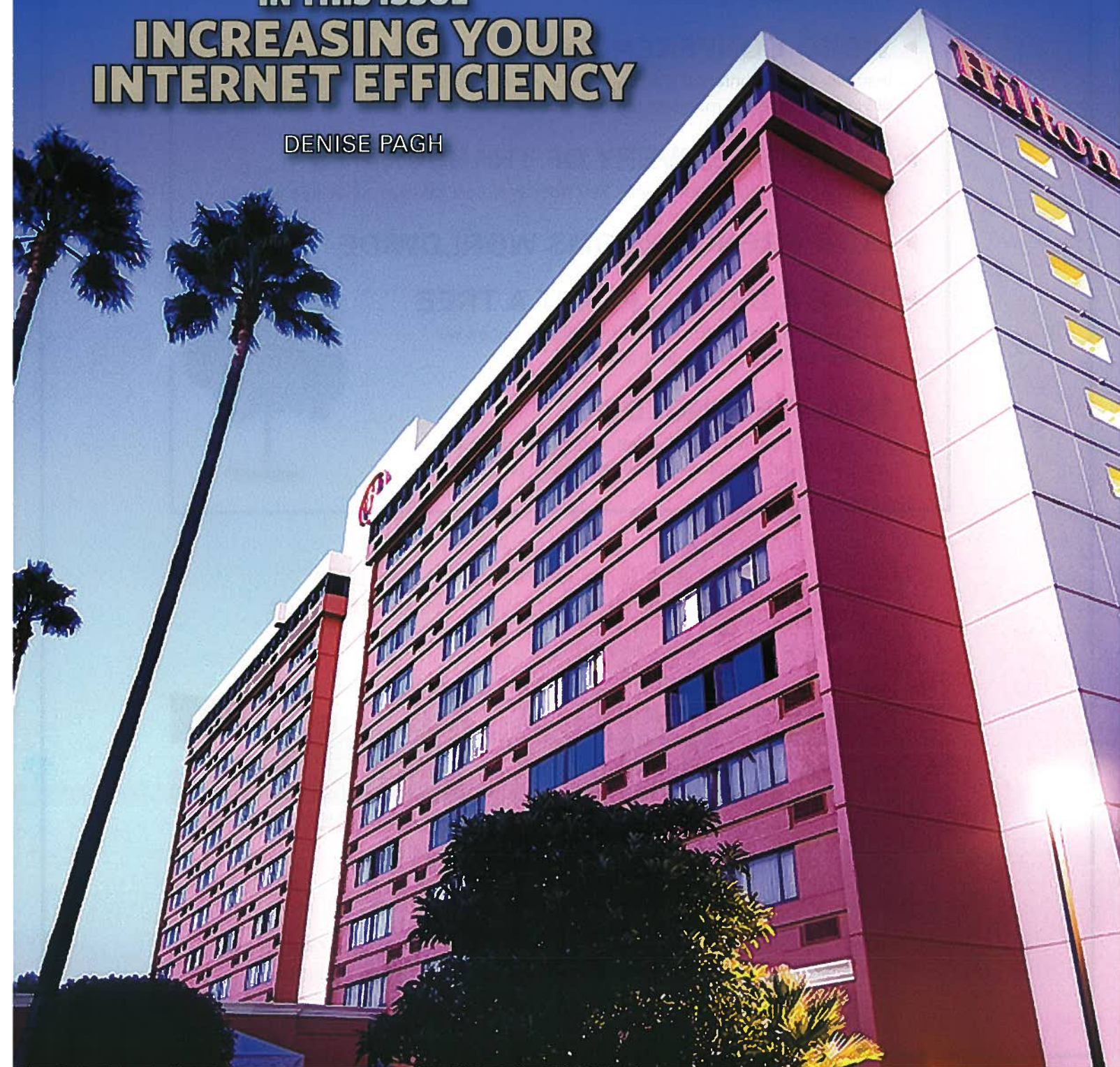


THE Legal Secretary®

February 2012

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THE Legal Secretary®

February 2012

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**BROOKE MANSFIELD-
ATHERTON**
LSI PRESIDENT

Brooke Mansfield-Atherton is a member of Butte County LPA and currently serves as LSI's President. She has served her local association as Governor, Secretary, President and various other chairman positions. Brooke has worked in the legal field for 20+ years, with an emphasis on Probate, Estate Planning and Elder Law. Brooke also knits for Socks for Soldiers and is a member of Blue Star Mothers.

Education, Leadership, Mentoring

BROOKE MANSFIELD-ATHERTON, CCLS — LSI PRESIDENT

The great French Marshall Lyautey once asked his gardener to plant a tree. The gardener objected that the tree was slow growing and would not reach maturity for 100 years. The Marshall replied, "In that case, there is no time to lose; plant it this afternoon!"

This got me thinking about time and how it seems to move both too quickly and too slowly at the same time. The wheels of progress can move slowly for an organization like LSI. Certain things take time. And yet, before we know it, we are facing the end of another fiscal year. Where did the time go? It is hard to believe that this fiscal year is almost done. By the time

our past will take time. It will not happen over night. We have planted seeds the past two years and it is my hope that those seeds will continue to grow and bloom. Perhaps we will see our membership hit 2,000 in 2012!

I continue to be impressed and inspired by the members of LSI. Each conference has seen motions being made from the floor and our members taking an active roll in the direction of the corporation. This is exactly how it should work!

I think there is a misconception of the Executive Committee. Many may feel that it is comprised of six people who make all the

"Let me assure you that the Executive Committee does hear you, and tries to be as responsive as possible."

you read this we will be into our new calendar year 2012!

I've also been thinking about what is in LSI's future the last quarter of our fiscal year and my last several months serving as your President. Two years is a long time, and yet it has gone by so quickly. February is the time of year when you begin to prepare for the election of new officers, appointments of new chairmen and the constant reminder to get your files in order to pass along to your successor.

One of my goals when I was first elected President was to have a membership of 2,010 in the year 2010. I thought that two years was a long time, and that we could do it. Helping in this goal was our LSI Vice President, Sandra T. Jimenez, CCLS, who facilitated the membership contest "LSI Experience It." That contest did help to increase our membership, but not to the desired goal of 2,010. Increasing membership back to the numbers we have seen in

decisions and that is simply not true. Yes, the members of the Executive Committee are charged with the day to day business of the corporation. However, it is YOU, the member who decides the future of LSI. I cannot stress it enough or say it too many times: This is YOUR corporation and YOU have a say in how things are done. Your voice and your vote do matter.

Let me assure you that the Executive Committee does hear you, and tries to be as responsive as possible. I believe it is important that each member take ownership of LSI. This is your corporation. One example that comes to mind is the discussion that LSI assist local associations to attend conference. I mentioned this in my article in the November 2011 issue of The Legal Secretary and this was discussed at the President's Luncheon in August. At the Presidents' Luncheon I specifically asked those in attendance to go back to their associations and ask their membership, "How can LSI best

assist in this regard". Not one single person has replied back to me, made a motion, or offered a specific suggestion.

The Executive Committee has discussed this at the last two conferences. (See item 15 on the EC Resume from the November Quarterly Conference). It is true that the members of the Executive Committee can make a recommendation on how to help local associations attend conference, but without any feedback from the members, the recommendation would be a best guess. The membership **MUST** be involved in the decision making process. Don't just sit by and let things go with the flow be an active, participating member!

As you should be aware by now, a motion to change the name of LSI was made at the November Quarterly Conference in Rancho Cordova, and an Ad Hoc Committee is now working to research this topic. The committee will be providing a report to the membership prior to the February Quarterly Conference in Concord. The membership of LSI has the power to decide the future of LSI and whether or not a name change will take place. The members who attended the November Conference were able to experience first hand how members can take action and participate in the future of LSI.

John Ruskin, the English critic and essayist, once said "Our duty is to preserve what the past has had to say for itself, and to say for ourselves what shall be true for the future." I think this applies to LSI. I cannot predict the future of LSI. Will the name change take place? I don't know. Will we find some way to assist local associations attend conference? I don't know. What I do know is that often change can be a bit scary. To propose change is not to say it was broken before. It simply suggests that we take a look at something with a different perspective. I am looking forward to what the Ad Hoc Committee reports and what a marketing firm suggests to us. These are great milestones for LSI and we are lucky to be members during this time in LSI's history.

I was also glad to see that we conducted business on Sunday following Brunch. When you attend conference it is important that your Governor attend all meetings and be prepared to enter into discussion and vote, if necessary. We must all remember that corporate business can and does take place on Sunday. When making travel arrangements, do not assume that there will not be business on Sunday. Allow for extra time in your travel plans if you are flying so that you can attend any business on Sunday. If you are traveling with others, make sure they too have allowed for sufficient time to attend all of Sunday's business meeting.

February Conference promises to be another amazing weekend of education and networking. Our CCLS Chairman, Terrie Quinton, CCLS, will be moderating a CCLS Workshop at 7:30 a.m. Saturday morning. Please check the Official Notice and website for specific information on this and other educational opportunities. The topics for our Legal Specialization Section

Seminars can also be found in the Official Notice.

The proposed name change and the financial assistance to local associations to attend conference are both opportunities for each member of LSI to exercise their power of voice. Attend conference, ask questions, make a motion. Only Governors have the right to vote, but **ALL** members have the power of voice. I encourage you to take ownership of LSI and have your voice heard.

Finally, I would be remiss if I did not thank our Administrator, Catherine Culver, CCLS, for chairing our November Quarterly Conference. She did an amazing job. I was thrilled to see so many members from various associations step up and help with registration, ticket sales, raffle prizes, printing, and so much more! There are too many to name individually you know who you are and you are all very much appreciated.

I look forward to seeing you in Concord for the February Quarterly Conference being hosted by Mt. Diablo LPA February 24, 25 and 26, 2012 at the Concord Hilton, Concord, California.

LSI

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LSI Second Quarterly Conference 2011

Sacramento Marriott Rancho Cordova





Letters

At the November quarterly conference, a motion was made to change the name of LSI to something that omits the dreaded word “secretary.” Well, I have been a secretary in the legal profession for over 30 years and I am proud to be a SECRETARY, and I’ve always considered myself a professional despite what anyone else says.

As a secretary, I’ve fed, clothed, and housed my family. As a secretary, I’ve gotten the boss his coffee, suffered sexual harassment, and been dissed (as in, “you’re JUST a secretary”). Now I hear that I, a legal secretary, am “going by the wayside” and “becoming extinct.” Yes, I know, it is just the words “legal secretary” that are said to be suffering this fate, not me personally. However, my worth is as tied up in my title as that of many others.

Mr. Cardinale states in his article in *The Legal Secretary* that “the new generation of legal assistants does not want to be considered a legal secretary.” First, if one is a legal assistant, one is a paralegal, and should not be called a legal secretary. Second, if as a “new generation” I heard that legal secretaries were becoming extinct, why would I aspire to that? I’m already being told I am not good enough.

Mr. Cardinale also provides a Yahoo page that says “paralegals are one of the fastest growing professions in America.” Is the intent in the name change to create another association for paralegals? Is the California Alliance of Paralegal Associations (CAPA) not enough? They do not allow legal secretaries to be members. As far as I am aware, LSI does not turn away any paralegal who wants to become a member. Do paralegals feel somehow diminished by being a member of LSI?

Mr. Cardinale, SCCoLPA President, says since the association changed from an LSA to an LPA its membership has grown by 40 percent. It also offers a one-year free membership in the association to any paralegal or attorney who attends one of its seminars. How much of that growth can be attributed to the free memberships? Why are only attorneys and paralegals offered the free membership? What about secretaries who attend a seminar, do they get the same offer?

Lastly, I have been a member of LSI since on or around 1989; I was a member of San Diego Legal Secretaries Association, and am currently a member of San Mateo County Legal Secretaries Association. I joined when I worked in a one-attorney office and knew I needed help in keeping up with all the changes in the law. In SDLA, SMCLSA, and LSI I found a group of people with the same struggle, willing to share their knowledge, and all they asked of me was that I do the same. More than that, I found a place where I was appreciated for what I was, a Legal Secretary, it was my association. If the decision is made to change the name of LSI, it will no longer be my association.

Nancy O’Shea, CCLS

Member, San Mateo County Legal Secretaries Association

December 2, 2011

WE WANT YOUR LETTERS

Legal Secretaries, Incorporated (LSI) welcomes your Letters to the Editor on topics of concern to LSI members and the legal community.

DISCLAIMER

Letters reflect the opinion of the author, not necessarily that of LSI or its members. The editor of The Legal Secretary reserves the right to edit or withhold from publication any letter for any reason whatsoever. Once received, all letters become the possession of Legal Secretaries, Incorporated.

Increasing Your Internet Efficiency

DENISE PAGH — SUBMITTED BY PLACER COUNTY LPA

We all know how easy it is to waste a lot of time surfing the Web. One link leads to another, which leads to another, and before you know it you're far afield of your original starting point. That may be well and good when you're on your own time, but you can't always afford this kind of meandering when you're trying to get something accomplished on the job. To the contrary, at work you want to be able to use the internet as efficiently and effectively as possible.

Of course, it is a good idea to become familiar with the more sophisticated aspects of your chosen browser (Internet Explorer, Firefox, Chrome) and your preferred search engine (Google, Yahoo, Bing), but there are also some strategies you can adopt that are not browser-specific. Over time, applying these techniques can increase your productivity when using the internet at work.

Strategy # 1: Manage Your Internet Search Results

Every so often we all have to click on more than one result from an internet search engine results page before we find what we're looking for. If you are in the practice of opening the link in the same page as your results (so that the new page takes the place of your results list) consider adopting this technique: hold the SHIFT key down as you click on the desired link and the linked website will open in a new window. Do this for as many results as you choose to view, and toggle back and forth between the various results windows and the original results list by using the ALT + TAB.

Here of some of the time-saving advantages of this technique:

- You can continue to peruse the results list as you allow the new page to load.
- You can see multiple results at the same

time (when windows are reduced and arranged side by side).

- The results list is always available without having to wait for it to refresh.
- You can save a good result in an open window to go back to later, and still continue to search further.

To avoid confusion caused by excessive windows, be sure to close results windows as soon as you are finished with them.

Strategy # 2: Become an Expert Bookmark Manager

Most likely, you already use the Bookmark or Favorites feature of your preferred browser, but how much attention have you dedicated to ensuring that you're maximizing its potential usefulness? To become an expert bookmark manager incorporate the following best practices:

Select. Limit your Favorites collection to sites that are sure to provide maximum benefit. Avoid the habit of adding obscure websites that you may never return to again. It will only clutter your list and diminish the overall efficacy of your Favorites tool.

Rename. When you create a new Favorite, the default name comes from the title bar of the website (the text in the blue band across the very top of the page). Sometimes that is a useful description of the website and sometimes it is not, but almost always it is longer than a Favorite's name needs to be. Therefore, always take the time to customize the name of each Favorite with the most helpful yet concise title you can think of.

Organize. Develop and use a folder system that works for you. It may be by subject or task or content type. Whichever it is, it must be log-



DENISE PAGH

Denise Pagh is the Law Library Manager in the Sacramento office of Kronick, Moskovitz, Tiedemann & Girard. She manages the research tools for the firm, both print and electronic, and provides research services and training for the firm's employees. She uses the internet extensively in her work from day to day, and teaches classes on savvy internet searching. She does not officially condone surfing the Web for fun at work.

...Continues on page 14



SANDRAT T. JIMENEZ
LSI VICE-PRESIDENT

Sandra T. Jimenez was previously employed as a Legal Secretary/Paralegal by the Law office of Sutherland & Gerber, APC in El Centro, CA for about a year, and prior to that employed as Legal Assistant to Richard W. Bohlander, also in El Centro, CA for 20 years. She is a California Certified Legal Secretary since October 17, 1992, a Certified Legal Assistant since June 10, 1988 and California Notary Public. Sandra has an A.S. degree in Business from Imperial Valley College.

LSI Experience It!

A Membership Campaign Success Story

BY SANDRAT T. JIMENEZ, CCLS—LSI VICE-PRESIDENT

In order for LSI to remain a strong and vital organization, we must continuously retain and recruit new members. We are all membership chairs. Whether you are an officer or a chairman, either at the state level or the local level, we should always be thinking, talking and breathing membership.

As many of you know, the LSI Vice President is in charge of Membership and the one who decides whether to implement a membership drive campaign at the beginning of the year. The plan is then reviewed and approved by the Executive Committee. It is not an easy task to take on, as the Vice President also has other duties aside from membership: programs, chapter achievement, benefits, website, and marketing. However, membership is crucial to the existence of any organization, especially LSI, and something that should always be considered and given priority.

Once the decision has been made and approved, the membership chair must announce the drive with any guidelines that must be adhered to, including the start and end of the drive. This year, the membership chair sent out mailings and requests for monetary donations throughout the state of California, made phone calls, responded to inquiries via email and phone, and visited vendors at quarterly conferences to request their support of the membership drive campaign. The monetary amount awarded to winning local associations is based upon the total of donations received from sponsors at the end of campaign period.

This year, LSI again launched a 2011-2012 membership drive campaign - LSI Experience It! - to motivate local associations to plan membership drives and increase membership at the local level. The membership drive campaign period began on August 1, 2011, and ended on October 30, 2011, a three-month period. The local associations with the most "new" members during the campaign period were announced at the November Conference in Rancho Cordova, California. Due to a successful membership drive, LSI now has 126 new members! The winning associations and monetary awards presented at the November Conference were as follows:

Place	Local Association	Monetary Award	New Member Count
First	Orange County LSA	\$275	29
Second	Sacramento LSA		
	(tied for 2nd)	\$150	18
Second	Santa Clara County LPA		
	(tied for 2nd)	\$150	18
Third	San Diego LSA	\$125	16
	All other Associations		45


I wish to acknowledge those who assisted me this year. I had some help from Linda Moore, CCLS of San Diego LSA, LSI's Probate/Estate Planning Legal Specialization Section Leader. Linda "volunteered" to assist and she did a fantastic job following up with sponsors who pledged monetary donations. Also, Catherine Culver, CCLS, LSI's November Conference Chair, who made sure to include the contributor list on the back cover of the program, and LSI Treasurer, Jennifer L. Page, CCLS, who kept track of membership. Thank you ladies!

...Continues on page 18

A thank you letter was mailed to all the contributors with a copy of the November Conference program. We received donations from the following sponsors:

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I ask everyone to support these entities. They support us -- let us support them whenever possible. A special thank you to all our sponsors for their participation in the LSI Experience It! membership drive and for their generous contribution. A special thank you also goes out to all the winners and all local associations who joined in the spirit of our membership campaign: *LSI Experience It!*

A total of 126 new members in one quarter - that is a membership campaign success story! 

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MICHAL PRAGER

Michal Prager has worked in the legal field as a legal secretary – primarily in litigation – since May 1976. As of October 31, 2004, Michal passed the CCLS (California Certified Legal Secretary) exam.

Michal has been employed at Lewis Brisbois Bisgaard & Smith LLP in their Los Angeles office since March 2002. Michal belongs to the San Fernando Valley Legal Secretaries Association and lives in Reseda, California.

She can be contacted by e-mail at serenity.michal@sbcglobal.net.

Flying “The Friendly Skies” Isn’t The Only Way To Get To An LSI Conference

MICHAL PRAGER, CCLS — SUBMITTED BY SAN FERNANDO VALLEY LSA

It was July and I began thinking about attending the LSI Conference in August. It was in Stockton. Where the heck is that? Where’s the nearest airport? So I started asking those questions. I decided the best way to find out was to call the hotel that was hosting the conference – the Hilton Hotel at Stockton. They told me that the nearest airport to their property was the Sacramento International Airport. When I asked further about how far it was from the airport to the hotel, and the approximate cost of taking SuperShuttle, I was told it was about 45 minutes to an hour from the airport to the hotel, and that via SuperShuttle, it would cost about \$70 to \$75 *each way*. That was way over my budget! I had to find another way.

In e-mailing a few members of my association to find out if anyone was traveling by some other means (some were traveling by car, but their cars were full), I was given the name of a woman who was taking the Amtrak to get to Stockton. What a novel idea! I called her and asked what time she was taking the train on Friday, August 19 – the first day of the Conference. She was traveling later in the day than I wanted to, so I checked with Amtrak to see about leaving early in the morning.

A “thru-way” bus would leave the Van Nuys Station (near where I live) at about 7:10 a.m. bound for Bakersfield. From Bakersfield, I would take an Amtrak train that would take me to . . . yes, Stockton! The station was only about a 20-minute cab ride from the hotel, and would cost me about \$20. That fit much better into my budget. The round-trip train (which included the thru-way bus to Bakersfield) was even less expensive than the cheapest plane ride. Yes, I know, the train takes longer, but there are advantages to taking the train – even to Stockton!

First, there is a lot more “leg room” on the train than there is in Economy on any plane

that I have ever flown. There are also fewer seats in each row, so you don’t have to “crawl over” people to get to the bathroom. It is also really easy to push your seat back and relax. (On a plane, I always worry about pushing my seat back so far that it intrudes on the space of the person sitting behind me.) The seating is arranged in single seats (by the window – downstairs for those unable to climb stairs with their luggage); two seats across (a window seat and an aisle seat); and a group of four seats (two seats in each of two rows, facing each other), where a family can sit together while enjoying each other’s company (without having to lean forward to talk to someone at the end of the row or across the aisle from you).

There is food available on the train almost any time you might want to eat – there is a dining car expressly for that purpose. If you’re hungry, go and get yourself a meal, or just a snack. The prices are pretty reasonable, considering you are paying while traveling. (I’m not sure you can order an actual meal on a plane, regardless of the cost.)

The next best thing about traveling by train is the scenery. I know, sometimes the scenery can all look the same. But you can see people walking down the street (and actually see their faces), horses grazing on grass (if you are traveling through the countryside, as is the case on the route from Bakersfield to Stockton), old country churches, country stores, miles and miles of farmland (with various types of vegetation), upcoming train stations, and other types of scenery. Yes, the plane gets you there FAST!! But by train, you can enjoy getting from Point A to Point B and seeing all kinds of things in between. (I can even take a nap in comfort if I so choose!) I know it takes longer to

...Continues on page 14

Let's Talk Motions

JULIE EDSILL, CCLS — LSI PARLIAMENTARIAN

Have you noticed that our Board of Governors meetings seem to be getting livelier these past few conferences? If you were not at the November BOG meeting you missed a chance to witness how parliamentary procedure works and to participate in that procedure.

Let me start out by saying that I love the fact that at each conference I have been given an opportunity to educate myself, and the whole membership on how parliamentary procedures work. This is due in part, to the fact that members are stepping up and taking an active role in the running of this corporation by making motions from the floor.

In my oral report given at the November conference, I shared that I get ideas for the articles that I write from questions that members ask, and situations that happen at conferences. The November conference did not disappoint and gave me the perfect subject to write about, "Making a Motion."

First you need to understand that Bylaws and Standing Rules are the first place you should go when looking for guidance. I have consistently stated in both my reports and articles that every member needs to have a copy of their local and LSI's Bylaws and Standing Rules, and to have read them at least once. If you cannot find clear direction in the Bylaws, look to Robert's Rules of Order Newly Revised (RRONR). Every Parliamentarian and President should have their own copy and refer to it as often as necessary.

So, let's talk motions. Are you aware that according to RRONR there are three steps by which a motion is normally brought before the assembly? These three steps are:

1. A member makes the motion by stating "I move"
2. Another member seconds the motion.

3. The chair states the question on the motion. (which means the chair restates the motion)

As soon as a member has made a motion, the member resumes their seat. That member will have the right to speak first in debate, should they wish. After step three, it is open for debate and the chair states "is there any discussion?" This is where any member can voice their opinion, but they do this by first being recognized by the chair. Just because you have something to say does not mean you have the right to say it without first being given the floor by the chair. It is also very important that you know that only the specific aspects covered in the motion are open to debate, not the whole subject.

According to LSI Standing Rule 27 (revised August 2011) "Main motions and amendments presented from the floor at Annual Conferences and Board of Governors Meetings shall be written in triplicate and delivered to the President, Executive Secretary and Parliamentarian before the motion or amendment is presented to the assembly. The presenter of the motion or amendment shall be prepared to report to the assembly the benefit(s) of the motion or amendment."

We witnessed at the November conference why it is so important to write your motion down before you make it. If you don't have a clear understanding of what you are trying to accomplish, how can the membership be expected to know what they are suppose to be voting on? A well-prepared motion helps other members understand the idea and how the maker of the motion thinks the group should proceed. Also, you can read right from your paper and do not have to rely on your memory. The end result is that you have behaved in a



JULIE EDSILL
LSI PARLIAMENTARIAN

Julie Edsill has been employed in the legal field for the past 22 years, with 17 of those years spent working for her current employers Persons and Miller, a husband and wife law firm practicing family law, civil litigation, corporate law, estate planning, personal injury and contract law. She also teaches Legal Office Procedures, both basic and advanced, at Butte College in Chico. Julie obtained her CCLS certificate March 2005 and served on the CCLS Certifying Board, which writes the CCLS Exam, from 2006-2010. She is currently serving as Parliamentarian, an appointed officer for LSI.

...Continues on page 14



JOHN SCHENA

John Schena is an associate attorney with Schwartz Semerdjian Ballard & Cauley, LLP. In his third year at SSBC, John's primary practice is municipal, business and commercial litigation. John is a graduate of the University of San Diego School of Law and the University of North Carolina at Chapel Hill, and is admitted to practice in both North Carolina and California. John may be reached via email at: john@ssbclaw.com.

Emails Between Attorneys And Clients Not Always Protected By Privilege

JOHN SCHENA, ESQ. — SAN DIEGO LSA

Reprinted with permission from Consumer Attorneys of San Diego Trial Bar News, Vol. 34, Issue 3, March 2011 at pages 7-8, "Emails Between Attorneys and Clients are not Always Protected by Privilege" by John A. Schena, III.

Preventing the production of attorney client privileged documents in discovery is essential – how else are we to convince our clients that they must provide a detailed description of the underlying facts? A fact not lost on recent law school graduates is the existence of entire minions whose sole duties involve reading and reviewing documents, flagging

ney with no other recipient – culled from the stack. An email from the client to the attorney under the same circumstances – not so fast. The trouble with electronic communication is it necessarily requires additional consideration as it can be reviewed by third parties unbeknownst to the author, whether contemporaneously or at any point in its perpetual

"confidential communications between client and lawyer," requires more than just a simple facial analysis of the recipients."

some as "ACP" to be withheld, and bates stamping others, ready for production. While that in and of itself sounds like an awful job description, at least there are certain truths that tend to make the responsibilities more defined. If you find yourself wondering how any repeated, patterned indicators could make such a task more ideal, consider that many of the fresh attorneys who perform document review projects are either compensated or rewarded with additional assignments based almost solely on the speed with which privilege determination is made. A matter of seconds per page can mean the difference between being re-upped for additional contract work or finding oneself yet again without a steady income.

In this context, the repetitive indicators are a godsend: look to the document's author and the recipients. An internal memorandum from associate to partner – not being produced. A letter addressed to the client from the attorney

existence. An email may exist in a hundred different forwarded iterations, may have blind carbon copy recipients, or may be reviewed by human resources as it is written key stroke by key stroke.

A recent decision confirms that what appears to be "confidential communications between client and lawyer," requires more than just a simple facial analysis of the recipients. In *Holmes v. Petrovich Development Co., LLC* 2011 WL 117230, the court looked beyond the four corners of email communications between a client and her attorney and applied the context of privacy expectations during an employment relationship to strip away privilege.

Holmes itself does not present a unique litigation situation. Soon after the parties' employment relationship began, the plaintiff found herself pregnant and eligible for maternity leave of up to four months. Tensions arose between the employee and the employer,

about statutory obligations and the rules of pregnancy etiquette, which led to the employee emailing an attorney friend for advice. The email exchange was addressed solely to the attorney, but was sent to and from the employee's work email address. In the emails, the plaintiff stated she was upset and hurt by the dialogue she was having with her supervisor, but that she did not want to quit her job, and only hoped to make the situation better. Later that same day, the attorney emailed the plaintiff and advised her to delete their communications, fearful the employer might claim a right to access it at a later date. The situation progressed, with the plaintiff eventually quitting and filing litigation with the operative claims of harassment and wrongful termination.

When plaintiff's deposition occurred, to her surprise, defendant produced copies of the emails she exchanged with her attorney. Over objection, a line of questioning regarding the communications was pursued. Thereafter, the plaintiff unsuccessfully sought a protective order and the emails were presented in summary adjudication hearings and at trial to show that the plaintiff did not suffer severe and pervasive harassment or emotional distress, but instead mere frustration and annoyance. The emails further reflected that the lawsuit might in fact have been filed at the attorney's urgence, when the plaintiff just wanted to make the situation "better." The plaintiff appealed the admission of the emails into evidence.

In finding no error, the Court of Appeal recognized that such communications exist at the boundary line of privilege and privacy expectation:

Although a communication between persons in an attorney client relationship 'does not lose its privileged character for the sole reason that it is communicated by electronic means or because persons involved in the delivery, facilitation, or storage of electronic communication may have access to the content of the communication' this does not mean that an electronic communication is privileged (1) when the electronic means used belongs to the defendant; (2) the defendant has advised the plaintiff that communications using electronic means are not private and may be monitored, and may be used only for business purposes; and (3) the plaintiff is aware of and agrees to these conditions.

Id. at 4 (internal citations omitted).

No privilege could attach because the plaintiff used her employer's company email account, after being warned it was to be used for company only business, and that emails were subject to monitoring and periodic review. The warnings contained in the employee handbook issued at the beginning of employment were sufficient to put the employee on notice. Plaintiff's belief that she was entitled to privacy because of a

unique personal access password and the immediate deletion of the emails were found to be unreasonable. Perhaps going a bit overboard, the Court used the following analogy: "This is akin to consulting her attorney in one of defendants' conference rooms, in a loud voice, with the door open, yet unreasonably expecting that the conversation overheard by [defendant] would be privileged." *Id.* Of course, in reality, the conversation had not been contemporaneously overheard and no "door" was left open. Instead, defendant performed a post employment, litigation inspired, reconnaissance mission to retrieve all emails, whether deleted or not.

Holmes makes it clear that the expectation of privacy does not exist when employees use employer's electronic systems to communicate with attorneys, after forewarning that communications may be reviewed. Applying a similar analysis may shed the attorney client privilege in situations where public computers are used or third party email accounts are employed despite the fact that the third party never actually reviews the communication. A finding of attorney client privilege is grounded in expectation, losing the privilege may be grounded in expectation as well. It is important to remember, however, that Evidence Code section 917(b) explicitly provides that email will not lose its privileged character solely because a third party may have access to the correspondence at some point in the transmission. In general to lose privilege, there must be something more; in *Holmes*, the something more was the corporate policy that removed the plaintiff's reasonable expectation of privacy.

Unlike a letter, each email requires individual scrutiny beyond the identity of the author and recipients. The location of the author must be considered, along with the objective expectations of privacy that the particular location carries with it. In the age of laptops and iPhones, location clearly is not limited to physical presence but can also mean the basis for the internet connection or email provider. Yet, using a personal email account on a work device may not be enough to ensure privilege either. It is necessary to consider the provider's policy, whether that is the employer or the public library. Basic policies detailing permissible uses of property, which identify the possibility that some third party entity may scour email transmissions and monitor interest use, will likely operate to remove any expectation of privacy. When that loss of expectation occurs, the attorney client privilege is lost.

Naturally, the expectations of who will review correspondence prepared on a typewriter are significantly different than that of an email. To the dislike of techies, efficiency enthusiasts, and document reviewers everywhere, sometimes it is simply less risky to communicate face to face or by hard copy. However, I speak on behalf of my generation in proclaiming the hope that *Holmes* and its progeny does not inspire a return to facsimile correspondence. ¹⁵

Increasing Your Internet Efficiency... Continued from page 7

ical and intuitive to you so that you will be consistent and able to find the resources easily at a later date.

Maintain. Take the time to change the names and/or structures of bookmarks and folders that aren't working for you. Repair or delete links that no longer work. By keeping your Favorites fresh and accurate, you will preserve the value of your bookmark collection.

In addition to these four fundamental tips, be sure to take full advantage of the Favorites or Bookmarks Bar—links you save to a special folder which appear as convenient buttons on your menu bar. This is prime real estate on your browser screen for your most frequently visited internet resources, so remember to apply the previous best practices here as well. Choose wisely. Name succinctly (the shorter the name of each Favorite, the more Favorites you can fit in). Align the buttons across the top (by dragging and dropping them) in the most convenient arrangement. And, of course, keep these links fresh and accu-

rate—and relevant to your current work.

Favorites are stored in a file that is PC-specific, so once you've developed your bookmark collection remember to transfer it whenever you upgrade your computer. You may also want to go a step further and import it to a social bookmarking website so that you can access your collection from any computer connected to the internet. Delicious (www.delicious.com) and Diigo (www.diigo.com) are examples of social bookmarking sites that have step-by-step instructions for importing your bookmarks once you've created a free account with them.

By learning to manage your search results in various windows, you will be able to review your search results more effectively, and investing some time up front in developing a well-organized collection of websites that you use on a regular basis will save you time in the long run. Hone your internet skills with these concrete suggestions and you may even save so much time that you find yourself free to surf just for fun! **LS**

Flying "The Friendly Skies"... Continued from page 10

get there by train, but sometimes isn't it worth it to take a little longer? We have been a society of "instant" everything, including instant travel from one place to the next – you go up in the air from your starting point and don't land until you reach your destination! Even if we just do it once a year, maybe we should take the extra time to see the sights and the people along the way. Our life will be richer for having done so.

As I got to my destination in Stockton and took the taxi to the hotel, I was truly grateful for having spent the seven or so hours on that ride – for all the sights that I saw and the people that I

met. I was grateful for not having rushed to get where I was going. I was relaxed when I arrived at the conference, and enjoyed it more as a result. So if you have the opportunity to go to another conference and it's not that far away from where you live, take the time to ride the Amtrak and really meet some fellow travelers on your way to an educational conference put on by LSI. You will have started your education on your travel to the conference just by taking the time to relax and enjoy the ride!! **LS**

Let's Talk Motions... Continued from page 11

professional manner and have presented a clean and clear motion. This is parliamentary procedure at its best.

The last piece of information I would like to leave you with is that according to RRONR "In the debate, each member has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question so long as any member who has not spoken on that question

desires the floor. A member who has spoken twice on a particular question on the same day has exhausted his right to debate that question for that day." There is also a time limit of two minutes for each speech.

We are all professionals, let us strive to be educated in all areas concerning our association, corporation, and to follow the Code of Ethics of LSI, Incorporated. **LS**

Scholarship Thank You... Continued from page 19

porated, for having selected me for this most prestigious award. This scholarship has made it possible for me to continue my legal studies

and move forward towards completion of both my Legal Secretary certificate as well as an Associates' degree in Paralegal Studies. All the best, **LS**

LEGAL SPECIALIZATION SECTIONS

Of LEGAL SECRETARIES, INCORPORATED

2011-2012 MEMBERSHIP APPLICATION/ANNUAL RENEWAL FORM

Complete and mail with your check made payable to LSI, for \$20 for each section, or a total fee of \$75 per year to join all SIX sections simultaneously if an LSI Member, or \$40 for each section or a total fee of \$150 per year to join all sections simultaneously if joining as a non-LSI member.

Mail to: **Cheryl L. Kent, PLS, CCLS, Legal Specialization Sections Coordinator**
5534 Blackbird Drive, Pleasanton, CA 94566

Enclosed is payment of my dues for the fiscal year **8/1/11** through **7/31/12** for the following Section(s). Please check appropriate boxes below for the sections you are joining.

Method of Payment: Check, payable to "LSI," enclosed ☐ VISA ☐ MASTERCARD ☐ AMEX ☐

Credit Card Information: Number _____ Expiration Date: Month _____ Year _____

Name on Credit Card: _____ **Card Verification Number** _____

PER LSI STANDING RULES, CHECKS ISSUED TO LSI WHICH ARE NON-NEGOTIABLE BECAUSE OF INSUFFICIENT FUNDS OR OTHER REASON SHALL BE REPLACED IMMEDIATELY BY CASH, A CERTIFIED CHECK OR MONEY ORDER FOR THE AMOUNT OF THE ORIGINAL CHECK, PLUS \$25 PENALTY, PLUS THE ACTUAL COST CHARGED LSI BY THE FINANCIAL INSTITUTION FOR PROCESSING THE ORIGINAL CHECK.

NEW	RENEWAL	
		Civil Litigation
		Criminal Law
		Family Law
		Law Office Administration
		Probate/Estate Planning
		Transactional Law



(PLEASE PRINT OR TYPE)

NAME: MR./MRS./MS. _____ PLS/CCLS/CLA/PARALEGAL

ADDRESS/CITY/STATE/ZIP _____

LOCAL ASSOCIATION: _____ LSA/LPA

RESIDENCE PHONE () _____ BUSINESS PHONE: () _____

E-MAIL ADDRESS(ES): _____

EMPLOYER: _____

EMPLOYER'S ADDRESS: _____

PREFERRED MAILING ADDRESS: ☐ HOME ☐ OFFICE ☐ EMAIL

YEARS OF LEGAL EXPERIENCE: _____

SPECIALTY: _____

FAMILIAR WITH PRACTICE IN COUNTIES OF (Please indicate each County, not area):



MICHELLE RODGERS

Michelle Rodgers is the Chairman of the CCLS Certifying Board. She is a legal assistant with Stern, Van Vleck & McCarron, LLP. Michelle has been a legal secretary for 23 years, earned her CCLS in 2001, and holds a paralegal certificate as well. She is a member and current president of Capitol City Legal Professionals Association. Michelle can be reached at mroddgers@lawpolicy.com.



TERRIE QUINTON

Terrie Quinton is the California Certified Legal Secretary Chairman for Legal Secretaries, Incorporated. She has been a legal secretary since 1985, and is a member of San Diego Legal Secretaries Association. Terrie obtained her CCLS in 1997 and is currently the CCLS Chair for her local association.

CCLS Program Updates

MICHELLE RODGERS, CCLS — CHAIRMAN OF THE CCLS CERTIFYING BOARD AND
TERRIE QUINTON, CCLS — LSI CCLS CHAIRMAN

CHANGES TO THE EXAM

Some long-awaited changes are coming to the Legal Computations section of the California Certified Legal Secretary exam in March 2012. The good news – the remaining bookkeeping questions will be removed from the exam. The bad news – they will be replaced by additional computation questions. The Certifying Board has taken the comments regarding the time it takes to complete this section of the exam, and will adjust the number of questions accordingly. The exam will cover calendaring, filing fees, and math.

RECERTIFICATION

The Standards for Recertification are in the process of being revised and will be posted on the LSI website soon. Be sure to check the website and review the Standards before submitting your Application for Recertification, especially if you are recertifying in March 2012.

Among the revisions to the Standards are:

1. The requirement for a substantive handout has been revised. A substantive handout is now required for all programs lasting more than 1 hour. If a program is 1 hour, no handout is required. If the program lasts longer than 1 hour, a substantive handout is required. If no substantive handout is provided, the Certifying Board may reduce the credit hours to 1 hour.
2. Webinars have been included as an option for self-study. Remember, you are only allowed 5 credit hours of self-study within any recertification period. The same requirements for handouts apply to self-study.

Remember when sending in your Application for Recertification, that you must send original certificates of attendance. If you do not have

your originals, contact the program provider and request a duplicate original.

When submitting MCLE certificates for CCLS recertification credit, your supervising attorney must sign the certificate. If the supervising attorney does not sign the certificate, the credits will be rejected.

When sending in your Application for Recertification, do not send it too far in advance of your recertification period. The members of the Certifying Board are busy preparing for the upcoming CCLS Exam each February and September. To make it easier for the Recertification Chair to do what is necessary to prepare for the exam, please do not send in your Applications for Recertification until March 1 or October 1. This is plenty of time for the Chair to review your Application and certificates and notify you of any questions they may have. Do NOT send in your Application for Recertification before your recertification period (i.e., do not send in your Application in March if you recertify in October). If you have any questions about when your recertification is due, contact the Certifying Board Chair.

We all want to make sure our Application for Recertification is received by the Certifying Board. But please do NOT send your Application using a method that requires a signature to the Post Office Box. If you would like to send your Application via certified mail or overnight mail requiring a signature, please contact the Certifying Board Chair or Recertification Chair to obtain an alternate address.

OTHER CCLS NEWS

Look for information coming in early 2012 about the possibility about how your association could win an exam fee waiver. More details will be provided in a future CCLS Directive. **LS**

LEGAL SPECIALIZATION SECTION SEMINARS

3rd Quarterly Conference – February 24-26, 2012 – Hilton Concord

Host: Mt. Diablo LPA

REGISTRATION FORM - DEADLINE IS FRIDAY, February 17, 2012

Registration **MUST** be **RECEIVED** by each Section Leader **on or before the deadline**.

Please make advance reservations so materials may be prepared. Please check appropriate boxes below.

Mail, Fax or E-Mail a copy of this form to each corresponding Section Leader.

Send a self-addressed, stamped envelope if you wish confirmation of your reservation.

PLEASE MAKE ALL CHECKS PAYABLE TO "LSI"



LSI SECTION MEMBER:
Free with Advanced Reservations
\$5.00 at the Door/After Deadline
Handout Only: \$5.00

LSI NON-SECTION MEMBER:
\$10.00 with Advanced Reservation
\$15.00 at the Door/After Deadline
Handout Only: \$10.00

NON-LSI MEMBER:
\$15.00 with Advanced Reservation
\$20.00 at the Door/After Deadline
Handout Only: \$15.00

Friday, February 24, 2012 -- 7:30 p.m. to 9:00 p.m.

PROBATE/ESTATE PLANNING:

Topic: *Estate Planning Issues and Timely Topics for our Aging Population*

Speaker: Virginia M. George, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Linda Moore, CCLS, Probate/Estate Planning Section Leader
c/o Stutz Artiano Shinoff & Holtz, APC
2488 Historic Decatur Rd., Ste. 200, San Diego, CA 92106
(O) 619-232-3122 ext. 404 (F) 619-232-3264
Email: lmoore@stutzartiano.com

CIVIL LITIGATION:

Topic: *Trial Preparation*

Speaker: Richard C. Raines, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Denise Aguilar, CCLS, Civil Litigation Section Leader
8279 Philodendron Way, Buena Park, CA 90620-2120
(H) 714-670-0215
Email: daguilar57@att.net

Saturday, February 25, 2012 — 10:30 a.m. to 12:00 p.m.

TRANSACTIONAL LAW:

Topic: *Bankruptcy and The Road to Recovery*

Speaker: Diane Mecca

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Belinda Owens, Transactional Law Section Leader
3163 Easy Street, San Diego, CA 92105
(C) 619-261-9323
Email: bowens0913@aol.com

FAMILY LAW:

Topic: *Maneuvering thru Watts & Epstein Credits*

Speaker: William P. Davis, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Judith Williams, Family Law Section Leader
2368 Lincoln Street, Suite A, Oroville, CA 95966
(O) 530-534-8973 (F) 530-534-6551
Email: pwplgl2@yahoo.com

Saturday, February 25, 2012 — 4:00 p.m. to 5:30 p.m.

LAW OFFICE ADMINISTRATION:

Topic: *TBA*

Speaker: TBA

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Sara E. Mull, CCLS, Law Office Administration Section Leader
Harris, Sanford & Hamman
P. O. Box 908, Gridley, CA 95948
(O) 530-846-5691 (F) 530-846-5738
Email: sara@sacvalleylaw.com

CRIMINAL LAW:

Topic: *TBA*

Speaker: TBA

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Linda Lane, Criminal Law Section Leader
P. O. Box 12582, La Crescenta, CA 91224
(H) 818-248-0739 (C) 818-434-6600
Email: l.lane44@yahoo.com

Name: _____ PLS/CCLS/CLA/Paralegal E-mail: _____

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Phone: (Work) _____ (Home) _____ Local Assn.: _____ LSA/LPA

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PER LSI STANDING RULES, CHECKS ISSUED TO LSI WHICH ARE NON-NEGOTIABLE BECAUSE OF INSUFFICIENT FUNDS OR OTHER REASON SHALL BE REPLACED IMMEDIATELY BY CASH, A CERTIFIED CHECK OR MONEY ORDER FOR THE AMOUNT OF THE ORIGINAL CHECK, PLUS \$25 PENALTY, PLUS THE ACTUAL COST CHARGED LSI BY THE FINANCIAL INSTITUTION FOR PROCESSING THE ORIGINAL CHECK.

The Legal Specialization Sections are a program of Legal Secretaries, Incorporated, an approved provider, and certify that these seminars have been approved for minimum MCLE/CLE credit of 1.25 hours each, by the State Bar of California.



MARIA BISHOP

Maria Bishop is the Editor-in-Chief of LSI's Publications Revision Committee. Maria is a member of Mt. Diablo LPA and currently serving as its Treasurer. She has been employed as a legal secretary and paralegal for 36 years, working for the same attorney, Richard Perez of Perez & Miller, for the past 34 years.

Let The Games Begin

MARIA BISHOP, CCLS —CHAIRMAN, FEB. 2012 QUARTERLY CONFERENCE

Mt. Diablo Legal Professionals Association is looking forward to hosting the Third Quarterly Board of Governors Conference at the Hilton Hotel in Concord, California. The theme of our conference will be "Let The Games Begin!"

On Friday you will enter "Candyland" (remember that game?). You will have the opportunity to test your skills and win prizes playing "Minute To Win It"-type games and enjoy a light repast to curb your hunger pangs before you head off to the two LSS workshops being offered that evening. You will also get to meet our vendors, and don't forget to bring the "Monopoly" vendor card (in your registration packet) with you to have the vendors sign it for a chance to win the vendor prize.

On Saturday, you will be treated to a scavenger hunt within the hotel. Those who find all the objects will be entered into a drawing for a prize to be given away at Sunday brunch.

While enjoying your lunch, you will get to test your skills with some fun table games.

We will be hosting a Black and White Ball at the Saturday banquet, so come dressed in your finest Black/White outfit. The game theme will be "Chess," but don't worry, we won't be playing that game. We will have a fun "mystery" game for you to play that evening.

The beautiful, newly remodeled Concord Hotel is home to Grissini Trattoria & Wine Bar (<http://concordhilton.com/grissini.asp>), a moderately priced restaurant which serves breakfast, lunch and dinner (Note: the restaurant is closed for lunch on Saturdays). If you want to venture out, the Willows Shopping Center is right across the street -- where you will find many restaurants such as Claim Jumper, Benihana, El Torito, and Fuddruckers, and lots of stores to shop in. There is also Sun Valley Mall just a couple of miles away. The hotel offers free shuttles to/from the Concord BART station. Parking is free at the hotel. And in case you don't get enough fun and games


at our conference, the Hilton is surrounded by fun, local attractions.

Just down the street is the Buchanan Fields Golf Course - an executive 9-hole public golf course with 1,982 yards of golf and its own driving range. For more information and details, visit www.buchananfieldsgolfclub.com.

If you're into gambling, a couple miles away is the California Grand Casino which has endured a colorful history since 1854. The Casino offers the Concord visitor many upscale amenities, including a large gaming area, a full bar, and a restaurant called The Grand Cafe. Open 24 hours a day, the California Grand Casino offers "new player coupons," super cash jackpots, and no limit tournaments. Check out www.calgrandcasino.com for more information and details.

You might want to spend a couple more days in the area and attend the Bay Area Renaissance Festival with its animated, seasonal festival of live music, stage acts, and lane characters. What could be better than watching a game of human combat chess or a live armored joust? The Bay Area Renaissance Festival offers unique entertainment and gourmet food with eight stages of action. The fair will run from February 18 to April 1, 2012. For more information and details, visit www.bayarearenaissancefest.com.

And if performing arts is your interest, the Leshar Arts Center in Walnut Creek has three great performances the weekend of your visit: The Philadelphia Story, Arms And The Man, and Legally Blond. Visit their website for more information, www.lesherartscenter.org.

Mt. Diablo Legal Professionals Association is excited and looking forward to seeing you all! 

Scholarship Thank You

DIANA DEMPSEY, CCLS — LSI CAREER PROMOTION SCHOLARSHIP CHAIR

Sometimes during your day-to-day life you come across something that touches you. As LSI Career Promotion/Scholarship Chair, that happens on a regular basis. Being part of the Eula Mae Jett Scholarship Program is true gratification, as we are able to help so many up-and-coming legal secretaries, paralegals, court reporters, and law office administrators each year with money they truly need. Each applicant has their own story, and while some may be more deserving than others, I wish we could help each one!

I see many thank you notes in my position. Some are just short notes, and some more lengthy, but each person is truly grateful we have chosen them as a scholarship recipient. As the 2010-2011 season is coming to a close, one of the last persons to submit their proof of completion for their spring/summer classes is Mervana Foremski. With her proof came a really touching letter that I just had to share, and I have asked it to be published with this article. Receiving letters like this one really makes it all worthwhile! I hope you will take a moment to read it.

As we head toward another scholarship season, I hope you will spread the word about the scholarship program. If your local association does not have a Scholarship Chair, it is not too late to select one.

One last thing - please contact me if you have any suggestions for one of next year's scholarship judges. I can be reached at Diana@mtdiabloipa.info. I hope you enjoy Mervana's letter.

Dear Diana,

As per our email correspondence earlier this week, I am sending my proof of completion for Spring 2011, along with proof of enrollment for Fall 2011, as required for my Eula Mae Jett scholarship award.

Interested and curious, I researched and found out that Eula Mae Jett was the founder (or found-

ing member) of NALS, way back in 1929! It gives me great pride to have been chosen for this particular scholarship, especially when I think of all the legal secretaries and legal assistants who have come before me, paved the way, and who continue to make this a noble and exciting profession.

I was initially drawn to working as a secretary as a young girl because my Aunt Nancy was a secretary in New York City many years ago, and I greatly admired and respected her. Years later, when I was working in San Francisco, I had a summer job working in the legal department of Pacific Bell. I absolutely loved it, and that set the little wheels in motion for me over the course of the years, between child-raising, to pursue my education to learn the necessary skills to work as a legal secretary. As I continue in the Paralegal Studies program at Santa Rosa Junior College, I see the benefits in furthering my education. Because I was on disability for a few years, I truly believe that what I may lack in recent on-the-job experience, I will make up with a good, solid legal education on my resume.

We are very lucky to have a great Junior College here in Santa Rosa, offering several legal secretary and law office support staff certificates. I hope to be among the first of many to graduate from the Paralegal Studies program, which was just approved last year.

While I continue my legal studies, I have the good fortune to be working part-time as a volunteer/intern with our local County Counsel, serving as their law library assistant. As a student looking for work, I highly recommend volunteering in the legal community as a great way to network and gain work experience. I really enjoy working in the law library. Being a legal research assistant is very interesting and having good research skills is essential.

I would like to take this opportunity to thank you and all the members of the Eula Mae Jett Scholarship Board at Legal Secretaries, Incor-



DIANA DEMPSEY

Diana Dempsey is a member of Mt. Diablo LPA and LSI Career Promotion Scholarship Chair.

...Continues on page 14



TERRIE QUINTON

Terrie Quinton is the California Certified Legal Secretary Chairman for Legal Secretaries, Incorporated. She has been a legal secretary since 1985, and is a member of San Diego Legal Secretaries Association. Terrie obtained her CCLS in 1997 and is currently the CCLS Chair for her local association.

Congratulations To Our Newest CCLSs!

TERRIE QUINTON, CCLS — LSI CCLS CHAIRMAN

Congratulations are in order for our seven newest CCLSs. These individuals all worked very hard and diligently to achieve this status.

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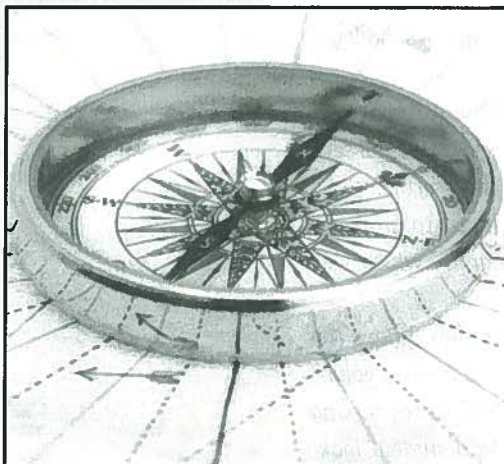
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Taking the CCLS Exam is a pretty high hurdle at the end of a marathon of studying.

Before taking the exam, each examinee spends countless hours reading the Law Office Procedures Manual, Gregg Reference Manual, California Style Manual, and many other reference materials. It takes dedication, perseverance, and fortitude to cross the finish line.

Each of these ladies deserves a hearty congratulations. We will celebrate them further at Annual Conference in May. Perhaps hearing their stories at the CCLS Luncheon will encourage you to take the CCLS Exam.



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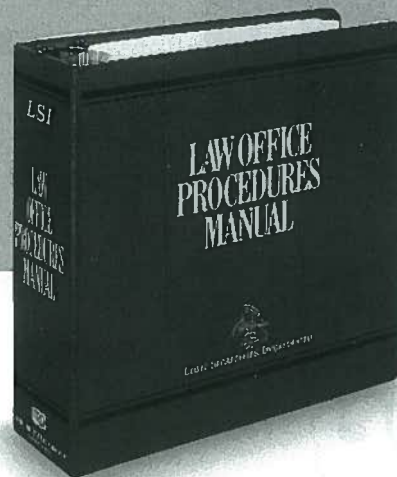
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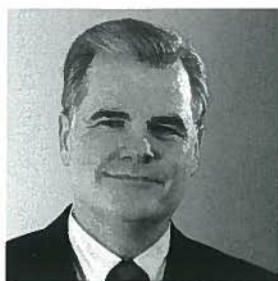
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Joseph C. Scott is an LA-based attorney and Vice President/General Manager of CompuLaw, LLC and Deadlines.com (formerly Deadlines On Demand, LLC), providing legal rules-based calendaring software and services for law firms. He is a regular speaker, CLE presenter, and author on the topic of risk management, legal industry calendaring, business continuity and related case strategy. He can be reached at (310) 553-3355 or jscott@compulaw.com.

A Little Knowledge About Automated, Rules-Based Calendaring Can Go A Long Way

JOSEPH C. SCOTT, J.D. — ALAMEDA COUNTY LSA

According to the most recent Profile of Legal Malpractice Claims, a study released by the ABA Standing Committee on Lawyers' Professional Liability, calendar related errors are the leading cause of malpractice actions against lawyers accounting for over 34% of all malpractice claims, with seventy percent of claims filed against firms with five or fewer attorneys.

With these statistics in hand, it may come as a surprise that many law firms (and most smaller practices and solos) still do not have a formal, proven process when it comes to managing their calendars and deadlines. In some cases, it's an issue of economics or lack of funds to purchase a system, but in many other scenarios, it simply boils down to a lack of information and knowledge about available tools or software to help automate the process and avoid costly mistakes. Calendaring errors occur when legal professionals (from legal secretary to attorney) forget to calendar, do not know what to calendar, apply the wrong rules when they do calendar, forget how many days there are in a particular month, or simply miscount. Fortunately, affordable technologies and deadline calculation services are now available that can make any legal professional tasked with calendaring much more efficient while greatly reducing the likelihood of making errors.

Risk Management Made Easier

While managing or mitigating risk is something attorneys routinely engage in as part of their client work, it has not always been linked to law firm business operations. Automated calendaring software should not only play an integral part in a firm's risk management strategy, but can be leveraged to address business continuity. If used proactively, it can be a useful case strategy tool as well. While there are numerous best practices when it comes to utilizing calendaring technologies to help

manage firm risk, a small number are truly 'no brainers':

- Review and analysis of malpractice carrier mandates. Understanding carriers' calendar automation requirements and disaster recovery plans can streamline compliance and result in insurance discounts.
- Maximizing calendar exposure. Maximizing calendar exposure firm-wide, establishing one cohesive, central, easy to access calendaring system, will minimize errors and reduce billable time spent on researching and calculating deadlines.
- Desktop calendar integration. Integrating calendaring systems with existing platforms such as Outlook, GroupWise and Lotus Notes adds to the cohesiveness and integrity of the firm-wide, centralized calendar.
- Web-based Access. A web portal that provides anytime, anywhere access to calendars and deadlines, one that includes mobile lawyers as well as clients, can further reduce potential human errors.

Tightening The Reins On Case Management

Go beyond risk management. By better understanding calendaring, rules and deadlines (or as suggested here, using technology to do the heavy lifting), attorneys and their support staff will plan and strategize with more accuracy and reliability. And, since court rules can govern when, what time, and in which courtrooms a lawyer can or must do certain things, they can be proactively used as a tool to force the opposing side to take action or suffer pay sanctions if deadlines are missed.

Making The Case For Legal Calendaring Alternatives

As mentioned above, an effective way to minimize errors is to use an automated rules-based calendaring program. Here are some tips and pointers to keep in mind when contemplating implementation and use:

- Rules-based computerized date calculations services are no longer limited to large law firms with extensive IT support, or to firms whose attorneys only concentrate on litigation. Various services available online do not even require law firms to purchase and learn new software programs, but operate via a software-as-a-service web model.
- Software-as-a-service means flexibility and mobility: Web-based deadline calculations portals, for example, can provide mobile lawyers, anytime, anywhere access to critical dates and deadlines.
- A 'pay-as-you-go' or 'pay-by-case' pricing model best meets the needs of firms with limited budgets and those that prefer to bill calculation fees back to clients.
- Accessing calendars online and having redundancies 'housed' in multiple locations greatly aids disaster recovery.
- Court date calculation services are a tremendous productivity enhancer often saving days, if not weeks of research time while simultaneously reducing human errors.
- Verify Compliance: Although it is common for an attorney to delegate certain aspects of calendaring and deadline calculations to an experienced legal secretary or paralegal, with risk management in mind, the attorney should still review the process, as they will be ultimately responsible for the outcome. **LS**

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MOLLY BLUMBERG

Molly Blumberg is currently serving her second term as Vice President of the San Fernando Valley Legal Secretaries Association. As Vice President, she is both the Membership Chair and Program Chair. During her 20 year career, Molly has worked for a sole practitioner in Santa Monica, supported a managing partner and his three associates in a mid-size firm in Century City, worked as a legal secretary at the Burbank City Attorney's Office, and since 2002 has been "Girl Friday" (office manager, legal secretary, paralegal) running a small firm in Toluca Lake, California.

The Importance Of Education And Marketing In Making A Successful Brand

MOLLY BLUMBERG — SUBMITTED BY SAN FERNANDO VALLEY LSA

A lot has happened in the last 20 years. While I can't remember the specifics of my first days on the job, I do recall the women who helped me along the way. The ladies I affectionately thought of as, "the Old Guard." The ones who could crank out 90 wpm on an IBM Selectric and used steno pads for shorthand. Somewhere during the last 20

retaries and Paralegals that the Los Angeles Trial Lawyers (now Consumer Attorneys of Los Angeles) presented.

A few years ago while searching for seminars on the web for my staff, I rediscovered the San Fernando Valley Legal Secretaries Association. I quickly joined, reconnected with a former co-worker, became a member, and then

"every successful business has both short and long-term goals and it may take years to become an overnight success.."

years, I have become one of them -- the Old Guard. Therefore it is my time to give back to the newbies some of what I have learned over the years.

Today, our office runs on solid state hard drives and Windows 7, with each station with dual 24" flat screens; and my old Rolodex has been replaced with firm management software. The evolution of my job has been amazing, both technologically and in terms of responsibility for the legal "product." The successful legal secretary of today does it all from data entry and answering the phone to IT troubleshooting.

When I started in 1991, there were many educational seminars for legal secretaries. Before the internet, several Bar Associations and Trial Lawyers' Associations (now called Consumer Attorneys) in addition to the Legal Secretaries Associations, held regular seminars - wonderful "How to" seminars. My favorite seminars were the Civil Litigation for Sec-

a board member.

As the Membership and Program Chair for our association, it falls to me to make sure that we not only maintain our current membership, but also increase our membership with new members. It is my opinion the best way to meet both goals is by increasing our educational programs.

Our chapter meets the second Tuesday of every month - 12 months a year. Every month there is something going on. For the nine regular monthly dinner meetings, I have scheduled speakers on a variety of topics, from Civil Appeals to Probate. When I first took office, I made a list of topics that I thought would be interesting (Labor and Employment, the County Coroner, a DUI defense attorney to name a few) and then I searched for a local attorney on the internet. I would send an email explaining who we are, what we do, and asked if they would be interested in speaking to our group. (Sales and Marketing 101.) I found it

necessary to publish our existence. In most areas attorneys and their support staff are unaware that local chapters of LSI exist. Though many may be aware of our major publications (LSI Legal Professionals Handbook and Law Office Procedures Manual), many more have no idea we offer the CCLS exam or educational seminars and are a recognized professional organization. If we, as a statewide group and as local chapters, do not educate the public of our existence, we will fail to grow and could conceivably "disappear."

Why are some groups larger than others - usually because they draw on a larger population. Why are some groups more successful than others - usually because they offer continuing education, and publicize that fact through "marketing." Now that we have some successful models, instead of spending our time and energy obsessing on a "professional" name, we should build upon what we know to be successful models of organizations. We must focus on developing educational programs, and then "selling and marketing" them to our legal communities.

In order to sell any product, you need two things: you need a product to sell and you need someone to sell it. I would like to organize some all day seminars and in the next few years, I know we can accomplish this goal. It will be a lot of work and will require all our skills in "sales and marketing" to make it happen, but we will make it happen.

I keep reminding myself that every successful business has both short and long-term goals and it may take years to become an overnight success. LSI and all of our local chapters have products to sell. We not only have our published materials, we also have the CCLS exam and both our existing and "to be developed" local educational opportunities.

LSI's effectiveness and viability is related to the salesmanship of it's members. We, the members of LSI, are the sales force. Each and every one of us is directly responsible for the success or failure of our local chapters.

I am in a unique position: not only am I a Legal Secretary, I am also an office manager. When faced with a marketing challenge, I make a list of sales objectives and who the "target market" is. When I figure out the target market, the next task is to figure out where to advertise. Advertising has never been so accessible or inexpensive. We now have access to free or low cost internet advertising and marketing: Facebook, Craigslist, College Message Boards, Blogs, and other new media, as well as Attorney Services and legal publications. Be creative. Think about where you would look to get information you wanted, and do something about it. Email those flyers to opposing counsels' offices, former employers, former co-workers, your vendors. Ask them to distribute your flyers to anyone they think might be interested.

If your group is small, call on your members and ask them what topics would interest them, their co-workers and their employers. Find out what it would take to get them to your next

meeting. Offer special membership promotions. Again, be creative and figure out what interesting information would motivate you to spend \$20-\$30 for a LSI dinner. If it's something that would make you part with your hard earned cash, it is very likely that others could be similarly motivated.

Selling is hard when you don't believe in a product. If you are not enthused about the product, you won't be able to sell it. If your chapter meetings are boring to you, get involved and change something. Instead of whining about what you don't have, sell what you do have. Our local chapters need to work together for the success of LSI.

We are Legal Secretaries, we are professional. Though it may not matter what we call ourselves, we already have a well known and respected "name;" but if we don't "sell" that name and expand our franchise, we will die. Ultimately, what it boils down to is that we need put our time and energy into marketing ourselves. We have a good product to sell - education. After all, our motto is "Educating California's Legal Professionals."

Our first short term goal should be to sell LSI by encouraging every member to set a "sales goal" of one new membership per current member a year and then. . . well you get the idea. **LS**

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MARK W. BIDWELL

Mark W. Bidwell, Attorney at Law and CPA, Inactive, in Orange County California. Areas of practice are trusts, probate, probate litigation and corporate law.

Education: Undergraduate degree from the University of Colorado, Boulder; Graduate school at the University of California, Los Angeles; Juris doctorate degree from Loyola Law School of Los Angeles, California.

Affiliations: Estate Planning Steering Committee, Orange County-Long Beach Chapter of CPAs, Treasurer for Newport Harbor Bar Association, Former adjunct professor for Pepperdine University, Former lecturer for the California CPA Education Foundation, Coach for the American Youth Soccer Organization and Coach for National Junior Basketball.

Special Needs Trusts For The Disabled And Elderly

MARK BIDWELL, ESQ. — SUBMITTED BY RIO HONDO DISTRICT LPA

The primary purposes of a Special Needs Trust ("SNT") for a disabled person is to prevent the waste of assets and to provide the proper care of those assets. The public benefits of Social Security Income (SSI) and state-paid medical care are provided on a needs basis to those who cannot earn income for themselves due to a disability. Money distributed directly to a disabled person reduces these public benefits on a dollar for dollar basis. A properly prepared and administered SNT is a legitimate and valid tool under Social Security rules and laws.

Protect payment of medical expenses (Medi-Cal)

Medi-Cal is California's version of the federally funded Medicaid program. The program provides medical benefits for the "medically needy." No qualification for Medi-Cal is required for the disabled receiving Social Security Income. If income is less than Medi-Cal limits, Medi-Cal services are available at no cost. Typically the only source of income to the disabled is SSI. SSI received by the disabled is less than Medi-Cal limits. So a disabled person receiving SSI also receives free medical care under the Medi-Cal program.

Income in excess of Medi-Cal income limits require share of cost (SOC) of medical expense. One goal of special needs trust is to provide benefits to the disabled without those benefits being counted as income. So no cash disbursements can be made to the disabled in order to preserve free medical care.

Protect receipt of social security income

SSI is intended to provide funds for food, clothing, and shelter for the aged (over age 65), disabled, or blind recipient. An individual receives less than \$1,000 per month. Any money received by an SSI beneficiary is considered income to the beneficiary, and reduces SSI benefits on a dollar-for-dollar basis. Payments

made to third parties for food or shelter is considered payment in-kind and results in about 33 cents loss or reduction of SSI benefits for each dollar spent.

Payments to third parties for goods and services that are not food or shelter will not result in any reduction of SSI benefit. These payments are key to improving the quality of life of a disabled person. Examples of permissible expenditures are:

- Purchase of a home
- Home improvements (including modifications for handicapped use)
- Home repairs (plumbing, roof, electrical, etc.)
- Cleaning and maintenance of property
- Telephone, TV cable, other "communication" expenses
- Educational expenses (tuition, books/supplies, etc.)
- Medical expenses/bills not covered by Medi-Cal (e.g., annual check-ups)
- Dental expenses, eye glasses, physical therapy, support services not covered by any benefit program
- Social services not covered by any benefit programs
- Insurance premiums (homeowners, health, auto)
- Transportation expenses (including purchase of vehicle, maintenance, gasoline)
- Additional in-home support needs not covered by any benefit programs (such as companion services/home health aide)
- Legal advice
- Advocate for the disabled
- Training programs
- Rehabilitation
- Personal hygiene (haircuts, manicures)
- Entertainment/recreation expenses (books, magazines, movie/concert tickets, sporting events, audio/video equipment)
- Vacation travel (airline tickets, train/bus

passes, temporary food & shelter, etc.)

- Athletic training and competitions
- Furniture

The trustee of a special needs trust must be aware of the fine distinction between non-food and shelter items. The devil can be in the details. A movie is a permissible expenditure, but popcorn bought for the movie is not. Thanksgiving dinner is an exception to the food prohibition as is discarded food. The discarded food is an example of how much attention has been made on this matter.

In addition to managing the assets of the trust, a trustee can provide a connection to the community and prevent isolation. Public charities authorized to act as trustee can provide community support and make appropriate expenditures. These trustees also address a major concern of parents, "what will happen to our disabled child when we are gone."

These organizations pool the assets of multiple special needs trusts for management, but each individual has a separate trust account. Disbursements are made from the individual accounts. They also provide community resources such as help in finding suitable housing, providing medication education, life skills tutoring, social activities and friendship.

Two examples of such non-profits are the San Diego Special Needs Trust Foundation, serving San Diego Only, and Proxy Parent Foundation Proxy Parent Foundation, serving all of California. San Diego Special Needs Trust Foundation's web address is www.sntf-sd.org. Proxy Parent Foundation Proxy Parent Foundation's web address is www.proxyparentfoundation.org.

There are costs for these services. At one organization there is an enrollment fee of \$1,000, an annual administration fee of 1.5% with a \$1,500 annual minimum charge and an annual Bank investment fee of 1%. Tax returns, if required, are an additional cost.

Requirement of Payback Provision

Funding By a Third Party: A special needs trust established by someone other than the recipient of public benefits with assets belonging to someone other than the recipient is not required, in order to avoid the trust assets being considered available resources to the beneficiary, to contain the "payback" provisions of 42 USCA § 1396p(d)(4)(A).

Funding By the Disabled: A disabled individual, under age 65, may establish a trust with his or her own assets. This trust must have payback provisions. The provisions require upon death of the disabled for the trustee to pay back to the State of California the cost of all state provided medical care.

Special Needs Trust for the Elderly

Social Security Income and Medicaid are for the needy. The concept behind a special needs trust for the elderly is to meet

the no asset requirement to receive public benefits by "spending down" or transferring assets out of the elder's control. A basic moral question to ask is "should a person who can afford medical care receive medical care intended for the poor." If the answer is no, then a special needs trust should be avoided.

Putting aside the morality issue. Just how practical is such a trust. Assets must be transferred out of the elder's control. Who can be trusted with those assets. What are the gift tax implications in a transfer.

Specifically how does one transfer retirement accounts. A change in control of a retirement account is a taxable event and taxed at the prevailing income tax rates. An elder is allowed to retain retirement assets as they are not assets counted to qualify. But the income will flow to the elder and dollar for dollar reduce the public benefits. The elder will also receive social security income with more reduction of public benefits.

Finally what are we trying to accomplish here. Mainly it is to have the State of California pay for the cost of residing at a skilled nursing facility. As a rule, most people stay at nursing home for about two years. The sad fact is people just do not live that long after entering a nursing home. Assume the cost of respectable home is \$10,000 per month. The savings is \$240,000.

Nursing homes paid for by the State are not upscale operations. They are bare-bones minimum arrangements to meet the most basic of needs. This is while the children enjoy the assets of their elderly parent.

An elder's quality of life is not improved with this type of living condition. Special needs trust for the elderly just do not make sense due to loss of control, limited benefit and public policy. ^{LS}



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COLLEEN MCAVOY

Colleen McAvoy has been in private practice with the San Mateo law firm McGlashan & Sarraile, Prof. Corp., since 1986. She is a State Bar certified specialist in estate planning, trust and probate law, which makes up the bulk of her practice, but she also handles a variety of real estate and business transactions, primarily for closely-held businesses. Colleen is a graduate of Stanford University and Hastings College of the Law. In addition to serving as a director and officer of the San Mateo County Bar Association, Colleen is a board member of San Mateo AYSO and a youth soccer referee.

Estate Planning For Pets/Companion Animals (Actually, estate planning for petowners who love their pets)

COLLEEN E. MCAVOY, ESQ. — SUBMITTED BY SAN MATEO COUNTY LSA

I have given many estate planning talks over the years, on topics such as estate taxes, planning for minor children, special needs trusts, disclaimers, conservatorships, and so forth, but no talk has generated as much interest as a speech I first gave in 2007 at the San Mateo County Law Library on "Estate Planning for Pets." As a result of that talk, I have been asked to speak on this topic nearly a dozen times (usually with my colleague Catherine (Kitty) Raye-Wong of Raye-Wong & Associates). I have been interviewed by the San Francisco Chronicle, the San Mateo Daily Journal and KGO Radio. I have appeared on "Your Legal Rights" radio programs, I did an in-house cable video for an animal care organization, and I have been asked to write articles such as this one. Why this level of interest?

I think the answer is that many, if not most, households in America have pets, and people are beginning to be aware that they can, and should, do some advance planning for how pets are to be handled after the owner's incapacity or death. After all, unlike other heirs, pets cannot take care of themselves and typically have no ability to earn a living. By doing some planning, the pet owner attains some peace of mind (a significant benefit of any good estate plan), benefits the pet by providing for a smooth transition when the owner dies or loses capacity, and helps the executor/trustee/agent/family by giving guidance and resources for dealing with the owner's animals.

BASIC CONCEPTS

Pets are tangible personal property, and are estate assets, rather than estate heirs. Pets cannot "own" property. If the pet owner makes no specific direction for the pet through a Will or Trust, pets are simply treated at the owner's death as part of the "tangible personal property" category of assets. However, unlike most other items of tangible personal property (such as furniture, art works, cars and jewelry),

pets are not inanimate objects, and must be cared for if the owner dies or loses capacity. Pet care requires personal attention, and financial resources.

What can a pet owner do to provide for the care of a pet after the pet owner dies or loses the ability to care for the pet?

Choices to Take Effect Upon Death:

1. Do nothing. If not otherwise specified in the owner's estate plan, pets pass as part of "tangible personal property" (i.e., furniture, household items, jewelry, clothing, etc.). If the pet owner is satisfied that the heirs will "do the right thing" for any pets, then nothing more need be done. In some estates, this is adequate planning, while in other estates, this is a disaster.
2. In a Will or Trust, specify that the pet be given to a designated person (be sure to name alternates). I encourage clients to include some sum of money for a pet's future care needs. This is the simplest but also the least protective, in that the person receiving the pet has outright ownership, and will have sole discretion in what happens to the pet.
3. In a Will or Trust, specify that the pet and money for the pet's care be held in a pet trust that has no current human beneficiary. This is called a Statutory Pet Trust, and it is described in California Probate Code section 15212. (Note: not all states recognize these types of trusts.) The person you name as trustee expends the trust funds for the care of the pet and the costs of the trust (for example, taxes, trustee's fees, hiring a caretaker, pet food, veterinary care, and so forth.) Important decisions include initial and successor trustee(s), who should inherit at the pet's death (this is referred to as the remainder beneficiary), and how much money to

leave to fund the trust. Ordinarily, the trustee and remainder beneficiary should not be the same! Any person, or even an animal rights organization, who suspects that the pet trust is not being properly managed for the animal's benefit has "standing" to go to court to enforce the trust. In addition, "[a]ny beneficiary, any person designated by the trust instrument or the court to enforce the trust, or any nonprofit charitable corporation that has as its principal activity the care of animals may, upon reasonable request, inspect the animal, the premises where the animal is maintained, or the books and records of the trust." A sample Pet Trust has been prepared by the San Francisco SPCA (no endorsement implied) and they will provide a copy upon request. Statutory Pet Trusts are new to California (the law went into effect in 2009), and many experts are concerned about various aspects of these trusts.

4. In a Will or Trust, leave the pet and money for the pet's care to a trust that names the pet's caretaker as beneficiary, with an independent trustee, and specify that the trustee make distributions to the caretaker so long as he/she cares for the pet. This type of trust is not bound by the rules of the Statutory Pet Trust described above. However, what makes this kind of trust enforceable is that it has a human beneficiary. Also, the human beneficiary is motivated to take good care of the pet because the human will only receive benefits as long as he/she is a caretaker for that pet. Important decisions include who will be the caretaker and alternate caretaker(s), trustee and successor trustee(s), and remainder beneficiaries (in other words, where will the trust balance go when the pet dies?). It is advisable that the caretaker and the

trustee are not the same person; it is also advisable that the caretaker is not the person to receive the trust fund when the pet dies. As with the Statutory Pet Trust, funding (amount and source) is also important. Interesting side issues include pet identification: how does the trustee know that the caretaker hasn't substituted another (identical) Siamese cat in order to keep the trust going? DNA testing and/or implanted identification chips have been used to prevent this type of fraud.

5. For people without the resources to fund a pet trust of either type, and no trusted family or friends able and willing to "inherit" the pet, an option is to leave the pet to an animal care organization. Contact info for some local organizations can be found at the end of this article (no endorsement implied). These organizations usually require pre-enrollment, and some level of financial donation. Not all pets may qualify.

PLANNING FOR INCAPACITY

If a pet owner loses mental or physical capacity, but wants to be sure that pet care and companionship is still a priority, these wishes should be expressed in general and health care powers of attorney, as well as in the revocable living trust (if the pet owner has one.) Without particular authority to expend funds for pet care, agents or trustees may assume that their only duty is to provide for the pet owner's needs (and may be concerned about criticism for expending funds on pet care.)

In a health care power (sometimes known as an Advance Directive,) consider including language specifying that the agent should consider placement that would accommodate the pet, if feasible. Many care homes and assisted living facilities do allow pets.

In a general power of attorney and/or Revocable Living Trust, consider including language authorizing and directing the

use of the pet owner's funds for care of pets as long as feasible, in the customary manner established by the pet owner.

SHARING IMPORTANT INFORMATION

All pet owners should consider maintaining a written record of important information about the pet in case the pet owner should die or lose capacity, and should keep that information where it will be easily found. This should include veterinary information, behavioral issues, pedigree, dietary issues, likes/dislikes, and so forth.

TAXES

A discussion of income tax and estate tax ramifications is beyond the scope of this article. However, pet owners should be aware that trusts for pets are not exempt from such taxes, and the costs (return filing and the taxes themselves) need to be factored into any plan that includes an ongoing trust.

ONLINE RESOURCES

The following are some online resources for pet owners, including some pet care programs (again, no endorsement implied):

<http://www.estateplanningforpets.org/>
<http://www.professorbeyer.com/Articles/Animals.htm>

http://www.hsus.org/pets/pet_care/providing_for_your_pets_future_without_you/index.html [website of the Humane Society of the United States]

<http://www.2ndchance4pets.org>

http://www.sfspca.org/special_programs/sido.shtml

<http://www.petsinneed.org>

http://www.peninsulahumanesociety.org/services/continuing_care.html

<http://www.arf.net/Resources/Guardian.html>

http://www.hopalong.org/programs/pet_survivor_program.shtml

<http://www.cvm.tamu.edu/petcare/> [Texas A & M's endowment program]

LS



COLLEEN YOUNG

Colleen Young started working as a legal secretary in 1997 as a second career. She took a temporary job as a legal secretary, that would look good on her resume, and found that she really liked working in the legal field. Colleen has an AS Degree in Medical Office Administration from Humphreys College.

We All Want Education, But Where to Start?

COLLEEN YOUNG — LEGAL SECRETARIAL TRAINING/SEMINARS CHAIRMAN

Education: If you took a poll of your association's members that's probably the response many would give as the reason they joined. Members want education, they want classes to better themselves, but where do you start in providing the education everyone wants? If you haven't offered any classes lately you're probably at a loss as to what to do first.

You might want to start by picking the brains of those local associations, Sacramento, San Diego and San Fernando Valley to name a few, who have a successful educational program. Ask their Legal Secretarial Training Chair for advice or even to co-chair a program with you. Most associations are willing to give advice in presenting your own program, helping with successful topic advice and/or materials suggestions. They may even have speaker recommendations.

Advance planning will help in making your endeavor a success; you need at least a three to four month lead for preparation. But WHO, WHAT, WHEN and WHERE? I suggest starting by getting the LSI 'Guidelines for Preparation of a Legal Education Program. It only costs \$5 and is full of helpful information for presenting an educational program. Then, poll your members to see what they want to learn more about. If you are still at a loss for subject matter, two great places to get ideas is from CCLS exams and the *Law Office Procedures Manual*. Some topics can be covered in a two or three hour workshop; others need more class time to cover well. After choosing a topic, you will have to decide if you are having a multi-session training program, a seminar series, or a workshop. Your topic choice will help you in determining how long your seminar should be.

If you can, form a committee. By using the "divide-and-conquer" theory and forming a committee, no one should be overwhelmed

by responsibility. If that is not possible, you will need to decide on a coordinator. After choosing the coordinator you can ask other members of your association to assist in specific areas, such as finding a location; assist with finding speakers; making and distributing flyers. You'll want to present a program that will draw members and non-members alike so you need to distribute the information to law firms in your area.

When scouting for a location don't forget to check with your association members. Perhaps one of them works for a firm that would donate a conference room. Other ideas for locations are area adult schools, bar association offices, community or trade schools. Don't forget to include vendors in your search for a location or other sponsorships. Keep in mind the number of attendees you anticipate and how many classes you are planning to have when looking for locations. You want to have your location centrally located and if you are having more than one session it is advisable to keep your location in the same place.

Determine your costs. Take into consideration possible expenses for room rental, materials copying, equipment rental, and any food costs, etc. Try to obtain donations from association members, law offices, and vendors for materials, copying and refreshment supplies. After you have determined your projected expenses divide by a conservative estimate of the number of attendees expected to figure out your per student cost. The economy of your local area should be taken into consideration when setting your fee. While some employers will pay for their staff to participate in training sessions, you do not want to make your fee out of reach for those who will be paying out of pocket. You could offer discounts to association members or possibly to early registrants. Early registration incentives will encourage

more participation as people are more likely to wait until the last minute and then not attend because it's too late to sign up. And, if your association wants to make a profit don't forget to add an extra amount to the fees.

When selecting a speaker remember you do not have to use an attorney. You probably have secretaries in your association who specialize in specific areas of law, a speaker from one of your dinner meetings, or even a team. Perhaps a secretary and attorney team that is willing to share their expertise. You want your speakers to have extensive knowledge of the subject they are teaching. After you determine your topic and your speaker, you should prepare an outline. This will assist your speaker in preparing his/her materials for the class. Request the speaker develop and provide you with handouts by a specific date that give you time to review and copy the handout materials. Additionally, encourage your speaker to add visual aids to emphasize areas in getting their point across.

Advertise, advertise, and advertise. You cannot get people to attend a program they aren't aware of. Make flyers, send them to law offices, take them to the courthouse and don't forget community colleges. Ask your courier services to deliver a flyer to each of the law offices they service.

If you are going to present a MCLE credit program you will need to follow the specific requirements set forth by the State Bar. For the most current and up-to-date information on MCLE programs visit the State Bar website at www.calbar.ca.gov. The State Bar has strict guidelines that are required to qualify a program for MCLE credit. "Guidelines for Preparation of a Legal Educational Program" also has MCLE information as well as the forms needed. It is your responsibility to make sure that the rules and regulations are closely adhered to. You do not want to have your attendees denied MCLE credit when that is why they participated in your program.

Remember evaluation forms and remind your attendees to fill them out and return them before leaving. The evaluation forms give you suggestions for improvement and ideas for further programs. Also, have a Certificate of Completion for all of your registrants. Both of these forms will enhance the professionalism of your program.

All of this information and more can be found in depth in "Guidelines for Preparation of a Legal Educational Program" available from the LSI website or LSI Corporate office. Included in the information are sample forms for everything mentioned in this article.

Even if your program wasn't as well attended as you would have liked, if one attendee learned something new your program was a success. If your program is a good experience word will get around and even more people will be interested in the next program.

And finally, don't forget to include information about your association and LSI in your handout materials. This is a perfect

time to advertise both. Anytime you can introduce your association to a potential member is a successful moment, you never know where that new member might come from. **LS**

Want to Get Published?

Looking to Contribute an Article?

LSI is always looking for articles geared toward the legal community.

If you are interested,
please contact
Editor, *The Legal Secretary*
Deborah Rickert, CCLS at
deborah.rickert@LW.com

GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

1. August issue (First Quarter) June 1st
 2. November issue (Second Quarter) September 1st
 3. February issue (Third Quarter) December 1st
 4. May issue (Annual/Fourth Quarter) March 1st
-

SUGGESTED TOPICS FOR ARTICLES

1. Legal procedures
 2. Law office management procedures
 3. Word processing/computer hints/technology/internet/world wide web
 4. Office equipment/environment
 5. Personal safety
 6. Career promotion
 7. Keynote cases
 8. CCLSs are encouraged to submit articles about their experience as a CCLS and/or pursuit for certification - e.g., CCLS mock exam (with answers)
 9. Information about our publications: LSI Legal Professional's Handbook; Law Office Procedures Manual; The Legal Secretary magazine
 10. Any Specialization area (Civil Litigation; Criminal Law; Family Law; Law Office Management; Probate/Estate Planning; Transactional Law) and appellate articles as well
 11. Photographs and/or articles regarding the success of association(s) event(s) (how, when and why successful)
 12. Other topics of general interest to the legal community
-

SUBMISSION GUIDELINES

1. Articles must be submitted by email as an attached document using word processing programs such as Microsoft Word or WordPerfect and saved as ".doc", ".txt", ".wpd" or ".ASCII" file. When sending email, include in subject line: "[Last Name of Author] and [contents]", i.e., Smith - Article, Bio and Photo.
 2. All articles submitted must be at least 500 words and no more than 2500 words.
 3. Articles sent in PDF format are not acceptable.
 4. All articles submitted must be accompanied by the name, email address, contact information of person submitting the article, and name of submitting Association. Articles that do not have this information cannot be considered for publication.
 5. Type all copy in Times New Roman 12 point type to fit across an 8-1/2" x 11" page, single spaced. Avoid using style attributes such as bold, italic, centering, columns or tabs.
 6. Articles are subject to approval and/or editing. Editor cannot guarantee publication in any given issue, although every effort will be made to publish as soon as possible after acceptance.
 7. Articles submitted and published in The Legal Secretary become the property of LSI unless prior agreement is obtained by the authors
-

PHOTOGRAPHS

1. Digital photography is required and must be a resolution high enough to guarantee at least 300 dpi at 100% scale. When sending email with photo attached, include in subject line: "[Name of Officer/Chairman] Photo," i.e., Jane Smith - Photo.

Deborah Rickert, CCLS • Editor, The Legal Secretary
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LEGAL SECRETARIES, INCORPORATED CALIFORNIA CERTIFIED LEGAL SECRETARY WORKSHOP REGISTRATION FORM

“Ability to Communicate Effectively”

Third Quarterly Conference, February 24-26, 2012
Hilton Concord Hotel, Concord, CA
Saturday, February 25, 2012, 7:30-8:30 a.m.

Speaker: Terrie Quinton, CCLS

Cost: \$5.00 for LSI members/\$10.00 for non-LSI members

Affect v. Effect. Who v. Whom. Comma vs. Semicolon. No, these are not recently filed lawsuits – they are some of the battles that are faced in the Ability to Communicate Effectively section of the CCLS exam. Even hours spent reading the Gregg Reference Manual do not always solve the mysteries of proper punctuation, grammar, and spelling. This workshop will help you navigate your way through the English language, including all of its exceptions to the exceptions. Join us for tips and tricks to passing the Ability to Communicate Effectively section of the CCLS Exam.

REGISTRATION DEADLINE: February 20, 2012

Name: _____ Email: _____
Address/City/State: _____
Phone (Work): _____ Local Assn.: _____ LPA/LSA

Please make check payable to LSI. Mail registration to Terrie Quinton, CCLS, c/o Duckor Spradling Metzger & Wynne, 3043 4th Ave., San Diego, CA 92103, and email registration to quinton@dsmwlaw.com.

CCLS CREDIT (SECRETARIAL SCIENCE - NOT UNIQUELY LEGAL) WILL BE GIVEN FOR THIS WORKSHOP

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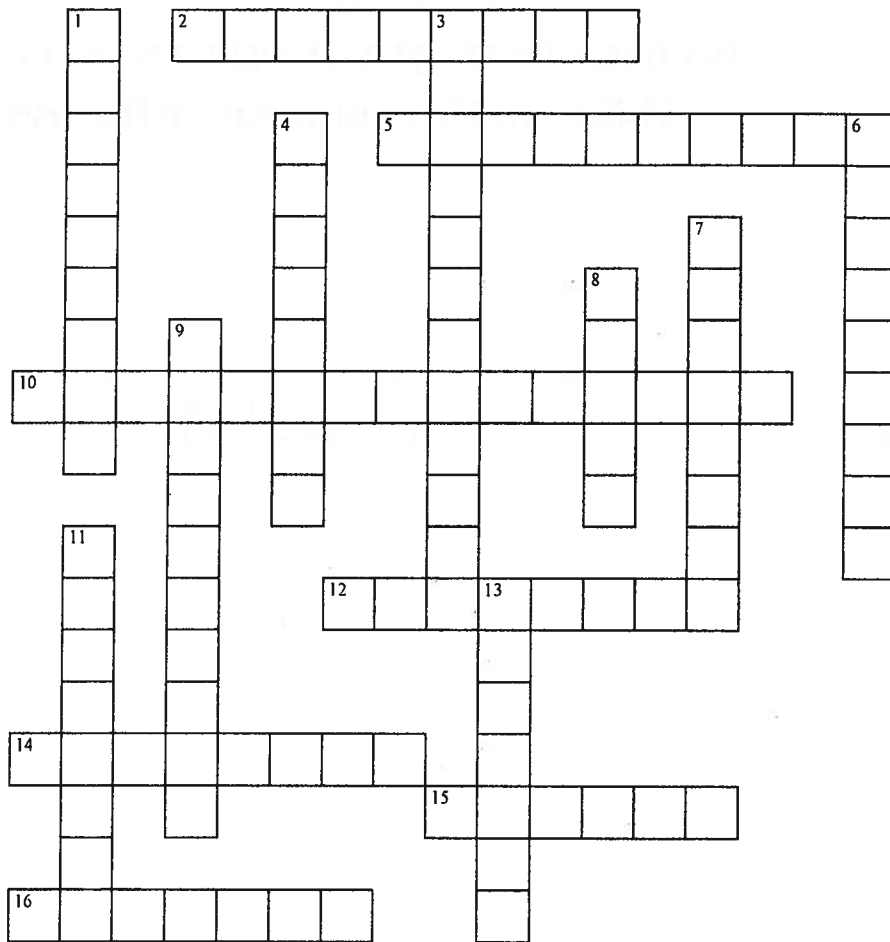
DOWN

- 1 SANCTIONS
- 3 VERIFICATION
- 4 NONPARTY
- 6 TESTIMONY
- 7 CALENDAR
- 8 PARTY
- 9 DEPOSITION
- 11 EVIDENCE
- 13 SUBPENA

ACROSS

- 2 DISCOVERY
- 5 TRANSCRIPT
- 10 INTERROGATORIES
- 12 CONSUMER
- 14 DEPONENT
- 15 DEPOSE
- 16 PERJURY

Discovery Crossword



ACROSS

- 2 Pre-trial procedure for parties to gain information held by another party
- 5 Official copy of document or statement of witness
- 10 Written questions
- 12 An individual who has acted as an agent
- 14 A party against whom a claim is made
- 15 To obtain testimony which is reduced to writing
- 16 Willfully making a false statement under oath

DOWN

- 1 Fine levied against party for violation of court rules
- 3 Statement under oath or penalty of perjury attesting to truth of facts set forth in the document
- 4 Individual not named as party to an action
- 6 Oral or written statements made by a witness under oath
- 7 A record to record time, place, and dates pertinent to a case at issue
- 8 Individual named as a plaintiff
- 9 Written testimony obtained through direct examination of a witness
- 11 Information furnished by testimony in support of issues set forth
- 13 Writ to compel attendance of a person to testify

Dates to Remember in 2012

February 24-26, 2012	Third Quarterly Conference 2011 Hosted by Mt. Diablo LPA Hilton Hotel, Concord, CA
March 1, 2012	Deadline for submission of articles to <i>The Legal Secretary</i>
March 17, 2012	California Certified Legal Secretary (CCLS) Exam
April 15, 2012	Last day to register For Annual Conference and receive group rate
April 16, 2012	Last day to reserve a room for Annual Conference and receive group rate
May 17-20, 2012	78th Annual Conference Hosted by Imperial County LPA and San Diego LSA Bahia Resort San Diego

Helpful Websites

Supreme Court of the United States

<http://www.supremecourt.us>

Office of the Attorney General

www.ag.ca.gov

California Courts

<http://www.courtinfo.ca.gov>

California Assn. of Legal Support Professionals

www.calspro.org

California Codes

<http://www.leginfo.ca.gov/calaw.html>

California State Bar

http://www.calbar.ca.gov/state/calbar/calbar_home.jsp

California Legislative Information

<http://www.leginfo.ca.gov>

U.S. Citizen and Immigration Services

<http://www.uscis.gov>

Administrative Office of the U.S. Courts

<http://pacer.psc.uscourts.gov>

American Medical Association

<http://www.ama-assn.org>

American Association of Law Libraries

<http://www.aallnet.org>

National Notary Association

<http://www.nationalnotary.org/index.cfm>

California Secretary of State

www.sos.ca.gov

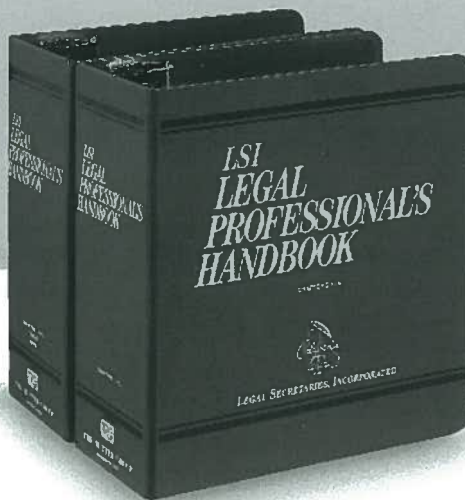
National Court Reporters Association

<http://www.ncraonline.org>

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- Family Law
- Adoptions
- Criminal Law and Procedure
- Probate Proceedings: Decedents' Estates; Guardianships/Conservatorships; Trust Law
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MEMBERSHIP APPLICATION FORM* An 8 1/2" x 11" form adopted 5/01 by LSI for use by all local associations. Includes request for Legal Specialization Sections information. Local associations may add second-page for supplemental information. (Rev. 5/08) Can be transmitted as an e-mail attachment (Word format), if so requested.	N/C	<input type="checkbox"/> E-mail -or- <input type="checkbox"/> Printed	
NEW MEMBER PACKET* A 2-pocket folder containing letter from LSI President, LSI membership information, Specialization Sections Membership Application, list of benefits and providers, CCLS information, Legal Professional's and Law Office Procedures Manual flyer and Code of Ethics. Local associations may insert additional material. For new local association members only.	N/C		
PRESIDENT'S PENDANT* A 1" high oval gold-tone pendant with blue and white enamel overlay. LSI logo in center and "Legal Secretaries Association" inscribed on circumference. Eye for necklace chain on back. For local association presidents.	7.00		
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*Item available to LSI members only.

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APPLICATION

Please complete and mail this form to the following address with your check to reserve your place at one of the examination venues:

**CCLS Certifying Board
24740 Oro Valley Road
Auburn, CA 95602**

<input type="checkbox"/> Northern California	<input type="checkbox"/> Saturday, March 17, 2012
<input type="checkbox"/> Southern California	<input type="checkbox"/> Saturday, October 20, 2012

Deadline: Application must be received 60 days prior to examination date. A late application may be accepted up to 30 days prior to the examination if submitted with a \$25 late fee, in addition to the fees listed below, if space is available.

EXAMINATION FEES*

LSI MEMBERS**		Non-LSI MEMBERS	
Registration fee:	\$ 15.00	Registration fee:	\$ 55.00
Examination fee:	<u>\$ 95.00</u>	Examination fee:	<u>\$ 95.00</u>
Total	\$110.00	Total	\$150.00

Enclosed is a check in the sum of \$ _____ ***, payable to LSI.

* Fees subject to change without notice.

** LSI members: Name of local association: _____ LSA/LPA.

Please enclose a photocopy of your local membership card.

You must be a member upon application to be eligible for reduced fees.

*** Include \$25 late fee if applicable.

Name _____ Last 4 Digits of SSN _____

Mailing Address: _____

City/State/Zip: _____

Day Phone: _____ Evening Phone: _____

E-mail(s): _____

Highest level of formal education completed: _____; Highest Degree: _____.

EMPLOYMENT RECORD: Please list legal secretarial employment, beginning with your most recent (or current) employment, to show a minimum of two full years of such employment. Attach a supplemental page if additional entries are necessary to show two full years of employment as a legal secretary.

Dates _____ Position _____

Employer _____

Address _____

City/State/Zip _____

Supervisor _____ Phone _____

Summary of Duties _____

Dates _____ Position _____

Employer _____

Address _____

City/State/Zip _____

Supervisor _____ Phone _____

Summary of Duties _____

I certify that I have completed this application truthfully. I understand that a false statement may result in the rejection of this application or revocation of my certification. I understand and agree that the contents of the examination are confidential and are not to be discussed. I understand that my employment record will be verified by a member of the California Certified Legal Secretary Certifying Board.

Signature of
Applicant _____ Date _____

BENEFITS

LEGAL SECRETARIES INCORPORATED (LSI)

Note: This list is maintained for use by members of Legal Secretaries, Inc. Agents for insurance and financial providers are available as resources when members inquire about benefits. Please use this as a starting point; ask for information, compare policy coverage and prices. LSI wants its members to find the BEST coverage for each member's individual needs and location. For information call these representatives directly.

<p style="text-align: center;">DISCOUNT THROUGH CEB</p> <p>Members of Legal Secretaries, Incorporated are offered a reduced cost for certain educational benefits (seminars, publications) through Continuing Education of the Bar. For more information, visit http://ceb.com/LSI/</p>	<p style="text-align: center;">WORKING ADVANTAGE</p> <p>Toll Free: (800) 565-3712 www.workingadvantage.com Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more. Member ID: Contact LSI Corporate Office, lsiorg@suddenlink.com, or LSI Vice President</p>
<p style="text-align: center;">HERTZ CORPORATION</p> <p>Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 www.hertz.com</p>	
INSURANCE AND FINANCIAL PROVIDERS	
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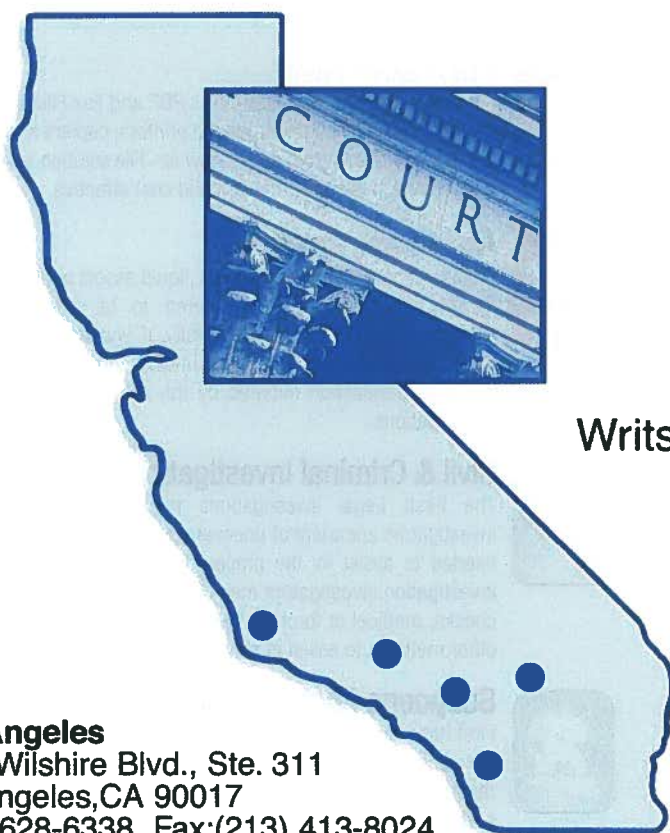
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