



NEWSLETTER

Foothills Bar Association's Annual Dinner Celebration

By Cheryl L. Stengel, Esq.

On January 29, 2016, the Foothills Bar Association held its 53rd annual dinner celebration, along with the installation of the officers and board of directors for 2016. This was again held at the beautiful and unique Mission Trails Regional Park Visitor Center. Guests were greeted by a Native American flute player. The French Gourmet served an excellent meal, while a jazz band provided musical entertainment. Over 60 guests attended, including 6 judges, a large number of our members, their guests, and the San Diego County District Attorney.

This year, Commissioner Darlene White received the Foothills Bar Award. After several years of service in the East County division, she has been reassigned to downtown. During her time in East County, Commissioner White was a strong supporter of our Association and we appreciate her service and dedication. The George A. Alspaugh Award, recognizing civility in the practice of law and advancement of the positive image of attorneys, was presented to long time FBA member, Joel Kriger, Esq. The first Lifetime Achievement Award was presented to S. Michael Love, Esq., with a moving and entertaining introduction by his former law partner, Heather Milligan. Judge Eddie Sturgeon swore in the new 2016 Foothills Bar Board of Directors, including our new Vice President Traci Hoppes and President Glen Honig.

Featured speaker, District Attorney Bonnie Dumanis, discussed various current legal issues, including the effect of Proposition 47, marijuana legalization, police body cameras and recent California legislative activity.

Thank you to all who attended. And, thank you to Susanne de la Flor from Thorsnes Litigation Services and Brook Olsen from the High Conflict Diversion Program for parents in conflict for donating restaurant gift cards to award the raffle winners.

Upcoming Events Calendar

February 11

Estate Planning and Probate Section

12:15 - 1:15 p.m.

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

Topic: TBA

Speaker: TBA

February 12

Lincoln's Birthday

State Courts Closed

February 15

Presidents Day

State and Federal Courts Closed

February 18

Family Law Section

12:00 - 1:15 p.m.

East County Court, Dept. 7

250 E. Main Street, El Cajon

Topic: Updates, Do's and Don'ts from the
Family Law Bench

Speakers: Hon. Robert Amador, Hon. Selena
Dong Epley and Hon. Ernest Gross

A Big “Thank You” from the Immediate Past President

By Cheryl L. Stengel, Esq.

I am honored to have served as the 53rd President of the Foothills Bar Association. It's no secret on the board of directors that I was reluctant to take on this position, despite having served on the board for several years. The rich history of this Association and the long list of distinguished and successful past presidents, including several who became judges, can create intimidating shoes to fill. Now, I feel as though I blinked and the year is already over! I am so grateful for the support and the tireless efforts of the board members who have continued to volunteer their time this past year.

Through the leadership of our sections chairs, the FBA continue to provide top-notch CLE programs for members each month. Traci Hoppes chairs the Family Law Section, Mark Raftery and Elizabeth Smith Chavez chair the Civil Litigation Section and Nancy Ewin chairs the Estate Planning Section. After a few years of inactivity, the criminal law section has been revitalized and will offer regular programs for our criminal law practitioners (thank you, Glen Honig). Keith Jones and Elizabeth Smith-Chavez organized the annual “Hard To Get” MCLE in January. This was another outstanding program, with a highly qualified and entertaining panel speaking on the topics of legal ethics, recognition and elimination of bias and competence issues. And, the Italian dinner served at the program was fabulous.

The FBA continued its tradition of community service by again partnering with the East County Branch of the San Diego County Law Library for “Law Day”. Carolyn Brock, long time board member, has worked tirelessly to coordinate and promote this event for the past several years. We truly appreciate the attorneys who volunteered their time to give presentations to the public on topics including family law, landlord-tenant and criminal law issues. The FBA also partnered with the SDCBA to participate in the Law Student Welcome Reception at the Bar Center. Thank you to Traci Hoppes and Elizabeth Smith Chavez for representing the FBA at this event.

We enjoyed two social events at Hooleys Pub in Grossmont Center, the summer membership mixer and the December toy drive, which were organized by Bradley Schuber and George de la Flor. The toys collected were donated to the Salvation Army. Bud Klueck revived the FBA's fun summer tradition of “going out to the ol' ballpark” with a Padres game. Glen Honig again took on the challenge of chairing the annual dinner. This was another huge success – a lovely and lively evening at Mission Trails Regional Park Visitors Center. Kim Marie Staron contributed her fabulous talents in organizing the raffle and trivia game, which provided fun entertainment.

Kim Marie Staron continued her keen oversight of the FBA's website to ensure functionality and up-to-date information for our members. Bradley Schuber and FBA executive secretary, Jackie Finn, worked to implement a system to centralize and digitize the FBA's MCLE program records, which will better assist members in proving their MCLE compliance. Brad and Jackie also undertook the job of preparing the annual attorney membership directory, another benefit of FBA membership.

Thank you all for your year of service to this organization. It has been a productive year and I am grateful to the board for ensuring this organization's ongoing success. The FBA is in good hands under the leadership of our new president, Glen Honig.

CASp: A Method to Spell Relief from ADA Claims?

By Keith A. Jones, Esq.

California courts currently face a slew of lawsuits as a fallout from the real estate foreclosure crisis. Borrowers claim lenders used predatory practices in making the loans and employed improper procedures in foreclosing on them.

Years ago, California courts endured a similar onslaught of new filings for real estate-related actions in the form of American With Disabilities Act lawsuits, some of which forced small businesses to close when owners were unable to meet settlement demands or pay attorneys for a defense. Several attorneys have been disbarred for filing excessive numbers of ADA actions, many because the California State Bar claimed that the lawsuits represented a form of extortion rather than being pursued to benefit members of the public intended to be protected by the ADA.

Plaintiffs in ADA lawsuits can obtain injunctive relief and recover statutory damages that can be as much as \$4,000 per violation, plus attorneys' fees and costs. However, one benefit from the litigation, injunctive relief to compel completion of repairs to make the property ADA compliant, seemed lost in the settlement shuffle.

Additions to the Civil Code have been adopted which impact procedures for attorneys representing plaintiffs with ADA claims. Attorneys are required to satisfy requirements for demand letters which include that a written advisory accompany the demands. The advisory informs potential defendants that they may not be found liable just because they receive a demand letter or a complaint. Demand letters must also explain in plain language the access barrier encountered with facts about the access barrier's location.

While these procedures may assist an owner in a pre-litigation situation, California law enables property and business owners for older buildings to have their premises inspected by a Certified Access Specialist (CASp) to evaluate compliance with the ADA and other requirements. Sort of a pre- pre-litigation strategy. The CASp inspection assists in identifying 'readily achievable' conditions that can be corrected, with an estimated time frame for completion. Armed with this information, owners can fix the discovered violations before demand letters are sent or complaints are filed and served.

Obtaining a CASp certification also provides protection if a lawsuit is filed in the California superior court. If an owner has a CASp certificate and is sued, the owner can invoke a temporary stay in the lawsuit in most situations by filing a Judicial Council Form. The court will schedule an early neutral evaluation conference upon receipt.

The early neutral evaluation conference is similar to a mandatory settlement conference. The plaintiff is required to file an itemized list of the specific access barrier issues, a statement of damages including attorneys' fees and costs, and a settlement demand. The defendant needs to provide a copy of the CASp certificate. The parties and their attorneys are required to appear at the early neutral evaluation conference, unless a party's disability merits allowing an appearance by telephone or other method.

Whether the CASp procedure will spell relief for the California courts receiving ADA lawsuits remains unknown. The legislature no doubt hopes the procedure will have another intended effect, namely causing business and property owners to assess their properties and complete corrections before the ADA access issues land in court.



PRESS RELEASE
For immediate release January 19, 2016

Contact: John Adkins,
Library Director
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Fax: (619) 239-1563
jadkins@sdlawlibrary.org

***San Diego Law Library and
El Cajon Branch of the San Diego County Library
Announce New Partnership***

February 1, 2016, El Cajon, CA: The San Diego Law Library and the El Cajon Branch of the San Diego County Library are proud to announce a new partnership to provide better access to the law for the people of East County.

The partnership will bring important benefits to the El Cajon Branch of the San Diego County Library. First, a reference librarian from the Law Library will be at the branch on the first and third Mondays from 10 to 2 every month to answer questions and provide instruction about legal databases and other legal topics.

Second, El Cajon library patrons will have access to several legal databases whenever the library is open. We are working hard with our database providers to ensure the databases will be available at the start of February, though there may be a small delay in their availability. Please contact the Law Library or the El Cajon Branch of the San Diego County Library to check availability. The databases are LexisAdvance (provides access to laws and cases of all fifty states and federal government), CEB OnLaw (provides access to over 150 legal texts focused exclusively on California), and HeinOnline (a historical database of legal journals and United States government documents).

The libraries began working together late in 2015 to find a place for the El Cajon Legal Clinic. The clinic, put on by the Thomas Jefferson School of Law Center for Solo Practitioners, has proven to be very popular at the El Cajon Branch of the San Diego County Library for the past several months.

According to Director of Libraries John Adkins, "By partnering with public libraries, the Law Library embarks on a new era for the wider provision of access to justice. Before, we were in a courthouse and hard to find. But everyone knows where their local library is! We are very happy to be a public library partner and look forward to working together."

Join us in at the beautiful El Cajon Branch of the San Diego County Library, 201 East Douglas Avenue, on Monday, February 1, 9:30 am, as we kick off our partnership in style.

About the San Diego Law Library

San Diego Law Library is the only *public* law library in San Diego County. It has over 275,000 print and electronic resources available throughout its locations in Vista, El Cajon, Chula Vista, and downtown San Diego. The collection includes extensive materials on Civil Procedure, Immigration, Criminal Law, and more, written for both attorneys and non-attorneys. SDLL's goal is to provide its users the legal resources necessary to effectively meet their legal information needs. For complete information about all the Law Library's services and offerings, please visit sdlawlibrary.org.

Notices

Looking for Speakers for Future FBA Civil Litigation Section Meetings:

If you have a litigation topic you would like to present at an upcoming Civil Litigation Section MCLE meeting, please contact Section Co-Chairs Mark Raftery at mark@markrafterylaw.com or Elizabeth Smith-Chavez at liz@smithchavezlaw.com.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors meets on the third Tuesday of each month. The next meeting will be on February 16, 2016 at the Brigantine in La Mesa. The meeting will begin at 4:45 p.m. 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.

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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Professional Offices for Rent - Available Now!

Attorney Ronald Detzer retired in 2015. Three Offices in his building located at 8264 University Ave., La Mesa, are available immediately. Fully furnished lobby, conference room & kitchen. Hardwood floors, large windows in each private office. EZ freeway access, minutes from downtown courts. On-site parking area. ADA compliant.

Contact Anne Campbell for more information (619) 742-4500.

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2016 FBA OFFICERS, DIRECTORS, SECTION CHAIRS & COMMITTEES

OFFICERS

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| President | Glen Honig | glen@FamilyLawSanDiego.com | 619-315-9962 |
| Vice President | Traci Hoppes | traci@FamilLawSanDiego.com | 619-448-6500 |
| Treasurer | George de la Flor | dldelaflor@cs.com | 619-246-9544 |
| Secretary | Will Hannosh | will@hannoshlaw.net | 619-579-4200 |
| Immediate Past President: Cheryl Stengel | | | 619-269-2126 |
| | | clstenge!@outlook.net | |

DIRECTORS

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|------------------------|--|--------------|
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REPRESENTATIVES

| | |
|------------------|--------------|
| Dan Bacal, SDCBA | 619-588-2064 |
|------------------|--------------|

SECTION CHAIRS/MEMBERS

| | |
|--------------------------|--|
| FAMILY LAW: | Traci Hoppes |
| CIVIL LITIGATION: | Cheryl Stengel, Mark R. Raftery & Elizabeth Smith-Chavez |
| ESTATE PLANNING: | Nancy Kaupp Ewin, Carolyn R. Brock |

COMMITTEES

| | |
|------------------------|--|
| ADVERTISING | Chair: Nancy Kaupp Ewin |
| LAW DAY | Chair: Carolyn R. Brock & George de la Flor |
| HARD-TO-GET | Chair: Keith Jones, Garrison Klueck & Elizabeth Smith-Chavez |
| CREDITS SEMINAR | |
| MEMBERSHIP | Chair: Bradley Schuber & George de la Flor |
| ADDRESS CHANGES | Chair: Bradley Schuber |
| SPECIAL EVENTS | Chair: Garrison "Bud" Klueck |

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 Bradley Schuber at bschuber@krigerlawfirm.com

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