

NCBA JOURNAL



July 2008

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) unless otherwise noted.

- July 4 **Legal Holiday**
- July 8 **Criminal Law Section** – Stonehouse Restaurant. 5:30
- July 17 **Family Law Meeting 12:00** at the Nevada City Courthouse
- July 25 **MCLE Seminar at Courthouse** Bankruptcy by George Roberts
- July 30 **MCLE Seminar at Stonehouse** Foreclosure by McSweeney & Assoc.
- Aug 24 **Bill Schultz Golf Fundraiser**

Placer County new Local Rules of Court effective July 1, 2008 available at www.placer.courts.ca.gov

Next MCLE Luncheon

July 30, 2008

Where: Stonehouse Restaurant
107 Sacramento Street
Nevada City

When: July 30th Stonehouse—Lunch CLE
11:15 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:
Foreclosures

– see enclosed article -

Attendees should email jfordlaw@yahoo.com with their meal choice before Fri. July 25, 2008 in order to receive advance pricing.

Menu choices to follow

CHANGE IN PUBLIC COUNTER AND TELEPHONE HOURS FOR THE SUPERIOR COURT OF NEVADA COUNTY

NEVADA CITY – The Superior Court of California, County of Nevada announces a change in public counter and telephone hours. Beginning on August 4, 2008, the court clerk's offices will be open received before 5pm will be filed on the date delivered to the public from 8 a.m. to 4 p.m. A drop box will be provided for filings and payments delivered after 4pm. Filings

This change applies only to court clerk's offices at the Nevada City courthouse (201 Church Street) and the Truckee Branch Court (10075 Levon Avenue).

RESIDENT'S REPORT:

The Executive Committee met June 23, 2008 to wind up the planning and preparations for the Law Day Dinner that will be held October 2, 2008 at the Miner's

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Foundry. Mark your calendars. Expect to see your invitation in the mail in mid-August. Your attendance and participation are vital to our Association. We are all about participation and contribution.

We want to thank **Yolanda Bachtell** for stepping up once again to help with publicity and organization of the Law Day event. She was fantastic the last time she helped with the event, held a few years back at the Elks Club. Many of you may remember attending.

We only meet twice a year for a dinner celebration; February-Annual Dinner (members only) and **October-Law Day Dinner**. We think this particular event is important as we invite all attorneys in Nevada County—believe it or not our count is 326. Our membership, those supporting the Association, is at 152, which includes our Honorary Members as well. If you know any of the approximately 175 practicing attorneys who have not yet joined, please encourage them to do so. We now have what we hope is a comprehensive list of all those bar members with phone numbers and addresses. If you are so inclined, we would welcome help contacting those non-members to give them a little added incentive to join. Call me and I'll send you the names. It benefits not only the Association, but the Community at large to increase our membership and participation. The dues are now \$25.00 for the balance of the year 2008.

Be a Recruiter for Our Association

Why is it important to grow our Association and increase the participation of the attorneys practicing here along side you in Nevada County? It benefits not only our Association, but the community we live in. Last year alone, the Association gave away over \$9000.00 in charitable contributions to worthy organizations. This was funded largely by membership dues.

We have high hopes and aspirations. As mentioned last time, we hope to continue with the excellent CLE program and bring in local and non-local speakers on pertinent topics of interest to our practitioners.

As Our Association Grows, So Does Our Participation in the Community

We have begun collecting resumes of the various charitable organizations in the community. (Feel free to send in more) We hope to create a relationship with some of these organizations and help further their purposes. We would like to see that the charitable contributions are consistent with our purposes, somehow related to the practice of law, the legal community. We want to establish some criteria, so that the charitable organizations we select, we select together, and they are not at the whim of a particular Executive Board in a particular year.

This can be done in several ways. Ideas have been tossed around; none have been decided upon. If you have an interest in helping the community, volunteering, etc as many of you do already, we would like your help in spearheading and formulating this effort. We are hoping to create liasons with various community organizations that last not one year, but well into the future. Some ideas include: Bar Association members may, through Bar Association sponsorship participate in the many fund raising events that occur annually: fun runs, musical benefits, etc.

The presence of your Nevada County Bar Association at events, benefits the relationship of the public to the lawyers in the community. It is a good thing for the people in our community seeing participation by the Bar Association.

Raising Our Bar (Association):

The 2008 Bar Leaders' Conference is coming up in September. It is a day long educational program put on by the State Bar of California. The training focuses on issues such as governance, financial management, media relations and board recruitment and orientation, and overall time management. I hope to attend this Conference, and bring back to Nevada County Bar Association some new and valuable information to benefit our Association and its members.

Debbi Sitzberger
President, NCBA

IMPORTANT DATES:

**July 30th Stonehouse—Lunch CLE
Foreclosure Process**

**Combining Disciplines/Local Talent:
Foreclosure/Tax Consequences:**

All around us is the housing crises. We have invited local attorney, **Michael Ecker**, owner of Foreclosure Services and a prominent local CPA, **Zackary J. McSweeney, CPA/MBA**, of McSweeney and Associates to address our membership. They will tell us about the foreclosure process and some of the tax consequences of the various "deals" that lenders are now offering borrowers in trouble. This is good information for every practitioner in our County.

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Please mark your calendar for these events, as the Executive Committee would like to see a great turnout for these speakers; one travelling across the country, one traveling across our state, and two local professionals supporting our local bar association:

- **September 24th Stonehouse—Lunch CLE**
- **October 2nd Miners Foundry--Dinner**

Mr. Korman has been invited to speak for our Sept. 24 MCLE Lunch He has presented at the Louisiana Criminal Defense Lawyers annual conference in New Orleans and was invited to address the Orlando Public Defenders annual conference. Since then he has spoken before a number of state and local bar associations and his presentation was reportedly very well received.

I believe that this funny and poignant sixty minute power-point presentation regarding ethics and our profession is relevant throughout the country; even here in Nevada County!

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.

Taking on the system can be lonely work - so come by and get support from your peers!

There are kudos each month for individual successes, and contributions to criminal defense - if you have a nomination, tell Steve or Anna at 265-8508. - Steve Munkelt

Family Law Section:

Kathy Hrepich Director of DCSS will meet with us :
July 17 at 12:00
for the Family Law Meeting in the Mediation Room of Department 3.

Judge Dowling and Commissioner Thomsen will be attending to update the Family Law Section on recent matters that have occurred or may be relevant in the future. There will also be an opportunity to ask questions, as this has been requested by several members of the Bar. Please email or fax any additional questions you may have for Judge Dowling or Commissioner Thomsen to Chuck Eckerman at your earliest convenience so that they may be passed on ahead of time. We hope all will plan to attend this important meeting.

Probate Section:

The PROBATE BAR meeting with Judge Anderson was valuable for all. Our professional fiduciaries discussed the new licensing and educational requirements, along with the associated cost increases, to fill this needed role for the Court and the community. The Court confirmed that graduated probate estate filing fees will not be required until resolution of the pending case challenging whether such 'sliding scale' fees are allowed under the Constitution; however, personal representatives will not be discharged until this issue is determined. Judge Anderson continues the Probate Bench commitment to ADR in contested probate matters. Case Management Conferences in contested Probate matters will be heard on the Friday morning probate calendar. Judge Anderson requests more attorneys to sign up for Court appointments as counsel for Conservatees regarding dementia powers and in contested matters. Interested attorneys should submit Judicial Council form GC-010 to Hilary Burget to be added to the Court's list for available appointments.

ADR Section:

Kane's in Grass Valley (parking in back).

The ADR Section meets monthly at Kane's Restruant in Grass Valley. Come join us for interesting topics and discussion.

Let Dave Finch know at 477-6400 or
dffinch@mediationserv.com to RSVP!

Or

Contact Rosemary Metrailer: metrailer@metrailer.com

Gold Country Estate Planning Council:

The GOLD COUNTRY ESTATE PLANNING COUNCIL Will resume meetings in September. GCEPC 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.

All are welcome! Please call Terry Brown at 273-1323 to RSVP - Or check out the website:

www.estateplanningcouncil.net.

FROM THE BENCH:

Summertime and the court is busy...

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.

Our fee arbitration rule changes
have been approved and are posted
on the NCBA website.

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Check Out the Library...

Our workers compensation cases are up to date thanks to a wonderful donation from a local bar member! Thank you. Remember, as you change practice or clean out your books – the Nevada County Law Library is a charitable donation.

The Lawyer Referral Service

If you are seeking case referrals, to perform pro bono legal work, or both, you are encouraged to join the Lawyer Referral Service panel – now accepting applications in both Nevada and Placer Counties.

The non-profit corporation under which LRS operates has officially changed its name from Nevada County Legal Assistance, Inc. to Northern California Lawyer Access, Inc. The new LRS website (NorCalLawyer.org) is now in operation, and contains information about the program. You may find out more about LRS, and download an application for panel membership, on the new website or by visiting the Nevada County Bar Assn. website, nevadacountybar.com. On the NCBA website, click on "Lawyer Referral Service" on the left-hand side of the welcome screen, and follow the links.

For additional information, please contact Matthew Crider, Attorney Retention and Recruitment Chair, at 530-272-3037, or matthew_crider@criderlaw.net.

Peter Bronson

LRS Public Relations Committee Chair

Out of Towner Coming to Our Town: William Korman:

We have decided to fly in a Boston attorney to present an entertaining **CLE on September 24th 2008**. Here's a little background: Mr. Korman is a criminal defense attorney practicing in Boston, Massachusetts. A little over a year ago, his firm received world wide notoriety when he attempted to hire an associate. She turned down the job via email and the ensuing exchange was forwarded to attorneys all over the world. Subsequently, several media outlets got hold of the exchange and published stories about it, for example, Massachusetts Lawyers Weekly and The Boston Globe (www.masslawyersweekly.com/break021506.cfm) (www.iht.com/articles/2006/02/16/business/email.php) Take a look at these articles.

Justice to Join us for the 50th Anniversary of Law Day:

We are honored that ***Tani Cantil-Sakauye Associate Justice, Third District Court of Appeal*** has agreed to come to Nevada City on October 2, 2008 to deliver the Keynote speech for our celebration of the 50th Anniversary of Law Day. This event will be held again at the Miners Foundry.

July 1, 2008 Changes

A summary of changes made to California Rules of Court and Judicial Council forms effective today, July 1, 2008. This document is intended to assist the courts in identifying the specific changes made to rules and forms. For more background information, please refer to the full reports made to the Judicial Council on April 25, 2008. These reports are located on the California Courts Web site at <http://www.courtinfo.ca.gov/jc/documents/agn042508.pdf>.

Dispute? Resolution !

Judge Albert P. Dover (ret)
Please call: 265 2235 or email at
al@adrwithdover.com

Visit the website for information on rates , fees ,
and services
at www.adrwithdover.com

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COMMERCIAL SPACE FOR RENT

Legal Services of Northern California currently rents 3
rooms in Office #210 at Sutton Way, Grass Valley
(Brunswick Plaza across from Rite-Aide Pharmacy).
1 ½ of these rooms are available for sublet, beginning
August 1, 2008.

Monthly rent is approximately \$375. (includes utilities).

If interested, please call office managers Candy Fall
(823-7560) and/or Bob Lobell (274-3554)

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
Truckee Branch
Judge Anders Holmer

NCBA CONTACT INFORMATION

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SECTION & COMMITTEE CHAIRS

Rosemary Metrailer - ADR Section Chair (530)
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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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Nevada County Bar Association

SAVE THE DATE!

***Associate Justice, Tani Cantil-Sakauye,
Third District Court of Appeal***

to deliver the Keynote speech for our celebration of the 50th Anniversary of Law Day.

This event will be held at the Miner's Foundry in Nevada City on
October 2, 2008.
