-1473**  
[www.nevadacountybar.com](http://www.nevadacountybar.com)

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

---

## **Nevada County Bar Association**

**SAVE THE DATE!**

**Bench / Bar Dinner  
February 21, 2008  
The Stonehouse Restaurant.**

---