



Nevada County Bar Association Journal

Post Office Box 1473 • Nevada City, CA 95959-1473



Avenues of Help

the law, the challenges we all face in a complex system of laws

PRESIDENT'S MESSAGE

- By Dave Finch

Law Day, as initiated by the American Bar Association in 1958, (yeah, that long ago) is proclaimed to be May 1 of each year. The Nevada County Bar Association celebrates its own Law Day on a date annually selected in the fall. Are we a bunch of independent “cusses”? Yes, but that is not the reason for our departure from the ABA approach. Wise heads among our leadership several years ago realized that an important feature of Law Day is its sponsoring of an essay contest for our high school students. Imagine trying to get wide teenage interest for writing an essay on law in the spring. Would you have done it at age 16, 17 or 18? Well, maybe you but... So our observance of Law Day is scheduled in the fall after students returning from summer break in August have a chance to become interested in the competition and to focus their skills upon it.

For each year's law day the ABA adopts a theme. This year's theme is a good one: “A Legacy of Liberty- Celebrating Lincoln's Bicentennial.”

2009 marks the bicentennial of the birth of Abraham Lincoln. The importance of his dedication to Union and the advancement of the value of Liberty cannot be overstated. And, we lawyers respect him not only for his political leadership, but for being one of us in the practice of law. Wouldn't it be a fine thing if the public respect for lawyers was somewhere up there with their respect for Lincoln? What the public often fails to realize is that Lincoln's great insights and wisdom were informed by the very same sort of disciplined learning, the appreciation for the rule of law, and understanding of the principles that make our system the best in the world, that inform our daily lives in the practice of law.

Our bar association is a valuable means to the important end of helping the public to better understand

and the role lawyers play in helping to meet those challenges. Along the way NCBA will also help the public to see that lawyers are valuable and honorable members of the community as well.

One way we do this is through our Law Day essay contest which rewards meritorious essays. This is both an educational experience for the kids, and a way they can receive monetary help to defray educational expenses. We hope this year to double the previous year rewards to \$1,000 for first place, \$500 for second and \$250 for third. We can afford these amounts provided our members, i.e., you the valuable and honorable lawyers, help out. ***Instead of asking just a few to step up and post the reward money, as in the past, I would like this to be a demonstration of wide support among our members.*** Over a hundred of us in number, we can surely pool a large number of small contributions to raise the \$1,750 needed to provide a creditable prize for essay merit.

Attendees of the annual Law Day dinner will see the names of those who contributed to this program and I expect that we will be able to get information about it out to the community at large as well. Be thinking over the summer about how good it will feel to be a contributor of \$25, \$50 or \$100 to this worthy program.



If you are uncertain about it, ask yourself, what would Lincoln have done?



www.old-picture.com

Abraham Lincoln on the Antietam Battlefield October 3, 1862

Treasurer's Report - May 2009

The Association's account balance is \$12,568 as of May 1, 2009. Income for the year to date is \$8693 from Membership dues and donations, CLE Lunch attendance, and advertising. Operating and fund raising expenses to date stand at \$3893. Operating expenses include postage and printing, website maintenance and hosting, insurance, bank charges and supplies. Fund raising expenses include costs for the CLE lunches, Law Day and Annual Dinners. Next month, the Association will pay \$3000 in grants and donations. There are 111 paid members, and 4 paid associate members.

- John G. Bilbeimer, Treasurer

Tidbits

The Placer County Superior Court is in Need of Additional Attorneys

- to serve as Pro Tem Judges, especially in the areas of Small Claims, Criminal, and Traffic. If you are interested in assisting, and have taken the required training as specified in CRC 2.812, please apply by sending a letter of interest to the court's Judicial Secretary, Ms. Yvonne Yoshikawa, at P.O. Box 619072, Roseville, CA 95661 or you may call her directly at 916-408-6305. Sessions will be held both at the Santucci Justice Center in Roseville and the Historic Courthouse in Auburn. The court looks forward to and encourages new applicants. The participation of members of the bar as Pro Tem Judges is a valued and appreciated service to the bench and the citizens of our county. We look forward to hearing from you.

Rita Lasick, Administrative Assistant
Superior Court of California,
in and for the County of Placer
10820 Justice Center Drive, Roseville, CA 95678
P: 916.408.6186 F: 916.408.6188

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FAMILY LAW SECTION

The Family Law Attorneys Meeting

Look for a meeting in August. Happy Summer!

Call Chuck Eckerman [477-2440] if you are interested in presenting a program for the lunchtime meetings.

Legal Services of Northern California has moved:

New address is:
101 Providence Mine Road #106 D •
Nevada City, CA 95959 (530) 470-8562

The Law Library...
has available stamped envelopes, the cost is now 54 cents due to the increase in postal costs.

CRIMINAL LAW SECTION

Regular meetings of the criminal defense group

2nd FRIDAY of the month at noon at Fred's in Nevada City.

Some meetings will be in the evening for special speakers or programs. (If you would like to receive the group's e-mail notices, call Shari at 265-8508). The meetings are kept to one hour, 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, call Steve Munkelt or Shari at 265-8508.

NO NEED TO PROVE INTENTIONAL DISCRIMINATION IN ADA SUITES...

In a big win for disability rights advocates, the California Supreme Court ruled Thursday that people with disabilities don't have to prove that they were intentionally discriminated against in order to receive monetary damages for ADA violations. from www.dailyjournal.com

LOOMING STATE WELFARE CUTS RISK LEGAL AID SHAKE-UP...

The Legislature is weighing plans to slash the state's safety net programs by about \$3 billion dollars, including eliminating the CalWorks program altogether and sharply reducing medical care for uninsured children in order to close a \$24 billion deficit. from www.dailyjournal.com



famous quotes:

Towering genius distains a beaten path. It seeks regions hitherto unexplored.
- January 27, 1838 Lyceum Address - Abraham Lincoln.

LAWYER REFERRAL SERVICE

Northern California Lawyer Access, probably better known by the program name Lawyer Referral Service, is starting a growth spurt.

Fifty attorneys have now joined our panels, 31 of whom are in Nevada County, and for the month of May we made 30 referrals to our attorneys. Our business is picking up, and we're anticipating that it will continue to grow and provide clients for Nevada County attorneys.

We also entered into a new relationship with the NCBA. We will be providing some administrative support for the Bar Association, including help with mailings, coordinating events and taking minutes at bar board meetings.

Our new website, www.norcallawyer.org <<http://www.norcallawyer.org>> will be up by July 1 and attorneys will be now able to access applications and other needed forms on line.

If you have any questions about us or our services, check out our website or call us at 530-272-5962.

SAVE THE DATE!

 **MCLE LUNCHEON**
July 22 at 12:00 noon

 **The State Bar Convention**
The week of Sept 10, 2009

ADR

We'll meet Wednesday, June 24, 12:00 p.m. at Chuck Farrar's office, Suite 200, 140 Litton Drive, Grass Valley (near the new Natural Foods Coop). Bring your brown bag lunch and a topic from a recent ADR experience of something that worked, or something that didn't work, for our skills-sharing discussion. Please also calendar the rest of our meetings for the year: 8/26 and 10/28, all at Chuck's office. Thank you.

Contact Rosemary Metrailler:
rmetrailler@metrailler.com (530)265-3062

GOLD COUNTRY ESTATE PLANNING COUNCIL

**We will not meet over the summer.
Watch the newsletter for the next
meeting date.**

www.estateplanningcouncil.net

Comings & Goings!

Best Wishes to Brenda Roberts who has left the area and is now practicing law in Nevada.

Welcome to Scout - A healthy daughter born to Greg & Keri Klein!

NEWS FROM THE STATE BAR

The Board of Governors unanimously voted to support cost-cutting measures proposed by the Administrative Office of the Courts.

33.5 percent pass February bar exam Just 33.5 percent of the would-be lawyers who took the February bar examination passed, down from the 40 percent pass rate of a year ago and the lowest rate for a February exam since 2002, when it fell to a low of 33.4 percent. The Committee of Bar Examiners reported last month that 1,368 people passed the exam. If they satisfy other requirements for admission, they will become members of the State Bar, bringing its total membership to more than 222,000. The committee also reported that the pass rate for first-time test takers was 47 percent, compared to a success rate of just 26 percent for repeaters. In addition, 163 (45.2 percent) of the 361 lawyers who took the attorneys' exam passed. In the last decade, the pass rate on the February exam, which is typically lower than the rate for the July test, ranged from the low of 33.4 percent in 2002 to a high of 41.1 percent in 1999. Those who attended ABA-accredited law schools in California had the most success among all applicants, with a 53 percent success rate among first-timers and a 37 percent pass rate among repeaters. The three-day bar exam consists of three sections, a multiple choice Multistate Bar Examination, six essay questions and two performance tests that assess a potential lawyer's ability to apply general legal knowledge to practical tasks. The next bar exam will be administered in July.

Attorneys are warned to beware of international Internet scams purporting to hire U.S. lawyers to collect large debts.

August 1 is the deadline for members of the bench and bar to submit entries for the Annual Meeting Bench and Bar Art Exhibit.

Six appointees have been named to serve on California's 28-member Judicial Council, the policymaking body of the state courts, for three-year terms effective September 15, 2009.

Actively participate in promoting justice in California by applying to serve on a Judicial Council advisory committee. Membership is open to judges, court officials, attorneys, and members of the public. Deadline to apply: June 30, 2009.

The State Bar of California

180 Howard Street, San Francisco, CA 94105-1639

Telephone: 415-538-2219

Fax: 415-538-2552

E-mail: rodney.low@calbar.ca.gov

Website: www.calbar.ca.gov

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PUBLIC LAW CENTER SEMINARS

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Seminar Series 2009*

June 19	Dispute Resolution Secrets	Chuck Farrar & Charma Pipersky
Aug 21	Tenants Rights	Robert Burch
Sept 18	Probate & Trust Law	Richard Hawkins Gold Country Estate Council
Oct 23	How to Collect on a Lawsuit	Jennifer Walters

All Seminars begin at noon and end by 1:30 in the Nevada City Courthouse, 201 Church St., Nevada City. Seminars available at the Truckee Courthouse via Videoconferencing -Please RSVP (530) 470-2597

PUBLIC LAW CENTER

Beginning in August the Public Law Center will rearrange how we offer assistance in completing Guardianship Petitions.

We will offer personal assistance in completing the packet of forms on Tuesdays from 8 - 3. This will include copying (for cost \$10) and preparing for filing. A program is available on the public terminals at any time the law library is open and also via the courts web page. An information notice will handed out with the guardianship packets at the clerk's office.

CUTTING IT CLOSE

How a small-town DA s office raised disturbing questions about the harvesting of organs.

When he had the heart attack in late January 2006, Navarro was rushed to Sierra Vista Hospital. His mother, Rosa Navarro, told that her son had suffered irreversible brain damage, agreed to donate Navarro's kidneys and liver after he was removed from life support.

The hospital dispatched a transplant team from the California Transplant Donor Network to remove Navarro's organs once he was pronounced dead. It would be a somber but life-affirming transaction: One person would die so that others might live.

But when doctors disconnected Navarro from the respirator, he did not die as expected. Instead, he lived for another eight hours, and the planned harvesting procedure was never performed.

These were the simple facts of the case. Left to be determined, however, was whether Dr. Hootan



Roosrokh, the lead transplant surgeon, would go to prison for his actions that day. After an 18-month investigation, triggered by a complaint from an anonymous source, the San Luis Obispo County District Attorney's office concluded there was strong evidence that Dr. Roosrokh tried to hasten Navarro's death by administering large doses of prescriptions drugs so that the transplant team could in a more timely fashion carry out its work. Consequently, the 33-year-old physician was charged with three felonies.

See www.callawyer.com for more about *The Law on Donating Organs*

VERITAS INVESTIGATIONS

RONALD J. EASON

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Retired police detective and licensed CA Private Investigator. I had a twenty-three year career and a great deal of valuable training (including FBI homicide investigation, hostage negotiation, crime scene investigation and interviewing techniques) and practical experience. I'm interested in any type of criminal case, missing persons, heir location, birth parent location, insurance and civil cases.

NCBA CONTACT INFORMATION

OFFICERS

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SECTION & COMMITTEE CHAIRS

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Chuck Eckerman - Family Law Section Chair
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Andy Harris - Fee Arbitration Program Admin.
 (530) 272-4250, andy@scottbrowne.com
Kipp Wordell - MCLE Chair
 (530) 470-0900, kippcharlton@sbcglobal.net

Judicial Officers Nevada City Branch

Department I: Judge Heidelberg
 Department II: Presiding Judge Dowling
 Department III: Judge McManus
 Department IV: Judge Tamietti
 Department V: Commissioner Thomsen
 Department VI: Judge Anderson

Truckee Branch

Dept. A Judge Anders Holmer
 Dept. B Commissioner Thomsen

Job Announcement

Position: Legal Services of Nor. Cal.
 Deputy of Program Operations.
 Application deadline June 15, 2009 see
www.lsn.net <<http://www.lsn.net>>

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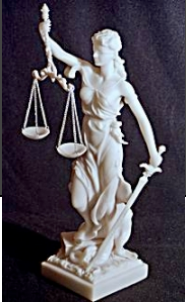
Judge Albert P. Dover (ret.)

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Current Events

PUBLIC LAW CENTER SEMINARS

*Please Join Us for Our
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June 19	<i>Dispute Resolution Secrets</i>	Chuck Farrar & Charma Pipersky
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