



MEMBER BULLETIN
NOVEMBER 2015

Southeast District Bar Association

Proudly Invites You to Attend Our Annual

JUDGES' & PAST PRESIDENTS' NIGHT

Wednesday, November 18, 2015



Expect an Evening of Entertainment!

Masters of Ceremony:
Honorable Judge Margaret Bernal & Del Hovden, Esq.

LOCATION: Rio Hondo Country Club
10625 Old River School Road
Downey, CA 90241

TIME: Hosted Cocktail Hour: 5:30 to 6:30 pm
Dinner/Program: 7:30 to 8:30 pm

COST: Honorary Judges: No Cost
Past President/Members: \$40.00
Non-SEDBA Members: \$45.00

Thank you to our November Meeting Sponsors:

Eric Barter, Bad Boys Bail Bonds John Rydell, A Plus Appraisals
Joey Hernandez, Insurance Solutions Tredway, Lumsdaine & Doyle, LLP

Shhhhh...

SILENT AUCTION
will be held.

Items will be sold to the
Highest Bidder!!!

Items will be out for viewing
in the Banquet
Room of your viewing!



PRESIDENT'S MESSAGE

I cannot believe that it is already November, and the holidays are right around the corner. Some would even say the holidays are already here (KOST 103.5 is already playing Christmas music, the Citadel Outlets have already put their lights and giant red bow up). The weather in southern California is finally starting to feel like fall weather. I hope this newsletter finds everyone well and looking forward to spending time with their loved ones over the upcoming holidays.

I wanted to take this opportunity to again send out my condolences to the entire Frisco family over the passing of their father Judge Frisco. I was at the funeral, and saw many of our members show up to pay their respects to Judge Frisco and his family. It was a lovely ceremony.

Voting ballots have been sent out to all members to vote on next year's executive board members and trustees. Please make sure you have sent in your ballots to the SEDBA office. This is your opportunity to voice your opinion as to who you believe should be guiding SEDBA next year. All the candidates on this year's ballot are extremely capable, and I am excited to see what is in store for next year.

As everyone knows, November is always our Judges' and Past-Presidents' Night. This is always our best event of the year. I look forward to seeing everyone at Rio Hondo on Wednesday the 18th for this event. Our emcees for the evening will be Judge Margaret Bernal and Past-President, Del Hovden. Make sure to bring your check books and credit cards with you, as we will also be having a silent auction prior to the start of the evening program. It will be sure to be a good time as always, and you do not want to miss out.

Lastly, do not forget that we will be having our Christmas Party next month on December 9th. More details will be sent out from the office about this event in the next few weeks. Thank you to everyone who has come out to our meetings and events this year. See you at Judges' and Past-Presidents' Night on the 18th.

Sincerely,

Trevor Michels

Monthly Article

Delay in Charging a Defendant: Due Process & Speedy Trial

Post-arrest delay in charging a defendant seems to happen more often in drug trafficking cases, than other crimes. It frequently goes like this: After wiretaps, or an informant's information, or an anonymous tip, a multijurisdictional task force investigates a target. Relatively sound probable cause to search is developed through officer observations. A seizure and a search occurs, netting several kilos of meth or cocaine. Defendant is arrested, and she either bails out, or is released in about 48 hours, because the case does not get filed (P.C. §825) for other law enforcement reasons.

At some point prior the statute of limitations running, a few years after the arrest, a complaint is filed. Upon what basis may the defendant seek a dismissal for this delay between arrest and charges?

Under State law, the court considers whether the defendant's right to due process (fair trial) has been violated, by balancing actual prejudice to the defendant resulting from the delay, against the reason for the prosecution's delay in filing. Jones v. Sup. Ct. (1970) 3 Cal.3d 734, 741 n.1, Cal. Const., Art. I, §7. Similarly, the State right to a speedy trial attaches at the earlier of the time of arrest, or when charged (Art. I, §15), and the balancing inquiry is the same. Jones, ibid.

Under federal law, the defense argument is also due process under the Fifth and Fourteenth Amendments, as in State court. Again, the defendant must show prejudice, but she may also be required to show deliberate delay by the Government. U.S. v. Marion (1971) 404 U.S. 307, U.S. v. Puett (11th Cir. 1984) 735 F.2d 1331. Under federal law, the Sixth Amendment right to a speedy trial does not attach until the defendant is charged, as opposed to arrested, in State court.

The ultimate inquiry is whether the defendant will be denied a fair trial. If the defendant can show prejudice to his due process right to a fair trial, it will not matter whether the unjustified delay is attributable to intentional or negligent delay on the part of the prosecution and its law enforcement agents. Scherling v. Sup. Ct. (1978) 22 Cal.3d 493.

Since State court does not require deliberate delay on the part of the Government, the California constitutional approach is often preferred. The State speedy trial defense argument only requires showing prejudice, which if successful, requires dismissal if the delay is not adequately justified. Contrasted with four factors to be balanced under the federal test, the State argument is often preferred. The four federal factors are length of the delay, reason for the delay, Defendant's assertion of the right, and prejudice to the defendant. See, Barker v. Wingo (1972) 407 U.S. 514.

In showing prejudice, the defendant must be specific. See, Serna v. Superior Court (1985) 40 Cal.3d 239, 250. General allegations will not suffice. The defense may wish to submit a declaration, being careful not to compromise defenses.

The result would be different if the defendant had not been arrested, and different rules apply to misdemeanors. See, People v. Allen (1979) 96 Cal.App.3d 268, and Serna v. Sup. Ct. (1985) 40 Cal.3d 239, resp. Nor does the foregoing address the self-executing, statutory speedy trial protections, such as the custody and non-custody times to be brought to trial (30 days/45 days, resp., for misdemeanors, and 60 days post-information/indictment arraignment, for felonies. PC §1382).

By: Tim Nilan

Save the Date

Events and General Meetings are open to all members and non-members.

February 25	General Meeting: State of the Courts – Judge Margaret Bernal
March 25	General Meeting: Substance Abuse – Greg Dorst – The Other Bar
April 22	Social Hour
May 27	General Meeting: Tony Rackucakas
June 13-19	D.C. Trip
July 22	SEDBA Un-hosted Social Hour @ Lock & Key
August 26	Randy Kramer Annual Poker Tournament
September 2	End of Summer Mixer
September 26	General Meeting: DUI Panel
October 28	No Monthly Meeting
November 18	Judges & Past Presidents Night
December 9	Holiday Party
January 30, 2016	Installation Gala

General Meetings:

LOCATION: Rio Hondo Country Club
10627 Old River School Road
Downey, CA

TIME: 5:30 p.m. Social Hour/ 6:30 p.m. Dinner & Program

COST: \$40 for SEDBA Members/ \$45 for Non-members

LRS PANEL MEMBERS MUST ATTEND AT LEAST 5 GENERAL MEETINGS PER YEAR

**SPECIAL RECOGNITION
TO SEDBA'S November MEETING
SPONSORS:**

**Eric Barter
Bad Boys Bail Bonds**

**Joey Hernandez
Insurance Solutions**

**John Rydell
A Plus Appraisals**

**Tredway, Lumsdaine
& Doyle, LLP**

**Your continued support and participation
is greatly appreciated by all of SEDBA's
membership!**

To sponsor an upcoming meeting, please contact Irma @ (562) 868-6787.

SPECIAL RECOGNITION

Bar Sustaining Firm Memberships

Robert F. Jacobs & Associates

Robert F. Jacobs, Esq.

Jay Chung, Esq.

Jacobsma & Brau

Paul D. Brau, Esq.

Jennifer C. Carter, Esq.

Kim Bradley Jacobsma, Esq.

Laila Havre Jacobsma, Esq.

Jerry D. Turner, Esq.

Mark Santa Anna, Esq.

Law Office of Lawrence Rohlfig

Lawrence D. Rohlfig, Esq.

Brian C. Shapiro, Esq.

Monica Perales, Esq.

VJ Patel, Esq.

Denise Bourgeois Haley, Esq.

Steven G. Rosales, Esq.

Young Cho, Esq.

Cyrus Safa, Esq.

Tredway Lumsdaine & Doyle LLP

Joseph Lumsdaine, Esq.

Eugene Siegel, Esq.

Brian Ramsey, Esq.

Del Hovden Esq.

Jennifer Lumsdaine, Esq.

Cara Crownover, Esq.

Bar Sustaining Membership

David Ribeiro, Esq.

Thank you for your continued support and participation
DON'T FORGET TO RENEW YOUR BAR MEMBERSHIP

Know someone who is tired of navigating
the legal system on their own?

Refer them to the

**SOUTHEAST DISTRICT BAR
LAWYER REFERRAL SERVICE**

Just **\$40** gets them a 30 minute consultation with an attorney who is:

LOCAL. Attorneys who know and who are known by your Judge.

LICENSED. Our members must be in good standing with the State Bar.

EDUCATED. All attorneys on the LRS are required to attend continuing
education courses to stay current on the law.

EXPERIENCED. All attorneys on the LRS are pre-qualified to assure they
are practiced in the area of law you need.

The LRS office is located at:
12749 Norwalk Blvd., Suite 107
Norwalk CA 90650
(562) 868-6786

www.sedba.org

The Southeast District Bar Association is a non-profit association of legal professionals serving Southeast Los Angeles County including Bellflower, Cerritos, Downey, Norwalk, Paramount, Santa Fe Springs, South Gate, Whittier, and surrounding cities.

Extra! Extra!

Notice to all paid SEDBA Members:

**Watch your mailbox for the upcoming
2016 BALLOT for
Incoming Board Officers & Trustees**

**Your Vote Counts!!!
So make sure to vote.**

Don't forget to mail in your Ballot

Ballots due by Friday Nov 13th

Advertisements

Place your Ad in the SEBAMB is a great way of advertising your business!

Low Monthly Cost:

Quarter Page Ad: \$75.00

Full Page Ad: \$125.00

For more information email Irma@sedba.org

Or contact SEDBA office (562) 864-4713 or

(562) 868-6787

WHEN YOU NEED IT **FAST!**

Speed and Accuracy are not just words to us, they are the heart and soul of what we do. They are the very foundation of Atkinson-Baker's two decades of lightning fast service and 100% accurate transcripts.

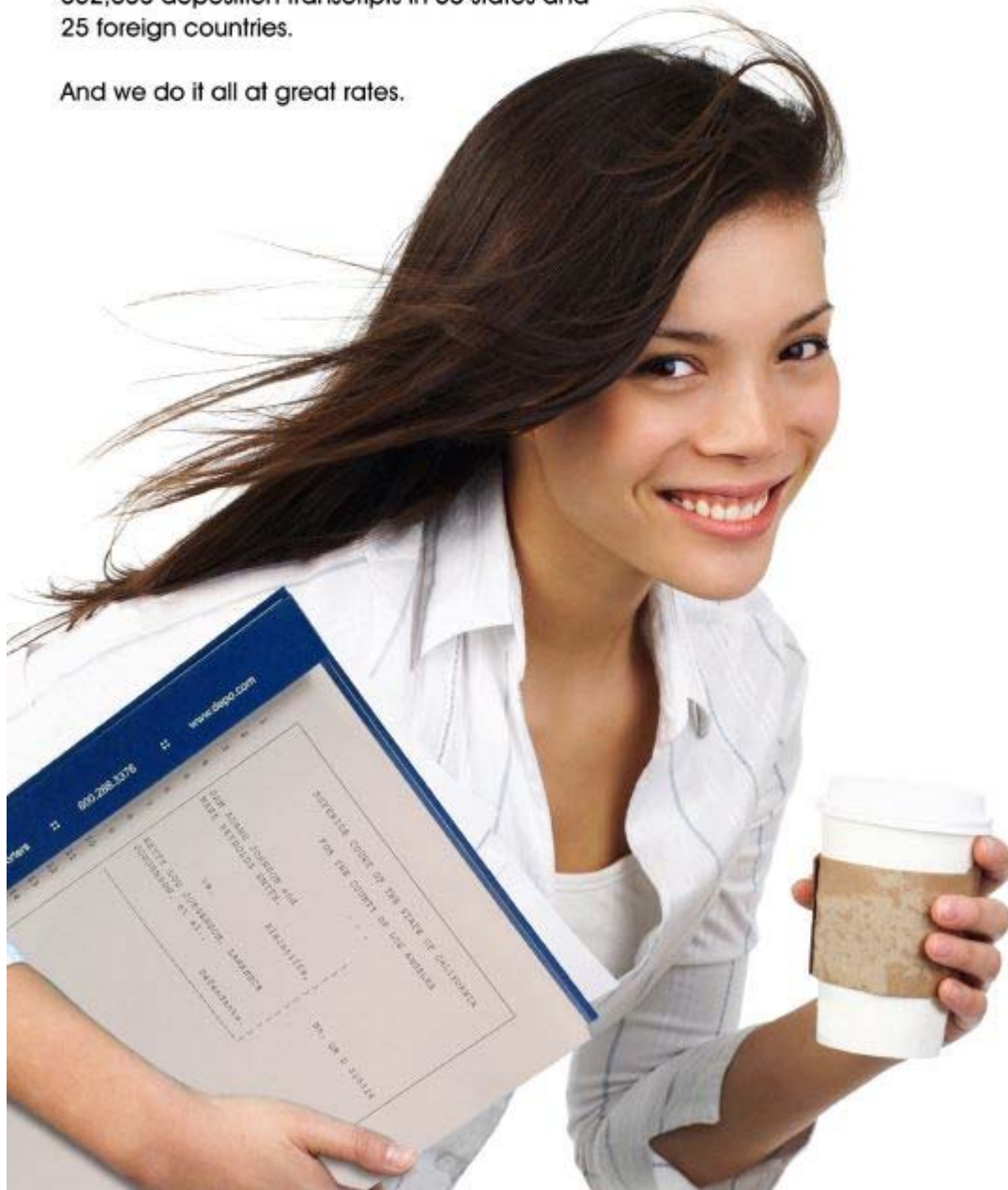
They are the reason we have delivered over 552,000 deposition transcripts in 50 states and 25 foreign countries.

And we do it all at great rates.

Call now to schedule a court reporter.
800-288-3376

AtkinsonBaker

www.depo.com



SOUTHEAST DISTRICT BAR ASSOCIATION

AND LAWYER REFERRAL SERVICE

12749 Norwalk Blvd., Suite 107 • Norwalk, CA 90650 • (562) 868-6787 • Fax (562) 862-7247 • Irma@sedba.org

The mission of the Southeast District Bar Association is to enhance and serve the educational and professional needs of its membership, to promote the integrity of the profession, to encourage collegiality and interaction with the judiciary, and to provide access to legal services and the judicial system.



We're on the web!
www.sedba.org

The SEBAMB is a joint publication of the Southeast District Bar Association and the Lawyer Referral Service.

The SEBAMB welcomes and encourages articles and letters from readers. Please send them to 12749 Norwalk Blvd., Suite 107, Norwalk, CA 90650.

SEDBA and LRS reserves the right to edit articles and letters sent in for publication. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of SEDBA, LRS or the Board of Trustees. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service unless it is specifically stated in the ad that there is such approval or endorsement.

2015 Southeast District Bar Association Board of Trustees

2015 Officers

Trevor Michels, President
Jennifer C. Carter, President-Elect
Jay Chung, Vice President
Monica Perales, Secretary-Treasurer
Diana Fukushima, Past President

2015 Trustees

Thomas Barclay
John Bunnett
Charles E. Frisco
Paul Jay Fukushima
Jennifer Lumsdaine
Timothy Nilan
Javier Ramirez
Dennis Saab