

# NEWSLETTER

## January – An Exciting Time!

Despite the fact that it is very difficult to write 2012 on documents, it's going to be a great month. We have our annual Hard to Get Seminar on Monday, January 9th at 5:50 pm at the La Mesa Community Center. The seminar helps all of us obtain those difficult MCLE credits with interesting speakers and refreshments to boot. Our Annual Dinner is Thursday, January 19th at 5 pm at the Downtown Café in El Cajon. This event allows us to thank outgoing judges and past presidents and welcome incoming judges. We also get a great update on the court and a chance to mingle with friends and colleagues. We will have a buffet dinner and no host bar – only \$25! You can sign up at [foothillsbar.org](http://foothillsbar.org) or send your check payable to Foothills Bar to PO Box 1077, El Cajon, CA 92022. We will also have our regular section meetings so check the newsletter and website for upcoming events.

Next year our very own Foothills Bar Association will celebrate its 50th Anniversary!! This is a great time to get involved. We are always looking for more volunteers and section chairs. If you haven't rejoined Foothills or would like to get more involved, please contact any of the board members. The list of new board members for this year is on the back page of the newsletter. We hope to see you at any or all of the events!

## Renewals:

July was time to join or renew your membership. Attached please find a list of current members. If you don't see your name, we don't have you on our list so please submit your membership application and \$55 check for dues if you have not done so already. The membership application ensures that we have your correct information including address, telephone and fax number and e-mail address for the website and directory. Your membership dues provide you with free MCLE and social events throughout the year. If you have membership questions, please call Bradley Schuber at 589-8800 or email [bschuber@a-k.com](mailto:bschuber@a-k.com)

## YOUR ATTENTION REQUIRED:

Are you tired of seeing these boxes in our newsletter instead of something interesting? Do you have something to say? Join the campaign to rid this Newsletter of little boxes by sharing your thoughts on legal-related issues or matters that may be of interest to the members of the Foothills Bar Association. You will see your name in print and receive the undying gratitude of the Foothills Bar Association. Forward your article to Cheryl Stengel at [cs@debtbsd.com](mailto:cs@debtbsd.com) or call 233-1727.

# ILLEGAL TENDER OF LEGAL TENDER

By Keith A. Jones, Esq.

A move is underfoot to banish the penny from our pockets and coin purses forever. The United States Mint spends about 1.8 cents (Where is the 'cent' key when you need it?) for the mostly zinc and a spritz of copper used to manufacture each penny. This estimate does not include labor, equipment or the plant where they are made, nor any costs associated with placing the millions of shiny new pennies into circulation across the nation.

Some proponents argue to discontinue the penny because nothing costs a penny anymore. Others urge a halt to penny production because so many klink into glass jars or coffee cans, removed from circulation by citizens who detest being burdened with seemingly valueless metal pieces.

Until a decision is made on its fate, the penny remains valid legal tender for debts incurred and payment of goods and services. Unless in Utah where it may be possible to illegally tender the legal tender in the form of a penny.

A patient frustrated with a medical bill asked a clinic's staff member if it accepted payments in cash. When given an affirmative response, he promptly dumped 2,500 pennies on the counter to pay his \$25.00 bill. As some bounded off the counter to the floor, he demanded that they be counted to be sure that he had not shorted the clinic.

The staff members became so distressed (perhaps the pennies would have overflowed the office penny jar?) that they called the police instead of accepting the legal tender. Minutes later, the frustrated man received a 'receipt' of sorts issued by a local Utah police officer in the form of a citation for disorderly conduct. The assistant police chief supported the issuance of the citation, stating that the patient's action served "no legitimate purpose."

Logic dictates that if a debtor owes money to a creditor, and if that debtor delivers the payment in the form of legal tender to the creditor as the Utah patient did, then the action would seem to be a "legitimate purpose." Extrapolating the assistant police chief's rationale, the police officer could have just as easily reasoned that the creditor's failure to 'accept' the 2,500 pennies served "no legitimate purpose."

What if the man had made the payment with a non-sufficient funds check? Arguably, the patient would have faced legal trouble both civilly and criminally since payment with a worthless check could readily be classified as an act with "no legitimate purpose."

In any event, the disorderly charge carries a fine of as much as \$140.00. Let's hope the man, if found guilty, doesn't perpetuate the situation by presenting 14,000 pennies to the court's cashier. And in turn create yet another argument to declare the penny illegal tender.

## Upcoming Events Calendar

### January 9th

*Hard to Get MCLE Credits*  
5:30pm - 9:00pm

Registration beginning at 5:00 p.m.  
La Mesa Community Center.

Speakers:

Legal Ethics: Jeff Joseph, Esq.

Elimination of Bias: Maurice Dyson, Esq.

Substance Abuse: Tom Lenox, Special Agent, Federal Drug Enforcement Administration

United States Department of Justice

### January 17th

*FBA Family Section Meeting*  
12:00pm - 1:15pm

East County Court House - Dept. 7

Topic: "Dealing with Dangerous Persons: Protecting Your Client, Your Firm & Yourself"

### January 19th

*Annual Dinner*

5:15pm

Downtown Café

# Foothills Bar Assn MCLE Program: "Writing for the Trial Court" - Jan. 24, 2012

FBA Members,

On Tuesday, January 24, 2012, 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.

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.

Please RSVP. 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.

Family Pro Tem January 2012		
Date	Cases	Temporary Judge
January 4		Scott Finkbeiner
January 11		Daniel Martin
		Stanwood Johnson
January 18		Marilyn Bierer
		Linda Cianciolo
January 25		Daniel Grunbaum
		Michelle Sullivan (9:00)

HR SCHLAKÉ REAL ESTATE SERVICES INC.

## Randall Schlake

Certified Appraiser Real Estate Broker

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Website: [www.hrsbroker.com](http://www.hrsbroker.com)

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# 2011 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

## OFFICERS

President	Carolyn R. Brock	carolyn@crbrocklaw.com	619-741-0233
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## REPRESENTATIVES

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Judy M. Marolt, Lawyers Club	619-442-1857

## SECTION CHAIRS/MEMBERS

CRIMINAL LAW:

CIVIL LITIGATION: Cheryl Stengel, Mark R. Raftery

ESTATE PLANNING: Nancy Kaupp Ewin, Carolyn R. Brock

## COMMITTEES

ADVERTISING	Chair: Nancy Kaupp Ewin
ANNUAL DINNER	Chair: Cheryl L. Stengel
LAW DAY	Chair: Carolyn R. Brock
HARD-TO-GET CREDITS SEMINAR	Chair: Heather Milligan and Jennifer Hughes
MEMBERSHIP	Chair: Bradley Schuber
PUBLICATION/NEWSLETTER	Mikael Ritter



## 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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### **Foothills Bar Association**

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