

September 2010

Nevada

County

Bar Association Journal

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

PRESIDENT'S MESSAGE

By Peter Bronson



And every day we can play on the Milky Way;

And if that don't do, then I'll try something new.

--"I'll Try Something New" (The Temptations)

Whether you have spent your summer vacationing (or "staycationing") with your family, playing on the Milky Way, or mired in trials and depositions, your Bar Association is ready to "try something new" in September.

On Wednesday, September 29, we have scheduled a program of wine tasting, hors d'oeuvres and MCLE at the Nevada City Winery, from 5:30 to 7:30 p.m. Our guest speakers will be our own Nevada County Superior Court Judges Thomas M. Anderson and Robert L. Tamietti, who each will speak on "10 Things Not To Do in My Courtroom". After our program, there will be wine tasting, hors d'oeuvres, and time for networking and socializing.

This is the first time we will have tried this program format, and the Executive Committee hopes that our members will share our enthusiasm for it. The program cost is \$35, and attendees will receive an hour of MCLE credit. RSVP to NCBA vice president and program chair Jennifer Walters at jwalters@virxpress.com or 265-2274. (We tried this format, with great success, when I was active some years ago in the L.A. County Bar Association. We learned from one mistake made in L.A.: We discovered that it's very important to schedule the wine tasting after the MCLE program, not before!)

Please also save the tentative date of Saturday, October 30 for our annual Law Day Dinner. We hope that the Saturday night scheduling, plus a very different program format (more on that to come!), will make this great event particularly interesting this year. One part of the program that will not change is that we will honor the winners of the Bar Association's annual high school essay contest. Once again under the able chairmanship of Steve Baker, the contest question has been distributed at our local high schools and also in Truckee; and all high school age students – including those who are home-schooled – are encouraged to submit an entry. More information can be obtained from Steve at 272-9977 or SBaker@DiamondBaker.com.

Enjoy the rest of your summer. We look forward to seeing you on September 29.

ALERT

Anyone with **OLD NEVADA COUNTY FILES FROM THE 1970's**? If you have them, please contact Helen Cavanaugh at Helen.cavanaugh@nevadacountycourts.com

We are trying to track down some long-superseded court rules and wonder whether you may have them in some moldering box in the basement, or in some dusty archival files.

In 1969, several cow counties in the Third Appellate District banded together to draft uniform local rules. The Administrative Office of the Courts assisted with this project.

The rules are called "Uniform Local Rules for Third Appellate District Superior Courts."

The first version was adopted effective July 1, 1971. Nevada County Judge Vernon Stoll was one of the judges who worked on this version. It was adopted by 21 of our 23 counties, effective July 1, 1971.

The second version was adopted effective January 1, 1977. Nevada County Judge Harold Wolters was one of the judges who worked on this version. It was adopted by 22 of our 23 counties, effective January 1, 1977.

The current version was adopted effective July 1, 1981. This is the only version that anybody can find. It is currently published by West and is also on Lexis. It appears that only Sutter County still uses these rules in full, though Amador County may nominally use some of them, if not superseded by other rules. The Witkin State Law Library apparently tossed all prior versions it once had, and so far the AOC has not been able to locate any of its records on the project.

What I need is either (or better yet, both) of the prior versions (1971 or 1977), specifically, the criminal rules.

Do you have an article
or news of interest?

Submit to Helen Cavanaugh
Helen.cavanaugh@nevadacountycourts.com



FROM THE COURT

Family Law Section

Dear Nevada County Bar Members,

Nevada County Family Court Services would like to ask you to remind your clients if they have come to an agreement and will not need their scheduled mediation appointment, to please call Family Court Services (530-265-1733) to cancel their appointment in order for FCS to adjust their mediation calendar. We have families waiting to get into mediation and they could use those time slots which sometimes are not used when parties do not show up or call to cancel their appointment. The court will impose a sanction of \$150.00 for no show mediation appointments.

Also this is a reminder to everyone that orientation is required every 2 years in order to participate in mediation. Please inform your clients that if they fail to attend orientation prior to their mediation appointment, mediation may be denied. When orientation has been ordered by the court, and parties fail to attend orientation, the court will issue an order to show cause why sanctions should not be imposed.

Thanks for your help in communicating the importance of parties keeping their mediation appointments or canceling them in a timely manner as well as the required orientation every two years. For your information, orientation is every Tuesday at 1 p.m. for approximately 45 minutes in Dept. III. There is no need to reserve or call in, simply arrive 5 minutes early because we start promptly at 1 p.m.

Best regards,

Carmella Cellini
Acting Director FCS
Family Court

Dave Finch

Mediation

www.mediationserv.com

(530) 477-6400



✓ Knowledgeable ✓ Experienced

 ✓ Effective

Check out MCLE materials or order inter library transfers.



MCLE EVENT

“10 Things Not To Do In My Courtroom”

Guest Speakers

**Honorable Tom Anderson and
Honorable Robert Tamietti**

Wine tasting and hors d'oeuvres
Nevada City Winery
321 Spring Street, Nevada City

**Wednesday, September 29, 2010
5:30 p.m. - 7:30 p.m.**

\$35.00 per person

RSVP - Jennifer Walters
at jwalters@virxpress.com or 265-2274

MESSAGE FROM THE COURT

ATTENTION ALL PROBATE ATTORNEYS

It has come to the Court's attention that many attorneys who are on the Court's Panel for appointment in probate and conservatorship matters are not in compliance with CRC Rule 7.1101(h).

Court Appointed Counsel must certify in writing to the court that they meet the qualifications under 2010 California Rules of Court 7.1101. Detailed descriptions of certification requirements are at CRC 7.1101(h).

Effective immediately for appointment on any future matters, counsel must submit forthwith your compliance documents to the assistant to the Presiding Judge, Hilary Berardi, for administrative filing. Please see forms adopted for mandatory use by Judicial Council of California: GC-010 (Rev. 01/01/09) and GC-011 (New 01/01/09).

Please also note the deadline of March 31 of each year to submit new compliance documents annually. Please tickle this date in your records as the Court will not be reminding you.

Thank you for your continued assistance and excellent service to the Court and the Community.



Law Day Essay Contest

All Nevada County High Schools are asked to participate in the Nevada County Bar Association Essay Contest. Every fall we have a dinner honoring the three winning essayists. Tentative Date October 30 (*Avoiding the world series dates!*)

Awards are by donation \$1,750 (\$1,000 for first; \$500 for second; and \$250 for third): to make a donation of all or part of an award (you receive notice in the newsletter and the brochure for the evening event) or to volunteer to read and rate essays contact.

Stephen C. Baker, Esq.
DiamondBaker, LLP
P.O. Box 1147
Cedar Ridge, CA 95924
(530) 272-9977, ext. 2
FAX (530) 272-8463
SBaker@DiamondBaker.com



NEWS FROM THE NEVADA COUNTY LAW LIBRARY

Thank you to the local attorneys who have donated funds to the Nevada County Law Library through NCBA. Your donations have enabled our library to add some resources that will benefit the public, especially local attorneys. We are in the process of adding CEB OnLAW, which would provide electronic access to apx.150 CEB titles, plus any accompanying forms.

New Publication Coming Soon: 2009 International Building Code.

Did you know that the Law Library has an online catalogue? You can search from any location by going to our website @ www.mynevadacounty.com/lawlibrary, and click on "Search the Law Library Online."



Dispute? Resolution!

Judge Albert P. Dover (ret.)

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

Visit the website for information on rates, fees, and services:

www.adrwithdover.com

Sperry Van Ness.
Highland Commercial

Join a Thriving Professional Environment
Three Executive Suites Left!



- Brand new class A professional offices
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- Stunning setting in Nevada City Tech Center
- Shared conference room
- Rents starting at \$695
- Utilities and operating expenses included
- Walking distance to shops and restaurants
- Bocceball, basketball and walking trails

SUSIE RICHARDS (530) 470-1740

svnhighland.com

The 6th Grade Challenge

November 5, 2010

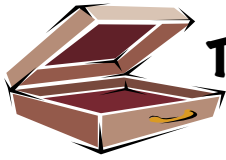
This is a fun evening that supports the Gold Country Community Center & local area Jr. High schools.

The Bar Association wishes to defend its title against the CLAMPERS! [Clampers won in 2008 with NCBA in second place, NCBA won in 2009 with the clampers in second place.]

If you are interested in joining the trivia team - contact Helen Cavanaugh

Helen.cavanaugh@nevadacountycourts.com





Take Note

Reminder

Probate attorneys qualifications for court appointment must be updated yearly. See Judicial Council form GC-10.

Few attorneys are keeping the court informed of their compliance.

The forms need to be submitted to the Clerk's office by March of each year.



There is a Nevada County Bar contingent going to the SBC in Monterey! They met and planned for a group presence in Monterey, to rendezvous at the Public Law Section reception, to determine the Conference Delegate and alternate and to plan other joint activities!



Follow local meetings and articles in the Union regarding the building of a new courthouse. The NC Bar will take an active role, let your officers know what your opinions are!



Materials from the April 2010 (and prior) California Conference on Self-Represented Litigants, hosted by the

Administrative Office of the Courts, can be accessed at <http://www.courtinfo.ca.gov/programs/equalaccess/conferences.htm>



The American Bar Association Section of Dispute Resolution Court ADR Committee web page, where you can subscribe to that committee's listserve and access other information that may be of interest is www.abanet.org/dch/committee.cfm?com=DR014500



The California Court of Appeal case holding that the mediation confidentiality statutes prohibited a mediator from reporting that a person who was required to attend a court-ordered appellate mediation did not do so is *Campagnone v. Enjoyable Pools & Spas Service & Repairs* (2008) 163 Cal.App.4th 566.



Court Appointed Counsel must certify in writing to the court that they meet the qualifications under 2010 California Rules of Court 7.1101. Detailed description of certification requirements are at CRC 7.1101 (h)

- (h) Initial certification of qualifications; annual post-qualification reports and certifications
 - (1) Each counsel appointed or eligible for appointment by the court before January 1, 2008, including deputy public defenders, must certify to the court in writing before April 1, 2008, that he or she satisfies the qualifications under (b) or (c) to be eligible for a new appointment on or after that date.
 - (2) After March 2008, each counsel must certify to the court that he or she is qualified under (b) or (c) before becoming eligible for an appointment under this rule.
 - (3) Each counsel appointed or eligible for appointment by the court under this rule must immediately advise the court of the imposition of any State Bar discipline.
 - (4) Beginning in 2009, each appointed counsel must certify to the court before the end of March of each year that:
 - (A) His or her history of State Bar discipline and professional liability insurance coverage or, if appointed by a court with four or fewer authorized judges under (e)(2), the adequacy of his or her self-insurance, either has or has not changed since the date of his or her qualification certification or last annual certification; and
 - (B) He or she has completed the continuing education required for the preceding calendar year.
 - (5) Annual certifications required under this subdivision

WWW.NORCALLAWYER.ORG

Can't Help a CLIENT?

Lawyer Referral Service
 matches clients with an experienced Attorney in appropriate areas of law*, and provides information about other legal resources.
**Client pays \$35 referral fee.*

► For Info or to Refer a Client, Please Contact:
 Tel. 530-272-5962
 Fax. 530-272-5929
nclawyeraccess@gmail.com



A Program of
Northern California Lawyer Access, Inc.,
 A CA TAX-EXEMPT CORPORATION
 CA STATE BAR CERT NO. 0048

Serving Placer County, Nevada County, Butte County,
 Yuba-Sutter Counties, Tahoe-Truckee



SPECIAL MASTER TRAINING

Friday, October 22, 2010

8:00 a.m. (Registration); 8:30 a.m. – 4:30 p.m. (Program)

3341 Power Inn Road, Sacramento, CA 95826

(William R. Ridgeway Family Relations Courthouse -- First Floor Staff Lounge)

This is a triennial live training program for current and prospective Special Masters. This program satisfies the court’s requirement for Special Master training for prospective Special Masters and is highly recommended for continuing education for all current Special Masters. Family law attorneys, court connected mediators, private mediators, and custody evaluators are all welcome to attend.

- What it means to be a Special Master
- How to become a Special Master
- Special Master stipulation and order and laws affecting Special Masters
 - How to do the work of a Special Master
 - Intermediate/advanced training for experienced Special Masters
- Special problem areas and solutions
- Child development issues
- Drafting enforceable orders

Presenters:

Matthew Sullivan, Ph.D. -- Child custody evaluator, therapist, special master, and well known speaker
Michael Jonsson, Esq. -- Local Special Master

\$200 seminar fee includes admission, program materials, breakfast, lunch, snacks, and drinks.

Continuing Education Credits (7.0 hours) are pending for (a) Board of Behavioral Sciences, (b) Administrative Office of the Courts for court connected mediators and child custody evaluators, (c) MCLE for attorneys, and (d) Legal Specialization Credits for Certified Family Law Specialists.

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REGISTRATION FORM

(Deadline to Register: September 24, 2010 – Space is Limited to the First 75 Enrollees)

Name: _____

Address: _____

Email: _____ Telephone: _____

Send \$200 registration fee AND make check payable to:
Law Offices of Fredrick S. Cohen, 601 University Avenue, Suite 222, Sacramento, CA 95825

Sponsored by:
Sacramento County Superior Court
Custody Sub-Committee of the Family Law Section of the Sacramento County Bar Association
Bartholomew & Wasznicky, LLP [BBS Provider No. 2844]



Take Note *continued*

showing changes in State Bar disciplinary history, professional liability insurance coverage, or adequacy of self-insurance must include descriptions of the changes.

- (6) Certifications required under this subdivision must be submitted to the court but are not to be filed or lodged in a case file.

(Subd (h) amended effective January 1, 2009.)

All Attorneys seeking appointment MUST complete Judicial Counsel Form GC-011 and submit it to the court by March 31, 2011.



SEQ CHAPTER 1 State Bar Website now features Link to LRS Services

Calls to the Lawyer Referral Service (LRS) office for referrals and information are increasing, especially from Butte County where we need more attorneys to serve the Chico-Oroville communities. The revamped State Bar website now features public links to LRS services, including our own Northern California Lawyer Access (NCLA), and we are receiving more calls and emails from the internet. As a resource for your clients, please consider linking your website to our site (www.norcallawyer.org) or to the State Bar (www.calbar.org).

Our relationship with the California Paralegal College in Auburn has provided a number of Volunteer-Interns for the LRS office. Paralegal training is helpful to Volunteers in discerning the legal needs of clients for an appropriate referral. We also have two part-time staff, Cheryl Miller and John Lanham, so the LRS office is now open Monday-Friday, 10 am-2pm. Please call 530-272-5962 or email nclawyeraccess@gmail.com with any questions about the LRS.

As a member of the local Chamber of Commerce, LRS will be a featured table at the next Mixer on September 2nd at the Miners Foundry in Nevada City, 5:30-7:30 pm. We hope you can drop by for some refreshment and to meet local business leaders in an informal setting.



As Judicial Council will no longer be printing Conservatorship Handbooks for purchase/distribution, our office will no longer be providing them for attorneys to purchase. Attorneys may download them from Judicial Council Website at www.courtinfo.ca.gov/referance, click on links 1) Reference by Subject 2) Probate.



Donate old books for a donation

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

The State Bar of California

Office of Legal Services
cordially invites you to attend the

**Awards Reception
Honoring
the Recipients of the 2010**

- Loren Miller Legal Services Award
- President's Pro Bono Service Awards
- Jack Berman Award of Achievement
- Harry B. Sondheim Professional Responsibility Award

**Friday, September 24, 2010
5:30 to 7:30 p.m.**

Awards presentation with special guest
Chief Justice Ronald M. George,
California Supreme Court

Portola Hotel & Spa at Monterey Bay
De Anza Ballroom
Two Portola Plaza, Monterey

Hors d'oeuvres, no host bar

RSVP to programdevelopment@calbar.ca.gov
by Monday, September 13

Co-sponsored by:
Continuing Education of the Bar
Legal Aid Association of California
Practising Law Institute
The Rutter Group

*The Awards Reception is a non-ticketed event
and Annual Meeting registration is not
required to attend.*



NEWS RELEASE

Release Number: 33

Release Date: July 23, 2010

Judicial Council Court Forms Now Savable Online

San Francisco—Thanks to the efforts of the Superior Court of Orange County, 937 Judicial Council forms can now be filled out online and saved on computers without the need for users to purchase any software.

All court users – especially self-represented litigants – will benefit from having savable forms online, stated Presiding Judge Kim G. Dunning of the Superior Court of Orange County.

Judicial Council forms assist court filers in many areas of the law including civil, family, juvenile, small claims, and traffic matters. Forms are also available for persons requesting protective orders and name changes.

In the past, form users were able to fill out a form online, but had to print it out immediately because it could not be saved. The new savable format allows users to take their time in filling out forms, gather additional information as needed, make corrections, and then save the document.

The new capability will help litigants and the courts because forms that are printed out and filed with the court will be better prepared. Filers also will be able to save digital copies of the forms that they have kept for their records.

With the savable forms, self-help and other service centers will be able to work with clients over several sessions without losing any work performed online.

Judicial Council forms may be found at www.courtinfo.ca.gov/forms. Over the last 90 days, the forms have been downloaded more than 1.8 million times from this web site.

The new savable forms can be filled out and saved using the free Adobe Acrobat Reader, version 7.0 or later. On the last page of each form, a Save button prompts the user to save the form. Print and Clear buttons have also been provided in those cases where users may fill out a form on a public or shared computer.

-#-

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and ensures leadership and excellence in court administration.

THE PLACER COUNTY BAR ASSOCIATION

presents the

Charity Golf Tournament

Friday, October 1, 2010
Turkey Creek Golf Club, Lincoln

*Proceeds to benefit
Legal Services of
Northern California Projects*

\$140 ENTRY FEE

- Greens fee, range and golf cart
- Box lunch • All-American dinner
- PRIZES

DETAILS

- 4-Person scramble/best ball
 - 1:00 p.m. shotgun start
- Dress code: Shirts with collars

Promote YOUR business and help a local good cause by sponsoring a hole

Hole Sign —\$125!

Have a custom, hand-painted sign promoting your business prominently displayed at a hole during our Charity Golf Tournament.

SPECIAL

\$700 corporate sponsorships includes foursome, a hole sponsorship, and special recognition at the tournament.

*For more information
Contact chairman Herb Whitaker,
530.823.7560, ext. 106*



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 Heidelberger
- 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

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.

*Are you a good listener?
Want to improve your negotiation skills?
Learn to be a Court mediator?*

25 HOUR MEDIATION TRAINING

**October 21, 22, AND 23, 2010
8:30AM to 5:30 PM**

Cost: \$150.00 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

Certificates will be given upon completion of entire training. Internship hours available for trained mediators. Refunds will not be given. If you are unable to attend, CRC will provide you with a donation letter for your taxes. MCLE Credit Available at additional Cost.

Mail checks to:
CRC (Conflict Resolution Center)
308 Main Street #5
Nevada City, Ca 95959
477-6517

The State Bar of California

83rd Annual Meeting

September 23-26, 2010 in Monterey

Legal Practice Standards for the Future
Up to 19.5 Hours MCLE

Register by August 25 and Save \$100
Best Chance to Enroll in the MCLE Program
of Your Choice— Many Programs Sell Out

View the Preview Brochure or obtain a Complete Listing
of Education Programs and Events at www.calbar.org/annualmeeting. For information call (415) 538-2210

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Need to Change the Way
You Receive the
N.C.B.A. News?

E-mail or US Mail?
Let us Know:

helen.cavanaugh@nevadacountycourts.com

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Honorable Tom Anderson and Honorable Robert Tamietti

Wine tasting and hors d' oeuvres

Nevada City Winery - 321 Spring Street, Nevada City

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\$35.00 per person

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