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
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

<table>
<thead>
<tr>
<th>Date</th>
<th>Temporary Judge</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Oct</td>
<td>Wells Lyman</td>
</tr>
<tr>
<td></td>
<td>William Benjamin</td>
</tr>
<tr>
<td></td>
<td>Linda Cianciolo</td>
</tr>
<tr>
<td></td>
<td>Richard Renken</td>
</tr>
<tr>
<td></td>
<td>David Weber</td>
</tr>
<tr>
<td>9-Oct</td>
<td>Scott Finkbeiner</td>
</tr>
<tr>
<td></td>
<td>John Tannenberg</td>
</tr>
<tr>
<td></td>
<td>Georgia Williams</td>
</tr>
<tr>
<td>16-Oct</td>
<td>Judi Sanzo</td>
</tr>
<tr>
<td></td>
<td>Charles Schmidt</td>
</tr>
<tr>
<td></td>
<td>Robert Garland</td>
</tr>
<tr>
<td></td>
<td>Judy Marolt</td>
</tr>
<tr>
<td>23-Oct</td>
<td>Marilyn Bierer</td>
</tr>
<tr>
<td></td>
<td>Sharon Asaro</td>
</tr>
<tr>
<td></td>
<td>Wells Lyman</td>
</tr>
<tr>
<td></td>
<td>Garrison Klueck</td>
</tr>
<tr>
<td></td>
<td>Gary Glauser</td>
</tr>
<tr>
<td>30-Oct</td>
<td>Wells Lyman</td>
</tr>
<tr>
<td></td>
<td>Marilyn Bierer</td>
</tr>
<tr>
<td></td>
<td>Laura Miller</td>
</tr>
<tr>
<td></td>
<td>Nancy Stassinopolis</td>
</tr>
</tbody>
</table>
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.

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**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/
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

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.
SAVE THE DATE
January 23, 2014
Annual Dinner and Installation of Officers and Directors

For more Information Contact:
Foothills Bar Association
President: Bradley A. Schuber, Esq.
Tel: (619) 509-2812 ext. 101
To RSVP for the dinner contact: Carolyn R. Brock, Esq. Tel (619) 741-0233.
http://www.Foothills-Bar.org

January 23, 2014
6:00 p.m.
La Mesa Community Center
Arbor View Room
4975 Memorial Drive
La Mesa, CA 91942
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**

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

Holiday Schedule - COURT CLOSED

Thursday & Friday - November 28 & 29

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Usually Scheduled</th>
<th>Holiday Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Harassment Calendar</td>
<td>Monday - Thursday</td>
<td>Do not schedule for:</td>
</tr>
<tr>
<td>TRO's and RO's</td>
<td></td>
<td>• Thursday 11-28</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Usually Scheduled</th>
<th>Holiday Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic/Minor Offense Citations</td>
<td>Daily</td>
<td>No citations to be scheduled on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1</td>
</tr>
<tr>
<td><strong>In Custody</strong> Arraignments</td>
<td>Daily at 1:30</td>
<td>All settings on Tuesday 12-24 @ 9:00 a.m.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All settings on Tuesday 12-31 @ 9:00 a.m.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DA new filing cut off 8:30 a.m.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(felonies and misdemeanors)</td>
</tr>
<tr>
<td>Jury Trials</td>
<td>Monday through Thursday</td>
<td>Set demand time cases between December 24 and January 2</td>
</tr>
<tr>
<td>Preliminary Hearings</td>
<td>Monday through Thursday</td>
<td>Set demand time cases between December 24 and January 2</td>
</tr>
<tr>
<td>Court Trials</td>
<td>Daily</td>
<td>No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1</td>
</tr>
<tr>
<td>Felony Readiness (Limited)</td>
<td>Wednesday or Thursday</td>
<td>No settings on Wednesday 12-25</td>
</tr>
<tr>
<td>Criminal Law &amp; Motion (General)</td>
<td>Friday</td>
<td>No settings on Friday 12-27</td>
</tr>
<tr>
<td>Motion Calendar (Limited)</td>
<td>Monday or Tuesday</td>
<td>No settings on Tuesday 12-24 and Tuesday 12-31</td>
</tr>
<tr>
<td>Out-of-Custody Felony or Misdemeanor Arraignments</td>
<td>Daily</td>
<td>No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31, or Wednesday 1-1</td>
</tr>
</tbody>
</table>
| 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 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                                    | Monday through Thursday    | No settings on Tuesday 12-24, Wednesday 12-25, Tuesday 12-31 or Wednesday 1-1                    |
| Felony Sentencing , Probation Modifications, Misc. & FTA Hearings | | |
Restraining Orders

Holiday Schedule

COURT CLOSED December 25 and January 1

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Usually scheduled...</th>
<th>Holiday Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Harassment Calendar</td>
<td>Monday - Thursday</td>
<td><strong>SET LIGHT ON:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Thursday 12/26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Monday 12/30</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Do not schedule for:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tuesday 12/24</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Tuesday 12/31</td>
</tr>
</tbody>
</table>

Juvenile Department Holiday Schedule

COURT CLOSED

DECEMBER 25 AND JANUARY 1

Dept. 18 will be dark December 23, 2013 through January 1, 2014.
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 Raftery and Cheryl Stengel, Civil Litigation Section Co-Chairs

Registration for the Seminar on October 14, 2013

Name_____________________________ Persons Attending ___________
Telephone ______________________________

Please RSVP. E-mail registration to Cheryl Stengel at clstengel@outlook.com by October 11, 2013.

*Application for MCLE Provider Approval Pending with the State Bar.
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
2013 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

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Immediate Past President  Carolyn R. Brock  carolyn@crbrocklaw.com  619-741-0233

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

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

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LAW DAY  Chair:  Carolyn R. Brock
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.

ADDRESS CHANGES
Send change of address or telephone number to Lauri Croce, Esq. at lauricrocelaw@gmail.com or 858-720-1590.

Addressee Name
4321 First Street
Anytown, State 54321