



# NEWSLETTER

Renew Your Membership or Join the FBA by  
September 22 to be Included in the  
Membership Directory

By Kathy Mills, Esq.

The membership drive has been in full swing for several months now and many of our members have renewed their membership. We are bringing back the Foothills Bar Association Attorney Directory this year after a four year hiatus and want to be sure to include as many members as possible. The directory is a valuable resource for our members and potential clients. The Board anticipates distributing the directory at the annual dinner next January 2015.

In addition to the Attorney Directory, Foothills Bar member benefits include the on-line member directory on the Association's website. The online directory member page includes your area of practice and contact information, a short biography and photo (if submitted). To be included in the Attorney Directory book and the on-line directory, you must renew your membership by **September 22, 2014.**

## Upcoming Events Calendar

September 11

Estate Planning and Probate Section

12:15 - 1:15 p.m.

Law Offices of Nancy Kaupp Ewin, Esq.  
8166 La Mesa Blvd., La Mesa

Topic: TBA

September 16

Family Law Section

12:00 - 1:15 p.m.

East County Court, Dept. 7

250 E. Main Street, El Cajon

Topic: Understanding Military Income and  
LES Statements

Speaker: John H. Schweitzer, CFLS

## Catching Our Breath: Taking Care of Ourselves So We Can Take Care of Our Clients

By: Vivianne Shands, Esq.  
Associate Attorney at The Law and Mediation  
Offices of Garrison Klueck, CFLS

As attorneys, we wind up handling our clients' emotions all the time. But while we often work with clients who are at their wits' end, law schools provide little to no guidance on how to handle our own stress, let alone how to handle our clients' stress. We have to learn that on the job. Sometimes, when we are faced with the pressures of court deadlines, hearings, and seemingly endless legal research, listening to our clients vent their feelings may be enough to push us over the edge.

In psychology programs preparing students for licensure as therapists and counselors, a huge emphasis is placed on the importance of "self-care." Future psychologists are taught that they cannot serve their clients with competence unless they have first served themselves. It is the "put your own oxygen mask on before you put your child's mask on" rule.

Though we too work with clients experiencing extraordinary emotional upheaval, lawyers are not taught the importance of self-care. However, we arguably are under an ethical duty to care for ourselves. California Rule of Professional Conduct 3-110(B) defines "competence" in the provision of legal services as applying the "1) diligence, 2) learning and skill, and 3) mental, emotional, and physical ability reasonably necessary for the performance of such service." Lawyers are famous for late nights, weekends at the office, and generally doing anything and everything it takes to get the job done well and on time. But at some point we may become so drained that we no longer able to meet the standard of competence expressed by Rule of Professional Conduct 3-110(B).

So next time you are feeling worn out, stressed, angry, or emotional, don't feel guilty about taking some time for yourself - you're under an ethical duty to ensure that you have the mental, emotional and physical ability necessary for the performance of your legal services. Catch your breath. When you are refreshed and have what you need, your work will improve and your clients will benefit.

## Court's Default Fees – Historical Perspective

By: Keith A. Jones, Esq.

Many Foothills Bar Association members have been practicing for at least a couple of decades. As a civil litigator, I have filed many lawsuits and obtained a quite a few default judgments in several counties. Any attorney familiar with the default procedure is aware that the attorney can seek attorneys' fees if there is a basis for doing so, such as a contract provision.

Current San Diego Superior Court Local Rule 2.5.10 sets for the attorneys' fee schedule for default judgments. The fees are based on the amount in dispute, with \$100 attorneys' fees recoverable for cases valued at \$0 to \$300. For cases valued at \$22,501 to \$25,000, the rule allows \$1,900 for attorneys' fees. Small percentages ranging from 2% to 0.5% of the damages amount are added to \$1,900 for claims over \$25,000.

The rule does not distinguish between the experience of counsel, or whether the matter is a simple non-payment of promissory note involving six figures, or a complicated partnership dispute involving contentious issues over a few thousand dollars. However, the evidence needed to prove up each of these types of cases, and the attorney time needed to prepare the evidence for presentation to the court, differ significantly.

I recently came across the Orange County Superior Court's rule for attorneys' fees in default cases when purging some files. Apparently attorneys practicing in the Orange County courts merited treatment remarkably similar to those appearing in San Diego County courts. For example, if the principal in dispute was \$151 to \$300, the attorney could seek \$100, just like in San Diego County.

At the higher end, if damages sought in the Orange County lawsuit ranged from \$20,001 to \$25,000, the attorney could request \$1,800 in attorneys' fees, only \$100 less than if the attorney was pursuing a default judgment in San Diego County. But my analysis does not end there.

Are attorneys' services worth more than they were 25 years ago? Why did I choose 25 years? Because the Orange County default fee schedule I cited above is from the Orange County Superior Court's May 10, 1989 Notice to Attorneys.

The current Orange County Superior Court Rule 366, like San Diego's rule, seems to have ignored any inflation over the 25 year period. For example, cases with damages in the \$5,000.01 to \$25,000 are on a sliding scale, \$500 plus 6% of the excess over \$5,000. Under this formula, a \$25,000 case now merits up to \$1,700 for attorneys' fees, \$100 less than 1989.

Perhaps the courts need to revisit the default fee schedules since inflation has impacted many other facets of our profession, from rent and labor costs to court costs and insurance expenses.

**Newsletter Advertising Rates**  
**Business Card Size**  
**\$25.00 for two months**  
**\$125.00 for twelve months**

The Foothills Bar Association seeks a chairperson for the criminal law section. Responsibilities will involve scheduling speakers for lunch time MCLE programs on topics of interest and providing Section meeting status reports to the Foothills Board of Directors. Interested attorneys should contact Cheryl Stengel at [clstengel@outlook.com](mailto:clstengel@outlook.com).

**Foothills Bar Association Notice of Board Meeting:**

**The Foothills Bar Association Board of Directors meets on the third Tuesday of each month. The next meeting will be on September 16, 2014 at the Kriger Law Firm, 8220 University Avenue, 2<sup>nd</sup> Floor conference room, La Mesa, CA 91942. The meeting will begin at 4:45 p.m. If you want your voice to be heard in policy discussion and upcoming events planning or would simply like to learn more about the organization, your attendance is welcome.**

The Family Court needs settlement conference judges. Please volunteer and share your expertise.  
Contact Kelly Fabros at 619-456-4065 or [Kelly.Fabros@SDCourt.CA.Gov](mailto:Kelly.Fabros@SDCourt.CA.Gov).



August 28, 2014

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Law Offices of James E. Lund, APC

Foothills Bar Association  
P.O. Box 1077, El Cajon, CA 92022

Dear Foothill Bar Members:

I have important information about the East County Law Library.

As you know, the Law Library has suffered its worst revenue losses ever. In the past 3 years, we have lost over 25% of our income. To balance our budget we have had to lay off staff, slash our print collections, cut branch hours (the South Bay branch is open just 4 hours a day), and forego maintenance support of our technology.

Unfortunately, the Law Library has now reached a tipping point. A staff member has resigned and we have no back-ups, subs, or part-time help to fill in because we could not afford to have them. We are continually scrambling to serve the public, and that is not good service.

While we search for a replacement, therefore, due to this emergency lack of staffing, there will be a temporary closure of the East County branch on Tuesdays and Thursdays. East County will remain open as usual on Mondays/Wednesdays/Fridays. This will allow our East County Branch Librarian to cover staffing needs downtown.

We will be making this change on Tuesday, September 16<sup>th</sup>.

I regret having to make this decision, but the truth is we do not have enough people to keep all the branches running on a full-time basis. I am hoping that our hiring search for a new employee will be successful so that we can restore service as soon as possible.

Sincerely,

John W. Adkins | Director of Libraries

San Diego Law Library



# FOOTHILLS BAR ASSOCIATION OF SAN DIEGO COUNTY

Service, Professionalism, Collegiality

## FOOTHILLS BAR ASSOCIATION FAMILY LAW SECTION MEETING

Tuesday, September 16, 2014  
12:00 pm - 1:15 pm

### UNDERSTANDING MILITARY INCOME & LES STATEMENTS

- *Military income and support calculations*
  - *Different types of allowances*
- *Opportunity for Q&A on military issues*

#### SPEAKER:

Attorney John H. Schweitzer,  
Certified Family Law Specialist  
& expert in military law issues

#### LOCATION:

East County Court House - Department 7  
250 East Main Street, El Cajon, CA 92020

#### COSTS:

Free for members of the Foothills Bar Association  
\$10 for Non-Members and Guests (*payable at the door*)

*This presentation qualifies for one unit (1.0 credit hour) toward  
California Minimum Continuing Legal Education (MCLE).*

For questions, please contact Traci Hoppes at (619) 448-6500 or  
[tracihoppes@yahoo.com](mailto:tracihoppes@yahoo.com)

## **E-FILING & E-SERVICE IN SAN DIEGO SUPERIOR COURT**

**DATE**  
Sept 15, 2014

**TIME**  
1 - 2 pm

**LOCATION**  
250 E. Main  
El Cajon  
CA  
92020

**COST**  
Free

### **About the Program:**

This session walks you through all the steps necessary to E-File your documents in San Diego Superior Court.

You will learn:

- How to register a new user to your account.
- How to place a San Diego electronic court filing order for a new or an existing case.
- How court filing fees are paid.
- How to set up and effect E-Service (time permitting).



After you have attended this course, you'll be able to submit your E- Filings more quickly and efficiently

### **Speaker info:**

Brooke Greene is the Southern California Product Training & Research Coordinator for One Legal. Her areas of training expertise include E-Filing, court filing, process serving, and One Legal products and services.

**MCLE:** 1 hour General Participatory MCLE credit available

### **More Information and Registration:**

<https://efile2014sept15.eventbrite.com> or call (619) 441-4451



30<sup>th</sup>  
Annual

# RED BOUDREAU TRIAL LAWYERS DINNER



Daniel T. Broderick III Award  
presented to

Steven M. Boudreau

This Event is Generously  
Presented by:

The Lawyers' Mutual Insurance Company



Please join us in celebrating this 30th anniversary tribute, an occasion San Diego's trial lawyers will remember and celebrate as our legal community improves San Diego's quality of life through philanthropy. By sponsoring this longstanding annual event, your organizations plays a role in carrying out this collaboration of San Diego's largest legal organizations.

Saturday, September 13, 2014



THE US GRANT  
A LUXURY COLLECTION HOTEL

326 Broadway San Diego, CA 92101

COCKTAILS: 6:00 P.M.

DINNER: 7:30 PM

Sponsoring Organizations:

- AMERICAN BOARD OF TRIAL ADVOCATES
- CONSUMER ATTORNEYS OF SAN DIEGO
- SAN DIEGO DEFENSE LAWYERS

Honorary Event Chairs

CYNTHIA R. CHIHAK, ESQ., & DANIEL M. WHITE, ESQ.



Proceeds from this event go directly to St. Vincent de Paul Village. Over 10,000 homeless children at

## 2014 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

### OFFICERS

President	Keith Jones	<a href="mailto:kjones9001@gmail.com">kjones9001@gmail.com</a>	619-462-6220
Vice President	Cheryl L. Stengel	<a href="mailto:clstengel@outlook.com">clstengel@outlook.com</a>	619-269-2126
Treasurer	Carolyn R. Brock	<a href="mailto:carolyn@crbrocklaw.com">carolyn@crbrocklaw.com</a>	619-741-0233
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Immediate Past President	Bradley Schuber	<a href="mailto:bschuber@krigerlawfirm.com">bschuber@krigerlawfirm.com</a>	619-589-8800

### DIRECTORS

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### REPRESENTATIVES

Dan Bacal, SDCBA	619-588-2064
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### SECTION CHAIRS/MEMBERS

<b>FAMILY LAW:</b>	Traci Hoppes
<b>CIVIL LITIGATION:</b>	Cheryl Stengel, Mark R. Raftery
<b>ESTATE PLANNING:</b>	Nancy Kaupp Ewin, Carolyn R. Brock

### COMMITTEES

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<b>LAW DAY HARD- TO-GET</b>	Chair: Carolyn R. Brock
<b>CREDITS SEMINAR</b>	Chair: Keith Jones & Garrison Klueck
<b>MEMBERSHIP</b>	Chair: Kathy Mills, Bradley Schuber
<b>ADDRESS CHANGES</b>	Chair: Kathy Mills, Bradley Schuber

**SUBMISSIONS**

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at [clstengel@outlook.com](mailto:clstengel@outlook.com).

**ADDRESS CHANGES**

Send change of address or telephone number to Kathy Mills at [kmills@krigerlawfirm.com](mailto:kmills@krigerlawfirm.com).

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**Foothills Bar Association**  
**P.O. Box 1077**  
**El Cajon, CA 92022**

**Addressee Name**  
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**Anytown, State 54321**