

NEWSLETTER

SPECIAL MCLE PROGRAM ON JUNE 12, 2012

By Keith A. Jones, Esq.

Mark Your Calendar for June 12, 2012! The Foothills Bar Association is pleased to announce a special MCLE program that will interest all members. Forensic Document Examiner Sandra L. Homewood will offer her valuable insights on a wide variety of issues related to document examination, such as handwriting identification, handwriting by the elderly, elder abuse cases, and alteration of medical and business records.

Ms. Homewood has over thirty years experience as a Forensic Document Examiner and has testified as an expert witness in a wide variety of high profile cases in Arizona and California. She has worked for the Arizona State Crime Laboratory and the San Diego County District Attorney's Office. She later became the CEO of Forensic Science Laboratories before opening her own 'questioned documents' practice in 2002 in San Diego where she continues to serve clients throughout California.

Examples of topics that Ms. Homewood may address include multiple forgeries, alterations, obliterations, mechanical impressions, paper and ink analysis, taking of exemplars, handwriting and hand printing comparisons, and typewriter comparisons. She promises an engaging presentation with supplemental materials.

The FBA has reserved the patio at BJ's Brewery in the Grossmont Shopping Center for June 12, 2012 at 12:00 p.m. for this exciting event. A registration flyer is attached. The program is free to FBA members, and only \$10.00 for non-members. Attendees will be responsible for the cost of lunch. The officers and board of directors for the FBA encourage all FBA members to attend as Ms. Homewood's broad discussion will appeal to those attorneys practicing in all areas, including estate planning, litigation, family law, and criminal law.

Ms. Homewood welcomes questions and requests for particular issues to include in her presentation. So send them to my attention at kjones9001@gmail.com with the reference "FBA MCLE Program" in the subject line so that I can forward them to her. She informs me that she will also try to respond to any questions we may ask on June 12. Looking forward to seeing you there!!

Upcoming Events Calendar

June 12th

All Sections MCLE program
12:00 p.m. – 1:15 p.m.

Topic: Documents Examination

Speaker: Sandra L. Homewood,
Forensic Document Examiner

BJ's Restaurant in Grossmont Center
La Mesa

June 19th

Family Law Section Meeting
12:00 p.m. – 1:15 p.m.

East County Court, Dept. 6.
250 East Main Street in El Cajon.

Topic: Basics of the Juvenile Dependency
System

Speakers:

- Laura Krzywicki
Quality Assurance Supervisor for Child
Welfare Services

- Paul A. Swiller
Minor's Counsel

- Pamela J. Wallach
Parent's Counsel.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors meets on the third Tuesday of each month. The next meetings will be June 19 and July 17 in the 2nd floor conference room at 7777 Alvarado Road, La Mesa (Allied Plaza Building). Meetings begin at 4:45 p.m. and continue until business is completed. 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.

BARRISTER 'ROUND TOWN

By William A. Hannosh

The Family Law Section held its monthly MCLE brown bag meeting on May 15, 2012 entitled "The Latest News from Family Court Services". The presentation was given by Family Court Counselor Supervisor Evelyn Mason and Family Court Counselor Corinne Butts, who also explained some of the history behind Court-provided custody counseling and mediation. After the Los Angeles and San Francisco court systems mandated that all custody disputes attempt mediation in 1976, the Honorable Judge Norbert Ehrenfreund implemented a similar mediation program here in San Diego County. The program has been in use ever since, even though it has seen adjustments and change. The counselors were quick to point out that San Diego County is a "recommending County" only, in that the counselor can never mandate or decree a custody schedule or parenting plan, since they are only required to make a custody recommendation to the Court. All counselors employed by Family Court Services (FCS), who are mostly either social workers or marriage and family counselors by occupation, have at least a Master's Degree, in addition to two years of related experience in their particular field. The types of issues regularly addressed by FCS counselors (they are no longer called 'mediators') are domestic violence matters, substance abuse issues, anger management, and cases where supervised visitation with minor children becomes necessary. Ms. Butts pointed out that clinical or psychological evaluations are rarely recommended by FCS, and if there is such a recommendation it usually requires supervisorial approval.

The factors considered in any FCS recommendation before it is forwarded to the Court and parties are: the children's age and developmental stage; parents' availability to their children (i.e., work schedules); the children's extra-curricular activities; their access to friends and family; safety issues that might

Civil Judge Pro Tem June 2012 Schedule San Diego Superior Court East County Division

Please be prepared to take the bench at 8:15 a.m.

Date	Temporary Judge
Fri, Jun 1, 2012	Edward Castro, Esq.
Tue, Jun 5, 2012	Andrew Cook, Esq.
Wed, Jun 6, 2012	Kathleen Corrigan, Esq.
Thu, Jun 7, 2012	Dana Cotman, Esq.
Fri, Jun 8, 2012	Stewart Cowan, Esq.
Tue, Jun 12, 2012	David Demergian, Esq.
Wed, Jun 13, 2012	David Egan, Esq.
Thu, Jun 14, 2012	Paul Fine, Esq.
Fri, Jun 15, 2012	Miranda C. Franks, Esq.
Tue, Jun 19, 2012	Cynthia Freeland, Esq.
Wed, Jun 20, 2012	Kenneth Gosselin, Esq.
Thu, Jun 21, 2012	Peter Gregorovic, Esq.
Fri, Jun 22, 2012	Margaret Jonak, Esq.
Tue, Jun 26, 2012	John M. Julius III, Esq.
Wed, Jun 27, 2012	Wells B. Lyman, Esq.
Thu, Jun 28, 2012	Garrison Klueck, Esq.
Fri, Jun 29, 2012	Marguerite Lieu Jonak, Esq.

ADVERTISING & RATES

Business Card size:

\$25.00 for one month
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\$250.00 for one year

(Includes publication in annual attorney directory)

Issue Sponsorship

(one-half page ad):
\$250.00 per issue

(Checks must accompany ad request)

require supervised visitation; the parents' level of flexibility in allowing or denying visitation to the other party; and similar issues.

The FCS representatives also explained when and how they interview minor children to better assess their best interests. Minors are interviewed separately and apart from either of their parents. FCS asks that minor interviews be done by appointment only, and not at the same time as the parties' mediation appointment, as this may cause problems. FCS makes every effort to make sure such minor interviews are done after school hours, so as not to disrupt the child's schooling.

With the new rules which prohibit the service of Court pleadings and declarations on FCS, family law practitioners wanted to know just how FCS counselors can make proper recommendations without Court pleadings, declarations, or evidence to review. FCS reviews its own Data Sheet, information obtained from case collaterals (other contacts who may know the parties or minor children) and school or medical records, as long as such documents are provided to the opposing party at the counseling session. The FCS representatives stated that they could not provide a reliable standard or rubric to decide just what documents they would review or reject. They did state that declarations would normally not be considered. Of course, FCS must consider any evidence, documents or pleadings which the Court orders it to review.

ASK-A-LAWYER LEGAL CLINIC

Thank you to all our volunteer attorneys who participated in the Ask-A-Lawyer program on April 30th 2012. In partnership with the Foothills Bar Association, we helped 27 individuals who were extremely appreciative of this service. Here are just some of the comments we received:

"Thank you for your help. It is of great value to get legal advice when we don't know which way to go".

"I was very pleased with the information and over all consult today. The attorney that I saw was very informative and real, didn't try to lead me into anything but gave me real, honest info. Very helpful. Thank you."

The Ask-A-Lawyer Program gives back to the community and guides self-represented litigants in the right direction. It is an invaluable service to have and we are very grateful to the attorneys who participated with us. Thank you!

Family Judge Pro Tem Schedule

June 2012

Date	Temporary Judge
June 6	Sheryl Graf
	Alan Clements ED78012
	Adryenn Cantor
June 13	William Blatchley
	Tara Grabarczyk
	Daniel Martin
June 20	Charles Schmidt
	Richard Renkin
	Sandra Mayberry
June 27	Laura Miller

-Benita Ghura

Reference Librarian

San Diego County Public Law Library

“Last month, the Foothills Bar Association invited the judicial candidates for San Diego Superior Court Seat 25 to submit articles for the newsletter to aid our members in the voting process. Each of the three candidates, James Miller, Robert Amador and George Schaefer, complied. This month, Christopher W. Todd, candidate for District 4, 2012 State Bar Board of Trustees Election, submitted his candidate statement, as follows. The Foothills Bar Association has a policy not to endorse candidates and is therefore providing this information as a service to our members not as an endorsement of any particular candidate.”



Candidate for District 4, 2012 State Bar Board of Trustees Election: Christopher W. Todd.

I have practiced for 25 years in San Diego with Wingert Grebing. I specialize in civil trial work. I address business, real estate, public contract, tort and insurance disputes. I am solidly committed to the profession. I seek election based on, and will promote the following objectives:

Access to Justice

The judicial branch must be open and accessible to all. Effective access can only be a reality if the courts are open to all citizens; not just the privileged. The bar must encourage and support low cost or pro bono services.

Protection of the Public

This is the core mission of the State bar. Administration of justice requires officers of the court with integrity and honesty. The public deserves consistent and vigilant oversight of the profession.

An Independent & Funded Judiciary

The courts must have a sustainable funding source to enable reliable and fair resolution of disputes, unfettered by staffing or logistical bottlenecks.

My leadership positions include:

- President, San Diego County Bar Association
- President, San Diego Defense Lawyers
- President, William L. Todd, Jr. Chapter, American Inns of Court
- Chair, Children at Risk Committee, Mock Trial Video program
- Vice President, San Diego County Bar Association
- Treasurer, San Diego County Bar Association
- Treasurer and Adult Advisor, San Diego Teen Court
- Treasurer, San Diego Defense Lawyers
- Trustee, First United Methodist Church of San Diego
- Director, San Diego Barristers Club
- Coordinator, Pro Bono Legal Services, 2003 & 2007 San Diego Wildfires

JUDICIAL CANDIDATES MAKE THEIR CASES FOR SUPERIOR COURT SEAT 25 AT FOOTHILLS BAR FORUM



By Miriam Raftery and Sierra Robinson, East County Magazine (www.eastcountymagazine.org).

Reprinted with permission.

May 24, 2012 (La Mesa) – They make life or death decisions. Superior Court judges may determine who goes to prison—and for how long. They hear civil lawsuits, juvenile and family court cases. Their decisions can bring victims closure or tear families apart—and their rulings may set long-lasting precedents.

Yesterday, three candidates vying for San Diego Superior Court Seat 25 presented their arguments why each contends he is the best qualified for the bench. The forum was presented by Foothills Bar Association at BJ's restaurant in La Mesa.

They bring diverse qualifications to the race. Robert Amador is a career prosecutor and San Diego Deputy District Attorney who now works as a liaison with law enforcement organizations. George Schaefer is a San Diego Deputy City Attorney who has previously worked as a D.A. and assistant public defender in other jurisdictions. Jim Miller, an attorney in El Cajon, has experience in civil and family law cases.

“We started this forum a couple of years ago because we realized that we had candidates for judges and nobody knew very much about them,” said moderator Mark Raftery with Foothills Bar Association. “One of these three candidates will be a judge and sit for many years.”

Though the race is nonpartisan, two candidates have sought out endorsements from political parties, as well as political leaders, judges, law enforcement and community leaders. The race is on the ballot county-wide; top two vote-getters will go on to a run-off in November unless one candidate secures over 50 percent of the votes.

The Paralegal Studies ABA approved program at Cuyamaca College is seeking a Worker's Compensation instructor for the Fall, 2012 semester. The class will be held on Wednesdays from 6:30-9:30 for 5 consecutive weeks starting 9/26 to 10/24. For more information contact Mary T. Sessom at mary.sessom@gcccd.edu.

Opening Statements

Robert Amador, “I have a very diverse background,” said Amador, who emphasized over 29 years experience as a prosecutor in the San Diego District Attorney’s office. He currently works as a Law Enforcement Liaison between the D.A.’s office and law enforcement. He has started programs to help law enforcement identify serious juvenile offenders, started a gang unit, and wrote a grant to start the Drug Endangered Children’s program.

He and his wife have raised four children here, including two foster children. “My oldest daughter died at 18,” he told the audience, adding that the tragedy has given him “empathy, as someone who suffered a loss.”

Amador has also worked as a trial attorney. “You need trial experience to understand the rules of evidence,” he said. “You don’t want to have to appeal a case because the judge didn’t know the rules of evidence...I have the maturity and experience to be a great Superior Court Judge.”

Schaefer told the audience, “What I stand for is equal justice under the law..We need equal access under the law, and we need competent judges.”

Schaefer also stressed his diverse background. As Deputy City Attorney, he has handled major civil cases, successfully defending the city in the federal Mt. Soledad cross case and the La Jolla Children’s Pool case. He’s served as both a District Attorney and Assistant Public Defender in other jurisdictions, gaining experience both defending and prosecuting criminal cases.

He also ran a private law practice for over 17 years. “I handled complex civil cases,” he said, citing a class action that went to the 9th Circuit Court of Appeals. Schaefer began his legal career representing indigent persons in Volunteers in Service to America (VISTA), including a case that went to the Alaska Supreme Court. “We need a judge who is ready to go in any division—criminal, family or civil,” he concluded.

Miller argued that our over-burdened court system needs more judges with civil and family law experience. “I’m the attorney who has not relied on the government for making a living,” he said, noting that judges must rotate among five different divisions.

“Over 90 percent of judges come from a government background,” said Miller, an attorney who has handled civil, criminal and family law cases. He is also certified as an arbitrator by the County Bar Association and serves as a Judge Pro Tem and County Hearing Officer. “I bring broad-based experience back to the courts,” he said, adding, “A public paycheck is not public service.”

He previously ran for judge in 2010 in a close contest, losing by 1.8 percent. He has stated that he will “rule on the law, not legislate from the bench.”

Foothills Bar Association seeks a chairperson for the Criminal Law Section. Responsibilities will involve locating and coordinating speakers for lunch time MCLE lecture programs on topics of interest and providing Section status reports to the Foothills Bar Association Board.

Interested attorneys should contact Carolyn Brock at carolyn@crbrocklaw.com, 619-741-0233.

Local Bar Ratings Raise Controversy

Of the three candidates, Miller is the only one rated as “lacking qualifications” by the San Diego County Bar Association (SDCBA), the county's largest professional legal association. Both Amador and Schaeffer were rated “well qualified.”

In opening remarks, Miller accused the organization of being politically motivated.

“I’ve been unable to find where a private lawyer who is a Republican got anything other than ‘not qualified,’” Miller said, accusing the Bar of “gamesmanship.”

But his opponents disputed that view.

“I thought it was fair,” Amador said of the Bar’s intensive screening process. “I had an hour interview and they still rated me well qualified—and I am a Republican.

Schaefer, a Democrat, also said he felt the process was “very fair...The references that I listed, attorneys and judges, were contacted. My political affiliation never came up. I just don’t think there’s a basis for that.”

According to the San Diego Daily Transcript, The SDCBA's Judicial Elections Evaluation (JEEC) Committee evaluates candidates’ qualifications to serve as judicial officers based on factors that include judicial temperament, intellect and ability, knowledge of the law, trial experience and professional reputation. In addition to a candidate questionnaire, a JEEC subcommittee investigation includes sending confidential questions to legal community members regarding candidates. The subcommittees interview candidates and vote on ratings which the full SDCBA board may accept or deny. Each candidate has a right to appeal a negative rating before it becomes public. For more details, see the SDCBA's judicial candidate's packet.

ANSWERING AUDIENCE QUESTIONS

The first question asked each candidate to name one trait that most qualifies them to become a judge.

“I have both experience and youth,” said Miller, who said he aspires to have a positive impact on the community for 20 -25 years. He also emphasized is broad experience.

Schaefer said colleagues have told him that “I am a good listener and a hard worker.” He emphasized that he has also handled 125 appeals. “Those are good skills for a judge,” he said. “Be open-minded and fair...be hard working and do the legal research.”

Amador cited “the way I treat people” as his most important strength. “I have in my entire career treated defendants, staff, and other attorneys with a high level of respect.”

The next question asked candidates the most important case on which they’ve worked.

Amador cited a death penalty case as the most challenging of his career, involving over 20,000 pages of discovery and more than 150 witnesses. “I had to try it two times,” he said, recalling the difficulty in convincing a key witness to testify. “It was one of the most sobering, maturing moments of my life,” he said of the verdict: guilty. “Legally, morally and personally, it was the most important case.”

“The most important to me personally was when I was a young lawyer and my business partner, my best friend, died in my arms in the Baja desert...He bled out in an off-road vehicle accident,” said Miller, who defended the estate against a challenge to a holographic will.

Schaeffer recalled his appointment by a court to represent a mother with a drug problem who faced losing her child. "I was able to get her into treatment and in the end, she was able to keep her daughter," he said.

An audience member asked how many cases each candidate has tried before a judge or jury.

Miller said he has tried only five jury trials, but has also tried 75 to 100 bench trials before a judge, primarily in family and civil cases.

Schaefer has handled 112 jury trials and hundreds of bench trials.

Amador's career includes trying over 100 jury trials and 250 court trials; he has appeared in thousands of criminal cases.

Another question asked candidates which endorsement they are most proud to claim.

Amador replied, "The Lawyer's Club," referring to an organization that champions the advancement of women in the law and society. He recalled an era in the D.A.'s office when it was not friendly to women or minorities – a sharp contrast to today, with D.A. Bonnie Dumanis. Amador is also endorsed by 82 current and retired judges, numerous Deputy District Attorneys, Sheriff William Gore, Mayor Jerry Sanders, San Diego Police Officers Association and D.A. Bonnie Dumanis.

Schaefer is also supported by the Lawyers' Club, but said he's most proud of the San Diego Firefighters endorsement. "They know my work. I was President of the Deputy D.A.'s association, working with firefighters on important issues." He cites as his most important individual endorsement City Attorney Jan Goldsmith, a Republican. Schaefer is also endorsed by the San Diego County Democratic Party, the Deputy City Attorneys Association, two judges, former San Diego City Attorney Mike Aguirre, San Diego-Imperial Counties Labor Council, Congressman Bob Filner, and Assemblyman Marty Block.

Miller said he considers endorsements by citizens to be his most important support. "Over 440,000 people cast their votes for me in 2010." Other endorsements for Miller include the

The East County Law Library is sponsoring MCLE lectures:

June 5th: FREE 1 hour MCLE: Post Conviction Relief: How to Expunge a Criminal Record

12:00 - 1:00 pm | East County Law Library

Speaker: Susan Clemens, Deputy Public Defender

Register online: <http://criminalrecord2012june5.eventbrite.com/>

June 19th: \$10 - 1 hour MCLE: Justice and Science: Trials and Triumphs of DNA Evidence

12:00 - 1:00 pm | East County Law Library

Speaker: Judge George Clarke, San Diego Superior Court Judge

Register online: <http://dnaevidence2012june19.eventbrite.com/>

For additional information, please contact Benita Ghura, Reference Librarian, San Diego County Public Law Library, East County Branch, at (619) 441-4451 or bghura@sdcppl.org.

California Republican Party, San Diego County Republican Party, the Lincoln Club of San Diego, six judges, numerous attorneys, and politicians including State Senator Joel Anderson and Assemblyman Brian Jones.

Youth vs. Experience: Amador was asked why he decided late in his career to become a judge.

“I think people who become judges at Mr. Miller’s age are too young,” Amador replied, adding that he has met his goals including handling a death penalty case and is ready for new challenges as a judge serving the community. “I have the experience and maturity,” he said, adding that he’s seen “people on the bench with grey hair who had wisdom and experience.”

Miller maintained that his youth is an asset, since he can serve for many years on the bench.

Schaeffer noted that he ran for judge back in 1996, missing a runoff by just 15 votes. After reminding the audience that every vote counts, he added, “I’ve wanted to be a judge for a long time. Just as we do not have age discrimination in the private sector, I don’t think we should have it for judges.”

An audience member asked candidates to name their biggest mistake, and what they learned from it.

Miller recalled losing an early civil case due to jury selection. “The lawyer opposing me was outstanding...how she handled each juror to draw out a response,” he said. “Since then I have followed her lead.”

Schaeffer regretted not seeking a plea bargain for a young man accused of conspiracy to sell cocaine to a famous basketball player. “It went to trial and with mandatory sentencing, he was sent to prison for 20 years. ...I believe he could have been completely rehabilitated. People who committed violent crimes, homicides, are getting less time,” he said.

Amador said that in 1984, he took for granted that a jury would accept the evidence in a battery case. “The jury just didn’t care,” he said. “You have to give a jury a reason to care...it taught me a lot for the future.”

Candidates were asked what they enjoy doing when off the bench.

Schaefer said he likes to travel. “I love experiencing different cultures...I try to learn as much as possible about different people and different places.”

Miller said he spends free time with his wife and children, including his youngest, a four-year-old daughter. He also enjoys “giving back to the community,” including serving on the foundation of a nonprofit.

Amador stated that he has taught police officers about the 4th, 5th and 6th Amendment. “I intend to teach at law schools and colleges soon,” he added.

Closing Statements

Miller reminded the audience of the judiciary branch’s importance to provide checks and balances against other branches of the government. “We have to focus more on our judges,” he said. “If they have never handled family or business litigation cases, do you want a judge learning on the bench, or one who learned in private practice? Being a great prosecutor or a great lawyer does not necessarily translate into being a great judge.”

He noted that a judge must be neutral and hear both sides, something he has experience in as an arbitrator. He also pointed out that the same Bar Association that listed him as not qualified to be a judge “finds me more than qualified to hear their arbitrations.”

Amador emphasized that he’s been a Deputy D.A. for many years. “I’ve tried a lot of cases and I’ve worked hard my whole life,” he said. He pointed out that judges are provided with mentor judges to help them learn areas of the law where they lack expertise, noting that all candidates in the race have both areas of expertise and areas of law yet to learn.

“I have judgment and I am rated ‘well qualified’ by the Bar. I will make a very good Superior Court Judge.” A good judge should “take a look at the big picture and have life experience. Bonnie Dumanis, my boss, has said ‘Bob, do the right thing,’” Amador concluded, and that’s what I’ve done.”

Schaeffer said it’s important to place trust in our judges. “I know I can do the job and be fair and impartial.” He added that the Bar Association rating is “very important,” adding, “The Bar Association talked to a lot of people who determine who is qualified.”

He summed up, “I know I’m well qualified and I want the job...My slogan is ‘You are safer with Schafer’ and I need your support.”

On Tuesday, June 5, voters will issue their final verdict at the polls.

Foothills Bar Association 50th Anniversary Celebration will be held in January of 2013. We are looking for old photographs and memories for the event. If you have a funny story, a photograph, etc. that you would like to share, please contact Carolyn R. Brock at carolyn@crbrocklaw.com. In particular we are looking for photographs or quotes from the past board members/ presidents. If you are a past president and would like to submit a photograph (rather than letting us find one on our own) please send it to me at the e-mail address given.

Thank you!

2012 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

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MEMBERSHIP	Chair: Bradley Schuber
ADDRESS CHANGES	Bradley Schuber bschuber@a-k.com 619-589-8800.

SUBMISSIONS

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at cs@debtsd.com.

ADDRESS CHANGES

Send change of address or telephone number to Bradley Schuber at 619-589-8800.

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**FOOTHILLS BAR ASSOCIATION
OF SAN DIEGO COUNTY**
Service, Professionalism, Collegiality

THE CIVIL LITIGATION SECTION OF
THE FOOTHILLS BAR ASSOCIATION PRESENTS:

“Forensic Document Examination Issues in Litigation”

Speaker:

Sandra L. Homewood, Forensic Document Examiner

1.0 MCLE CREDIT

**Tuesday, June 12, 2012 – Noon to 1:15 p.m.
BJ’s Restaurant, Grossmont Center, La Mesa**

The seminar is free to members of the FBA and \$10.00 for nonmembers. The cost of your lunch will be whatever you choose from BJ’s menu, although you are not obligated to order lunch. Walk in registrants will be accommodated as space allows.

This activity has been approved for 1.0 hour of MCLE general credit by the State Bar of California. The FBA certifies this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing mandatory minimum continuing legal education.

Mark Raftery and Cheryl Stengel, Co-Chairs

Registration for the Seminar on June 12, 2012

Name _____ Persons Attending _____

Telephone _____

Fax registration to Mark Raftery at (858) 527-1531 or email to mraftery@epsten.com by June 11, 2012