

# Yolo County Bar Association Newsletter

## April 2006

### Our Next Meeting

**Topic:** “The Election for Yolo County District Attorney”

**Speakers:** Pat Lenzi and Jeff Reisig, candidates for Yolo County District Attorney

**When:** Thursday, April 20th at noon.

**Where:** Casa de Sapore (formerly Pietro's), 929 Court Street, Woodland

**Cost:** \$ 15

The Yolo County Bar Association is pleased to announce a joint effort with the Yolo County Law Library for a joint meeting/reception to be held on our April 20th, 2006, meeting. The Board of Trustees of the Yolo County Law Library will be hosting a reception at the Law Library (located at 204 Fourth Street, Suite A (one-half block away from Casa de Sapore, where we will be having lunch)). The plan will be to commence the lunch promptly at 12:00 and to adjourn to the Law Library for a reception and presentation of speeches by the candidates for Yolo County District Attorney. Liquid refreshments and desserts will be available at the Law Library. The purpose of the reception is to allow all attendees at the meeting to see the updated facilities at the Law Library and to receive further information on everything that is available at the Law Library, including the updated computer legal research that is available. We hope that everyone will avail themselves of this opportunity to hear the candidates for Yolo County District Attorney and familiarize themselves with our continuing efforts to achieve a state of the art Law Library.

**Please R.S.V.P. to Courtenay McKeon (<mailto:Courtenay@charter.net>) by Friday, March 10th so that we can give the restaurant an accurate count.**

The Yolo County Bar Association is a California State Bar approved provider of Minimum Continuing Legal Education programs and the program is approved for 1 hour of MCLE credit.

A sincere thank you goes out from the Yolo County Bar Association to former Yolo County Clerk-Recorder Tony Bernhard for filling in on extremely short notice as speaker at our March luncheon, when Freddie Oakley experienced travel delays.

**Important Case Management Announcement from Yolo County Superior Court**

**NOTICE: Effective May 1, 2006, and thereafter, all Case Management Conference hearings will be held at 9:00 a.m. in Department 16, 238 W. Beamer Street, Woodland, CA.**

**Law Day 2006 Coming May 16th, Including Presentation of the Liberty Bell Award**

The year, our annual Law Day celebration and luncheon will be held on Tuesday, May 16, 2006 at River City High School in West Sacramento. The theme of this year's celebration of Law Day is "Separate Branches, Balanced Powers," and we anticipate a program centered around the issue of warrantless wiretaps. As in past years, the Association will sponsor lunch for government students from Woodland, Davis, and West Sacramento who attend and learn about the importance of the rule of law. In order for the students to benefit from the program, it is critical that members of the local bench and bar attend and interact with the students.

The Yolo County Bar Association is still accepting nominations through April 28th for the 2006 Liberty Bell Award. The Liberty Bell Award is presented by the Yolo County Bar Association each year to honor a non-lawyer who has promoted better understanding of the rule of law, encouraged greater respect for law and the courts, stimulated a sense of civic responsibility, or contributed to good government in the community. Nominations should be submitted by contacting Jim Nolan at (530) 750-3000, or by fax at (530) 750-3533. Please provide contact information and a brief description of the nominee and why they are deserving of the award.

**Changes to Yolo County Case Management Hearings**

Please be aware that Case Management Conferences, held at 9:00 a.m. on Monday mornings, are now being heard by ADR Administrator David Blicher, sitting *pro tem*.

**Yolo County Conference on Mental Illness & Criminal Justice**

Attached to this newsletter is a flyer for the upcoming Yolo County Conference on Mental Illness and Criminal Justice, which will be held on May 5, 2006 at the Heidrick Ag History Center in Woodland.

**Yolo County Bar Association 2006 Membership**

If you have not already renewed your membership to the YCBA, now is the time. Dues are \$50.00 for the year. A membership renewal form is attached at the end of this newsletter, or can be downloaded from the Association's website at the following web address:

<http://www.yolobar.com/misc/YCBAApplication2006.htm>

If you have a colleague who is not yet a member, please bring them to lunch and encourage them to join.

### **Mediation Myths**

*Submitted by Yolo County ADR Administrator David Blicher, Courtesy of Steven Rosenberg, Mediator*

*Myth #1: A tough, effective, take no prisoners litigator should not mediate because "real litigators" don't mediate*

How many times have we all heard this!

The problem with this myth is that it assumes the only effective way to resolve a dispute is in trial, or worse after protracted litigation.

Clients concerned with results – bottom line – not how it was achieved. Good litigators are flexible in the methods by which they obtain satisfactory results for their clients. Mediation is one the techniques available to advance a client's interests. When the legal or monetary remedies are inadequate, meaningful relief in the early stages via mediation may be best.

*Myth #2: Suggesting mediation is a sign of weakness.*

Nonsense. Counsel's willingness to mediate more often demonstrates confidence in the case because it will be exposed to the scrutiny of a neutral party and candid discussion about the case's strengths and weaknesses. In the mediation process the "weak case" myth disappears and the merits of each party's case become clear.

*Myth #3: In mediation you will be coerced or badgered into settlement or face a "split the difference" approach.*

You are in control in mediation, so a coerced settlement cannot happen because the entire process is voluntary. Terminate any time you choose. Mediators have no power to compel a settlement. **Because the resolution emanates from the**

**parties, not the mediator, a capricious “split the difference” approach cannot occur. The result agreed upon is the result of a principled, considered and informed process, and not coercion.**

*Myth #4: Mediation will be a waste of time if the case does not settle.*

Eighty five to ninety percent of mediated cases settle. Even in those that do not, much can be accomplished: narrowing issues, streamlining the case; agreed upon discovery plan to simplify the case. And, parties gain a heightened awareness of the strengths and weaknesses of their cases. It will also help build client support for the necessity of trial after seeing that the attorney has tried to bring about settlement.

Finally:

*Myth #5: The use of mediation will reduce my income.*

It does not. Creating satisfied clients through the use of mediation is one of the best ways to retain and attract clients and thereby increase your income. Client satisfaction is enhanced by the use of mediation not only because the dispute is resolved more quickly and more economically, but because the client participates in the process.

The Yolo County Superior Court encourages mediation because it can be a superior process for resolving cases without the delay and cost of taking a matter to trial. It is one of the ADR processes that are discussed at Case Management Conferences. The Court hopes that you will educate your clients to the opportunities that mediation offers them to take more control of their case’s process and its outcome, resulting in greater satisfaction.

### **Public Inquiry and Request for Information**

A member of the public has contacted the Association, seeking our assistance in learning the disposition of the files and records of attorney Ervin F. Vaughan (CA Bar Number 25342). Mr. Vaughan is now deceased but practiced law in West Sacramento. Specifically, the individual is seeking to locate original Will documents. Anyone with information should contact YCBA Secretary Chad Carlock at (530) 750-3000.

### **Submissions?**

Please send submissions for next month’s newsletter to Chad Carlock at ccarlock@jps.net or by fax to (530) 750-3533.

**Upcoming Meetings**

April 20– The Election for Yolo County District Attorney  
May 16 - Law Day  
June 15– Electronic Monitoring Programs  
July and August- Meetings suspended for summer holiday  
September 21 – Significant Legal Changes of 2006  
October 19 – Real Estate Appraisal in Litigation  
November 16 - Topic TBA  
December 21 - Meeting suspended for winter holiday  
January 18, 2007 - Meet the Judges

**Your 2006 YCBA Officers**

President: Lisa Lance  
Vice President: Dan Maguire  
Treasurer: Courtenay McKeon  
Secretary: Chad Carlock

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YOLO COUNTY BAR ASSOCIATION  
P.O. Box 1903  
Woodland, CA 95776  
[www.yolobar.com](http://www.yolobar.com)



**Save the Date!**  
**Friday, May 5, 2006**  
**8:30 – 4:00**

**Yolo County Conference on  
Mental Illness and Criminal Justice**  
Hosted by the Yolo County Sheriff's Department  
& Department of Alcohol, Drug and Mental Health Services

Heidrick Ag History Center, 1962 Hays Lane, Woodland CA 95776



**Learn Why Jail Diversion Programs are Now Mainstream**

**Take Home Skills**  
**Understanding, Communicating with and Helping People in Crisis  
who have Mental Illnesses**

**Who should attend:**  
**Sheriff's Deputies, Police Officers, Judges, Court Personnel,  
Attorneys, Probation Officers, City and County Officials, Crisis  
Responders, Mental Health Advocates, People who are challenged  
by mental illness or substance abuse, their Families, Landlords,  
Pastors and the Community-Based Organizations who serve them**

**Information and Registration (No Cost to Attend)**  
**Susan Gallow, 530-666-8516; [susan.gallow@yolocounty.org](mailto:susan.gallow@yolocounty.org)**

# YOLO COUNTY BAR ASSOCIATION

## YEAR 2006 RENEWAL/MEMBERSHIP APPLICATION

Date: \_\_\_\_\_ (Please Print Or Type Application)

Name \_\_\_\_\_ State Bar Number \_\_\_\_\_

Firm or Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

**DO YOU WISH TO RECEIVE THE BAR NEWSLETTER IN PRINT?** \_\_\_\_\_ (Yes or No)  
**All members will receive newsletters via E-mail**

Would you prefer your e-mail address be used only for Bar Association business, or would you like your e-mail listed on our website? \_\_\_\_\_

New Member (\$50) \_\_\_\_\_ Renewal (\$50) \_\_\_\_\_

Government Attorney/Non-Profit Attorney/Non-Attorney (\$25) \_\_\_\_\_

**I wish to make a donation payable to the “Yolo County Law Library”, amount enclosed: \_\_\_\_\_.**  
**(Any amount is greatly appreciated!)**

Please indicate your willingness to serve on any of the following YCBA committees:

\_\_\_\_ Law Day                                      \_\_\_\_ Fee Arbitration                                      \_\_\_\_ Continuing Legal  
\_\_\_\_ Bench/Bar Liaison                                      \_\_\_\_ State Bar Liaison                                      Education

Please indicate which of the following practice areas you want listed for you in the YCBA Membership Directory:

\_\_\_\_ Bankruptcy                                      \_\_\_\_ Immigration                                      \_\_\_\_ Taxation  
\_\_\_\_ Business                                      \_\_\_\_ Labor                                      \_\_\_\_ Wills, Trusts  
\_\_\_\_ Civil Litigation                                      \_\_\_\_ Landlord/Tenant                                      \_\_\_\_ Estate Planning &  
\_\_\_\_ Criminal                                      \_\_\_\_ Personal Injury                                      Administration  
\_\_\_\_ Family                                      \_\_\_\_ Real Estate                                      \_\_\_\_ Workers' Comp.  
\_\_\_\_ Other: \_\_\_\_\_

Please indicate if you are a Certified Specialist in any of the following areas:

\_\_\_\_ Appellate                                      \_\_\_\_ Probate, Estate Planning & Trusts  
\_\_\_\_ Criminal                                      \_\_\_\_ Worker's Compensation  
\_\_\_\_ Family                                      \_\_\_\_ Taxation  
\_\_\_\_ Immigration & Nationality                                      \_\_\_\_ Personal & Small Business Bankruptcy

Please make your check for your annual dues payable to “Yolo County Bar Association” and mail your completed application and dues check to: **Yolo County Bar Association, P.O. Box 1903, Woodland, CA 95776-1903.**