The Foothills Bar Association Annual Dinner/50th Anniversary Celebration will be held Wednesday January 23, 2012 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!
The History of Labor Day

As we get ready to say farewell to summer and welcome in fall, we get ready to enjoy what has become the last big celebration of summer – the Labor Day 3-day weekend. The holiday however was not created to celebrate the end of summer. For those of you who are a bit more interested in history and tradition, I reprint the U.S. Department of Labor’s public domain discussion of this special day.

Labor Day: How it Came About; What it Means

Labor Day, the first Monday in September, is a creation of the labor movement and is dedicated to the social and economic achievements of American workers. It constitutes a yearly national tribute to the contributions workers have made to the strength, prosperity, and well-being of our country.

Founder of Labor Day

More than 100 years after the first Labor Day observance, there is still some doubt as to who first proposed the holiday for workers.

Some records show that Peter J. McGuire, general secretary of the Brotherhood of Carpenters and Joiners and a cofounder of the American Federation of Labor, was first in suggesting a day to honor those "who from rude nature have delved and carved all the grandeur we behold."

But Peter McGuire’s place in Labor Day history has not gone unchallenged. Many believe that Matthew Maguire, a machinist, not Peter McGuire, founded the holiday. Recent research seems to support the contention that Matthew Maguire, later the secretary of Local 344 of the International Association of Machinists in Paterson, N.J., proposed the holiday in 1882 while serving as secretary of the Central Labor Union in New York. What is clear is that the Central Labor Union adopted a Labor Day proposal and appointed a committee to plan a demonstration and picnic.

The First Labor Day

The first Labor Day holiday was celebrated on Tuesday, September 5, 1882, in New York City, in accordance with the plans of the Central Labor Union. The Central Labor Union held its second Labor Day holiday just a year later, on September 5, 1883.

In 1884 the first Monday in September was selected as the holiday, as originally proposed, and the Central Labor Union urged similar organizations in other cities to follow the example of New York and celebrate a "workingmen's holiday" on that date. The idea spread with the growth of labor organizations, and in 1885 Labor Day was celebrated in many industrial centers of the country.

By Carolyn Brock, President
Labor Day Legislation

Through the years the nation gave increasing emphasis to Labor Day. The first governmental recognition came through municipal ordinances passed during 1885 and 1886. From them developed the movement to secure state legislation. The first state bill was introduced into the New York legislature, but the first to become law was passed by Oregon on February 21, 1887. During the year four more states — Colorado, Massachusetts, New Jersey, and New York — created the Labor Day holiday by legislative enactment. By the end of the decade Connecticut, Nebraska, and Pennsylvania had followed suit. By 1894, 23 other states had adopted the holiday in honor of workers, and on June 28 of that year, Congress passed an act making the first Monday in September of each year a legal holiday in the District of Columbia and the territories.

A Nationwide Holiday

The form that the observance and celebration of Labor Day should take were outlined in the first proposal of the holiday — a street parade to exhibit to the public "the strength and esprit de corps of the trade and labor organizations" of the community, followed by a festival for the recreation and amusement of the workers and their families. This became the pattern for the celebrations of Labor Day. Speeches by prominent men and women were introduced later, as more emphasis was placed upon the economic and civic significance of the holiday. Still later, by a resolution of the American Federation of Labor convention of 1909, the Sunday preceding Labor Day was adopted as Labor Sunday and dedicated to the spiritual and educational aspects of the labor movement.

The character of the Labor Day celebration has undergone a change in recent years, especially in large industrial centers where mass displays and huge parades have proved a problem. This change, however, is more a shift in emphasis and medium of expression. Labor Day addresses by leading union officials, industrialists, educators, clerics and government officials are given wide coverage in newspapers, radio, and television.

The vital force of labor added materially to the highest standard of living and the greatest production the world has ever known and has brought us closer to the realization of our traditional ideals of economic and political democracy. It is appropriate, therefore, that the nation pay tribute on Labor Day to the creator of so much of the nation's strength, freedom, and leadership — the American worker.

Goodbye, from Barbara Silber Katz, Esq. ...

I have gone inactive with the State Bar after 29 years of Solo Practice. What's next? Who knows? But, I will always remember the professional support and good times we've enjoyed as FBA members... xoxoxo

Sincerely, Barbara Silber Katz, FKA Attorney At Law
CIVIL LITIGATION SECTION MCLE UPDATE

by Cheryl Stengel, Esq.

On August 13, 2012, the Civil Litigation Section welcomed speaker, Michael Freeland, Esq., on the topic, “Unemployment Benefits – Is Your Former Employee Entitled To Them?” Mr. Freeland represents and counsels employers and employees of all types in private sector/government matters such as: wage and hour, wrongful termination, employment discrimination, potential job loss/discipline, sexual harassment, defamation, and claims for unemployment benefits.

Mr. Freeland gave an interesting and informative presentation covering unemployment eligibility considerations, primarily from the employer’s perspective. He discussed the types of reasons an employee may be denied or granted benefits when employment is terminated. For example, an employee who is fired for intentionally violating company rules, taking actions against the material interests of the employer or disrupting business may be denied unemployment benefits. Whereas, an employee who is fired solely for lack of work, poor work performance, negligence or good faith errors in judgment may be granted benefits. An employee who quits may have the right to collect unemployment benefits under certain circumstances. Those include where he or she quit due to a reduction in work hours, forced retirement, was told to “quit or be fired”, or quit due to claims of sexual harassment or safety concerns. Mr. Freeland also explained the process and strategies for contesting a former employee’s unemployment benefits claim and the appeal process.

EAST COUNTY LAW LIBRARY LEGAL CLINIC - CALL OUT TO VOLUNTEER ATTORNEYS

by Benita Ghura, Reference Librarian, San Diego County Public Law Library - East County Branch

The East County Branch of the San Diego Law Library is looking for volunteer attorneys who would be interested in staffing our legal clinic on September 28th. The available time shifts to choose from are: 10-1pm or 2-4pm. All areas of law are welcome to volunteer especially attorneys in the practice areas of family law, landlord-tenant law and general civil litigation.

For the legal clinic, we will schedule 15 minute appointment times with attendees in advance. We plan to give volunteers 5 mins break in between appointments, so volunteers would probably consult with 3 individuals per hour.

The attendees will all sign a legal disclaimer form, so that they understand that they will not be receiving legal advice and they will not be entering into an attorney-client relationship. We also inform attendees that the attorneys will not help them fill out legal forms because of the short time frame for the consultation.

Attendees are informed that they are consulting with the attorney for general guidance and assistance only.

If you are interested in volunteering for this event as part of your pro bono hours and community service, please contact Benita at: bghura@sdcpl1.org
2012 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

OFFICERS

President Carolyn R. Brock carolyn@crbrocklaw.com 619-741-0233
Vice President Keith Jones kjones9001@gmail.com 619-462-6220
Treasurer Bradley Schuber bschuber@a-k.com 619-589-8800
Secretary Cheryl L. Stengel cs@debtsh.com 619-233-1727

DIRECTORS

Stanley Bacinett sbjbacinetlaw.com 619-667-4000
Mandie Bullock mandie.bullock@gmail.com 619-507-8024
Nancy Ewin nancy@nkewinlaw.com 619-698-1788
William Hannosh whannosh@gmail.com 619-579-4200
Heather Milligan hmilligan@mcelx.com 619-440-4444
Mark R. Raftery mraftery@epsten.com 858-527-0111
Charles Schmidt cjsesq@cox.net 619-466-2876
Kim Marie Staron kstaron@lawinsandiego.com 619-574-8000

REPRESENTATIVES

Sheryl S. Graf, SDCBA 619-440-5716
Judy M. Marolt, Lawyers Club 619-442-1857

SECTION CHAIRS/MEMBERS

FAMILY LAW: Will Hannosh
CIVIL LITIGATION: Cheryl Stengel, Mark R. Raftery
ESTATE PLANNING: Nancy Kaupp Ewin, Carolyn R. Brock

COMMITTEES

ADVERTISING Chair: Nancy Kaupp Ewin
LAW DAY Chair: Carolyn R. Brock
HARD-TO-GET CREDITS SEMINAR Chair: Keith Jones
MEMBERSHIP Chair: Bradley Schuber
ADDRESS CHANGES Bradley Schuber bschuber@a-k.com
SUBMISSIONS
Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at cs@debtscd.com.

ADDRESS CHANGES
Send change of address or telephone number to Bradley Schuber at 619-589-8800.
The TJSU Alumni Association & Foothills Bar Association present

The Domestic Violence Restraining Order & Its Place Among Immigrant Communities

William Hannosh '01
Law Office of William A. Hannosh

Dilkhwaz Ahmed
License to Freedom

Thursday, September 27, 2012
5:30 - 6:00 PM Registration
6:00 - 7:00 PM Panel
7:00 - 8:00 PM Networking Reception

No Charge to TJSU Alumni & Foothills Bar Association Members
$25 for General Public

Location: Downtown Cafe 182 East Main Street El Cajon, CA 92020

Register by Friday, September 21 at
http://alumni.tjsu.edu/events/index.asp?eventid=257

1.0 hour of general MCLE credit available upon request.
Thomas Jefferson School of Law is a State Bar of California approved MCLE provider.
Have you discovered CEB's OnLaw? This database puts CEB's practice books and action guides in an easy to use digital format. This class focuses on basic search techniques, including how to search by keywords, statute, case, or by form.

CEB Representative will be providing lunch and prizes!

1 hour MCLE general participatory credit

$10

The San Diego Law Library in partnership with the El Cajon Public Library presents

WHOSE CONSTITUTION IS IT?

Mon, September 17th 2012
12 - 1 p.m. (check in 11:45 a.m.)
El Cajon Public Library
201 E. Douglas Avenue
El Cajon, CA 92020

Professor Bryan H. Wildenthal, a professor of Constitutional law at Thomas Jefferson School of Law, and Project Scholar for the San Diego Public Library’s on-going series "Searching For Democracy: A Conversation About the Constitution," will discuss several recent "hot button" Supreme Court decisions, including the rights of immigrants, the Obama health care law, freedom of speech, and related issues. To what extent does politics guide the justices' decisions in cases like these? To what extent are they guided by constitutional principles?

FREE

Sign up online at: http://constitutionallaw2012sept17.eventbrite.com/
or call to register at: (619) 441-4451
FINANCIAL PROFESSIONAL LIAISON SECTION & FAMILY LAW SECTION

Call:
Jenny Erdmann 619-557-8208

When:
Tuesday, September 4, 5pm-7pm

Where:
Craft & Commerce
675 W. Beech St.
San Diego, CA 92101

RSVP at: www.sdcba.org/fpls0904