

# NEWSLETTER

## ONE CAN'T JUDGE AND HAVE A SENSE OF HUMOR

By Keith A. Jones, Esq.

Many members of the Foothills Bar Association serve or have served as pro-tem judges in the San Diego County Superior Court. California Rules of Court do not permit the attorneys to act as temporary judges if there is a conflict of interest or if doing so would create an appearance of impropriety. The rules governing judges' actions are comprehensive and recognize that judges are subject to constant public scrutiny, and that they must accept restrictions on their conduct.

For example, judges can't allow family, social, political, or other relationships to influence their judicial conduct or judgment. While the rules recognize that judges should not become isolated in the communities where they live, expressions of bias or prejudice in their outside activities could cast doubt on their impartiality, integrity and competence. Thus, outside activities such as telling off-color jokes could be construed as interfering with a judge's performance.

Outside activities by a lawyer serving as a part-time judge in South Hackensack traffic cases and disorderly persons offenses caused the New Jersey Supreme Court to make him choose between the activities or the bench. The attorney, Vince Sicari, performed as a stand-up comedian and actor. He has enjoyed success with his efforts, including appearing on network television and performing warm-up routines for Comedy Central audiences. In 2008, the New Jersey ethics board recommended that Mr. Sicari quit his comedy work.

In the recent proceedings regarding Mr. Sicari's activities, New Jersey's attorney argued that municipal judges such as Mr. Sicari had the most frequent contact with the public, and cited homophobic and racist characters that he portrayed in a reality hidden camera show. Mr. Sicari claimed that he didn't tell jokes related to the legal profession or divulge his judicial position during his routine, and that he took pride serving as a judge.

The New Jersey Supreme Court found that his sense of humor adversely affected the objectivity and impartiality governing the municipal court, and made him choose the bench or the stage. Given that choice, Mr. Sicari opted to continue his entertainment career.

I'm not aware whether any FBA members have entertainment careers, but one of my fellow law school classmates had a brief career as a comedian performing on cruise ships and in comedy clubs. Just be aware that if you fit in the judicial/entertainer category, you may

### Upcoming Events Calendar

#### October 10

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

Law Office of Nancy Kaupp Ewin, Esq. 8166  
La Mesa Blvd., La Mesa

Topic: "Social Media, E-mail, Internet and  
Privacy/Ethical Issues Involving Technology"

Speaker: Valerie Hong

#### October 14

Civil Litigation Section  
12:00 - 1:15 p.m.

BJ's Restaurant, Grossmont Center, La Mesa

Topic: "Debt Collection Abuse, a primer on  
the Fair Debt Collection Practices Act,"

Speaker: Patrick Howe, Esq.

#### October 15

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

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

Topic: "Bud's Blockbusters: Latest Family Law  
Cases and Statutes"

Speaker: Garrison "Bud" Klueck, Esq., CFLS

be faced with the choice of whether to entertain with your sense of humor or wear the robe. If you opt for the former, at least you would be free to tell lawyer jokes.

## CATHERINE TANCREDI PRESENTS MCLE ON DETERMINING THE PROPER COURT FOR CUSTODY CASES INVOLVING PARENTS AND NON- PARENTS

By William A. Hannosh

Catherine Tancredi, a local Certified Family Law Specialist who also holds a great deal of knowledge about representing clients in Probate and Juvenile courts, presented the September MCLE to the Foothills Bar Association's Family Law Section in Department 6 of the East County Courthouse on September 17, 2013.

Ms. Tancredi otherwise explained the process she goes through in deciding the most appropriate court in which to litigate, given the requirements of state and local rules, of course. The Who, What, Where, Whens and Whys, as explained by her, involve ascertaining who is the proper client, and if the client is not a parent, then what kinds of rights or protections are afforded that non-parent client. She then does a reasonable investigation into whether custody will change or be modified in the case of known neglect, abuse, injury, a parent's incarceration or involvement by Child Protective Services (CPS). The four courts available to seek a legal remedy or relief (depending entirely on the facts and issues each case poses) are family court, Probate Court (for guardianships), Juvenile Court (for dependency or delinquency proceedings) and courts with jurisdiction over child support services (e.g. Department of Child Support Services) or child support issues.

Giving advice that benefits both the seasoned litigator and the newly attorney just starting out, Ms. Tancredi reminded of the importance of the attorney him/herself conducting the initial client intake. The reason for this is so that the attorney can personally take in the key facts and developments of the case while also being able to conduct the ever-needed conflict check. "Gaining the client's trust comes through honestly listening to their story" . . . "and asking your own client the tough questions," she said.

Aside from checking the potential client's name and opposing party's name against the San Diego Sheriff's website for restraining orders and arrest warrants or the state inmate locator, Ms. Tancredi stated, "We all have reputations in front of judges, and we are not simply hired to become a mouthpiece for a client." She continued, "You want to make sure you have a viable client with a sound case." She also reminded the audience about the ethical duty all attorneys have to investigate both the strengths and weaknesses of the client's factual and legal position, anyway. "It is something that behooves every attorney to ask clients those

### Family Law Settlement Panel Calendar

Date	Temporary Judge
2-Oct	Wells Lyman
	William Benjamin
	Linda Cianciolo
	Richard Renken
	David Weber
9-Oct	Scott Finkbeiner
	John Tannenber
	Georgia Williams
16-Oct	Judi Sanzo
	Charles Schmidt
	Robert Garland
	Judy Marolt
23-Oct	Marilyn Bierer
	Sharon Asaro
	Wells Lyman
	Garrison Klueck
	Gary Glauser
30-Oct	Wells Lyman
	Marilyn Bierer
	Laura Miller
	Nancy Stassinopolis

tough questions about their own past” (e.g., past criminal conduct, convictions, restraining orders and CPS investigations or allegations).

Another good reason for this fact-checking, aside from the idea that you “never know what you will find” is such information can be extremely helpful in filling out the Uniform Child Custody Jurisdiction Enforcement Act Declaration, which is required in any case involving custody.

In Probate Court, a guardianship is much more paper (and time-) intensive to complete. If one is pursuing a Temporary Guardianship, based on an emergency situation, even more forms are required, said Tancredi. Also, it is important to note that guardianships are “very tough to terminate”. Probate Courts, in the case of guardianships, are not concerned with reunification with the parents (as is the case in Juvenile Court). Instead, Probate Courts see the best interest of the child as being the paramount concern, very much like Family Court.

Whether or not a petition has been filed in Juvenile Court, in specifically dealing with CPS, Ms. Tancredi stressed the need to: be accommodating, not be difficult, invite them into your home, and give them the freedom to look around the household, as they see fit. When it comes to custody, visitation and child placement issues, it is key to remember that Juvenile Court orders ‘carry the day’ by taking precedence over other state court orders and judgments.

### Newsletter Advertising Rates

Business Card size:  
 \$25.00 for two months  
 \$125.00 for twelve months  
 (Includes publication in annual attorney directory)

### 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 October 15 and November 19, 2013 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.

## SAN DIEGO LAW LIBRARY UPCOMING EVENTS:

Tuesday, October 8, 12-1 pm @ Downtown Location

### Immigration Remedies for Survivors of Domestic Violence and other Violent Crimes

Domestic violence is a problem that pervades all socio-economic backgrounds; however, it is often overlooked in the immigration context. It is common for abusers who are United States citizens or lawful permanent residents to threaten their undocumented victims with deportation as a means of dissuading them from reporting the abuse. Immigration law expert Ginger Jacobs passionately discusses the various options available to victims of domestic violence, from filing immigration petitions to cancelling removal proceedings. Ms. Jacobs also covers the requirements of the VAWA I-360 immigration self-petition and creative ways to gather necessary evidence. Finally, she touches upon the U Visa as an alternative means by which a victim can seek immigration relief. After attending this program, immigration attorneys will know how to recognize and provide sound representation for victims of domestic violence.

Cost: Free

Sign up online at: <https://dv8oct2013.eventbrite.com/>

Wednesday, November 6, 12-1 pm @ Downtown Location

**Reducing Discovery Costs and Risks through Litigation Readiness**

The Federal Rules of Civil Procedure require that companies be prepared to discuss the location and accessibility of potentially relevant information shortly after litigation begins. Discovery rules and recent case law require the quick and effective imposition of a litigation hold once a triggering event occurs. This session will address how to reduce discovery costs and risks through litigation readiness, including the development of an effective litigation discovery response plan, the creation of a targeted data map, and a review of email and records retention policies (in and out of the cloud), schedules and backups.

Cost: \$10

Sign up online at: <https://discovery6nov2013.eventbrite.com>

For more information, please contact ...

Isabel Eustaquio, Esq. | Librarian, San Diego Law Library  
1105 Front St., San Diego, CA 92101

Phone: (619) 531-3900 E-mail: [ieustaquio@sdlawlibrary.org](mailto:ieustaquio@sdlawlibrary.org)

The Foothills Bar Association's annual "Hard to Get" MCLE program will be January 15, 2014 at the La Mesa Community Center. This program will feature excellent speakers on legal ethics, substance abuse and elimination of bias. Food and beverages will be provided. Details to follow.



FOOTHILLS BAR ASSOCIATION  
OF SAN DIEGO COUNTY  
Service, Professionalism, Collegiality

# SAVE THE DATE

January 23, 2014

Annual Dinner and Installation of  
Officers and Directors

*January 23, 2014*

*6:00 p.m.*

*La Mesa Community Center*

*Arbor View Room*

*4975 Memorial Drive*

*La Mesa, CA 91942*

*For more Information Contact:*

## **Foothills Bar Association**

President: Bradley A. Schuber, Esq.  
Tel: (619) 589-8800 ext. 301

To RSVP for the dinner contact: Carolyn R.  
Brock, Esq. Tel (619)741-0233.

<http://www.FoothillsBar.org>



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN DIEGO**

EAST COUNTY DIVISION  
250 E. MAIN STREET  
EL CAJON, CA 92020

**TERRI BREWTON  
BRANCH DIRECTOR  
(619) 456-4159  
(619) 456-4237 FAX**

August 30, 2013

**TO:** Judges of the San Diego Superior Court, East County Division  
All Employees

**FROM:** Terri Brewton  
Branch Director

**RE: THANKSGIVING, CHRISTMAS AND NEW YEAR'S HOLIDAYS**

The East County Division of the San Diego Superior Court will be closed for the following holidays:

**THANKSGIVING:** Thursday, November 28, 2013  
Friday, November 29, 2013

**CHRISTMAS:** Wednesday, December 25, 2013

**NEW YEAR'S:** Wednesday, January 1, 2014

The attached chart should to be used to calendar Criminal/Traffic & Civil Restraining Order matters at the East County Division of the Superior Court during these holiday weeks.

If you have any questions, please contact me at (619) 456-4159.

Terri Brewton  
Branch Director

Attachments (4)

cc: Distribution List

## Criminal & Minor Offense (Traffic) Holiday Schedule

### COURT CLOSED

**Thursday & Friday - November 28 & 29**

Calendar settings should occur as usual during Thanksgiving week  
(11-25 through 11-27), unless otherwise indicated below.

**NO SETTINGS on Thursday 11-28 or Friday 11-29**

Hearing Type	Usually Scheduled	Holiday Schedule
Traffic/Minor Offense Citations	Daily	No citations to be scheduled with appearance dates of Wednesday 11-27, Thursday 11-28 or Friday 11-29.
<b>In Custody</b> Arraignments	1:30 p.m. Daily DA 12:00 cut off for new filings	All settings on Wednesday 11-27 for 9:00 a.m. (Misdemeanors and Felonies) DA 8:30 cut off for new filings
Jury Trials	Monday through Thursday	Only set demand time cases during this week.
Preliminary Hearings	Monday through Thursday	Only set demand time cases during this week.
Court Trials	Monday through Thursday	No settings on Wednesday 11-27
Felony Readiness (Limited)	Wednesday, Thursday Friday	Tuesday, 11-26 or Wednesday, 11-27
Criminal Law & Motion (General)	Friday	No settings during this week
Motion Calendar (Limited)	Monday, Tuesday	Set all hearings on Monday, 11-25
Out-of-Custody Felony or Misdemeanor Arraignments	Daily	No change
Walk-Ins	Daily	Dept. 1 Wednesday 11-27, 9:00 cut off, no PM Dept. 2 Wednesday, 11-27, 9:00 cut off, no PM Dept. 3 Wednesday 11-27, 9:00 cut off, no PM
Misdemeanor Readiness	Monday, Tuesday, Wednesday, Friday	No settings on Friday 11-29
Misdemeanor DV Readiness	Tuesday & Friday	No settings on Friday 11-29
Drug Court/Prop 36	Thursday	No settings on Thursday 11-28
Misd. DV Review Hearings	Monday, Wednesday	No settings on Wednesday 11-27
Felony DV Review Hearings	Thursday	No settings on Thursday 11-28
Department 11 Felony Sentencings Probation Modifications Misc. Hearings Felony FTA Hearings	Monday through Thursday 1:30	Set at 9:30 a.m. on Wednesday 11-27 No afternoon setting

**Restraining Orders  
 Holiday Schedule - COURT CLOSED  
 Thursday & Friday - November 28 & 29**

Hearing Type	Usually Scheduled	Holiday Schedule
Civil Harassment Calendar TRO's and RO's	Monday - Thursday	<u>Do not schedule for:</u> <ul style="list-style-type: none"> <li>• Thursday 11-28</li> </ul>

**Juvenile Department Holiday Schedule  
 COURT CLOSED  
 Thursday & Friday - November 28 & 29**

No hearings to be scheduled for Thursday November 28 or Friday November 29

## Criminal & Minor Offense (Traffic) Holiday Schedule

### COURT CLOSED

**Wednesday, December 25, 2013 and January 1, 2014**

Calendar settings should occur as usual during the holidays unless otherwise indicated below.

Hearing Type	Usually Scheduled	Holiday Schedule
Traffic/Minor Offense Citations	Daily	No citations to be scheduled on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1
<b>In Custody</b> Arraignments	Daily at 1:30  DA new filing cut off 12:00	All settings on Tuesday 12-24 @ 9:00 a.m. All settings on Tuesday 12-31 @ 9:00 a.m. DA new filing cut off 8:30 a.m. (felonies and misdemeanors)
Jury Trials	Monday through Thursday	Set demand time cases between December 24 and January 2
Preliminary Hearings	Monday through Thursday	Set demand time cases between December 24 and January 2
Court Trials	Daily	No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1
Felony Readiness (Limited)	Wednesday or Thursday	No settings on Wednesday 12-25
Criminal Law & Motion (General)	Friday	No settings on Friday 12-27
Motion Calendar (Limited)	Monday or Tuesday	No settings on Tuesday 12-24 and Tuesday 12-31
Out-of-Custody Felony or Misdemeanor Arraignments	Daily	No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31, or Wednesday 1-1
Walk-Ins	Daily	Dept. 1 Tuesday 12-24 and 12-31 11:00 cut off – no PMs Dept. 2 Tuesday 12-24 and 12-31 9:00 cut off – no PMs Dept. 3 Tuesday, 12-24 and 12-31, 9:00 cut off – no PMs
Misdemeanor Readiness	Monday, Tuesday, Wednesday, Friday	No settings on Tuesday 12-24 or Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1
Misdemeanor DV Readiness	Tuesday, Friday	No change
Drug Court/Prop 36	Thursday	No change
Misdemeanor DV Review Hearings	Monday, Wednesday	No change
Felony DV Review Hearings	Thursdays	No change
Department 11 Felony Sentencing , Probation Modifications, Misc. & FTA Hearings	Monday through Thursday	No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1

## Restraining Orders

### Holiday Schedule

**COURT CLOSED December 25 and January 1**

Hearing Type	Usually scheduled...	Holiday Schedule
Civil Harassment Calendar	Monday - Thursday	<b>SET LIGHT ON:</b> <ul style="list-style-type: none"><li>• Thursday 12/26</li><li>• Monday 12/30</li></ul> <b>Do not schedule for:</b> <ul style="list-style-type: none"><li>• Tuesday 12/24</li><li>• Tuesday 12/31</li></ul>

## Juvenile Department Holiday Schedule

**COURT CLOSED**

**DECEMBER 25 AND JANUARY 1**

Dept. 18 will be dark December 23, 2013 through January 1, 2014.



**FOOTHILLS BAR ASSOCIATION  
OF SAN DIEGO COUNTY**  
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THE CIVIL LITIGATION SECTION OF  
THE FOOTHILLS BAR ASSOCIATION PRESENTS:

**“Debt Collection Abuse, a primer on the Fair Debt  
Collection Practices Act (FDCPA)”**

**Speaker:**

**Patrick Howe, Esq.**

**Monday, October 14, 2013 – Noon to 1:15 p.m.  
BJ’s Restaurant, Grossmont Center, La Mesa**

The seminar is free to members of the FBA and \$10.00 for nonmembers. The cost of lunch will be whatever you choose from BJ’s menu, although you are not obligated to order lunch. Walk in registrants will be accommodated as space allows. Please RSVP.

\*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.

Mark Rafferty and Cheryl Stengel, Civil Litigation Section Co-Chairs

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**Registration for the Seminar on October 14, 2013**

Name \_\_\_\_\_ Persons Attending \_\_\_\_\_

Telephone \_\_\_\_\_

Please RSVP. E-mail registration to Cheryl Stengel at [clstengel@outlook.com](mailto:clstengel@outlook.com) by October 11, 2013.

**\*Application for MCLE Provider Approval Pending with the State Bar.**



**FOOTHILLS BAR ASSOCIATION  
OF SAN DIEGO COUNTY**  
Service, Professionalism, Collegiality

**FOOTHILLS BAR ASSOCIATION  
FAMILY LAW SECTION MEETING**

**Tuesday, October 15, 2013  
12:00 pm – 1:15 pm**

**LOCATION:**

**East County Court House – Department 6  
250 East Main Street, El Cajon, CA 92020**

**TOPIC:**

***“Bud's Blockbusters:  
Latest Family Law Cases & Statutes”***

**SPEAKER:**

***Garrison “Bud” Klueck***  
Attorney - Certified Family Law Specialist

**COSTS:**

- \*Free for Members of Foothills Bar Association
- \*\$10.00 for Non-Members or Guests.

**\*\*The Foothills Bar Association has submitted its application for renewal of provider status to the State Bar of California and expects this program will be approved for 1.0 hour of MCLE general credit by the State Bar of California.**

For questions, please contact Will Hannosh at (619) 244-9835 or  
[Williamthelitigator@gmail.com](mailto:Williamthelitigator@gmail.com)

# 2013 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

## OFFICERS

President	Bradley Schuber	BSchuber@a-khoa.com	619-589-8800
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Treasurer	Mark R. Raftery	mraftery@epsten.com	858-527-0111
Secretary	Cheryl L. Stengel	clstengel@outlook.com	619-269-2126
Immediate Past President	Carolyn R. Brock	carolyn@crbrocklaw.com	619-741-0233

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## 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

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HARD-TO-GET CREDITS SEMINAR	Chair: Keith Jones
MEMBERSHIP	Chair: Lauri Croce, Gerald Sherwin
ADDRESS CHANGES	Chair: Lauri Croce, Gerald Sherwin

### SUBMISSIONS

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at [clstengel@outlook.com](mailto:clstengel@outlook.com) .

### ADDRESS CHANGES

Send change of address or telephone number to Lauri Croce, Esq. at [lauricrocelaw@gmail.com](mailto:lauricrocelaw@gmail.com) or 858-720-1590.

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**Foothills Bar Association**

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