

# THE Legal Secretary®

February 2013



## IN THIS ISSUE CONSIDER THE OPTION OF A VIRTUAL CAREER

ED POLL



# BARKLEY

## Court Reporters

barkley.com

### ▶ **NATIONWIDE / WORLDWIDE COVERAGE**

24-hour easy online scheduling. Friendly and helpful calendar staff.  
E-mailed or faxed confirmations.

### ▶ **MOBILE VIDEO CONFERENCING**

Instantly see and interact with anyone, anywhere in the world using Barkley Mobile Video Conference, our network of video conference rooms, or through video/text streaming.

### ▶ **ON-TIME DELIVERY OF TRANSCRIPTS**

Download transcripts and exhibits 24/7 from anywhere through our secure website.

### ▶ **CONFERENCE ROOMS WORLDWIDE**

### ▶ **BARKLEYAPP**

Access your transcript files and see your deposition calendar. Find directions to the deposition and view details and status of invoices.



### ▶ **TRIAL TECHNOLOGY**

Present your case for settlement, arbitration or trial, with state-of-the-art equipment, graphics, video and animation.

# 40 YEARS

*Celebrating 40 Years of  
Personal Service on a  
Global Scale*



*The Most Trusted Hands in the Profession\**

San Diego • Los Angeles • San Francisco • Irvine • Carlsbad • Sacramento • San Jose • Palm Springs • Riverside • Woodland Hills  
Manhattan • Brooklyn • Albany • Garden City • White Plains • Chicago • Las Vegas • Paris, France • Hong Kong • Dubai

**(800) 222-1231**

## Features

Happy New Year 2013!  
By Sandra T. Jimenez, CCLS ..... 2

Strategic Considerations in Choosing Arbitration  
By Mark D. Hudak, Esq. .... 6

It's Time to Saddle Up  
By Barbara Barregar ..... 9

Ethical Advertising: Lessons for the Legal Community  
Submitted by Kevin R. Fish ..... 12

Mediation and the IRS  
By Jack E. Tucker ..... 18

It's a Small World  
By Matthew Cebrian ..... 24

Navigating New Waters: Working with a Legal Secretary  
By Larry Coles and Carly Alameda ..... 26

Consider the Option of a Virtual Career  
By Ed Poll ..... 28

Do You Know the Way to San Jose?  
By Rod Cardinale, Jr. .... 33

## Columns

President's Message  
By Sandra T. Jimenez, CCLS ..... 2

LSI Participates in State Bar Annual Conference  
By Mary Beaudrow, CCLS ..... 11

Meet the Governors ..... 14

Meet Your Members ..... 32

Moving Your Association Forward  
By Christa Davis ..... 30

In Memoriam ..... 32

Tips for Studying to Re-Take the CCLS Exam  
By Terrie Quinton, CCLS ..... 34

Odds and Ends from the Corporate Office  
By Catherine Culver, CCLS ..... 41

## Departments

LSI Conference Scrapbook ..... 4, 5

CCLS Workshop Registration Form ..... 8

LSS 2012-2013 Membership Application ..... 10

LSS Seminars – February 2013 Quarterly Conference ..... 17

2013 Annual Conference Registration Form ..... 22

2013 Annual Conference Hotel Reservation Form ..... 23

Guidelines for Submission of Articles ..... 31

Movers and Shakers ..... 36

Dates to Remember ..... 37

Helpful Websites ..... 37

LSI Order Form ..... 39

LSI Benefits ..... 43

LSI Roster ..... 44

## Advertisers Index

Atkinson Baker ..... 7

Barkley Court Reporters ..... IFC

Carol Nygard & Associates ..... 35

First Legal Network ..... 45

Hutchings Court Reporters ..... 28

Janney & Janney ..... Back Cover

The Rutter Group ..... 21, 38

### THE LEGAL SECRETARY MAGAZINE

*is published Quarterly by Legal Secretaries, Incorporated*

Edited by: MICHELLE TICE, CCLS

Designed by: PERRY BLEECKER, Perry Bleecker Design

Printed by: MODERN LITHO

COVER PHOTO: Knott's Berry Farm Photo by Barbara Barregar

PHOTOS: Don Lee and Esperanza Larios

Copyright © 2013 by Legal Secretaries, Incorporated, P.O. Box 660 Fortuna, CA 95540-0814. All rights reserved. Reproduction in whole or in part without the express permission of Legal Secretaries, Incorporated is prohibited. "The Legal Secretary" is a registered trademark of Legal Secretaries, Incorporated.

THE LEGAL SECRETARY, published quarterly by Legal Secretaries, Incorporated, is a benefit of membership. Subscriptions for members are included in annual dues. Subscriptions are available to non-members, at a cost of \$25 per year (4 quarterly issues), through LSI Corporate Office, PO Box 660 in Fortuna, CA 92273. This publication is designed to provide accurate and authoritative information in regard to the subject matter covered and is made available with the understanding that the publisher is not engaged in rendering legal or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. The opinions expressed by the individual authors are their own and are not necessarily those of Legal Secretaries, Incorporated.

# HAPPY NEW YEAR 2013!

## RISE TO THE CHALLENGE

BY SANDRA T. JIMENEZ, CCLS — LSI PRESIDENT



Now that the holidays have come and gone, it is time to focus on what the New Year will bring for LSI. Whether positive or not, I believe that we are all ready to face the challenges before us. Many positive changes are happening within LSI. I urge all governors to take their voting responsibility seriously and to request answers to all questions before making decisions that will affect LSI, not only now, but in the coming years.

### **NOVEMBER 2012 CONFERENCE— ACKNOWLEDGMENT/RECAP:**

Special thanks to Conference Chair Jennifer Ellis and hosting association Desert Palm LPA for a wonderful November Conference. The weather was perfect in Palm Springs, with lots to do and lots to see. The food was excellent and the hotel service was great, except for the construction that was going on, but even that did not deter us from having a wonderful conference. Desert Palm LPA is commended for “*rising to the challenge*” of planning and hosting a great conference—awesome teamwork. The “Weekend in Paris” was truly a weekend in paradise! And, what a great turnout— 125 registrations!

Unfortunately, due to other obligations, I arrived a bit late to the CEC educational program on Friday afternoon. However, I know for a fact that Henry Welles, Esq., is an excellent speaker and intellectual property

is his specialty. He was a speaker for one of my seminars when I was Transactional Law Section Leader. I heard only wonderful comments about this seminar. Kudos to Cori Mandy, CCLS, and the CEC team for planning such a fantastic educational seminar. Members clamored for more legal education and the CEC is coming through. Please support the CEC by attending these free educational seminars.

The Friday night reception was truly awesome with the many vendors and all the delicious appetizers. Conference attendees had the opportunity to visit and network with members and vendors, and we all joined together to sing Happy Birthday to Don Lee, LSI Honorary Member (Mr. Hospitality), and he really enjoyed the surprise. Don is such a kind and generous person. He always hosts a hospitality suite at all our conferences. I encourage everyone to always visit his suite in between seminars and events for his fantastic margaritas and a relaxing time with friends.

Unfortunately, the CCLS workshop was canceled due to lack of pre-registrations. If you plan on attending workshops in the future, please always pre-register with LSI's CCLS Chair, Terrie Quinton, CCLS. These workshops are always scheduled at 7:30 a.m. on Saturday morning. Terrie has a great workshop coming up at the February 2013 Confer-

---

SANDRA T. JIMENEZ currently self-employed as a Legal Temp/Notary Public. Previously she was employed with the County of Imperial, Department of Social Services. Prior to that she was employed with law firms specializing in civil litigation, employment law, real estate transactions, collections, bankruptcy, and probate in El Centro for the last 30 years. Sandra was awarded the Legal Professional of the Year 2012 award by the Imperial County Bar Association in June 2012.

ence (please see the informationflyer in this issue) so don't forget to register for it! Congratulations to those who passed the October exam and attained the title of CCLS: Diana L. Cardenas, CCLS, of Los Angeles LSA; Linda Gubba-Reiner, CCLS, of San Diego LSA; Rose Sheehan, CCLS, of San Diego LSA; and Toshiko Tachikawa, CCLS, of San Fernando Valley LSA.

Our welcome speaker on Saturday morning was Ginny Foat, Palm Springs Mayor Pro-Tem. She welcomed LSI to Palm Springs and provided us with a brief rundown of current and ongoing events in Palm Springs.

There were six LSI Past Presidents in attendance: Patricia S. Brady, CCLS, Attorney at Law, Diana E. Estabrook, PLS, Linda Duarte, Yvonne Waldron-Robinson, CCLS, Christa Davis, Brooke Mansfield, CCLS; and two honorary members: Sharon R. Irish, CCLS, and Don Lee. We enjoy having them join us and appreciate their support at every conference.

The Board of Governors meeting on Saturday went rather smoothly—in part due to the fact that the EC Resume was discussed at the Governors' Luncheon with co-Moderators Executive Secretary Jennifer Page, CCLS, and Parliamentarian Astrid Watterson, CCLS. Many commented that they like having the Parliamentarian at the Governors' Luncheon to answer procedural questions. Astrid is applauded for doing a wonderful job in her position as Parliamentarian. Again, I commend the governors for their efficient and professional conduct while transacting the business of the corporation. Special thanks to our pages, Alexis Moreno and Kira Moreno, who performed their task exceeding well.

The Executive Committee is diligently working, as you can see from the following five recommendations which were all approved at the afternoon Second Session:

- Amend Standing Rule 13.1 to delete the reference to CCLS Pop Quizzes.
- Add Standing Rule No. 17.1.10: Remote location is defined as any conference location that requires an attendee to rent a car in addition to flying in order to reach the conference location because there are no airports close enough that offer a shuttle service.
- Amend Standing Rule 31.1 to read: In the event of a vacancy for the position of LSI Administrator, applications for the position shall be submitted to the LSI President no later than a date set by the Executive Committee when the vacancy is announced.
- Add Standing Rule 31.2 to read: At least every two years, a performance evaluation of the LSI Administrator shall be conducted by the Executive Committee.
- The Executive Committee recommends a logo design contest, to be submitted by any active member of LSI to the LSI Vice Presi-

dent by January 10, 2013, to be voted on by the Governors at the February 2013 Conference. The logo is to represent the meaning of LSI and is to be submitted in true digital color or PDF format.

The LSI Standing Rules have already been updated by our LSI Parliamentarian, Astrid Watterson, CCLS, and are posted on the LSI website. A Notice will also go out on a Proposed Amendment to Bylaws, Article IX, Section 2, subsection (a) regarding the Executive Advisor position: If the immediate Past President is unable or unwilling to serve, this office

shall be offered to an LSI Past President who is willing and able to serve the remaining appointed term. This office shall remain vacant until an LSI Past President has been appointed. Governors will vote on this Bylaw amendment at the February 2013 Conference.

New appointments to the LSI Team were announced: Christa Davis (LSI Past President 2008–2010) of Livermore-Amador Valley LPA–Nominations & Elections Chair; Carrie Hughes, CCLS, of Mt. Diablo LPA–PRC Assistant Editor; and Lynn Koroush of Sacramento LSA–Professional Liaison/Day in Court Chair.

Many attended the LSS seminars on Saturday. I personally attended the LOA seminar and was very impressed with the speaker and topic. Cheryl Kent, PLS, CCLS, reported that membership in LSS is up from last year—let's keep it going up! This is the reason we are here—legal education.

The banquet decorations were very colorful in red and black. Also, almost everyone was dressed in red and black attire—and some wore French berets. Our Master of Ceremonies was Sheila Williams, Esq., who was outstanding. What a pleasure to sit next to this woman,—“amazing” is the only word that I can come up with to describe her. We were entertained by the Buddy Schwimmer Dance Group, which consisted of dancers of various ages, a wonderful performance indeed.

The climax to our wonderful weekend in Palm Springs was the Sunday Brunch. Our keynote speaker was Aileen Alvarez, Esq., who provided a heart-wrenching story about her battle with cancer and how she motivated herself to overcome it. Many were in tears and everyone gave her a standing ovation.

#### LSI UPDATE

- Cathleen Siler, LSI Website Editor, is working with our Webmaster on providing a proposal and cost analysis on updating the LSI home page.
- Shaylene Cortez, CCLS, LSI Legal Secretarial Training Chair, and Terrie Quinton, CCLS, will be testing *Moodle* as a possible platform for online education. A full report will be made at the February Conference.

**...Continues on page 27**





# LSI Second Quarterly Conference 2012

Hilton Palm Springs, Palm Springs California





# Strategic Considerations In Choosing Arbitration

BY MARK D. HUDAK, ESQ.— SUBMITTED BY SAN MATEO COUNTY LSA

The latest round of budget cutting in Sacramento has had a profound effect on the local court system. In San Francisco, for example, the Presiding Judge is warning that newly-filed cases may not come to trial for five years. In other courts, it now takes months to obtain a hearing on routine motions rather than the usual thirty days. These delays may prove intolerable for plaintiffs, but even defendants may need to have court actions decided at an early date to remove a cloud on their businesses. Is it time to consider binding arbitration as an alternative?

Arbitration is a binding proceeding conducted by a private, for-profit organization. With few exceptions, if there is an arbitration clause in a contract, the court will force the parties to have all forms of disputes settled in arbitration. Once the arbitration is conducted and an award issued, it can be converted to a regular court judgment and then enforced like any other judgment. Unless you can show that the arbitrator was bribed or other extreme circumstances, the court will not set aside an arbitration award.

Before agreeing to arbitration, however, there are several strategic considerations:

## BENEFITS

Arbitration offers several advantages over court proceedings. These include:

- Privacy. Most court files are open to inspection by courts and your competitors. Trials are public. Arbitration files are not open to inspection and hearings are private.
- Timing. The parties control the timing of motions and trials in the arbitration process. Most cases are decided by the arbitrator in four to eight months. Motions for emergency relief can often be arranged within a day or two.
- Flexibility. Courts run on their own schedules and your matter is competing with many others for the judge's attention. In arbitration, the parties determine when the matter is ready for hearing, how many days will be allotted, etc. Arbitrators are interested in repeat business, so they try to be accommodating to parties and counsel.
- Experienced Decision Makers. In most proceedings, the parties can engage an arbitrator who has experience in a particular industry or type of case. Often, an arbitrator will have expertise in personal injury matters, construction claims, or insurance coverage. The arbitration clause in the contract may specify a certain type of arbitrator (retired judge, real estate attorney with ten years of experience, etc.).
- No jury trial. Juries are hostile to some types of businesses and disputes. In California, there is no way to avoid a jury if you are in court—contractual clauses that waive a jury trial in advance are not enforceable. So, if you do not want to face a jury, the only sure method is arbitration.
- Discovery costs. In theory, at least, the amount of pretrial discovery and hearings is reduced. Most arbitration processes require full disclosure of relevant documents and witnesses up front and limit the number of depositions. However, the arbitrator has power to allow more depositions and other pretrial discovery, as warranted by the complexity of the case.
- Location. Clauses in a contract designating a place for trial are often unenforceable in court, and you can find yourself sued in a remote part of the state. A clause specifying that the arbitration hearing will be conducted in a particular state or county usually will be honored.

## DISADVANTAGES

Arbitration also has several drawbacks which should be weighed before deciding on this option:

- Cost. There is a processing fee due at the outset of arbitration. For the American Arbitration Association, the filing fee is steep and is based on the amount at issue (for example, the fee for a case involving \$500,000 is over \$6,000). The parties then pay for the arbitrator's time, often at \$600 per hour or more. In contrast, the filing fee in superior court is around \$400 and the judge's salary is paid by the State.
- The arbitrator's fees can be significant. During a recent arbitration of a partnership dispute that involved several prehearing motions and three days of testimony, the two sides incurred over



MARK D. HUDAK is a Director at Carr, McClellan, Ingersoll, Thompson & Horn Professional Law Corporation. Mark specializes in business litigation, with an emphasis on real estate matters and government law, and chairs the firm's Business Litigation Group. Additionally, Mark serves as the Assistant City Attorney for Hillsborough and general counsel to Sequoia Healthcare District.



\$25,000 apiece.

- **No Appeal.** In court, set rules of evidence and procedure apply. If the judge or jury makes a mistake, you have the right to appeal. The possibility of appeal forces judges to pay close attention to legal

least one mandatory settlement conference before trial. These processes force the parties to consider settlement with the assistance of a neutral third party. In arbitration, these pretrial procedures are not the norm. Parties frequently

are several designer options –including discovery limits, appeals, and prearbitration mediation– that might be included.

Once a dispute arises, the critical first step is selecting the arbitrator. Attorneys who are experienced in arbitration can help choose

## Is it time to consider binding arbitration as an alternative?

principles. In contrast, there is usually no appeal from an arbitration award. If the arbitrator ignores your evidence, fails to apply legal precedent that would be binding in court, or refuses to enforce parts of your contract, you have no remedy. Because there is no appeal, some arbitrators issue awards that are based more on perceived fairness rather than on strict application of the law. Accordingly, there is an element of uncertainty in the arbitration process, making it difficult to predict outcomes.

- **Fewer Settlement Opportunities.** In court, the parties are encouraged to go to mediation, and the court conducts at

find themselves appearing on the first day of the arbitration hearing without having been through any type of settlement process. This disadvantage is often overlooked.

### HOW CAN LAWYERS HELP?

At the contract stage, it is important to understand the nature of the disputes that might arise and weigh the benefits and drawbacks of arbitration. If arbitration is the preferred course, legal counsel can fine-tune the arbitration provision to best serve your needs. Not all arbitration services are the same– some have higher-quality arbitrators and well-defined procedures in place. There

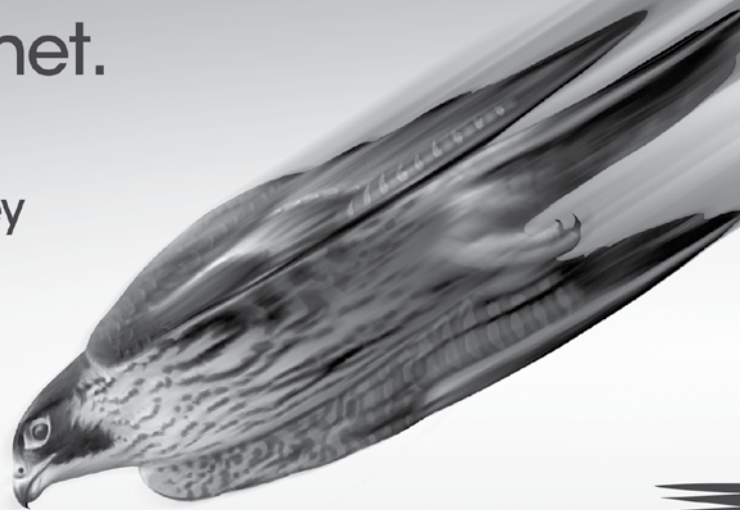
an arbitrator who is a stickler for the law, or one who is more open to considerations of fairness and equity, depending on the nature of your dispute. During the arbitration hearing itself, procedures and evidentiary requirements are less formal, and are often a trap for inexperienced counsel. Be certain that the lawyer has been through enough hearings to know the differences between arbitration and trial.

In the end, arbitration may be preferable to a long wait in court and less costly as well. But there can be hidden drawbacks to the process that may outweigh the benefits. Consider all of the strategic implications before signing a contract that mandates arbitration..

LS

At over 200 MPH, the Peregrine Falcon is the fastest animal on the planet.

Rumor has it they trained here at Atkinson-Baker.



25 years of fast, accurate Court Reporting.  
Call NOW to schedule with us. 800-288-3376

  
**ATKINSON BAKER**  
America's Court Reporters

[www.depo.com](http://www.depo.com)



LEGAL SECRETARIES, INCORPORATED  
 CALIFORNIA CERTIFIED LEGAL SECRETARY  
**WORKSHOP REGISTRATION FORM**

**“California Legal Procedure”**

Third Quarterly Conference, February 22-24, 2013  
 Knott’s Berry Farm, Buena Park, CA  
 Saturday, February 23, 2013, 7:30-8:30 a.m.  
 Speaker: Terrie Quinton, CCLS

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

California Legal Procedure: Civil, Family, Corporate, Real Estate, Probate.... If, like most, you have never worked in all of these areas of law, it can be somewhat daunting to think about learning the unfamiliar information for the CCLS Exam. Attend this class to get some tips on what to study, and how to study for this section of the Exam.

REGISTRATION DEADLINE: February 15, 2013

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](mailto:quinton@dsmwlaw.com).

NO CCLS CREDIT WILL BE GIVEN FOR THIS WORKSHOP

**CCLS PUZZLE**

**ANSWERS ON PAGE 42**

DIRECTIONS: THERE ARE 20 LEGAL TERMS IN THIS WORD SEARCH, ALL FOUND IN THE LAW OFFICE PROCEDURES MANUAL GLOSSARY. CAN YOU FIND THEM ALL? WORDS MAY APPEAR FORWARD/BACKWARD, UP/DOWN, AND DIAGONALLY.

B	I	N	L	O	C	O	P	A	R	E	N	T	I	S	L	A	Y	E	E	R	O	D	E	O	N
I	N	T	E	R	R	O	G	A	T	O	R	I	E	S	O	N	Y	X	S	T	O	N	E	U	P
C	A	V	E	A	T	E	M	P	T	O	R	G	R	O	V	E	I	A	O	D	O	W	N	U	P
K	Q	I	Q	U	A	D	C	O	Q	E	V	N	D	A	O	T	S	C	I	R	J	C	G	K	E
S	B	N	S	B	R	E	A	I	R	U	C	S	U	C	I	M	A	T	H	O	P	P	I	E	T
E	N	T	P	O	K	E	R	O	E	V	O	P	M	W	R	Z	E	B	A	R	K	X	S	B	A
H	M	N	O	Q	P	D	R	E	T	U	O	R	D	V	D	C	D	L	O	X	I	F	S	G	T
C	I	E	I	W	P	O	C	X	T	G	H	E	U	O	E	B	M	T	R	P	X	U	A	Z	S
A	W	R	L	Z	M	F	A	L	A	L	A	A	M	M	R	T	U	K	T	W	S	L	O	V	E
L	O	R	A	P	Q	T	P	F	R	O	O	M	S	E	E	N	B	U	N	T	S	U	N	I	T
R	E	O	T	W	L	R	E	D	U	C	E	S	T	E	C	U	M	O	A	B	E	N	P	A	N
N	I	O	I	Y	B	U	L	I	J	A	C	K	A	L	E	V	P	I	N	O	D	D	E	R	I
O	R	F	O	V	B	S	Y	B	U	S	D	L	J	K	A	H	N	R	E	B	E	E	P	V	A
Z	V	E	N	O	I	T	A	I	L	O	P	S	M	L	S	M	E	E	T	F	O	R	K	U	P

# It's Time To Saddle Up And Head To Orange County Where You'll Be Blazing The Trail

BY BARBARA BARREGAR, SUBMITTED BY ORANGE COUNTY LSA

It's been a while since Orange County Legal Secretaries Association has hosted a conference and we can't wait to blaze the trail with you at the Knott's Berry Farm Hotel. So strap on your boots and cowboy hats and come join us in Buena Park for LSI's Third Quarterly Conference, February 22–24, 2013!

Knott's Berry Farm Hotel is located adjacent to world-famous Knott's Berry Farm Amusement Park and a re-creation of Independence Hall and is 20 minutes from the John Wayne/Orange County Airport and 30 minutes from LAX. You can grab a cab from either airport or use the convenient Super Shuttle service for approximately \$27 each way.

Hotel dining options include Amber Waves Restaurant & Bar which specializes in All-American fare and hotel room service. Each room comes equipped with coffee makers, hair dryers, irons and ironing boards, and wireless internet access. Contact the hotel directly for reservations at (866) 752-2444 or (714) 995-1111 for a single/double room at \$109, using the group name of "Orange County Legal Secretaries Association."

To start off the weekend, support the Continuing Education Council by attending their educational program from 5:15 to 6:15 p.m., which happens to be in a room right across from the Welcome Reception. Casual western attire is the dress code for the evening and we have a few surprises planned at the Welcome Reception which will give you a chance to meet the exhibitors and reconnect with all of your LSI friends. Don't forget



you have the option of attending a few Legal Specialization Section workshops on Friday night too.

After the CCLS workshop, Board of Governors meeting, and Legal Specialization Section workshops on Saturday, get out your best, glitzy western duds for the Banquet—"Boot Scootin' Boogie"—which will be kicked off with Mrs. Knott's Fried Chicken Dinner complimented with a delicious slice of boysenberry pie. The evening will end with some upbeat country music. Everything will wind down at the Sunday morning brunch with an informative keynote speaker.

This is a great place to network, be educated, and have fun along with your family! Knott's Berry Farm Amusement Park and several shops and restaurants are within walking distance from the hotel, and there are complimentary shuttles to both Disneyland and the Anaheim Convention Center. For added entertainment, you can find Medieval Times Dinner Theater and the Pirates Dinner Adventure just down the street. (Check [www.medievaltimes.com](http://www.medievaltimes.com) or [www.piratesdinneradventure.com](http://www.piratesdinneradventure.com) for show times.

The members of Orange County LSA are looking forward to educating and entertaining you in February. Happy Trails to all! **LS**



BARBARA BARREGAR is a member of Orange County LSA, and is currently serving as the vice president and February 2013 Conference Chairman. She is a past LSI Legal Procedure Chairman (2008–2010) and is a transactional secretary at Rutan & Tucker, LLP in Costa Mesa, California, where she has worked for over 25 years.

# LEGAL SPECIALIZATION SECTIONS

## *Of LEGAL SECRETARIES, INCORPORATED*

### 2012-2013 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**  
**P. O. Box 12082, Pleasanton, CA 94588**

Enclosed is payment of my dues for the fiscal year **8/1/12** through **7/31/13** 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: \_\_\_\_\_

**PLEASE NOTE PREFERRED EMAIL ADDRESS. NEWSLETTERS, ROSTERS, AND OTHER COMMUNICATIONS, WILL BE SENT VIA EMAIL UNLESS REGULAR MAIL IS SPECIFICALLY REQUESTED.**

**Preferred email address:**  HOME  OFFICE **I prefer communication via USPS**

YEARS OF LEGAL EXPERIENCE: \_\_\_\_\_

SPECIALTY: \_\_\_\_\_

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

# LSI Participates In State Bar Annual Conference

BY MARY BEAUDROW, CCLS

**M**arketing Legal Secretaries, Incorporated is an important aspect of the duties of the Marketing Coordinator and the Marketing Committee. At times, we take for granted that everyone is aware of our organization—why we are here and what we do. However, there are many legal professionals who know nothing about Legal Secretaries, Incorporated (“LSI”). Because of this, we attempt to pursue the many avenues that are available to us and educate the legal community about LSI. One of our biggest marketing tools is the LSI exhibitor booth. Each year LSI is an exhibitor at the State Bar Annual Conference. Members of the Executive Committee, the Marketing Committee, and sometimes even LSI Past Presidents, staff the LSI booth. The booth is provided courtesy of The Rutter Group, and because of our affiliation with The Rutter Group, we are guaranteed a highly visible location each year. For those of you who are unfamiliar with the State Bar Annual Conference, it is much like our Annual Conference but on a larger scale. This year the conference was held in Monterey, and next year it will be in San Jose. Along with a general meeting, they provide many educational classes and social activities, and there is always a large room for the exhibitors. This year there were well over seventy exhibitors.

We are fortunate to have a great working relationship with the staff at The Rutter Group, especially Kalman Zemplyny II. Kalman is the Executive Director and General Manager at The Rutter Group and goes out of his way each year to make sure that we have everything we need to run a successful exhibit at the State Bar. The Rutter Group booth and the Legal Secretaries, Incorporated booth are located in close proximity to each other, which makes it convenient for Kalman and his associate, Juan, to direct visitors to our booth to inquire about LSI’s publications. The Rutter Group even pays for the cost of LSI’s exhibitor booth

at the State Bar Annual Conference. This is a savings to LSI of approximately \$1,700 per year. We are very fortunate and appreciative to The Rutter Group for covering the cost of our booth each year.

Through the State Bar Annual Conference, LSI is able to market the organization to a wide range of attorneys and legal professionals throughout the state. Many do not know about our organization, so we strive to educate as many attendees as possible through communication, distribution of information packets, and sales of LSI’s Legal Professional’s Handbook, *The Law Office Procedures Manual*, and *The Legal Secretary Reference Guide*. The information packets distributed contain a copy of *The Legal Secretary*, brochures about LSI’s *Legal Professional’s Handbook*, *The Law Office Procedures Manual*, the California Certified Legal Secretary program, the Legal Specialization Sections, and note pads, courtesy of BurdgeCooper, printed with the Legal Secretaries, Incorporated name and logo.

Our marketing tool this year was a mini-notebook with a pen embossed with the LSI logo and contact information. They were a huge hit with the attendees. The mini-notebook and the note pads are great marketing tools because long after the State Bar Annual Conference is over, the mini-notebook and note pads, with our contact information printed on them, will be visible and used.

As stated above, members of the Executive Committee, the Marketing Committee, and LSI Past Presidents staff the LSI Booth. We



chat with attendees who approach our booth and familiarize them with the organization and the publications. We encourage the attendees to take an information packet back to their support staff and urge them to contact the association closest to them. Many attorneys are more than happy to relay the information because they see the value and benefits they will receive.

In addition to working the LSI booth, and because we are vendors, we are afforded the opportunity to attend any of the seminars offered at the State Bar Annual Conference at no charge. Working the LSI booth provides an ideal opportunity for the members of LSI to acquaint conference attendees with our organization. It is an honor and a pleasure to represent Legal Secretaries, Incorporated at the State Bar Annual Conference. **LS**



MARY J. BEAUDROW, CCLS, is Vice President of Legal Secretaries, Incorporated. Mary is a member of Mt. Diablo LPA. She has worked in the legal field since 1977, and has worked for the law firm of Morrison & Foerster LLP since 2002, where she is currently a Senior Docket Coordinator. Mary is a former member and Past President of San Francisco LPA.

# Ethical Advertising: Lessons For The Legal Community

BY KEVIN R. FISH—SUBMITTED BY SANTA CLARA COUNTY LPA

Advertising has been in existence since the beginning of capitalism, and there are multiple aspects of the question of ethics in advertising. This article thus proposes a definition of advertising ethics, focuses on some important issues, and calls for consumers to be aware of possible dishonesty. Beginning with the general characteristics of ethics in advertising, this narrative continues with examples of how such ethics have been defined over time in terms of legal practices, corporate social responsibility, and the matter of advertising that is aimed at children. Although some business practices have been questionable, with the robber barons of nineteenth century America being a great example, the latter part of the twentieth century had some restrictions placed on advertising. Following is a discussion of the restrictions that were imposed on legal advertising. This article concludes with an ethical argument concerning advertising in general.

While there is not a general acceptance of what means bad taste or grounds for moral outrage, there are some truths that define ethical advertising. One is whether or not a statement is entirely truthful. There is a possibility that an ad can be literally true, yet deceptive at the same time for some people. One can add to any simple factual statement to make it sound more attractive and persuasive. Yet another element in truthful advertising is whether one should be expected to be entirely truthful or realistically make his or her best argument.<sup>1</sup>

Ethics can also be defined as being related to economics. Since advertisers have made the very narrow assumption of self-interested behavior, it has been difficult to pursue many important economic goals that depend upon a variety of human behaviors. Some such behaviors include sympathy and commitments to different causes. The problems of advertisers offering incentives in

dealing with these behaviors might require entirely new solutions if consumers decide to stop considering only their own interests. This means that advertisers may need to use other means of persuading consumers to make purchases.<sup>2</sup>

Along with definitions, it is important to understand that there have been many developments of ethical advertising, truth in advertising, and the means of persuasion of consumers to buy products and services. Some examples of such persuasion were utilized during the 1950s. Besides molding images to create distinctive, highly appealing “personalities” for essentially undistinctive products, advertisers used psychology in appealing to subconscious needs, cravings, and yearnings. For example, one idea was that a freezer represented assurance of permanent food supplies in the house, and that such food symbolized security, warmth, and safety. Also, it was proposed to praise the role of housekeeping. A third example was to show a steam-shovel operator as the complete master of that machine. Yet another example is that it was decided that baking a cake symbolized the traditional reenactment of childbirth, which was a means of selling creative outlets.<sup>3</sup> It is thus clear that, while advertisers could do much of what they wanted in earlier times, the new rules that have been made have given them guidelines that require them to be considerate of the needs of their customers.

Another aspect of ethics in advertising includes various United States Supreme Court decisions that guided legal advertising. One of these was the Virginia State Board of Pharmacy Decision of 1976. Virginia laws said that a pharmacist who was licensed in Virginia was guilty of unprofessional conduct by publishing, advertising, or promoting prescription drug information. It was decided that the First Amendment to the United States Constitution applied to both advertisers who provide prescription drug price information and to anybody who receives that information. In other words, the Court ruled that that amendment protected the communication of the information. Moreover, it was held that commercial speech was not entirely outside the protection of the First and Fourteenth Amendments. Moreover, an advertiser’s interest is a purely economic one. In this case, the Supreme Court declared the Virginia laws as unconstitutional and that Virginia may not prevent the public from being informed about the entirely lawful terms that are offered by pharmacists who compete with each other.<sup>4</sup>

A second Supreme Court decision was the Bates Decision of 1977. The Arizona Supreme Court had restricted advertising by attorneys. Referring to its Virginia State Board of Pharmacy Decision of 1976, the United States Supreme Court ruled that, like the Virginia laws, the Arizona rule interfered with the free flow of commercial information and kept the



KEVIN R. FISH was born in Syracuse, New York, on April 27, 1953, and grew up in the nearby town of Baldwinsville. He graduated from Lynbrook High School in San Jose in 1972, and earned an A.A. in history from DeAnza College in 1974, a B.A. in history from Southern Oregon State College (now called Southern Oregon University) in 1976, and an M.A. in social science (mainly history) from San Jose State University in 1984.

public ignorant of that information. The Supreme Court ruled that no acceptable reason to suppress all advertising by attorneys was presented in this case. In other words, attorneys were allowed to advertise their prices for certain routine services.<sup>5</sup> While these are only two court decisions regarding legal advertising, they continue to be valid because they have not been overturned or rejected. In other words, the rules that were made by these decisions are still good.

Along with legal advertising, an essential element of ethical advertising is corporate social responsibility. This is generally defined as the responsibility of corporations to integrate various social, environmental, and governing practices into how they do business. Such practices must be in addition to mandatory legal requirements. Such responsibility is often associated with sustainable development, which means developments that can continue to be made. For example, if a corporation is socially responsible, it will not damage the environment so that more food can be grown there or so that there can be repeated tourism.<sup>6</sup>

The matter of corporate social responsibility was placed in federal law with the enactment of the Sarbanes-Oxley Act of 2002. Part of this law requires such disclosures as (1) the accuracy of financial reports, and (2) the amounts of equity securities that are owned by each company's directors, officers, and principal stockholders. This law also requires a code of ethics for senior financial officers of a corporation. In fact, developing companies are often required to disclose at least the promise that they will have profits in order to gain enough capital to survive. If they cannot be truthful about this, it is very tempting to lie about sales or inflate the value of their assets. Moreover, particular individuals, mainly the company executives, determine the conduct of their corporations. These are some of the reasons for this law's rules on ethics.<sup>7</sup>

Here is an excellent example of the question of corporate social responsibility. One can make conclusions about people's preferences based upon their choices of transportation, such as a private automobile or a train. If there is a proposal to enlarge a highway, one cannot know what the traffic will bear or whether the changes should be made unless those preferences are known. The same kind of question applies to how international organizations should help rebuild a poor nation, or whether they should do so at all. In practicing modern economics and corporate social responsibility, ethical advertisers need to consider such factors as interpersonal comparisons of people's well-being, which includes such concepts as health and satisfaction.<sup>8</sup>

Finally, when it comes to corporate social responsibility, the consumer and voters must demand that corporations uphold such responsibility in order to avoid harm to society.

An example of advertising ethics at the state level includes the requirements in California. Such advertising is unethical if it violates the unfair competition law even when not violating any other law. However, although a business practice could be unfair or deceptive, this cannot be grounds for a lawsuit if the conduct is legal. The unfairness of a business practice is marked by an offense to an established public policy or if it is immoral, unethical, oppressive, unscrupulous, or sub-

stantially harmful to the consumer. An example is a threat to violate an antitrust law. Although these rules apply to California, other states follow the same principles, though specific laws differ.<sup>9</sup>

One other matter concerning ethical advertising deals with marketing that attempts to persuade children to make purchases. Two major questions in this subject regard political philosophy and business practices that involve actual business transactions. One argument is that the only ethic in marketing is making as much profit for a shareholder as possible. Shareholders are the owners of stocks in corporations. The other argument is that the market must be as responsible to consumers and others as to shareholders. This question of ethics becomes more crucial whenever the potential customers are children, who are society's most impressionable people. Food companies, such as cereal manufacturers, are among those who try to persuade children that they should want their products. What all of this means is that it is important to understand that honest advertising is necessary since children can be easily misled.<sup>10</sup>

Regardless of the motives of advertisers, consumers must always be careful not to be fooled by advertisements. It is true that ethics should be practiced, but some people do not do this. Shameless self-promotion may be regarded as essential for success, and may mean strong self-confidence in oneself and one's products or services. However, such people could use this idea for good or for evil. Another way of saying this is that, while advertising may have the purpose of getting a horse to water and promotion of a product or service is designed to get the horse to drink that water, this could be trickery in the hands of an unethical businessperson. Such promotion changes people's behavior by persuading them to do something that they may not have done without such suggestions. In other words, people must be cautious and not overly trusting of advertisements.<sup>11</sup>

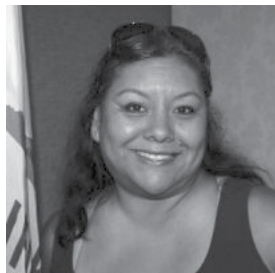
#### NOTES

1. William M. Weilbacher, *Advertising*, 2nd edition (New York: Macmillan Publishing Company, 1984), pp. 505-508
2. Amartya Sen, *On Ethics And Economics*, The Royer Lectures, series editor John M. Letiche, University of California, Berkeley (New York: Basil Blackwell, Inc., 1987), pp. 78-79; 88-89
3. Vance Packard, *The Hidden Persuaders*, revised edition (New York: Pocket Books, 1981), pp. 44; 68; 69; 70; 71-72; 72-73
4. Virginia State Board of Pharmacy, et al., v. Virginia Citizens Consumer Council, Inc., et al. (1976), 425 United States Reports 748-750; 756-757; 761-762; 770
5. Bates, et al., v. State Bar of Arizona (1977), 433 United States Reports 350; 353; 363; 365; 367-368; 379
6. Constantin Belu and Cristiana Manescu, University of Gothenburg School of Business, Economics, and Law, "Strategic Corporate Social Responsibility And Economic Performance," Working Papers in Economics, Number 362, January, 2011, no pages indicated
7. Sarbanes-Oxley Act of 2002, sec. 401; 403; 406, 116 United States Statutes At Large, 2002 (Washington, D. C.: Office of the Federal Register, National Archives and Records Administration, 2003), pp. 785-790; 15 United States Code Annotated 7261; 7264. Richard C. Sauer, "Financial Statement Fraud: The Boundaries Of Liability Under The Federal Securities Laws," 57 *The Business Lawyer* (May, 2002): 955.
8. Partha Dasgupta, "Facts And Values In Modern Economics," in Harold Kincaid and Don Ross, editors, *The Oxford Handbook Of Philosophy Of Economics* (New York: Oxford University Press, 2009), pp. 582-583; 593-595; 597
9. Acts Or Practices That Are Unfair; Safe Harbor, in *West's California Jurisprudence 3d*, Volume 61, pp. 9-10
10. Garima Malik, "The Unethical Practices Of Food Advertisements Targeted At Children: A Parental Viewpoint," 11 *The IUP Journal Of Marketing Management* (May, 2012): 46
11. Debbie Allen, *Confessions Of Shameless Self Promoters: Great Marketing Gurus Share Their Innovative, Proven, And Low-Cost Marketing Strategies To Maximize Your Success* (New York: McGraw-Hill, 2006), p. xiii. Herschell Gordon Lewis and Carol Nelson, *Advertising Age; Handbook Of Advertising* (Lincolnwood/Chicago, Illinois: NTC Business Books, 1999), p. 93.

**As the liaison between local associations and LSI, your Governor is one of the most important members of your local association. Only Governors shall have the right to vote at meetings of the Board of Governors; and a majority of Governors shall constitute a quorum for the transaction of business at a Board of Governors meeting. Meet some of LSI's Governors here.**

**Angie Barocio—Governor, San Gabriel Valley LSA**

Angie is serving her first term as Governor of the San Gabriel Valley Legal Secretaries Association. She is currently working as the Office Administrator at Borton Petrini, LLP, in their Los Angeles office and has been working with them for 20 years. The first five years she was a litigation secretary to two associates, but one became a partner within the first two years, and three years after that, she became the Los Angeles Office's managing partner. Shortly after that, Angie was promoted to the Office Administrator position, which she has held for the past 15 years. Angie says that the best part of her job is the one-on-one training when she needs to train personnel because that gives her the opportunity to spend one-on-one time with them and hopefully get to know their personality and goals. The worst and most difficult part of her job is the discipline. Although necessary, it is not ever pleasant for anyone under any circumstance.



As much as Angie loves her job and she believes in a job well-done, her biggest accomplishment is being a parent to two wonderful teenage children. Her daughter, Kimberly A. Barocio, is a junior at Bishop Conaty- Our Lady of Loretto Comprehensive College Preparatory High School in Los Angeles, California. She is an Honors student at this all-girl Catholic School. Angie's 18-year-old son, Joseph M. Barocio, is currently in training with the Pasadena City College Men's Soccer Team (Lancers) and holds the coveted position of goalkeeper.

Angie attended California State University Long Beach in 1982, but then transferred to Cerritos College where, in 1984, she obtained an AA in General Academic Studies. She also attended Mount San Antonio College where she received an AS in Corrections.

**Yolanda A. Tapia—Los Angeles LSA**

Yolanda is serving her first term term as Governor for the Los Angeles Legal Secretaries Association. Right after high school, she went to the local college to sign up as a Secretarial Science Major. There were three tables with signs that read (1) "Medical Secretary," (2) "Executive Secretary," and (3) "Legal Secretary." Yolanda was standing there trying to decide which line to stand in (she was leaning toward the Executive Secretary table) when a loud, rude, and obnoxious instructor grabbed her arm and put her at the head of the "Legal Secretary" line. She said "I think you should be in my legal secretarial classes." She was just as rude and obnoxious in class. She was very good at getting the best from her students. Those were the days



of shorthand and Royal typewriters. After a year in her classes, she said Yolanda was ready to work in a law office and helped Yolanda land her first legal position. She was the best teacher Yolanda ever had, and she has never regretted allowing her instructor to make up Yolanda's mind.

**Judy A. Martinez—Governor, Alameda County LSA**

Judy is serving her second term as Governor for the Alameda Legal Secretaries Association. She attended St. Mary's College and received her BA in Law Studies, continues to attend various law-related workshops, and also attended Contra Costa and Laney Community College.



She said that going back to college to get her AA and transfer into St. Mary's College for her BA in Law Studies is her most memorable educational experience. "It was an adrenalin rush taking classes after work and on weekends," says Judy. She was so excited about returning to college and enjoyed every minute of it because it was important to do her best and she was proud of receiving As & Bs.

Believe it or not, Judy's first interest was becoming a lawyer. She decided to take the back road, and first become the best legal secretary, but often dreamed of becoming a lawyer. Her first foot in the door to law was working through a special program that paid half of her salary to work in a law office. This incentive encouraged the office to hire her. After that, the doors flew open and she has been employed since then. Judy has worked in Personal Injury, Bankruptcy, Family Law, Litigation, Unlawful Detainers, and Probate and Estate Planning. She currently works in the area of Social Services Agency, Child Welfare Services for the Office of the County Counsel, County of Alameda. Judy is known for getting the job done, no matter what it takes and she gets a thrill out of solving problems and finding the answers outside the office.

Judy has a couple of mentors, Cesar E. Chavez, and Dolores Huerta, and through their visions and goals, she pays that forward by mentoring young college students in the Puente program at Contra Costa College. She also helps with various projects throughout the year with her parish, community, and the ACLSA. She has helped with these programs for the past 20 years and these programs help Latinos/Hispanics with their educational goals and preparing and supporting them for college.

Judy's father, Larry Martinez, was passionately involved with the United Farm Workers movement (UFW). She was lucky to be among this movement and learn about the struggles and unfairness that farm workers had to endure in the fields. As a youth and through her father, she had the opportunity to meet Cesar E. Chavez and has become friends with Dolores Huerta, both founders of the United Farm Workers. Cesar E. Chavez and Dolores Huerta remain two of Judy's mentors.



Her father taught his children to give back to the community and to take only what you need.

Judy is the oldest of ten children and yes, even has a twin sister! She is married to her high school sweetheart and they have two children, Philip and Felix, and two grandchildren, Jacob & Aubrey. She enjoys helping with various community projects and events, i.e, Cinco de Mayo, Cesar Chavez Holiday & Parade in San Francisco, and the Puente & Mentas program at Contra Costa College. In her spare time (yeah, right!), she enjoys spending time with family and friends, camping, and traveling abroad and throughout USA.

When asked where she sees herself in five years, Judy replied, "retired and working part-time in a law office (Mondays and Fridays off)." Me too, I said!

### **Patti A. Nelson, CCLS—Governor, Santa Maria LPA**

Patti has served the Santa Maria Legal Professionals Association as their Governor for five or six terms over the years. She has taken numerous paralegal classes and lots of educational programs through LSI and the courts. Almost all of her training has been "on the job" training. But Patti is most proud of her CCLS certification. She took the exam in 1990 and passed the first time!



Patti applied for a position as a legal secretary trainee at the law firm of Jennings, Strouss and Salmon in downtown Phoenix, Arizona, a month after graduating from high school. The opening was in the same high rise as the law firm that her mother worked in and she got the job! The beauty of being a trainee at Jennings,

Strouss and Salmon was that she was able to fill in everywhere there was a need, so she learned how to operate the switchboard for 50+ attorneys and staff, sort the mail, run the copiers, sit at the reception desk, and be a legal secretary.

Her next job was for a smaller firm and she learned how to operate the word processing equipment (NBI), and that was when she was introduced to all areas of the law—personal injury, civil litigation, tax law, probate, and appellate work. About the only thing she didn't learn was family law—yet. She learned about family law when she moved to California.

Patti has worked for both law firms and several sole practitioners, and worked with Judge Timothy J. Staffel for 25 years. She started out with Judge Staffel when he was in private practice with the firm of Moomau and Staffel. Judge Staffel then decided to run for, and was elected as, the Fourth District County Supervisor for Santa Barbara County. She became his Field Representative and was in charge of the Santa Maria office which required her to handle calls from constituents (mostly with problems) and attend events on behalf of the Supervisor to present proclamations, awards, make speeches for DARE graduations, etc. Then Judge Staffel was appointed to the Superior Court Bench and at that time (1996), the newly appointed judicial officer was allowed to bring his own secretary with him. That was Patti, and she

became a judicial secretary for the Cook Division of the Santa Barbara County Superior Court and most likely was the last judicial secretary to be hired and serve at the pleasure of the elected official. These days, the judicial secretaries work for more than one judge and are subject to applying for the job and going through the testing and interview process. One day, Patti's secretarial position was eliminated and she then became a courtroom clerk for six years, using the sink or swim method for training as a courtroom clerk. Now she is back to being a judicial secretary working with Judge Staffel, as well as Judge Rigali. The best part of her job is being able to interact with all of the court employees, from the judges and courtroom clerks, to all of the clerks and records staff working in the clerk's office, not to mention all of the public contact (some more uplifting than others).

I was pleased with Patti's advice to members of the legal community. She said one should be "willing to do anything that needs to be done to get a project completed. Dress professionally, as it really does make a difference in someone's first impression of you and your employer. Leave your personal problems at home and come to work with a good attitude. Be nice and smile." She likes what she does and really feels that all of us in the legal profession help people get through some difficult things/times, whether it is a contract dispute, dissolution of marriage and custody battle, small claims matter, or a criminal case, we all do our part and get people through it and on with their lives.

Patti has been married to Stephen Ford Hopkins for 22 years, and when she married Steve, she gained three terrific step-children and now has six remarkable grandchildren (four girls and two boys)! Steve is a family law lawyer with his own practice in Santa Maria, has a wonderful sense of humor, and keeps his wife laughing. She enjoys crocheting, reading, crocheting, crafting, and crocheting, and has two walls of yarn at her house!

When asked where she sees herself in five years, Patti replied, "Retired." Funny thing, so do I.

### **Bonnie J. Stensler, PLS, CCLS—Governor, San Mateo County LSA**

Bonnie was born and raised in San Francisco, California, and began her career as a legal secretary in the early 1970s. For a couple of those years she worked for the Department of Justice in Washington, D.C. She returned to the Bay Area in 1976, shortly after the birth of her son Brian and raised him as a single parent. Recognizing how important continuing education and networking was to her legal-related career path, she joined what was then San Francisco LSA and served in several capacities, including president. It was during this time that she also met Joyce I. Seymour, LSI Past President. This marked the beginning of what would be a life-long relationship with LSI. Having already passed the two-day Professional Legal Secretary ("PLS") exam given by NALS, Bonnie was grandfathered in as a CCLS.



Logistics prompted her to transfer her membership to sister association, San Mateo County LSA. She has served as Inter-Association Chair

for several years, being primarily responsible for the Annual Day at the Races. This is her first year as Governor for San Mateo County LSA, but she has attended many, many conferences over the years, either as a delegate or just on her own, so she is well aware of the importance of reporting back to her local association. Bonnie is also proud to be a Past President and Honorary Life Member of the Bay Area Legal Forum (“BALF”), another provider of excellent educational workshops.

Bonnie not only worked as a legal secretary for the government, but also for in-house law departments of prominent financial institutions and in the private sector. Her last full-time employment (12 years as a corporate legal secretary at Fenwick & West LLP) ended in 2009. This was a year of new beginnings and keeping a positive attitude. Her first grandchild, Hannah, was born. (Hannah now has a little sister, Rebecca.) Bonnie wanted to be able to spend more time with family and friends, travel, and pursue other interests that a full-time legal secretary position can make difficult. She has no regrets making the decision to work part time and consider herself semi-retired. It has proven to be very rewarding, but she cautions that you have to be able to budget accordingly. She is able to give back to her community by volunteering at her local “Y” and participating in their fundraising activities, doing event planning, serving on the board of a not-for-profit arts organization, and even being an independent business owner of an online utility franchise. And last, but not least, pursue the hobby she discovered after turning 50—belly dancing! She highly recommends that you try it as it is a great form of exercise and open to women of all ages, shapes, and sizes, and gives a woman a new appreciation of her body. It’s no surprise that she is also a San Francisco Giants fan, given her son played minor league baseball and has a mini Giants museum in his house. Once an avid league bowler, she now prefers to relax with a good book or watch a movie, both of which go well with a good glass of wine.

She hasn’t stopped expanding her legal experience. She purposely searches for assignments in fields of law outside of corporate, like probate and estate planning and family law, and keeps up her continuing education requirements. She credits her affiliation with SMCLSA, BALF, and LSI for giving her the tools and networking ability to achieve many of her goals and objectives over the years.

This year Bonnie lost a dear friend and mentor, Mary L. King, CCLS (member of San Mateo County LSA), and it has only reinforced the recent decisions she has made and the importance of having a positive attitude. She also adopted the motto of her 94-year-old-aunt which you will find as her signature block tagline: “Every day might not be a good day but there is something good about each day.”

### **Mary L. Conry—Governor, Santa Barbara LSA**



Mary is serving her first term as Governor in beautiful Santa Barbara, which is situated on an east-west trending section of coastline and lies between the steeply-rising Santa Ynez Mountains and the Pacific Ocean. She is excited at the prospect of continuing her service as an

officer of Santa Barbara Legal Secretaries Association for years to come, and suggests all those in the legal support field get involved with their local association as it has positively affected her work life in so many ways.

Mary studied political science at College of the Redwoods and served as Student Body Vice President for one year in 1977-1978. She enjoys theatre acting, hiking, creative writing, reading historical fiction, and volunteering. As a matter of fact, Mary volunteers at her church as activity leader for the PreK kids and she loves it!! She also volunteers with the Santa Barbara Community Church and is in the process of joining the volunteer team for Santa Barbara Village, a group that assists the elderly population in Santa Barbara. If she were not working in the legal field, she would probably be working for a non-profit/charity organization. Mary remains motivated by her faith and family and her love for both. She said it would be impossible for her to give up her best friend, Merlin the Wizard Dog!!

Mary began working in a law office at the Humboldt County District Attorney’s office, although not officially. Her father was a two-term District Attorney of Humboldt County and she would often accompany him to the office. When he went into “private practice” and Mary was just 14 years old, she began working at his office in the summer. When she left Eureka and moved to San Francisco, she began working for an anti-trust firm, Solomon & Costello. From there she moved to Los Angeles where she worked for a number of large firms specializing in litigation. Finally, she moved to Santa Barbara—the American Riviera—where she had always dreamed of “retiring” or “holding her last working position,” then retiring. Her dream is coming true as she now works for the greatest law firm in the world, Cappello Noel LLP, in downtown Santa Barbara. Mary says it is exciting to work for the top trial lawyers in the country on interesting matters. Every employee at her firm is valued and appreciated for the work they do and she says Mr. Cappello, Ms. Noel and Troy Thielemann are great bosses.

Mary has many, many memorable education experiences, but there is one that comes to mind and that was when she received a scholarship from the “Fisherman’s Wives of Humboldt” in Marine Biology for her essay on local fisheries. She will never forget how proud she was to sit next to her father at the awards ceremony and see the proud look upon his face.

When asked what kind of advice she would give to new and recent legal staff members, she responded by saying: “Take notes, pay attention, proof read then proof read again. Keep a positive attitude. Keep up to date on latest legal software. Be professional and courteous to your co-workers at all times. You are sure to encounter co-workers who are having either a bad day or simply carry negative energy and unfortunately at times, they take it out on you. Rise above these difficult situations—do your job efficiently, and do not concern yourself with varying moods of others. We are, after all, only human”. In addition, Mary recommends that one should not be afraid to ask questions, especially at the beginning of employment, get involved with your local associations, professional, church, charity...it will make you a better person and help others. <sup>LS</sup>



**LEGAL SPECIALIZATION SECTION SEMINARS**  
**LSI 3rd Quarterly Conference – February 22-24, 2013 – Knott's Berry Farm Hotel**  
**Hosting Association: Orange County LSA**



**REGISTRATION FORM - DEADLINE IS Tuesday, February 12, 2013**

Registration **MUST** be **RECEIVED** by the LSS Coordinator **on or before the deadline.**

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

<b>LSI SECTION MEMBER:</b> Free with Advanced Reservations \$5.00 at the Door/After Deadline Handout Only: \$5.00	<b>LSI NON-SECTION MEMBER:</b> \$10.00 with Advanced Reservation \$15.00 at the Door/After Deadline Handout Only: \$10.00	<b>NON-LSI MEMBER:</b> \$15.00 with Advanced Reservation \$20.00 at the Door/After Deadline Handout Only: \$15.00
<b>Friday, February 22, 2013 – 7:30 p.m. to 9:00 p.m.</b>		
<b><u>CIVIL LITIGATION:</u></b> Topic: <i>Appellate Procedure</i> Speaker: Dennis Nakata, Paralegal at Rutan & Tucker <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>TRANSACTIONAL:</u></b> Topic: <i>Corporate Formation, Mergers &amp; Acquisitions</i> Speaker: Carolyn M. Dillinger, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
<b>Saturday, February 23, 2013 – 10:30 a.m. to 12:00 p.m.</b>		
<b><u>PROBATE/ESTATE PLANNING:</u></b> Topic: <i>Medi-Cal Planning for Clients in Need of Long Term Care</i> Speaker: Fay Blix, CELA (Certified Elder Law Attorney) <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>CRIMINAL LAW:</u></b> Topic: <i>W &amp; I 300 Cases, Part 1</i> Speaker: Judge Marguerite Downy <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
<b>Saturday, February 23, 2013 – 4:00 p.m. to 5:30 p.m.</b>		
<b><u>LAW OFFICE ADMINISTRATION:</u></b> Topic: <i>Attorney Said, Client Heard – Keeping Everyone Ethical</i> Speaker: Diane Mecca, Paralegal <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>FAMILY LAW:</u></b> Topic: <i>W &amp; I 300 Cases, Part 2 – Detention, Delinquency, Dependency</i> Speaker: Lauren K. Johnson, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	

Name: \_\_\_\_\_ PLS/CCLS/CLA/Paralegal E-mail: \_\_\_\_\_

Address/City/State: \_\_\_\_\_

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

Method of Payment:  Check    Credit Card   Number \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Name on Credit Card: \_\_\_\_\_ Type of Card: Visa \_\_\_\_\_ M/C \_\_\_\_\_ AmEx \_\_\_\_\_ Card Verification No: \_\_\_\_\_

**Mail, Fax, or Email completed form to:**

Cheryl L. Kent, PLS, CCLS, LSS Coordinator  
 P. O. Box 12082, Pleasanton, CA 94588  
 925-523-3086 (fax) ~ [clkcls@comcast.net](mailto:clkcls@comcast.net)

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

**PLEASE MAKE ALL CHECKS PAYABLE TO "LSI"**

*Speakers and Topics are Subject to Change*

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.*

**2012-2013 Legal Specialization Section Leaders:**

<b>Civil Litigation:</b> Dawn R. Forgeur, CCLS <a href="mailto:drforgeur@stoel.com">drforgeur@stoel.com</a>	<b>Law Office Administration:</b> Tammy L. Hunt, CCLS <a href="mailto:loaleader@tlhunt.org">loaleader@tlhunt.org</a>
<b>Criminal Law:</b> Christina Vieira <a href="mailto:christinavieira@rocketmail.com">christinavieira@rocketmail.com</a>	<b>Probate/Estate Planning:</b> Kristi L. Edwards, CCLS <a href="mailto:kledwards@justice.com">kledwards@justice.com</a>
<b>Family Law:</b> Mary Lou Floyd, CCLS, M.S. <a href="mailto:Louloux7@yahoo.com">Louloux7@yahoo.com</a>	<b>Transactional Law:</b> Lisa De La O <a href="mailto:ldelao@fitcheven.com">ldelao@fitcheven.com</a>

# Mediation And The IRS An Alternative Approach to Dispute Resolution

JACK E. TUCKER — SUBMITTED BY CONEJO VALLEY LEGAL PROFESSIONALS ASSOCIATION

## HISTORY

For most of us those three letters—IRS—conjure up various levels of fear, anxiety, concern, even disgust; depending, of course, on one's financial as well as tax compliance status. Few if any of us wish to cross paths with this mega-law enforcement agency.

Such reactions notwithstanding, there is probably no federal, state or local law enforcement agency that has gone as far to protect taxpayer rights. In fact, when one views the Internal Revenue Service's organizational structure, it becomes eminently clear that three disparate but critical Assistant Commissioners effectively carry the strategic operational burden and are responsible for the successful compliance record of this agency of well over 100,000 employees and which enforces a body of statute law some 7,000 pages in length (and growing!).

These departments are: 1) Advisor to the Commissioner and to every operating unit within IRS, Chief Counsel for the IRS. Chief Counsel advises on legal and enforcement matters concerning all law enforced by the IRS. Chief Counsel enables the IRS to legally and correctly enforce the law. As a consequence, it advocates for the Commissioner and for all law enforcement departments. Chief Counsel, then, is an IRS advocate and is not neutral vis-à-vis the taxpayer. 2) The Taxpayer Advocate, while also an advisor to the Commissioner, is independent of the IRS and of all its enforcement units when protecting taxpayer rights. Nor is the Taxpayer Advocate Service (TAS) neutral as its charge under law is to be an advocate for the taxpayer. And 3) IRS Chief of Appeals is charged with the responsibility of being neutral vis-à-vis both the taxpayer and the government. The Office of Appeals' job is to provide an independent, fair and impartial forum within which a taxpayer may seek a new hearing so as to resolve

factual, legal and process questions if possible, before going to court. In fact, Appeals is the only authority within the IRS that has the power, granted by the Commissioner, to settle cases based on a principle known as "Hazards of Litigation". Appeals has performed this function since 1927, just three years after the formation, by Congress, of the Board of Tax Appeals, the predecessor to the United States Tax Court.

For some seventy years Appeals accomplished its mission quietly and efficiently. But with the current growth of the agency due to its increased responsibilities, and to the proliferation of complex law and increased case volume within both the IRS and the courts, IRS and Congress have taken a fresh look into alternative methods of disposing of cases and of speeding them through the system before they can clog and overwhelm both the administrative process and the courts. Of the numerous administrative approaches conceived of and, in many instances, put into place, a few invoke a somewhat new but growing discipline called "Mediation". It is this alternative dispute resolution process that the author will discuss; taking a look at three of the most significant mediation solutions which lead, in a high percentage of cases, to successful case resolution. After that discussion, the author will talk about what, indeed, mediation is and how it is used in the IRS context.

## FAST TRACK SETTLEMENT

Fast Track Settlement (hereafter FTS) was originally designed for those tax examinations of the very largest corporate and other entity taxpayers (Large Business & International Division). FTS is a mediation process that is required to take about four months from commencement to completion and occurs towards the end of an examination cycle (the period of time needed to perform and complete the taxpayer's, including subsidiaries, examination for one fiscal period and which usually takes two to three years). The parties to the FTS mediation are the taxpayer and the IRS Large Business Examination function. The FTS process operates under the procedural umbrella of Appeals and the local Appeals Tax Manager and the Exam function Large Case Manager have joint responsibility for overseeing the coordination requirements for both the taxpayer and Exam.

When there are no more than a limited number of unagreed but fully developed issues (generally about five), and the parties believe these issues can still be resolved, FTS mediation makes a great amount of sense. An Appeals Officer known as an Appeals Team Case Leader (ATCL) is assigned to assume the mediator's role. Note that the ATCL has been extensively trained as a mediator and to perform this task successfully. However, with FTS mediation, the mediator brings along her Appeals authority so she can resolve a matter based on hazards of



JACK E. TUCKER is a federal tax appeals and dispute resolution consultant, an educator on IRS process and procedure, and a mediator. Jack is a CPA (Certified Public Accountant), an ATA (Accredited Tax Advisor), and has Masters degrees in finance and accounting and in taxation. Jack has devoted much of the last fifteen years to placing emphasis on tax controversy matters but more recently on mediation programs at both the examination and appeals levels.

litigation. This is an unusual function for a mediator but seems to add the extra needed “push” that is sometimes what enables settlement and case closure. The mediator must, of course, always maintain her neutrality during the mediation. As a matter of fact, ATCL’s and other AO mediators are required to prepare and present to the taxpayer a conflict of interest statement that the taxpayer must acknowledge as, strictly speaking, the Appeals mediator does work for the government which, at certain levels, is the adversary. The taxpayer must understand and accept this circumstance, and feel comfortable with it. In reality FTS has proved successful, potential conflicts notwithstanding.

The unresolved issues that are candidates for FTS are then transferred from the Exam Team to the mediator’s control. The rest of the case continues its normal process toward closure which could mean full agreement, partial agreement or no agreement. Once FTS mediation is complete, its issues, whether some or all are settled or not, merge back into the full case. It is then that any and all agreed matters are written-up so they can be closed while the rest of the case issues can move forward and out of Exam’s authority. Until this transfer occurs the FTS mediation has been an Exam process (even though it uses an Appeals employee as a mediator).

During the FTS mediation, the mediator first brings the parties together and explains the whole mediation process to the principals, and calls for questions. She will then plan and schedule the fast track session(s) as needed. The parties are then asked to prepare and submit case summaries to the mediator. Summaries are similar to case protests when the taxpayer wishes to move a case to Appeals. Copies of the summary, including all positions, are provided to the opposing party. It is important to note that, in any mediation, everything is “on the table”. If, initially, but absolutely by the end of the first session, it is determined that positions, interests, facts, circumstances or any pertinent evidentiary material or information is not provided, the mediation is likely to fail. The mediation itself then ensues. It usually begins with a joint meeting of the parties for

introductions, question answering, discussion of ground rules, and any pertinent process matters. After that session further meetings of this type tend to involve separate caucusing with the mediator who will then “shuttle” between the parties. This back and forth discovery and communication can take hours or days, but is purposeful, guided and controlled by the mediator. The process must move forward at a reasonable pace in order for it to be successful.

Ultimately, most of these FTS mediations stand a high probability of (partial or complete) success. Any issues not resolved can be revisited, along with any other non-mediated and unagreed issues, at Appeals if the taxpayer so chooses to protest the unagreed case to Appeals once the mediated issues are returned to Exam authority from FTS.

#### **FAST TRACK MEDIATION**

Fast Track Mediation (hereafter FTM) is, in many ways, much like FTS. However, it was designed for much smaller corporations and other business entities and for individual taxpayers. It is these smaller returns that are dealt with by another Exam function called the Small Business and Self Employed Division (SB/SE). The differences from FTS tend to be primarily procedural. However, FTM is what is known at IRS as “pure mediation” in that the mediator only wears a “mediator’s hat”; not the Appeals Officer’s “settlement hat”. Thus, Appeals’ unique settlement authority, while still available for the taxpayer at Appeals, as before, will not be part of the FTM mediation. And this is so because FTM cases must occur very near the end of the examination process which is a much faster one than is that for LB & I cases. An exam case for SB/SE might begin and end within three to six months. Thus, FTM is only allowed sixty days, and cannot properly commence until the rest of the examination has reached that point, as with FTS, where there are clear unagreed but fully developed issues. These time constraints tend to limit the efficacy of FTM and we see less of its use than we do with FTS for the larger companies. Nevertheless, when the FTM process is used it has a high success rate. If a resolution cannot be

reached, the taxpayer has all of its normal appeal rights, as with FTS.

#### **POST APPEALS MEDIATION**

Post Appeals Mediation (hereafter PAM) slightly modified and then expanded the availability of the successful mediation process. First, PAM is only available after a case, now under the jurisdiction of Appeals, could not be settled. In other words, the attempt to resolve/settle the case at both Exam and at Appeals has been unsuccessful. With PAM the taxpayer has one more “bite of the apple”.

As with FTS and FTM, an Appeals employee (an AO) takes on the mediator role for a PAM mediation. However, the taxpayer may, if it chooses, hire a co-mediator of its choice (normally a professional mediator from the private sector). The taxpayer is responsible for paying for this professional.

PAM also has a high degree of success, certainly for the reasons mentioned above, but the author believes there is added pressure to resolve the matter as PAM is the final opportunity to do so before entering the jurisdiction of the court with the burdens of litigation. All parties will work hard to enable a successful outcome if at all possible. Further, there is less likelihood that another opportunity to deal with Appeals after the case is docketed will be available as is the norm for non-PAM docketed cases.

#### **THE MEDIATION PROCESS**

While there are many types of both non-litigated dispute resolution and those under the umbrella of a litigated case, mediation is unique in that it is “free ranging” as is negotiation (bargaining). That is, the parties are able to go where the process takes them, with few constraints or limitations. But a facilitated negotiation, one guided by a neutral mediator to create a process that is non-adversarial, positive and productive, is what makes mediation different from negotiation, and so often successful. Ultimately, the parties themselves are the final arbiters leading to a good case outcome, but the mediator is the neutral “third party” who literally creates the environment within which the parties are likely to reach a resolution.

Mediation is a collaborative process that is conducted in an orderly fashion (as driven by the mediator). If one thinks of a resolution process as a stool with four legs, each one of those legs is integral to the stability of the stool. In a tax dispute the examiner, AO, or representative often asks if the case facts stand on “all fours” with regard to how the law or other authority applies to the facts and circumstances. Mediation’s collaborative process is thus likened, through the analogy, to observing the mediation as a combination of fact selection, fact avoidance, fact competition, and fact application, all steps that lead to issue compromise. However, certain behavioral principles (let’s say these are the stool’s seat) are invoked and applied in order to enable the mediator to creatively and successfully guide and drive the mediation process. Let’s take a look, then, at the evaluative and facilitative approaches.

The challenge for the mediator is to understand where the parties are in relation to each other. Once this is determined, the mediator can “move” the parties toward a mediated solution. But, the mediator may first need to better understand what a party’s needs are, and may then desire to re-orient those needs or focus in the mind of the party before the process can commence.

Often the parties, and even more often the legal or other advisors who are present, attempt to approach the resolution process from a substantive or “rights” based perspective. That is, to attempt to determine who is right and who is wrong. As is most often the case, however, “right” and “wrong” are part of a continuum and are not absolutes or clear. And, equally as often, a solution may be—partly at least—about something other than the specific position(s); we call those a party’s “interests”. For example, in the context of FTS mediation (above), the Examination team is often reticent to spend valuable time “negotiating” toward a solution when, in their opinion, a case will move on to Appeals in due course without their further input and, thus, and in their minds at least, further input from them is perceived to be unimportant and, even, a waste of time. Since Exam is a party to any FTS mediation, it behooves the

parties to, as early as possible, work towards positional/substantive/issue resolutions and an experienced ATCL mediator will know exactly how to optimize a successful result based, on Exam’s input or “interests”; that is, Exam’s unspoken desire to be and remain a part of the whole process as opposed to just the audit part of the process, and to be a part of the solution as well. The Exam team, made up of many individuals, appreciates this inclusionary approach as it is a part of human nature (behavior) to want to be included and is definitely an (unspoken) interest. Exam is now part of a likely solution as well as the first part of the process.

In the above scenario the mediator would need to invoke two principles: the “evaluative” approach which defines substantive, positional, legal and factual matters; and the “facilitative” approach which encourages and assists the parties to understand what their “other” needs or interests are (as with Exam above). When we define these needs or wants (interests), we should think of a pie-chart where the whole amounts to 100% of the positions; and of a second pie-chart with another 100% reserved for these subjective but usually present interests. If bargaining about a position is the only avenue available, any result that might be achieved (which is problematic) most likely will be in the vicinity of a 50/50 split. One party is unlikely to accept less than 10% to 20% for openers, and will try hard to move toward the 50/50 solution. Remember, the pie only contains 100% of the possibilities.

However, the option of expanding the pie into two pies exists, thus multiplying our possible solutions on two different planes. A new car buyer (customer) and seller (dealer) who are \$5,000 apart in price will each try to make his best deal and aim for a 50/50 solution. If one or both feels they’re not close enough, there is no solution (sale). But, if the mediator can perceive that the buyer, for example, has a non-quantifiable (non-substantive) interest, let’s say an unusual color but one that is available but also hard to find (graphite), there is a likely possibility that if the dealer can locate this vehicle a solution much less than 50/50 for the buyer is probably possible. So, a 70/30

position with graphite added means the pie has been expanded so as to exceed 100%. We term this type of bargaining as both “distributive” (position analysis) and “integrative” (interest based and expansive).

In the final analysis mediation is about: 1) defining the problem, either as narrow and positional, or as broad and interests-based, or, perhaps, as some combination thereof (which takes great skill on the part of the mediator). 2) the mediator must determine how to quantify a resolution approach or settlement methodology. And, 3) the mediator must guide the parties toward the right proportion of distributive versus integrative application (position versus interest). And then, whether and how to focus on the evaluative form of mediation (dealing with positions) or the facilitative form (dealing with interests), or some combination of these.

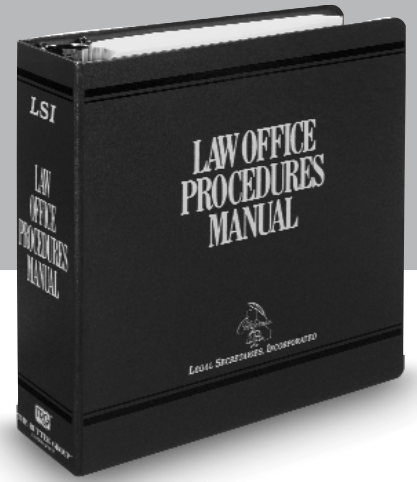
Since mediation is used by IRS Appeals in the three settings discussed above, it is appropriate to point out that mediation between a private party (the taxpayer) and a government enforcement entity (the IRS) is saddled with an additional and very significant constraint: legal restrictions to a mediated settlement based on the application of the law and other authority. But, when Appeals’ authority to settle based on hazards of litigation becomes a part of the mediation approach, this powerful combination of tools is very likely to lead to a successful resolution and expeditious case closure before even going to Appeals, let alone the courts. Even pure mediations, such as FTM and PAM, benefit from this Appeals authority as the knowledge that minimal involvement by Appeals can be provided for in the mediation settlement agreement and lead to a successful conclusion. <sup>15</sup>

LEGAL SECRETARIES, INCORPORATED

# LAW OFFICE PROCEDURES MANUAL

## FOR CALIFORNIA LAW PRACTICE

compiled by Legal Secretaries, Incorporated  
published by The Rutter Group



### THE IDEAL TRAINING MANUAL FOR NEW STAFF! QUICK REFERENCE FOR EXPERIENCED STAFF!

**The Problem:** Training new law office staff members is time-consuming and expensive. The adequacy of the training is often dependent on the ability of the existing staff. Loss of key personnel may make it impossible to train and supervise less experienced staff.

**The Solution:** A system for training new staff and a reference source for all existing office personnel. The *Law Office Procedures Manual*, created by Legal Secretaries, Incorporated, provides everything you need to know about the forms, rules and procedures required in a law office.

**STEP-BY-STEP GUIDANCE:** The Manual covers each major area of law practice.

**FORMS:** The Manual includes the major Judicial Council forms, plus typical attorney-drafted forms. *Sample forms are filled out* to illustrate common applications.

**UP-TO-DATE:** The Manual is updated twice a year to include revised Judicial Council forms and other changes in applicable rules and procedures.

1 Volume

LSI Members-Only Price: **\$140**

Nonmembers Price: **\$175**

(Includes shipping)

### CONTENTS

- Court Structure
- Civil Procedure
- Local Rules
- Discovery
- Unlawful Detainer
- Real Estate
- Criminal
- Family Law
- Adoptions
- Probate
- Conservatorships and Guardianships
- Corporations and Limited Liability Companies
- Workers' Compensation
- Miscellaneous: Practice Tips; Service and Proof of Service; Fax Filings; Verifications; Substitution/Association of Counsel;
- Notarial Acknowledgments; Recording Laws; Forms of Address; U.S. Postal Service Addressing Standards and State Code Abbreviations; Transcription and Proofreading; Alphabetic Filing Rules; Calendars; Legal Abbreviations and Jargon; Office Procedures; Reference Materials
- Glossary

TITLE	PRICE	QTY.	SUBTOTAL	TAX	AMOUNT
Law Office Procedures Manual	<b>\$140 (LSI Members-Only Price)</b>				
Law Office Procedures Manual	<b>\$175 (Nonmembers Price)</b>				

#### 3 ways to order!

Mail or fax this order form  
Call 1-800-747-3161 (ext. 2)  
Visit [www.RutterGroup.com](http://www.RutterGroup.com)

Mail to **THE RUTTER GROUP**  
15760 Ventura Blvd.  
Suite 630  
Encino, CA 91436  
Or fax to **1-818-377-7839**

**MY PAYMENT IS ENCLOSED.** 45-day return privileges apply.

**PLEASE SEND ON 45-DAY APPROVAL.** If I decide not to keep this title, I will return it within 45 days at my own expense. Your subscription(s) to future Updates will be entered automatically. If you do not wish to receive automatic Updates, check box below.

Do not send future Updates. I understand this product has limited value without Updates. (Cost of 2011 Update #2 was \$50.)

NAME \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_ STATE BAR NUMBER \_\_\_\_\_

FIRM \_\_\_\_\_

ADDRESS \_\_\_\_\_ SUITE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Enclosed is my check for \$\_\_\_\_\_ payable to **THE RUTTER GROUP**

Charge \$\_\_\_\_\_ on my  VISA  MASTERCARD  AMERICAN EXPRESS

CREDIT CARD NUMBER \_\_\_\_\_ EXP. DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**To order or for more information, call 1-800-747-3161 (ext. 2)**

40530574



Santa Clara County Legal Professionals Association

invites you to celebrate

“LSI THROUGH THE YEARS”

May 16-19, 2013

Legal Secretaries, Incorporated’s 79th Annual Conference



San Jose Marriott
301 South Market Street, San Jose, CA 95113
www.sanjosemarriott.com

CONFERENCE REGISTRATION FORM

Name (as it will appear on badge):
Mailing Address:
City/State/Zip:
Home Telephone: Work Telephone:
Email Address:
Local Association: [ ] LSA [ ] LPA

Please check if applicable (include title)
[ ] State Officer:
[ ] State Chairman:
Please check if you are:
[ ] President [ ] Governor [ ] CCLS [ ] PLS
[ ] Delegate [ ] Alternate Delegate

SCRIP TICKET (includes Registration, Welcome Reception, Banquet and Brunch):

Table with 4 columns: Description, By Check, By PayPal, Total. Rows for tickets postmarked on or before April 16, 2013 and on or after April 17, 2013.

INDIVIDUAL TICKETS:

Table with 4 columns: Description, @, By Check, By PayPal, Total. Rows for Registration by/after April 16, 2013, various lunches, Welcome Reception, CCLS Lunch, Banquet, and Brunch.

TOTAL AMOUNT PAID: \$

Special Dietary Request (including VEGETARIAN): [ ]

MAKE CHECKS PAYABLE TO SCCoLPA 2013 CONFERENCE FUND

RETURN THIS FORM WITH PAYMENT TO: Elise Dresser, CCLS
2013 Annual Conference Registration Chair
911 Old Orchard Road, Campbell, CA 95008
T: (650) 903-0500 or (408) 375-4437
Email: edresser@newtonremmel.com

TO PAY BY PAYPAL: www.sccolpa.org (payment includes transaction fee)

No refunds after April 30, 2013





**Santa Clara County Legal Professionals Association**

invites you to celebrate

**“LSI THROUGH THE YEARS”**

**May 16-19, 2013**

**Legal Secretaries, Incorporated’s 79th Annual Conference**



San Jose Marriott  
301 South Market Street, San Jose, CA 95113  
[www.sanjosemarriott.com](http://www.sanjosemarriott.com)

**HOTEL REGISTRATION FORM**

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

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

City/State/Zip: \_\_\_\_\_

Home Telephone: \_\_\_\_\_ Work Telephone: \_\_\_\_\_

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

Local Association: \_\_\_\_\_  LSA  LPA

Arrival Date: \_\_\_\_\_ Departure Date: \_\_\_\_\_

ACCOMMODATIONS: (Plus applicable taxes and fee)

- SINGLE: \$109.00 per night
- DOUBLE: \$109.00 per night

RESERVATIONS: [https://resweb.passkey.com/Resweb.do?mode=welcome\\_ei\\_new&eventID=9697432](https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=9697432)  
Check in: 3:00 p.m. - Check out: 12:00 p.m.

**DEADLINE TO RESERVE YOUR ROOM IS APRIL 17, 2013 – BOOK EARLY!**

- Parking:** Valet parking: \$26.00 per day – Off-site self-parking available next door at San Jose Convention Center and other nearby lots.
- Airport:** Norman Y. Mineta San Jose International Airport (SJC) is 3 miles from the San Jose Marriott.
- Transportation:** No hotel shuttle. Estimated taxi fare from SJC is \$15 one way.

For additional information contact:

Rod Cardinale, Jr.  
2013 Annual Conference Chair  
T: (408) 461-0972  
Email: [rodcardinalejr@sbcglobal.net](mailto:rodcardinalejr@sbcglobal.net)



# It's a Small World: Accommodating Religious Convictions in the Workplace

BY MATTHEW CEBRIAN — SUBMITTED BY SACRAMENTO LSA

**O**n August 13, 2012, Imane Boudlal, a former employee of the Storytellers Café at Disney's California Adventure Park, filed suit in federal court alleging she had been the victim of harassment and religious discrimination because she is a North African Arab and a Muslim. The suit filed by the ACLU and the law firm of Hadsell Stormer Richardson & Renick alleges that Ms. Boudlal was terminated because of her refusal to abandon her religious practice of wearing a hijab at work.

Ms. Boudlal began wearing a hijab, or headscarf worn by observant Muslim women, in 2009. Initially she wore the hijab in her daily life, but refrained from wearing it at work because she feared retaliation. According to the ACLU, after a year of wearing the hijab only outside of work, Ms. Boudlal decided to be true to her core beliefs and asked for permission to wear the scarf at work.

The ACLU contends that after a delay of two months, managers denied her request, saying the hijab would violate Disney's "look" policy for its employees and would negatively affect the experience of restaurant patrons. Ms. Boudlal offered to wear a scarf in colors matching her uniform or with a Disney logo but management was unwilling to accept this compromise. Instead they offered her a choice of either working in a back area, away from customers, or wearing a large fedora-type hat on top of her hijab. When she refused, she was fired. Ms. Boudlal's suit alleged the firing violated Title VII of the Civil Rights Act of 1964 and constituted religious discrimination.

As the Nation's work force becomes exceedingly diverse, employers must formulate and enact policies that balance the prevailing interests of profitability and risk management. While most employers understand they are required to make reasonable

accommodations for those with physical and mental disabilities, they may not be aware that similar accommodations must be made for the bona fide religious convictions of their current and prospective employees. Understanding what accommodations must be made for an employee's religious belief, and how these accommodations differ from those required for a disabled individual, is imperative to avoid liability.

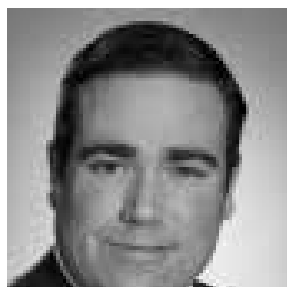
In California it is an unlawful employment practice for an employer to fail to make reasonable accommodation for the known physical or mental disability of an applicant or an employee except where the employer cannot establish that such an accommodation would constitute an undue hardship. *Gelfo v. Lockheed Martin Corp.* (2006) 140 Cal.App.4th 34. In the context of a disabled employee, the term "undue hardship" means an action requiring significant difficulty or expense, when considered in light of a set number of factors. California Code of Regulations, title 2, section 7293.9, subdivision (b). As will be shown below, while accommodating an employee's bona fide religious convictions requires a much lower showing of hardship by an employer, this does not mean any alleged inconvenience will pass muster.

Title VII of the Civil Rights Act of 1964, 42 USC section 2000e et seq., prohibits discrimination on the basis of religion. Specifically, an employer may not "fail or refuse to hire or discharge any individual, or otherwise discrimi-

nate against any individual with respect to his [or her] compensation, terms, conditions, or privileges of employment because of such individual's . . . religion . . ." 42 U.S.C. section 2000e-2(a)(1). Title VII provides that the term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. 42 U.S.C. section 2000e(j). Simply put, it is "an unlawful employment practice for an employer to fail to make reasonable accommodations, short of undue hardship, for the religious practices of its employees and prospective employees." *Trans World Airlines, Inc. v. Hardison* (1977) 432 U.S. 63, 74.

To support a religious discrimination claim under Title VII, an aggrieved employee must first establish a prima facie case of discrimination by proving that (1) she had bona fide religious belief, the practice of which conflicted with an employment duty; (2) she informed her employer of the belief and conflict; and (3) the employer threatened her or subjected her to discriminatory treatment, including discharge, because of her inability to fulfill the job requirements. Civil Rights Act of 1964, §§ 701(j), 703(a)(1), 42 U.S.C.A. §§ 2000e(j), 2000e-2(a)(1); *Sutton v. Providence St. Joseph Medical Center* (1999) 192 F.3d 826.

If the employee proves her prima facie



MATTHEW CEBRIAN is an experienced litigator. He has developed his practice in two areas, catastrophic liability and employment. He regularly defends high exposure cases in the areas of premises liability, wrongful death, personal injury, and construction defect. As a member of the firm's employment practice group, Mr. Cebrian regularly speaks and publishes articles pertaining to the emerging area of social media law in relation to employment law.

case of religious discrimination under Title VII, the burden then shifts to the employer to show either that it initiated good faith efforts to make reasonable accommodations for the employee's religious practices or that it could not reasonably accommodate the employee without undue hardship. Civil Rights Act of 1964, §§ 701(j), 703(a)(1), 42 U.S.C.A. §§ 2000e(j), 2000e-2(a)(1); *Sutton v. Providence St. Joseph Medical Center* (1999) 192 F.3d 826. An accommodation that results in more than a de minimis cost to the employer is considered to be an undue hardship and the employer need not provide the accommodation. Civil Rights Act of 1964, § 701 et seq., 42 U.S.C.A. § 2000e et seq.

In *E.E.O.C. v. Abercrombie & Fitch Stores, Inc.* (2011) 798 F.Supp.2d 1272, a Muslim teenager applied for a job at an Abercrombie store in a shopping mall located in Tulsa, Oklahoma. Abercrombie chose not to hire the teenager because, as a Muslim, she wore a headscarf and the Abercrombie "Look Policy" prohibited sales models from wearing head wear. Abercrombie specifically cited this as the reason she was not hired by the popular retail store.

Abercrombie executives testified they believed granting the teenager an exception to the Look Policy would negatively impact the brand, sales, and compliance. However, Abercrombie cited no studies to support this contention. In fact they offered no evidence aside from expert opinion to support this position. In this regard, Abercrombie's expert emphasized the importance of the in-store experience to Abercrombie's marketing strategy, and opined that the granting of even one exception to the Look Policy would negatively impact the brand. Unfortunately, for Abercrombie, their expert pointed to no quantita-

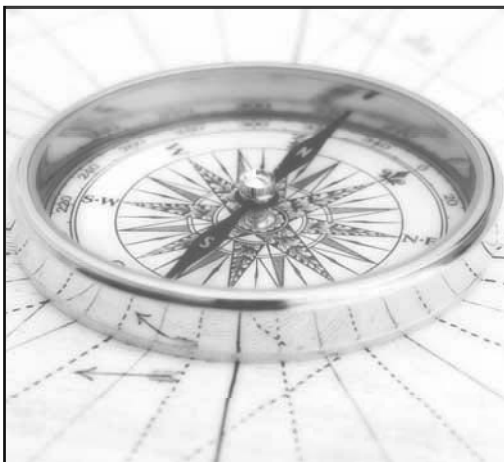
tive evidence which supported or provided a foundation for this opinion.

In deciding the matter, the Court found that while an accommodation that requires an employer to bear more than a "de minimis" burden imposes undue hardship, that proffered hardship must be actual; an employer cannot rely merely on speculation. In other words, a claim of undue hardship cannot be supported by merely conceivable or hypothetical hardship. "The magnitude as well as the fact of hardship must be determined by examination of the facts of each case." *Id. citing Toledo v. Nobel-Sysco, Inc.* (1989) 892 F.2d 1481, 1492.

Additionally, the court found Abercrombie had granted numerous exceptions to the Look Policy to other employees throughout their organization. These exclusions included eight or nine exceptions which allowed a head scarf to be worn. Citing the speculative nature of the burden which would be suffered by Abercrombie by making an accommodation and the fact that identical accommodations had been made without disaster, the court found in favor of the job applicant.

The Court's reasoning in the Abercrombie case may offer some guidance to both Disney in the defense against Ms. Boudlal's suit, and employers seeking to charter the waters of our ever diversifying workforce. Certainly the "de minimus" standard for establishing an undue burden in religious discrimination cases weighs heavily in favor of the employer, but as was made apparent in *Abercrombie*, some objective harm must be shown. Employers seeking to homogenize the appearance of their workforce through a "look policy" would be well advised

...Continues on page 27



# HUTCHINGS<sup>SM</sup> COURT REPORTERS

**Local | Statewide | National | International**

**24-Hour Scheduling**  
**800-697-3210**  
**www.hutchings.com**  
**hutchcal@hutchings.com**

- ◆ *Court Reporters - Conference Rooms*
- ◆ *Video - Interpreters - Videoconferencing*
- ✓ Online Scheduling & Calendar Review
- ✓ Online Transcript & Exhibit Access
- ✓ Realtime & Remote Access Services
- ✓ Digital Transcript Delivery
- ✓ Imaging & Online Document Depositories
- ✓ Video & Text Streaming over the Internet
- ✓ Corporate Administration Programs
- ✓ CLE Presentations and Training

*Setting the Course for Excellence Since 1953*

# Navigating New Waters: Working with a Legal Secretary

BY LARRY COLES AND CARLY ALAMEDA — SUBMITTED BY ANNIE S. PARRISH, CCLS, SAN DIEGO LSA

Very little of what you learned in law school has prepared you for daily life as an attorney. Managing paperwork and navigating the inner workings of your law firm, your department, or the court system are daunting tasks.

You have two options. On the one hand, you are a smart person and you can try to figure this out on your own. After all, how hard can it be?

On the other hand, you can use the most valuable resource you have been provided—your secretary. If you accept the fact that you cannot do this job alone, then you have made the first wise choice of your career. Your secretary can be your biggest ally. All you have to do is ask, and your secretary (most likely) will gladly help.

Every office is different, but your secretary should be able to sit down with you and translate everything that you have learned in orientation. Moreover, your secretary can provide invaluable guidance and assistance regarding:

- administrative paperwork
- accounting, billing, and conflicts matters
- organization and management of your case files
- drafting documents, including letters, pleadings, and agreements
- getting documents filed with the court, served to the parties, and sent to others in the office or to the client

Your secretary also can make calls to ask questions, get information, or schedule events on your behalf. It is both helpful and wise to allow your secretary to assist you in these tasks. You will most likely interact with your secretary as much as, if not more than, any other single

person in the office. And you will rely on your secretary to help you get things done correctly and get them done on time.

As such, it is important for you to make the effort to establish a positive working relationship. Typically, this only requires a bit of Dale Carnegie—that is, thoughtful consideration and a demonstration of professional respect and earnest gratitude. The following are five tips to help you on your way.

## **OPEN UP COMMUNICATION CHANNELS**

As early as possible, set up a time to sit down with your secretary and solicit his/her understanding of the firm's basic procedures and routines. Discuss how your secretary handles mail, phone calls, files, and expense reports, and how to complete other daily tasks. You or your secretary may have certain preferences that are unknown to each other, so figuring these out in advance is to your advantage. The sooner you both are on the same page about basic procedures and expectations, the better.

## **LEARN WHAT YOUR SECRETARY CAN DO FOR YOU**

To best use your secretary's skills, you need to know what he or she can do for you. If you have never worked with a secretary before, all the various areas your secretary can assist you

with may not occur to you.

The best way to find out is to ask. Do not be shy about asking for help on a task, including learning how your secretary has handled similar tasks for other firm lawyers in the past. If you are unsure of what to ask, let your secretary know what you are working on. Then your secretary can let you know how he or she can assist you. Every secretary is different and each brings his or her own level of experience and strengths, so talk with your secretary and find out what he or she can do.

## **KEEP YOUR SECRETARY INFORMED**

Nothing is worse than finding out about an impending deadline shortly before it is due. To avoid inflicting this fate on your secretary and to best ensure that deadlines are met, keep your secretary as informed as possible about upcoming time-sensitive tasks. Your secretary most likely works with several busy attorneys and can best manage the various workloads when he or she knows what will need to be done.

In addition, it is important to communicate with your secretary about the details of getting a document out the door. A brief may be due with the court by 4:30 p.m., but your secretary will need it before this time to finalize any changes in the document and to



ANNIE PARRISH, CCLS, has been a litigation legal secretary for over 25 years and currently works at Hooper, Lundy & Bookman's San Diego office. She is a California Notary, a California Certified Legal Secretary, and was named a San Diego Top Legal Secretary in 2008. She has held many positions in SDLSA including Director & Membership Chair, Recording & Corresponding Secretary, Legal Secretary Training and Career Promotion Chair, CCLS co-chair, Vice President, and President, and is now serving as its Governor. She is also a former member of LSI's Publications Revision Committee.

make time for the filing process. Especially on larger projects, communicate with your secretary well in advance and update him or her regularly to make sure you both understand impending tasks and deadlines.

### **FIND OUT WHAT YOU CAN DO FOR YOUR SECRETARY**

For the most part, your secretary will be working hard to make your life easier for you. Early on in your working relationship, follow up with your secretary and ask for feedback on whether there is anything you can do

that might make the relationship work even better. Your secretary will most likely work hard to adapt to your routines, and you may get some useful insight that allows you to be more efficient in your tasks as well.

### **SHOW YOUR APPRECIATION**

Do not forget that your secretary is doing the best he or she can to help you in your various daily tasks. It is your secretary's job to do this. But it is nice to know when the efforts are appreciated.

Treat your secretary with dignity and respect and maintain good communication with him or her. Together you can establish a great working relationship. Your transition into the legal world will be far more successful if you do.

Larry Coles is a legal secretary and Carly Alameda is a litigation associate with the firm Farella Braun + Martel LLP in San Francisco, California. [LS](#)

---

## ***President's Message—Rise To The Challenge Continued from page 3***

- All logo designs must be submitted to Mary Beaudrow, CCLS, on or before January 10, 2013, in order to be considered. An email will go out to the local association presidents and governors regarding all submissions in mid-January. The winner will be announced at the February 2013 Conference and the winner will receive a free scrip ticket to the May 2013 Annual Conference.
- The CEC has planned another seminar for the February Conference on Friday, from 5:15 p.m. to 6:15 p.m. A seminar flyer with topic and speaker information is included in this issue and is posted on

the LSI website—don't miss it!

- Look for a new Legal Procedure page on the website; it will be updated regularly by our Legal Procedure Chair, Jeffrey Weddle of Orange County LPA.

### **COMING UP IN FEBRUARY**

The February 2013 Conference is coming up at Knott's Berry Farm! Are we having fun yet? You have to admit that LSI Conferences are fun and exciting again—it almost seems as though everyone is coming alive, enthused, and raring to go. I urge everyone to *Rise to the Challenge* of moving LSI forward. Let's continue to feel positive about our member-

ship in LSI. Feel the energy and enthusiasm of our officers, chairmen, and members—it is contagious!

Conference Chair, Barbara Barregar and Orange County LPA invite everyone to the Knott's Berry Farm Hotel for the February Conference, February 20–22, 2013. They promise a fun-filled, educational event, and invite LSI to join them in "*Blazing the Trail*." Detailed information regarding the February 2013 Conference is included in this issue. Read the article and you will definitely be persuaded to attend this upcoming, fun conference. So, put your jeans and cowboy boots on and let's all mosey on down to Knott's Berry Farm in Buena Park—see you there! [LS](#)

---

## ***It's a Small World: Accommodating Religious Convictions in the Workplace Continued from page 25***

to undertake some effort to objectively establish the benefits of this uniformity, especially if they intend to deny a protected class employment based on this policy.

Moreover, for those employers who have already instituted a "look policy," ensuring uniform enforcement of this policy is absolutely imperative. While it may seem fairly apparent that uniform enforcement of a "look policy" would be imperative to both risk

management and the very concept of a "look policy," enforcement is complicated where, like Abercrombie, an employer's workforce is spread out across the country, if not the world. Customers in San Francisco, California, may embrace a certain amount of individualism exhibited by the employees of their favorite clothing store or casual dining restaurant much more than those living in Montgomery, Alabama. To this end, an

employer choosing to implement a "look policy" should examine the overall wisdom of such a policy, and if they decide that homogeneity will increase profits, be explicit in both the drafting and enforcement of this regulation. [LS](#)

# Consider the Option of a Virtual Career

ED POLL — SUBMITTED BY SAN FRANCISCO LPA

Like every other profession and trade, the practice of law is a business. That means law firms are governed by the formula:  $P = R - E$ . Profit (take home pay) equals revenue collected less expenses. For a widget manufacturer, this equation shapes the question, "Can I sell enough widgets to cover all my costs and have something left over?" Replace "widgets" with "hours," and you have the question that goes to the heart of "The Business of Law<sup>®</sup>" for law firms.

For administrative staff, this equation has become an unavoidable part of economic life today. It must be profitable for the firm to keep or otherwise use administrative assistants on an ongoing basis. The fundamental question in this regard is obvious: is there enough work for the assistant to do? In analyzing an administrative assistant's worth to the firm, there is no formula that specifically depends on origination, billing, or collection. It also does not take into account the subjective factors that should be considered, such as a desirable combination of skill and attitude. But there is a definite analysis that takes place, one that impacts an assistant's job prospects.

## VIRTUAL OPTION

Lawyers certainly are not immune to this analysis process. During the past five years or so, it has led to the phenomenon of outsourcing: using for-hire lawyers outside the firm to do specific legal tasks at a lower cost, and providing work product electronically. The original approach to this process was to use support lawyers in countries like India, a process called "offshoring." More recently it has turned into "onshoring"—using lawyers who are based in lower-cost states like West Virginia and North Dakota, and who can be used on an as-needed basis, electronically.

The important point here for legal administrative assistants is that the potential for virtual relationships creates a significant opportunity to take charge of your career by taking

advantage of the changing dynamics of law and technology to become a virtual assistant (VA). VAs are administrative assistants, including paralegals, who work offsite and online, creating work product to a specific law firm's specifications and tailored to the firm's practice. Technology allows law firms access to such services without hiring a person to work full-time on the lawyer's payroll.

Someone who is a virtual assistant is in effect an independent business owner, neither employee nor subordinate. VAs are similar to an accountant or any other business consultant with whom the law firm has an ongoing, collaborative relationship. They become familiar with a firm's practice and attuned to its business needs as much as any service provider engaged for a substantial length of time. Virtual assistants are an outsourcing strategy that can give lawyers the best of all solutions to the need for help. The firm gets a professional team member, selected to its criteria, attuned to the business and professional needs of its practice, and providing cost-effective service that is transparent to clients.

## SELECTION AND SERVICE

Law firms select virtual assistants like any other professional service provider. They review such criteria as an informative and well-constructed website, a business track record stretching at least three years, and adequate professional references. A virtual assistant should not take on a law firm assignment without benefit of an interview with the lawyer or senior firm administrator, in person

or by telephone. The firm will be looking to ensure that the VA has the technical skill and sophistication to conduct an effective online business relationship, and is not just working part-time or providing an incomplete service package. It will also evaluate VA costs using its own professional yardstick. VAs should realize that too low a cost structure may indicate lack of business viability, while one that is too high will not allow a firm to accommodate the fee within its own costs while still giving clients the value they demand. Typical rates for services might average between \$30 and \$60 an hour, but this of course is a matter of negotiation in the selection process.

Beyond these business considerations, a virtual assistant should have credentials from an accredited educational institution, and should demonstrate basic knowledge that is required in the law firm service environment, such as a basic understanding of what courts require from lawyers in document and exhibit preparation. Depending on the VA's skills and the nature of the assignment, conducting online research might also be part of the engagement. An administrative virtual assistant should demonstrate the ability to organize documents and chronologies, and create and maintain client files. A virtual assistant should be able to conduct all these activities electronically from a remote location. That assumes and requires compatible email, word processing, document management, and database capabilities. There are, of course, other document exchange tools that come into play—fax, overnight courier, even surface mail. But effective electronic integra-



ED POLL coaches attorneys on practice management issues; he's a Fellow, College of Law Practice Management®; Board Certified Coach to the Legal Profession, SAC®; charter member of the Million Dollar Consulting® Hall of Fame; and first recipient of The California State Bar (LPMT Section) Lifetime Achievement Award. Ed is a syndicated columnist and the author of numerous books on law practice management, including his latest, *Life After Law: What Will You Do With the Next 6000 Days?*

tion is a must.

Once they are part of the firm, virtual assistants can be leveraged, not just through their technical abilities, but also for their client service strengths. Here are two examples, particularly relevant to client service issues in smaller firms:

- Failure to return phone calls or respond to letters is the number one complaint clients have about lawyers. Lawyers may be otherwise engaged, but clients want to be assured that their matter is being dealt with. Having a virtual assistant available to assure the client that their inquiry will be answered as soon as possible can prevent client relations problems.

- Clients want to know what's happening with their matter. Even though the lawyer might be doing a great job, if the client doesn't know that, there's bound to be a problem— usually at fee-paying time. Virtual assistants can often handle the kind of communication that clients appreciate, by sending copies of documents or making calls to provide an update at the direction of the lawyer.

### **SPECIAL CONSIDERATIONS**

One of the most important considerations about the outsourced VA relationship is to ensure that it is in fact an engagement of an independent contractor. Not every part-time or offsite legal assistant or paralegal qualifies. If the person hired by the firm does not have independent control of their work process—if they rely on their employer for direction not only on what should be done, but for how it should be done— that person may in fact fit the legal definition of an employee, and subject the firm to all the legal requirements that employers must meet.

Note also that a VA relationship is different from that with a temporary employment agency. Temps can be a viable solution to

small firm or solo personnel needs, but firms that need anything other than the most basic clerical assistance might also consider and select a temporary on a long-term basis, known as “temp to perm.” This option accommodates extended projects and protracted



litigation, but is typically only pursued with a temporary agency that specializes in temporary legal personnel.

A final consideration is that, while virtual paralegals also exist, there is reason for considering them to be different from virtual assistants. Such paralegals may be able to perform duties virtually, but there is a distinct difference from VAs in that freelance paralegals are required to do conflict checks regarding any matters they undertake that are matters of law and client confidentiality. By contrast, virtual assistants, as administrative staff, do not have to perform conflict checking; but of course they must still maintain professional confidentiality in the work that they do.

### **BOTTOM LINE**

For the virtual assistant, pursuing assignments in this way is a tremendous advantage not only in taking charge of your own career, but also in enhancing your opportunities for

work-life balance. As an independent contractor, the VA typically works from home and can define the amount of time dedicated to working hours. From the hiring firm's standpoint, the outsourcing relationship to a professional VA should create more than cost efficiencies— it should create an effective team relationship that enhances the firm's practice. This team dynamic is a powerful tool to serve clients and market the practice to potential new ones. Inclusiveness will produce better results for all, increase productivity and therefore profitability of the firm— the original objective for establishing the virtual relationship.

If you are interested in learning more about the virtual assistant career alternative, one place to start is the website of the International Virtual Assistants Association, [www.ivva.org](http://www.ivva.org). This is the oldest and largest profes-

sional organization for those who provide VA services, and on their website you can find a variety of resources to give you more information. A website more specifically focused on legal VAs is [www.legalVA.com](http://www.legalVA.com), which also is a reliable source of recommendations. Finally, you can do an online search on the general topic of “law firm virtual assistants” to find blogs and online communities that link the people who provide this service.

Remember that being a virtual assistant, like being self-employed in any profession, is not for everybody. But it can be a path to personal and career satisfaction, and a positive alternative to worrying about whether and when there will be layoffs at your firm. <sup>LS</sup>

Edward Poll— All rights reserved© 2012

# Moving Your Association Forward –You Can Make It Happen

BY CHRISTA DAVIS, NOMINATIONS AND ELECTIONS CHAIR

The time has come once again for members of LSI to begin thinking about the future leadership of the associations. Yes, the time for the election of officers is just around the corner. Soon local association nominations and elections committees will begin making phone calls, or personally asking members to step up and run for office, or volunteer to be a committee chair. Before you consider avoiding the telephone and committee members at membership meetings, take a few minutes to consider what you would have liked your association to have offered over the past year, and more importantly, consider what you can do for your association—and for LSI.

side of your comfort zone, but “safe moves” are boring and nothing ventured is nothing gained. Live dangerously . . . take a step outside of that nice comfortable box you currently enjoy, and make the decision to run for an office of your local association, or volunteer to be a committee chair. Seriously, what is holding you back? LSI and the local associations are always looking for new leadership, knowledge, and fresh ideas. Your associations will never benefit from the wealth of expertise and fresh ideas that each member has to offer unless members step up and serve in some capacity.

“These changing times demand a commitment by those in the legal field to achieve

elections chair calls, and volunteer to run for an office of your association or offer to be a committee chair. You will not be alone in this venture, because there are many members with the history, knowledge, and experience to help you along the way. Take advantage of these mentors because they hold the history of your association and can provide invaluable information to help you succeed as an officer or a chairman.

Don't just sit back and let this opportunity to give back to this organization pass. Jump on the bandwagon. Share your knowledge, ideas, and time, and run for an office of your association or volunteer to be a committee chair. Sure there will be work involved and

## “These changing times demand a commitment by those in the legal field to achieve the highest degree of excellence in every phase of personal and professional growth.”

Has your association met your expectations for continuing education, networking opportunities, and social gatherings? Were there topics you wish your association had covered over the past year? Have other associations hosted educational seminars and social events that you would like to see your association provide? Maybe you think, “The association will be just fine without my help—let someone else do it.” Simply sitting back and thinking, “Someone else will deal with it,” or “Now is not the time for me to get involved,” or “I just don't have the time” is not going to make it happen. What if every member of your association is thinking along those lines? Then nothing will happen. Complacency is not an option.

If you want something to happen, you have to take the steps to make it happen. It's never a “safe move” when you step out-

the highest degree of excellence in every phase of personal and professional growth.” So states the “Welcome to *Legal Secretaries, Incorporated*” brochure. These are challenging times and we must commit to the highest degree of excellence in every phase of our personal and professional growth if we want to see LSI prosper and grow. Be a part of that growth, and step up to the plate. Take that phone call when your nominations and

time taken to accomplish the task, but you will be rewarded in many ways. The personal and professional growth you realize will be invaluable tools that you will always have, and tools that you tap on constantly throughout your personal and professional life. If you want to see changes and growth in your association, it has to start with you. **LS**



CHRISTA DAVIS began her legal career as a legal secretary trainee in 1987. She joined Livermore-Amador Valley LPA in 1989. She has held various offices and chairmanships on the local and state level, and was LSI President 2008–2010. She currently serves as Nominations and Elections Chair. Christa is the Administrator for Staley Jobson, where she has worked since 1989.



# GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

Dear Friends,

Happy New Year! I hope that you all had a fantastic holiday.

Please take a moment to review the Guidelines. One of the suggested topics is to send photographs or articles regarding the success of your association and/or your association event. This is a fantastic opportunity to showcase your association and let others in the legal community know what you are up to.

Also, please remember that we do have a "Letters to the Editor" column so feel free to send me your letter in response to an article you've seen in this issue or a in a prior issue.

And lastly, my thanks to Don Lee, Esperanza Larios and Barbara Barregar for their photo submissions in this issue. Do you have something you'd like to see published? If so, please send it my way.

Cheers,

Michelle



## 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.
2. The subject should be either horizontally or vertically positioned. Centered, straight-on shots are preferred. If you use a flash, direct it away from the subject to avoid glare; or move a few inches left or right of center to eliminate glare.
3. If you submit photographs other than your own, please indicate the source and include any letters of permission for publication in the magazine.

MEET MARY BEAUDROW, CCLS, LSI'S VICE PRESIDENT, PROGRAMS CHAIR, MEMBERSHIP CHAIR, MARKETING CHAIR, AND SOON TO BE MATH WIZ—ONCE SHE STARTS COUNTING ALL OF THOSE CHAPTER ACHIEVEMENT POINTS. WHEW!

Mary's family background is a little different from most people. Her parents, Frank and Mildred Wenquist, were married in San Francisco on July 17, 1936. She is the youngest of five siblings. Her oldest brother, Keith, was born in 1937, her sister Karen was born in 1940, her identical twin brothers Gary and Don were born in 1948, and then her parents were surprised by her arrival in 1959. Being that her siblings were much older than she, their kids became her younger sisters. Mary loves telling people that she became an aunt for the first time at 3½ years of age.

Mary is a huge sports fan and, being a native San Franciscan, her favorite teams are the San Francisco 49ers and the San Francisco Giants. I'm sure most of you remember that on a night of cold, wind, and rain, the San Francisco Giants combined great pitching, timely hitting, and sharp defense to sweep the Detroit Tigers in a 4-3 victory, securing a second World Series title in just three seasons.

Mary has a love of music. From sixth grade through her senior year in high school, she played the cello. I'm sure you didn't know that she sings, but she does and she actually sang in a Christmas show on a local cable station back in her early twenties.

During high school, Mary's sister got her a job working at an attorney service at which her sister was working, Preferred Legal Services, Inc (PLS). She continued working there even during her days of study-

ing nursing at San Francisco State University. However, life took a surprising turn and Mary left college to work full time at PLS. She worked there for over 25 years, then she was at One Legal, Inc., and then through networking in LSI, she found her current position as Senior Docket Coordinator at Morrison & Foerster, LLP in San Francisco. Mary says she is fortunate that her employer supports her involvement in LSI. Her supervisor understands the importance of attending conferences, and did so even before Mary was an LSI officer. Mary's supervisor says that she appreciates the information that she brings back to her department, and with the many hats that she wears for LSI, we appreciate all she does.



**IN MEMORIAM**

# In Memory of Bernice Tabbert



Sadly, we report the passing of BERNICE M. TABBERT. Bernice was born on April 13, 1913 and was preceded in death by her husband Keith Tabbert. She is survived by her niece Jane Anderson, and nephews Steve Fuckser and Larry Larson. Bernice was a volunteer at the Doctor's Medical Center for many years and was awarded the Volunteer of the Year in 2003, where she had spent 29,000 hours of volunteering. She was the president of Legal Secretaries, Incorporated from 1958-1960 and was also a member of the Garden Club. She passed away on December 28, 2012.



# Do You Know The Way To San Jose?

BY ROD CARDINALE — SUBMITTED BY SANTA CLARA LPA

**D**o You Know The Way To San Jose? was the theme Santa Clara County Legal Professionals Association (“SCCoLPA”) used in its successful campaign to bid on LSI’s 2013 Annual Conference and SCCoLPA is very excited and proud to host the 79th Annual Conference of Legal Secretaries, Inc., on May 16-19, 2013. The theme of the conference will be “LSI Through the Years” and SCCoLPA plans to honor and pay special tribute to those who have paved the way for the last 79 years. We will celebrate the legacy of legal secretaries and legal professionals, and honor all the contributions they have made to make LSI what it is today.

The scrip ticket fee will be \$140 which includes registration, Friday night reception, Saturday evening banquet, and Sunday brunch at the San Jose Marriott, located at 301 South Market Street, San Jose, California 95113. The conference room rate will be \$109 single/double per night. The hotel is located a short three miles from Mineta San Jose International Airport. The hotel does not provide shuttle service, but the estimated cab fare from the airport is approximately \$15 one way. Valet parking at the hotel is \$25 daily. Off-site parking within walking distance from the hotel is approximately \$7/day. In addition to flying into San Jose, the San Jose Diridon train station is 1.2 miles from the hotel and the Greyhound bus station is less than one-half mile away. You can also catch the VTA light rail from the train station or bus station and it will drop you off right in front of the hotel.

The San Jose Marriott is located in the heart of downtown San Jose and Silicon Valley. The Marriott has a sleek, vibrant, casual décor, and features 506 spacious guestrooms, including 28 luxurious suites. The guestrooms feature pillowtop mat-

tresses, flat-screen televisions, CD players, cordless phones, high-speed internet, laptop safes, and refrigerators. Upon your arrival, relax and unwind in the “Tanq,” a posh lounge with floor to ceiling views of downtown San Jose. The Marriott also features fine dining at Arcadia, one of the most celebrated restaurants in San Jose, helmed by 2005 Bon Appetit Chef of the Year Michael Mina. Other amenities include a Starbucks and the Corner Market Kitchen for light morning, noon, or evening fare. An onsite Hertz Car rental desk is conveniently located inside the hotel if you are traveling without a car.

SCCoLPA plans to take you on a “nostalgic trip down Memory Lane. Every event over the weekend will celebrate a particular decade. On Friday night, come dressed in your pink jacket and poodle skirt as we treat you to a 50’s-themed welcome reception, complete with live music and a twist contest!


On Saturday night come to the banquet dressed in your finest formalwear because we plan to take you back to the 1940s when everyone danced the jitterbug and did the fox trot to the big band sounds of Glenn Miller and Benny Goodman. The ‘40s were synonymous with glamour— with the fashion of that era being elegant gowns, strands of pearls, and long gloves. Finally, at the Sunday brunch we will look eagerly to the future while at the same time honoring and respect-

ing the past with the help of a very special inspirational guest speaker.

We hope that you plan to attend the Legal Specialization Section workshops that will be offered over the course of the weekend. The section workshop leaders always go above and beyond to schedule interesting and relevant topics that will no doubt be of great help to you in your daily work activities.

There will also be plenty of time for networking at conference! Don’t forget to bring plenty of business cards to drop off at the exhibitors’ opportunity drawings and mailing labels to stick on all of those opportunity drawing tickets you’ll be purchasing!

There is much to see and do in San Jose. Our next article will feature highlights of our great city. You can plan on making this a family vacation. Arrive a day or two early, or stay a bit longer after conference so that you can take advantage of all that San Jose has to offer.

Santa Clara County Legal Professionals Association is honored to host the 79th Annual Conference and is busy planning a very special and memorable weekend for you. So save the date, mark your calendars, make your reservations soon, and join us for “LSI Through the Years” at the San Jose Marriott on May 16–19, 2013. You won’t want to miss it! 



ROD CARDINALE, JR. is a Paralegal at Grathwohl, Rauch, and Cohen PC, one of the leading estate planning firms in the Bay Area since 1972. Rod is a graduate of the Evergreen Valley College Paralegal Program, and joined in June of 2009. Rod is starting his second term as President of SANTA CLARA COUNTY LEGAL PROFESSIONALS ASSOCIATION (“SCCoLPA”). Rod is also serving as LSI’s 2013 Annual Conference Chair.

# Tips For Studying To Re-Take The CCLS Exam

TERRIE QUINTON, CCLS — SUBMITTED BY CCLS CERTIFYING BOARD

**A**fter studying hard and long for the CCLS Exam, you find out that you did not pass. Do you wonder what more you could have done to pass the Exam? Here are some tips to help you pass the Exam the next time.

1. **Be sure to send in your Request for Exam Review.** You have 20 days from the date you receive your results to send in your Request. During the Exam Review, you have one hour to review any section(s) you did not pass. You are not allowed to take notes or talk to the person administering the review. Because it is impossible to remember every question you missed, you should concentrate more on overall areas in each section that need improvement.
2. **California Legal Procedure.** When reviewing this section, determine which areas of law gave you the most trouble, and make a mental note. When studying, you should concentrate on the areas where you missed the most questions. For instance, if you missed most of the questions involving Probate and Corporate, but got most of the questions correct in the other three areas of law (Civil, Real Estate, and Family), then spend the majority of your time studying for the retake on Probate and Corporate. Review the other areas as a refresher, but allocate more of your study hours to those sections.
3. **Legal Terminology.** When reviewing Legal Terminology, determine the areas where you had the most difficulty. Was it citations? If so, was it case citations, codes, treatises? Perhaps it was straight terminology. Was it Latin terms or real estate terms? Once you've narrowed down the more difficult areas, you can concentrate your studies on those areas. If you need to work harder on citations,

ask a friend or co-worker to help you by giving you citations with errors in them and determine the errors. If you can recognize the errors, it will help you recognize correct and incorrect citations during the exam. If the area you need help in is terminology, create flash cards for those citations you don't know



right away. Also, group like terms on a single card— for instance, put deed of trust, grant deed, and quitclaim deed on a single card so you can recognize they are related, and you can state the differences every time they come up in your stack.

4. **Legal Computations.** In Legal Computations, most individuals have trouble with either the calendaring portion of the exam or the math portion. For some, both sections are difficult. If your difficulty is in calendaring, create a chart

for each of the five areas of law covered (Civil, Family, Probate, Real Estate, and Corporate) with the timing for each item. For instance, on your chart list "Responses due to Personally Served Interrogatories" and (then in show) "30 days from date of service" is the time (this will also help you with California

Legal Procedure). Then, because Legal Computations involves actual calendaring, choose random dates for items (such as a Shareholders' Meeting, and calendar the last day to fax serve notice of the meeting). If math is where you had more difficulty, pull out your child's math book (or borrow one), and take a look at the word problems. Most of the math that is on the Exam is addition, subtraction, multiplication, and division (percentages are covered, but that is just multiplication), and is covered in many



TERRIE QUINTON has been a legal secretary since 1985, and is a member of San Diego Legal Secretaries Association. Terrie obtained her CCLS in 1997, and has since served four years on the CCLS Certifying Board, and is currently the CCLS Chair for her local association. In addition, Terrie is currently LSI's California Certified Legal Secretary Chair

elementary school math books. The difficulty is in reading and understanding the question— have a friend write out questions for you and ask them to put information in the question that is not necessary, ask them to use double negatives, and many subparts.

5. **Ability to Communicate Effectively.** Like the other sections, when reviewing this section, concentrate more on an area of difficulty rather than specific questions. Did punctuation give you the most trouble, or perhaps it was spelling or word usage. Once you have made this determination, go back to Gregg and review those sections in more detail. With things like punctuation, use everyday material to help you recognize proper punctuation— I am an avid reader and find punctuation errors all the time in books and magazines! If your issue is something like word usage or numbers, create flash cards with the proper form and why they are the proper form of the words or numbers. Is spelling difficult? Have an old-fashioned spelling bee.
6. **Law Office Administration.** Again, determine in which area of this section you had more difficulty. If computer terminology was your downfall, talk to the IT person in your office or the nearest teenager and ask them to help explain the terms to you in plain English. Was alphabetic filing difficult? Ask friends or co-workers to give you a bunch of names on index cards. Then from the deck of index cards, pick three or four and put them in order according to Gregg's alphabetic filing rules.
7. **Reasoning & Ethics.** With this section, you should determine if

your difficulty was with the law (as set out in the Rules of Professional Conduct, etc.) or with the section on judgment. If the law was more difficult, take a look at whether it was the Rules of Professional Conduct, notary laws, or some other area and concentrate on those— make bullet point lists of those items you don't know off the top of your head. If the judgment portion was more difficult, keep in mind the following things about your (or anyone else's) actions: the first priority is that your actions are legal, then that they are in the client's best interests, then that they are in the firm's best interests.

8. **Skills.** A review of the Skills section is a bit more difficult to pare down to an area of difficulty. Review this section last, so that if you run out of time, you will have studied the more difficult sections. The biggest trick when taking this section is the method by which you go through the papers. Take the first two options of each form (e.g., 1A and 1B) and go through them line by line (use your scratch paper if it's easier to see each line individually) until you find a difference, then check your instruction memo to determine which is correct, then get rid of the form with the error (e.g., 1A). Repeat this step with the next form (e.g., 1B and 1C), until you are left with only one correct form.

These are just a few suggestions for helping you to study to retake the CCLS Exam. If you would like more suggestions, or if you have any questions, do not hesitate to contact me at [quinton@dsmw.com](mailto:quinton@dsmw.com). <sup>LS</sup>

## CAROL NYGARD & ASSOCIATES

DEPOSITION REPORTERS

# Toll Free (877) 438-7787



[www.SacramentoCourtReporter.com](http://www.SacramentoCourtReporter.com)



[www.SanFranciscoCourtReporter.com](http://www.SanFranciscoCourtReporter.com)

*Complimentary airport pick up & return Sacramento and San Francisco locations!*



**Christa Davis** has graciously accepted the appointment of Nominations and Elections chair. Christa joined Livermore-Amador Valley LPA in 1989, and has held various offices and chairmanships on both the local and state levels. Christa has held every position on the LSI Executive Committee, and was LSI President 2008–2010. Christa is the Administrator for Staley Jobson, where she has worked since 1989. Thank you for taking over this LSI position, and for Rising to the Challenge.



Congratulations to **Lynne Koroush**, LSI's newly appointed Professional Liaison/Day in Court Chair. Lynne is a legislative/legal secretary with Greenberg Traurig, LLP, with over 27 years' experience in the legal field. Her areas of specialty are legislative, regulatory, and administrative law. She has been a member of Sacramento Legal Secretaries Association (SLSA) for six years, and recently served as Co-Chair for the SLSA Day In Court Committee. Prior to joining SLSA, she served as a two-term President for Solano County LSA, also serving as its Secretary, Vice President, and Governor. Lynne also served as LSI's Law Office Administration Section Leader from 1996–1997. Thank you Lynne, for Rising to the Challenge!



**Carrie Hughes** has also accepted a position on the PRC. Most of you are familiar with Carrie as she was LSI's Historian for 2010-2012, happily running from room to room snapping photos. Carrie has been a Legal Secretary since 2002 and received her CCLS in 2008. She started with her firm (Galloway, Lucchese, Everson & Picchi) in 1997. She has been a member of Mt. Diablo LPA since 2003 and served her local association as President, Historian, Treasurer, Parliamentarian, Delegate, and Governor Pro Tem. During her term as President of MDLPA membership rose by 34 percent. Currently, Carrie serves as MDLPA's co-Parliamentarian, Bulletin Editor, Legal Procedures Chair, and Inter Association Chair. She has also had the privilege to lecture to local high schools and colleges about choosing a career in the legal field and the benefits of joining MDLPA and LSI.

Carrie has been married for 20 years, and has three amazing children. She actively volunteers in her children's extracurricular activities including wrestling, soccer, and Girl Scouts. She also serves as the Troop Leader for her daughter's Girl Scout troop and she serves as a Director for Diablo Day Camp which is a week long, day camp for approximately 200 Girl Scouts.

Our thanks to Carrie for Rising to the Challenge and accepting the Assistant Editor position on the Publications Revision Committee.

### **AS YOU KNOW, SANTA CLARA COUNTY LPA HAS THE DISTINCT HONOR OF HOSTING LSI'S 79TH ANNUAL CONFERENCE, TO BE HELD MAY 16-19, 2013 AT THE SAN JOSE MARRIOTT IN SAN JOSE, CA.**

It was announced that San Jose will play host to the 2013 Amgen Tour of California time trial stages on Friday, May 17, 2013 in San Jose. These time trials and this race attract the world's most elite cyclists and is part of North America's biggest cycling tour. At this time, it does not appear that the race course will be venued in downtown San Jose near the Marriott, however, we have been informed that hotel rooms will fill up very quickly from this point in time going forward. We would like to encourage all LSI members who plan to attend the annual conference next May to go ahead and book their rooms now. The easiest way to make the hotel reservations at: [https://resweb.passkey.com/Resweb.do?mode=welcoming\\_ei\\_new&eventID=9697432](https://resweb.passkey.com/Resweb.do?mode=welcoming_ei_new&eventID=9697432).

# Dates to Remember in 2013

<b>February 10, 2013</b>	<b>Deadline to Receive Notice of Intention to Bid (Host a Conference)</b>
<b>February 14, 2013</b>	<b>Last Day to register for CCLS Exam (late registration)</b>
<b>February 22-24, 2013</b>	<b>LSI Third Quarterly Conference Knott's Berry Farm Hotel, Buena Park, CA — Host Association: Orange County LSA</b>
<b>February 23, 2013</b>	<b>Deadline to hand deliver Notice of Intention to Bid (Host a Conference)</b>
<b>March 16, 2013</b>	<b>CCLS Exam</b>
<b>April 1, 2013</b>	<b>Deadline for Scholarship Application</b>
<b>April 20, 2013</b>	<b>Chapter Achievement Contest Entry Form deadline</b>
<b>May 16-19, 2013</b>	<b>LSI 79th Annual Conference San Jose Marriott, San Jose, CA — Host Association: Santa Clara LPA</b>

## Helpful Websites

### **Supreme Court of the United States**

<http://www.supremecourt.us>

### **Office of the Attorney General**

[www.ag.ca.gov](http://www.ag.ca.gov)

### **California Courts**

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

### **California Assn. of Legal Support Professionals**

[www.calspro.org](http://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](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](http://www.sos.ca.gov)

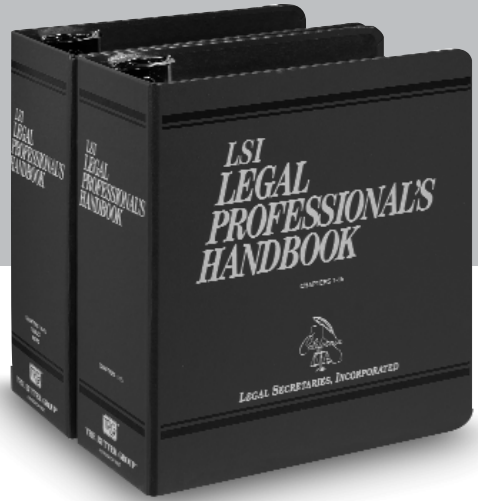
### **National Court Reporters Association**

<http://www.ncraonline.org>

**LEGAL SECRETARIES, INCORPORATED**

# LEGAL PROFESSIONAL'S HANDBOOK FOR CALIFORNIA LAW PRACTICE

compiled by Legal Secretaries, Incorporated  
published by The Rutter Group



## LEGAL STAFF'S ULTIMATE RESOURCE GUIDE FOR OVER 75 YEARS!

**STEP-BY-STEP GUIDANCE:** Step-by-step instructions for each major area of law practice; shows deadlines, fees, number of copies, addresses and all the other details needed to do the job right the first time!

**FORMS:** Judicial Council forms are included, plus practice-tested forms for pleadings, motions, business documents, transmittal letters, etc.

**RELIABLE:** The Handbook is written and reviewed by experienced legal secretaries, attorneys, and judges. The Publications Revision Committee has years of practical know-how and expertise in each area covered in the Handbook.

**UP-TO-DATE:** The Handbook covers the current statutes and court rules. It is kept up-to-date by the Publications Revision Committee through annual replacement pages.

2 Volumes

LSI Members-Only Price: **\$236**

Nonmembers Price: **\$295**

(Includes shipping)

## CONTENTS

- California Court System
- Statutes of Limitation/Jurisdiction
- Attachment/Other Provisional Remedies
- Commencement of Civil Actions
- Discovery in Civil Actions
- Pretrial and Judgment in Civil Actions
- Postjudgment Proceedings
- Civil Appeals and Writs
- ADR
- Foreclosures: Mortgages and Trust Deeds; Mechanic's Lien
- Unlawful Detainer
- Federal Civil Procedure and Appeals
- Bankruptcy
- Family Law
- Adoptions
- Criminal Law and Procedure
- Probate Proceedings: Decedents' Estates; Guardianships/Conservatorships; Trust Law
- Workers' Compensation
- California Commercial Code
- Corporations
- Limited Partnerships
- Intellectual Property Law: Copyrights; Trademarks; Patents
- Miscellaneous General Information

TITLE	PRICE	QTY.	SUBTOTAL	TAX	AMOUNT
Legal Professional's Handbook	\$236 (LSI Members-Only Price)				
Legal Professional's Handbook	\$295 (Nonmembers Price)				

### 3 ways to order!

Mail or fax this order form  
Call 1-800-747-3161 (ext. 2)  
Visit [www.RutterGroup.com](http://www.RutterGroup.com)<sup>TM</sup>

Mail to **THE RUTTER GROUP**  
15760 Ventura Blvd.  
Suite 630  
Encino, CA 91436  
Or fax to 1-818-377-7839

- MY PAYMENT IS ENCLOSED.** 45-day return privileges apply.
- PLEASE SEND ON 45-DAY APPROVAL.** If I decide not to keep this title, I will return it within 45 days at my own expense. Your subscription(s) to future Updates will be entered automatically. If you do not wish to receive automatic Updates, check box below.
- Do not send future Updates. I understand this product has limited value without Updates. (Cost of 2011 Update was \$135.)

NAME \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_ STATE BAR NUMBER \_\_\_\_\_

FIRM \_\_\_\_\_

ADDRESS \_\_\_\_\_ SUITE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Enclosed is my check for \$ \_\_\_\_\_ payable to **THE RUTTER GROUP**

Charge \$ \_\_\_\_\_ on my  VISA  MASTERCARD  AMERICAN EXPRESS

CREDIT CARD NUMBER \_\_\_\_\_ EXP. DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

**To order or for more information, call 1-800-747-3161 (ext. 2)**

40272000



## LEGAL SECRETARIES, INCORPORATED ~ ORDER FORM

ITEM	UNIT PRICE	QNTY	TOTAL
<b>BRASS TACKS*</b> A guide instructing local officers and chairmen on how to perform their respective duties. Contains check lists, calendars and forms. (Rev. 12/2011) No charge for PDF [ ] Send hard copy [ ]	\$ 5.00		\$
<b>CCLS BROCHURE</b> Tri-fold brochure promoting the benefits of taking the CCLS Exam. (Rev. 12/11)	N/C		
<b>CCLS STUDY GUIDE (Revised 2012)</b> Sample questions and answers to assist in preparing for all sections of the CCLS Exam.	25.00		
<b>CCLS PIN</b> A ½" high, 10-karat gold-filled pin with CCLS logo. For the CCLS.	35.00		
<b>CCLS STUDY KIT SECTIONS</b>			
<b>CALIFORNIA LEGAL PROCEDURE (CLP)</b> CLP Section of CCLS Study Guide, CLP Worksheets, CLP Study Tips, List of Additional references required for CLP	30.00		
<b>LEGAL TERMINOLOGY (LT)</b> California Style Manual (book included with section), LT Section of CCLS Study Guide, LT Worksheets, LT Study Tips, list of additional references required for LT	50.00		
<b>LEGAL COMPUTATIONS (LC)</b> LC Section of CCLS Study Guide, LC Worksheets, LC Study Tips, list of additional references required for LC	30.00		
<b>SKILLS (SK)</b> SK Section of CCLS Study Guide, SK Worksheets SK Study Tips, List of additional references required for SK	30.00		
<b>ABILITY TO COMMUNICATE EFFECTIVELY (ACE)</b> Gregg Reference Manual, 10 ed. (book included with section), Gregg Worksheets & Answer Keys (Basic and Comprehensive) (books included with section), ACE Section of CCLS Study Guide, ACE Worksheets, ACE Study Tips, list of additional references required for ACE	199.00		
<b>LAW OFFICE ADMINISTRATION (LOA)**</b> <i>The Legal Assistant's Practical Guide to Professional Responsibility</i> (book included with section) Secretary of State Notary Public Handbook, LOA Section of CCLS Study Guide, LOA Worksheets, LOA Study Tips, list of additional references required for LOA	70.00		
<b>REASONING AND ETHICS (R&amp;E)**</b> <i>The Legal Assistant's Practical Guide to Professional Responsibility</i> (book included with section), California Rules of Professional Conduct, Secretary of State Notary Public Handbook, R&E Section of CCLS Study Guide, R&E Worksheets, R&E Study Tips, list of additional references required for R&E	70.00		
**If LOA and R&E are purchased as individual sections at the same time, there is a \$40.00 discount because the same reference book is included in both sections.			
<b>COST OF FULL STUDY KIT (ALL 7 SECTIONS)</b>	299.00		
<b>GUIDELINES FOR HOSTING LSI CONFERENCES*</b> An instruction guide, including forms and samples, essential to any association considering a bid to host an LSI Conference. (Rev. 12/09)	N/C		
<b>GUIDELINES FOR PREPARATION OF A LEGAL EDUCATIONAL PROGRAM</b> A 34-page guide, with sample forms, to assist with the planning and execution of a successful legal educational program. (Rev. 11/11)	5.00		
<b>HISTORY BOOK AND SCRAPBOOK COMPETITION RULES AND GUIDELINES*</b> A booklet with step-by-step directions, including rules and examples, for preparing a History Book for entry in the LSI History Book Competition. Created for local association historians and/or presidents. (Rev. 5/12)	5.00		
<b>HISTORY OF LEGAL SECRETARIES INCORPORATED</b> A 50-page memory of people, places and events since 1929. (Rev. 4/12)	5.00		
<b>LAW OFFICE PROCEDURES MANUAL FLYER</b> An 8 ½" x 11" advertisement of the LOPM. Includes listing of contents and Order Form. (Rev.1/12)	N/C		
<b>LAW OFFICE PROCEDURES MANUAL INSTRUCTOR'S GUIDES</b> To assist instructors in conducting training classes. Teacher Training Chapter offers tips for teaching. Other Guides supplement Chapters of the LOPM and contain projects, instructions to student, completed and blank legal forms, exams and answer keys.			
TEACHER TRAINING CHAPTER (Rev.6/11)	4.00		
ADOPTIONS CHAPTER (Rev. 6/11)	7.00		
CIVIL PROCEDURE CHAPTER (Rev. 6/11)	7.00		
CONSERVATORSHIP CHAPTER (Rev. 6/11)	7.00		
CORPORATIONS CHAPTER (Rev. 6/11)	7.00		
COURT STRUCTURE/ MISCELLANEOUS CHAPTER (Rev. 6/11)	7.00		
CRIMINAL LAW CHAPTER (Rev.6/11)	7.00		
DISCOVERY CHAPTER (Rev. 6/11)	7.00		
FAMILY LAW CHAPTER (Rev. 6/11)	7.00		
PROBATE CHAPTER (Rev.6/11)	7.00		
REAL ESTATE CHAPTER (Rev. 6/11)	7.00		
UNLAWFUL DETAINER CHAPTER (Rev. 6/11)	7.00		

\*Item available to LSI members only.

(Prices effective 01/01/2013)

## LEGAL SECRETARIES, INCORPORATED ~ ORDER FORM

ITEM	UNIT PRICE	QNTY	TOTAL
<b>4GB TWIST FLASHDRIVE</b> with jump ring with complete set of LOPM Instructor Guides	\$ 65.00		\$
<b>LEGAL SECRETARY'S REFERENCE GUIDE</b> A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff. (Rev. 04/12)	30.00		
<b>LSI BYLAWS AND STANDING RULES*</b> As currently adopted by the LSI Governors. Download for free at www.lsi.org	5.00		
<b>LSI LEGAL PROFESSIONAL'S HANDBOOK FLYER</b> An 8 1/2" x 11" advertisement of the LPH. Includes listing of contents and Order Form. (Rev. 1/2012)	N/C		
<b>LSI LEGAL SPECIALIZATION SECTIONS BROCHURE</b> Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 6/12)	N/C		
<b>LSI MEMBERSHIP BROCHURE</b> Tri-fold brochure, extolling the advantages of LSI membership and programs. Contains request for membership application. (Rev. 12/11)	N/C		
<b>LSI MEMBERSHIP PIN* (magnetic or pin back-please specify)</b> A 3/4" high oval gold-tone pin with blue and white enamel overlay. LSI logo in center and "Legal Secretaries, Incorporated" inscribed on circumference. For all LSI members. <input type="checkbox"/> Magnetic <input type="checkbox"/> Pin back closure	5.00		
<b>LSI ROSTER*</b> Booklet with current listing of LSI officers, chairmen, past-presidents, honorary members, scheduled conferences, local association presidents and governors.	N/C		
<b>MEMBERSHIP APPLICATION FORM*</b> 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. <input type="checkbox"/> E-mail -or- <input type="checkbox"/> Printed	N/C		
<b>NEW MEMBER PACKET*</b> 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		
<b>PRESIDENT'S PENDANT*</b> 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		
<b>PRESIDENT'S PIN*</b> Same as pendant (see above). Specify magnetic or pin back. <input type="checkbox"/> Magnetic <input type="checkbox"/> Pin back closure	7.00		
<b>TOTAL ORDER</b>			\$
<b>MAILING/SHIPPING AND HANDLING (15% OF TOTAL ORDER)</b>			\$
<b>SUB-TOTAL, INCLUDING MAILING/SHIPPING AND HANDLING)</b>			\$
<b>CALIFORNIA SALES TAX (7.50% OF SUB-TOTAL)</b>			\$
<b>TOTAL DUE</b>			\$

PLEASE LIMIT THE QUANTITIES OF NO-CHARGE ITEMS ORDERED TO MINIMAL IMMEDIATE REQUIREMENTS. COMPLETE PAYMENT INFORMATION BELOW AND MAIL COMPLETED ORDER FORM TO LEGAL SECRETARIES, INCORPORATED, CORPORATE OFFICE, PO BOX 660, FORTUNA, CA 95540-0660; OR, FAX TO (707) 682-6888. CHECK OR CREDIT CARD INFORMATION MUST BE INCLUDED. ORDER WILL BE MAILED OR SHIPPED WITHIN 10 DAYS OF RECEIPT, SUBJECT TO AVAILABILITY.

**DELIVER TO:** NAME \_\_\_\_\_ ASSOCIATION \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

DAY TELEPHONE ( \_\_\_\_\_ ) \_\_\_\_\_ E-MAIL \_\_\_\_\_

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

**Credit Card Information:** Number \_\_\_\_\_ Expiration Date: Month \_\_\_\_\_ Year \_\_\_\_\_

**Name on Credit Card:** \_\_\_\_\_ **Card Verification Number** \_\_\_\_\_

PER LSI STANDING RULES, A CHECK ISSUED TO LSI WHICH IS 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.

\*Item available to LSI members only.

(Prices effective 01/01/2013)

# Odds And Ends From The Corporate Office Or, Something For Everyone

BY CATHERINE CULVER, CCLS

**G**reetings from Friendly Fortuna. Yes, the city where the corporate office is located does refer to itself that way. LSI is embarking on the final quarter of the fiscal year, and there are a few friendly reminders I would like to share with you.

Governors, you are the liaison between your association and LSI (corporate office). That means that when there is a change or addition of a president, treasurer, or governor, you are the person who should report the changes or additions to the corporate office. Information needed is name, e-mail address, telephone number, and mailing

address of a person hanging who is expressing interest in joining your association.

To learn more about governors' duties, download a copy of Brass Tacks at [http://www.lsi.org/products\\_information.php](http://www.lsi.org/products_information.php). It is free, and available to members only.

Treasurers, wow, you will soon be submitting your final Per Capita Report! Your hard work is appreciated by the corporate office because you are the person who gives me the information to send to the magazine publisher so that your members will receive this magazine. As your members report changes of mailing addresses to you, please pass that

need information. My job is to make sure that you get the information you seek in a timely fashion.

Did you fail to receive your magazine? Ask me to check your address on the magazine list to make sure it is correct. I generally have a small supply of the current issue and am happy to mail you one if yours did not arrive. Don't forget, magazines are archived on the website at [http://www.lsi.org/the\\_legal\\_secretary\\_archives.php](http://www.lsi.org/the_legal_secretary_archives.php). At this writing, you may read through every issue since August 2008.

There is a common thread weaving the above paragraphs together. Did you notice it?

## Did you fail to receive your magazine? Ask me to check your address on the magazine list to make sure it is correct. I generally have a small supply of the current issue and am happy to mail you one if yours did not arrive.


address. This information may change during the year, so when you become aware of a change regarding one of the three officers mentioned above, please pass it along to the corporate office. As soon as your association elects new officers in the spring, please inform the corporate office with, again, names, e-mail addresses, telephone numbers, and mailing addresses. If you are not continuing as governor, please inform your successor of this responsibility. Reporting officer changes is completely separate from your notifications of attendance at Board of Governors meetings which are sent to the LSI Executive Secretary, Jennifer L. Page, CCLS. As governor, it is you to whom I send membership inquiries when they are received. Please pass the inquiry on to the appropriate member of your association— vice president or membership chair. It is poor form to leave

information along. While there is a line on the Per Capita form for changes, I gladly accept e-mails with the pertinent information if that is the only information you are reporting.

Both Per Capita Tax Forms and Certificate of Transfer forms are on the website at <http://www.lsi.org/forms.php> under Members Only. Both forms are fillable when you download them.

Members, feel free to contact the corporate office whenever you have a question, or

Nearly everything going on with LSI is on the website: [www.lsi.org](http://www.lsi.org). Website links are available for all associations with websites. Local association events are listed in the Members Only section, as is Guidelines for Preparation of a Legal Educational Program. Need a Chapter Achievement form? It is there too.

That is all for now. I look forward to seeing you at the next conference. 



CATHERINE CULVER has served as LSI's administrator since May 2007. She is an active CCLS, and resides in Fortuna with her husband Scott Downie, and black Labrador Retriever, Jersey.



LSI Executive Committee.



Jennifer Ellis, receiving her gift as conference chair.

ANSWERS:

	I	N	L	O	C	O	P	A	R	E	N	T	I	S			Y					E	N
I	N	T	E	R	R	O	G	A	T	O	R	I	E	S			X					E	U
C	A	V	E	A	T	E	M	P	T	O	R				V						O		N
						D			Q						O					R		C	G
S						E	A	I	R	U	C	S	U	C	I	M	A				P		I
E						E				O					R					R		S	A
H						D					R				D					O		S	T
C						O		T				U			E					T		U	A
A						F		A							M	R		U		T		S	
L	O	R	A	P		T			R						E	N				N	T	U	
						R		D	U	C	E	S	T	E	C	U	M			A			P
						U		I	J										I	N			R
						S		B										N	E				A
				N	O	I	T	A	I	L	O	P	S						T				

WORDS:

AMICUS CURIAE  
 ASSIGNEE  
 CAVEAT EMPTOR  
 DEED OF TRUST  
 DUCES TECUM  
 IBID  
 IN LOCO PARENTIS  
 INTERROGATORIES  
 INTESTATE

JURAT  
 LACHES  
 NUNC PRO TUNC  
 PAROL  
 PROXY  
 QUORUM  
 SPOILIATION  
 SUPRA  
 SUSTAIN  
 TENANT  
 VOIR DIRE

## 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;"><b>WORKING ADVANTAGE</b> Toll Free: (800) 565-3712 <a href="http://www.workingadvantage.com">www.workingadvantage.com</a> 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, <a href="mailto:lsiorg@suddenlink.com">lsiorg@suddenlink.com</a>, or LSI Vice President</p>	<p style="text-align: center;"><b>HERTZ CORPORATION</b> Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 <a href="http://www.hertz.com">www.hertz.com</a></p>
<b>INSURANCE AND FINANCIAL PROVIDERS</b>	
<p style="text-align: center;"><b>AFLAC AND WORKER'S COMPENSATION QUOTES</b> <b>Steven C. Dannenberg (Independent Broker)</b> 11091 Rhyolite Drive, Suite 4 Redding, CA 96003 Direct: (530) 339-5889 - Office: (530) 243-9879 Fax: (530) 243-9880 E-mail: <a href="mailto:dannenberginsurance@gmail.com">dannenberginsurance@gmail.com</a> Offering supplemental insurance for Accident, Sickness, Cancer, Dental, Hospital Indemnity and Heart Attack/Stroke.</p>	<p style="text-align: center;"><b>CAPITAL INVESTMENT ADVISERS</b> <b>Emerson J. Fersch, CFP, ChFC, CLU, CASL</b> 5000 E. Spring Street, Suite 200 Long Beach, CA 90815 Office: (562) 420-9009 or (877) 270-9342 Fax: (562) 420-9955 <a href="http://www.ciadvisers.com">www.ciadvisers.com</a> Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>
<p style="text-align: center;"><b>LEGACY WEALTH MANAGEMENT</b> <b>Daniel R. Henderson, MBA, CFP</b> 3478 Buskirk Avenue, Suite 300 Pleasant Hill, CA 94523 Office: (925) 296-2853 or (877) 679-9784 Fax: (925) 944-5675 E-mail: <a href="mailto:daniel@legacywealthmanagement.biz">daniel@legacywealthmanagement.biz</a> <a href="http://www.legacywealthmanagement.biz">www.legacywealthmanagement.biz</a> Offering discounted John Hancock Long Term Care Insurance and Life Insurance, Annuities, Retirement, Investment and Estate Planning, Mutual Funds, and 401K</p>	<p style="text-align: center;"><b>DAVID WHITE &amp; ASSOCIATES</b> <b>Wealth Accumulation and Preservation</b> 3150 Crow Canyon Place, Suite 2000 San Ramon, CA 94583 (800) 548-2671 Contact: Ryan Gonzales (ext. 2682), <a href="mailto:rgonzales@dwassociates.com">rgonzales@dwassociates.com</a>, or Matt Kay (ext. 2628), <a href="mailto:mkay@dwassociates.com">mkay@dwassociates.com</a> Offering Investments, Retirement Plans, Education Savings Accounts, Medical Insurance, Life Insurance, Disability Insurance, and Long Term Care Insurance</p>
<p style="text-align: center;"><b>MWG FINANCIAL AND INSURANCE SERVICES</b> <b>Jory Wolf, President/Founder</b> 6333 Greenwich Drive, Suite 210 San Diego, CA 92122 Office: (858)888-7300 Cell: (510)919-9062 <a href="mailto:jory@mwgfinancial.com">jory@mwgfinancial.com</a> California Insurance License: 0E88330 Individual disability insurance solutions</p>	
<b>CREDIT UNIONS</b>	
<p style="text-align: center;"><b>LA FINANCIAL FEDERAL CREDIT UNION</b> P.O. Box 6015 Pasadena, CA 91102-6015 (800) 894-1200 <a href="http://www.lafinancial.org">www.lafinancial.org</a> Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>	<p style="text-align: center;"><b>PROVIDENT CREDIT UNION</b> 303 Twin Dolphin Drive P.O. Box 8007 Redwood City, CA 94603-0907 (800) 632-4699 - (650) 508-0300 <a href="http://www.providentcu.org">www.providentcu.org</a> All LSI members are eligible to join.</p>

QUESTIONS AND CONCERNS CONTACT:  
Mary J. Beaudrow, CCLS, LSI Vice President  
LSI Marketing Committee Coordinator  
939 Hough Avenue, #22, Lafayette, CA 94549  
Cell - (415) 717-5675  
[marybeau@comcast.net](mailto:marybeau@comcast.net)





# First Legal Network

Support Services • Investigations • Document Solutions

## Support Services

court • process • messenger



### Court Filing

Experienced and professional court staff execute each of your assignments as you require. Timely updates of your assignments are communicated in multiple fashions with the originals returned as soon as possible.



### PDF/Fax Filing

A convergence of environmental consciousness and superior technology to economically complete court filing assignments easily and quickly. First Legal Network provides a cost efficient solution for filing your documents in any courthouse.



### ez-File

First Legal Network is the resource for all of your e-filing needs both at the Federal and State level. A select team of professionals proficient on the rules of each system are at work on your behalf. Upload the documents and Consider It Done!



### Court Research

First Legal Network team members are dispatched to research and remit your requested documents. First Legal Network's team can expedite your requests and respond with the desired information timely so your deadline is met without fail.



### Service of Process

Follow-through is the foundation of First Legal's service of process division. No matter the size of the document to be served, the number of locations, the specific time frame or other numerous intricacies of the service, we'll find a way. First Legal Network retains a base of experienced process servers at the ready 24/7.



### Power of the Network

The Network is a suite of services – Attorney Service, Record Retrieval, Digital Solutions and Investigations – all accessible to our clients with a telephone call or a click at [www.FirstLegalNetwork.com](http://www.FirstLegalNetwork.com).



**REDEFINING  
ATTORNEY SERVICE...**

Brendan White 213.276.0142  
[bwhite@firstlegalsupport.com](mailto:bwhite@firstlegalsupport.com)

Nancy Xander 213.494.4605  
[nxander@firstlegalsupport.com](mailto:nxander@firstlegalsupport.com)

Joe Fregoso 213.216.2357  
[jfregoso@firstlegalsupport.com](mailto:jfregoso@firstlegalsupport.com)

[www.firstlegalsupport.com](http://www.firstlegalsupport.com)



# Janney & Janney

attorney service, inc.



Court Services

Process Serving

Fax & E-Filings

Court Research

Skip Tracing

Writs, Levies & Attachments

Photocopy Service

Statewide &  
Nationwide Services

#### Los Angeles

1545 Wilshire Blvd., Ste. 311  
Los Angeles, CA 90017  
(213) 628-6338 Fax:(213) 413-8024

#### Orange County

840 N. Birch Street  
Santa Ana, CA 92701  
(714) 953-9451 Fax:(714) 953-2840

#### Ventura

801 S. Victoria Ave., Ste. 304  
Ventura, CA 93003  
(805) 650-9077 Fax:(805) 650-9091

#### Inland Empire

455 W. La Cadena, Ste. 17  
Riverside, CA 92501  
(951) 369-8369 Fax:(951) 369-4931

#### San Diego

4891 Pacific Hwy, Ste. 102  
San Diego, CA 92110  
(619) 231-9811 Fax:(619) 231-9421

Excellent Service • Fast Turnaround • Great Prices

[www.janneyandjanney.com](http://www.janneyandjanney.com)