

August 2011

Nevada



County

Bar Association Journal

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

SAVE THE DATE!!

- **Oct. 25** - Specialist Certification Examination
- **Sept. 15** - NCBA appreciation BBQ at Pioneer Park, free fun & fun. More info to follow in September.
- **Sept. 15-18** - The State Bar of California 84th Annual Meeting in Long Beach.

Do you have an article
or news of interest?

Submit to Helen Cavanaugh
Helen.cavanaugh@nevadacountycourts.com

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Comings and Goings

The Northern California Office of Colantuono & Levin Has Moved!

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News Release

May 25, 2011

Attorney General Kamala D. Harris Subpoenas Loan Processor LPS in Wide-Ranging Probe of Mortgage and Foreclosure Practices

LOS ANGELES - Attorney General Kamala D. Harris today announced she has subpoenaed Lender Processing Services, Inc. (LPS), as part of her continuing probe into "robo-signing" of mortgage documents and other illegal activities in the mortgage servicing industry, especially misconduct affecting borrowers facing, or in the midst of, foreclosure.

Robo-signing is the practice of signing documents used by banks or mortgage servicing companies to foreclose on borrowers without verifying their accuracy - often thousands of different documents signed by a single individual per day. In many cases, the robo-signers don't even read or understand the document they are signing.

"California homeowners have been exposed to fraud and crime at every step of the mortgage process," said Attorney General Harris. "Justice demands we come to their aid and a key step in that is to investigate robo-signing and the potential for inaccurate or unjust foreclosures."

Former LPS employees have testified that LPS designees "robo-signed" foreclosure documents. LPS prepared and recorded these foreclosure documents on behalf of many of the largest mortgage lenders and servicers in the country.

The Attorney General's investigative subpoena requires LPS to produce documents and provide written answers to questions from the Attorney General's office.

continued on page 3



You Need to Know from the California Bar Journal

Legal specialist exam set for October

The certified legal specialist exam will be given October 25 in Pasadena and Oakland. Attorneys with three or more years of experience may sit for the exam in one of 13 areas of law: admiralty and maritime; appellate, civil; appellate, criminal; bankruptcy; criminal law, state; criminal law, federal; estate planning, trust and probate; family; franchise and distribution; immigration and nationality; legal malpractice; taxation; and workers' compensation.

Certification is a two-step process. In addition to passing the exam, specialists must demonstrate a high level of experience in the specialty field, practice in the specialty for five years (though they can take the test at three years), fulfill ongoing education requirements, and be favorably evaluated by other attorneys and judges familiar with their work.

Attorneys will have at least 18 months after passing the exam to complete these requirements, but they can begin tracking requirements for this portion of the process from their first day in practice using sample applications located on the website under each area of law.

The registration deadline for the exam is Sept. 26. The exam, given every other year, consists of 75 multiple-choice questions and eight short essays. For a limited time, new specialties in admiralty and legal malpractice have an alternate route to certification, replacing the exam with additional requirements. In addition, immigration and nationality standards have been updated to accommodate practice realities for business immigration lawyers.

The State Bar of California 84th Annual Meeting September 15-18, 2011 Long Beach, California

Key Deadlines

- Aug. 17 - Hotel Reservation Deadline
- Aug. 17 - Early Bird Pre-Registration Deadline
(Save \$100)
- Aug. 24 - Pre-Registration Deadline

See Essential Information for what you need to know!
And REGISTER ONLINE now!

WWW.CALBAR.ORG/ANNUALMEETING
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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.

News Release continued

The time period covered by the subpoena runs from Jan. 1, 2007, until just before the compliance date, which is no later than June 24 of this year.

LPS, based in Jacksonville, Fla., with several offices in California, provides loan management services to mortgage lenders, including document preparation services and a software platform used by much of the mortgage industry. According to its website, LPS systems are used for servicing over 50% of all mortgages in the United States and more than 80 financial institutions contract with LPS to service more than 30 million loans with an outstanding principal balance exceeding \$4.5 trillion.

Attorney General Harris warned that the risks posed by robo-signing are particularly dangerous in non-judicial foreclosure states such as California, where the courts typically are not involved in overseeing the foreclosure process.

On Monday, Attorney General Harris announced the creation of a Mortgage Fraud Strike Force, staffed by two dozen Department of Justice attorneys and investigators to monitor and prosecute violations at every step of the mortgage process, from the origination of mortgage loans to the marketing of mortgage-backed securities to the investing public.

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You may view the full account of this posting, including possible attachments, in the News & Alerts section of the State Attorney General's website at: <http://ag.ca.gov/newsalerts/release.php?id=2095>

Survey Results

The Nevada County Bar Association has surveyed its members, and more than 90 percent of those who responded said that they favor the construction of a new Nevada County Courthouse at the current site in Nevada City.

Revised ADA Requirements

The U.S. Department of Justice recently issued a new technical assistance document on the 2010 revised ADA requirements for service animals. This document is available at: http://www.ada.gov/service_animals_2010.htm



Grant Contract Awards

The Judicial Council of California has approved the award of grant contracts for the following pilot projects under the subject Request for Proposals:


Bar Association of San Francisco Voluntary Legal Services Program and Superior Court of the City and County of San Francisco for a pilot project to provide legal representation and court services in child custody cases.....\$350,000

Greater Bakersfield Legal Assistance and Superior Court of Kern County for a pilot project to provide legal representation and court services in child housing cases\$560,043

Legal Aid Society of San Diego and Superior Court of San Diego County for a pilot project to provide legal representation and court services in housing and child custody cases.
Housing Pilot Project\$1,873,919
Child Custody Pilot Project\$700,000

Legal Aid Society of Santa Barbara County and Superior Court of Santa Barbara County for a pilot project to provide legal representation and court services in housing and probate guardianship cases.
Housing Pilot Project\$465,439
Probate Guardianship Pilot Project\$482,981

Dispute? Resolution!



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Legal Services of Northern California and Superior Court of Sacramento County and Superior Court of Yolo County for a pilot project to provide legal representation and court services in housing case\$1,408,077

Los Angeles Center for Law and Justice and Superior Court of Los Angeles County for a pilot project to provide legal representation and court services in child custody/ domestic violence cases\$850,000

Neighborhood Legal Services of Los Angeles County and Superior Court of Los Angeles County for a pilot project to provide legal representation and court services in housing cases.\$2,809,601

For those Qualified Legal Services Agencies selected for pilot project grant contracts, the AOC’s Project Manager, Bonnie Hough, will be contacting you after the beginning of July to discuss finalizing the required grant contracts.

For those agencies, and their partner courts, not selected for a pilot project grant contract, the Sargent Shriver Civil Counsel Act Implementation Committee and the Administrative Office of the Courts thanks you for your interest and efforts in submitting proposals.

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**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. All are welcome! To RSVP for the next meeting, please call Terry Brown at 530-273-1323. Or check out the website: www.estateplanningcouncil.net.



NCBA Contact Information

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SECTION & COMMITTEE CHAIRS

- Rosemary Metrailler** - ADR Section Chair
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- Jennifer Granger** - Criminal Law Section Chair
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(530) 264-7014, scorcoran@scorcoranlaw.com
- Andy Harris** - Fee Arbitration Program Admin.
(530) 272-4250, andy@scottbrowne.com

Judicial Officers Nevada City Branch

- Department I: Judge Heidelberger
- Department II: Judge Thomsen
- Department III: Judge McManus
- Department IV: Presiding Judge Anderson
- Department V: Commissioner Y. Durant
- Department VI: Judge Dowling


Truckee Branch

- Dept. A (Truckee Branch) Judge Tamietti
- Dept. B (Truckee Branch) Commissioner

Newsletter

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THE STATE BAR OF CALIFORNIA'S COMMITTEE ON MANDATORY FEE ARBITRATION IS OFFERING TWO FEE ARBITRATOR TRAININGS IN NORTHERN CALIFORNIA

REDDING

Thursday, August 18, 2011
2:00 p.m. – 5:00 p.m.
Redding Chamber of Commerce
747 Auditorium Drive
Redding, CA 96001

SACRAMENTO

Thursday, August 25, 2011
2:00 p.m. – 5:00 p.m.
Kronick Moskovitz et al.
400 Capitol Mall, 27th Fl.
Sacramento, CA 95814

These training sessions are offered to all prospective and current volunteers who arbitrate attorney-client fee disputes for the Mandatory Fee Arbitration Programs through the State Bar of California. The course will provide the basic training required to serve on a bar program's fee arbitration panel. Non-lawyer (lay) arbitrators, in addition



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to attorneys, are encouraged to attend this valuable training session and join the Mandatory Fee Arbitration Program.

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- Writing an Enforceable Award
- Statute of Limitations
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- Arbitrator Disclosure Requirements
- Controlling the Proceeding

FREE MCLE CREDIT

Members of the State Bar of California will receive 2.75 hours Mandatory Continuing Legal Education credit (includes 1.0 hour Legal Ethics).

[The State Bar of California is a State Bar of California MCLE approved provider.]

To reserve a space, please contact Susan Carlson at The State Bar of California at susan.carlson@calbar.ca.gov

For additional information, please call Doug Hull (415) 538-2015 at the State Bar of California.

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