

FOOTHILLS BAR ASSOCIATION

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

The Foothills Bar Association Gets a Facelift

By Jennifer Hughes

The Foothills Bar Association has been around for nearly fifty years. Arguably, it has met many lofty goals along the way, including but not limited to fostering professionalism and collegiality in the East County legal community. Lately, however, it has been feeling a little tired and in need of rejuvenation.

Transformation is attended with its risks, not the least of which is a longer-than-anticipated renewal process, but you can't stop progress.

Life and times are changing, law—and the way we respectively and collectively practice law—is changing, so, by resolution of the Board of Directors (or not), the Foothills Bar Association has agreed to participate in said change (or not).

Are you on Facebook? So is the FBA! Are you on Linked In? So is the FBA! Well, sort of... it is being worked on by a volunteer committee, which is the most difficult type to fire.

The East County Small Claims Advisor

By Jay Sacks

Donna Morel has served as the East County Small Claims Advisor since 1998. Prior to assuming the position of small claims advisor, Donna worked for the San Diego County Office of the District Attorney in the child support enforcement division.

A cum laude graduate of Loyola Marymount University, Donna earned a Bachelor of Arts

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Also, as you may be aware, the FBA is in the process of delivering a new and improved website... but unforeseen circumstances have led to unanticipated delays.

The FBA Web Committee will soon be planning another event, wherein we will demonstrate how to put your profile on the website, how to change it, and other cool features which are available. The focus of the event will be extrapolating on the benefits of being a member of the FBA.

In all sincerity, we appreciate your patience with the changes.

degree in history. She was the recipient of the Donohue Award for Literary Excellence in History, presented for outstanding thesis submitted to the history department, and the Founders of America Award for Excellence in American History.

Before entering law school, Donna taught World and American History at St. Joseph High School in Lakewood California. During her teaching tenure,

New Section: The Red Onion

A Hyperbolic Taste of Irreverent Satire

By Jennifer Hughes

The Rooster Strikes Back

Angered by the notion that first time participants in cockfighting are awarded only a misdemeanor by California law, Gandhi the Rooster struck back at participant 35-year-old Jose Luis Ochoa on January 30, 2011, stabbing Ochoa repeatedly in the calf. Ochoa later bled to death, but not before making the rooster in a lineup. Defense counsel says the lineup was prejudicial, as there were no other roosters, and expects to have the identification excluded. The prosecution counters that no Constitutional rights apply to chicken folk.

There was one witness to the incident, a neighbor who looked out the window and then called the police after she heard squawking which sounded eerily like, "Kill, kill!" A friend of Gandhi's who is expected to be a witness for the defense insists that Gandhi's demeanor is usually peaceful and knows personally (having tried to agitate Gandhi)

El Cajon Courthouse Law Library

By Jennifer Hughes

The downtown courthouse law library is under renovation (a common theme, apparently).

The good news is that there is NO FEE to be a member at ANY SAN DIEGO COUNTY Law Library this year (Oct. 1, 2010 – Sept. 30, 2011). You must be a library-card-carrying member and leave a \$50 deposit to check out books (Once opened,

*Free membership this year at
the Courthouse Law Libraries!*

Please see *San Diego County Public Law Library Renovation* on page 7 for more information about the renovation and an invitation to the East County Branch Open House on March 18, 2011



*Picture of Gandhi fleeing scene
generated
by police sketch software*

that Gandhi is nearly impossible to provoke. An undisclosed source, speaking on the condition of anonymity, says the rooster was riled when Ochoa smacked his lips while tying a knife to the rooster's leg, mumbling something about "fried chicken tonight" if Gandhi failed to procure a coveted \$20 win for Ochoa.

Gandhi attempted to flee the scene after the stabbing, but was arrested by Officer Don Keyote, and subsequently indicted by a Grand Jury. A translator for Gandhi has conveyed his surprise, since Gandhi could not be a ham sandwich, even in the moment of his greatest self-sacrifice. Trial is set for April 1, 2011. ♦

an account must remain open for a minimum of three months before a request to refund the balance will be honored. The security deposit, less any unpaid fines or other charges will be refunded approximately six weeks after the Library receives a member's written request to close the account).

Please see *Law Library* on page 9 for list of wireless resources available free of charge



El Cajon Courthouse

FOOTHILLS BAR ASSOCIATION CALENDAR OF EVENTS

Contributions by KimMarie Staron, Carolyn Brock, and Cheryl Stengel

CIVIL LITIGATION SECTION

TUESDAY, MARCH 15, 2011

12:00 pm - 1:00pm

BJs RESTAURANT

5500 Grossmont Cntr Dr, La Mesa, CA 91941
 Tips from the Bench with Judges Sturgeon and Wohlfeil

Save the Date in April: APRIL 19, 2011, attorney George de la Flor will speak on "Litigating the Personal Injury Case" from 12:00 noon to 1:15 p.m. at BJ's Restaurant, 5500 Grossmont Cntr Dr, La Mesa, CA 91941

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

ESTATE PLANNING SECTION

THURSDAY, MARCH 10, 2011

12:15 - 1:30p.m.

We will have an informal round table discussion with Terri Daniel, Court Operations Manager and Karen Kaiser, Senior Probate Examiner from the San Diego Superior Court probate division.

The meeting will be held at Nancy Ewin's office 8166 La Mesa Blvd., La Mesa, CA



MARCH 2011 CALENDAR

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 Read Across America Day	3	4	5
6	7	8 Fat Tuesday / Mardi Gras	9 Ash Wednesday	10 EP CLE: Probate Examiners	11	12
13 Daylight Saving Time Begins	14	15 Civ Lit CLE @ BJs: Tips from the Bench	16	17 St. Patricks Day	18 Open House El Cajon Courthouse Law Library 10 am to 1pm	19
20 First Day of Spring Purim	21	22	23	24	25	26
27	28	29	30	31		

FOOTHILLS BAR ASSOCIATION BOARD OF DIRECTORS*

*WELL, MOST OF IT



2011 Board of Directors

Front (left to right): Leah Boucek—Treasurer, Stan Bacinett—President, Nancy Ewin—Immediate Past President

Back (left to right): Keith Jones, Carolyn Brock—VP, Chuck Schmidt, Mark Raftery, Cheryl Stengel,
Jennifer Hughes

Not Pictured: Heather Milligan, Secretary, and KimMarie Staron



The East County Small Claims Advisor from page 1

she was awarded a National Endowment for the Humanities Fellowship in the field of Russian and Soviet History and Literature.

A graduate of Thomas Jefferson School of Law, Donna served as a senior editor for law review, and was the recipient for the American Jurisprudence Award for Constitutional Law and the Uniform Commercial Code. She worked as a judicial extern for the California Court of Appeal, Fourth Appellate District, Division One, for the Honorable Justice Patricia Benke.

From 2000–2010, Donna served as a staff member and adjunct professor at Thomas Jefferson School of Law.

Since 1997, Donna has operated a successful tutoring business, assisting bar candidates in preparation for the California bar exam. Donna is a licensed attorney in California and New York.

In her spare time, Donna enjoys volunteer activities, writing and travelling. She has served as a volunteer in Columbus, Ohio for two presidential campaigns.

Her written commentary has appeared in the Los Angeles Times, the Los Angeles Daily Journal, the San Diego Union Tribune and the National Jurist. Her most recent travels have included New Zealand, Australia, Switzerland, and the North Korean border. ♦

Catch This!

By Leah Boucek

UPDATE FROM THE FAMILY LAW SECTION OF THE FBA

The FBA Family Law Section's January 2011 brown bag lunch and learn seminar was presented by Dr. Lori Love, a therapist who handles a lot of family law cases. Dr. Love put on an excellent presentation on interviewing children and what attorneys need to know and look for if it becomes necessary to interview children for their cases. I cannot possibly go into all the details here and so will simply try to hit the highlights.

First, observation may be the best way to tell what is going on. Watch to see if kids seem to be rehearsing what to say in their head and how they interact with their parent(s). Anyone interviewing children needs to know what is age appropriate at different developmental stages and what behavior is reasonable. Dr. Love broke the age/stages down into infants/toddlers, three to six year olds, six to eleven year olds and twelve years old and up. Dr. Love pointed out that the same visitation schedule may not be appropriate for two or more siblings if they are far apart in age and a visitation schedule may need to change multiple times while a child is growing up.

Do not ask open ended questions, be specific and try to find a way to connect. Ask them about where they feel safe and comfortable and who their friends are and why. Dr. Love shared that younger children love to draw so giving them big paper and markers helps them relax and may also help elicit questions. Ask them to draw their family doing something together and see what they draw. Older children need to know they can trust someone before they share and then it's more like a conversation than a question and answer session.

Anyone who interviews children needs to become an expert on identifying coaching. Are the kids using adult terminology? Does the child call the parent by their first name (not normal)? Is the child telling stories they could not possibly remember on their own? A lot of it has to do with your gut feeling. Dr. Love also shared a bit about move away evaluations and we hope to have her back again this year to talk more specifically about parenting plans that work at the varying developmental stages.

Continued on Page 8

George Alspaugh Remembered

A letter from FBA Member Ron Oberndorfer

To the Foothills Bar Association Newsletter Editor:

I hope you can find some space in the next FBA newsletter to print this letter. If I had even remotely suspected that I would be this year's recipient of the George A. Alspaugh, Sr. Award, I would have at least had the presence of mind to thank the FBA Board of Directors for bestowing upon me one of the most meaningful awards an East County attorney could possibly receive. I was so taken by surprise by that I was quite literally in a state of shock. So thank you, FBA Board of Directors for your kind and unexpected recognition.

I should have also said a few words about my friend and colleague, George Alspaugh.

When I opened my practice in East County in 1980 at West Park Avenue, George owned and occupied the building next door. He was always friendly, welcoming, and helpful. I am proud and honored to be the recipient of an award named in his memory. I often think of George, and his usual greeting, "You're looking well, young man." I certainly felt that presence the evening of our annual dinner.

Yours truly,

Ron H. Oberndorfer ♦

The Value in a Good Appraisal

By Jennifer Hughes

Randall Schlake has been a Certified Residential Appraiser since 1988 and a Real Estate Broker since 2001.

I personally have referred Mr. Schlake to a number of my estate planning clients for appraisals. In the subsequent appraisals he has prepared, I have found his meticulousness to be the defining standard which sets him apart from other appraisers.

Continued—see *Good Appraisal* on page 7

FOOTHILLS BAR ASSOCIATION VIDEO LIBRARY POLICIES & PROCEDURES

By Keith Jones

The Foothills Bar Association has established a video library consisting of FBA seminars videotaped by Attorney Credits, an authorized California MCLE provider (don't forget that members enjoy a 20% discount at www.attorneycredits.com).

New titles are added when received, and a list is available at the bar's website at www.foothillsbar.org. Foothills Bar Association members may check out one (1) video at a time for a period of one (1) week. Contact the receptionist at Nancy Kaupp Ewin's office, (619) 698-1788 to confirm the availability of a video and to make arrangements to pick up the video at her office located at 8166 La Mesa Blvd., La Mesa CA 91942. You may also call (619) 698-1788 to extend the check-out period subject to requests from other members for the video.

The FBA will need to confirm your membership status prior to the checkout and you will need to complete the form. You will be required to submit a check for \$20.00 representing a refundable deposit for the video. Your check will be returned to you upon the timely return of the video.

You will be sent an e-mail notification to the address provided by you to the FBA if you fail to timely return the video, (but as a courtesy only: failure on the part of the FBA to send the e-mail or lack of receipt of the e-mail by you does not exempt you from your requirement to return the video by the date due). If you fail to return the video within three (3) days after the video is due, then your deposit will be forfeited. You will still remain responsible to return the video. You will be liable for the replacement cost of any video which is damaged, lost, or not returned, which includes the cost of the video plus any shipping, handling and mailing costs. Additionally, your membership privileges will be suspended until such time as you pay for the replacement costs or return the undamaged video. ♦

FBA VIDEO CHECKOUT FORM

Member's Name, Phone Number
and E-Mail Address:

Video: _____

Pick-up Date: _____

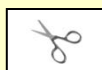
Return Due Date: _____

Member Check No.: _____

By executing below, the Member acknowledges
and agrees to the FBA's library policies and
procedures.

Member's Signature:

Date: _____



***NOW SHOWING! COMPLIMENTS OF
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SELF-STUDY CREDIT!***

1. "So You Settled Your Case, Now What?" seminar presented by Jon H. Epstein and Mark R. Raftery through the FBA's Civil Litigation Section in August 2010
2. "Medi-Cal Recovery – An Unavoidable Event?" presented by Richard Scott Stewart through the FBA's Estate Planning Section in September 2010
3. "Attorney Fiduciary Collaboration in Providing Services for Clients" presented by Susan K. Fox

Coming Soon: January 2011 Hard to Get Presenters:
Professor Berenson on Ethics and Mick Meagher on
Substance Abuse

Good Appraisal continued

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/>

You won't be disappointed.*

*Statement amounts to mere puffery and is not a personal guarantee of the author, who is stating a personal opinion of satisfaction but does not guarantee the same for you, particularly if you are unreasonable and impossible to please. Even if that is the case, you might still be pleased with his work; I just don't guarantee it. I mean, not really.

**San Diego County
Public Law Library Renovation**

By Carolyn Brock

The main branch (downtown) of the San Diego County Public Law Library is about to undergo a **\$3.2 million renovation**. The current plan calls for the building at **1105 Front Street** to be completely renovated with new electrical, plumbing and data cabling. In addition, there will be new conference and public space for research and meetings. It is going to be completely reinvigorated.

Construction is expected to begin in mid-February and last four-to-six months, with an anticipated reopening in the fall.

Phase 1 of the project is being funded in part by a \$1.6 million grant from the Hervey Family Fund of the San Diego Foundation. The remaining funding is being paid for out of reserves from the library. The Law Library as a whole is funded in part by proceeds from court filings and in part by donations from the community through the Law Library Justice Foundation. To accomplish all of our goals, additional donations are being sought. No tax payer dollars are being used.

If you are headed downtown to visit the main branch you will now be greeted by an "empty house." There is a temporary home for the main library at 1168 Union Street with limited space and hours. As a result, library patrons are being encouraged to use the three branches, including our branch in the East County Regional Center.

To introduce the community to our branch the library is hosting an East County Branch Open House. The event is being held March 18 from 10 am to 1 pm. More information will be sent out by email. ♦

Catch This! Continued from Page 4

The FBA Family Law Section's February 2011 brown bag lunch and learn seminar was presented by the judges, Judge Bacal, Judge Kirvin and Judge Gentry. They shared some insight about what to expect in their departments this year and hope to make the rules and calendaring uniform to all three departments.

They will be strictly following the Code so be careful of your deadlines and review the rules regarding filing and service of documents and time for hearing, particularly with domestic violence restraining orders. Ex partes will generally be reviewed in chambers and denied if it is not an emergency. If the ex parte is granted, it will be sent down to the business office for filing. The judges will not be hearing argument unless they have questions or feel it is necessary in order to make a decision.

If you have further questions or would like information on these brown bag seminars, please contact Kimberly Kirkpatrick at kimberlykirkpatrick04@yahoo.com. ♦

Civ Lit Update

By Cheryl L. Stengel

The Civil Litigation section's February 2011 lunch program hosted speakers, James Lawler and William Rushing, both of Predicate Logic, Inc., regarding "The Impact of Digital Forensics in Litigation." Mr. Lawler is a Certified Information Systems Security Professional with over 25 years experience in computer security with the Department of Defense.

Mr. Rushing is a senior digital forensics examiner. The program covered many topics, including an introduction to digital forensics, the steps involved in such investigation, the methods and process, destruction of evidence and what types of information the digital forensics investigation may yield.

The speakers discussed how the FRCP has responded to new technologies, including an overview of the e-discovery rules, production protocols, legal professional privilege and methods to proactively use digital forensics in civil and criminal litigation. There were approximately 16 attorneys in attendance.

Next, on March 15, 2011, the Civil Litigation section will welcome the Hon. Eddie Sturgeon and Hon. Joel Wohlfeil discussing tips from the bench from 12:00 noon to 1:15 p.m. at BJ's Restaurant in Grossmont Center in La Mesa.

Also, on April 19, 2011, attorney George de la Flor will speak on "Litigating the Personal Injury Case" from 12:00 noon to 1:15 p.m. at BJ's Restaurant. ♦



UPDATE FROM THE CIVIL LITIGATION SECTION OF THE FBA

Law Library from page 2

On library computers, you can access Westlaw and a number of other valuable resources, and—while in the library—on your own laptop computer, you can access the full **CEB OnLaw** (which includes more than 100 practice books, action guides, and attorney drafted forms), **IndexMaster** (a database of thousands of secondary legal titles searchable by keyword, publisher, and title/author. Users can browse through the index and/or table of contents of individual titles), **HeinOnline** (Legal periodicals, full text articles; Code of Federal Regulations and Federal Register; U.S. Treaties and Agreements; Legal Classics library; Congressional Documents Library; Federal Agency Documents), and **LegalTrac** (Citations to approximately 875 legal periodicals including major law reviews, legal newspapers, bar association journals and international legal journals beginning in 1980), and a number of other helpful programs.

Membership to the Public Law Library is not required to access the wireless network. Wireless access is available to all users of the Law Library free of charge.

That's right: hours of riveting reading free of charge! The more reading you do, the freer your annual membership!

You can “like” the El Cajon Law Library on Facebook at www.facebook.com/lawlibrary, and/or checkout their website at www.sdcpil.org, where you can view additional resources and links, sign up for their e-newsletter, log in and renew items checked out on-line, even see if a warrant has issued for your arrest for that book on fiduciary duties you forgot to return.*



*Last mentioned feature not yet available.

A Message from the FBA President

By Stan Bacinett

Welcome to our new Foothills Bar Association Newsletter. My name is Stan Bacinett, and I am proud to be the President of the Foothills Bar Association for 2011. We have been busy at the Foothills Bar Association to improve the services we can provide to our members with the new website and newsletter. While continuing a strong commitment to our core seminars in Family Law, Civil & Business Litigation, Estate Planning and our Annual Hard to Get Seminar, we also hope to expand our member services this year. We are in the process of planning 50 years as an organization and we hope to get your

involvement in the celebration of our association. Our annual dinner in January was a great place to start with so many past presidents and judicial officers. We hope to bring back more traditional and happy gatherings described by past presidents. We appreciate your commitment to the Foothills Bar Association and we are excited about making 2011 a great year for our association. Your ideas for our 50th Anniversary Celebration and suggestions for improvements for our members are welcome. Please contact me at my office at 619-667-4000 or my email: sjb@bacinettlaw.com. ◆



El Presidente

*Past President
Nancy Ewin passes
the torch to
New President
Stan Bacinett*

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Foothills Bar Association
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E-Mail:
FoothillsBarAssociation@
gmail.com

*Service, Professionalism,
Collegiality*

We're on the Web!

Visit us at:
www.FoothillsBar.org

March 2011 Family Law Settlement Pro Tem Judges

March 2

William Benjamin, Timothy McDermott

March 9

Julia Garwood, Marilyn Bierer, Stanwood Johnson

March 16

Cynthia Baker, Edward Castro, Judy Marolt, Thomas Marshall

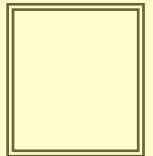
March 23

Robert Garland, Laura Miller,

March 30

John McCabe, Jr., Tara Gabarczck, Dan Martin

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FBA Member
Address
City, State Zip