



Serving members of the legal profession and the community in Northern California since 1934



2012 HANDBOOK

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www.contracostalawyer.org



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[Contra Costa County
Bar Association Group](https://www.linkedin.com/groups/Contra-Costa-County-Bar-Association-Group)



2012 Section Leaders Handbook

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¹ If a Section wishes to present a proposed public position to the Board, the Executive Director needs to be notified and provided with any materials one week in advance.

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2012 Board Section Liaisons

Section leaders are provided with a direct line of communication to the Board of Directors via their assigned liaisons. We hope you will take full advantage of this resource when issues arise that either the Board or the overall Bar Association might be able to assist with.

Assignments and contact information are as follows:

Section:	Liaison:
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2012 CCCBA Committees (updated 1/12/12)

GENERAL OPERATIONS:

EXECUTIVE

General operation of the Bar Association, including direction and supervision of Bar Executive Director; general coordination with CCCBA Sections; general coordination with CCCBA committees; liaison with State Bar Association(s); coordination with other county bar associations; Media/Public Relations matters; liaison with government agencies and public officials; financial management, including investments, preparation of revenue and expense budget; recommendations on dues with consultation of membership committee.

Chair: Audrey Gee
Members: Jay Chafetz
Steve Steinberg
Candice Stoddard
Kathy Schofield

GOVERNANCE

Updates Bylaws and Board policies to ensure compliance with IRS and other legal requirements.

Chair: Richard Alexander
Members: Alan Ramos
Elva Harding
Ron Mullin

AUDIT

Interviews and reviews qualifications and independence of Association's financial auditors. Selects Association's Independent Accountant and provides scope of work. Reviews adequacy of Association's internal control systems and provides oversight of integrity of financial statements and reports. Reports directly to Board of Directors at least annually.

Chair: Richard Alexander
Members: Dana Santos
At-Large: Mark Ericsson
Helen Peters

FINANCE

Oversees all financial matters for Association, including operating and capital budgets, borrowings and capital planning, material contracts and leases, business plan development and implementation, and facilities and equipment. Manages investments of the Association's funds in accordance with Board approved investment policies.

Chair: Candice Stoddard
Members: Steve Steinberg
Audrey Gee
Jay Chafetz
Lisa Reep, *Ex-Officio*

NOMINATING (Directors)

Nomination of slate of Board of Directors.

Chair: Audrey Gee, President
Members: Jay Chafetz
Kathy Schofield
Member at large (TBD)
Member at large (TBD)
Member at large (TBD)
Member at large (TBD)

NOMINATING (Officers)

Nomination of slate of officers (other than the President).

Chair: Audrey Gee, President
Members: Jay Chafetz
Kathy Schofield
Board Member (TBD)
Board Member (TBD)

STRATEGIC PLANNING

Assists in development of rolling three (3) year Strategic Plan that considers incoming President's goals and objectives, and critical strategic initiatives currently underway. Helps Board undertake periodic analysis of key stakeholders including their interests, needs and expectations. Formulates or reformulates as needed, draft organizational vision and draft organizational goals for Board deliberation and action.

Chair: Jay Chafetz
Members: Audrey Gee
Steve Steinberg
Nick Casper
Richard Alexander
Kathy Schofield

PERSONNEL

Oversees staff personnel issues and policies for CCCBA

Chair: James Wu

DIVERSITY

Chair: Robin Pearson
Section Chairs: Mary Grace Guzman
NeChele Rucker
Members: Amanda Bevins
Nick Casper
Alison Chandler
Rashmi Nijagal
Kathy Schofield
James Wu
Lisa Roberts
Teri Cannon
Dick Frankel
Larry Cook
Kristen Thall Peters

CONFERENCE OF CALIFORNIA BAR ASSOCIATIONS

CCCBA participation in State Bar annual meetings and conferences.

Chair: Steve Steinberg
Vice-Chair: Rashmi Nijagal
Members: Don Green
Maggie Grover
Leigh Johnson
Mike Markowitz
Bob Richardson
Arlene Segal
Jay Chafetz
Others: TBD

BENCH / BAR ISSUES:

BENCH/BAR LIAISON

Coordinate overall relationship between CCCBA and Contra Costa Superior Court and court administrator's office; address issues of professional courtesy, bias and diversity; plus encouragement and oversight of bar volunteer programs. Committee comprised of current Executive officers.

Chair: Audrey Gee
Members: Kathy Schofield
Jay Chafetz
Steve Steinberg
Candice Stoddard
At-Large: Jan Holmes

JUDICIAL BIAS COMMITTEE

Bench Rep: Barbara Zuniga
Bar Reps: Lisa Roberts
Linda DeBene
Henry Lederman
Robin Pearson

Bench/Bar Coalition

Bar Representative: Dick Frankel
Back-up: Helen Peters

JUDICIAL EVALUATION

Confidential evaluation of candidates for nomination to Superior Courts.

Chair: Cannon Young
Vice-Chair: Andy Ross
Committee members confidential

MEMBERSHIP RECRUITMENT, RETENTION & MEMBER SERVICES:

MEMBERSHIP RECRUITMENT & RETENTION

Membership recruitment and retention; new admittee swearing-in ceremonies; affiliate members; member participation; Section support; law practice development.

MEMBER SERVICES

Membership benefits & services

MEMBERSHIP & EDUCATION

MCLE Spectacular; law practice development programs; Section support; general bar meetings and social events.

Chair: Audrey Gee
Members: Steve Steinberg
Nick Casper
Phil Anderson
Alison Chandler
Denae Budde
Dana Santos
Kathy Schofield
Elva Harding
James Wu
Doris Mitchell
Robert Niemann

PUBLICATIONS & COMMUNICATIONS

PUBLICATIONS

Monthly publication of the *Contra Costa Lawyer* magazine; annual membership directory.

Editor: Dana Santos
Assistant Editor: Nicole Mills
Members: Kiri Torre, Court Exec. Officer
Mark Ericsson
Pat Kelly
Steve Steinberg
Candice Stoddard – Ex-Officio
Marlene Weinstein
James Wu

***Contra Costa Lawyer* Columnists:**

Matt Guichard – Bar Soap; *Local jury verdicts*
Craig Nevin – *Pro Bono*
David Pearson – *Technology & Practical Advice for Lawyers*

ATTORNEY / CLIENT RELATIONS

ATTORNEY/CLIENT RELATIONS

Oversee program to meet needs of the public and members of the legal profession in the area of client relations; address client grievances.

Chair: Malcolm Sher
Vice-Chair: Rod Marraccini

Fee Arbitration / Mediation (Sub-Committee)

Oversee attorney / client fee arbitration and mediation programs.

Chair: Malcolm Sher
Members: Steve Gizzi
Rod Marraccini

LAWYER REFERRAL & INFORMATION SERVICE

Oversee operation of the LRIS program.

Chair: Joe Wolch
Vice-Chair: Steve Steinberg
Members: Mike Brewer
Jay Chafetz
Carolyn Cain
Kathryn Korn
John Kortum
Ron Mullin
Lowell Richards, Bench Rep
Joseph Tully

CRIMINAL CONFLICT PANEL

Operation of contract(s) with County Administration and Superior Court to supply attorneys for criminal defense where conflict with Public Defender and/or Alternate Defender's Office (ADO).

Chair: Mike Markowitz
Members: Charlie Haehn
Amanda Bevins (Board Liaison)
Larry Cook
Horace Siino
Mitch Stevens
Lara Heisler

COMMUNITY SERVICE/PRO BONO

FOOD-FROM-THE-BAR

Coordinate annual food drive with Contra Costa Food Bank; plan kick-off event.

Chair: Ed Shaffer
Members: Dan Birkhaeuser
Barbara Jewell
Suzanne Boucher
Chad Gallagher
Joshua Bevitz
Lisa Roberts
Monica Sloboda
Geoffrey Steele

EDUCATION OUTREACH PROGRAM

Inform students, parents and educators about the legal arena. Activities include in-class presentations; judging & scoring Mock Trial competitions; mentoring Mock Trial teams; career day presentations; career-oriented activities; conducting court tours; planning Law Day activities; giving presentations to PTA's.

Chair: Phil Anderson
Members: Amanda Bevins
Denae Budde
Jan Holmes

COURT SCHOLARSHIP FUND

Chair: Terry Mockler
Members: Sherry Dorfman
Susan Cruz
Tom Hauschild
Robbyn-Nicole Livingston
Kenneth Reynolds
Andrew Therol
Jermel Thomas
Hon. Diana Becton (Bench Rep.)

PRO BONO / ACCESS TO JUSTICE

Promote volunteer involvement in pro bono activities through local legal services organizations, court-sponsored pro per assistance programs, and CCCBA's free legal workshops. Serve as liaison with Chair of Pro Bono Section.

Chair: Nick Casper
Members: Jan Holmes
Alison Chandler
Elva Harding
Alan Ramos
At Large: Samantha Sepehr
Peggy Bristol-Wright

CHARITABLE CONTRIBUTIONS COMMITTEE

Raise and disseminate money to organizations that provide legal services and legal education to members of the Contra Costa Community through the BAR FUND, administered by the East Bay Community Foundation.

Chair: Larry Cook
Members: Lynne Yerkes
Audrey Gee
Candice Stoddard



Rules Regarding Establishing Bar Association Sections

1. General Purpose

The general purpose of these rules is to set forth the criteria, conditions and standards for the formation of sections of the Contra Costa County Bar Association. The interests of the Bar Association shall be superior to the interest of the sections when in conflict.

2. Section Formation

Groups consisting of a number of attorneys and/or law students who have a common interest in traditional specialty areas (Family Law, Criminal Law, Patent Law, etc.) may form a section of the Contra Costa County Bar Association which shall be known as the _____ Section of the Contra Costa County Bar Association.

3. Authorization

A group of members of the Contra Costa County Bar Association desiring to form a specialty section shall make written application to the Board of Directors setting forth the name of the section, the name of the individual or individuals assuming responsibility for the formation of the section, and the time, date and location of the initial organizational meeting. Upon receipt of the application for the section authorization, the Bar Association shall publicize the meeting through various free publications. Members desiring to form a section acknowledge that they do not have the authority to enter into contracts binding the CCCBA without approval from the Board of Directors.

4. Membership Interests

Sections shall have at least 15 registered members. All section members must be members of the Contra Costa County Bar Association.

5. Section Government

At the organizational meeting for the section, the individuals assuming responsibility for the formation of the section shall appoint a governing board for the section. The board shall elect a chair and such other officers as it deems necessary or appropriate for the section. Thereafter, the board shall promulgate bylaws or other rules governing the election of future board members, the chair, and any officers, which shall be submitted to and adopted upon majority vote of the section members. Such elections shall occur annually at such times as to ensure that board members, the chair and any officers take office on or before January 1 of the following year.

6. Dues

These rules shall apply to all sections established after May 7, 1997:

- A. Sections may charge such dues or meeting charges as the members by majority vote deem necessary.
- B. In order to preserve the organization's tax-exempt status, the Contra Costa County Bar Association shall maintain a separate account for each section, and shall collect dues, pay bills, and otherwise administer section finances.
- C. The Bar Association shall be reimbursed from section accounts for actual expenses incurred by the Bar Association on behalf of the section for mailing, program publicity, or any other actual expenses. Sections shall be responsible for ensuring that adequate funds exist in their accounts to cover such expenses.

7. Responsibility of the Bar Association

It shall be the responsibility of the Bar Association upon the formation of a section to provide the section with reasonable access to Bar publications, mailing lists and all other Bar facilities in order to allow the section to further its purposes.

8. Responsibility of the Section

It shall be the obligation of the section to conduct itself in a manner both to effectuate its own purposes and to further the interests of the Bar Association itself. The section shall allow any member of the Contra Costa County Bar Association Board of Directors access to its meetings, books and records. Summary records of the section's activities shall be kept and copies delivered at regular intervals to the Bar Association for permanent filing.

9. Termination / Suspension of Section

When:

- a) A section no longer has 15 members; or
- b) A section cannot or does not pay its fair operating share of expenses; or
- c) A section performs adversely to the interests of the Contra Costa County Bar Association; or
- d) A majority of the section members so vote,
- e) A section fails to notice and conduct or sponsor two programs for its members per calendar year.

Then said matter shall be referred to the Board of Directors of the Bar Association which shall vote to terminate or suspend the section. Upon termination, any remaining section funds shall revert to the Bar Association's general fund.

10. Amendment of These Rules

These rules may be amended from time to time by a majority vote of the Board of Directors of the Contra Costa County Bar Association.

Section Purpose & Structure

The Purpose of Sections

The sections of the Contra Costa County Bar Association are devoted to substantive areas of law or the special interests of a defined subgroup of members, such as Real Estate Law and Family Law. Sections are responsible for:

1. Sponsoring continuing legal education events in their area of practice or special interest;
2. Providing opportunities for attorneys and law students who share a practice area or special interest to meet and interact through meetings, programs, social events, luncheons, brown bag discussions and other means;
3. Responding to requests for comment or cooperation from judicial departments dedicated to their substantive practice area, and giving notice to their membership of local rule changes impacting their practice area;
4. Serving in an advisory capacity should matters come before the Board of Directors which require the special knowledge and expertise of Section members, or which potentially impact the practice of law within that area;
5. Reviewing statutes relative to its area of practice and drafting or recommending CCCBA positions or resolutions for consideration at the State Bar Conference of Delegates.

Section Structure

The leadership structure of sections is established either by the Bylaws of the section or where there are none, in the same way as committees. In those sections with Bylaws, the officer - Chair, Vice-Chair, Secretary and Treasurer are usually elected by the section membership at an annual meeting or section plebiscite. Membership in a section is open to all CCCBA members in good standing who have paid the appropriate annual section dues and who meet the criteria established by the CCCBA or Section Bylaws. If a non-CCCBA member would like to participate in your section, please encourage them to join the CCCBA. Some sections have "Affiliate" memberships for non-attorneys.

Sections are encouraged to actively recruit new members, for in this way the strength, diversity and professionalism of sections will grow. The CCCBA is committed to diversity in all aspects of the organization, including race, ethnicity, gender, geography and firm size. Ideally, the membership of each section will reflect that commitment.

Section Leader Responsibilities

Role of the President/Chair

You have been chosen as the President or Chairperson of your Section because you have recognized leadership ability. Your primary responsibility as leader of your Section is to build an effective team committed to professional and public service, while moving your membership towards accomplishing its tasks or goals. Communication, organization, careful planning, and inclusiveness are critical team-building skills.

As President/Chairperson, you will:

- Set the tone for committee work, ensuring that members have the information needed to do their jobs, and oversee the logistics of the committee's activities
- Report to your Board Section Liaison on Section decisions, policy recommendations and other business or activities.
- Schedule and run meetings, set agendas, build consensus for section goals and assign work to section members;
- Supervise and monitor section work, holding members accountable for assigned tasks and offering guidance and assistance as needed;

The importance of effective section leadership cannot be overemphasized. It is the single most important factor in the success of volunteer committee endeavors. We have confidence in you, and will assist you in any way possible.

Meetings

- 1. Schedule Meeting Dates:** Sections should meet as needed. Generally, it is most effective to have a regularly scheduled meeting date and to calendar the entire year at the start of the year.
- 2. Make New Section Members Part of Your Team:** Newcomers need to feel like they are an integral part of your section immediately. You will lose valuable input if they do not feel comfortable voicing their views. Consider using the first meeting of the year as an orientation session for new section members to bring them up to speed on the past work of the section and its purposes and the remind continuing members of any unfinished projects from the year before.
- 3. Set Annual Goals Early:** Volunteers need to feel their time is used purposefully. To that end, it is critical that sections begin each new year with a reexamination of their unique purpose within the CCCBA and set clearly defined and realistic goals.

- 4. Establish Subcommittees or Delegate Specific Tasks:** Once your goals and objectives for the year have been established, the most effective means of accomplishing them is to subdivide the task into smaller parts and delegate primary responsibility for each component to a specific individual or subcommittee. In this way, you are helping develop leadership for the future. Be sure to preset time frames for component completion to keep subcommittees accountable and on schedule and to give the whole committee ample time to review and consider the completed project.
- 5. Work with Your Board Liaison:** Coach, Mentor, Guide and Friend. Your Board Liaison wants your year to be rewarding and successful. Turn to her with questions and concerns. She is committed to helping you.
- 6. Remember to Have Fun:** In addition to the altruistic reasons of professional and community service, many people join Sections because they want to get to know other attorneys on a more personal level. To the extent possible without detracting from the section work at hand, encourage a relaxed, friendly atmosphere in your section that fosters feelings of collegiality and community. All work and no play make Sections a dull place to be.

2012 SECTION FINANCIAL/ACCOUNTING INSTRUCTIONS

INSTRUCTIONS FOR SECTION TREASURERS

1. The Bar has established a separate account for each Section and will provide a report on the status of your account funds upon request.
2. To request an advance or expense reimbursement, send an email or letter to the Section Liaison indicating what the advance/expense is/was for, the amount requested, and attach receipts or other supporting documentation. Bills are paid once a week, but a check can be cut more quickly if prior arrangements are made directly with the Executive Director. The Bar will retain all written requests for advances/reimbursements in your Section's files.
3. The Executive Director has secured and will continue to secure accounts with various restaurants and other program facilities. If Sections wish to sign for an expense rather than pay up-front, please contact the Section Liaison so that she/he may authorize the restaurant/program facility to honor your Section representative's signature. The Executive Director will do everything possible to establish accounts with facilities used frequently by Sections. Please advise the Executive Director of any restaurants/facilities you wish her to attempt to establish accounts with.
4. The Bar does not charge Sections for handling their accounts.

Please see the page 16 for an example of a Section Trial Balance sheet.

2012 INSTRUCTIONS FOR SECTION TREASURERS

(Family Law Section only)

Sections handling their own finances will be required to make a \$1,500 deposit with the CCCBA in January to cover administrative charges for the balance of the year. An accounting will be made available at any time upon request, and any unused funds will be refunded at year-end.

The following reporting procedures are required of Sections administering their own bank accounts.

Checking Accounts & Bank Statements:

Section Treasurers must mail their Section's monthly bank statements, unopened, to the Section Liaison for review. Upon review, the Section Liaison will initial and date the statement, make a copy and return the original to the Section Treasurer for reconciliation. Checks written for more than \$1,500.00 must be signed by two authorized Section representatives. These procedures are consistent with internal controls established for the CCCBA's own checking account.

Quarterly Reports:

Section Treasurers must use a check register that includes a description of each transaction. Alternatively, please submit all information indicated on the sample check register (i.e. Quicken or Quickbooks printouts). This information is needed so CCCBA can prepare an accurate yearly tax return.

1. Record all checks and bank charges under "Transaction Amount". Under the "Description of Transaction" describe what the check was for or what the bank charges were for.
2. Record all deposits under "Deposit Amount". Be sure to describe the deposit under "Description of Transaction", e.g. lunch receipts, dues, etc.
3. A running balance should be recorded on the check register.
4. At the end of the quarter, prepare a bank reconciliation that agrees with the ending balance on the check register.
5. At the end of each quarter (due dates listed below), send bank reconciliations and check register to the CCCBA Section Liaison.

Quarterly Account Report Due Dates:

1st Quarter:	Friday, April 13, 2012
2nd Quarter:	Friday, July 13, 2012
3rd Quarter:	Friday, October 12, 2012
4th Quarter:	Friday, January 11, 2013

Contra Costa County Bar Association

Detail Trial Balance - Example

1/1/2011 to 3/31/2011

10/31/2011
12:50:12 PM

Page 1

ID#	Src	Date	Memo	Debit	Credit	Job	Net Activity	Ending Bal	Explanation
2-1234									
				\$4,278.25	cr				
			Beginning Balance:						
GJ000832	GJ	1/31/2011	January Calendar	\$75.00				\$4,203.25	cr CLawyer calendar advertising
CR005035	CR	1/28/2011			\$120.00			\$4,323.25	cr Event fees collected
CR005053	CR	2/3/2011			\$85.00			\$4,408.25	cr Event fees collected
CR005064	CR	2/7/2011			\$110.00			\$4,518.25	cr Event fees collected
CR005070	CR	2/8/2011			\$60.00			\$4,578.25	cr Event fees collected
CR005092	CR	2/14/2011			\$75.00			\$4,653.25	cr Event fees collected
CR005101	CR	2/16/2011			\$90.00			\$4,743.25	cr Event fees collected
CR005129	CR	2/24/2011			\$120.00			\$4,863.25	cr Event fees collected
CR005134	CR	2/25/2011			\$150.00			\$5,013.25	cr Event fees collected
GJ000913	GJ	2/28/2011	February broadcasts	\$55.00				\$4,958.25	cr Weekly eblast charges (\$25/(\$10)
GJ000945	GJ	2/28/2011	February program registration	\$50.00				\$4,908.25	cr Fee collection/MCLE paperwork
GJ000946	GJ	2/28/2011	February Registration processing	\$42.00				\$4,866.25	cr \$1 per registrant admin fee
CR005167	CR	3/1/2011			\$145			\$5,011.25	cr Event fees collected
17791	CD	3/3/2011	Scott's Seafood Bar & Grill	\$725.00				\$4,286.25	cr Payment for MCLE event lunch
				Total:	\$947.00		\$8.00	\$4,286.25	cr

CCCBA PUBLIC POSITION GUIDELINES

Basis for Taking Positions:

The specific and primary purpose for which any CCCBA public position shall be taken is to further the honor, dignity and public usefulness of the legal profession; to increase the profession's effectiveness in promoting the sound administration of justice; and, to act in the interest of maintaining a skilled and independent judiciary. The general purposes are to serve the welfare of Contra Costa lawyers, by such means as from time to time may be appropriate and to provide an organization for collective action and expression in matters germane and relevant to these goals and purposes.

Procedural Guidelines:

The Board of Directors has the sole responsibility to adopt public positions on behalf of CCCBA. For non-controversial, technical positions related to proposed legislation, the Executive Committee is delegated the authority to adopt positions on behalf of the CCCBA, subject to subsequent reporting to the Board of Directors.

Positions suggested by individual members and Sections shall be submitted to the Executive Committee of the Board of Directors, using the attached format. The Executive Committee will respond to the submitter expeditiously, indicating either:

- 1) Approval for release;
- 2) A request for further information before consideration; or
- 3) Forwarding to the entire Board for consideration of approval for release at its next regularly scheduled meeting.

In considering whether a submittal should be immediately approved by the Executive Committee or forwarded to the entire Board for consideration of approval for release, the Executive Committee shall apply the standards set forth below that apply to all positions taken by the Board of Directors.

If approved for release by the Executive Committee, the committee shall report to the Board of Directors at its next regularly scheduled meeting the submittal and its approval for immediate release.

If forwarded to the Board by a 2/3 majority of the Executive Committee, the Board shall have sufficient facts prior to consideration of adoption of any such Resolution. The Board should consult with other persons, Sections, Subsections and/or committees in the CCCBA to acquire the necessary information before a position is formulated. The standard of care required of all Board members in approving any public Resolution is consistent with Board members' duty of care set forth in Corp. Section 7231(a) providing, in pertinent part:

"A director shall perform the duties of a director . . . in good faith, in a manner such director believes to be in the best interests of the [Contra Costa County Bar Association] and with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under similar circumstances."

Standards for Consideration:

1) The Board shall consider the views of the membership prior to adopting any such resolution and, the Board shall adopt by a two-thirds majority a Resolution with the belief that the Resolution would be supported by a majority of the membership.

2) The Board should believe that that the public considers that the opinion of lawyers on the matter in question would be enlightening and persuasive.

3) The particular Resolution should be an issue of significant interest to the administration of justice or the practice of law.

4) The Resolution should have some impact on the outcome of the issue if the CCCBA position is made public.

5) Comments of the membership should be solicited before public positions are taken whenever time permits.

Once the Board takes a public position, the Board may authorize by appropriate Board approval, the expenditure of funds or other resources in support of the Resolution and may submit special appeals to its members for funds to support such expenditures.

Procedures for Disseminating Public Positions:

Public positions should be posted on the CCCBA's website, circulated through news releases and with a press conference depending upon the degree of public interest, and given as wide publicity as possible. Where legislation or other governmental action is involved, the position should be made known through the appropriate elected representatives. All actions taken shall be consistent with applicable law concerning the tax exempt status of CCCBA.

Submittal Form

1. Proponent/Submitter:

2. Summary of Issue and proposed position:

3. Proposed Position:

4. History:

5. Statement of Reasons:
(e.g., existing law, problem, proposed position/change)

6. Impact Statement:

7. Author and Contact Info:

2012 CCCBA Board Meeting Schedule

The Board of Directors generally meets on the first Wednesday of every month (excluding August and December) at 5:30 pm in the CCCBA offices. If decisions affecting our membership are made during the course of Board meetings, every effort will be made to include relevant information in the following month's *Contra Costa Lawyer* magazine.

The 2012 Board meetings will be held on the following dates:

January 11	June 6
February 1	July 11
March 7	September 5
April 4	October 3
May 2	November 7

There will also be a strategic planning retreat in early December.

2012 CCCBA Section Program Planning Requirements

Sections have responsibility for all substantive and most administrative aspects of their programs. Detailed below are the responsibilities of the Program Organizer. If you have any questions about program planning, please contact Theresa Hurley, Section Liaison/Education & Programs Coordinator at (925) 370-2548 or thurley@cccba.org.

Before the program:

1. Contact the Section Liaison with the date of your Section's program to determine whether any other Sections have scheduled a program on the same date. If there is another program scheduled, you must first clear it with that Section before publicizing it to CCCBA members. (If both Sections agree that a conflict does not exist, two programs may be conducted concurrently). We have had conflicting programs in the past because dates were not cleared with the Bar staff ahead of time. Booking programs as far in advance as possible will ensure that your Section is able to hold programs on your preferred dates. **Once you have confirmed the date, please provide the Section Liaison with a completed Event Worksheet (please see page 24 for a copy of the Event Worksheet).**
2. Define the program subject matter. All promotional materials must include the nature of the activity, time devoted to each topic, and amount and kind of MCLE credit.
3. Determine the length of the program and how much time the speaker(s) will present on specialty areas (if at all). Credit is calculated to the nearest quarter-hour, and eating or breaks do not get credited.

The specialty areas are:

- a. Legal ethics;
- b. Detection/prevention/treatment of substance abuse (including mental illness that affects professional competence);
- c. Elimination of bias in the legal profession.

See page 26 for descriptions of the specialty areas

4. If the program is over 60 minutes, substantive written materials must be distributed at or before the program. If the program is over 60 minutes, and no written materials are distributed (or the materials are not substantive), the program will not receive any MCLE credit - not even 1 hour of MCLE credit. Materials must identify the instructors. CCCBA staff can make copies at a cost of 10c per page (25c per page for color copies)

Advertising and administrative fees associated with Section programs:

- Advertising in the bi-monthly calendar - \$75.00 per inclusion. Please see page 29 for more information on calendar advertising.
- Fee for Section Liaison to collect registrations, record attendance and/or provide an MCLE sign-in sheet, master "Certificate of Attendance" (speaker and attendee), and State Bar-approved activity evaluation form - \$50
Please note that Sections who choose not to have the Section Liaison collect registrations will not have participants attendance recorded in our database. In addition, participants will not be able to sign up for these events on-line.
- Admin processing fee - \$1 per registrant
- Sections may also advertise their programs in CCCBA's weekly email broadcasts. Please see page 30 for the fee schedule.
- Advertising and administrative fees are transferred from section accounts on the first of the month.

Please use the Event Worksheet (copy on page 24) to indicate what options you would like for your event. Event worksheets are also provided in electronic format attached to the monthly Section Leader email.

At the Program:

If the Section Liaison is collecting registrations and recording attendance for your program, she will email you the pre-registered sign in sheet, a walk-in sign in sheet, Attendance certificate and evaluation forms the day before the event. Speaker certificates can also be provided upon request.

Each attendee must sign the MCLE sign-in sheet. This sign-in sheet constitutes the "official record" verifying attendance and **must** be retained by the Bar Association.

The official record of attendance must include:

1. Attendee's name;
2. Attendee's State Bar Number;
3. Date, time and location of program;
4. Subject matter and length of activity;
5. Attendee's signature;
6. Our Provider number: 393;
7. The Contra Costa County Bar Association's name and address.

If your Section does not have a master sign-in form and the Bar is not providing one for your program, please contact the Section Liaison for the MCLE templates.

Walk-in attendees (those who have not pre-registered and paid) may only pay by check at the event. Please do not accept cash payment. If a walk-in attendee would like to pay by credit card, please indicate so on the sign-in sheet and the Section Liaison will contact them for their payment information.

Each attendee must receive the following:

- **Certificate of Attendance**, which must include the date, time, location, our Provider #393, subject matter, and length of the activity.
- **State Bar approved Education Activity Evaluation form.**
- You may also provide your speakers with a **Speaker's Certificate of Attendance**, which includes the formula for calculating how much MCLE Credit they are entitled to for preparation and participation.

As with the sign-in sheet, you may obtain master forms from the Section Liaison.

After the Program:

The Bar Association maintains the official records verifying attendance at each program. These records are maintained for five years. The Education Activity Evaluation forms of each program must be kept for one year.

Therefore, at the conclusion of each program, you must forward the **original** sign-in sheet and any completed evaluation forms to the Section Liaison for record keeping, a copy of all materials handed out and any checks received at the event.

Section Events Held at the Bar Association Offices:

Sections may hold programs and meetings at the Bar Association offices during regular business hours (9:00am - 5:00pm) at no charge. If you wish to schedule a program or meeting at the Bar Association, please contact the Section Liaison beforehand to ensure space is available.

Registration Policy

Any participant who has not prepaid for an event at which registration is handled by the Bar Association, be it sponsored by CCCBA, a Section, or an outside vendor, **must** pay before leaving the program. It is up to the Section sponsoring the event to make sure all their attendees have paid. Upon request, the CCCBA's Section Liaison can provide a list of those who have not paid.

Event Worksheet

Event Information Deadline: _____
(Published in the *Contra Costa Lawyer*)

Organization/Section: _____

Number of Credits: _____

Special Categories: _____ Elimination of Bias _____ Ethics _____ Substance Abuse
 _____ Specialization Credit (Type of Specialization _____)

Date of Program: _____ **Start & End Time:** _____

Location: _____

Cost: \$ _____ CCCBA Members \$ _____ Student Members \$ _____ Section Members
 \$ _____ Non-CCCBA Members

Is there a maximum number of attendees? _____ **If yes, what is max?** _____

Speaker(s) (please include his/her title): _____

Title of Presentation: _____

Menu Selection(s) (optional): _____

Additional Information (20-word limit): _____

For information, please contact: _____ **Phone #:** _____

To register, please send payment to:
(if not being handled by CCCBA) _____

Options:

- Include in Calendar announcement only (*website included*), \$75.
 - Handle pre-registration only, \$50. ‡
 - Include in Program *and* handle pre-registration (*website included*), \$125. ‡
 - Non-CCCBA Members only: Add \$25 to each of the above.
 - Include in weekly email broadcasts to CCCBA members, \$25/\$40* (1st time), \$10/\$15* (subsequent)
- ‡ CCCBA will provide MCLE registration sheets and a master Certificate of Attendance and Evaluation.
 * Higher price applies if event is not included in Calendar announcement.

Please return this form with payment, if applicable, to:
 Theresa Hurley, via email to thurley@cccba.org or via fax to (925) 686-9867.

COMMON MCLE MISTAKES

Section 7.2 of the State Bar MCLE Rules and Regulations outlines the requirements for MCLE providers. The following is a list of the most common mistakes made by providers:

Failure to Use the Required Advertising Language:

Rules 7.2.4 through 7.2.7 give prescribed language which you must include in all promotional materials for activities for which you will be granting California MCLE credit, whether or not the activity is located in California. Providers are not allowed to use variations of the required language.

Marketing

Activities that assist attorneys in increasing their client base do not qualify for California MCLE credit. For example, activities such as "Rainmaking" and "Marketing in the 2000's" do not qualify.

Failure to Provide Substantive Written Materials:

Any activity that is more than an hour in length must provide the attendees with substantive written materials in order to qualify for California MCLE credit.

Incorrectly Calculating Time:

Rule 5.1 explains how you must calculate California MCLE credit hours. Credit is given only for actual time spent in an activity in hours, rounded to the nearest one-quarter hour, reported in decimals.

Formula:	Minutes of instruction	Example:
	<u>Time spent in activity</u>	<u>435 Minutes</u>
	60 = Credit Hours	60 = 7.25 Credit Hours

Credit is only given for actual time spent in an activity (actual instruction or speaking time, running time of tapes, audio or video). There is no credit for breaks or mealtimes. If there is a mealtime speaker on a legal education topic, credit is allowed for the length of the speaker's presentation **only**. For example, if you have a three-hour course with one 15-minute break, your course credit equals 2 hours 45 minutes. Introductory speeches may be counted for California MCLE credit.

Incorrect Allocation of Time in Subfields:

The above formula will give you the total number of MCLE credit hours. After this has been determined, you must use the same formula to determine how any of those total credit hours (if any) fall into any of the following subfields: Legal Ethics; Detection/Prevention of Substance Abuse; and Elimination of Bias in the Legal Profession. The following brief descriptions may help you determine whether or not any of your credit hours fall into these subfields.

Legal Ethics:

Must focus on the professional responsibility of attorneys and not on ethics in general. For example, activities that educate attorneys on the "California Rules of Professional Conduct" will count for Legal Ethics credit, while activities that focus on ethical dilemmas encountered in our society, or in the non-legal profession, do not count for MCLE credit.

Detection/Prevention/Treatment of Substance Abuse

Unlike other subfields, these courses may address generic issues in society and need not focus solely on problems that an attorney may encounter in the legal profession. However, the handling of a case or client matter in which substance abuse is an element does not qualify for credit in this subfield.

Elimination of Bias in the Legal Profession:

This subfield is limited to bias in the legal profession. Activities that assist in the recognition, identification and prevention of bias in a legal setting may qualify for bias credit. Activities addressing societal bias do not count for MCLE credit. An activity that focuses on bias among attorneys or bias found in the courtroom counts for MCLE bias credit. Activities that do not count for elimination of bias in the legal profession include the ADA laws, diversity in the workplace, and how to handle a sexual harassment case.

2012 MCLE Requirements & Reporting Deadlines

GROUP 1 (A-G)

Period: 2/1/10 - 1/31/13

Deadline: 2/1/2013

GROUP 2 (H-M)

Period: 2/1/09 -1/31/12

Deadline: 2/1/2012

GROUP 3 (N-Z)

Period: 2/1/11-1/31/14

Deadline: 2/1/2014

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.
- 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)

AMERICANS WITH DISABILITIES ACT

REQUIREMENTS IN PUBLIC ACCOMMODATIONS FACT SHEET

On January 26, 1992, the Americans with Disabilities Act (ADA), (42 U.S.C. Section 12101 et seq.) went into effect. As a provider of education activities approved for California MCLE credit, we urge you to investigate your duties under the ADA.

This information is available in the following accessible formats:

Braille
Audiotape
Electronic Bulletin Board
Large Print
Electronic File on Computer
202-514-6193

For more information on the ADA contact:

US Department of Justice/Civil Rights Division/Disability Rights Section
P.O. Box 66118
Washington DC 20035-6118
202-514-0301 (Voice)
202-514-0383 (TDD)

General Public accommodations such as restaurants, hotels, theaters, doctors' offices, pharmacies, retail stores, museums, libraries, parks, private schools, and day care centers, may not discriminate on the basis of disability. Private clubs and religious organizations are exempt. Reasonable changes in policies, practices, and procedures must be made to avoid discrimination.

Auxiliary Aids Auxiliary aids and services must be provided to include individuals with vision or hearing impairments or other individuals with disabilities, unless an undue burden would result.

Physical Barriers Physical barriers in existing facilities must be removed, if removal is readily achievable. If not, alternative methods of providing the services must be offered, if they are readily achievable.

All new construction in public accommodations, as well as in "commercial facilities" such as office buildings, must be accessible. Elevators are generally not required in buildings under three stories or with fewer than 3,000 square feet per floor, unless the building is a shopping center, mall, or a professional office of a health care provider.

Alterations must be accessible. When alterations to primary function areas are made, and accessible path of travel to the altered area (and the bathrooms, telephones, and drinking fountains serving the area) must be provided to the extent that the added accessibility costs are not disproportionate to the overall cost of the alterations. Elevators are required as described above.

Entities such as hotel that also offer transportation must generally provide equivalent transportation service to individuals with disabilities. New fixed-route vehicles capable of carrying more than 16 passengers must be accessible.

Remedies Individuals may bring private lawsuits to obtain court orders to stop discrimination, but money damages cannot be awarded. Individuals can also file complaints with the Attorney General who may file lawsuits to stop discrimination and obtain money damages and penalties.

Program Publicity

The main avenues of publicity for Section and Bar activities and MCLE events are as follows:

Bi-Monthly Calendar

Our calendar is published every other month. It is disseminated to all CCCBA members, judges and subscribers as a pullout in the six hard-copy issues of our magazine, the *Contra Costa Lawyer* (Jan, Mar, May, July, Sept & Nov). Sections may choose from several options, depending upon how much administrative work they would like the Bar to handle on their behalf for each program (please see page 22 for details). The Bar Association must receive completed information by the following deadlines to ensure that your program is included (*please use the Event Worksheet form provided by our Section Liaison – example on page 24*):

Issue of <i>Contra Costa Lawyer</i>:	Information Deadline:
March	February 3
May	April 5
July	June 6
September	August 6
November ¹	October 3
January 2013	December 1
March 2013	February 2, 2013

Event information should be sent to our Section Liaison at the CCCBA offices, preferably via e-mail. Event dates and times **must** be cleared with our Section Liaison beforehand (conflicts with other section events have caused problems in the past). Information received by the above deadlines will then be compiled into the calendar format for printing.

E-mail Broadcasts

The CCCBA sends one email broadcast per week (“Weekly Announcements & Upcoming Events”) to the entire CCCBA membership on Tuesday mornings. Links to section-sponsored events are listed at the top of the broadcast to accommodate members who are only interested in a particular section’s activities. Additionally, sections can elect to have section-specific broadcasts sent to their section members only.

¹ PLEASE NOTE: NO MCLE PROGRAMS OTHER THAN THE MCLE SPECTACULAR MAY BE SCHEDULED IN NOVEMBER. Sections are requested to coordinate a program in conjunction with the MCLE Spectacular on November 16th in place of their regular November meeting.

- 1) Requests for inclusion in the weekly broadcast must be made to our Section Liaison *by 5:00pm* the preceding Thursday. CCCBA staff will make every attempt to accommodate “rush” requests after this deadline, although inclusion cannot be guaranteed.
- 2) Requests for section-specific broadcasts will be accommodated within two days (with the exception of Tuesdays so as not to conflict with our weekly broadcast.) CCCBA staff will make every attempt to accommodate same-day requests.
- 3) All information must be submitted via email to CCCBA’s Section Liaison.
- 4) The following fee schedule applies:

<u>CCCBA MEMBER RATE</u>	
Inclusion in weekly broadcast to entire CCCBA membership	\$25.00 fee if notice also in <i>CC Lawyer</i> (includes Web Calendar Posting) \$40.00 fee if notice not in <i>CC Lawyer</i> (includes Web Calendar Posting)
Same notice included in subsequent weekly broadcasts to entire CCCBA membership	\$10.00 fee if notice also in <i>CC Lawyer</i> (includes Web Calendar Posting) \$15.00 fee if notice not in <i>CC Lawyer</i> (includes Web Calendar Posting)
Section-specific broadcasts	\$25 fee for one-time broadcast
Subsequent Section-specific broadcasts	\$10 each

<u>NON-MEMBER RATE</u>	
Inclusion in weekly broadcast to entire CCCBA membership	\$50.00
Same notice included in subsequent weekly broadcasts to entire CCCBA membership	\$25.00

CCCBA Website (www.cccba.org)

All information included in the calendar and email broadcasts is posted on our website on the Master Calendar.