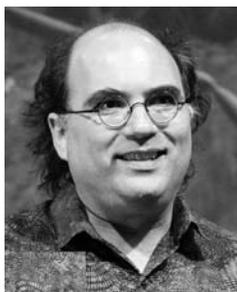


# The Marin Lawyer

An Official Publication of the Marin County Bar Association

January 2009

Volume 40, Issue 1



## GENERAL MEMBERSHIP MEETING MCBA'S INSTALLATION DINNER TO HOLD SILENT AUCTION TO BENEFIT LEGAL AID OF MARIN AND MARIN JUSTICE CENTER

Please join us at the Marin County Bar Association's Installation dinner which will be held on **Saturday, January 24, 2009**, at the beautiful Spinnaker Restaurant in Sausalito, when MCBA's new president, Marlene P. Getchell, and the new officers and directors will be installed by the Honorable M. Lynn Duryee. Well-known comedian and TV personality Josh Kornbluth ([www.joshkornbluth.com](http://www.joshkornbluth.com)) will be performing at the event.

The event benefits Legal Aid of Marin and the Marin Justice Center which provide legal representation, advocacy and other assistance to low income and senior residents of Marin County.

Starting at 6:00 p.m., while munching on hors d'oeuvres, drinking fine wine, and listening to one of our new directors, Sara B. Allman, and friends, sing and play jazz standards, you will have the opportunity of bidding on (and possibly winning!) items listed below.

The following is just a partial list of the silent auction items benefiting Legal Aid of Marin and the Marin Justice Center; more great items will soon  
*(Continued on page 6.)*

## In This Issue

President's Message.....	2
Reasonable Accommodations.....	3
Going Green.....	4
Marin County Law Library.....	4
Spotlight on Michael Fish.....	5
Details for Calendar.....	10
Rutter Civil Procedure.....	11
Rutter Family Law.....	12
Rutter Personal Injury.....	13
New Members.....	14
Change of Scene.....	14
The Marketplace.....	15

Otis Bruce Jr. was Guest Editor of this issue of *The Marin Lawyer*. Philip R. Diamond is Series Editor for 2008.

## GRANTOR BEWARE: EXCLUSIVE EASEMENT MAY PRECLUDE ANY USE OF THE LAND BY THE GRANTOR

*By Scott D. Rogers\**

In a recent California appellate court case, *Gray v. McCormick*, 2008 Cal.App. LEXIS 1675 (Cal. App.4<sup>th</sup> Dist. Oct. 23, 2008), the court upheld the right of the grantee of an "exclusive easement" for access, ingress and egress to prevent the owner of the property burdened by the easement from making any surface use of the easement area. Notwithstanding the court's acknowledgment of the general rule that the owner of the burdened land is entitled to use the easement area in any manner not inconsistent with the easement holder's specified use (see *Pasadena*

*(Continued on page 7.)*

## Calendar of Events

**Jan. 24, 2009**  
Installation Dinner

**Jan. 15, 2009**  
Real Property Section Meeting  
12 – 1:30 pm

**Jan. 21, 2009**  
Probate & Estate Planning Section Meeting  
12 – 1:30 pm

**Jan. 26, 2009**  
Probate & Trusts Mentor Group  
12 – 1:30 pm

**CLE 2009 UPDATES**  
Civil Procedure Jan. 14, 2009  
5:15– 8:15 pm

Family Law Jan. 22, 2009  
5:15 – 8:15 pm

Personal Injury Jan. 28, 2009  
5:15 – 8:15 pm

Look for details each month in  
*The Marin Lawyer*





## PRESIDENT'S MESSAGE

### WE WANT TO ENCOURAGE YOU TO BECOME A GREEN BUSINESS

By Marlene P. Getchell

This year an important goal of the Marin County Bar Association is to promote environmental awareness and to encourage members of the Marin County Bar Association to become green-certified businesses. We know that as attorneys, we already do a lot to help our clients and society. However, it will only improve our image as attorneys to be viewed by the community, clients, family and friends in an earth-friendly, positive light.

Official status as a "green" business is a certification awarded by the County of Marin, which publishes a list of Marin Green Business Listings by category. Green Business Listings can be found at Marin County's Green Business Program website. According to the Green Business Program, as a Green business, you will promote your "Environmental Responsibility, Good Business Practices and Community Concern."

Why go green? The heavy use of resources is inconsistent with a sustainable future and in this day and age, people are looking to reduce their carbon footprints. Global warming is caused by an increase in greenhouse gases. The carbon footprint is a "measure of the impact that human activities have on the environment in terms of the amount of greenhouse gases produced, measured in units of carbon dioxide." Carbon dioxide is produced when fossil fuels are burned. You can measure your own carbon footprint by going to [www.carbonfootprint.com](http://www.carbonfootprint.com).

Our law offices are responsible for significant carbon dioxide omissions. Consider the following statistics I recently learned at a seminar given at the California State Bar Convention on How to Make Your Law Practice Green. Each lawyer produces approximately 20,000 to 100,000 sheets of paper per year, which comes out to approximately 10 to 50 pages per billable hour. The total for all U.S. lawyers can amount to as many as 100 billion pages of paper per year, creating as much as 4.5 million tons of carbon dioxide omissions. For a large law firm using 51 million

sheets of paper per year, that translates into destroying 6,000 trees per year, with a major impact on the paper industry and deforestation, and the added consideration that the paper industry is a big user of fresh water. Further, the life cycle of 1 ton of paper used in a law office will result in 9 tons of carbon dioxide omissions. By decreasing energy use and waste, we can reduce overall manufacturing and disposal of waste from manufacturing. Reduction in the demand for energy and paper will lessen the impact on landfills, causing fewer fossil fuels to be burned, thereby reducing pollution.

Simple solutions to overuse of paper include using recycled paper (Cal. Rules of Court, Rule 501 already requires that recycled paper be used for all local forms filed with the courts), scanning documents instead of making photocopies, duplexing (making two-sided copies) and recycling your drafts. In the coming months, we will encourage every MCBA member to become certified as a green business. A number of MCBA board members are currently applying to become certified as green businesses so that we can pass on to you important information about the process. And starting this month, we have added a column to The Marin Lawyer called "Going Green," which will include tips to help you "Go Green" and learn to conserve resources. Finally, we have created a "Green Committee" which will be working on ways to assist you in becoming certified as a green business.

Ultimately, we hope that YOU CAN \$AVE GREEN BY GOING GREEN! Reducing waste will save you money, and clients who believe in green ideas will be pleased to be affiliated with a law firm that shares the same values.

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## REASONABLE ACCOMMODATIONS

by Catherine Ross-Perry, Staff Attorney, Fair Housing of Marin

Under federal law, housing providers must allow disabled individuals to make any reasonable modifications necessary for their full enjoyment of the premises. These modifications include structural alterations like installing grab bars in bathrooms, widening doorways, lowering kitchen cabinets, and building wheelchair ramps.

Under most circumstances, tenants must pay for these modifications themselves. If the housing provider receives certain types of governmental assistance, however, he or she must pay for the modifications unless that would constitute an undue administrative and financial burden. In cases where the tenant pays, the housing provider is also entitled to condition permission for the modification on the tenant's promise to restore the premises to their prior condition. This applies only to the interior of the unit, not to common areas, and also applies only where restoration is "reasonable." For example, it would usually not be reasonable to insist that widened doorways be made narrow again.

Federal law also mandates that landlords must make "reasonable accommodations" in their rules, policies, practices or services to afford disabled tenants "equal opportunity to use and enjoy a dwelling." To obtain such an accommodation, the tenant must first request it. If the housing provider asks, the tenant may then have to produce a physician's documentation verifying that the accommodation is necessary due to the tenant's disability. A common reasonable accommodation is reserving a particular parking place for a mobility-impaired tenant. Other reasonable accommodations include such things as:

- allowing a representative payee or a co-signer for a disabled tenant;
- waiving a rule against non-tenants using the laundry facilities in order to allow a friend of a tenant with a disability to do the tenant's laundry;
- allowing a tenant with a mental disability to terminate a lease early;
- allowing a tenant with a physical disability to transfer to a ground floor unit;
- postponing the eviction of a tenant hospitalized due to a mental disability;
- and allowing physical modifications to common areas despite rules prohibiting such modifications.

Courts have also interpreted "reasonable accommodations" to mean that a landlord must allow disabled tenants to have service animals in a "no pet" building, at least as long as the animal's behavior does not violate any provisions of the lease. Although guide dogs for the blind are the most common service animals, courts have applied the rule to many other situations. Thus, a housing provider must allow a deaf or emotionally disturbed tenant to have a service animal if that animal is necessary to allow the tenant to fully enjoy the housing opportunity. In addition, the service animal need not be a dog. There have been cases involving a disabled tenant's right to have a cat, a monkey, a pig and even a snake.

There are many cases interpreting a housing provider's responsibility with regard to reasonable accommodations. Essentially, the provider must make the accommodation if the tenant shows that:

- he or she is disabled as defined under the law;
- the owner knew or should reasonably be expected to have known of this disability;
- accommodation of the handicap may be necessary to afford the tenant an equal opportunity to use and enjoy the housing involved;
- and the accommodation is reasonable.

Fair Housing of Marin is a private, non-profit agency serving the fair housing needs of Marin County and Sonoma County residents. For more information, call (415) 457-5025 or visit our website at [www.fairhousingmarin.com](http://www.fairhousingmarin.com).

Disclaimer: This article provides general information about reasonable accommodations. It is not intended to provide legal advice about specific situations. In such cases, consumers should seek legal or other expert advice.

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## GOING GREEN

By Kate Rockas

Does it seem like everyone else is going *GREEN*? Have you ever wondered whether you should too? Here are some facts to consider:

- The amount of wood and paper we throw away each year is enough to heat 50 million homes for 20 years.
- About 110 million Americans live in areas with levels of air pollutants the federal government considers to be harmful.
- Americans dump 16 tons of sewage into their waters – every minute of every day.
- Americans throw away 25 billion Styrofoam coffee cups every year, and 2.5 million plastic beverage bottles every hour.
- Americans throw away enough glass bottles and jars to fill the 1,350-foot twin towers of New York's World Trade Center every two weeks.
- Americans throw away about 40 billion soft drink cans and bottles every year. Placed end to end, they would reach to the moon and back nearly 20 times.
- Eighty-four percent of a typical household's waste – including food scraps, yard waste, paper, cardboard, cans, and bottles – can be recycled.
- Using recycled paper for one print run of the Sunday edition of the New York Times would save 75,000 trees.
- A single quart of motor oil, if disposed improperly, can contaminate up to two million gallons of fresh water.
- If all the cars on U.S. roads had properly inflated tires, it would save nearly 2 billion gallons of gasoline a year.

There are many steps we can take every day to live more sustainably. It isn't even hard to be *GREEN*. By taking responsibility for our impact on the planet, we can make a difference.

An easy way to start being *GREEN* at home and at the office is to turn the heat down. By turning the thermostat down just a few degrees in the winter, Americans could save more than 500,000 barrels of oil each day – that is over 21,000,000 gallons. And, think of all of the money you will save!

*GOING GREEN* will be featured in the *The Marin Lawyer* each month. Watch for more tips on how you too can go *GREEN*.

## THE MARIN COUNTY LAW LIBRARY HAS SOME GOOD NEWS TO SHARE!

As the result of a \$2,000 gift from the Marin County Bar Association, the law library has had the good fortune to be able to acquire more than \$20,000 in treatises, practice guides, current pocket parts, and other legal materials from the library of the New College of California School of Law, which, unfortunately, had to close its doors. As a result the library has been able to bring current a number of significant holdings, such as the *Corpus Juris Secundum* and *West's Federal Practice Digest 4<sup>th</sup>*. Other new offerings are: *American Law Reports 6<sup>th</sup>*, 1-33, *American Law Reports Federal, Volumes 179 through 193*, *Witkin Summary of California Law 10<sup>th</sup>* and *Witkin California Procedure*.

And there is more! Perhaps the plum of the lot is the more than 20 *CEB Action Guides* including eight dealing with pretrial civil procedure and the ever-popular folio on meeting statutory deadlines. Also included are *California Tort Damages 2<sup>nd</sup>* and *California Tort Guide 3<sup>rd</sup>*, and to top it off, there is even the exotic *California Title Insurance Practice*.

The Law Library Board of Trustees and staff are deeply grateful to the members of the MCBA for their support, without which the law library would not have been able to acquire these books. Our sincere thanks to all bar members for helping to make this possible.



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## MEET YOUR DIRECTORS SPOTLIGHT ON MICHAEL FISH

*The Marin Lawyer* decided that it would be a good idea to let the MCBA membership get to know a little more about the MCBA Directors whom they elected, and who give so much to make the MCBA a great, vibrant, organization. To that end, *The*

*Marin Lawyer* will run a series of articles, each focusing on a different MCBA Director or Officer. This month, our spotlight is on Board Member Michael Fish.

***The Marin Lawyer:*** What is your practice area?

***Michael Fish:*** I am a senior principal attorney in the Marin County law firm of Fish & Snell, P.C., practicing civil litigation and transactional work in the fields of family law, business, real property, and estate planning. I additionally focus on attorney-client fee disputes. I am also a court-appointed arbitrator and a member of the Arbitration Panel of FINRA, Inc., serving often as a chair arbitrator. My partner of 18 years, Philip Snell, practices almost exclusively in the area of personal injury.

***TML:*** Why did you decide to become a lawyer?

***MF:*** During most of my youth, my mother used to tell me, "You're going to be a doctor; you're going to be a doctor." I would respond that I didn't want to be a doctor, but she would insist that I was "going to be a doctor." Then, one day when she told me I was "going to be a doctor," I responded that I wanted to be a lawyer, and she immediately told me, "That was okay!"

***TML:*** What's your area of emphasis?

***MF:*** I pride myself in my family law experience as well as my unique expertise in attorney's fee disputes. I recently served as the Chair of the State Bar Mandatory Fee Arbitration Committee after having served on the committee for five years. I am also a sought-after neutral mediator and arbitrator with a history of settling 99% of the cases that have come before me.

***TML:*** Why do you live in Marin?

***MF:*** I originally moved to Marin for ... a girl. It sounds kind of corny, but it's true. Ultimately that relationship passed, but I fell in love with the area and have

remained here ever since. My wife, son, and I are very fortunate to live on the water and to be so close to all of the arts, cultural, recreational and sports activities that the Bay Area has to offer.

***TML:*** What do you love to do when you're not practicing law?

***MF:*** As many people know, I am very involved in Rotary, and a partner organization known as Rotaplast International. I received the highest awards that Rotary and the Rotary Foundation have to offer (e.g., the *Citation for Meritorious Service* and *Distinguished Service Award*) and have had the opportunity to travel the world both as a speaker and as a participant in bringing a little more humanity and dignity to people less fortunate. I currently serve as a director for Rotaplast and am the former Chairman of the Board. Rotaplast provides free cleft palate and cleft lip surgery to indigent children overseas. I have had the opportunity to travel all over the world leading medical teams to provide these surgeries to such places as Venezuela, Chile, Argentina, and El Salvador. I am currently in the planning stages of leading a team to Egypt. Throughout my humanitarian service involvement I've learned that you find real happiness in helping others. I am also an avid outdoorsman and a licensed pilot and love to travel with my wife and son when not attending San Francisco Giants

*(Continued on page 9.)*

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(General Membership, continued from page 1.)

be added. If you would like to purchase a ticket to the event or donate an item to the Silent Auction, please contact Robynn Gaspar at (415) 499-1314.

**Lunch and tour in Sacramento with State Assemblyman Jared Huffman.** Get to know your local State Assemblyman by joining him for lunch and a tour of the State Capitol.

**The Turtle House in Volcano, Hawaii**, for up to four nights. Pictures and info on the Turtle House may be found at, <http://www.volcanogallery.com/lodging/turtlehouse.htm>. It is a quiet retreat in the rainforest of Volcano Village. It is close to Volcanos National Park and ~25 Miles from Hilo Bay in one direction and the Black Sand beaches of Punalu'u in the other.

**Gerstle Park Inn.** Located in San Rafael, enjoy elegant décor and amenities in a park-like setting. One night's stay in a deluxe suite for 2, accompanied by a hot breakfast cooked to order in the morning and complimentary wine & snacks served in the afternoon.

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- Tiger Woods Autographed Memorabilia (Limited Edition)
- Tim Lincecum Autographed Baseball – Framed (SF Giant - 2008 National League Cy Young Award Winner)
- Joe Montana and Jerry Rice Autographed San Francisco 49ers Football Helmet (Not Game Worn)
- Willie Mays Autographed Baseball – Framed (SF Giant – Hall of Famer)

**2 Warriors Tickets** (April 3, 2009, 7:30 pm vs New Orleans Hornets.)

**Wine:**

- White Hawk Vineyard Santa Barbara. 2006 Syrah – intense and concentrated, this single vineyard classic style Syrah has exceptional color and depth, layered with plum sage and black cherry flavors.
- Damien Rae Winery St. Helena. 2007 Sauvignon Blanc & 2006 Syrah.
- One case Blue Nose Zinfandel (6 bottles) and BlueNose Syrah (6 bottles).

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*(Grantor Beware, continued from page 1.)*

*v. California - Michigan etc. Co.* (1941) 17 Cal. 2<sup>nd</sup> 576), and much to the surprise and consternation of the burdened property owner, the court reversed the trial judge's ruling in favor of the owner of the burdened property. Based primarily upon the absence of language in the easement instrument reserving to the burdened property owner any surface use rights, the court concluded that the parties intended the easement owner's surface use to be exclusive not only as to third parties but also as to the burdened property.

The facts in *Gray* were somewhat unusual in that the easement in question was created in the CC&R's recorded at the time of the subdivision of a large, high-end residential development project in which the subject properties were located. At the time of the action, the easement area was yet to be improved with the easement owner's planned driveway, perimeter walls and landscaping. Apparently, the burdened owner had for several years after recordation of the CC&R's utilized the unimproved easement area for equestrian and access purposes. However, the language contained in the CC&R's creating the easement was typical and in no way remarkable.

### What Happened?

In support of its holding, the court in *Gray* noted that the instrument creating the easement (i) repeatedly used language of exclusivity, (ii) failed to contain an express reservation of use rights for the benefit of the burdened property owner, (iii) imposed upon the owner of the easement the full obligation of improvement and maintenance of the access drive improvements, and (iv) required the owner of the easement to indemnify the burdened property owner from loss or damage arising out of the easement holder's use of the easement area. The court appears to have in part applied the general rule by finding that the burdened property owner's concurrent surface use would be inconsistent with the easement holder's use and enjoyment of the easement:

"It is inconceivable that the owners of a multi-million dollar property who build out 90 feet of access drive improvements would be expected to share that drive with a neighbor whose property abuts the street and to bear the costs of cleaning up the horse droppings and hay scatterings associated with that neighbor's use of the easement area."

It is notable that the court specifically stated that it was not deciding whether subsurface or air rights use of the easement area by the burdened property owner would be precluded as those issues had not been addressed by the

parties. Interestingly, the court's decision seems to have been influenced by some form of balancing of hardships analysis as evidenced by the court's reference to the fact the burdened property abuts the street while the benefited property's only means of access is through the easement created by the CC&R's. Also of interest is the fact that the court made no effort to allow the burdened property owner continued surface use rights of a limited nature which would not interfere with the access rights granted (e.g., shared pedestrian and vehicular access but no equestrian use so as to avoid the horse droppings and hay scattering burdens).

One can only speculate if the court's decision might have been different if (i) the burdened property required use of the easement area to gain access to the street, (ii) the burdened property owner's previous and intended use had been of a less messy nature, or (iii) there had been evidence of a contrary intent on the part of the declarant when it signed and recorded the CC&R's containing the exclusive easement provision.

### So What Now?

Every easement (whether by grant, reservation or

*(Continued on page 8.)*



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(Grantor Beware, continued from page 7.)

contained in CC&R's) needs to be carefully drafted to make certain that both the easement owner's and burdened property owner's intentions and rights are clearly articulated. If any use rights are to be retained by the property owner, the precise nature and extent of those rights should be expressly set forth. Also specified should be the parties' respective obligations regarding maintenance, repair and liability. In the situation where a property is sold or financed and easements are already in place, the terms of the easements should be reviewed in detail to ascertain if any ambiguities exist. If ambiguities are found, an amendment to the easement or some form of easement estoppel may be necessary to avoid future difficulties.

*\*Scott Rogers is a senior partner in the Real Estate, Development, Land Use and Finance Group of Holme Roberts & Owen LLP (scott.rogers@hro.com). Resident in the firm's San Francisco office, his practice focuses on the representation of institutional and private real estate investors in all aspects of real estate equity and finance transactions. Mr. Rogers obtained his BA in Economics from U.C. Irvine and his J.D. and M.B.A. from UCLA. He is the chair of the Executive Committee of the Real Property Section of the State Bar of California. © 2008*

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(Spotlight, continued from page 5.)  
and 49er games.

**TML:** Tell us about your family.

**MF:** I am married to Lisa, a renowned portrait photographer, and have three children—Dylan, Lindsey, and Aaron. Lisa and I met at a Giants game. We were season ticket holders a few rows apart. It was a match made in heaven. My son Aaron is 25 years old and is a chef in Sonoma County. My daughter Lindsey is 21 years old and a junior at Sonoma State. She has just informed me that she wants to be a lawyer. Whatever her ultimate choice is, I know she'll succeed. My son Dylan just turned two years old and is the joy of my life. I feel young again and look forward to every waking moment that I spend with him.

**TML:** If you could pursue any other careers besides law, what it would be and why?

**MF:** I would want to be a doctor (my mother was right). There is a tremendous feeling of satisfaction of helping others. That's why I love the law and Rotary.

**TML:** Why did you join MCBA?

**MF:** To enjoy fellowship and develop friendships amongst my peers.

**TML:** Why did you become a director of MCBA?

**MF:** I served as Chairman of the MCBA Client Relations Committee for approximately ten years. It became apparent to me that I wanted to be involved in the development of our association with an emphasis on high ethical standards and building goodwill and friendship amongst its members. We need to build our membership and create more opportunities for our members to interact.

**TML:** If you have to pick a single highlight of your career, what would it be?

**MF:** I think the fact that I am sought after as both a legal and motivational speaker, as well as being asked to serve on so many boards in a leadership role gives me a tremendous feeling of satisfaction and accomplishment.

**TML:** What has been the most interesting experience of your career?

**MF:** Meeting with the President of Venezuela (who shall remain nameless) and convincing him not to shut down our medical mission, but instead to pay for the team's expenses while we were in the country.

## SAVE THE DATE

February 25, 2009

Assembly member Jared Huffman to speak to the Marin County Bar Association at our February 25, 2009 General Membership meeting on green politics. The luncheon starts at 12:00 noon and ends at 1:30 p.m. Location to be determined.

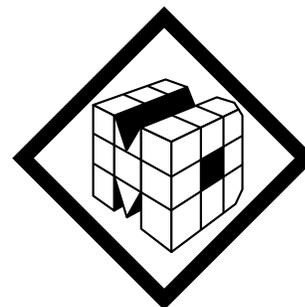
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## DETAILS FOR CALENDAR

**Jan. 24, 2009**

Installation Dinner

Please call if you have not received an invitation.  
(415) 499-1314

**Jan. 15, 2009**

Real Property Section Meeting

12 – 1:30 pm

Topic: Significant Developments in California

Real Estate Law

Speaker: Jim McKenney

Please join us for Mr. McKenney's discussion of the significant developments in real property law occurring in 2008. His presentation will cover legislative developments and judicial decisions as well as changes made to the standardized real estate form contracts.

For more information and to sign up, please contact section co-chair Derek Weller at [derek@derekwellerlaw.com](mailto:derek@derekwellerlaw.com) or call (415) 453-1375.

Location: Seafood Peddler

**Jan. 21, 2009**

Probate & Estate Planning Section Meeting

12 – 1:30 pm

The speaker will be from the Jewish Family and Children's Services.

Topic: Seniors at Home

Location: The Corporate Center, 750 Lindero,  
San Rafael

**Jan. 26, 2009**

Probate & Trusts Mentor Group

An informal forum to further discuss issues addressed at the monthly estate planning section meetings or any other issues. Bring your lunch and interesting estate planning/trust administration/probate issues to discuss, and snacks will be provided.

Location: The Lerman Law Building, 802 B Street,  
San Rafael

Parking is available in the City of San Rafael parking lot on B Street south of 4th Street.

## MCLE COMPLIANCE DEADLINE COMING UP GROUP 2 (H-M)

**Deadline: 2/1/09**  
**MCLE "Regular Requirement"**

Total hours required every three years: 25 hours

- Maximum "self-study" hours: 12.5 hours
- Members must fulfill at least one-half of their MCLE requirement with activities approved for "participatory" MCLE credit. (For additional information contact The State Bar of California at 538-2130, or visit the website at <http://www.calbar.ca.gov>.)
- Special Requirements within the total hours required (may be taken as participatory or self-study)
- Legal Ethics: 4 hours (required)
- Detection/Prevention of Substance Abuse: 1 hour (required)
- Elimination of Bias in the Legal Profession: 1 hour (required)



## **Drunk Driving and DMV Matters**

**Paul Burglin**

Mitchell, Hedin, Breiner, Ehlenbach & Burglin  
Courthouse Square, 1000 Fourth St., Suite 570  
San Rafael, CA 94901

**(415) 453-0534**

**DUIandDMV.com**

Author: *Calif. Drunk Driving Law*  
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THE MARIN COUNTY BAR ASSOCIATION  
and THE MARIN COUNTY WOMEN LAWYERS  
PRESENTS

**The Rutter Group's Video Programs**  
**Civil Procedure Update 2009**  
**3 hours MCLE Credit (including 1/2 hour legal ethics)**

Wednesday, January 14, 2009  
5:15p.m to 8:15 p.m.  
MCBA Conference Room  
30 N. San Pedro Rd., San Rafael  
Registration at 5:00 p.m.  
Light Supper included  
\$75.00 MCBA & MCWL Members / \$95.00 Non-Members

**Panel**

**Judge William F. Rylaarsdam**  
Calif Court of Appeal, 4<sup>th</sup> Dist, Div 3, Moderator

**Judge Richard A. Kramer**  
San Francisco Superior Court

**Judge Lee Smalley Edmon**  
Los Angeles Superior Court

**Topics**

Here is your opportunity to get current with all that is happening in civil procedure. This program will cover the leading cases decided during the past year, plus important statutory and rules changes affecting both pretrial and trial procedure. Most importantly, you hear it from the best panel available of distinguished judges who are at the forefront of the topics covered by this program!

**SEATING FOR THIS PROGRAM IS LIMITED TO 20 -- EARLY RESERVATIONS ARE RECOMMENDED**

**3 UNITS OF MCLE CREDIT**

This program has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of three (3) hours of credit of which 1/2 hour is legal ethics credit. The Marin County Bar Association, as an approved provider, certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. State Bar provider #411

✂ \_\_\_\_\_

**To register, please fill out the form below and mail it with your check payable to the Marin County Bar Association, to the following address: MCBA, 30 N. San Pedro Rd., Ste. 140, San Rafael, CA 94903**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Check enclosed for \$ \_\_\_\_\_ or  You can bill my  Visa  MasterCard

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**The Marin County Bar Association and  
The Marin County Women Lawyers**

**Presents  
The Rutter Group's Video Program**

**Family Law Update 2009**  
**3 hours MCLE credit (including 1/2 hour legal ethics)**

**Thursday, January 22nd  
5:15 – 8:15 pm  
MCBA conference room  
30 North San Pedro Road, San Rafael**

Registration at 5 p.m.  
Light Supper included  
\$75.00 MCBA & MCWL Members / \$95.00 Non-Members

**Panel:**

**Judge Kenneth Black**

Los Angeles Superior Court,  
Moderator

**Judge Robert A.  
Schnider**

Los Angeles Superior Court

**Eleanor A.  
Stegmeier**

Stegmeier & Gelbart LLP  
Costa Mesa

**Topics**

This is your opportunity to get current! Our distinguished panel of family law experts explains these developments through hypotheticals, demonstrating their application and practical impact in typical cases. You'll also hear their insight on unresolved problem areas

**3 UNITS OF MCLE CREDIT**

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of three (3) hours of credit of which 1/2 hour is legal ethics credit. The Marin County Bar Association, as an approved provider, certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. State Bar Provider #411.

**Seating Limited to 20 people. Please make reservations.**

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THE MARIN COUNTY BAR ASSOCIATION  
and THE MARIN COUNTY WOMEN LAWYERS  
PRESENTS

**The Rutter Group's Video Programs**  
**Personal Injury Update 2009**  
**3 hours MCLE Credit (including ½ hour legal ethics)**

Wednesday, January 28, 2009  
5:15 p.m. to 8:15 p.m.  
MCBA Conference Room  
30 N. San Pedro Rd., San Rafael  
Registration at 5 p.m.  
Light supper included  
\$75.00 MCBA or MCWL Members / \$95.00 Non-Members

**Panel**

**Justice Eileen C. Moore**  
California Court of Appeals, 4<sup>th</sup> District  
Moderator

**Michael Kelly**  
Walkup, Melodia, Kelly, Wecht & Schoenberger  
San Francisco

**Topics**

This program will bring you up-to-date on significant case law and statutory developments in the personal injury field. We explain these developments through a series of hypotheticals, demonstrating their application and practical impact in typical cases. We also explore unresolved problem areas.

**SEATING FOR THIS PROGRAM IS LIMITED TO 20 -- EARLY RESERVATIONS ARE RECOMMENDED**

**3 UNITS OF MCLE CREDIT**

This program has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of three (3) hours of credit of which ½ hour is legal ethics credit. The Marin County Bar Association, as an approved provider, certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education. State Bar provider #411

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P.I. 1/28/2009

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Deadline for submission of articles,  
ads, inserts, and announcements  
is the 15th of each month.  
Thank you.

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To involve, encourage, and support  
bar association members,  
to serve as a liaison to the Marin County courts,  
and to educate the community and  
enhance access to legal services.

# "How much should I leave the kids?"

If your clients ask questions like that, they may be interested in making a bequest to their favorite nonprofit organizations or causes. In fact, many financially successful parents include philanthropy in their estate planning, sometimes making a "philanthropic legacy" part of their children's inheritance.

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## ***Marin County Bar Association***

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