

FOOTHILLS BAR ASSOCIATION

Foothills Bar Association, P.O. Box 1077, El Cajon, CA 92022
www.FoothillsBar.org FoothillsBarAssociation@gmail.com

S. MICHAEL LOVE and SANDRA L. MAYBERRY HONORED AS 2011 BEST ATTORNEYS AS PUBLISHED IN THE APRIL SAN DIEGO MAGAZINE

By Stan Bacinet

Long time Foothills Bar Association members S. MICHAEL LOVE and SANDRA L. MAYBERRY were peer nominated and peer voted by BEST ATTORNEYS as some of San Diego's Best Attorneys in Family Law for 2011.

The two top attorneys were honored in the April 2011 issue of San Diego Magazine.

Mr. Love was the past president of the Foothills Bar Association in 1977. Based upon my calculations, Ms. Mayberry was in the 4th grade during Mr. Love's term as our president.

Both Mr. Love and Ms. Mayberry have been presenters for our Bar Association in relation to all types of family law issues over the years. They have both been active in the Foothills Bar Association and an asset to our association and its members.

Most recently, Ms. Mayberry presented *Motion Practice After Elkins* this past month for the San Diego Family Law Specialist Seminar. Both Mr. Love and Ms. Mayberry are shining examples of our bar association's motto of Service, Professionalism, and Collegiality.

Check Your E-mail for Attorney Profile Update April 25, 2011

By Jennifer Hughes

KimMarie Staron sent an individual email to each member of the Association on April 25, 2011, advising them how to access the "Members Only" portion of the site and create their online Attorney Profile.

If you did not receive the e-mail, please first check your spam filter. If you *still* didn't receive it, chances are that we don't have your current e-mail address. To get on the FBA e-mail lists (or if your e-mail address changes), please e-mail KimMarie at kstaron@lawinsandiego.com, Heather Milligan at hmilligan@mclex.com, and me, Jennifer Hughes, at

INSIDE THIS ISSUE

FBA Attorneys Honored as San Diego's Best	1
Creating Your Attorney Profile—Check E-mail	1
The Red Onion	2
Foothills Bar Association Calendar of Events	3
Civil Litigation: Next CLE	4
Civil Litigation Section: Recap of Last CLE	4
Family Law Update	5
Appraisal Terms	6
Advertising Rates	7
Family Law Pro Tem Judges	7

Again, congratulations to S. MICHAEL LOVE and SANDRA L. MAYBERRY from the Foothills Bar Association. Cheers! ♦



*CHECK E-MAIL FOR APRIL
25, 2011 INSTRUCTIONS
ON ATTORNEY PROFILE
FOR FBA WEBSITE!*

JLHughesEsq@gmail.com. KimMarie updates and manages the website, Heather is in charge of EventBrite, and I am sending out the newsletter.

Excerpt: To create a biography, please go to:
<http://foothillsbar.org/membership/directory-submission/>.
The login information you need to access this section of the website is in the April 25, 2011 e-mail.

You will want to draft your biography before completing the form. You can then fill out the form and click Submit. Your updated profile will appear within a week. ♦

New Section: The Red Onion

A Hyperbolic Taste of Irreverent Satire

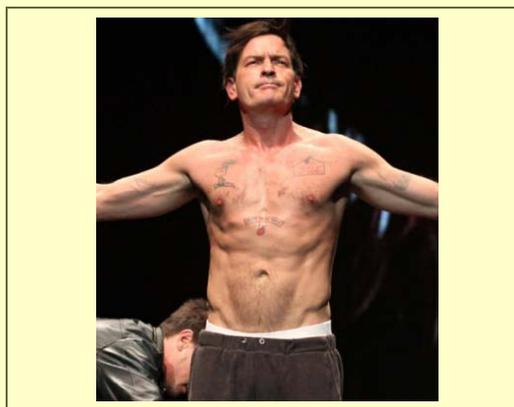
By Jennifer Hughes

All That Sheens Is Not Splendid

For those of you who follow pop culture, even as a guilty or self-loathing pleasure, you already know that Charlie Sheen has taken his drunken ramblings to the radio. To be sure, many of us can look back on unpleasant times in our lives or undesirable results, but to look back and call it “winning” seems to be the new American way, a la Sheen. No one could encapsulate the notion better than Sheen himself: “I’m tired of pretending I’m not a [expletive] [edited] rockstar [censored] from Mars.”

The last time Charlie Sheen was allowed out of the management cage circa 1997, he embarrassed his handlers by telling the press, “You guys don’t want to know about this stuff. You just want to know about the [illegal substances] and the [highly regarded escorts].” His PR team went to work with the proverbial mop up, releasing a statement that Sheen’s issues with ladies of the night resulted as an irresistible impulse following a reasonable misunderstanding of co-star Jon Cryer’s suggestion that they “play hooky” for a day, and attributed subsequent disingenuousness surrounding the incident to Sheen’s lack of legal savvy which lead him to believe that “lie ability” was a good thing.

Heidi Fleiss was quoted as saying that “Sheen is a perfect gentleman, and insisted on paying me for things he would have been willing to do for free.” (After consulting with her lawyer, Fleiss revised her statement to indicate that the money paid was a gift and not contingent upon any meretricious consideration. After consulting the editor of her memoirs, she reverted to the original statement quoted here.)



A Triumph by Any Other Name

Holland Taylor, who plays the mother of Jon Cryer and Charlie Sheen in the sitcom, “Two and a Half Men” defended Sheen as well, labeling Sheen “cordial and polite.” Sheen’s voice boomed over his new manager’s protests that Sheen had no comment, shouting that he really appreciated the statement, especially since Taylor is “way too old to hit on.”

Sheen is in the process of writing an autobiography entitled “Rockstar”, and has applied for trademark protection for the word. His lawyers are suing PepsiCo for an injunction of the use of the word “Rockstar” in the Rockstar super-caffeinated energy drink. Says Sheen (who intends to change the standard of law, as well as facilitate a degree of adjustment to the notion of common sense), “They might have had the name first, but I embody the concept better than any human or drink alive: I am the quintessential rockstar, and that means I should be the only one entitled to use the word.” (While Sheen’s lawyers seemed nervous, clearly having their work cut out for them, they were notably proud at his use of the word, “quintessential.”) Negotiations are ongoing for a compromise which might enable Sheen to endorse the drink for a large profit margin, so Rockstar can continue to be, well, Rockstar.

When Sheen learned he had made the Guinness Book of World Records for world’s largest ego, he said he was honored and humbled by the recognition. ♦

FOOTHILLS BAR ASSOCIATION CALENDAR OF EVENTS

Contributions by Carolyn Brock, Cheryl Stengel and Kimberly Kirkpatrick

CIVIL LITIGATION SECTION

Save the Date in May: WRITING FOR THE BENCH
TUESDAY, MAY 17, 2011
 12:00 pm - 1:00 pm
 BJ's RESTAURANT
 5500 Grossmont Cntr Dr, La Mesa, CA 91941
 Writing for the Trial Court
 Speaker: Randy Christenson

Save the Date in May: Law Day May 6
 Law Day—Free Legal Clinic
 Friday May 6, 2011 9:00 a.m.--4:00 p.m.
 Law Library
 East County Regional Center, 1st Floor
 250 E. Main Street, El Cajon, CA 92020
VOLUNTEERS NEEDED! E-mail
Carolyn@crbrocklaw.com to volunteer



ESTATE PLANNING SECTION

May 12, 2011 Joel S. Weissler, Esq. Topic: Asset Protection with the use of Domestic Asset Protection Trusts. The meeting will be held at Nancy Ewin's office 8166 La Mesa Blvd., La Mesa, CA

Save the Date in June (same time and venue):
 June 9, 2011 Daryl Golemb, CPA Topic: Value billing

FAMILY LAW SECTION

Family Law Brown Bag seminar on Tuesday, May 17, 2011 at noon East County Courthouse Department 7

Detective Jim Troussel of the SDPD Identity Theft Task Force will be speaking to us regarding what we as attorneys should be doing to protect our clients and ourselves from identity theft, credit card fraud, banking fraud, e-mail scams and other financial crimes.

MAY 2011 CALENDAR

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6 LAW DAY	7
8	9	10	11	12 EP CLE: Asset Protection	13	14
15	16 Board of Directors meets on Monday this month 4:45 p.m.	17 Civ Lit CLE Writing for the Bench Family Law CLE: Identity Theft	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Civil Litigation Section CLE: Up Next “Writing for the Trial Court: What Judges Want”

with speaker Randall Christison, Esq.
by Cheryl Stengel

On Tuesday, May 17, 2011, the Civil Litigation Section will present “Writing for the Trial Court: What Judges Want” with speaker Randall Christison, Esq. from 12:00 noon to 1:15 p.m. at BJ's Restaurant in Grossmont Center in La Mesa.

Mr. Christison practices in San Diego, with an emphasis on litigation and the mentoring of lawyers. He also consults with law firms through Wolf Management Consultants, where he concentrates on the professional development of lawyers. He is an experienced lawyer, litigator, teacher, curriculum designer, and legal writer, and has held an AV rating since 1986. In addition to his extensive trial and appellate experience, Mr. Christison serves as a Superior Court Judge Pro Tem, mediator and arbitrator, having heard hundreds of cases. Before establishing his current law offices, he was the chief of litigation with a mid-sized San Diego law firm, and a senior litigator and manager with the Attorney General of California, heading up the San Diego natural resources and torts sections. In 2000, he was named Counsel to the Attorney General to establish and manage a professional development program for that 1,100-lawyer office.

Litigating the Personal Injury Case—CLE Recap

By Cheryl Stengel

At the Civil Litigation section’s April 2011 lunch program, speaker George De la Flor, Esq., gave an excellent presentation on “Litigating the Personal Injury Case” to approximately 18 attorneys and staff at The Brigantine Restaurant in La Mesa.

Mr. De la Flor is an experienced trial attorney with more than 27 years in legal practice. His practice includes personal injury and tort litigation, labor and employment law and business law. He gave an informative and entertaining overview of personal injury litigation from the plaintiff’s perspective from initial case evaluation through trial. Mr. De la Flor discussed methods for determining the case strengths, weaknesses and themes, factual development, discovery suggestions, medical records and other evidentiary issues. A major portion of the program focused on trial, from voir dire through closing argument. Mr. De la Flor offered many suggestions for anticipating and responding to defense counter-arguments, utilizing and attacking expert witness testimony and the most effective order for presentation of

The cost of buffet lunch (pizza, salad and drink) will be \$17.00 if more than 19 people attend. If fewer than 19 people attend, then the cost of lunch will be whatever you choose. The seminar is free to members of the FBA and \$10.00 for nonmembers.

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.

If you have any suggestions for speakers or upcoming meetings, please contact section co-chairs, Mark Raftery at mraftery@epsten.com or Cheryl Stengel at cs@debtbsd.com.



evidence and your witnesses. He discussed methods for “connecting” with the jury and the effectiveness of appealing to certain emotions, such as honesty and public safety.

Next, on May 17, 2011, the Civil Litigation section will welcome speaker Randy Christison, Esq. to discuss “Writing for the Trial Court” from 12:00 noon to 1:15 p.m. at BJ's Restaurant in Grossmont Center in La Mesa.



*UPDATE FROM THE CIVIL
LITIGATION SECTION OF THE FBA*

Family Law Section Report

By Family Law Section co-chair Kimberly Kirkpatrick

As attorneys we are so accustomed to seeing one another in court, at Bar functions and other professional functions that it is easy to forget that we all have talents other than arguing. . .

On a recent visit to a local store to grab the essential box of M&Ms before movie night, I ran into a certain esteemed president of our association. Seeing several dozen eggs in his shopping cart I guessed that he was headed home to color Easter eggs. Nope. Turns out that our president is quite the baseball coach; if you put an egg in each of your players hands and have them slide into base, they learn not to break their slide and risk a fractured wrist or arm. My eleven-year old daughter, having witnessed more than one classmate in a cast, remarked that was a genius idea. Thanks Stan, and all the other FBA members who are out there making a difference for our kids!

On to the news of the Family Law Section. . .

On April 19, 2011, the Family Law Section welcomed a panel of speakers to discuss with our group the issues relating to supervised visitation. The Honorable Katherine Bacal graciously shared her lunch break with us and offered valuable insight and advice to all in attendance.

For those of you who do not practice Family Law, “supervised visitation” refers to an order of the court that requires that there must be a third party present during a parent’s visitation with the child. The third party, called a visitation monitor or visitation supervisor, can be a professional or a friend or family member, depending on the order of the court or the agreement of the parents.

Among professional visitation monitors, there are facility-based monitors and “field monitors.” Parents who utilize the services of a monitoring facility travel to the facility and the visitation takes place within the facility. Field monitors travel to the parent and accompany the parent on the visitation.

We had our very own Carloyn Kirner, Attorney at Law and FBA member speak from the perspective of a “field monitor.” From Ms. Kirner’s perspective, attorneys best serve their clients when they request specific, detailed scheduled days and hours for visitation. Without a very specific order, Ms. Kirner reports that the parties spend more time arguing over what the schedule is going to be than they do visiting with the children.

The family, that dear octopus from whose tentacles we never quite escape, nor in our innermost hearts never quite wish to.

-Dodie Smith

On the other hand, the facility-based monitors prefer a more flexible order, such as one that provides for up to a specified number of hours of visitation. This allows the facility to fit the visitations into what is generally a very crowded calendar. Susan Griffin, the director of Hannah’s House, a well-known and respected multi-service facility, added that an order of “up to” a given number of hours allows the parent the flexibility to visit more or less often as their budget dictates. Unfortunately, the cost of the monitoring is a significant challenge for most families.

On a related note, when discussing the importance of a safety plan for all monitors and facilities, Ms. Griffin stated that Hannah’s House does provide visitation monitoring outside of the facility so long as private transportation is not used. From Hannah’s House a variety of outings are within walking distance, others within a short cab ride; something this writer was not aware was an option at that facility.

Our panel also discussed the current state of monitoring, the rules governing monitors, the roles of monitors in the legal process and efforts underway to bring greater clarity and consistency to this role.

Bobbi Jones Richards, of the Families Network of San Diego County, discussed California Rules of Court Standard 5.20 which sets forth the uniform standards of practice for visitation monitors. Ms. Jones-Richards also discussed current efforts to standardize the practice and move towards ensuring that all visitation monitors have adequate training and are properly complying with the rules of court.

Judge Bacal expressed that attorneys seeking an order of supervised visitation might best serve their clients by having a facility or field monitor pre-selected and pre-screened to ensure that the desired days and times for visitation were available before appearing at the hearing in the matter.

We also touched on the Family Wizard web program which provides a type of “supervised” communication. The program allows for monitoring of e-mails and other communications between parents. Anyone wanting more information on Family Wizard can e-mail kimberlykirkpatrick04@yahoo.com and I will forward one of the attorney kits the website provided for the seminar.

See you next month on May 17 at noon in Department 7 for a seminar with Detective Jim Troussel of the SDPD Identity Theft Task Force on how to protect ourselves and our clients from identity theft, credit card fraud and e-mail scams.

Appraisal Terms

By Randall Schlake, Certified Appraiser

The following is a partial list of terms used by Appraisers. We all have our specialized language; we spend many years learning and perfecting the language of our professions.

Adjustment: Adjustments are made to sales price of each of the properties being compared to the subject property; to create a correlation with regards to room count, square footage, age, location, construction quality, living area, neighborhoods and other amenities.

“Comp” or Comparable: Recently sold nearby properties like the subject that can be used to determine an estimate of value for the subject property.

Depreciation: A property’s loss of utility and value from any cause such as deterioration and/or obsolescence. Deterioration is physical wear and tear, decay, dry rot, structural problems, etc. Obsolescence can be divided into two parts, functional or economic.

Functional is a loss of value from such occurrences as: defects, deficiencies, i.e. only one bath when all other properties have two baths, or superadequacies such as a pool because total cost to construct could not be recovered in the marketplace or additions to living space that make a property an over improvement.

Economic, or external or locational obsolescence is a loss of value from factors external to the property, i.e. backing to Interstates 5 or 8 or siding to a commercial area.

Direct Sales Comparison Approach: Approach which is based on the proposition that an informed buyer would pay no more for a property than the cost of acquiring an existing property with the same utility. It requires an active market which provides sufficient quantities of reliable data which can be verified. Not reliable in an inactive market or in estimating the value of properties for which no real comparable sales data is available.

Drive-by: Before the real estate bubble burst, this used to be a very common type of appraisal—an appraisal from which an estimate of value was determined by observing a property from the street only. With all of the new rules being passed down from on high, this will probably never be used for lending purposes again.

Gross living area: This is often computed by using exterior wall measurements. It includes all above grade floor area, including closets and stairways. Income Approach to value: evaluation of a property by converting anticipated benefits in dollars or amenities which are received from the ownership of a property into a value estimate. Capitalization process is used to determine present worth of anticipated future income and/or reversions by discounting to present worth.

Market value: At one time this was called “fair market value” but there was some question as to what was “fair”. It is the Appraiser’s opinion of value as determined by the appraisal report. It is the estimated value usually as of date of physical inspection but as many of you are familiar with, it could also be a retrospective date of value. Type of market value must be stated within the appraisal.

MLS: The Multiple Listing Service is a proprietary compilation of all listings of all properties on the market in a given area. The categories are as follows: active, contingent, pending, sold, rented, expired, withdrawn and cancelled. Primarily used by real estate agents. Agents must be members of four Associations of Realtors in San Diego County: East County Association of Realtors, North County San Diego Association of Realtors, Pacific Southwest Association of Realtors and San Diego Association of Realtors. ♦

You can reach Mr. Schlake by calling him at 619-461-4203 (Office), 619-405-8224 (Cell), or e-mail him at rschlake@cox.net. Check can also out his website at: <http://www.hrsappraisal.com/>

Change is the law of life. And those who look only to the past or present are certain to miss the future.

- John F. Kennedy



FBA NEWSLETTER PRODUCTION

Editor in Chief, Design & Layout:
Jennifer L. Hughes, Esq.

SUBMISSIONS

The FBA welcomes your submissions. Send articles, letters, flyers, notices and non-advertising submissions to Jennifer L. Hughes, Esq., at jlhughesesq@aol.com.

ADDRESS CHANGES

Send change of address and other contact information to Stanley J. Bacinett, Esq., at sjb@bacinettlaw.com.

ADVERTISING RATES

Business Card Size:
\$25.00 per issue
\$125.00 for 6 issues
\$250.00 for one year
(includes publication in annual attorney directory)
Issue Sponsorship: (Half page)
\$250.00 per issues

Send your advertisement to Keith A. Jones, Esq., at kjones9001@gmail.com for approval. Once approved, you will receive payment and other instructions. All payments will be made to the "Foothills Bar Association."



May 2011 Tentative Schedule--Family Law Settlement Pro Tem Judges

May 4

Thomas Marshall, Timothy McDermott, J.R. Givens, Gary Glauser

May 11

Steve Merker, Anthony Starks, Glen Honig

May 18

No Sets

May 25

Kindra Willey, John McCabe, Anthony Starks, Anthony Beccarelli



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

E-Mail:
FoothillsBarAssociation@
gmail.com

*Service, Professionalism,
Collegiality*

We're on the Web!

Visit us at:
www.FoothillsBar.org

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

