

# NEWSLETTER

## Give Back to the Community

### Participate in the Law Day Free Legal Clinic

*By Carolyn Brock*

Every year our nation celebrates Law Day on May 1. This year the ABA has announced that the theme of National Law Day is “No Courts, No Justice, No Freedom” to emphasize the importance of our courts and the serious funding shortages that are endangering their ability to provide access to justice for all of our people. In keeping with this theme, we will be holding a Free Legal Clinic co-sponsored by the East County Branch of the San Diego County Public Law Library and the Foothills Bar Association of San Diego County on April 30, 2012 from 10:00 a.m. to 1:00 p.m.

During this event, attorneys can volunteer their time to help members of the community with their legal issues -- some of whom have little resources or knowledge about the legal system.

Some attorneys have questions about the type of services or extent of the services they are being asked to provide to the community. For this reason, I am re-printing a portion of the “in-take sheet” that the community member participants review and sign prior to communicating with the attorney volunteers:

“This is a non-profit event, and the attorneys in this program are not here to accept you as a new client, nor will they be responsible for drafting any type of legal documents on your behalf.

We will try to have you meet with a volunteer attorney who is most familiar with your legal issue, but he or she may have only a basic understanding and no practical experience with your particular matter. The volunteer attorney may provide you with background on your legal issue, help you identify what you might do to address that issue, and

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\$25.00 for one month  
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Issue Sponsorship (one-half page ad):  
\$250.00 per issue  
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refer you to specific resources or other services which can further discuss that issue with you. The information and documents you disclose to the volunteer attorney will be kept confidential and will be protected by the attorney-client privilege, notwithstanding the fact that you have not retained the volunteer attorney.

Attorney volunteers will help individuals distinguish between legal problems and non-legal problems, and direct them to various resources. Attorney volunteers will not be expected to provide substantial legal advice. We are seeking attorney volunteers for the following practice areas: The Clinic is limited to providing general information and advice and does not provide legal representation or create an attorney client relationship. You should retain legal counsel to advise you of your rights and obligations once you have met with a volunteer attorney or to undertake any legal representation.

You are asked to sign and date this statement to ensure you understand its contents. If you have any questions or concerns, please discuss them immediately with your volunteer attorney.”

I hope you will consider volunteering an hour or two of your time to share your valuable legal expertise with the community.

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## HISTORY OF LAW DAY

**1958** President Dwight D. Eisenhower establishes the first Law Day

**1961** Congress issues a joint resolution designating May 1 as the official date for celebrating Law Day. This is subsequently codified (U.S. Code, Title 36, Section 113)

### Upcoming Events Calendar

**April 17th**

Family Law Section

12:00 pm – 1:15 pm

East County Court, Dept. 6

Topic: Crossover Issues Between  
Bankruptcy and Family Law

Speakers: Drew Lyman, Esq

# Civil Litigation Section Update

By *Mark Raftery*

On March 21, 2012, Judges Eddie Sturgeon and Joel Wohlfeil spoke to nearly two dozen attorneys and paralegals in La Mesa and provided their "Tips From the Bench" including how they each deal with jury selection, trial practice, and evidentiary objections. Each of these judges has a civil department (Departments 14 and 15, respectively) in El Cajon and manage between 750 - 800 cases. In contrast, the typical civil department in downtown San Diego has between 500 - 600 cases. Despite their extremely busy departments, both Judge Sturgeon and Judge Sturgeon are timely getting their cases to trial and trial continuances are few and brief.

Judge Sturgeon provided an update on the new Electronic Imaging Program in El Cajon which will ultimately allow attorneys to review all pleadings filed in civil cases after January 1, 2012 from the convenience of their offices. He hopes the Superior Court in El Cajon will be able to implement a voluntary electronic filing system for civil cases filed after July 1, 2012 that would be similar to how construction defects cases are handled in Departments 62 and 63 in downtown San Diego where all documents are filed with the court and served on counsel electronically.

Judges Sturgeon and Wohlfeil also provided their candid comments on the challenges each of them face in applying the holding in the California Supreme Court's 2011 decision in *Howell v. Hamilton Meats*.

## Pro Tem Schedule

April 2012

Date	Temporary Judge
April 4	Cynthia Baker
	Steve Merker
	Catherine Tancredi
	Marilyn Bierer
April 11	Judi Sanzo
	Timothy McDermott
	Robert Lesh
April 18	Charles Schmidt
	Michelle Sullivan
	Connie Zimmerman
	Scott Finkbeiner
April 25	John Tannenberg
	Marilyn Bierer
	Richard Renkin

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](mailto:mary.sessom@gcccd.edu).

# FBA Board Welcomes New Member

Mr. Bradley A. Schuber is a construction defect attorney with the law firm of Anderson & Kriger and specializes in helping homeowners resolve construction disputes with builders, developers, converters, trade contractors, and material suppliers.

Originally born and raised in Chicago, Illinois, Mr. Schuber grew up working in his family's construction business, where he performed and/or managed various construction trades; and as a result, has extensive knowledge of customary building practices and construction methodology.

Having graduated from New York Law School in 1999, he holds licenses to practice law in both California and New York. Mr. Schuber is also married to his lovely wife, Barbara, and they are the proud parents of their 18 month old daughter Annalise.




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## Managing Anger Management

*By Keith A. Jones, Esq.*

Classes are available for a seemingly unlimited number of educational purposes. For example, time management classes teach attendees to use their time more effectively. Using time effectively allows them prioritize tasks and activities, promote efficiency, increase productivity, and minimize wasting time. After all, who wouldn't want to use his or her time more effectively?

And who couldn't use anger more effectively, too? Isn't that the purpose of anger management classes? To learn how to use anger more effectively? To prioritize

### Pro Tem Schedule

May 2012

Date	Temporary Judge
	Tara Grabarczyk
May 2	Robert Garland
May 9	Marilyn Bierer
May 16	Catherine Tancredi
	Thomas Bucheneau
	William Blatchley
	William Benjamin
May 23	Judi Sanzo
	Leigh Gaylon
May 30	

anger, to increase it, and to minimize wasting it?

Maybe you think I write this in jest, but the actions of an angry student in an anger management class has prompted legal action by an injured classmate in Washington. The court had ordered both students to attend court-supervised anger management classes. Rules stated that tardy students were to be barred admittance. Missing classes also meant that the barred student could be dismissed from the anger management program and face reinstatement of criminal charges.

Despite these rules, the instructor allowed a tardy student to stay in class. However, the lawsuit does not concern unfair application of the tardiness rule. Instead, it relates to the tardy student who began to loudly criticize the instructor's choice of a video, to wit, a "Dr. Phil" program.

Another classmate defended the instructor's selection of instructional materials and asked the late arriving student to "give it a chance." Angered by the seemingly harmless request, the tardy student pulled out a knife and swung it at the classmate at least four times.

The innocent classmate ducked to avoid the blade, but she suffered stab wounds to her shoulder. The instructor led the perpetrator out of the class after the attack, but did nothing to intervene or offer assistance. The injured classmate

remained for the balance of the class before seeking medical treatment. She feared that, if she left early, she would be dismissed and face prosecution for an outstanding malicious mischief charge that led to her assignment to the class. Police charged the aggressive student with second degree assault.

The innocent classmate's attorney contends in the civil lawsuit that the injuries resulted from the court services' lack of security policies or procedures to protect the students from one another. The attorney reasons that the court services should have taken precautions to prevent anger-challenged students who have been ordered by the court to attend the anger management classes from bringing deadly weapons to class.

Future legal jousting will ultimately lead to a resolution of both the criminal and civil actions, for better or for worse. And perhaps court services will watch another "Dr. Phil" rerun to learn how to prevent future students from practicing their anger skills on each other.

# 2012 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

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### SUBMISSIONS

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

### ADDRESS CHANGES

Send change of address or telephone number to Stanley Bacinett at 619-667-4000.

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