

NEWSLETTER

National Preparedness Month

Did you know September is National Preparedness Month? September was chosen as National Preparedness Month as the tragedies of September 11th highlighted the importance of being prepared. National Preparedness Month is a part of the committed effort to strengthen the United States' preparedness capabilities. This includes prevention, protection, response and recovery efforts to prepare the U.S. for all hazards – whether terrorist attack or natural disaster.

The Citizen Corps National Survey revealed that only 57% of Americans surveyed report having supplies set aside in their homes just for disasters, and only 44% have a household emergency plan. National Preparedness Month serves to encourage individuals across the nation to take important preparedness steps including getting an emergency supply kit and making a family emergency plan.

Preparedness relates to businesses and organizations as well as individuals. An important question for us as practitioners is how quickly would you be able to get back to business after disaster strikes. Here are 10 things you can do to make recovery go more smoothly:

- ♦ **Take photographs of property before a disaster occurs** – take new photos any time you make changes to your office
- ♦ **Back up business-critical information** – have information backed up off site
- ♦ **Have a response team in place** – decide who will be in charge of certain tasks
- ♦ **Protect your property from further damage** - make preparations if warned of a natural disaster
- ♦ **Beware of contractors asking you to sign a contract for non-emergency services**
- ♦ **Document the damage** – photograph or videotape the scene
- ♦ **Request a complete copy of your insurance policy**
- ♦ **Document all your activities and expenses**
- ♦ **Make decisions that are best for the survival of your business**
- ♦ **Hire your own experts** – don't rely on the insurance adjuster sent by your carrier

Given what seems like a barrage of natural disasters across the world in recent months and years, September is a good time to start planning.

♦

Don't Forget to Renew:

Just a reminder that July was time to join or renew your membership. Please submit your membership application and \$55 check for dues if you have not done so already. The membership application ensures that we have your correct information including address, telephone and fax number and e-mail address for the website and directory.

Your membership dues provide you with free MCLE and social events throughout the year. If you know of any potential new members, encourage them to JOIN! If you have membership questions, please call Stanley Bacinett at 697-4000 or email at sjb@bacinettlaw.com.

Calendar of Upcoming Events

September 20, 2011

All Section Brown Bag
12:00pm - 1:15pm
In the Law Library of the El Cajon Courthouse
Topic: Planning for Your Retirement; Rod A. Crews, LUTCF

September 20, 2011

Board Meeting
4:45pm
At the offices of McDougal, Love, et al in La Mesa.

October 13, 2011

Estate Planning Brown Bag:
12:15pm - 1:15pm
At Nancy Ewin's office in downtown La Mesa.

October 18, 2011

Family Law Brown Bag
12:00pm - 1:15pm
In Department 7 of the El Cajon Courthouse.

October 25, 2011

Civil Litigation Section Meeting
12:00pm - 1:15pm
At BJ's Restaurant in Grossmont Center,
Topic: Digital Forensics and Civil Litigation, speakers James Lawler and William Rushing

December 8, 2011

FBA Annual Toy Drive & Attorney Holiday Mixer
5:00pm
At Hooley's in Grossmont Center.

Civil Litigation Section Update

By Cheryl Stengel

At the Civil Litigation section's August 2011 lunch program, speaker Joseph Fox, Esq., gave an excellent presentation on "Handling the Commercial Unlawful Detainer Case" to approximately 10 attorneys at BJ's Restaurant in Grossmont Center, La Mesa.

Mr. Fox is an experienced attorney with more than 28 years in practice and is Of Counsel in the San Diego office of Murchison & Cumming, LLP. He serves as Co-Chair of the firm's Business & Real Estate Transactions practice group and is a member of the General Liability & Casualty practice group. Mr. Fox gave an informative overview of the primary differences between commercial and residential tenancy laws. Discussion included statutory duties and warranties (or lack thereof) imposed on commercial landlords, unlawful detainer proceedings, sublease and assignment, lease breach and termination, damages recovery and mitigation duties.

Next, on October 25, 2011, the Civil Litigation section will welcome speakers James Lawler and William Rushing, both of Predicate Logic, Inc.. Mr. Lawler and Mr. Rushing will present part two of their "Digital Forensics and Civil Litigation" program from 12:00 noon to 1:15 p.m. at BJ's Restaurant in Grossmont Center in La Mesa.

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Catch This

By *Chuck Schmidt*.

The FBA Family Law Section's August 2011 brown bag lunch and learn seminar hosted the well-versed Garrison Klueck, Esq. on the top cases of late 2010 and 2011. Since 2003, Bud has been giving his update seminar for the Family Law section. Bud has always been supportive of our Foothills Bar Association of which he is the past president. He is an adjunct professor at two local law schools.

Bud had a short handout of the list of cases that were important in the last year. His criteria for selection included cases that involved a fundamental or significant change in the law, changes from usual custom and practice as observed in San Diego County, and/or cases which involved a San Diego County judge or the 4th District Court of Appeals.

Some of these cases included:

Marriage of Goodman and Gruen, 191 Cal.App. 4th 627 (1-4-11) where pendent elite orders cannot be modified retroactively. Bud recommends that if the parties do want to make the orders retroactive then they should 'stipulate notwithstanding the Gruen case'.

Marriage of Starr, 189 Cal.App. 4th 277 (2010) is a follow-up case to the *Marriage of Mathews* regarding the fiduciary duty of spouses. Wife could not be named on the house title due to her bad credit but husband promised to put her name on title after they obtained their mortgage. Of course, he never did. The appellate court ruled that the fiduciary burden shifted to him.

A couple local move-away cases discussing the proper application of best interests were *F.T. v L.J.*, 194 Cal.App. 4th (4-6-11), and *Mark T. v Jamie Z.*, 194 Cal.App. 4th 1115 (4-28-11).

An interesting district attorney (later DCSS) case is the *County of San Diego v Gorham*, 186 Cal.App. 4th 1215 (2010) where an inmate set aside a default judgment based on improper service. The proof of service fraudulently said the defendant was served but he said he was in prison at the time and not served. The trial court acknowledged the fraudulent service but did not set aside the judgment because the motion was not timely filed. The appellate court

ruled that the trial court never had jurisdiction in the first place.

Other cases included topics of premarital agreements, attorney fees, international custody, and capacity to maintain a divorce.

The FBA Family Law section greatly appreciates Bud's continued service to our bar association and to the Family Law section.

Prior to Bud's presentation, Judge Katherine Bacal asked the attorneys in the audience to volunteer as pro tem settlement judges for the Wednesday morning mandatory settlement conferences. If you are qualified (see California Rule of Court 2.812) and interested, please contact judicial secretary Kelly Fabros at 619-456-4065 or e-mail her at Kelly.Fabros@SDCourt.CA.Gov. It is always good to give back to our community.

By the way, former Commissioner Alan Clements, also a Foothills Bar member, attended the seminar. He was always very supportive of our bar.

Remember, the Family Law section seminars are free to FBA members, who pay only \$55 for yearly dues. Plus, you get MCLE credits for the seminars. FBA members can attend the seminars presented by the civil, criminal, and estate and probate sections at no extra charge. A bargain compared to other bar associations. The Family Law section seminars are on the third Tuesday of each month.

We are always looking for speakers so if you wish to volunteer or make suggestions please contact the Family Law section chairs.

Also, if you wish to become a chair or co-chair of the Family Law section there is an opening now. Hurry before it is filled. You can contact any board member or attend a board meeting. See the website at foothillsbar.org, which includes information for future seminars, the newsletter and the dues application.

Good practicing.

Chuck Schmidt



SAN DIEGO SUPERIOR COURT BEGINS IMAGING AND E-FILING PROJECTS

The Superior Court of California, County of San Diego, is taking another step forward in the use of its state-developed civil, small claims and probate case management system (known as V3.) The court is in the process of building a program to gradually move specific court operations to a paper-on-demand system.

In the first phase of the current project, a team of information technology specialists, civil judges and civil operations staff are working together to design and develop a system where filed paper documents will be scanned and stored in the court's document management system. This imaging project will initially begin in Department 69 in the downtown San Diego Hall of Justice, the courtroom of Supervising Civil Judge Jeffrey B. Barton. The process will eventually be expanded to all civil, small claims and probate departments court-wide.

Beginning in August, all newly-initiated cases assigned to Department 69 will be scanned. With some exceptions, all

documents associated with these cases will be imaged and available on computer for viewing by Judge Barton, court staff, and parties involved. Public documents related to the cases will also be available on-line to any interested party. Documents from the imaged cases will be retained in paper form for 90 days. All existing cases filed prior to the imaging start date will be maintained in hard copy.

(More)Superior Court of California, County of San Diego
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“The San Diego Superior Court is embarking on a significant new effort to provide electronic access to civil court files. The project will greatly expand access to court files for both litigants and attorneys. By the time of the project's completion, public court files will be fully accessible online and the system will support electronic filing of pleadings and other documents with the court. This increased access should save litigants and attorneys significant time and inconvenience by not

requiring trips to the courthouse to review files or file documents,” says Judge Barton.

The second phase of the court project will implement e-filing, a process by which court users can submit cases electronically to the court. The e-filing project will also begin in Department 69.

Currently, the court is reviewing bids to contract for an e-filing service provider(s) to assist the court with the e-filing process. Once in place, individuals filing with the court will file directly with the chosen vendor(s).

Once all phases of the project are completed, the e-filing/imaging project will reduce costs for both the public and the court by eliminating the need for physically transporting documents to court, the need for court staff to manually enter data, and the need to store paper documents.

The court is working closely with local legal associations and organizations to disseminate updates on the projects and will have updated information available on the court website.

PUBLIC NOTICE:

PROPOSED CHANGES TO THE SAN DIEGO SUPERIOR COURT RULES
TO BECOME EFFECTIVE JANUARY 1, 2012

Proposed changes to the San Diego Superior Court local rules, with an effective date of January 1, 2012, have been approved by the Court in principle and submitted to the bar for comment in accordance with Rule 10.613 of the California Rules of Court.

Proposed rule changes have been posted to the Court's website and are available for viewing and downloading at: www.sdcourt.ca.gov - click on Rules of Court in the list on the left side.

Copies of the proposed rule changes are also available for review at each of the Court's business offices, at each branch of the San Diego County Law Library, and at the San Diego County Bar Association. Anyone desiring a hard copy by mail may make that request to the Rules Coordinator, Christina Lutz, at (619) 450-7235.

Any comments or concerns regarding these proposed changes should be forwarded to Rules Committee Chair, Judge Ronald L. Styn, c/o Thomas Eral, Esq., PO Box 122724, San Diego, CA 92112, prior to August 15, 2011.



Michael M. Roddy
Executive Officer

Civil Pro Tem Schedule

- September 1 – Wayne Templin
- September 2 – Catherine Tancredi
- September 6 – Victor Torres
- September 7 – Kindra Willey
- September 8 – Susan Yeck
- September 9 – Connie Zimmerman
- September 13 – Mark Abumeri
- September 14 – Michael Adkins
- September 15 – Robert Anderson
- September 16 – Elizabeth Aronson
- September 20 – Thomas Buchenau
- September 21 – Edward Castro
- September 22 – Andrew Cook
- September 23 – Kathleen Corrigan
- September 27 – Danna Cotman
- September 28 – Stuart Cowan
- September 29 – Cheryl Daily

**Family Law Settlement
Judge Schedule**

September 7th

Dawn Dell'Acqua
Anthony Starks
Robert Lesh

September 14th

William Benjamin
Gary Glauser
Sandra Mayberry

September 21st

Sheryl Graf
Charles Schmidt

September 28th

Thomas Marshall

October 5th

J.R. Givens

October 12th

Gary Glauser
Tara Grabarczyk
Bruce Beals

October 29th

Garrison Klueck
Sandra Mayberry

October 26th

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James Scott
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Mikael Ritter



SUBMISSIONS

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Leah Boucek at lboucek@davidejeremiah.org.

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