

# THE Legal Secretary

May 2012



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### THE LEGAL SECRETARY MAGAZINE

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**BROOKE MANSFIELD-ATHERTON**  
LSI PRESIDENT

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

# Education, Leadership, Mentoring

BROOKE MANSFIELD-ATHERTON, CCLS — LSI PRESIDENT

**W**hat an amazing year it has been for LSI. This past year has seen great change. It is an exciting time to be a member of LSI. For those who attended conferences, you have witnessed an increase in member participation in making motions and entering into discussion on those motions. More members are asking questions on the Executive Committee Resume and taking an active role in the running of LSI.

Three significant things happened at our February 2012 Quarterly Conference. The first was a recommendation that, with the exception of the LSI Treasurer's Report and the Executive Committee Resume, all officer and chairman reports will be posted to the LSI website no later than seven days prior to conference, as to be available to read and print in advance of conference. This change will go into effect June 1. What does this mean? It means we are going paperless! Beginning at our August Quarterly Conference there will no longer be packets of reports for Governors, Officers, Chairmen, Past Presidents or Members-at-Large.

Local association Governors will need to come prepared to the August Conference with all reports either printed in hard copy, or saved to their laptops or iPads for easy reference during the Board of Governors' meeting. This is a significant change for LSI, and has us moving forward into a more positive and efficient direction.

Another significant event was the adoption of the Ad Hoc Committee's recommendation to hire Bop Design as our marketing firm. Within that recommendation was the provision that an ad hoc committee be appointed to work with Bop Design and act as a liaison between LSI and Bop Design. This committee will keep us updated on suggestions for

marketing strategies and updating our logo, website and suggestions for a possible name change or name modification.

The Board of Governors also approved to recommend a proposed Bylaw amendment, and local associations have received that written notice. Voting took place according to our Bylaws. Please refer to the article written by our Parliamentarian, Julie Edsill, CCLS, in this issue of *The Legal Secretary* for more details. The proposed amendment is to Bylaw Article V, Section 1(a), which reads as follows.

(a) Qualifications. An active member shall be a person: (1) licensed to practice law; (2) employed as legal support staff in the office of any attorney engaged in the practice of law; (3) employed by the courts; (4) employed in any other institution or office directly engaged in work of a legal nature, in California; or (5) who possesses, or is in the process of obtaining, a degree or certificate from an educational institution which is related to the field of law.

This does not change the ability of the local associations to continue to provide "associate" or "student" membership at the local level. Typically, this category of member pays dues only to the local association and not to LSI. Local associations would now have the option of including students as full members to LSI, who would then have access to all benefits of LSI membership, such as our magazine, *The Legal Secretary*.

The Executive Committee, Marketing Committee and LSI Past Presidents have worked this past fiscal year to help market LSI by staffing the LSI booth at the State Bar of California Annual Meeting. Contact information gathered at the State Bar Annual Meeting is then forwarded to the appropriate local associations. I hope that you have taken advantage of the contact information sent to your asso-

ciation, and followed through with making contact with these individuals who have shown an interest in LSI.

The members of the Executive Committee and Marketing Committee have also attended conferences held by the California Alliance of Paralegal Association (CAPA) and the Bay Area Legal Forum. Contact information from these events was also forwarded to local associations. Take advantage of the seeds that have been planted. Follow up on these contacts by inviting them to attend your meetings, educational seminars or other special events.

Regardless of our title, paralegal, legal assistant or legal secretary, we all require continuing education to remain current in our area of practice. The Legal Specialization Sections offer a very affordable way to meet your continuing educational needs. Members of a specific section can attend seminars at no cost if they pre-register. If you are not a member of all sections, you can attend sections that you do not hold membership in at a reduce price. LSI is an approved MCLE provider. To learn how your association can provide MCLE approved programs to your local legal community, purchase the Guidelines for Preparation of a Legal Educational Program from the LSI website.

The month of May marks the beginning of our fiscal year, and most associations have already held their installations of new officers and chairmen. The May Annual Conference will provide you with the opportunity to take workshops on several topics to assist you in the new fiscal year. The Officer Chairman Workshops are a great way to network and mentor with your fellow legal professionals. The Presidents' Roundtable will be moderated by Lorraine Bettencourt, PLS, CCLS, LSI Past President 2006 - 2008. The Governors Workshop is designed for our new Governors, to explain the duties and role of Governor, and will be moderated by LSI Executive Advisor, Christa Davis. In addition, we will have a combined workshop on Minutes, Notes and Correspondence & Parliamentary Procedure, moderated by Mary J. Beaudrow, CCLS and Julie Edsill, CCLS; Treasurer's Duties/Corporate Office, moderated by Jennifer L. Page, CCLS and Catherine Culver, CCLS; Legal Secretary Training/Seminars; Ways and Means - Successful Local Association Events; New-comers Workshop; Membership/Chapter Achievement; Programs and Hosting Conferences.

If you have attended a Quarterly Conference (August, November & February), but have never attended an Annual Conference, I strongly urge you to attend our May 2012 Annual Conference hosted by Imperial County LPA and San Diego LSA in San Diego, California. I encourage each association to participate to the fullest. Attend the Officer Chairman Workshops, enter your bulletins in the Bulletin Contest, enter your History Book or Scrap Book in the History Book/Scrap Book Contest. You can't win if you don't enter! I have seen several bulletins from local associations, and they are great!

Let's not forget the Golda J. Cooper Chapter Achievement

Contest. This is your chance to strut your stuff and show the other local associations what you have done this past fiscal year. There is always excitement in the room when the winners are announced. If you missed the deadline to submit your association's Chapter Achievement form for May 2012, start tracking now your points earned monthly for next year's contest.

There is no doubt that we have a great time at conferences, however, we also work hard. There are plenty of opportunities to attend educational workshops and network. The Friday Night Reception is time to re-connect with friends and meet the candidates that are running for the office of LSI Treasurer.

I am excited about the future of LSI and what is ahead for us in the coming year. I encourage you to share your knowledge of LSI with others, invite them to your meetings and to attend LSI conferences. We cannot grow if we are not each committed to participating in our local associations, networking and mentoring the next generation of legal professionals. It is up to each of us to set the example by picking up the torch and shedding light on what your local association has to offer.

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# LSI Third Quarterly Conference 2012

Hilton Hotel, Concord







# Officers and Chairmen Workshops of Legal Secretaries, Incorporated

May 18, 2012

Moderator: J. Cori Mandy, CCLS, Educational Program Coordinator

Schedule:	8:30 a.m.	Introductions and Workshop Overview – J. Cori Mandy, CCLS
		Location: William D. Evans II
	9:00 - 10:15 a.m.	First Session
	10:15 -10:30 a.m.	Coffee Break
	10:30 - 11:45 a.m.	Second Session

President's Roundtable (Incoming/Outgoing Presidents Only) 9:00 a.m. to 11:45 a.m.	
Moderator: Lorraine Bettencourt, PLS, CCLS	
Location: Ventana	
First Session	Second Session
9:00 a.m. - 10:15 a.m.	10:30 a.m. – 11:45 a.m.-
<u>Minutes/Notes/Correspondence/Parliamentarian</u>	<u>Newcomer's Workshop</u>
Moderators: Mary J. Beaudrow, CCLS, LSI Executive Secretary Julie Edsill, CCLS , LSI Parliamentarian	Moderator: Heather Edwards, Liaison to Law Practice Management and Technology Section of the State Bar of California
Location: Bahia Belle I	Location: Bahia Belle I
<u>Treasurer's Duties/Corporate Office</u>	<u>Governor's Workshop</u>
Moderators: Jennifer L. Page, CCLS, LSI Treasurer Catherine Culver, CCLS, LSI Administrator	Moderator: Christa Davis, LSI Executive Advisor
Location: Bahia Belle II	Location: Bahia Belle II
<u>Ways and Means</u>	<u>Membership/Chapter Achievement</u>
Moderator: Barb Bretherton, San Diego LSA Ways and Means Chair	Moderator: Sandra Jimenez, CCLS, LSI Vice President
Location: William D. Evans I	Location: William D Evans I
<u>Legal Secretary Training/Seminars</u>	<u>Programs</u>
Moderator: Colleen Young, LSI Legal Secretary Training Chair/Linda Gubba-Reiner, San Diego LSA Legal Secretary Training Chair	Moderator: Amy Craig, Liaison to San Diego Association of Legal Administrators
Location: William D. Evans II	Location: William D. Evans II
<u>Day in Court/Lunch and Learn</u>	<u>Hosting LSI Conference</u>
Moderator: Leanna Pierce, LSI Day in Court Chair	Moderator: Lisa De La O, Assistant Editor, PRC
Location: Suite 612	Location: Suite 612

Please note: Locations are subject to change.



# What's Your APPtitude?

BY DIMETRIA A. JACKSON — SUBMITTED BY ORANGE COUNTY LSA

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**D**o you use apps on your smartphone or iPad? Nowadays, there is an app for almost every aspect of your personal, professional and social life. There are apps to read the New York Times, apps to access Facebook and Twitter, airline apps that allow you to check in for your flight without the need for a physical boarding pass. There are music, sports and entertainment apps as well as apps for shopping, including barcode apps that allow you to scan store merchandise for price comparison.

or other electronic mobile devices. There are two types of apps: native apps and web-based apps. Native apps may be purchased and downloaded from an online app store and stored on your mobile device. These apps are not interchangeable. For example, an iPhone app will not work on an Android smartphone, but the same app may be developed for either device. Web-based apps are available on a variety of mobile devices. They are formatted for use on mobile devices and accessible via a browser. The average cost of an app is approxi-

The prominence and rapidly growing popularity of apps is evidenced by the American Dialect Society naming "app" the word of the year for 2010.

According to Apple, over 18 billion apps have been downloaded by iPhone, iPad and iPod users since the service was launched in July 2008. Not to be outdone, Google reports that Android users have downloaded over 10 billion apps.

So what's your app aptitude? Perhaps you have a favorite app or you are an ardent app user, always in search of the next app to download. Or maybe you are still using a flip phone and you've only heard about apps in television commercials. Whatever your familiarity with apps, the available options will only increase as more and more people purchase mobile devices.

What is an app? The prominence and rapidly growing popularity of apps is evidenced by the American Dialect Society naming "app" the word of the year for 2010. The Society defines app as the "shortened slang term for a computer or smart phone application." While this definition is reasonably accurate, "apps" are far more.

An app is a type of software that can run on the Internet, your computer, smartphone

mately \$2.00, although there is an abundance of available free apps.

There are several apps that may be useful to you in your legal practice. (As a disclaimer, I do not endorse or make any guarantees as to the accuracy or reliability of these apps, nor have I received remuneration in any form; therefore, please don't call or email me if you are not completely satisfied with their performance.) With that being said, apps may save you time while working remotely, in the office, or while in court. There are apps that provide portable access to law libraries and legal research including Law Stack, Fastcase, Lexis Advance and WestLawNext. Looking for an additional resource to help you track billable hours? Then, the iPunchclock may be the answer, allowing you to monitor billable time in 5, 6, 10, 15, 30 or 60-minute intervals.

Apps are also useful tools to organize notes, research and presentations. Some apps are great for use in the courtroom as trial notebooks and/or organization of case presentations (e.g., Circus Ponies Notebook and Trialpad for the iPad). If you would like to accept



DIMETRIA A. JACKSON

Dimetria A. Jackson is 2012 President of the Orange County Bar Association, a freelance attorney with Montage Legal Group, handling corporate transactional matters, and the Chief Executive Officer of red-BAMBINA.com. She may be reached at [president@ocbar.org](mailto:president@ocbar.org).

credit cards payments using your mobile device, then a credit card processor may be an excellent solution. With the Penultimate app, your iPad can be transformed into a legal notepad. Using your stylus or fingertip, you can take notes, make diagrams or sketches on the iPad, which can be saved as a PDF or sent as an email. With the Dropbox app, a file sharing system, lawyers may read and notate client files remotely, thereby creating a paperless office. If you need to email a hard copy document and there is no scanner nearby, there are apps (e.g., TurboScan and ScannerPro) that allow you to scan multiple page documents using your smartphone.

Need help tracking settlement negotiations? A Texas lawyer and mediator has created a free app, called Picture It Settled Lite, that charts each offer and the date and time the offer was made, predicts future offers using an algorithm based on prior offers, and predicts the eventual dollar amount of settlement. This year, a more sophisticated version based on settlement outcomes in thousands of cases, in multiple disciplines and jurisdictions, is anticipated.

For law students, there is an app for California bar review preparation, available for use on your mobile device. BarMax, co-founded by two Harvard law school graduates, was created as an alternative to the more expensive bar examination preparation courses. At \$999.99, BarMax is one of the most expensive apps on the market, but if you don't own an iPhone, they will ship you an iPod Touch to run the app.

There are also numerous apps that provide motivational and inspirational quotations and messages. To commemorate Black History Month, I'd like to share a quote from one of my apps by poet, novelist and Presidential Medal of Freedom recipient, Maya Angelou: "Success is loving life and daring to live it."

With over one million available apps, there is probably an app to enhance your practice or positively affect your day. And, if you need a break or want to release a bit of stress, you can always download one of 2011's most popular apps, Angry Birds (a game using a slingshot to launch birds at pigs stationed on or within various structures.) Please note: no animals were actually harmed during the development, download or use of the aforementioned app.

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# Parliamentary Procedure 101

JULIE EDSILL, CCLS — LSI PARLIAMENTARIAN

**T**his article is my last article as LSI Parliamentarian. As you know, when the change of leadership occurs in May at the annual conference, our new President will appoint a new Parliamentarian. I have thoroughly enjoyed sharing what I have learned these past two years, and thank each of you for the many procedural questions which have inspired my articles. Since "Educating California's Legal Professionals" is LSI's tagline, I have kept that in mind in writing my articles. I hope that the knowledge that one has gained from reading each article is being used at the local meetings.

What I want to talk about in this article is the parliamentary procedure we experienced at the February conference in Concord. As those that attended the Board of Governors' meeting on February 25 know, a member made a proposed Bylaw amendment from the floor without notice, which is allowed for in LSI's Bylaws. In all fairness, I must tell you that this member did contact me for guidance on making the proposed Bylaw amendment with notice, but I mistakenly misdirected him. The good news is that LSI's Bylaws provide for both situations, with notice and without notice.

Now, the work does not end with the above vote. Should the proposed Bylaw amendment pass, there is more each association will need to do. What? You ask. Well, are you aware that if a local association's Bylaws do not provide for student membership that no student membership can happen? Or, if a local association's Bylaws do allow for student membership and states that no per capita tax will be paid for such member then no per capita tax can be collected.

I am sure you must be sitting there wondering then what are we suppose to do. I am glad you asked. What each association should do is review their Bylaws. Understand what your current Bylaws state about student

membership, if any. Each association would need to vote on whether they want to make any changes regarding student membership. Just because LSI's Bylaws allow for an active member to include a person who is a student, which would require per capita to be paid, does not mean the local association's have to also allow such.

Each association has their own Bylaws that govern what and how they handle things. If your association allows for student membership in their Bylaws, but states no per capita will be paid by them, then unless you amend your Bylaws to match LSI's you do not have to pay per capita on that student. Just remember, if you do not pay per capita on a member they do not get counted as an active member.

What I am trying to say is review your Bylaws. Doing this annually is a really good idea, especially when things change at the LSI level. It is the association's responsibility to confirm that their Bylaws are in keeping of what they are actively doing and not in conflict with LSI's Bylaws.

At the time of the writing of this article every Governor should have received the "Notice of Proposed Bylaw Amendment" that was sent out according to LSI Bylaws. The Governors were to present the proposed amendment to their local association to approve, or reject the proposed bylaw amendment. The Governor was then to provide in writing to the LSI Executive Secretary within 45 days of the mailing of the notice how their association voted. Failure to notify the Executive Secretary within said 45-day period would be deemed an affirmative vote. So, I guess my question to each Governor is did you do your job? I hope so.

My parting comment is this, everything that one needs to know is in the Bylaws and Standing Rules, and if one cannot find clear guidance there they should refer to Robert's Rules. I have stated this in every article that I have written and every report that I have given. It is important! Remember it! **LS**



JULIE EDSILL  
LSI PARLIAMENTARIAN

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



JODI LEA ROTHWELL

Jodi Lea Rothwell is the Supervisor of Enterprise Technology Programs at Latham & Watkins. Prior to moving to Technology, she was a paralegal in Corporate Health Care for eight years and was a legal secretary prior to that. Jodi holds a B.A. in Theology and an M.A. in Organizational Leadership.

# What Great Legal Secretaries Know About Technology

BY JODI LEA ROTHWELL – SUBMITTED BY SAN GABRIEL VALLEY LSA

**W**hen I made the transition from paralegal to the Technology Department at Latham & Watkins, all of my friends started to ask me technology-related questions. In the beginning, I was overwhelmed by the whole subject, but now I know a few key things that enable me to do my job effectively and answer at least the majority of the questions I am asked.

What about you? Do you know enough about technology to do your job effectively? If you are like most people, you find technology sometimes overwhelming and often-times confusing. When an IT support person starts rambling off information about RAM, servers and code, it can leave you with a dazed look and scratching your head.

The purpose of this article is to try to sort through the many areas of technology to help you focus on those that are really important for your job, and to encourage you to never stop learning in this important area.

The most important thing to remember is that no one knows everything about technology. No matter what you are faced with on a day-to-day basis, try to remember the following key points:

**Remain calm** – no matter what the problem is, getting overly excited or angry will not improve the outcome.

**Admit when you do not know the answer (and then find out)** – do not try to fake it and do not say “that cannot be done” before researching the problem. Both of these approaches will damage your credibility.

**Understand that solutions take time** – you cannot rush technology. If a macro is needed, it will take time to create it. If a computer has to be switched out because of hardware problems, allow sufficient time for it to be set up properly. Do not promise to implement solutions too quickly. Let the person know that you

are doing the best you can and give frequent updates.

Once you master these things, you are ready to learn about four important aspects of technology you need to know:

## MICROSOFT OFFICE

For most offices, Microsoft is the core of the software platform. You can never really know enough about Outlook, Word, Excel and PowerPoint. In my opinion, if you are not learning something new in one or more programs in the Microsoft suite, there is something wrong. There is so much you can do beyond the basics in any one of these programs to make your work life better that it behooves you to explore this area on a regular basis.

I would like to make a special plug for Microsoft Excel. When I was a legal secretary, Excel was not used very much by legal professionals. We thought of it as something for “those accounting types!” But today, it is my number one favorite application. I cannot imagine pulling out a calculator or even using one online. Excel can do everything you need with numbers, from simple calculations to sophisticated spreadsheets with graphics. But it is not only great for working with numbers; it can also be an effective project management tool.

When I start any new project, I open a blank Excel document and create separate spreadsheets for all of my subjects. For example, if I am planning a social event for the office, I will have a sheet for the RSVP list, the budget, the menu, the key contacts and anything else that comes up during the project. By using Excel, I can open just one document and have everything I need at my fingertips. If you were to use Word to track the same kind of data, you would have to scroll from page to page to find what you need, which becomes very tedious over time. If you have not already, give Excel a



try and you will be amazed how versatile and useful an application it can be.

## APPLE PRODUCTS

If you have been a legal secretary for a long time, you probably think of the world as a Microsoft kind of place, but that is no longer the case. Apple products were once primarily used by graphic artists and other creative types and we typically did not know much about them. In today's world, you cannot ignore the impact that Macintosh has had on the consumer market. Apple products are so big, in fact, that demand is growing every day for more and more integration into the workplace. When individuals figure out how practical, user-friendly and fun Apple products are, they want to use them more and more.

It is easy to get started. If you do not already have one, get an iTunes account at home. It is free and you do not have to spend a dime to use it. Just insert a personal CD into your computer and when prompted, load your music into iTunes. Or, if you want to just jump into the digital world, enter a credit card into your iTunes account and order music from the iTunes Store. You will be truly amazed at how easy it is to put your music into iTunes and have it available to you on your home computer and any other Apple device you decide to invest in. If you want to start off slow, you can buy an older-model iPod on eBay for very little money to get your feet wet, then graduate to a larger-capacity model. Or if you want to jump into the deep end of the pool, buy an iPod Touch, iPhone or iPad and have access to your music and a whole lot more.

You will never know everything there is to know about Apple software or products, but if you just take some basic steps with music on iTunes, you will have a general understanding of how they work. No doubt, it is going to start permeating your work life, if it has not already.

## INTERNET BROWSING

If you have not already mastered this part of technology, you had better hurry and catch up! Learn to bookmark your favorite sites to save time in the future. Then take it one step further and create folders to group favorites together to shorten the list you have to look at.

Mitchell Kapor said, "Getting information off the Internet is like taking a drink from a fire hydrant." One way to keep from being overwhelmed is to use search parameters that are more specific. For example, if I type "ink stain" into Google search, I get 2,160,000 results. If I type "how to get an ink stain out," I get 360,000. If I type, "how to get an ink stain out of carpeting," I get 93,700. You will be amazed at how often you can find exactly what you are looking for rather than being too broad and having to read page after page of information that does not apply to you.

## PRESENTATIONS

The ability to create presentations for your attorneys and other legal professionals is a very useful skill. If you are able to create basic slides and condense information into easy-to-follow bullet points for your boss, you will become in demand quickly! Creating presentations is not only useful, but a lot of fun as well. This technology gives you the chance to practice more creative skills, adding color and pizzazz to your day-to-day work. If you have the chance to take classes or do self-study in this area, it is a skill you will not regret having.

## FIVE DON'TS WHEN WORKING WITH TECHNOLOGY

Now that we have talked about some basics, it is time to understand what not to do when working with technology.

**Don't be afraid of it.** Do not think of a computer as a grenade, where one little action could set it off with only seconds to get away before everything blows up. Computers are not like that – I promise! Getting comfortable just trying different things to learn through the experience is what it is all about. You do not have to do it perfectly – just try something and see what happens. If that does not work, try something else. It is very important in our jobs as legal secretaries to demystify technology. Remind yourself – it is just a machine and with a little trial and error, you can figure it out.

**Don't be overwhelmed by it.** I have worked with a lot of brilliant technologists over the years, all of whom have more knowledge and experience with computers than I will ever have. But I have also learned in talking with them that no one knows everything about technology. There are too many applications, too many systems, too many new technologies permeating the landscape for any one person to keep up with. It is better for you to focus on what you do know, and then commit to learning more in areas that are imperative for you to be effective in your job.

**Don't avoid it.** This tendency often follows when you are afraid of technology, but it is important that you do not avoid it. My advice is that you embrace it, instead. How do you do that? You find a technology solution for a problem whenever possible. For example, if you have a request form in PDF format, do not print it out and hand write in the information. Figure out how to type in the information on the screen. Stop writing physical checks and dropping them in the mail; learn how to use online banking and automatic bill pay instead. Every technology system you touch teaches you new skills and feeds your brain with fresh information that will be valuable to you at the office.

**Don't miss it.** Stewart Brand said, "Once a new technology rolls over you, if you are not part of the steamroller, you are part of the road." In short, you should try to get in on the ground floor of any new technology. When classes are offered for something new, be the first one to sign up! Typically, once a technology is off the ground, it is harder to get classes and help since everyone else has already been trained. Take advantage of any opportu-

nity to learn and do not wait until the parade has passed you by!

**Don't give up.** Frustration is common for all of us in using new technologies. It is just part of the territory. Focus on your victories and not on whatever mistakes you might make. If you get to a point of frustration that seems overwhelming, step away and come back another day – but make sure you do come back! Think about anything new that you have learned in the past. Riding a bicycle, skiing, learning how to cook – these all made you feel inept and confused at first. If you had stopped after your first time, you would not know how to do any of those things today. But you did not give up. You came back the next day – even with some sore muscles and skinned knees – and tried again. Technology is no different. Keep at it and you will get better and better over time.

### FIVE DO'S WHEN WORKING WITH TECHNOLOGY

Now that you know the "don'ts" to avoid, consider doing some of the following to help you build your technology skills.

**Ask a lot of questions.** One way to get on a path of continuous technology learning is to create a list of questions and set up a time to meet with an expert and review them on a regular basis. You would be surprised how many technologists will be willing to help you. (And if they are not, keep looking until you find someone who will!) Sometimes understanding why something happens or how to perform a more advanced function will make all the difference on your outlook about technology.

**Set technology learning goals.** Think of something you want to learn in a specific period of time and then learn it. For example, this year, I decided my technology focus is going to be on two things: (1) getting my Microsoft Office 2010 Specialist (MOS) certification, and (2) increase my learning on how to create macros in Excel. Each year, I try to focus on one or two topics to add to my existing skills. It can be something as simple as "make my documents look more professional." Or something practical, like "re-do my secretarial manual using Word styles." Or, as ambitious as "learn PhotoShop."

**Repeat, repeat, repeat.** The key to learning anything new is repetition. After any class where you learn a new technology skill, you must repeat what you have done in class in order for the information to stick. You could go to class after class, but if you do not actually put the information into practice, you will not retain very much of it. One way to do this is to keep a running list of anything new that is taught by your instructor. You only need to use key words to remind you of the area you want to focus on later. When you get back to your desk, go through each of the items you wrote down to solidify the new information into your brain. If possible, do this right after class and again the next day. The more you repeat it, the more it will stick.

**Learn how to do it yourself.** If you encounter a repetitive

task that requires a technology solution, do not delegate it to someone else. Instead, try to figure it out yourself. The help directories that come with most software are usually a great place to start. If that does not work, go online and type your specific question or issue into your browser. You will find a multitude of helpful resources out there. When one is particularly helpful, do not forget to bookmark it in your "Tech Help" folder!

**Focus on the skills/tools that your bosses need the most.** If you are spending most of your time learning things that interest you, but that have no practical application to your bosses, you are missing the boat. Learn the kind of technology challenges your bosses face and then commit yourself to focusing on those products/projects first. If you become the go-to person for technology solutions, you will increase your value and job security.

### INVEST IN YOURSELF

Technology can sometimes be scary, but by tackling it head on and following the above do's and don'ts, you can grow in your knowledge and skills, eventually mastering many aspects of it. Like anything worth having, it will not be easy, but it will be worthwhile. And you will never regret making the investment in yourself and your future.

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

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

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

LOCAL ASSOCIATION: \_\_\_\_\_ LSA/LPA

RESIDENCE PHONE ( ) \_\_\_\_\_ BUSINESS PHONE: ( ) \_\_\_\_\_

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## ***Now That You Are A Notary, What's Next? Continued from page 27***

Certifying copies of vital records is prohibited by Notaries, but a Notary may certify an affidavit of a person requesting a certified copy of a birth or death certificate. (Only a Bureau of Vital Statistics officer should certify a birth certificate or other vital public record, and only a county recording official should certify a recordable instrument or a copy of a deed.)

**9. Does a document need to be signed in my presence?** It depends. For Acknowledgement certificates, the documents do not have to be signed in the Notary's presence. Yet, an Acknowledgement certificate indicates that the signer has personally appeared before the Notary and acknowledged that the document was freely signed.

Jurat certificates, on the other hand, require a signer to personally appear before the Notary, to be identified by the Notary and sign the document in the Notary's presence, and that the Notary gave the signer the oath or affirmation.

**10. Can I notarize for a family member?** It depends. California law does not explicitly prohibit notarizing a document for family members. However, one must be very careful not to violate statutes where there is a direct beneficial interest, i.e., notarizing for spouses in states with community property laws. In addition, a Notary must avoid notarizing a document when emotional interests are at stake, whereby the Notary might act impartially.

Although a Notary has no direct beneficial interest in the document to be notarized, notarizing for a relative could subject the document to a legal challenge. This would occur if the other parties in the transaction alleged that the Notary acted impartially.

Lastly, it is important to continue to study and learn the duties of a notary public. Several ways include joining the National Notary Association (Tel: 1-800-876-6827, [www.NationalNotary.org](http://www.NationalNotary.org)) (National Notary Association: California Notary Public Practices and Procedures, p. 2), joining a local notary association, and keeping in contact with other California notaries.

Thus, after becoming a notary public, it is important to (1) apply your knowledge, (2) learn the 10 Most-Asked Questions (National Notary Association, 2010, pp. 9-13), and (3) continue your notary study.

---

### REFERENCES

National Notary Association (2010). 10 Most-Asked Questions. *The 2011 California Notary Law Primer* (3rd ed.). Chatsworth, CA: National Notary Association.

National Notary Association (2010). Lesson 1: The Notary Public Office. *California Notary Public Practices and Procedures*. Chatsworth, CA: National Notary Association.

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## ***Social Networking Research & Investigations Continued from page 33***

lie, exaggerate and/or embellish their activities and credentials when hiding behind a computer screen. Relying on this information without independent investigation and verification is not only foolish but also irresponsible.

In addition, some subjects involved in litigation or a claim are now posting false information IN SUPPORT of their lawsuit or claim. This is an area that is growing in popularity, and should be strongly considered when the subject's postings appear to support his/her claim, when other evidence would appear to contradict it.

There is also the common practice of OTHERS posting false information about subjects as a form of retribution or retaliation. This can also cause the researcher to be misled by false postings, and go down the wrong investigative path.

In conclusion, social media sites can be a blessing or a curse when conducting research and investigations. Like going on an archeological expedition, you can find the "holy grail" of evidence that will make you a very popular person with your boss or client. Or, it can simply be a pile of dirt or a worthless relic, after a lot of tireless digging.

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*Disclaimer: The information contained in the article should not be considered legal advice.*



# William A. Rutter

October 21, 1928 - February 2, 2012

**William A. Rutter ("Bill")** passed away peacefully Thursday evening, February 2nd, 2012, with his wife Sally, the love of his life, and all of his children, by his side.

Bill received his B.A. degree from the University of California at Santa Barbara; his M.P.A. degree from the University of California at Los Angeles; and his J.D. degree from the University of Southern California School of Law, where he was Associate Editor of the Law Review and a member of the Order of the Coif. As a youth, he was an Eagle Scout; and as a young adult, Bill served our country during the Korean War.



Bill shared his knowledge and skills in almost every facet of the legal profession: as a practitioner, as a law school teacher, as a publisher, and as an author. For 15 years following his admission to the Bar in 1955, Bill maintained a general civil law practice, specializing in business litigation and appellate work. At that point, he withdrew from the practice of law and began his career as a visionary and trail blazer in legal education. Since then, Bill devoted his life to legal education and publishing law study aides and Practice Guides.

In 1979, he founded The Rutter Group, which grew under his leadership to become a leading and most highly respected provider of continuing legal education publications and programs in California and nationwide. The standards he set through the *Rutter Group Practice Guides* have been imitated but never matched.

Bill also wrote and published all of the original *Gilbert Law Summaries*, the most popular study aides for law students, and founded the BAR/BRI Bar Review, which became the largest Bar Review course in the country.

In 1996, Bill joined a very select group of legal scholars when the California State Bar Board of Governors honored him with the *Bernard E. Witkin Medal* recognizing those "who have altered the landscape of California jurisprudence." This honor particularly singled Bill out as an "extraordinary contributor to the California legal community."

Bill was also a very quiet and private philanthropist. Among his countless goodwill gestures, he and his wife Sally, for almost 50 years, sponsored dozens of foster children in many countries. They underwrote a French Horn Chair for the Los Angeles Philharmonic. And when the Philharmonic reached out to them to sponsor one of the four Wagner Horns the orchestra desperately needed, they provided all four.

Tributes have poured in, including the following:

"Bill Rutter was a giant of the law . . . Bill was also a dear and loyal friend of many, many years." *Justice Ming W. Chin, California Supreme Court*

"The contributions of Bill Rutter to the practice of law over the past half century cannot be overstated . . . Because of Bill's efforts, even a sole practitioner today has the ability to quickly deal with otherwise unfamiliar issues. He well deserves his place in the pantheon of legal scholars and leaders." *Justice H. Walter Croskey, California Court of Appeal*

"Bill Rutter's contributions to the legal profession and, through it, to justice and the administration of justice are immeasurable, and indelible. He altered the course of legal education forever . . . And he did his work with enormous skill and energy, complete integrity, and grace." *Presiding Justice Norman L. Epstein, California Court of Appeal*

"Bill's passing marks the end of a legal era. He is one-of-a-kind." *Justice Rebecca A. Wiseman, California Court of Appeal*

"Bill was an outstanding legal scholar. His knowledge of the law was so broad and infused all of The Rutter Group publications . . . Bill was also the kind of human being we should all aspire to emulate. He earned the respect of our entire legal community." *Justice William F. Rylaarsdam, California Court of Appeal*

"Working with Bill was always such a pleasure. He was a brilliant man who had a unique way of explaining complex legal issues in concise, understandable language, and he was so kind . . . His work is a lasting legacy." *Presiding Judge Lee Smalley Edmon, Los Angeles Superior Court*

"Bill left us with impossibly huge shoes to fill. We will not let him down. We will miss him dearly." *Linda Diamond Raznick and Kalman S. Zemplyn II, The Rutter Group*

Bill is survived by his adoring wife Sally, his children Paul, Joanna, Barry and Charlie, and their respective spouses, 13 grandchildren and 4 great grandchildren. And the "other love of his life," Missy, Bill's rescue Westie. He was the most loving husband, father, grandfather and greatgrandfather to all of them.

A public Memorial Service celebrating Bill's life was held on February 18, 2012 at the Westwood United Methodist Church in Los Angeles, California. In lieu of flowers, gifts in honor of Bill Rutter can be made to the Los Angeles Philharmonic Association - Music Matters.



MICHELLE RODGERS

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



TERRIE QUINTON

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

# California Certified Legal Secretary – Dates And Deadlines You Need To Know

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

**O**ne section of the California Certified Legal Secretary Exam is "Legal Computations" which includes calendaring. Here is your first exercise – calendaring all of those dates and deadlines associated with the CCLS program. We suggest that you make a note of these dates and deadlines (perhaps in Outlook or whatever calendaring program you have in your office) to ensure that you are in compliance and that there are no surprises.

## TAKING THE EXAM

March and October - The CCLS Exam is given twice a year in March and October. The Exam date is generally the third Saturday of those months.

**60 Days Before Exam Date** – The deadline to send in applications for the CCLS Exam is 60 days prior to the Exam date. The application must be received by the Certifying Board no later than the deadline. If the deadline lands on a weekend or a holiday, it is still timely for it to be received by the next business day. If you need to send your application via overnight mail, please contact the Certifying Board to obtain the address to which you should send the application. These deadlines apply to those who are retaking either the full Exam or portions of the Exam.

**45 Days Before Exam Date** – The Certifying Board will send a confirmation of receipt of your application to take the Exam.

**30 Days Before Exam Date** – Late applications to take the Exam may be accepted up to 30 days prior to the Exam date, if space is available.

Again, the application must be received by the Certifying Board by no later than the deadline. Please remember that if you submit an application late, you must include the applicable late fee. Again, if you need to send your application via overnight mail, please contact the Certifying Board for an address. These deadlines apply to those who are retaking either the full Exam or portions of the Exam.

**30 Days Before Exam Date** – The Certifying Board will send an email providing you with your Exam location, names of your proctors and Exam schedule, along with other pertinent information you will need for Exam day.

**14 Days Before Exam Date** – If you are unable to sit for the Exam on the date you have applied for, you must notify the Certifying Board no later than two weeks before the Exam that you will be deferring. You must send in your request to defer, along with the applicable fee. If an emergency occurs and you are not able to submit a timely request to defer, please contact the Certifying Board Chair as soon as possible to request an exception.

## AFTER THE EXAM

**6 Weeks After Exam Date** – Results of the CCLS Exam will be emailed to examinees within 6 weeks after the Exam.

**20 Days After Exam Results Sent** – Within 20 days after the Exam results are sent to examinees, those examinees who did not pass the Exam may submit a request to review those portions of the Exam that they did not pass.

*...Continues on page 20*



# LEGAL SPECIALIZATION SECTION SEMINARS

Annual Conference – May 2012 - Bahia Resort, San Diego

Host: Imperial County LPA and San Diego LSA

## REGISTRATION FORM - DEADLINE IS FRIDAY, May 11, 2012

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

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

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

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

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



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Handout Only: \$10.00

### NON-LSI MEMBER:

\$15.00 with Advanced Reservation

\$20.00 at the Door/After Deadline

Handout Only: \$15.00

**Friday, May 18, 2012 – 1:30 to 3:30 p.m.**

### TRANSACTIONAL LAW:

Topic: *Consumer Law and the Secrets of Car Buying*

Speaker: John W. Hanson, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member

☐ Non-LSI Member ☐ Handout Only

Send to: Belinda Owens, Transactional Law Section Leader

3163 Easy Street, San Diego, CA 92105

(W) 858-410-8951 (C) 619-261-9323 (F) 858-410-7878

Email: bowens0913@aol.com

### PROBATE/ESTATE PLANNING:

Topic: *To Inventory and Beyond*

(From Inventory to Distribution in a Probate Estate)

Speaker: Patricia Miller, PLS, CCLS and Mary Rocca, CCLS

☐ I will attend ☐ Section Member ☐ Non-Section Member

☐ Non-LSI Member ☐ Handout Only

Send to: Linda Moore, CCLS, Probate/Estate Planning Section Leader

Stutz, Artiano, Shinoff & Holtz

2488 Historic Decatur Road, Suite 200

San Diego, CA 92106

(O) 619-232-3122 x404 (F) 619-232-3264 (C) 619-723-5336

Email: lmoore@stutzartiano.com

**Friday, May 18, 2012 – 4:00 to 6:00 p.m.**

### FAMILY LAW:

Topic: *How Using A Licensed Private Investigator Can Help Your Legal Cases*

Speaker: Dan Krotzer, Knox Attorney Service

☐ I will attend ☐ Section Member ☐ Non-Section Member

☐ Non-LSI Member ☐ Handout Only

Send to: Judith Williams, Family Law Section Leader

2368 Lincoln Street, Suite A, Oroville, CA 95966

(O) 530-534-8973 (F) 530-534-6551

Email: PWPLGL2@yahoo.com

### CRIMINAL LAW:

Topic: *Introduction into the Federal Criminal Justice System*

Speaker: Francisco J. Sanchez, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member

☐ Non-LSI Member ☐ Handout Only

Send to: Linda Lane, Criminal Law Section Leader

P. O. Box 12582, La Crescenta, CA 91224

(H) 818-248-0739 (C) 818-434-6600

Email: l.lane44@yahoo.com

**Saturday, May 19, 2012 – 4:00 to 6:00 p.m.**

### CIVIL LITIGATION and LAW OFFICE ADMINISTRATION (joint seminar):

Topic: *Ethics*

Speaker: Patrick J. Kearns, Esq. of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP

☐ I will attend ☐ Section Member (of either Civil Litigation Section or Law Office Administration Section) ☐ Non-Section Member

☐ Non-LSI Member ☐ Handout Only

Send to: Denise Aguilar, CCLS, Civil Litigation Section Leader

8279 Philodendron Way, Buena Park, CA 90620-2120

(H) 714-670-0215

Email: daguilar57@att.net

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

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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 1.75 hours each, by the State Bar of California.



ROBERT MANSOUR

Robert Mansour grew up in Southern California.

He attended Loyola High School and Occidental College and received his Juris Doctor degree from Southwestern University School of Law in Los Angeles.

He has worked for a small personal injury firm near Pasadena, California and for the Burbank City Attorney's office. Robert has also been a member of a large civil litigation firm in Glendale, California where he was recognized by the firm as Trial Attorney of the Year in 2004.

He is a member of The Santa Clarita Valley Bar Association (He was president in 2009). In 2010, Robert was recognized as "Lawyer of the Year" by the Santa Clarita Valley Bar Association. He is also a member of the National Association of Personal Injury Lawyers

# 5 Easy Things You Can Do To Protect Your Family

ROBERT MANSOUR — SUBMITTED BY RIO HONDO DISTRICT LPA

If you don't have an estate plan for your family, there are five things you can do for free to make sure you at least have some basic tools in place.

## ONE

If you don't even have a will, download a free will form from the California Bar Association ([www.CalBar.org](http://www.CalBar.org)). It's better than nothing.

## TWO

Check your 401K's, IRA's and Life Insurance policies to make sure the correct beneficia-

so? Just because you are married, your spouse isn't automatically entitled to do this. This is a mistake many married people make they assume their spouse is in charge and authorized to act simply by being married to them. It doesn't work that way. Make sure you have an Advance Health Care Directive which allows someone to legally act. While most lawyers provide this as part of a comprehensive estate plan, you can at least get a free entry-level form from the California Attorney General's website. Again, it's entry-level but it's better than nothing.

In many cases you might be surprised who is actually listed (or perhaps not listed) as your beneficiary. This doesn't happen by magic or good intentions.

ries are designated. In many cases you might be surprised who is actually listed (or perhaps not listed) as your beneficiary. This doesn't happen by magic or good intentions. You have to call the company managing that particular asset and ask them for a beneficiary designation form. Make sure you name "back up" beneficiaries, also known as secondary or contingent beneficiaries. Also, make sure you ask the company what happens if a co-beneficiary dies. Does their share go to that beneficiary's children, or does their share go to the remaining designated persons on the form. Also, if you have minor children, you may not want them listed as direct beneficiaries. Life insurance should not be made payable to minors in most cases.

## THREE

Who is authorized to make health care decisions on your behalf if you are unable to do

## FOUR

Try not to own anything jointly with anyone other than your spouse. Make sure you think it through and talk to professionals before making that decision. Joint ownership seems like a good idea at first blush but it's one of the leading causes of "unintentional" disinheritance. Also, consider a living trust instead of owning assets jointly with your spouse.

## FIVE

Finally, review your insurance policies. For families with few assets, there is no better way to infuse a whole bunch of cash to help to pay for college and the mortgage. Also, for auto policies, make sure you have plenty of uninsured motorist coverage. There are so many people driving without adequate insurance. **LS**



# Getting The Right Things Done When Your World Is Crazy Busy

VICKI VOISIN, ACP

It's no secret that we live in a crazy busy world. No matter how much you do, your "to do" list is still a mile long and you always run out of day before you run out of list. You're forever scrambling just trying to just keep up. It's probably safe to say that you've probably given up on staying ahead.

And that's just at work . . . add your personal and social obligations and it's no wonder you'd like to just hide under the covers some mornings and skip the rat race.

## SO HOW DO YOU GET THINGS DONE? AND NOT JUST ANY OLD "THINGS" BUT THE RIGHT THINGS?

**First, clear your mental desk.** Take 10-15 minutes and write down everything that you need to do. This is everything that pops into your head, from the trial brief to your friend's baby gift to your mother-in-law's birthday card to getting a plumber in to fix that leak. These are just examples -- you get the idea.

**Second, grab a blank piece of paper or spiral notebook.** Pick 7 important things from your "everything" list. Write them down...and actually write them, don't type them.

**Third, do those 7 things in the order you listed.** When you finish with one, move on to the next, and then the next, working through all 7 one by one.

**Fourth, do the same thing tomorrow.** And the day after and the day after that. If you don't finish something today, it can be moved to tomorrow's list if you still think it's important. If its importance has changed, forget it. Just because it's on the list one day doesn't guarantee it a place on tomorrow's list.

**Fifth, use a timer.** Once you get this approach down pat, add a timer to your routine. For example, this newsletter is always on my "To

Do" list so that it gets done in parts and doesn't end up being an all day project. I allow 30 minutes for each part. So when "write newsletter" shows up on my list each day, I set my timer for 30 minutes and work on it for that chunk of time. This keeps me totally focused and I often get the newsletter done in less time.

**One more thing:** To tame the always present email, I check it at set times each day or between tasks (from above) if I'm expecting something important.

I also 'book' an hour into my calendar for each day when nothing's planned. This time is used for whatever comes up and, if nothing comes up, I choose whether to do something else from my list, take a long walk, write an article or, if I'm really ambitious, make a really nice dinner for The Don. . .whatever I'm inspired to do.

The above makes three assumptions:

1. You have written goals and objectives AND are determined to achieve them.
2. You understand that perfection and procrastination may derail your 'To Do' list and you avoid them as much as possible.
3. You delegate anything that isn't in your best interest.

Time Management is a hot topic. This article gives you the simplest system for managing your time: write it down and do the things you've written down. Everything else is just noise that clutters your brain.

Your challenge is simple: Try the 5 steps above. As written. Give it three weeks and see how much more you're getting done every day.

LS



VICKI VOISIN

Vicki Voisin, "The Paralegal Mentor," delivers simple strategies for paralegals and other professionals to create success and satisfaction by achieving goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes a weekly ezine titled Paralegal Strategies and co-hosts The Paralegal Voice, a monthly podcast produced by Legal Talk Network. More information is available at [www.paralegalmentor.com](http://www.paralegalmentor.com).

## ***Dates And Deadlines You Need To Know... Continued from page 16***

**60 Days Prior to Next Scheduled Exam Date** - Exam reviews must be completed no later than 60 days prior to the next scheduled Exam date. The Certifying Board will contact you to schedule the Exam review, however, it is the examinee's responsibility to follow up to ensure the review occurs by this cut-off.

**LSI Annual Conference** - At LSI's Annual Conference each year, a special luncheon is held on Saturday to honor those new CCLSs who passed the Exam during the last fiscal year.

### **RECERTIFICATION**

**Every 3 Years** - CCLSs must recertify every 3 years, during the month that they passed the Exam (either March or October).

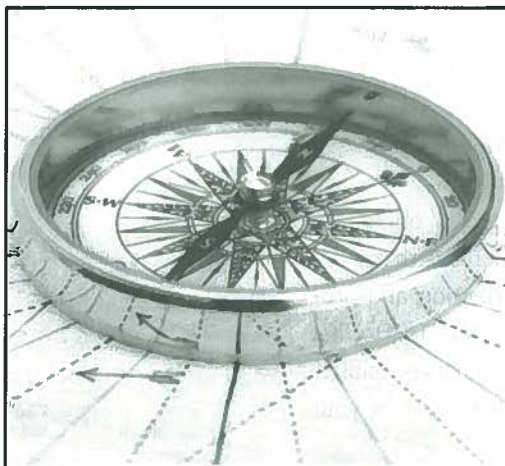
**March 31/October 31** - Applications for Recertification must be submitted to the Certifying Board by the last day of the month in which the CCLS is to recertify. If you are unable to meet this deadline, you must contact the Certifying Board as soon as possible to request an extension, which may be granted upon approval of the Certifying Board. The Certifying Board will send out reminders to CCLSs needing to recertify, however, it is ultimately the CCLS's responsibility to ensure they submit their

Application for Recertification, along with the appropriate fees and certificates, in a timely fashion.

**60 Days from Returning to California** - A CCLS who moves out of state, upon notifying the Certifying Board, can put a hold on continuing education requirements; however, upon returning to California, the CCLS must notify the Certifying Board within 60 days of their return and continue with the recertification requirements.

**Immediately** - A CCLS who is no longer working in the legal field may, upon notifying the Certifying Board, change their status to inactive and put a hold on continuing education, and cease using the CCLS designation during this time. If the CCLS returns to the legal field, they must notify the Certifying Board immediately and continue with their educational and recertification requirements in order to once again use the CCLS designation.

**Immediately** - In order to keep the CCLS records current (and to keep those Recertification reminders coming), notify the Certifying Board immediately if your address changes. The form is available on LSI's website. LS



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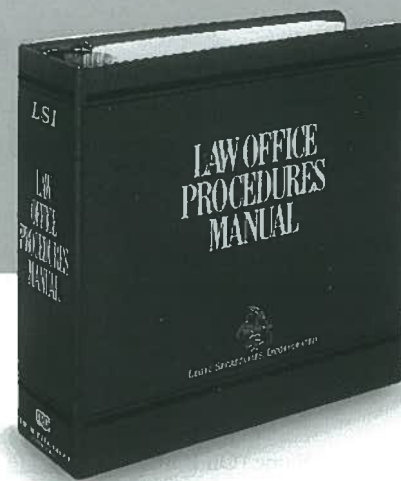


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Group Code: LSI

Telephone: (925) 463-8000

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ANA FATIMA COSTA

Ana Fatima Costa began her career as a freelance court and deposition reporter in 1979 after passing the rigorous California Certified Shorthand Reporter exam just two weeks after passing the national Registered Professional Reporter exam. She worked in superior and federal courts in the Alameda, Contra Costa, Napa, San Francisco and Santa Clara counties. During her reporting career, she produced transcriptions in over 900 civil and criminal law matters, as well as hearings, arbitrations and medical peer reviews. Later, she managed the San Francisco office of a global reporting agency and now provides litigation and customer service support for hundreds of clients nationwide at Barkley Court Reporters. An active member of the legal community, Ana is Governor of Mt. Diablo Legal Professionals Association, a member of Bay Area Legal Forum, and sits on the advisory board of San Francisco State University's Paralegal Studies Program. You can reach her at [anac@barkley.com](mailto:anac@barkley.com).

# The Power Of Networking Overcoming Fear And Making Friends

ANA FATIMA COSTA, CSR, RPR, CLSP — SUBMITTED BY MT. DIABLO LPA

*Courage, from the Old French word coeur, meaning "heart," is defined as:*

1. The ability to do something that frightens one.
2. Strength in the face of pain or grief.
3. Knowing there is almost certain failure but doing it anyway.
4. The ability to confront pain, fear, humiliation, or anything else a person would naturally stay away from.

In 1993, I was admitted to the hospital with pounding headaches, nausea and dizziness. The doctors said it was encephalitis, possibly due to a mosquito bite in 1985. Nine years later, my speech began to slur, and two years ago, I was diagnosed with a rare condition called abductor spasmodic dysphonia. My voice comes out haltingly at times or it cracks in the middle of a word. Yet I press on anyway when I have something to say. Even if I have to repeat myself.

## NETWORKING INTRODUCTION

My introduction to networking came from the Portuguese festas that my father hosted to bring in income. The idea of a festa is to preserve the Portuguese cultural and religious traditions. People would travel hundreds of miles to eat, dance, drink wine and reconnect with people from all over California and Nevada. As the master of ceremonies, my father loved seeing everyone have fun.

## Through networking I learned to move beyond my self-consciousness and develop self-confidence in social settings.

From the age of 9 through 19, I was surrounded by hundreds of people several times a year, and the Costa family was the center of attention. To my chagrin, my father would call my siblings, mom and me to the stage to introduce us at every festa. It was such a relief to

get off that stage and the public eye! But my dad loved it, and the public loved him. He was at ease in any social setting. Not me. I was terrified. It was many years later when I finally took the plunge into overcoming my fears.

People who know me believe that I know everyone, and sometimes it feels like that to me, too. Nearly every time I walk down the streets of San Francisco, sit in a restaurant, or get on BART, I see someone that I know. It is a good feeling, like running into friends everywhere you go.

Yet no one would know that deep down I am actually a very shy person. Or, at least I used to be. Everything started to change in 2006, when I decided to join the local chapter of the largest networking organization in the world.

It's primary objective is to educate its membership in ways to market and grow their businesses through referrals, and to offer support and educational workshops to assist members in being successful. Through networking, I learned to move beyond my self-consciousness and develop self-confidence in social settings.

As I became more comfortable with the people and schedule, I relaxed and learned that I could be funny. In fact, there were times it felt like my father (who had passed away in 2001) was standing next to me, smiling and saying, "See? It's not so bad, huh?" In fact, I started visiting other chapters and met even more people and made more friends.

## TRANSFORMING FEAR INTO CONNECTION

As Governor of Mt. Diablo LPA, I have spoken up at conferences, either to ask clarifying questions or to voice my viewpoint about an item of discussion. Although my heart still pounds

when I speak in front of large groups, I take a deep breath and plunge in anyway.

The essence of networking is connection:

- Talking and listening to others – learn about one another's lives, families, dreams, hopes.
- Finding things or people in common – you know the same person, or both like to knit.
- Exchanging information – there's an opening in a law firm that you've wanted to work at.

The person across the table who is frowning may feel as uncomfortable as you, or maybe recently had a death in the family, lost their job, doesn't feel good or something happened to their kid. Unless you talk to them, you'll never know, and you may make judgments about them, when the whole time they would love to connect with someone.

Everyone likes to be heard and seen, so ask someone about their work, their association, where they're from. We also like to feel appreciated and acknowledged – compliment them on their jewelry, clothing or shoes. Everyone has a story and you might just make a great friend.

A wonderful result of meeting so many people has been my ability to find speakers for Bay Area Legal Forum's conferences and workshops, as well as for Mt. Diablo LPA and other groups. This is where I met Tamara Steele, the attorney who gave the inspirational talk during Sunday brunch at LSI's 3rd Quarterly Conference in Concord, hosted by Mt. Diablo LPA.

Through networking, I have discovered that what makes me happiest is introducing friends and colleagues to one another – someone who offers a service or who has expertise in some area to someone needing help or seeking a service. Nothing brings me more joy (outside of my beautiful sons) than a match that works for the good of all.

So, at the next conference, gently nudge yourself past your comfort zone and reach out to someone you don't know. A smile and simple, "Hi, I'm (insert name here)" may feel awkward at first, but the more you do it, the easier it gets. Like learning a new language.

Take a risk – you won't regret it! **LS**

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HANNALORE DIETRICH

Hannalore Dietrich is the Office Manager/Legal Assistant at Crosby & Crosby. She attended BA Brigham Young University and EMPA Golden Gate University. Hannalore is a Notary Public.

# Now That You Are A Notary, What's Next?

HANNALORE DIETRICH – SUBMITTED BY SANTA CLARA COUNTY LPA

Once you have obtained the status of "Notary Public," it is important to (1) apply your knowledge, (2) learn the 10 Most-Asked Questions (National Notary Association, 2010, p. 9), and (3) continue your notary study.

In order to apply your knowledge, see if you can identify the authorized notarial acts with the descriptions listed below:

Acknowledgements	Oaths & Affirmations	Jurats
Proofs of Execution	Copy Certifications	Protests

1. A Notary certifies that a copy of a document is true and accurate. This procedure may only be used for powers of attorney and Journal line entries.
2. A subscribing witness takes the acknowledgement of and an instrument was not received.
3. A written statement by a Notary that payment on an instrument was not received.
4. A Notary certifies that the signer personally appeared, was positively identified, signed in the Notary's presence and took an oath or affirmation.
5. A solemn, spoken promise of truthfulness made in the presence of the Notary.
6. A Notary certifies that the signer personally appeared, was positively identified and acknowledged signing the document (National Notary Association: Lesson 1: The Notary Public Office, 2010, p. 9).

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After applying your knowledge as mentioned about, you need to learn and commit to memory the 10 Most-Asked Questions (National Notary Association, 2010, p.9). Answer the 10 questions below, using the following answers:

Yes      No      Usually      It Depends

1. Can I notarize signatures on Faxes or photocopies of documents?
2. Can I notarize a Will?
3. May I notarize for customers only?
4. Can I notarize a photograph?
5. What if there is no room for my seal or if it smears?
6. Can I notarize for a family member?
7. Does a document need to be signed in my presence?
8. Can I notarize a document in a language I cannot read?
9. Can I notarize for a stranger with no identification?

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10. Can I certify a copy of a birth certificate? (National Notary Association: 10 Most-Asked Questions, 2010, pp. 9-13).
- 

**A BRIEF DISCUSSION OF THE 10 MOST-ASKED QUESTIONS (NATIONAL NOTARY ASSOCIATION, 2010, PP. 9-13) FOLLOWS:**

**1. Can I notarize a Will?** It depends. If clear instructions and a notarial certificate are provided, a Notary can notarize a Will. A Notary is not to give advice and should refer the signer to an attorney if questions arise.

A holographic (handwritten) Will may be voided if notarized, as courts have occasionally held that any writing on the document other than the testator's invalidates the Will. In addition, would-be testators who draft their own wills without legal advice may notarize them, thinking this will make the Will valid and legal. Yet the Wills may be worthless, as the would-be testators omit important information or fail to obtain the correct number of witnesses.

**2. Can I notarize for a stranger with no identification?** Yes. If a signer cannot be identified by identification documents, a Notary may rely upon the oath or affirmation of two credible identifying witnesses who are strangers to the Notary or of one personally known credible identifying witness. (Every credible witness must present a valid state-approved ID to the Notary—effective January 1, 2008.)

In a Proof of Execution, a subscribing witness may only be identified upon the oath or affirmation of one credible witness who presents the Notary with acceptable identification and who is personally known by the Notary.

A Notary should decline the request to notarize a document, when a credible identifying witness is unavailable to identify a stranger without identification.

**3. Can I notarize a photograph?** No. It is improper to sign and stamp a photograph. The Notary's signature and seal are to be placed only on a notarial certificate (i.e., acknowledgment, etc.), which accompanies a written statement signed by another person. Nevertheless, a written statement that refers to an accompanying/attached photograph may be notarized. (Note: A Notary should be suspicious always about notarizing a photo-bearing card/document that could be used as a fake "official" ID.)

**4. What if there is no room for my seal or if it smears?** A loose certificate may be filled out and attached if notarial printing on a document leaves no room for a seal. When an initial seal impression cannot be read and there is enough space on the document, another impression may be affixed close to the first impression. The Notary should record in the journal that a second impression was affixed.

Do not try to fix an imperfect seal impression with correction fluid, ink or pen, as doing so might be seen as evidence of tampering, and the document may be rejected by the receiving agency.

**5. Can I notarize signatures on faxes or photocopies of documents?** Yes. If a signature bears an original signature, a photocopy may be notarized. (Do not notarize a photocopied signature.)

If a faxed document is on thermal paper, it should be photocopied to avoid future fading, to allow for signature and affixing of the Notary's seal. Of note, some public recorders might not accept notarized signatures on documents that are photocopied, as they do not adequately reproduce when microfilming.

**6. May I notarize for customers only?** No. A Notary should notarize for anyone who presents a lawful request. However, under California law, an employer and a Notary may agree that during business hours, the Notary's services may be limited to those transactions directly related to the employer's business. This means that there shall be no discrimination between customers and non-customers but between business-related and nonbusiness-related documents.

**7. Can I notarize a document in a language I cannot read?** Yes. California Notaries are allowed to notarize documents in languages that they cannot read, if the document signature and notarial certificate are in a readable language.

It may be dangerous, however, in notarizing unreadable documents, because it may be difficult to make an accurate journal description or the document may be a fraud. If the Notary cannot communicate in the same language, the notarization should not be performed.

**8. Can I certify a copy of a birth certificate?** No. The only two documents a California Notary is authorized to certify are: (1) copies of Powers of Attorney, and (2) entries in their journals of notarial acts (if requested by the Secretary of State).

**...Continues on page 14**



MARK W. BIDWELL

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

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

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

# The Seven Deadly Sins Of Trust Drafting

MARK BIDWELL— SUBMITTED BY RIO HONDO DISTRICT LPA

**P**ersons owning real estate in California need a trust to avoid costly and lengthy legal action in probate court. A trust need not be expensive or complicated. An affordable, basic trust is a wise investment when these seven deadly sins are avoided.

## THE FIRST SIN: PRIDE OR HUBRIS FOR RULING FROM THE GRAVE

Instead of outright distribution on death, people want to control the behavior of their loved ones by restricting access or use of assets. Ruling from the grave may be appropriate. The classic example is the drug addicted child. Any money given to the child will only go to drugs and most likely kill the child. Here detailed restrictions and safeguards are mandatory. But often ruling from the grave comes not from a place of caring, but from a sense of ego that creates hardship and bitterness.

For example one couple in their trust declared no child of theirs will receive any money until the child has graduated from the University of Southern California. No doubt these parents are devoted alumni. But a basic trust is no place for controlling children's lives. What happens if a child is not admitted to USC? The parent's hubris in their school will fall in a basic trust.

## THE SECOND SIN: SLOTH FOR FAILURE TO CHANGE TITLE ON REAL ESTATE PROPERTY

The typical California resident who owns a home should have a trust for the home to avoid probate. To avoid probate the home must be titled into the trust. Not taking the effort to transfer the house into the trust is the most common mistake made and the most easy to correct. Now there is an online service [www.DeedandRecord.com](http://www.DeedandRecord.com) to prepare and record trust transfer deeds.

## THE THIRD SIN: FEEDING THE LUST OF YOUTH BY DISTRIBUTING TO A MINOR

Persons under 18 years of age cannot receive assets. Any distributions directly to a minor will go through probate under court supervision. At least while the assets are under supervision of the court they are not wasted. But at age 18, the court must release the assets to the minor. The minor then spends the assets to feed his or her lust for life.

If there is a potential distribution to a minor, the trust should have a "children's trust" provision. A children's trust keeps the minor's assets under control of the trust until the child has reached an age of financial maturity, such as 25 years.

## THE FOURTH SIN: ENVY CREATED BY ONE TRUST; TWO PRIOR MARRIAGES

Often persons in their second marriage together create one trust. The survivor is usually the wife. The husband never intended for distribution of assets to his children on his death. The trust provides for distribution of assets to all children upon the death of the second spouse.

In a pattern that is repeated again and again, an adult child envious of the assets of the deceased husband will demand from the widow a distribution of the father's assets. For some reason this is also done within a few days of death without giving the widow time to grieve.

The widow is now afraid, angry and hurt. The widow promptly goes to an attorney for protection. The typical trust can be changed by the surviving widow and in the process of change the terms of the trust are less favorable to children of the deceased husband.

Spouses with children from a prior marriage should avoid a joint trust. This means two trusts at twice the cost, but both surviving spouse and children will be protected. A basic



trust is not appropriate for couples with children from prior marriages.

### THE FIFTH SIN: WRATH INCURRED BY AN AMENDMENT INSTEAD OF A RESTATEMENT

Amendments must be read with the original. The heirs see what they would have received and what they now receive. Amendments typically do not include "no-contest" provisions. The situation causes wrath in the disinherited heir and is ripe for litigation or at the very least creates bitter resentment. Restatement replaces the entire prior document and does not waive red flags in the face of the disinherited heir.

### THE SIXTH SIN: GLUTTONY AND THE RISK UNDUE INFLUENCE

People will put off their estate planning until their later years. In the later years objectivity is lost and dependency on others is created. Persons befriend the elderly in anticipation of a windfall at death. Heirs' and friends' gluttony for the elder's assets only increase as capacity of the elder decreases.

Any distributions out of the ordinary are questioned and become suspect, even if the distribution or bequest is valid. Trusts and Wills should be prepared when there is no question in

the capacity of the testator. Changes then should only be made judiciously when there is a substantial change in circumstances.

### THE SEVENTH SIN: GREED OF ATTORNEYS

Californians will use trust mills, boilerplate forms and pseudo legal centers because of apprehension or fear of walking into a law office and paying the full cost of an attorney. Often an estate planning attorney's best value is not in what is done, but advising on what to avoid. But too often attorneys charge the fees associated with advanced estate planning when all that is needed is a simple trust. **LS**

## LEGAL TERMINOLOGY Answers from page 36

### LEGAL TERMINOLOGY ANSWERS

1. To be informed of; make certain regarding. (1 word) certiorari
2. According to value. (2 words) ad valorem
3. Proceeding against a thing or for a thing. (2 words) in rem
4. The process of bringing together two sides to agree to a voluntary compromise. (1 word) conciliation
5. Against. (1 word) contra
6. Body of the offense; essence of the crime. (2 words) corpus delicti
7. Of right; lawful. (2 words) de jure
8. A statement, remark, or observation in a judicial opinion which is not necessary for the decision of the case. (1 word) dictum
9. Bring with you. (2 words) duces tecum
10. And husband. (2 words) et vir
11. After the act is done; after the fact. (3 words) ex post facto
12. The material part of a grievance; core; nucleus; foundation. (1 word) gravamen
13. Among other things. (2 words) inter alia
14. Now for then. (3 words) nunc pro tunc
15. Equal fault. (2 words) pari delicto
16. A method of dividing an estate (by the stem). (2 words) per stirpes
17. As much as he/she deserved. (2 words) quantum meruit
18. A proceeding to recover unlawfully held personal property. (1 word) replevin
19. To speak the truth. (2 words) voir dire
20. Of his/her own will; voluntarily (2 words) sua sponte

## Losing Your Pension?



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MICHELLE TICE

Michelle Tice currently works for Stanford and Associates as the Office Administrator, specializing in legal malpractice. She is the past president for San Diego Legal Secretaries Association and is the 2012 LSI Annual Conference Co-Chair, as well as LSI's Advertising Chair. She is very involved in community service and volunteers with her local Little League organization.



LIZ ADAME

Liz Adame has been a legal secretary since 1997, working in family law and civil litigation. She has been a member of Imperial County Legal Professionals Association since 1999 and has served as President, CCLS chair, conference chair of the February 2004 Quarterly Conference, Ways & Means co-chair, Governor, chaired the Annual Holiday Luncheon Committee and is co-chair of the 2012 Annual Conference

# Happy Days Are Here Again

BY MICHELLE TICE, CCLS, ELIZABETH ADAME, CCLS  
2012 LSI ANNUAL CONFERENCE CO-CHAIRS

**T**he Imperial County Legal Professionals Association (ICLPA) and the San Diego Legal Secretaries Association (SDSLA) are honored to host the 78th Annual Conference of Legal Secretaries, Inc., May 17-20, 2012, at the Bahia Resort Hotel in San Diego. This historic event will see a new Executive Committee installed, and we are excited to share our plans with all of you.

Our theme for this conference is "HAPPY DAYS." The entire weekend will feature 50s-style décor and our committee will be easily recognized in their Pink Ladies jackets. With this theme comes a suggested dress code:

Our Friday Night Reception will be like hanging out at Arnold's Diner, or at your school's sock hop. Ladies should consider wearing a poodle skirt with white Keds, and perhaps rolled up jeans with saddle shoes. Gentlemen can think about whether they want to go with the Richie look - khakis, a button down shirt, and letterman sweater - or the Fonzi look - jeans, T-shirt, and black leather jacket.

Saturday's banquet will be Prom Night at Rydell High. Full lacy dresses for the ladies, and guys in white dinner jackets are one option; channeling your inner John Travolta and Olivia Newton-John is another option. We have exciting entertainment planned that will accompany our theme before the awards ceremony and it promises to be a fun evening!

Sunday Brunch (and Installation) is going to be the smart 50s Business Woman/Man. Ladies can dress formally in a suit (with hat and gloves, of course), or go with the more simple skirt and blouse/sweater combination. Gentlemen should consider going with the Mad Men look in a suit and tie, or dress more simply in slacks with a pullover sweater, button down shirt, and tie.

Also, business meetings will require the business casual dress code (no jeans, sweats or flip flops).

Don Lee's bay front hospitality suite will be

open on Thursday, May 17 from 4:00 to 6:00 pm; Friday, May 18 from 4:00 to 6:00 pm; and Saturday, May 19 from 3:00 to 6:00 pm. Stop by for a refreshing drink while enjoying a view of Mission Bay.

We are also very pleased to once again offer limousine service on Sunday after installation, for those that need a ride to the airport. Be sure to sign up at the registration desk when you check in.

The Resort is located approximately 6.5 miles from the San Diego International Airport. Taxicabs are readily available and the Cloud 9 Shuttle is another transportation option and will cost up to \$12 each way. There is always the option to rent a car as well. Parking at the resort is complimentary.

Our vendors will be located in the Mission A room, just inside the ballroom. They will be available to visit until the Welcome Reception, but this year, our vendors will have an opportunity to mingle with attendees during the Reception and take the opportunity to visit with the friends they have made over the years. The Welcome Reception will be held aboard the William D. Evans, a 19th century-style stern-wheeler. Next to the William D. Evans is another boat, the Bahia Belle, and each attendee will be given a ticket to board the Bahia Belle (another sternwheeler) and cruise Mission Bay any evening during the Conference. The Bahia Belle features live music including swingin' blues and DJs spinning great dance music for everyone to enjoy, with stops at both the Bahia and the Catamaran. Passengers can enjoy the Tangier Bar's locally famous Piña Colada before boarding the Belle, and can disembark at the Catamaran to enjoy entertainment at Moray's Lounge and then re-board for more fun on the bay.

The Bahia Resort Hotel is a San Diego Landmark. It was the first commercial lessee on Mission Bay. By 1953, the Bahia's first 52 units were open and attracting visitors. Entrepreneurs William and Anne Evans took a risk and it paid off. Today, the Bahia Resort Hotel

is a 314-room destination hotel, which includes beachfront cottages, studios with panoramic views, and spacious bay-side suites. The room rates for our conference include a very attractive \$139 single/double standard room rate with the option to upgrade to a suite for an additional \$100 per night. For those looking to share a room with others, the rate is \$159 for triple occupancy and \$179 for quad occupancy.

The standard amenities in each room will include complimentary high-speed wireless Internet, HBO, AM/FM radio, coffeemaker, ironing board and iron, hairdryer, refrigerator and signature bath supplies. The suites are equipped with a kitchenette, including a refrigerator, stove, microwave, and cooking utensils, dining area for four, and one king bed or two double beds.

The Bahia's water sports rental center has everything you need to experience the beautiful Pacific Ocean and Mission Bay Aquatic Park and boardwalks. They offer equipment for biking, pedaling boats, surfing, kayaking, sailing, power boating, and more. Complimentary beach cabanas are available along its secluded beach for relaxing and soaking up the sun.

For those looking to occupy some free time, Mission Bay is one of San Diego's most popular outdoor destinations, a complex of waterfront parks, public beaches and grassy, palm-lined recreation paths strung along 27 miles of shoreline. At Mission Bay San Diego you can fly a kite, go bird watching, or have a picnic, but water sports rule here. Eastern Mission Bay is popular with jet boats, jet skis and the like, while the seaward side attracts sailboats and sailboarders.

Besides the things you can do in Mission Bay San Diego parks, these are a few other area activities:

**Visit Belmont Park:** An old-fashioned beachfront amusement park that's home to the 1925 Giant Dipper roller coaster.

**Visit Sea World:** Killer whale Shamu is the star here, but you'll find plenty of other things to do.



**Visit the world famous San Diego Zoo:** The world's greatest zoo is a must-see, over and over. This 100-acre, lushly landscaped facility is what all zoos in the world measure up to. Bio-climatic exhibits such as Tiger River, Polar Bear Plunge, and the newest exhibit, Monkey Trails, simulate habitats that allow native animals to roam and intermingle. And of course, one mustn't miss the Giant Panda Research Station, home to Bai Yun, Gao Gao, and Mei Sheng.

**Visit Old Town San Diego:** There are a great many places to shop and dine with unique products and a quaint atmosphere. Bazaar del Mundo, Fiesta de Reyes, the Old Town Market, and many boutique shops offer a variety of uncommon gifts.

Beach bonfires are a particularly "California" activity, and you'll find containers for beach fires at many Mission Bay San Diego beaches. You can have a fire from 5:00 a.m. to midnight. Bring your own wood and/or charcoal, which you can buy at many San Diego area grocery stores.

Located along Pacific Beach's main streets, Grand and Garnet Avenues, shoppers love the thrift stores, vintage clothing stores, boutiques, coffeehouses, and hookah bars that line the two streets.

With its dramatic coastline and spectacular views, it's no surprise that La Jolla was one of the first San Diego neighborhoods to be settled, and has since become some of the most prized real estate in the nation. Start with a scenic drive or stroll

along Coast Boulevard. At the north end just off Prospect Street, you'll find a dirt path leading to the top of Deadman's Bluff, or you can descend a tunnel in the basement of the old Curio Shop to visit Sunny Jim's Cave. Here you'll find a variety of native sea birds nesting on the cliffs and sea lions sunning on the rocks below. Next is La Jolla Cove, a protected marine sanctuary with an idyllic crescent of beach sheltered from all but the worst of winter storms. The Cove is the best place in town for a safe swim or snorkeling.

When you're finished with your tour of the coast, head one block inland and you'll find yourself back on Prospect Street. Returning north again, you'll pass the Museum of Contemporary Art San Diego, a popular public playground for children, and several of San Diego's most beautiful churches. Soon you'll arrive at the main business district, continuing for several blocks along Prospect and down the side streets of Fay, Girard, and Herschel. Here you'll find the romantic old-world hotels, gourmet restaurants, and upscale shops for which La Jolla is famous.

With so many wonderful activities to choose from, the Bahia is offering LSI members the contracted room rate for three days prior to conference and three days after conference. Bring your families, make a mini-vacation of your time here, and arrive in America's Finest City with extra time to spare. We look forward to welcoming all of you to San Diego! **LS**





**RICHARD HARER**

Richard Harer is Vice President of Specialized Investigations, a statewide company in California, Arizona, and Washington with over 60 employees. His areas of expertise include Medical Fraud, Insurance Fraud, Surveillance, Asset Searches, Skip Tracing and General Backgrounds.

Richard is also an Expert in Social Media Investigations, Computer Databases and Public Records.

He has a Bachelor of Science in Criminal Justice with minors in Political Science and Sociology from the University of South Dakota. Website address: [www.attyinfo.com](http://www.attyinfo.com).

# Social Networking Research & Investigations - The Legal, Ethical & Evidentiary Issues

BY RICHARD B. HARER — SUBMITTED BY RIO HONDO DISTRICT LPA

## **SOCIAL MEDIA: A REQUIRED TOOL**

Social networking sites have become such "standard tools" that Peter Foley, Vice President of claims at American Insurance Association said that investigators and (legal researchers) could be considered negligent if they didn't conduct at least "a quick scan of social media to check for contradictions."

However, Foley and other insurance experts caution that the information should be used only as launch pad for further investigations and never as final proof of fraud. Manulife, citing ongoing legal proceedings, declined to comment on a recent case involving information developed on a social media site that contradicted an insured's disability claim, but said in a statement, "We would not deny or terminate a valid claim solely based on information published on websites such as Facebook."

## **EXAMPLES OF INVESTIGATIVE USE**

Surveillance cases can benefit immensely by obtaining photos, habits, activities, and other pertinent information on the subject before initiating surveillance. Locating witnesses, insured, claimants, and others is another excellent use of social media sites. Background information, character, habits, activities, financial information, and other useful information can also be obtained. Identifying relationships/accomplices is also an excellent source of information on social media sites.

There are many other benefits of social media research and investigation, which is only limited by the researchers' imagination... and time.

The following is a list of the ten most popular social media sites in the US (as of August 2011): Facebook, Twitter, LinkedIn, MySpace,

Ning, Google Plus+, Tagged, Orkut, hi5, and myYearbook.

## **SOCIAL NETWORKING RESEARCH TOOLS**

Searching hundreds of social sites for information would be time prohibitive. However, there are numerous "fee for service" and free sites available that act as "search engines" and can do some of the work for you, by searching dozens of social sites at once. A few of these sites are: [www.Skipsmasher.com](http://www.Skipsmasher.com), [clearthomsonreuters.com](http://clearthomsonreuters.com), [pipl.com](http://pipl.com), [yname.com](http://yname.com), and [wink.com](http://wink.com).

There are many other paid sites and free sites to select from and a website where you can find various sites to search multiple social media sites at once: <http://www.makeuseof.com/tag/how-to-search-multiple-social-media-sites-at-a-time>.

## **TWITTER**

Twitter is another rapidly growing social media site, with over 100 million users (as of September 2011). Twitter can be another valuable resource but has some limitations. There are Twitter search engines that will enable you to conduct searches by any name and/or topic. The Twitter search engines are [monitter.com](http://monitter.com) and [tweollow.com](http://tweollow.com).

## **BLOGS**

Blogs have become less popular as a social networking medium, especially among younger viewers, who are too busy (or distracted) to write lengthier posts. According to a recent New York Times article, "People are turning to other social networks to share and find opinions online." Twitter, Facebook, and blogging hybrids - such as Tumblr and Posterous - have

made it even easier for Internet users to share their opinions. However, there are still an estimated 122 million blog readers in the US (as of May 2011).

### **MESSAGE BOARDS & FORUMS**

There are thousands of message boards and forums on the internet, and one of the best sources of information available on an individual or group. There are several sources to search for individuals or groups at boardtracker.com and search.big-boards.com.

### **CRAIGSLIST**

Craigslist is described as "a centralized network of online communities featuring free online classified advertisements, with sections devoted to jobs, housing, personals, for sale, services, community, gigs, résumés, and discussion forums. The ads are posted in the respective cities in the area where the posting party is generally located. However, it can be tedious to search across many different cities when conducting research on a particular individual and/or topic.

### **SOCIAL MEDIA RESEARCH: ETHICAL ISSUES**

There are a number of ethical issues that have been raised surrounding access to information on social media sites and individual privacy. In short, any information that is accessible to the public is "fair game," and is not protected by any 4th amendment right to privacy. In other words, if it can be located, read, and printed out from the internet, it can be used for any legal (or personal) matter needed.

However, things get a little "murkier" when researchers or investigators create fictitious profiles in order to "friend" or "connect" with someone to gain access behind their "walls" (created by privacy settings) to their "inner circle" of "friends," and (social media) conversations and it is important to be aware of other potential legal liability of the actions of others working on behalf of the attorney in the course of the investigation. For example, in California, lawyers retaining an investigator may be liable for the investigator's improper actions (*Noble v. Sears, Roebuck & Co.* 33 Cal. App. 427 654 (1973)).

### **SOCIAL MEDIA RESEARCH: EVIDENTIARY ISSUES**

You just developed some very compelling evidence from a social media site that essentially "makes your case." Now that the information has been printed out and saved, what are the evidentiary issues that you may encounter? Will the Judge accept the information as evidence in a court proceeding? Will the opposing side object to the admission of the evidence on the grounds that it was protected by their client's 4th amendment right to privacy?

According to current case law in a number of states, the

prevailing position taken by the courts is, "A user might enable privacy settings on a social media account, but that does not automatically protect that information from discovery in a legal proceeding. A court resolves an objection to a discovery request by balancing the burden and possible oppression of producing the information — including the potential invasion of privacy — with the material need for such information." For example, In *Romano v. Steelcase, Inc.*, the court found that a party had no reasonable expectation of privacy to their SNS postings. While Romano was outside the scope of the Fourth Amendment, the lack of an expectation of privacy reflects the growing trend to view SNS information as non-private. The court ordered the plaintiff to give her consent to the defendant to obtain the SNS information.

So if the social media postings are not "protected," can the social media site postings be simply subpoenaed? Not exactly! Even though subpoenaing Facebook or MySpace may seem an obvious choice, it's not likely to render results, as shown in *Crispin v. Christian Audigier* (2010).

How can the information be obtained legally? The growing trend appears to be the use of a court order. However, courts may be reluctant to compel service providers to provide broad, unrestricted access to social networking user information, but may order production in response to narrowly tailored requests.

In addition, there are other methods of formal discovery to develop further information about the social media usage of the subject. For example, interrogatories should seek to identify an opponent's screen names and relevant social media usage. Requests for production should seek blog entries and social media posts, and requests for admission should be designed to authenticate such information. In addition, the subject should be questioned extensively about social media usage during depositions and court testimony.

What about the "publicly obtained" compelling information that you developed and printed out from the social media site, and are ready to submit as evidence? Fortunately, the laws to date would appear to have a very low threshold in admitting this evidence. The evidence can be satisfied by the testimony of a witness who has personal knowledge that the evidence is what it purports to be. In fact, courts have held that website printouts need not be authenticated by the site's owner but can be authenticated, for example, by an attorney who testifies that she visited a particular site, recognized it as the opposing party's, and printed what she saw on the screen. (*Jarritos, Inc. v. Los Jarritos* (2007)).

### **OTHER EVIDENTIARY CONCERNS**

One must be very cautious when considering the validity of information obtained from social media sites. It is extremely common for individuals to

**...Continues on page 14**



DEBORAH RICKERT  
EDITOR

Deborah Rickert is editor of *The Legal Secretary* magazine. She has served LSI as LSS Civil Litigation Leader, PRC Assistant Editor, Registrar, and Editor of *The Legal Secretary* 2004-2006 and 2008-2010. She is currently serving as Parliamentarian of Orange County LSA. Deborah has been a legal secretary for over 25 years, and works at Latham and Watkins LLP in Orange County, California.

# A Message From The Editor

BY DEBORAH RICKERT, CCLS—EDITOR, THE LEGAL SECRETARY

**W**elcome to the May 2012 issue of *The Legal Secretary*. In this issue we have many articles of interest including "Now That You're a Notary, What's Next?" by Hannalore Dietrich, CCLS, "What's Your APptitude?" by Dimetria Jackson, Esq. and "Five Easy Things You Can Do To Protect Your Family" by Robert Mansour, Esq.

It is important to share your achievements and ideas with all members. You can accomplish this by submitting articles for publication in upcoming issues. In today's busy society, it can be hard to think about finding time to write or submit articles. However, the benefits are enormous, both to you, your family, and your Associations. The right article can help you find friends, reach out to LSI, and even advance your career.

You can also help by volunteering to be an Officer or Chairman in LSI or on your local Association board. Did you know the many benefits of helping out? Here are a few:

- **Volunteering increases self-confidence.** Volunteering can provide a healthy boost to your self-confidence, self-esteem, and life satisfaction. You are doing good for others and the Association, which provides a natural sense of accomplishment. Your role as a volunteer can also give you a sense of pride and identity. And the better you feel about yourself, the more likely you are to have a positive view of your life and future goals.
- **Volunteering combats depression.** Reducing the risk of depression is another important benefit of volunteering. A key risk factor for depression is social isolation. Volunteering keeps you in regular contact with others and helps you develop a solid support system, which in turn protects you against stress and depression when you're going through challenging times.
- **Volunteering can advance your career.** If you're considering a new job, volunteering can help you get experience in your area of interest and meet people in the field. It gives you the opportunity to practice important skills used in the workplace, such as teamwork, communication, problem solving, project planning, task management, and organization. You might feel more comfortable stretching your wings at work once you've honed these skills in a volunteer position.

There are numerous opportunities available. The key is to find the position that you would enjoy and are capable of doing. Talk with other members and LSI Officers and Chairmen for more information. Step outside the box, you will be glad you did.

Speaking of stepping outside the box, would you prefer to receive *The Legal Secretary* magazine via electronic mail? This would offer many advantages over the publication as a printed magazine. The most important advantage is the difference between "print time" and "electronic time." Typically, articles are received, sent out for approval, then forwarded to magazine proofreaders. The editor receives all suggested changes and creates documents in the proper form and content to be forwarded to the designer. This takes much time and effort which could be reduced if the magazine was sent electronically. As announced during the February Board of Governors meeting, LSI is looking for ways to cut costs. Electronic publication would save a considerable amount of money. As Governors, you are the members to suggest changes.

Your voice and support in taking *The Legal Secretary* magazine to the next level will be an invaluable way of helping others and in helping to increase our knowledge in all areas of law. The Editor welcomes your comments and would be happy to hear how upcoming issues of *The Legal Secretary* can be improved.

LS



# GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

## DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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

## SUGGESTED TOPICS FOR ARTICLES

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

## SUBMISSION GUIDELINES

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

## PHOTOGRAPHS

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

Deborah Rickert, CCLS • Editor, The Legal Secretary  
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## LEGAL TERMINOLOGY

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

1. To be informed of; make certain regarding. (1 word) \_\_\_\_\_
2. According to value. (2 words) \_\_\_\_\_
3. Proceeding against a thing or for a thing. (2 words) \_\_\_\_\_
4. The process of bringing together two sides to agree to a voluntary compromise. (1 word) \_\_\_\_\_
5. Against. (1 word) \_\_\_\_\_
6. Body of the offense; essence of the crime. (2 words) \_\_\_\_\_
7. Of right; lawful. (2 words) \_\_\_\_\_
8. A statement, remark, or observation in a judicial opinion which is not necessary for the decision of the case. (1 word) \_\_\_\_\_
9. Bring with you. (2 words) \_\_\_\_\_
10. And husband. (2 words) \_\_\_\_\_
11. After the act is done; after the fact. (3 words) \_\_\_\_\_
12. The material part of a grievance; core; nucleus; foundation. (1 word) \_\_\_\_\_
13. Among other things. (2 words) \_\_\_\_\_
14. Now for then. (3 words) \_\_\_\_\_
15. Equal fault. (2 words) \_\_\_\_\_
16. A method of dividing an estate (by the stem). (2 words) \_\_\_\_\_
17. As much as he/she deserved. (2 words) \_\_\_\_\_
18. A proceeding to recover unlawfully held personal property. (1 word) \_\_\_\_\_
19. To speak the truth. (2 words) \_\_\_\_\_
20. Of his/her own will; voluntarily (2 words) \_\_\_\_\_

...Answers on page 29

# Dates to Remember in 2012

<b>May 11, 2012</b>	<b>Deadline to sign up for Legal Specialization Section Workshops</b>
<b>May 17-20, 2012</b>	<b>78th Annual Conference</b> <i>Hosted by Imperial County LPA and San Diego LSA Bahia Resort San Diego</i>
<b>June 1, 2012</b>	<b>Deadline for submission of articles for August issue of <i>The Legal Secretary</i></b>
<b>July 27, 2012</b>	<b>Last day to postmark August conference registration to receive discount</b>
<b>August 17-19, 2012</b>	<b>LSI First Quarterly Conference</b> <i>Hosted by Alameda County and Livermore-Amador Valley</i>
<b>August 21, 2012</b>	<b>Last day to submit CCLS Exam Application to the CCLS Certifying Board</b>
<b>September 1, 2012</b>	<b>Deadline for submission of articles for November issue of <i>The Legal Secretary</i></b>
<b>September 20, 2012</b>	<b>Last day to submit CCLS Exam Application to the CCLS Certifying Board with payment of late fee</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

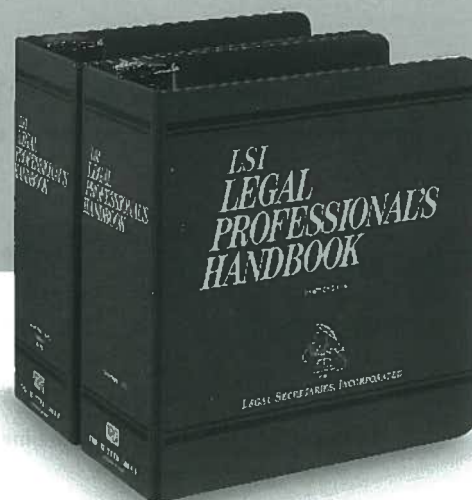
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<b>HISTORY OF LEGAL SECRETARIES, INCORPORATED</b> A 50-page memory of people, places and events since 1929. (Rev. 3/2010)	5.00		
<b>LAW OFFICE PROCEDURES MANUAL FLYER</b> An 8 ½" x 11" advertisement of the LOPM. Includes listing of contents and Order Form. (Rev. 1/2010)	N/C		
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# California Certified Legal Secretary

A Program of  
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## APPLICATION

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

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

<input type="checkbox"/> Northern California	<input type="checkbox"/> Saturday, October 20, 2012
<input type="checkbox"/> Southern California	<input type="checkbox"/> Saturday, March 16, 2013

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

EXAMINATION FEES*			
	<b>LSI MEMBERS**</b>		<b>Non-LSI MEMBERS</b>
	Registration fee: \$ 25.00		Registration fee: \$ 75.00
	Examination fee: \$ 100.00		Examination fee: \$ 100.00
	<b>Total \$125.00</b>		<b>Total \$175.00</b>

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

\* Fees subject to change without notice.

\*\* LSI members: Name of local association: \_\_\_\_\_ LSA/LPA.  
**Please enclose a photocopy of your local membership card.**  
You must be a member upon application to be eligible for reduced fees.

\*\*\* Include \$30 late fee if applicable.

Name \_\_\_\_\_ Last 4 Digits of SSN \_\_\_\_\_

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

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

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

E-mail(s): \_\_\_\_\_

Highest level of formal education completed: \_\_\_\_\_; Highest Degree: \_\_\_\_\_.

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

Dates \_\_\_\_\_ Position \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

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

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

Summary of Duties \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Dates \_\_\_\_\_ Position \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

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

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

Summary of Duties \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

## **BENEFITS**

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*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.*

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QUESTIONS AND CONCERNS CONTACT:  
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LSI® Marketing Committee Coordinator  
P.O. Box 58, Seeley, CA 92273  
Cell - (760) 604-3057  
[sjimenez52@yahoo.com](mailto:sjimenez52@yahoo.com)





# 2011-2012 LSI Roster



## ELECTED OFFICERS

### President

BROOKE MANSFIELD-ATHERTON, CCLS  
Cell: (530) 519-1541; Home: (530) 872-1074  
E-mail: baaccls@gmail.com

### Vice President

SANDRA T. JIMENEZ, CCLS  
Cell: (760) 604-3057  
E-mail: sjimenez52@yahoo.com

### Executive Secretary

MARY J. BEAUDROW, CCLS  
Cell: (415) 717-5675; Office: (415) 268-7281  
Fax: (415) 358-4161  
E-mail: marybeau@comcast.net

### Treasurer

JENNIFER PAGE, CCLS  
Home: (415) 898-1010; Office: (415) 721-2040  
E-mail: jlpagexix.netcom.com

## APPOINTED OFFICERS

### Executive Advisor (CEC)

CHRISTA DAVIS  
Home: (510) 582-1641; Office: (925) 463-0750  
Fax: (925) 463-0407  
E-mail: cdavis@staleyjobson.com

### Parliamentarian

JULIE EDSILL, CCLS  
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E-mail: julie@personsmiller.com

### Editor-in-Chief (CEC)

LUGENE BORBA, CCLS  
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E-mail: lugeneborba@comcast.net

### Editor, The Legal Secretary

DEBORAH RICKERT, CCLS  
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### Educational Program Coordinator (CEC)

J. CORI MANDY  
Office: (619) 515-3256; Fax: (619) 398-0146  
E-mail: cori.mandy@procopio.com

### Historian

CARRIE HUGHES, CCLS  
Cell: (925) 768-6547; Office: (925) 930-9090  
E-mail: carrielee927@yahoo.com

### Legal Specialization Sections Coordinator (CEC)

CHERYL L. KENT, PLS, CCLS  
Home: (925) 462-3440; Office: (925) 837-0585  
Fax: (925) 523-3086  
E-mail: clk@gagenmccoy.com; clkcls@comcast.net

## CHAIRMEN

### 2012 Annual Conference

MICHELLE TICE, CCLS  
ELIZABETH ADAME, CCLS  
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Home: (760) 352-8333  
E-mail: liz.adame@sbcglobal.net

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E-mail: diana@mtdiabloipa.info

### Editor, The Legal Professional's Handbook

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Fax: (925) 284-7789  
E-mail: mbishopcccls@hotmail.com; maria@perezmillier.com

### Editor, Law Office Procedures Manual

ANN BOCCIA ROSADO  
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Fax: (562) 435-8304  
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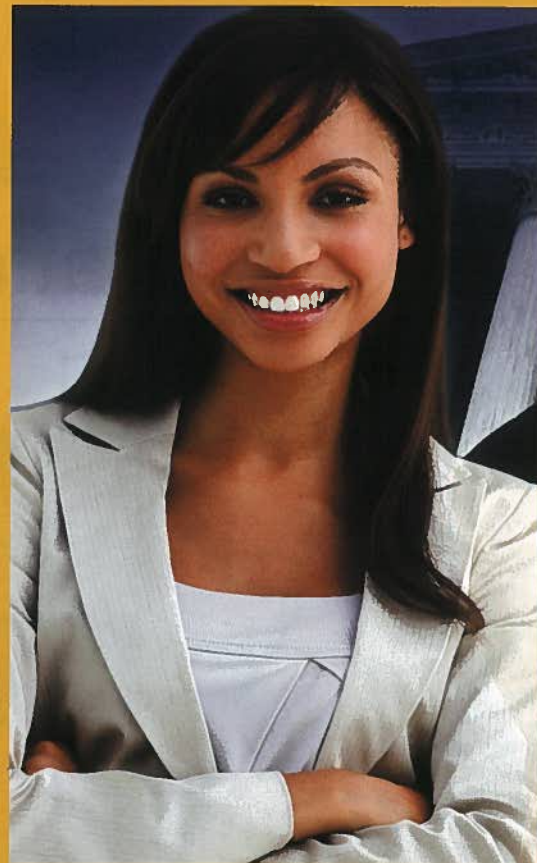
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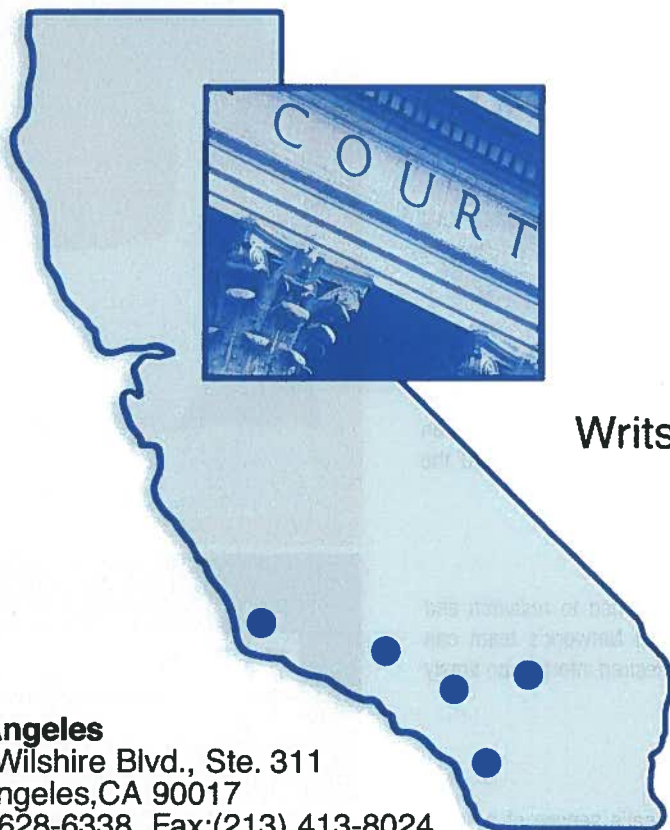
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