

NEWSLETTER

A NEW AND USEFUL LAW FOR SERVICE OF LEGAL PROCESS ON FINANCIAL INSTITUTIONS

By Keith A. Jones, Esq.

California Code of Civil Procedure Section 684.115 went into effect on January 1, 2013 with the lofty goal of assisting judgment creditors with their attempts to levy on bank accounts, and aiding litigants to complete service of legal process on financial institutions. Whether a new wrinkle develops because of California's restructuring of departments remains to be seen.

Under former law, a judgment creditor attempting to levy on a judgment debtor's bank account would have to determine a specific bank branch location for the judgment debtor's account, and then arrange for service at that location. Banks wise to the very precise requirement would simply mark the memorandum of garnishee with "Nothing to Report" or "No Account Found" if the judgment creditor selected the wrong branch even if the judgment debtor maintained an account with the bank.

Code of Civil Procedure Section 684.115 requires financial institutions with nine or more branch offices in California to designate one or more central locations for service of legal documents such as levies, attachments and garnishes. Those financial institutions are required to file the designation with the California Department of Financial Institutions.

The financial institutions are required to designate the physical address and the days and hours for accepting service, plus include any limitations on the service of process being accepted. Such limitations can include service related for deposit accounts and safe deposit boxes, but even then financial institutions are required as provide specific information for acceptable service of process locations. As an added incentive for financial institutions to obey the law, the statute states that if a financial institution does not comply, then each branch for the financial institution located in California will be deemed to be a central location for service of legal process.

Specific information contained in each financial institution's designation is available on the State of California's website. Financial institutions with less than nine locations may voluntarily participate by designating a centralized location. The procedure is welcome news for any attorney who has experienced the frustrations with serving legal process on banks for various purposes.

Whether financial institutions will challenge if they are still required to submit designations for service of legal process remains to be seen. Under Section 684.115, financial institutions are required to file their notices of designations with the "Department of Financial Institutions." However, the "Department of Financial Institutions" technically doesn't exist anymore since, as of July 1, 2013, California's Governor merged the Department of Corporations

Upcoming Events Calendar

August 15

Stoney's Kids Birthday Party
5:30 p.m.

Sycuan Resort

3007 Dehesa Road, El Cajon 92019

(See insert for more detail)

September 17

Family Law Section
12:00 - 1:15 p.m.

East County Court, Dept. 6, 250 E. Main
Street, El Cajon

Topic: TBA

Newsletter Advertising Rates

Business Card size:

\$25.00 for two months

\$125.00 for twelve months

(Includes publication in annual attorney directory)

and the Department of Financial Institutions into the new “California Department of Business Oversight.”

One of the Department of Business Oversight divisions is entitled “Division of Financial Institutions” which arguably does not correspond to the statute’s very specific “Department of Financial Institutions.” Let’s keep our fingers crossed that the law will be amended to correct this technicality before banks attempt to take advantage of it.



ATTORNEY LAURI CROCE, OUT ON HER OWN

On June 1, 2013, Lauri Croce, Attorney at Law opened as a solo law practice in Del Mar. Lauri previously was the senior associate and main litigator for twelve years at Kriger Law Firm. With over twenty-five years’ experience both inside and outside the courtroom,

Lauri provides full service business and real property legal services to a wide variety of clients, including common interest developments, commercial landlords, lienors and lenders, business owners, and individuals. Lauri Croce has specialized throughout her career in litigation and pre-litigation planning, and alternative dispute resolution as a means of achieving cost-effective and practical solutions for her clients. Though skilled and prepared to take a matter through trial, Lauri recommends mediation early in the process to explore the potential of a peaceful compromise before a legal dispute escalates beyond the point of no return.

Lauri represents, and has represented, her clients in matters involving homeowners association law; assessment collections and foreclosure; fraud and breach of fiduciary duty issues; title, easement and adjoining landowner disputes; insurance claims and coverage; employment law (employer representation); bankruptcy (creditor representation); real estate sales and broker disputes; commercial landlord-tenant issues and rent collection; intellectual property issues; and many other tort claims and contract disputes. Lauri brings both knowledge and experience to her law practice, emphasizing practical solutions to the everyday problems faced by businesses and individuals.

After two months in her new office, Lauri is comfortably providing legal services to numerous new and former clients throughout southern California. Lauri’s office may be north county coastal, but she is at heart an east county woman. Lauri makes her home in the San Carlos neighborhood of the City of San Diego, has a number of east county colleagues, clients and business contacts and appears regularly at the El Cajon courthouse. She also remains committed to her membership in the Foothills Bar Association and position as one of its board members. Lauri’s greatest challenge to date has been the commute – twenty-five miles each way to and from her office. Thankfully, this particular challenge is mitigated by Audible.com and Lauri’s supportive family (Mom and two kitties) and friends. Learn more about Lauri Croce, Attorney at Law, by visiting www.lauricrocelaw.com, or contact Lauri at lcroce@lauricrocelaw.com.

Family Law Settlement Panel Calendar

Date	Temporary Judge
August 7	Donna Denham
	Marilyn Bierer
	Robert Garland
August 14	Robert Lesh
	Steven Merker
	Beatrice Snider
August 21	Richard Renkin
	John McCabe
	Marilyn Bierer
August 28	Gary Glauser
	Judi Sanzo
	Stanwood Johnson
August 28	Shawn Weber
	Tony Starks
	Marc Shular
August 28	Charles Schmidt
	Timothy McDermott
	Julia Garwood
August 28	Scott Finkbeiner
	Charles Schmidt
	Meridith Levin
August 28	Charles Schmidt

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 August 20 and September 17 at the office of Clayton Anderson & Associates at 8220 University Avenue, 2nd Floor, La Mesa, CA 91942. 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.

CIVIL LITIGATION SECTION MCLE UPDATE

By Cheryl L. Stengel, Esq.

On July 18, 2013, the Civil Litigation Section hosted the MCLE program "Top 10 California Legal Ethics Rulings of 2012-2013". The speakers were attorneys Daniel Eaton, David Majchrzak, Edward McIntyre, Wendy Patrick, and Leah Strickland, five of San Diego County's most distinguished attorneys on the subject of legal ethics.

The speakers provided an overview and lively discussion of recent court rulings in several practice areas: family law, personal injury, intellectual property, bankruptcy, real property and consumer class actions. The legal ethics issues presented included discoverability of attorney-directed witness statements, ethical duties of co-counsel brought into a litigation team for trial, when pre-litigation attorney demand letters may constitute criminal extortion, recoverability of prevailing party attorney fees for defense by a law firm's "of counsel" attorney, client solicitation in class action lawsuits, inadvertent disclosure of privileged electronically stored information and the attorney's duty of care, and attorney liability on a conspiracy theory for taking action on behalf of the client.

The Civil Litigation Section is looking for speakers for future programs. If you are interested, please contact Mark Raftery at mraftery@epsten.com or 858-527-0111 or Cheryl Stengel at clstengel@outlook.com or 619-296-2126.

Save the Date for Stoney's Kids Birthday Party!

Thursday August 15th, 2013, 5:30pm

Sycuan Resort, 3007 Dehesa Rd. El Cajon, CA 92019

\$25 Per Person- Includes Dinner

Happy 88th Birthday Stoney!

Thank you for your continued support of one of East County's most treasured non-profits. Stoney's Kids will be honoring its founder, B.W. "Stoney" Stone, on August 15th with a Birthday Bash at Sycuan Resort!

Please mark your calendars and celebrate with us as we toast Stoney on his 88th Birthday and raise crucial funds and awareness for the children of East County!

SAN DIEGO LAW LIBRARY UPDATE – SPORTS NIGHT AT THE LAW LIBRARY!

Projecting the success of high school players at the college level — and college to pro — is a process that involves not only figuring out future physical development over four or five years but also measuring mental makeup, drive, and maturity. Who will make it and who could never make it? What life skills does an athlete need to survive throughout and beyond a sports career? It depends on who you ask.

Join Pro Football Hall of Famer & Former Charger RON MIX and our panel of experts to discuss:
High School Recruiting & NCAA Compliance
NCAA Participation & Eligibility
Pro Level Transitioning / Life Management for Pro Athletes

Monday, August 12 from 5 – 7 join us at the Downtown Law Library (Corner of Front & C Street) for a glass of wine, light appetizers and a thought-provoking discussion led by our panel of sports & life experts. Space is limited, register online at <http://sports12aug2013.eventbrite.com/>, cost is \$10.

Sponsored by The Hartford Group of Merrill Lynch, 1 hour of General MCLE credit available.

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.

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**Foothills Bar Association
Of San Diego County**

P.O. Box 1077
El Cajon, CA 92020

Membership Application

The FBA Membership year is July 1 – June 30

****Dues are waived for first-time applicants who have been a member
of the CA State Bar for less than one (1) year****

Please Print or Type:

*Required fields ***

New Renew with changes as noted Renew with No changes

**** Name:** _____

Name of Firm: _____

Office Address: _____

Office Phone: _____ Fax Number: _____

Email Address: _____

*(I understand that by providing my fax number and email address, I hereby consent to receive faxes and email messages by
or on behalf of the Foothills Bar Association)*

I agree that my professional contact information may be published on the Foothills Bar Association website
and in the annual Foothills Bar Association Attorney Directory.

If you DO NOT want your professional information published in the directory or on the website, please initial
here: _____

Foreign Languages Spoken: _____

I am a member in good standing of the State Bar(s) of: _____

CA Bar #: _____ Year admitted to Practice: _____

Are you interested in becoming actively involved? *(please check one)*

Yes, I would like to become actively involved, and have time to devote.

Yes, I would like to become actively involved, but have limited time to devote.

No, I do not wish to be actively involved, but do wish to take advantage of FBA
membership benefits.

If you would like to be actively involved and have time to devote would you like to hold a
position? *(Please circle one)* yes or No

If you answered yes, what committee and/or position are you interested in?

Please choose a section: Family Law Estate Planning Civil Litigation Criminal

Please choose a committee: Advertising Annual Dinner Golf Tournament
Hard-to-Get Seminar Law Day MCLE Membership Monthly Newsletter Website

** Date: _____ **Applicant Signature: _____

*Please return the completed Membership Application, together with your check for \$65.00 or with a check made payable to: **Foothills Bar Association** and mail to:*

*Foothills Bar Association
P.O. Box 1077
El Cajon, CA 92020
www.foothillsbar.org*

Credit Card Number: _____ Security Code: _____

Type of Card (i.e. MasterCard, VISA, American Express): _____

Name on Credit Card: _____

Expiration month/year: _____

Check all areas of practice to be included in the Foothills Bar Association Telephone Directory and on the Foothills Bar Website:

Administrative	Internal Revenue Service/ Tax
Adoptions	Insurance
Appellate	Intellectual Properties
Aviation	Juvenile
Banking	Landlord/ Tenant
Bankruptcy	Legal Malpractice
Business/ Corporate	Mechanic's Liens
Civil Litigation	Medi-Cal
Collections/ Consumer	Mediation
Commercial/ Construction	Medical Malpractice
Conservatorship	Military
Criminal	Municipal
Dental malpractice	Personal Injury
Elder	Probate
Eminent Domain	Public Defender
Employment	Real Estate/ Land Use/ Environment
Estate Planning/ Wills/ Trusts	School
Family/ Domestic	Securities
General	Sports/ Entertainment
Guardianship	Social Security
Home Owners Association	Worker's Compensation
Immigration	List all areas of Certified Specialization:

SUBMISSIONS

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

ADDRESS CHANGES

Send change of address or telephone number to Lauri Croce, Esq. at Lcroce@a-khoa.com or 619-589-8800, Extension 301.

Foothills Bar Association

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El Cajon, CA 92022

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