

October 2010

Nevada



County

Bar Association Journal

Post Office Box 1473 • Nevada City, CA 95959-1473 • www.nevadacountybar.com

PRESIDENT'S MESSAGE

By Peter Bronson



We think we had record attendance (60 strong) at our September 29 MCLE program at Nevada City Winery, which featured food and drink, networking, and a terrific presentation by Judges Anderson and Tamietti. Thanks to all who attended!

Plans are under way for our annual Law Day Dinner – watch for an email announcement (of a November date) shortly. Every year, the Bar Association celebrates Law Day, a national recognition of the contributions which the rule of law makes to our democracy, in concert with the Superior Court and the Nevada County schools. A highlight of this observance is our annual scholarship essay contest, open to all public, private and home-schooled high school students in the county who are in grades 9 to 12 (as of September 1, 2010) or the home-schooled equivalent.

The deadline for submission of essays is October 8th. So if your high schooler is not already polishing up his or her entry, contact essay contest chair Steve Baker at 272-9977 or sbaker@diamondbaker.com.

Total scholarship money of \$1,750 will be awarded for the three best essays, and the winners will be honored at the Law Day Dinner. Our Nevada County Superior Court bench officers have graciously pledged \$500 toward these prizes, and we are asking members of the local legal community to donate a suggested \$100 to the cause. Further details are provided elsewhere in this Newsletter.

Finally: Those of who have attended the annual “Sixth Grade Challenge” over the past few years know that the championship usually comes down to a tight contest between the NCBA and the CLAMPERS. This is a great charity event, at which community organizations (including NCBA) each fund a table of 6 members who answer questions that a smart sixth grader should be able to answer. More details on this year’s Challenge (set for Nov. 5) can be found elsewhere in these pages.

We look forward to seeing you at the Sixth Grade Challenge, the Law Day Dinner, and future MCLE events.

Do you have an article or news of interest?

Submit to Helen Cavanaugh
Helen.cavanaugh@nevadacountycourts.com

SAVE THE DATE!!

- **Law Day Essay Contest** - Submissions due by October 8
- **CRC Mediation Training** - October 22 & 23, 2010 (MCLE on 23rd only) at 8:30 a.m - 5:30 p.m. - \$50 includes Lunch Nevada County Association of Realtors Bldg, 336 Crown Point Circle, Grass Valley 95945, Please RSVP at: 477-6517
- **Law Day Dinner** - To be announced for sometime in November
- **Sixth Grade Challenge** - November 5, 2010 at 6:30 p.m., Grass Valley Veterans Building, 255. S. Auburn St., Grass Valley
- **Retirement Dinner** - Plans are under way for Judge A. Holmer who has announced his retirement for this November. Stay tuned for more details.

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JOB ANNOUNCEMENT

POSITION: Intake Paralegal

To Apply: Send cover letter outlining paralegal qualifications, resume, writing sample and three references to:

Alysa Meyer, Managing Attorney
Legal Services of Northern California
619 North Street
Woodland, CA 95695
530-662-1065

Application Deadline: October 15, 2010

Starting Date: November 15, 2010

Salary: \$1890 - \$2399 per month depending on experience

For a complete job description visit <http://www.lsnr.net/lsnr-job-openings/>

2010 Annual Sixth Grade Challenge

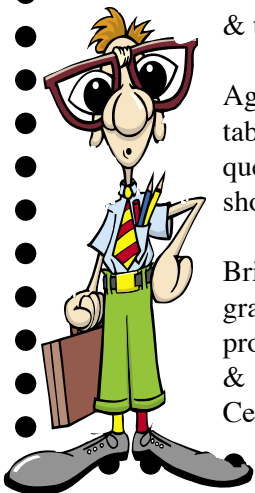
Friday, November 5, 2010
6:30 p.m.

Grass Valley Veterans Building
255. S. Auburn St., Grass Valley

NCBA is the defending champions!
It is a close run off now between us
& the CLAMPERS.

Again this year NCBA will fund a
table of 6 members who will answer
questions that a smart sixth grader
should be able to answer.

Bring a few dollars to fund a sixth
grade scholar to help out. All
proceeds benefit local middle schools
& the Gold Country Community
Center.



Dave Finch Mediation



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**Judge Albert P.
Dover (ret.)**



Please call: (530) 265-2235
or email at al@adrwithdover.com

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CRC CONFLICT RESOLUTION CENTER

Mail checks to: CRC
308 Main Street #5
Nevada City, Ca 95959

477-6517

Attorneys:

8 HOUR MEDIATION TRAINING

October 23, 2010

8:30AM to 5:30 PM

\$50.00 includes Lunch

Training to be held at: Nevada County Association of Realtors Building
336 Crown Point Circle, Grass Valley 95945

Please RSVP at:

477-6517

8 Hours of MCLE for an additional \$160. Please call for details on MCLE

*Refunds will not be given. If you are unable to attend,
CRC will provide you with a donation letter for your taxes. Thank You!*

Law Day Essay Contest

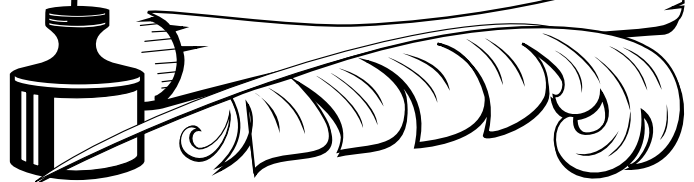
**Soliciting donations for the
essay awards now.**

We are asking people to donate \$100. All donors should get credit in the program and newsletter and are a deductible donation. .

Check should be payable to NCBA but sent to
STEPHEN C. BAKER,
DiamondBakerMitchell, LLP
P.O. Box 1147
Cedar Ridge, CA 95924

We need \$1,750 for first (\$1,000), second (\$500) and third (\$250).

*A special thanks to the Nevada County Bench
for the donation of \$500 this year.*



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► For Info or to Refer a Client,
Please Contact:

Tel. 530-272-5962
Fax. 530-272-5929
nclawyeraccess@gmail.com



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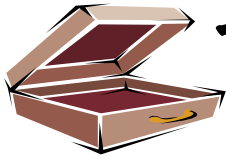
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Take Note

Yolo Superior Court is amending the local rules of court. The proposed amendments are effective January 1, 2011. The proposed changes are available for viewing at the court's internet website located at www.yolo.courts.ca.gov.

The proposed changes are also available in written form at the clerk's filing window or by submitting a written request accompanied by a postage-prepaid self-addressed envelope.

Comments on the proposed changes and suggestions for future revisions to the local rules of court are appreciated.

Any comments on the proposed changes should be submitted to the Court Executive Officer no later than October 12, 2010.



Superior Court
of the State of California
In and For
The County of Placer
Roseville, California

COURT EXECUTIVE OFFICE
P.O. Box 619072
ROSEVILLE, CALIFORNIA 95661
(916) 408-6186
FAX (916) 408-6188

September 24, 2010

To Whom It May Concern:

The Superior Court of Placer County has completed proposed updated to its Local Rules of Court. This proposed version will go into effect on January 1, 2011. You may view the proposed Local Rules document on the Court's website at www.placer.courts.ca.gov.

If you have any comments or suggestions, please forward them to the Court's Executive Office at P.O. Box 619072, Roseville, CA 95661 or via email at: courtadmin@placer.courts.ca.gov.

Sincerely,

Jake Chatters
Court Executive Officer



United States District Court
EASTERN DISTRICT OF CALIFORNIA
U.S. COURTHOUSE
2500 TULARE STREET
FRESNO, CA. 93721

CHAMBERS OF
Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

September 7, 2010,

I write to solicit nominations of members of your bar association to serve as Eastern District of California delegates to the Ninth Circuit Lawyer Representative Coordinating Committee (LRCC). The duties of the LRCC lawyer representatives include attendance at the Ninth Circuit Judicial Conference held each summer, planning and participating in the annual Eastern District Conference and the court's annual "Open Doors to Federal Courts" programs, and generally assisting the court to better serve the bar of this District. The lawyer representatives make a significant contribution to the court and the bar. The term is for three years.

Enclosed for your review are excerpt from the Orientation Manual for Lawyer Representatives which set forth the five criteria necessary for a lawyer to qualify for selection as a lawyer representative and the duties of a lawyer representative. The complete Orientation Manual maybe accessed at www.ce9.uscourts.gov/committees/lrcc/index.html.

There are two positions available commencing January 1, 2011 for a three year term for the northern portion of our district. The new lawyer representatives will be selected by the court from the nominations submitted by the various bar associations in our district. The deadline for submitting nominations is Wednesday, October 13, 2010.

You may submit up to three nominees, accompanied by a brief resume and a statement of his/her qualifications for the position.

Please feel free to contact me if you have any questions regarding the nomination and selection process.

Very truly yours,

Anthony W. Ishii
Chief United States District Judge.



Senate Bill 449 changes the criminal aspects of possession of marijuana. Copies of the bill available at the Law Library.



FROM THE COURT

Family Law Section

Mark your calendars! Our next meeting is scheduled for Friday, October 29th at noon in Dept. 3. Mr. Bob Altieri, CBA, MBA, will be delivering a presentation on Business Appraisals in Divorces, State-of-the-Art Updates, and Low-cost Alternatives to Formal Business Valuations. Please join us!

LEGISLATIVE UPDATES

PLEASE NOTE:

AB 939: Comprehensive bill amending several sections of the Family Code and amend and add a section to the Welfare and Institutions Code relating to family law proceedings. This bill addresses many of the issues identified in the Elkins Family Law Task Force Final Report ranging from the role of minor's counsel to notice requirements of post-judgment motions and OSCs. This Bill was approved by the Governor on 9/25/10 and chaptered by the Secretary of State on 9/27/10. It can be found at:

http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_09010950/ab_939_bill_20100927_chaptered.html



SB 1355: Bill adding section 4007.5 to the Family Code. This bill addresses suspension of current child support obligations by operation of law under certain circumstances. In general, current child support would be suspended automatically if the obligor becomes incarcerated or involuntarily institutionalized for a period exceeding 90 consecutive days. This new section only applies to support obligations being enforced by a local child support agency under Title IV-D of the Social Security Act. This Bill was approved by the Governor and chaptered by the Secretary of State on 9/29/10. It can be found at:

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1351-1400/sb_1355_bill_20100929_chaptered.html



You can check out MCLE tapes at the law library.

Check out MCLE materials or order inter library transfers.




SB 1482: Bill amending section 4326 of the Family Code relating to spousal support. It extends the existing repeal date from January 1, 2011 until January 1, 2014 and authorizes either party to a spousal support order to request the appointment of a vocational training counselor if a motion to modify spousal support on that basis is filed. It also enumerates instances wherein the termination of a child support order does not constitute a change of circumstances for purposes of modification of spousal support. This bill was approved by the Governor on 9/23/10 and chaptered by the Secretary of State on 9/24/10. It can be found at:

http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_1451-1500/sb_1482_bill_20100924_chaptered.html




For bill and bill subscription information, please visit the California Legislature Bill Information website at:

http://www.legislature.ca.gov/the_state_legislature/bill_information/bill_information.html

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In town Nevada City 3 bedroom 1 bath house for Rent. Walk to courthouse. Perfect for housing as well as in home office for attorney. \$1,300 per month includes off street parking, storage garage, W/D, pets o.k. Beautiful yard and gardener included.

Available now. Call Lorraine Reich 274-1077.

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- 6 foot medium cherry desk with 4 foot typing return/bridge;
- 8 foot oval conference room table in dark cherry with 6 chairs;
- Stainless steel "dorm" style small refrigerator;
- Stainless steel small microwave
- (2) AT&T Small Business System Phones. One is model number 1070; the other is model number 974. Both work, and can handle up to 4 lines and up to 26 preset speed dial numbers.

I can be contacted at 530-305-0344.

Matthew S. Crider



NEVADA COUNTY DEJ PROGRAM REFERRAL FORM

The Nevada County District Attorney has determined that you are eligible for the Deferred Entry of Judgment (DEJ) Program. If you choose to enroll and complete the program, all charges filed in this case against you will eventually be dismissed. You must attend an education workshop, pay all fees, pay restitution (if applicable) and not commit any new crimes while enrolled in this program.

RE-REFERRAL

DATE: _____

DOCKET #: _____

NAME: _____

ADDRESS: _____

DATE OF BIRTH: _____ PHONE #: _____ PHONE# _____

EMAIL ADDRESS: _____

YOU MUST ABIDE BY THE FOLLOWING CONDITIONS:

- STAY AWAY: _____
- NO CONTACT: _____
- OTHER: _____

YOU MUST ATTEND THE FOLLOWING LEVEL AND PROGRAM TYPE: CRIME _____

- Level - I / 1 day (\$150) Level - II / 2 days (\$300)
- ANGER MANAGEMENT/POSITIVE ANGER CONTROL
- THEFT AND PROPERTY VIOLATION
- CHOICES, CHANGES, AND CHALLENGES (LIFESKILLS)
- DRUG AND ALCOHOL EDUCATION

YOU ARE REQUIRED TO PAY \$ _____ IN VICTIM RESTITUTION TO PACIFIC EDUCATIONAL SERVICES.
You will be required to pay a one time \$25.00 collecting and monitoring fee.

RESTITUTION RESERVED YES NO

YOU ARE REQUIRED TO PERFORM _____ HOURS OF COMMUNITY SERVICE, TO BE MONITORED BY PACIFIC EDUCATIONAL SERVICES. You will be required to pay a one time \$25.00 collecting and monitoring fee.

YOU HAVE A COURT REVIEW DATE OF _____ YOU MUST APPEAR AT THIS REVIEW IF YOU HAVE NOT COMPLETED THE DEJ PROGRAM BY THE DATE ABOVE.

ALL PAYMENTS FOR CLASS / RESTITUTION, QUESTIONS REGARDING CLASS AND COURT WILL BE MADE TO:

PACIFIC EDUCATIONAL SERVICES, INC.
 11837 KEMPER ROAD, STE. # 2
 AUBURN, CA 95603
 530-888-1010 ~ 800-346-5891~FAX # 530-888-9065
 EMAIL: Candice@pesprograms.com

ONLY MONEY ORDERS, ATM AND CREDIT CARDS WILL BE ACCEPTED

THE DISTRICT ATTORNEY WILL ASK THE COURT TO IMPOSE THE FOLLOWING SENTENCE UPON YOU, IF YOU FAIL TO COMPLETE THIS PROGRAM: _____

I HAVE READ AND UNDERSTAND THE ABOVE TERMS AND CONDITIONS OF THE DEFERRED ENTRY OF JUDGMENT (DEJ) PROGRAM AND AGREE TO ABIDE BY THEM. Any participant who appears to be under the influence of alcohol or drugs when in attendance of their class will be terminated from the program. I also understand my signature serves as consent for PES to release any information in my participant file to Nevada County Superior Court and District Attorney's Office.

Defendant Signature _____

Date _____



NCBA Contact Information

OFFICERS

- Peter C. Bronson** - President
(530) 432-0851, pbronson@pbronsonlaw.com
- Jennifer Walters** - Vice President
(530) 265-2274, jwalters@virxpress.com
- Tom Norton** - Secretary
(530) 265-0404
- Valerie Logsdon** - Treasurer
(530) 272-7207
- David Finch** - Past President
(530) 477-6400, drfinch@mediationserv.com

MEMBERS AT LARGE

- Neil Dorfman**
(530) 274-0643, dorfman@goodfaithlaw.com
- Helen Cavanaugh**
(530) 470-2596, helen.cavanaugh@nevadacountycourts.com

SECTION & COMMITTEE CHAIRS

- Rosemary Metrailer** - ADR Section Chair
(530) 265-3062, rmetrailer@metrailer.com
- Steve Munkelt** - Criminal Law Section Chair
(530) 265-8508, smunk@gv.net
- Susan Corcoran** - Family Law Section Chair
(530) 264-7014, scorcoran@scorcoranlaw.com
- 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: Judge Dowling
- Department III: Judge McManus
- Department IV: Judge Tamietti
- Department V: Commissioner Thomsen
- Department VI: Presiding Judge Anderson

Truckee Branch

- Dept. A: Judge Anders Holmer
- Dept. B: Commissioner Thomsen



You can check out MCLE tapes at the law library.

Comings and Goings

Judge Holmer has announced his retirement which will be effective after November 5, 2010. He has agreed to sit on assignment until an appointment is made to fill the vacancy.

The Bench voted to implement the following judicial assignments effective January 1, 2011:

- Dept I Judge Heidelberg
- Dept II "new judge"
- Dept III Judge McManus
- Dept IV Judge Anderson
- Dept V Commissioner Thomsen
- Dept VI Judge Dowling
- Truckee Judge Tamietti

Congratulations to Judge Holmer and thank you for your service to our court and the people of Nevada County!

Molly Stafford and Matthew Crider are moving down the hill. They will reside in Davis. Molly accepted a job as a Career Advisor at University of the Pacific McGeorge School of Law. Matthew is relocating my practice to Sacramento. New office address is 980 9th Street 16th Floor Sacramento, CA 95814, 916-380-7105 (office); 916-244-7209 (fax).

Thank you to both of them for all their community efforts and it has been a pleasure having them in our community - Molly & Matthew, you will be missed.



Donate old books for a donation

Look on the back table of the Law Library & take home what the library has duplicates of.

ADR Section:

We are taking a break from meetings for now. Please contact Rosemary at (530) 265-3062 or rmetrailer@metrailer.com with any questions or suggestions for future programs.

Orientation Manual



for Lawyer Representatives
to the Ninth Circuit Judicial Conference



The Order of the Judicial Council spells out five criteria necessary for a lawyer to qualify for selection as a lawyer representative:

1. Admitted to practice in the district court and actively involved in federal practice.
2. Interested in the purposes and work of the conference.
3. Willing and able to contribute actively to the purposes and work of the conference.
4. Willing to assist in implementing conference programs with the local bar.
5. Together with others selected, will constitute a fair cross-section of practitioners before the federal courts of the district. The selection committee should consider the gender, ethnic, racial, and religious diversity and the diverse geographic and practice backgrounds of those who practice before the federal courts. (Order, 2.c(1)-(5))

The 1976 *Wallace Report* that recommended conference reform also insisted that “Representatives attending the circuit conference should reflect as much as possible a spectrum of the Ninth Circuit....An effort should be made to secure an appropriate race, sex, and age representation within the lawyer representative contingent...” (75 F.R.D. 553, 560).

Each district must complete the selection of new lawyer representatives to fill vacancies within 90 days after the beginning of the conference year (the last day of each conference marks the beginning of the following conference year), pursuant to one of two possible procedures:

1. The bar in the district shall nominate to a committee of judges within the district a number of proposed lawyer representatives, approximately three times larger than the number to be selected, and the committee of judges shall select the lawyer representatives for that district from the names so submitted.
2. A committee of judges within the district shall nominate to the bar within the district a number of lawyer representatives approximately three times larger than the number to be selected, and the bar shall select the lawyer representatives for that district from among the names so submitted. (Order, 2.b(1))

Any alternative procedure may also be used with the prior approval of the executive committee. Whatever the procedure, some districts rely heavily on federal court committees or a chapter of the Federal Bar Association for assistance in the nomination process; others place an advertisement in the local legal paper and solicit resumes of interested candidates. A concerted effort at education and outreach is essential to attract a wide array of qualified individuals who are truly representative of the federal bar in each district.



After the selection process is completed, the new lawyer representatives serve a three-year term. At the conclusion of their first year, lawyer representatives are eligible for election as chair of their delegation. Under policies adopted in 1995, districts are asked to elect a chair who will serve for a two-year term to assure continuity on the Lawyer Representatives Coordinating Committee. Any lawyer representative is eligible for election to a three-year term on the executive committee of the conference. Lawyer representatives who have completed their terms continue as ex-officio members of the district's delegation for two additional years (or longer if they are elected to the conference executive committee) to provide continuity and a broader base for the district delegation's work. Ex-officio members have a duty to continue to participate in all home district meetings and activities, but may only attend the annual judicial conference as an alternate for a lawyer representative who is unable to attend.

Representation & Responsibilities: In addition to their responsibilities at the annual judicial conference, lawyer representatives have a continuing role the rest of the year, particularly the responsibility to carry the work of the conference back to the bar. Lawyer representatives do not attend the conference in their individual capacities—they attend with the duty to teach, discuss, and implement those positions of the conference that are appropriate to the improvement of justice in their district. Similarly, an intended statutory role for the lawyer participants in the conference is to offer constructive criticism of the way courts are functioning, and to inform the judges of any deficiencies in the operation of the courts in the circuit.

See the table on the following page for a list of the responsibilities of a lawyer representative.

Chair of the Delegation: Each district delegation of lawyer representatives is headed by a chair. Under recent changes approved by the Judicial Council, each district will elect a chair for its delegation from the group of lawyer representatives who are completing their first year of service. The chair will serve for two years. The lawyers in a delegation elect the new chair usually just prior to or, at the judicial conference each year. Some districts have elected co-chairs to reduce the demands on each individual. See table on the following page for a list of the duties and responsibilities of the chair of a district delegation.

Lawyer Representatives Coordinating Committee: The Lawyer Representatives Coordinating Committee (LRCC) is composed of those who chair and co-chair the 15 lawyer representative delegations from each district in the circuit. A 1991 amendment to the Order of the Judicial Council created a rotating three-member leadership structure for the LRCC. The LRCC is headed by a chair, a chair-elect, and a vice-chair — the latter two positions rotate into the chair position with each successive conference.

At each annual circuit judicial conference, the lawyer representatives elect a new vice-chair. To be eligible for election as the vice-chair, a lawyer representative must be the chair of a district delegation at the time of the election. The vice-chair serves for a year until the next



Duties of a Lawyer Representative
Attend and participate in lawyer representative meetings in the district (the Judicial Council order requires two or more such meetings each year).
Attend and participate in all joint meetings of lawyers and judges in the district (two or more required each year), including any district conferences.
Attend and participate in the annual judicial conference.
Vote in lawyer representative elections and in balloting for judicial conference resolutions.
Participate actively in the conference resolution process—proposing, drafting, and debating resolutions.
Educate members of the bar generally about the conference and solicit their reviews.
Speak up at district meetings and at the judicial conference to assure that the views of lawyers are heard.
Continue to attend and participate in all district meeting for two years after the expiration of their term as a lawyer representative.

conference and then becomes chair-elect. After another year of service, the chair-elect becomes the chair of the LRCC. All three members of the LRCC leadership structure serve on the conference executive committee and attend all of its meetings. In 1996, the three members of the LRCC leadership structure were also constituted as a liaison committee to the Judicial Council of the Ninth Circuit.

The LRCC coordinates the activities of the lawyer representatives, acts as a liaison between the executive committee and the lawyer representatives, and acts as a liaison between the court of appeals and the lawyer representatives. The LRCC elects individuals to fill vacancies

contd. p. 12



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Need to Change the Way
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helen.cavanaugh@nevadacountycourts.com