Foothills Bar Association Creates Young/New Lawyers’ Division

By William Hannosh, Esq.,

In February, the Foothills Bar Association-Board of Directors announced the creation of its Young/New Lawyer’s Division. Although all members of the Foothills Bar Association are highly encouraged to join and participate in the new division, it is demographically geared to attract attorneys who have been practicing law for seven years or less.

The impetus for the creation of the Young/New Lawyer’s Division is the realization that the association’s future is dependent on new attorneys becoming a part of the organization, while also comprising its leadership.

The new division holds a special place within the Foothills Bar Association, which seeks to set itself apart from other local bar associations as being the one that takes a more active role in mentoring and guiding newer attorneys as a regular part of its mission. The need for this type of mentorship is even more pronounced these days, as more seasoned practitioners have much to offer budding attorneys who may not necessarily know where to look, at first glance, for a more experienced peer.

In turn, the association will also benefit by having the creativity and innovation of newer and more eager attorneys available for its future MCLEs, networking events and community service projects.

In order to grow the new committee, the association will offer certain incentives to newer attorneys who have been licensed within the past six months to a year. One incentive for new attorneys who have been sworn in or licensed for less than a year is that they will not be charged the annual membership fee of $65.00 for their first year of membership with the Foothills Bar Association.

Upcoming Events

Calendar

March 9
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

March 16
Criminal Law Section
12:00 - 1:15 p.m.
East County Court, Dept. 10
250 E. Main Street, El Cajon
Topic: Anatomy of a DUI Case
Speaker: Joshua Price, Esq.

March 21
Family Law Section
12:00 - 1:15 p.m.
East County Court, Dept. 6
250 E. Main Street, El Cajon
Topic: Early Recognition and Solutions for High Conflict Parents
Speaker: Tony MacAllister
(Please note change in department)

March 31 – Cesar Chavez Day
State Courts Closed
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The committee will be led by co-chairs, Koryn Sheppard, Milena Celentano and Will Hannosh.

“I’m excited to be a part of the Young/New Lawyer’s Division of the Foothills Bar Association. This is a new focus and I am excited that they are now targeting an audience that can use the help and resources that our current members offer. Our goal is to be able to offer opportunities, tools, education, and resources to lawyers who are new to the practice. I also hope that this is a great networking opportunity for seasoned lawyers to find associates and mentoring opportunities. Lawyering used to include an apprenticeship aspect that has worn away with time. I am taking inspiration from that and hoping to infuse some of that back into our profession. And, of course, I look forward to working with Will and Milena, two lawyers who really inspire me both personally and professionally,” said Ms. Sheppard.

In order to break the ice to allow for needed networking take place naturally between peers and mentors, the Young/New Lawyer’s Division’s intends on holding a mixer in April 2017 at a local eatery in the East County area. More details about this first mixer will be provided in the April newsletter.
Self-Help Tree Trimmers Beware
By Keith A. Jones, Esq.

Maybe a client or prospective client has inquired about removing branches from a neighbor's trees, whether hanging over the property line or blocking a view. It's one thing to exercise self-help while on one's own property. However, trespassing onto private property is generally prohibited, and subjects the trespasser to civil liability. The damages may be nominal if the trespasser occasionally cuts across a neighbor's yard. But damages can be significant - and trebled - if the trespasser trims a neighbor's trees as a defendant recently learned the hard way.

A landowner desired to improve his view of the San Fernando Valley which was partially blocked by his neighbor's five eucalyptus trees and a walnut tree. The landowner exercised self-help actions by directing tree trimmers to enter the neighbor's property to complete the cutting and grooming without the neighbor's permission.

The neighbor responded with a lawsuit for trespass and negligence claiming damages to her trees, and for annoyance and discomfort for the loss of the shade and privacy. She succeeded at a jury trial with an award of $27,500 for damage to the trees, $20,000 to repair them, and $30,000 for annoyance and discomfort, loss of enjoyment, inconvenience and emotional distress, for a total of $77,500. The neighbor further requested the court to treble all damages under the timber trespass statutes claiming that the landowner acted willfully and maliciously. The trial court ultimately tripled the damages for the economic losses, but refused to treble the non-economic damages.

One California law in the Code of Civil Procedure states that any person who injures or cuts down the tree of another person is liable for "treble the amount of damages which may be assessed . . ." Another statute in the Civil Code provides that wrongful injuries to trees which do not result from casual or involuntary actions entitle the tree owner to recover "three times such sum as would compensate for the actual detriment . . ."

On appeal, the issue focused on whether "damages" under one statute and "actual detriment" under the other extended to require the court to treble non-economic damages. The appellate court first recognized that a landowner can recover annoyance and discomfort damages resulting from a trespass on his or her property even if he or she did not suffer physical injury.

The appellate court concluded that annoyance and discomfort damages would be part of the "damages" to be trebled under the one statute. It further reasoned that it was obligated to harmonize the statutes where reasonably possible and reconcile any inconsistencies. Consequently, the appellate court concluded that annoyance and discomfort damages are subject to the multipliers stated in both statutes. Thus, the case was remanded to the trial court for an adjustment to the judgment amounts to potentially total $232,500.

Either way, the landowner exercising self-help to trim the trees by accessing the neighbor's property without permission exposed himself to significant damages. His exposure became even more significant by the two statutes which operated to treble all forms of damages awarded by the jury. Next time a client contacts you about trimming or cutting down a neighbor's trees, be sure to advise him or her, "Tree trimmers beware!"
A Message from the San Diego Law Library:  East County Now Has Access to Legal Databases on Nights and Weekends!

By Kelly Keach, Librarian

The San Diego Law Library has partnered with the El Cajon location of the San Diego County Public Library at 201 E. Douglas to provide access to several legal databases seven days a week. You can find the databases on computers nearest the reference desk. Just turn to your right after entering and walk toward the end of the building.

You can access Lexis Advance, CEB OnLaw, and HeinOnline for free whenever the location is open. A law librarian is available for advice, suggestions, and quick training sessions on the first and third Mondays of each month from 10 to 2. The law librarian is not available on Law Library holidays.

The Lexis Advance subscription is not just court opinions and California-focused legal books. The California portion includes several titles which are only available electronically as the Law Library does not have a print copy. Titles include the California Guide to Tax, Estate & Financial Planning for the Elderly, California Juvenile Courts Practice and Procedure, and the California Small Business Guide. The subscription provides access to case law and statutes from all 50 states and the federal courts. This includes administrative decisions from over 70 federal agencies, administrative codes for all the states, and attorney general opinions for all 50 states. Lastly, our subscription provides access to a large collection of federal briefs, pleadings, and motions. This last collection is keyword searchable and covers all circuits.

The Library’s CEB OnLaw subscription provides access to over 100 books focused on California law. CEB OnLaw provides access to several titles that the Law Library does not maintain a physical copy. These titles include Real Property Ownership and Taxation, California Client Communications Manual, and Neighbor Law.

HeinOnline offers two unique collections. First, it provides access to hundreds of law journals. Second, there is an extensive collection of historical United States government documents back into the 1700s. It includes earlier versions of the United States Code back to the 19th century and a complete collection of the Congressional Record. These resources can be invaluable when you are conducting legislative history for federal statutes.

We are proud to offer these services and hope the extended hours will benefit the legal community in East County. As always, if you have any legal research questions, call the Law Library Information Desk at 619-531-3900.

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FEBRUARY 2017

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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 Cheryl Stengel clstengel@outlook.com.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors generally meets on the third Tuesday of each month. The next meeting will be on March 21, 2017 at the Law & Mediation Firm of Klueck & Hoppes, APC. 7777 Alvarado Road, Suite 413, La Mesa, CA 91942, beginning 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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Your submissions are welcome! Send articles, letters, flyers, and other non-advertising submissions to Cheryl Stengel at clstengel@outook.com.

ADDRESS CHANGES
Send change of address or telephone number to Bradley Schuber at bschuber@krigerlawfirm.com

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