

# NEWSLETTER

## A SAD GOODBYE TO ED BRIEN, ESQ.

By Bud Klueck, CFLS

A warm smile will be missing from the El Cajon Courthouse working environment from now on. Our friend, Ed Brien, passed away earlier this fall.

That warm smile has been around the East County legal community for a long time. Ed established his practice in Santee in 1971. Our firm had our office in Santee for about 12 years (1990-2002). During most of that time, there were only four attorneys in Santee.

When the four of us annually found ourselves at the East County Lawyers Club Judge's Reception each December, we would always have our picture taken as the "Santee Bar Association." Ed always seemed to get a kick out of that.

During his more than 40 years of practice, Ed appeared to be always warm, always collegial, and always professional. Family law was part of Ed's practice for the full 40-plus years.

Besides his warmth, what I knew most about Ed was his involvement with the Volunteers in Parole (VIP) program which assists prison inmates reintroduction into society after having

served their time. Ed was a serious Christian man and took seriously Christ's urging us that part of our Christian duty was to visit our brothers and sisters in prison. Our culture's failure to properly reintroduce prisoners back into society contributes to the social chaos which causes us all to suffer.

Ed was a true altruist. His first career was as a teacher of the blind. His Bachelor and Masters degrees were in Special Education for the blind and Ed taught Braille lessons for 17 years for the South Bay Union School District. Ed taught other people to be teachers of Braille

at SDSU and UCSD. He was always one of the first to volunteer to participate in the Law Day Free Legal Clinic and he genuinely enjoyed the opportunity to contribute and help others.

Ed continued to practice into early this year, 2012, before that damn cancer brought him down. We will miss his warmth; we will miss his collegiality; we will miss Ed.

### Upcoming Events Calendar

#### November 8

Estate Planning and Probate section  
12:15 – 1:15 p.m.

Law Office of Nancy Kaupp Ewin, Esq. 8155  
La Mesa Blvd., La Mesa

Speaker and Topic TBA

#### November 28

Civil Litigation and Family Law Sections  
12:00 - 1:15 p.m.

BJ's Restaurant - Grossmont Center, La  
Mesa

Topic: Business Valuations in Civil and  
Family Court

Speakers: Richard Holstrom and Henry  
Kahrs of RGL Forensics

#### December 6

Foothills Bar Assn. Holiday Mixer and Toy  
Drive  
5:00 – 7:00 p.m.

Hooley's Irish Pub, Grossmont Center – La  
Mesa

Please bring an unwrapped toy to benefit  
the Salvation Army Toy Drive

# A MESSAGE FROM THE BOARD OF DIRECTORS OF THE DEFENDER ORGANIZATIONS OF SAN DIEGO COUNTY

The Board of Directors of the Defender Organizations of San Diego, Inc., is inviting attorneys with a passion for serving on a Board overseeing indigent criminal defense to express interest in Board membership. There is one current opening on the 13 member Board.

The Board oversees the operation of Appellate Defenders, Inc., ("ADI" [www.adi-sandiego.com](http://www.adi-sandiego.com)) and Federal Defenders of San Diego, Inc. ("FSDSI" [www.fdsdi.com](http://www.fdsdi.com)) Attorneys with a potential conflict with either organization or their clients should not apply. (For example, Board members may not be on the "ADI Appellate Panel," an employee of either organization or a "public defender" whose work might become the subject of an appeal, etc.) However, the Board invites letters of interest with a CV from attorneys who want to work hard on a Board which sets policy for these two organizations affecting the delivery of legal services to indigent accused. The organizations have been a vital part of indigent criminal defense in San Diego County for over forty years. Please visit the websites to learn more.

The Board meets monthly at 5:00p.m., for about an hour, but there is an additional time commitment involving committee meetings and other tasks. The position is not compensated. Frankly, there are few, if any, "perks," and this is hard work, but very worthwhile. It really serves the indigent criminal defense community. Attorneys who just want to "dress up" a CV probably should not apply.

You are welcome to contact a current Board member to inquire about the Board's work. They are:

Charles Bird - [cbird@luce.com](mailto:cbird@luce.com)

Gerald Blank - [gblank@san.rr.com](mailto:gblank@san.rr.com)

Martin Buchanan - [martin@martinbuchanan.com](mailto:martin@martinbuchanan.com)

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John Mitchell - 619-224-3023 (no email address)

Jean Ramirez - [ramirezj@sandiego.edu](mailto:ramirezj@sandiego.edu)

Patricia Robinson - [juriesq\\_195@hotmail.com](mailto:juriesq_195@hotmail.com)

Letters of interest and CV's, or questions, may be emailed to Gerald Blank at [gblank@san.rr.com](mailto:gblank@san.rr.com). Since there is currently an opening the Board wishes to fill, please have materials delivered no later than November 15, 2012. Email is best.

Gerald Blank, Chair  
Board Development Committee  
Law Offices of Gerald Blank  
444 West C Street, Suite 200  
San Diego, California 92101  
phone: 619-238-1111  
fax: 619-238-1126

## Save The Date

The Foothills Bar Association's "Hard to Get" MCLE program will be on January 15, 2013 at the La Mesa Community Center with excellent speakers on legal ethics, substance abuse and elimination of bias. If your last name begins with letters A-G, please sign up to get those invaluable and difficult to get MCLE credits! Details to follow.

# BARRISTER 'ROUND TOWN

## Family Law Section MCLE held on the difference between Professional and 'Not-So-Professional' Visitation Supervisors.

By William Hannosh, Esq.

The Family Law Section held its monthly MCLE brown bag discussion on October 16, 2012 in Department 6 of the East County Division entitled, "Had a Bad Experience with a 'Professional' Supervised

Visitation Monitor?" The panelists, perhaps the most well-versed on the subject of professional visitation of minors in the area, included Susan Griffin, director of Hannah's House, Gretchen Slover, a clinical psychologist, and Carolyn Kirner, a visitation supervisor and attorney-at-law.

Presently, there is no verifiable criminal background check for professional visitation supervisors, and a visitation supervisor in California only needs to show liability insurance to the courts before being placed on a contact list. That factual tidbit was revealed by the panel, along with other eye-opening information about how easy it is to become a professional supervisor over visitation with minors. According to Ms. Griffin, it is "extremely easy" for one to become a supervisor, with little accountability afterwards.

Because it is reported that some professional supervisors actually have criminal convictions, are on parole, or have had a restraining order issued against them (aside from those with undeniable conflicts-of-interest), the California Association of Professional Providers of Supervised Visitation (CAPPSV) has issued an inventory or checklist of what to look for in a supervisor or monitor called "Standards & Criteria: California Rule of Court 5.20 Procedures".

According to Ms. Griffin, when compared with other counties such as Orange, Riverside or Sacramento, San Diego is clearly lacking in the way of restrictions, controls, or even expectations among providers. For the most part, supervisors do not provide their clients with information about compliance with Rule of Court 5.20, nor liability insurance information, nor

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](mailto:carolyn@crbrocklaw.com), 619-741-0233.

### Civil Pro Tem Judges

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

Date	Temporary Judge
Thu, Nov 1, 2012	Ed Castro, Esq.
Fri, Nov 2, 2012	Andrew Cook, Esq.
Tue, Nov 6, 2012	Kathleen Corrigan, Esq.
Wed, Nov 7, 2012	Danna Cotman, Esq.
Thu, Nov 8, 2012	Stewart Cowan, Esq.
Fri, Nov 9, 2012	David Demergian, Esq.
Tue, Nov 13, 2012	David Egan, Esq.
Wed, Nov 14, 2012	Paul Fine, Esq.
Thu, Nov 15, 2012	Miranda Franks, Esq.
Fri, Nov 16, 2012	Cynthia Freeland, Esq.
Tue, Nov 20, 2012	Ken Gosselin, Esq. Steve Spinella, Esq. 10/3/12
Wed, Nov 21, 2012	Peter Gregorovic, Esq.
Thu, Nov 22, 2012	THANKSGIVING HOLIDAY
Fri, Nov 23, 2012	THANKSGIVING HOLIDAY
Tue, Nov 27, 2012	Deward Houck, Esq.
Wed, Nov 28, 2012	Wells Lyman, Esq.
Thu, Nov 29, 2012	Michael Jacobs, Esq.
Fri, Nov 30, 2012	Jeanette Holm, Esq.

**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 November 13 and December 18 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.

any information about criminal background checks. Given the current status of the law, there does not seem to be any prohibition against a supervisor or monitor having an apparent or (or even known) conflict – unless there is judicial intervention involved within the specifics of a case involving a minor child.

In short, it was agreed among the panelists that there are no professional standards that monitors or supervisors must aspire to – at the present time.

Under the proposed Assembly Bill 674, which must still be signed by the governor, providers would have to receive 24 hours of training in certain subjects, such as: the role of a provider, child abuse reporting laws, recordkeeping procedures, screening and termination of visitation, the legal responsibilities of a provider, cultural sensitivity, conflicts of interest, and confidentiality, just to name a few. The proposed statute would also implement an age requirement for providers, of 21 years old.

Many supervisors or monitors will allow the role they have been given to essentially “go to their heads”. Often, they will see themselves as an “arm of the Court” or someone in charge of enforcing the Court’s orders in a supervised visitation setting. This is never the role of a provider.

Ms. Griffin was quick to remind attorneys in the audience that the San Diego Local Rules do provide for a process wherein attorneys may lodge complaints against professional supervisors with the Court, if ever necessary. However, it is not exactly known how often this complaint mechanism is used by attorneys.

**Save The Date**

The Foothills Bar Association Annual Dinner/50th Anniversary Celebration will be held Wednesday January 23, 2013 at the La Mesa Community Center, Arbor View Room. Please reserve this date on your calendars for a very special evening of fun and celebration as we look back over the last 50 years!

If you have a story or photograph you wish to share, please contact Carolyn Brock at [carolyn@crbrocklaw.com](mailto:carolyn@crbrocklaw.com). In particular, we are looking for photographs or quotes from past board members and presidents. If you are a past president and would like to submit a photo, please e-mail it to Carolyn Brock.

**CIVIL LITIGATION SECTION MCLE UPDATE**

by Cheryl Stengel, Esq.

On Wednesday, November 28, 2012, the Civil Litigation and Family Law Sections will present a joint MCLE program, “Business Valuation in Civil and Family Court Matters”, with speakers Richard Holstrom and Henry Kahrs of RGL Forensics. The program will be from 12:00 noon to 1:15 p.m. at BJ's Restaurant in Grossmont Center in La Mesa.

Topics will include basic concepts of business valuation and utilization in civil litigation and family court matters, valuation methods, documents needed and leading reported cases in these areas.

Richard Holstrom has been involved in the field of Forensic Accounting exclusively since 1980. Mr. Holstrom is a Certified Public Accountant, a Certified Fraud Examiner and is certified in Financial Forensics. He is a Member of several professional organizations including the California Society of Certified Public Accountants, the American Institute of Certified Public Accountants, and the National Association of Certified Fraud Examiners. Mr. Holstrom has been designated as an accounting expert in State Courts of California and Nevada and Federal Courts in California, Arizona and Hawaii. He has worked extensively with insurance companies and attorneys focusing his career on forensic accounting, fraud, measurement of damages and litigation support. He has provided expert testimony in both depositions and at trial in excess of 100 times in the past 10 years. He has participated in many seminars and presentations on these topics.

Henry J. Kahrs has worked exclusively in the field of Forensic Accounting since 1985. Mr. Kahrs is a Certified Public Accountant, accredited in business valuation by the American Institute of CPAs and is certified in Financial Forensics. His professional membership includes the California Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the National Association of Certified Fraud Examiners and the National Association of Forensic Economics. He has been named as an expert in hundreds of cases and testified at trial, arbitration and deposition. Case issues have included business valuation, shareholder disputes, corporate and partnership dissolution, marital dissolution, contract disputes, real estate, fraud, bankruptcy, construction, intellectual property damages and workers compensation. He is a frequent speaker on these topics and has authored professional education courses.

Date	Temporary Judge
Wed, Nov 7, 2012	Gary Glauser
	Solveig Duprey
	Judi Sanzo
Wed, Nov 14, 2012	Sarah Schaffer
	Marilyn Bierer
	Linda Cicanciolo
	Wells Lyman
Wed, Nov 21, 2012	Richard Renkin
	Alan Clements ED83128; Assef v. Assef
	Stanwood Johnson
	Cheryl Graff
Wed, Nov 28, 2012	Sandra Mayberry
	Charles Schmidt
	Cynthia Baker
	Scott Finkbeiner

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- \$25.00 for one month
- \$125.00 for six months
- \$250.00 for one year

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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).

**Lawyers Club of San Diego**

**East County Chapter**

*Presents*

**29<sup>th</sup> Annual Holiday Judges Reception**



**Monday, December 3, 2012**

**5:00 pm until 7:00 pm**

**Ronald Reagan Community Center  
195 East Douglas Avenue  
El Cajon, CA**

**RSVP to  
[rsvp@lawyersclubsandiego.com](mailto:rsvp@lawyersclubsandiego.com)**

# 2012 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

## OFFICERS

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FAMILY LAW:	Will Hannosh
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ESTATE PLANNING:	Nancy Kaupp Ewin, Carolyn R. Brock

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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 Bradley Schuber at 619-589-8800.

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### **Foothills Bar Association**

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