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May 2013

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Rise To The Challenge

BY SANDRA T. JIMENEZ, CCLS — LSI PRESIDENT



Time flies when one is having fun! (I can't believe I said that.) But, yes, here we are again at May Annual Conference. It seems as though it was just yesterday that the new Executive Committee was being installed and here we go again – round two.

I am very pleased to report that LSI is experiencing member growth and we owe it all to Local Associations who have been scheduling membership drives and working hard to recruit more members this year. Conference attendance reports reveal that more members are also attending more conferences again – not only is that good for conference hosting associations, but also for LSI. However, more importantly, current officers, appointed officers and chairmen are enthused about LSI and it shows in their performance.

The Publications Revision Committee's (PRC) hard work and great performance is reflective in higher royalties this year; the Continuing Education Council (CEC) has been working diligently to begin online programs, and has presented wonderful CEC free seminars at quarterly conferences; the Legal Specialization Sections (LSS) are enjoying an increase in membership due to excellent topics and speakers; our CCLS program is going strong; we have a Legal Procedure page on the website to keep members up-to-date; LSI information and forms are more

accessible on the website; and the Executive Committee's performance as a team, has been nothing but outstanding. All of us together comprise a wonderful team dedicated to improving LSI and that is excellent teamwork!

FEBRUARY 2013 CONFERENCE – ACKNOWLEDGMENT/RECAP:

Thank you Orange County LSA! Special thanks to Conference Chair Barbara Barregar and hosting association Orange County LSA for an awesome February Conference at Knotts Berry Farm. The weather was a bit on the cool side, but perfect nonetheless. The food was excellent and the hotel service was absolutely great. Orange County LSA is commended for "rising to the challenge" of planning and hosting a great conference – awesome teamwork! Everyone enjoyed "Blazing a Trail" at Knotts Berry Farm and it was so much fun – western theme and all. And, what a great turnout – 144 registrations!

I was very pleased and happy that our son, Mike Jimenez, Jr. and his girlfriend, Marteena Cao, were able to attend also. I truly appreciate their support and assistance.

The Friday night reception was truly awesome with the many vendors and the "taco cart." The food (and I call it food, not appetizers) was absolutely delicious – my favorite, the Guacamole! Conference attendees had

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

the opportunity to visit and network with members and vendors. The photo booth was so much fun and many took advantage of it – the photos taken are definitely a keepsake. I must say that the food was delicious at every event. My favorite was the fried chicken at banquet! I must say it was different, but so delicious!

Our welcome speaker on Saturday morning was the Mayor of Buena Park, Elizabeth Swift, Ed.D. Not only did she welcome us and provide a brief history of Knotts Berry Farm; she also took us down memory lane (well, those of us who remembered way back) remembering early western TV shows. It was certainly a pleasure to have her join us – such a delightful person.

Our Brunch speaker, Mr. Jim Amor-mino, was a very interesting speaker also. We all enjoyed hearing about his experiences as a public relations officer for the Orange County Sheriff's Department. We should definitely invite him back for a sequel.

There were many LSI Past Presidents in attendance: Patricia S. Brady, Esq., Diana E. Estabrook, PLS, Patricia A. Parson, Linda Duarte, Patricia E. Miller, PLS, CCLS, Kay J. Thornburg, Mary S. Rocca, CCLS, and Christa Davis. There were also two honorary members: Sharon R. Irish, CCLS and Don Lee. We certainly enjoyed having them join us and appreciate their continued support at every conference.

The Executive Committee is diligently working as you can see from the business transacted at the Board of Governors meeting on Saturday:

1. A new LSI logo was selected by a majority vote and it was also adopted as the new logo. The logo entry was made by Cathleen Siler of Long Beach LPA, who won a free scrip ticket to May 2013 Annual Conference.
2. The noticed Bylaw Amendment to Article IX, Section 2, subsection (a) regarding the Executive Advisor position - was approved and adopted by a majority vote.
3. The Executive Committee recommendation to amend Standing Rule 2.18, to allow "governors in training" at February conferences -- was also approved and adopted.
4. The Executive Committee recommendation to change the title of Standing Rule 24 to just "Day in Court" – was approved and adopted.
5. The Executive Committee recommendation to amend Standing Rule 24.1 "to strike "videotapes which shall be available for rental to Local Associations for a 30-day period, at a cost of \$10 per videotape" and insert "scripts that are available to Local Associations" at the end also passed and was adopted.

Our Parliamentarian, Astrid Watterson, CCLS, is working overtime as you can see from the three Notices that were immediately disseminated to Governors and Presidents. Governors will be voting on these items at the Pre-Board of Governors' Meeting at the May 2013 Annual Conference:

NOTICE OF PROPOSED BYLAW AMENDMENT TO ARTICLE XII, SECTION 1: Amendment to insert new subsection (o) to add a social media chairman as follows:

(o) Social Media

NOTICE OF PROPOSED BYLAW AMENDMENT TO ARTICLE XII, SECTION 2: Amendment to insert new subsection (o) to add a social media chairman as follows:

(o) Social Media. This Committee shall (1) maintain and update the LSI website, (2) ensure all directives and reports and conference changes are updated on the LSI website, (3) coordinate with the webmaster, (4) maintain and update all photographs of LSI items listed on the LSI website, and (5) maintain and update all other social media as needed.

NOTICE OF PROPOSED BYLAW AMENDMENT TO ARTICLE XIII, SECTION 2: Amendment to insert new subsection (c) to read as follows: (1) A Local Association that has not paid per capita taxes to LSI 90 days past the delinquent period as stated in Article VI, Section 6, may have its charter revoked for nonpayment.

Again, I commend the governors for their efficient and professional conduct while transacting the business of the corporation. Special thanks to our pages: Heather Nowak, Dee Texidor, and Marilyn Born, who assisted in the morning and afternoon sessions.

The LSI Bylaws and Standing Rules have already been updated by our LSI Parliamentarian, Astrid Watterson, CCLS, and were posted on the LSI website immediately following conference. They are effective as soon as amendments are adopted; therefore, always refer to the current version.

The following new appointments to the LSI Team were announced:

- CCLS Certifying Board Member - LeQuita Hodge, CCLS of Long Beach LSA (four year term) and Attorney Member - Emily Lynch Morissette, Esq. of San Diego, California (two year term).
- 2013 Annual Conference Registrar – Melissa Cardinale of San Mateo County LSA and Assistant Registrar – Barbara Barregar of Orange County LSA.
- Committee to Review Annual Meeting Minutes: Chair - Melanie Herman of Sacramento LSA, Member - Yolanda Tapia of Los Angeles LSA, and Member - Maria Morales-Hernandez of San Mateo County LSA.
- May 2014 Annual Conference Co-Chairs: Cristina Moreno and

...Continues on page 43





LSI Third Quarterly Conference 2013

Knott's Berry Farm Hotel, Buena Park, California





A Question Of Membership

BY MAE BROOKS — SUBMITTED BY VENTURA COUNTY LPA

What kind of member are you? In the world of organizations, associations, clubs, and the like, there are “members.” There are the leaders, the followers, the participators, the “join for the name only,” and the “do nothing” members. Which are you?

And, in each of these categories of members, there are further categories. In the leaders group there are those who lead – only if everyone else does what they want. They

usually the same. The only reason they join is because someone else is paying for it (i.e., their boss) and they like to be able to say they are a member of a particular group. They don’t care if they get anything out of being a member and most certainly don’t want to participate by doing something. The fact they might get something beneficial out of being a member never occurs to them – this is not what they are looking for.

The best members are the “participators.”

are afraid that if you do, you will be asked to do something or that the others will not like your ideas? My motto on this is “nothing ventured, nothing gained.”

All of the members of the local associations I have met, and those at the executive level of LSI, are open to membership input. LSI and the local associations can only grow if the members participate and contribute ideas. Our goal is education, but the leaders need to know the areas where education is

Questions I would like members to ask themselves, are “What do I want from being a member of this Association/Organization” and “What kind of member am I”?

don’t accept suggestions, and Lord help you if you criticize them. The leaders usually comprise the Board of Directors and in small organizations seem to stay in the leadership position forever. Why is this? No one wants to take on the responsibility and time involved in being a “leader.” The other type of leader is one who welcomes input from the membership. This person encourages others to participate, encourages others to step up and take on a leadership position, and is there for support. This is the type of person you would like to see stay in a leadership position for a long time, but is the person who knows someone else should step up also.

What about the followers. These are the members who just go along and do whatever everyone else is doing and whatever the majority wants. They don’t care which way it goes, they will go along with it – just don’t ask them to do anything. They attend functions, they keep renewing their membership, but again, don’t ask them to do anything more.

Then there are the “join for the name only” and the “do nothing” members. These are

These are the members who come to meetings, who speak up with ideas, who are supportive of the organization/association, and promote it whenever they can. They may be unable to participate at times because of family or work obligations, but they will participate and contribute whenever they can.

Questions I would like members ask themselves, are “What do I want from being a member of this Association/Organization” and “What kind of member am I”? Are you one who sits back and does nothing, do you complain about what goes on but don’t speak up with ideas as to what should or could be done? Do you not speak up because you

needed. Because there is a wide variety of types of law and practices in California, it is always difficult to decide which areas should be covered, but if membership spoke up more and let the “Leaders” know what they need, it would make the coverage of these types of educational events more meaningful, and over time, most of the areas could be covered.

Again, what kind of member are you? If you have been a follower or “do nothing” member, make a resolution to participate – contribute your ideas and help in helping your local association and LSI continue to be the best there is. **LS**



MAE BROOKS, CCLS, is the current President of Ventura County Legal Professionals Association, and has been an active member of LSI, Inc., and VCLPA since approximately 1997. Mae has been a legal secretary since before she was old enough to sign her Proofs of Service (she was only 17 when she started in a law office), and has been with her attorney, David Tredway of Ferguson, Case, Orr, Paterson LLP, for over 30 years. Mae is also well known for her handiwork with yarn and crafting abilities.

Baker v. Wesberry and Reynolds: The Truth About the “One-Man, One-Vote” Rule

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

While it has often been cited as such, the *Baker v. Carr* Decision of 1962 did not actually establish the “one-man, one-vote” rule. That rule actually was advanced by subsequent United States Supreme Court decisions, with such issues

than decide on the case’s merits or command speedy reapportionment, it has not been so interpreted.¹

The first litigation that led to the actual “one-man, one-vote” principle involved Georgia. James Sanders sued such entities as

hibited the conduct of the primary election under the county unit system because even though that system gave each voter one vote, it counted the votes that (1) weighted rural votes more heavily than urban votes, and (2) weighted some small rural counties

There are a number of observations that can be made regarding the “one-man, one-vote” principle. The litigation occurred during the civil rights movement, and there was racial discrimination when it came to the franchise.

originating in United States district courts. Moreover, since voting is the issue, the Census Bureau data and this rule are inextricably tied in determining the creation of legislative districts. Finally, due to problems regarding such data, a new law was enacted slightly over a decade following the enunciation of the new rule.

It is clear that the United States Supreme Court’s *Baker* Decision of 1962 was not the actual creator of the “one-man, one-vote” rule. Federal courts were authorized to hear lawsuits that challenged the legality of malapportioned state legislatures under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, or intervene so as to determine if citizens’ votes carried equal weight in state voting procedures. A state legislature was not required to reapportion itself due to violations of its own constitution if the Court could not find invidious discrimination. While this decision may have only invited lower courts rather

Chairman James H. Gray of the Georgia State Democratic Executive Committee because his federal constitutional rights had been violated by the conduct of a primary under the county unit system. In April 1962, a United States district court in that state ruled in favor of Sanders when it held that that county unit system had resulted in unconstitutional invidious discrimination, and issued an injunction against such conduct.² Later, the United States Supreme Court’s *Gray* Decision of 1963 vacated this district court decision by ruling that that district court properly pro-

heavier than other larger rural counties.³

Soon, Henry J. Toombs and others sued Georgia Secretary of State Ben W. Fortson, Jr., and others for reapportionment of their state’s General Assembly so that people would be represented by assembly members based upon population. In May 1962, a United States district court ruled that (1) it was unconstitutional for Georgia’s legislature not to have at least one house that was elected and apportioned to population, and (2) Georgia laws that required rotation of state senate seats among counties of several



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

senatorial districts were unconstitutional. This court also allowed Georgia a reasonable opportunity to reconstitute its legislature.⁴

It was not long before James P. Wesberry, Jr., and Candler Crim, Jr., sued Governor S. Ernest Vandiver and Fortson because a Georgia law apportioning congressional districts was invalid. In June 1962, a United States district court dismissed this lawsuit since the plaintiffs lacked equity since there was no cognizable constitutional claim. However, that court reasoned that it had jurisdiction of such a matter, that the plaintiffs had standing to sue, and that there was a justiciable issue, but that the question required some elaboration. Later, however, the United States Supreme Court's *Wesberry* Decision of 1964 struck down the election of members of Congress from unequally populated districts as violations of the United States Constitution, requiring that one vote in a congressional election was worth as much as another as nearly as practicable.⁵

The *Wesberry* Case concerned congressional districts, but other litigation led to another United States Supreme Court decision, this one dealing with state legislative districts. In July 1962, not long after the opening of the litigation that led to the *Wesberry* Decision, a United States district court in Alabama ruled in its *M. O. Sims* Decision that the apportionment of both houses of the Alabama legislature constituted invidious discrimination that violated the equal protection clause of the Fourteenth Amendment to the United States Constitution. This court also held that, in ordering reapportionment, it would accept (1) the part of a proposed state constitutional amendment that related to the Alabama House of Representatives that was devised according to the "equal proportions method;" and (2) the part of a proposed law that related to the Alabama Senate if the amendment was not adopted, but decided that the proposed law regarding the Senate was not acceptable as permanent legislation.⁶ However, the *Sims* Decision was appealed to the United States Supreme Court, which held in its *Reynolds* Decision of 1964 that the "one-man, one-vote" rule applied to state legislative elections as clearly and strongly com-

manded by the Equal Protection Clause of the United States Constitution. In striking down the terribly malapportioned Alabama legislature, the Court insisted that equal numbers of state representatives be elected by equal numbers of voters.⁷

Since the "one-man, one-vote" principle involves apportionment or redistricting and Census Bureau data, it is necessary to understand two concepts that are involved in such data. Enumeration geography means that, in an enumeration district, an enumerator can walk from house to house, with that district being roughly of sufficiently equal size to facilitate that enumeration. Tabulation geography involves the spatial definition of such reporting places as regions and towns for which the Census Bureau tabulates census results. Most tabulation geography can change due to local jurisdictions altering their jurisdictions. Once the census information is collected, all person and household information that is gathered by enumeration geography is aggregated up or transferred to the tabulation geography codes for the purpose of publication of the data. Census data affects the determination of districts, and necessitates adherence to the "one-man, one-vote" principle.⁸


About a decade following the *Wesberry* and *Reynolds* Decisions, there were problems with Census Bureau data in adhering to the "one-man, one-vote" rule, and a new law resulted as a solution. In July 1973, Congressman Harold L. Runnels of New Mexico introduced a bill to provide for the transmittal to the states the tabulation of total populations of those states that were obtained in each decennial census and which was required for the apportionment of the legislatures of the states. The bill also stipulated that this would be done with a plan and form that were approved by the governors of the states. Congressman Richard C. White of Texas introduced similar bills for himself and Runnels in December 1973 and January 1975. However, these latter two bills required that this be done subject to the approval of the Secretary of Commerce and according to a plan and form that were suggested by the officer or public body that was responsible for the

apportionment or districting of the state being tabulated. Such a law was enacted in December 1975.⁹

There were multiple causes of the confusion regarding census data, to which Congressman White, as well as Congresswoman Patricia Schroeder of Colorado referred during the debate over the final bill. These two called for avoiding the confusion that followed the 1970 decennial census by having the federal government work in partnership with local and state governments in establishing census districts. One problem was that there were no comprehensive liaison arrangements between the states, local jurisdictions, and the Census Bureau that could cope with the data issues that stemmed from the new rule. In fact, White complained that there was no legally required duty of the Census Bureau to provide states with population tabulation information for support of state legislative redistricting. Also, states had inaccurate and inconsistent data. Furthermore, while Census Bureau data have been the main basis for fair and proper creation of legislative boundaries on the basis of population equity, nearly half of a survey's respondents had major difficulties in trying to resolve conflicts between census units and precinct boundaries during the 1970 reapportionment/redistricting cycle. The main census unit is the enumeration district that covers an area of about one thousand people.¹⁰

There are a number of observations that can be made regarding the "one-man, one-vote" principle. The litigation occurred during the civil rights movement, and there was racial discrimination when it came to the franchise. In fact, in the same year as the *Wesberry* and *Reynolds* Decisions, some such discrimination was ended by the repeal of the poll tax through the ratification of the Twenty-Fourth Amendment to the United States Constitution. Another point is that, although it did not establish the "one-man, one-vote" rule, the *Baker* Decision was remarkable since the United States Supreme Court appreciated the fact that it was necessary to understand individual rights within institutional arrangements. That apprecia-

tion was the factor that motivated the Court to become politically involved in this issue.¹¹

Separation of powers rather than federalism is the focus of the political question doctrine. The *Baker* Decision removed respect for state sovereignty as a justification for that doctrine, thus paving the way for more active federal judicial involvement in legislative redistricting, first through the one-man, one-vote rule, then subsequently through judicial interpretation and enforcement of the Voting Rights Act of 1965.¹² Yet another important point is that, in spite of the *Wesberry* Decision, Robert Sickels argued about two years after it was rendered that the congressional gerrymander was as strong as ever. For example, he noted that a political party could win as much as eighty percent of a congressional delegation with fifty-five percent of the vote in Missouri or sixty-three percent of a congressional delegation with fifty-one percent of the vote in Michigan.¹³ 

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

Redo Your To-Do List

BY HEIDI GRANT HALVORSON — SUBMITTED BY SAN DIEGO LSA

You are juggling way too many projects and goals at once. There don't seem to be enough hours in the day to get it all done. And the stress of keeping all those balls in the air is killing you.

I may not know you personally, but I'll bet that's a pretty accurate description of your work life. I've yet to meet a successful professional who feels like they have time and energy to spare.

You probably use some version of a To-Do List to keep track of everything you need to accomplish. (There may even be another one on your refrigerator at home that contains things like clean out the garage and paint the guest room.)

To-do lists seem like a good idea, but they merely catalog tasks—and cannot help you accomplish them.

If all you do is make lists of the projects you need to finish, odds are good that they will remain unfinished far longer than you'd like.

Decades of research on goal pursuit shows that when it comes to execution, there are two major pitfalls that keep us from doing the things we intend to do.

First, we don't get specific enough about what exactly needs to happen – the various actions we must take to reach our goals. If, for example, your goal is to make a good impression on your boss, you need to break that down into component actions, such as arranging a weekly meeting or turning in reports on time. To-do lists can be helpful on this end, so long as they contain specific actions rather than vague goals.

But the second problem – which to-do lists don't solve – is that we miss opportunities to take action. Did you really have no time to work on that assignment today? No chance at any point to return that phone call? Of course you had time, but you were probably preoccupied with something else, or simply forgot about it until it was too late – something busy people routinely do. Achieving any goal

means grabbing hold of these opportunities before they slip through your fingers.

The good news is that there is a solution to this second pitfall: It's called if-then planning.

The trick is to not only decide what you need to do, but to also decide when and where you will do it, in advance. The general format of an if-then plan looks like this:

If (or When) _____ occurs, then I will _____.

For example:

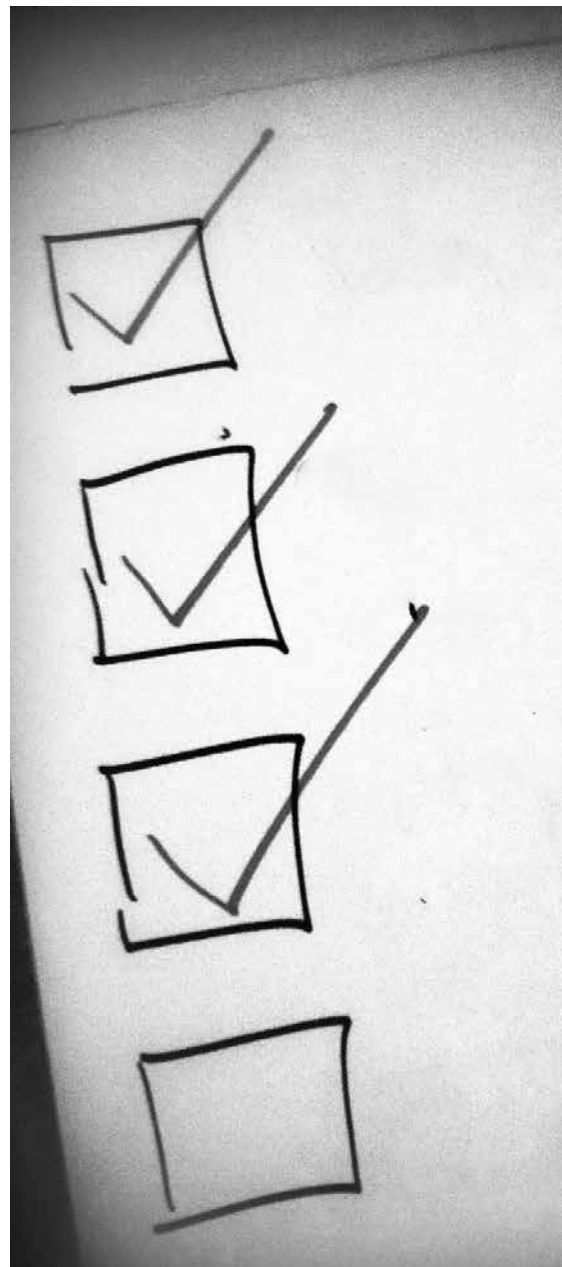
When it's 3 p.m. today, then I'll stop whatever I'm doing and work on that project.

If it's Monday, Wednesday, or Friday, then I'll go to the gym before work.

If it's Tuesday morning, then I will check in with all my direct reports.

Studies show that this kind of planning will train your brain to be ready for a certain action at a certain time. On an unconscious level, you are actively scanning your environment, waiting for the situation (e.g., 3 p.m.) to occur. So you are much more likely to notice 3 p.m. when it happens, and seize the opportunity to take the action you included in your plan.

With each action on your to-do list, add a when and where. You can transfer your to-do list to your calendar if you prefer – just make sure that you pair what you need to do with details about when and where you'll do it, and your productivity will soar. ^{LS}



HEIDI GRANT HALVORSON, is Associate Director of the Motivation Science Center at Columbia Business School. She is the author of *Succeed* and *Nine Things Successful People Do Differently*. Article originally appeared in the *Wall Street Journal*.

The Attorney Report Card

BY JAN TRINE — SUBMITTED BY STANISLAUS COUNTY LPA

Following my annual review this year, it occurred to me that, perhaps, it was time to turn things around. Why shouldn't employers be given a review of their performance? But how could I accomplish this task?

I then remembered an article that I had seen many years ago in a women's magazine. The article had included a parent "report card." The notion was for a child to "grade" his or her parent's skills, strictly from the child's perspective. After the short quiz was taken, together the parent and child could discuss the results and use those as an opening for a meaningful dialogue.

Could this same concept be taken and modified into an assessment test for an attorney? Parent – child; secretary – attorney. The similarities were striking to me. Thus was born "The Attorney Report Card" which appears below. In order to take this short quiz, the secretary should read each sentence and then circle the "grade" that best identifies his/her employer.

- | | |
|--|-----------|
| 1. Doesn't expect me to read his/her mind. | A B C D F |
| 2. Returns clients' telephone calls timely. | A B C D F |
| 3. Doesn't blame me for his/her mistakes. | A B C D F |
| 4. Is understanding of child care/personal problems. | A B C D F |
| 5. Thinks of me as "part of the team." | A B C D F |
| 6. Asks for my opinion on cases or files. | A B C D F |
| 7. Pays competitively. | A B C D F |
| 8. Expresses criticism in a positive manner. | A B C D F |
| 9. Respects me, my work, and my position in office. | A B C D F |
| 10. Doesn't scream at me when upset or angry. | A B C D F |
| 11. Explains things in a non-condescending way. | A B C D F |
| 12. Treats all staff members fairly. | A B C D F |
| 13. Isn't sexist with staff and/or clients. | A B C D F |
| 14. Is willing to speak with secretaries from other offices. | A B C D F |
| 15. Supports me in conflicts with clients or other offices. | A B C D F |
| 16. Let's me work independently. | A B C D F |
| 17. Doesn't ask me to make excuses for him/her. | A B C D F |
| 18. Is on time for appointments/court appearances. | A B C D F |
| 19. Doesn't make sexually harassing remarks. | A B C D F |
| 20. Gives regular, periodic performance reviews. | A B C D F |
| 21. Understands my moods. | A B C D F |
| 22. Provides me with up-to-date equipment, software, etc. | A B C D F |
| 23. Pays for my outside training, seminars, etc. | A B C D F |
| 24. Is well respected in our legal community. | A B C D F |
| 25. Gives frequent compliments on my work. | A B C D F |



JAN TRINE has been a legal secretary for more than thirty years. She is presently employed as a legal secretary to both Michael A. Goss and his son, Mark A. Goss, at Goss & Goss in Modesto. Jan has served as both President and Governor for the Stanislaus County LPA and is currently Treasurer.

After taking this test, the secretary can purposefully evaluate his or her employer's grade point average using the standard point system (A = 4.0, B = 3.0, C = 2.0, D = 1.0, and F = 0). A secretary who works for an attorney with a GPA of 1.5 or less should immediately "run for the hills," seek other employment, kick the attorney in the shins, or all of the above. An attorney with a GPA of 1.6 to 2.5 may be salvageable depending on the secretary's ability to "re-train" the employer. If an attorney has a GPA of 2.6 to 3.5, he or she is probably a "keeper" (unless there are any scores of D or F for offensive conduct). Those secretaries fortunate enough to work for attorneys with a GPA of 3.6 to 4.0 never,

ever leave their employment.

I'm happy to report that I work for not one, but two attorneys with a 3.6+ grade point average. And, true to form, I do not plan on leaving my present employment until I reach retirement age (which, of course, is approaching faster and faster each year). It's my wish that all members of Legal Secretaries, Incorporated work for a "4.0" employer or, at least, for a "keeper." Perhaps a review of "The Attorney's Report Card" by secretaries with their attorneys can open a dialogue that results in my wish being fulfilled.

CCLS QUIZ – LEGAL COMPUTATIONS

CCLS QUIZ – LEGAL COMPUTATIONS

Using the table provided, determine the compensation for the Executor of an estate worth each amount listed as numbers 1 through 5 below.

On the first	\$100,000 of the estate, 4%
On the next	\$100,000 of the estate, 3%
On the next	\$800,000 of the estate, 2%
On the next	\$9,000,000 of the estate, 1%
On the next	\$15,000,000 of the estate, ½ of 1%, and
All Over	\$25,000,000 to be determined by the Court

1. \$19,500,000
2. \$13,750,000
3. \$1,050,000
4. \$323,000
5. \$763,000

ANSWER KEY:

- | | |
|----|-------------|
| 5. | \$18,449.20 |
| 4. | \$9,460 |
| 3. | \$23,500 |
| 2. | \$131,750 |
| 1. | \$160,500 |

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

Annie Parrish, CCLS—Governor, San Diego LSA

Annie is serving her first term as Governor for the San Diego Legal Secretaries Association (SDLSA). Originally from the New York tri-state area, she attended Drew University in Madison, New Jersey, the Katherine Gibbs School where she earned her Executive Secretary Certification, and the University of Connecticut, receiving her certification as a Civil Litigation Paralegal AND was one of the top ten students in her class.



Annie entered the legal field quite by accident. She was looking for a position at a large corporation, but the recruiting agency talked her into applying at a boutique firm of trial lawyers to which Annie promptly replied, "You're crazy." (I think we've all said that at one time during our career.) She couldn't imagine working for lawyers, but went on the interview anyway. The law firm was offering a lot more money to start than the big corporations, so she chose the law firm.

Elaine Rose was one of Annie's mentors and taught her everything she knows about how to work with attorneys. She has tried to pass on what she's learned to those she works and volunteers with who have less experience and who want to learn more about the legal field. She is currently working for Hooper, Lundy & Bookman, P.C., and appreciates that her employer has respect for her and her spectacular organizational skills. Her assessment of the San Diego legal market is that it has always been a very depressed wage market and is even worse now because hiring managers know people need to work and will take a low paying job while they look for something else. Her advice for new and recent legal staff members is to hang in there—it might seem overwhelming at first, but after a while, one will become more familiar with the job and more comfortable with their skills.

Annie passed the CCLS exam in 2008 (yeah!) and was chosen by the San Diego Daily Transcript as Secretary of the Year. During 2007, she volunteered as a counselor at Stand Up For Kids, a not-for-profit organization founded in 1990 to help rescue homeless and at-risk youth, and, along with her husband, was named Counselor of the Year. A great majority of Annie's time is spent volunteering for SDLSA. She is a former two-term President and has served numerous positions on the Board of Directors. She is also a former member of LSI's PRC, serving as assistant editor/editor of the LOPM.

A few of Annie's hobbies include cooking, sewing, reading, gardening, music, and Facetime with her grandson, Lucas. When asked where she sees herself in five years, she replied, "Being a full-time grandmother." When asked if she were not in her current position, what would she be doing, she replied, "Being a full-time grandmother." And finally, when asked what motivates her, she replied, "Thoughts of

being a full-time grandmother." Anyone else see a pattern here?

Annie has been married to Buzz, "the best husband in the world," for 21 years. She also has a devilishly handsome son, Ricky, and of course, her precious grandson, Lucas who is 18 months old and the love of her and Buzzy's life. She is really, and I mean really, excited that her favorite band, Nine Inch Nails, is going on tour again this year, and she is looking forward to planning lots of road trips with her son, Ricky—nothing like a little mother/son bonding to NIN!

And finally, her favorite sports teams are the New England Patriots and the Boston Red Sox! Woot Woot! As a girl from Boston, I'm glad to finally know someone that loves the same sports teams that I do!

Ana Fatima Costa—Mt. Diablo LPA

Ana is serving her second term as Governor for Mt. Diablo Legal Professionals Association. She started her legal career as a court reporter in 1979 at the former municipal court, then worked in superior courts from San Jose to Napa, and federal court. Later, Ana worked as a deposition and hearing reporter, specializing in medical peer reviews at various hospitals. After she stopped reporting, she managed the San



Francisco office of a large court reporting firm for several years. In 2004, she began her work in client services, sales, and marketing, and joined Barkley Court Reporters in 2006. She appreciates that her current employer gives authority to the employees over their job, and that they encourage staff to come up with ideas

on how to improve services. Barkley rewards for those ideas if they're implemented, and staff is treated in a collaborative, respectful manner.

Ana received her Associates Degree, followed by her CSR and RPR (court reporting). Her most memorable educational experience was taking (and passing) two stringent exams the first time – the California CSR (Certified Shorthand Reporter) and national RPR (Registered Professional Reporter) – two weeks apart. In college, Ana took nursing courses and halfway through realized that she couldn't stand the sight of blood. She worked as a customer service representative in retail and wholesale in the health and gift industries. But she loved watching Perry Mason and decided to become a court reporter after a friend told her that she would be good at it. The best part of her job is meeting amazing people and always learning something new. She is well known in the legal community and she uses those connections to help others.

Her mentor was a teacher at her court reporting school who graduated from the program in an unheard-of 10 months. His gentle, kind demeanor and excellent advice helped Ana become who she is today. Now she also mentors and coaches court reporting students. Ana's

advice to new and legal staff members is: "Regardless of your chosen field, stay positive; no matter what is happening around you, be honest and kind; offer to help others whenever possible; and appreciate everything that you have rather than focusing on what doesn't work. Employers are more likely to listen to your ideas of how to improve things if you are easy to get along with, dedicated, loyal and positive." From her unique point of view in the niche court reporting field, she hears that things are improving; however, due to all the layoffs across the board, the court system in California is in chaos. Yeah ... I agree with that.

Ana currently sits on the advisory board of the San Francisco State Paralegal Studies Program, as well as Mt. Diablo LPA's board. She is also working with a professor at Boalt Hall School of Law in Berkeley by providing court reporting students for his deposition skills training program for law students. If she were not working full-time in this profession, she would be a writer and photographer, as both are her passions. She also admires a variety of nonprofit organizations such as NPR, PBS, and KQED for their amazing programming; American Red Cross for its unfailing dedication to people in need; the Nature Conservancy for all it does to conserve this beautiful country; and KIVA for helping others around the globe.

Gratitude motivates Ana. Each day that she wakes up, she is grateful for another day to be on this beautiful planet, grateful for her life, grateful for her beautiful sons, grateful for her amazing co-workers and superiors, grateful for her friends and family, and finally, grateful for the sun, moon, stars, air, food – everything. She enjoys reading, writing, and photography. Her favorite sports teams are the Oakland A's and the San Francisco Giants baseball teams. Like me, no mention of football!

Ana is the proud parent of two precious sons, Alex (28) and Jake (25). They are smart, funny and have huge hearts. Alex graduated at the top of his class from Wyotech School of Automotive Technology and after a successful 10-year career has decided to return to college in the fall to follow his passion—helping people instead of cars—and getting a Ph.D. in Physical Therapy. Jake is in his second year at Vanderbilt School of Law and got there on a nearly full ride – negotiating a scholarship, loans, housing, all of it. They are Ana's pride and joy! She and her former husband traveled to the USSR to give birth to their son in 1984 as a gesture of peace, and received quite a bit of press. She hopes to someday have several books published.

LeQuita Hodge—Governor, Long Beach LPA

LeQuita is serving her first term as Governor for the Long Beach Legal Professionals Association. After graduating high school, she worked for Bank of America, but always thought the legal field seemed more interesting. So she attended and graduated from Heald's Business College in Fresno, California. After working for the Madera County Counsel's office and various law firms, she



settled in at Sedgwick LLP, where she is currently employed. LeQuita truly loves working with her three attorneys—not only do they have wonderful work ethics, they value her contribution and treat her with respect. Her advice to new and recent legal staff members includes always taking pride in your work. One doesn't have to know everything, but one must do well in everything that they know.

LeQuita's mentors are not in the law-related field, but there are a few young ladies, married and unmarried, who go to her for spiritual guidance and motherly advice. "It's truly a blessing for someone to invite you into their life for guidance as well as an awesome responsibility. I take to heart anything they share with me and feel privileged that they do," says LeQuita. Helping people motivates LeQuita—she loves to encourage people and says that when someone has an opportunity to uplift another, don't waste time lingering on any problems you might be going through.

LeQuita has four biological children, but raised seven children. She had three of her own, married a man with three children and they had another child together. One of the things she is happy to say is, "We all love our kids, but man I sure like them too. They have turned into great adults." She is also the grandmother of five little ones. "No one could have ever prepared me for how much I love these little people," said LeQuita. And those little people call her "Q." (Does that mean we can all call her Q as well?) In her spare time, she loves scrapbooking and working with her Thirty-One business.

Leanne Capuchin—Governor, Fresno County LPA

Most of you know Leanne as she is now serving her third term as Governor of Fresno County Legal Professionals Association. Yes, THIRD term! She received her Bachelor's Degree in Psychology and also received a certificate in Gerontology. One might ask, what is gerontology? It is the study of social, psychological and biological aspects of aging. In college, she worked as a clerk at a law firm and found the experience to be more educational, fulfilling, and exciting than Psychology and Gerontology—not to mention that you get paid more in the legal field than in some other fields. She has worked for private businesses and in the general litigation field. While currently unemployed, Leanne hopes to land the perfect job very soon, even with a big move planned to San Diego in July 2013.



Leanne has been attending LSI Conference and LSS classes for years. The classes, camaraderie with attendees, and viewing the actions/behavior of the LSI Officers have not only been enjoyable but very educational as well. She feels that there will always be a need for a lawyer, and as long as lawyers are needed, so will also be the need for the legal support staff, i.e., us! Her advice is work hard and never give up. Do not fall into the snares of office politics, but rather be true and honest and you will prevail in the end. She has a knack for handling things under pressure, and always reaches for her goals, especially

winning a case and ensuring that her clients are happy.

Leanne is the youngest of five children and was born and raised in Honolulu, Hawaii. She came to California in 1994 and moved to Fresno. She is the proud parent of two children, her daughter Aulani, who is 17, and her son Bruno, 11 years old. She has been volunteering at her church in the children's ministry for the past six years, enjoys scrapbooking, chauffeuring her children, spending time with her friends, and watching the Pittsburgh Steelers. When asked where she sees herself in five years, Leanne replied, "I see myself with a job and home in San Diego, California. My daughter will be continuing in college and my son will be attending a high school nearby as well." She has an awesome relationship with her children and would not give that up for anything in the world.

Diane M. Mecca. CP, CBA

Governor, Stanislaus County LPA

Everyone knows Diane. And if you don't, I encourage you to find her and introduce yourself, as she is every bit as funny as she is smart. Diane obtained her Certified Paralegal Certificate at Stanislaus State in 1998, and also received her Certified Bankruptcy Assistant Certificate in 2006. She is the Program Director and Instructor of the Certified Paralegal program at Abrams College in Modesto and has been since September 2004. Her students look up to her, and a great majority of them (even going back 8 years) still call her for advice. She loves going to seminars and workshops so that she can absorb as much as she can, and takes that information back to her classroom so she can mold her students into the best that the profession deserves. BRAVO!



Diane's entry into the legal field wasn't planned. She was a stay-at-home mom, but when she divorced, needed to go to work. A friend of hers that worked in a law office called her one day and said, "Can you answer phones?" and the rest is history. She has a knack for her ability to communicate with clients, putting them at ease. She enjoys helping the clients—she admits that she can't save the world, but the best part of her job is helping clients through the process and getting a "Thank You" in the end. She really enjoys traveling around and presenting seminars and speaking on the legal support profession, whether it's Ethics, Bankruptcy, Law Office Administration, or just speaking on any area in the legal field. "When you have a passion for something, it comes easy," said Diane.

Prior working experience included her job at Friend & Walton from 1996 until August 2012, and she currently works for Moorad, Clark & Steward in Modesto. Her advice to others in the legal field is, "Don't take it home! Whatever happens at the office needs to stay there. You can't save the world, but if you have done everything you could have, you will sleep well at night." Another important piece of advice is to be a good judge of character because our system can be abused, and we have to weed out the people trying to abuse it.

In addition to working full-time, Diane is a Marshall for PGA tournaments. She loves traveling the world to be part of these tournaments (for which, by the way, she volunteers) and hopes to someday teach her grandkids how to golf. When asked about her awards, she said that she didn't want to have to dust anything, so all of her special awards are memories.

Diane has two great sons and while they are the pride of her life, her joy is in spending time with her three grandchildren, Skylah (3), Shawnee (3), and the newest member of her family, baby Jordynn, born February 24, while she was Blazing the Trails at LSI's Third Quarterly Conference. She is a football junkie (ugh ... that word again) and since she is from Wisconsin, she is a die-hard Cheesehead and Green Bay Packer fanatic. **LS**

QUARTERLY ASSIGNMENTS

The following associations are expected to secure articles from guest writers for publication in the magazine issues specified below.

1. August Issue (to be submitted no later than June 1st): Alameda County, Beverly Hills/Century City, Butte County, Capitol City, Conejo Valley, Desert Palm, El Dorado County, Fresno County, Humboldt County, Imperial County
2. November Issue (to be submitted no later than September 1st): Livermore-Amador Valley, Long Beach, Los Angeles, Marin County, Merced County, Mt. Diablo, Napa County, Orange County,
3. February Issue (to be submitted no later than December 1st): Placer County, Redding, Rio Hondo District, Riverside, Sacramento, San Diego, San Fernando Valley, San Francisco, San Gabriel Valley, San Mateo County
4. May Issue (to be submitted no later than March 1st): Santa Barbara, Santa Clara County, Santa Cruz County, Santa Maria, Sonoma County, Southern Butte County, Stanislaus County, Stockton-San Joaquin County, Trinity County, Ventura County



LEGAL SPECIALIZATION SECTION SEMINARS
LSI Annual Conference – May 16-19, 2013 – San Jose Marriott
Hosting Association: Santa Clara County LPA
REGISTRATION FORM - DEADLINE IS Monday, May 6, 2013



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

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

LSI SECTION MEMBER: Free with Advanced Reservations \$5.00 at the Door/After Deadline Handout Only: \$5.00	LSI NON-SECTION MEMBER: \$10.00 with Advanced Reservation \$15.00 at the Door/After Deadline Handout Only: \$10.00	NON-LSI MEMBER: \$15.00 with Advanced Reservation \$20.00 at the Door/After Deadline Handout Only: \$15.00
Friday, May 17, 2013 – 2:00 to 4:00 p.m.		
<u>LAW OFFICE ADMINISTRATION:</u> Topic: <i>Social Media and Privacy Issues for Employers: It's Not Going Away – It's Growing!</i> Speaker: Jeanine Debacker, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<u>TRANSACTIONAL:</u> Topic: <i>Serving Subpoenas in the Silicon Valley and Beyond</i> Speaker: Mark Schwartz, One Legal <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
Friday, May 17, 2013 – 4:30 to 6:30 p.m.		
<u>CIVIL LITIGATION:</u> Topic: <i>Trial Preparation: What To Do During the Weeks Before Trial</i> Speaker: Tyler Atkinson, Esq.; Hon. Greg Ward (ret.); James McManis, Esq.; Cindy McClelen, paralegal <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<u>FAMILY LAW:</u> Topic: <i>Preliminary Declarations of Disclosure: Requirements and Updates</i> Speaker: Lynne Yates-Carter, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
Saturday, May 18, 2013 – 4:00 to 6:00 p.m.		
<u>PROBATE/ESTATE PLANNING:</u> Topic: <i>Preparation of the 706 and Recent Changes in the Law</i> Speaker: Darin Donovan, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<u>CRIMINAL LAW:</u> Topic: <i>AB 109</i> Speaker: Jeff Kettering, Merced County Probation Department <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	

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

PLEASE MAKE ALL CHECKS PAYABLE TO "LSI"

Speakers and Topics are Subject to Change

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

The Legal Specialization Sections are a program of Legal Secretaries, Incorporated, an approved provider, and certify that these seminars have been approved for minimum MCLE/CLE credit of 1.75 hours each, by the State Bar of California.

S2012-2013 Legal Specialization Section Leaders:

Civil Litigation: Dawn R. Forgeur, CCLS dforgeur@stoel.com Criminal Law: Christina Vieira christinavieira@rocketmail.com Family Law: Mary Lou Floyd, CCLS, M.S. Louloux7@yahoo.com	Law Office Administration: Tammy L. Hunt, CCLS loaleader@tlhunt.org Probate/Estate Planning: Kristi L. Edwards, CCLS kledwards@justice.com Transactional Law: Lisa De La O ldelao@fitcheven.com
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Mediation And Elementary Parliamentary Procedure

BY SUE SAMPLEY, CCLS — SUBMITTED BY SAN FERNANDO VALLEY LSA

Parliamentarian. Parliamentary. Parliament. Parlay...Parlay...my mind wandering, I just kept playing with the word. Wait, what does it exactly mean, again? You know, when you've said a word enough times, you don't recognize it anymore?

Parlay. Parlay. Is it "parlay"? I think that is how it is spelled. And, as fun as it was to find out what "parlay" meant with Google's help -- "Part of the mythical set of pirate laws. Parlay entitles its invoker with free passage to negotiate with a ship's captain until the negotiations are complete. ELIZABETH: Parlay! I invoke the right of parlay! According to the Code of the Brethren, set down by the pirates Morgan and Bartholomew, you must take me to your Captain! ~ Pirates of the Caribbean" -- I knew this definition wasn't quite what I was looking for!

Parlay. Parlay. Okay, it doesn't even sound right any more. Oh! My typo in Google brought me to the correct definition! "Parlay!" Parley. Ah, okay. Parley. That's it! As a noun, "parley" is the conference between opposing sides in a dispute, to discuss terms. And, of course, it's now obvious to me what follows: Parliamentary. And, hence, the Parliamentarian.

I have had the honor and privilege of being appointed this year's 2012-2013 Parliamentarian for the San Fernando Valley LSA. I am tickled to be an active member of our Board, and dove into Robert's Rules like my job depended on it. Wait, it kind of does, hahaha. And, as much as I'd like to conk someone over the head when they don't see the brilliance of my vision, I truly do appreciate Brigadier General Henry Martyn Robert's foresight to put down in writing the procedures he saw fit for use in civilized society. Born May 2, 1837, Died May 11, 1923 -- and, in between, he grew frustrated at church meetings slowed down by interruptions and

off-topic conversation. (I don't know, I kind of enjoy off-topic conversation at my meetings!) Anyhow, I can certainly appreciate a solid, productive, forward-moving meeting.

"General Robert became interested in parliamentary procedure the same way that most of us do: He was asked to preside at a meeting, and he didn't know how. 'My embarrassment was supreme. I plunged in, trusting to Providence that the Assembly would behave itself!'" (Robert's Rules in Plain English, by Doris P. Zimmerman.)

Great book, by the way. So, I thought I'd share with you one of the first things I thought most interesting about parliamentary procedure -- how it's supposed to work! And, without going into the nuts and bolts of a parliamentarian's job duties, and outside of committees and boards and chairs and quorums, here's the inside scoop to how a meeting is supposed to run.

HOW YOU GET TO SPEAK AT A MEETING

The primary purpose of meetings is for the group to make decisions. To begin the process of making a decision, a member offers a proposal by "making a motion."

In order to make a motion (or to speak), you stand up and, say "Madam President." Then, Madam President will acknowledge or "recognize" you. You now "have the floor."

Now, once you have the floor, you simply say, "I move that..." and clearly describe your

proposal. For example, "I move that Sue Sampley should always win a raffle prize." And, it's pretty important to say precisely what the words of the motion are to be, because the group votes on exact language, not a vague idea. Then, you sit down.

Now, once a "motion" has been made, it must be "seconded" in order to be considered by the group. To second a motion, you remain seated and call out "Second!" It is very important to note that a "second" just shows that at least two members want the proposal considered; it does not necessarily mean the seconder agrees with the motion.

Next, when a motion has been "moved" and "seconded," the president then "states the question" on the motion: "It is moved and seconded that Sue Sampley should always win a raffle prize." The reason for "stating the question" is two-fold: (1) to make sure all understand the proposal, and (2) it gives Madam President a chance to see if the motion "is in order" or within the rules.

What happens next is how the group considers the proposal, aka "debate." When a "motion" has been "moved" and "seconded," it is now "on the floor" before the group for "debate" (discussion) and action (or non-action). Once the "motion" is "on the floor," its maker will open "debate" by standing up and briefly stating her point of view. The signal when she's finished is to sit down. Now, if you want to express ("debate") your own point of view to the "motion on the floor," stand up. Madam President will acknowledge you,



SUE SAMPLEY, CCLS, has been a Legal Secretary since 1980, with 5 of those years in immigration, and 10 in corporate litigation. Since re-entering the legal field in January 2012, she has passed the CCLS exam, has received a 2011-12 LSI Re-Entry Scholarship, has been appointed the San Fernando Valley Legal Secretaries Association's 2012-13 Parliamentarian, and currently works for McCune & Harber.

and you then briefly state your point of view. And, when you're finished, you sit down.

Now, we're coming to the close. When no one else seeks recognition to "debate," Madam President asks (formally), "Are you ready for the question?" or (informally) "Is there any further debate?" In other words, is everyone ready to vote. And, we're all pretty familiar with the "voice vote" process at this point: Madam President will say, "All those in favor of the motion, say 'aye.' Those opposed, say 'no,'" and Madam President then announces the result of the "voice vote": "The 'ayes' have it, and the motion is adopted." Yea for Sue Sampley!

The above information is provided to you as part of the Parliamentary Arm of the San Fernando Valley LSA for your educational pleasure. The below information is a sample of Parliamentary Procedure Made Simple – by Sampley.

To share your views on Parliamentary Procedure, I'd love to hear from you.

EXAMPLE OF A SIMPLE MOTION

MEMBER A [Stands]:

Madam President.

MADAM PRESIDENT:

Ms. A.

MEMBER A [Still standing]: I

move that Sue Sampley should always win a raffle prize.

[Sits down!]

ANOTHER MEMBER [Remains seated]:

Second.

MADAM PRESIDENT: It is moved and seconded that Sue Sampley should always win a raffle prize.

MEMBER A [Stands]:

Madam President.

MADAM PRESIDENT:

Ms. A.

MEMBER A [Still standing] [Debate]:

Sue Sampley should always win a raffle prize, because she is the best person in the world.

[Sits down.]

MEMBER B [Stands]:

Madam President.

MADAM PRESIDENT:

Member B.

MEMBER B [Still standing] [Debate]:

ALL of our members are the best people in the world. All

members should always win a raffle prize.

[Sits down.]

MADAM PRESIDENT: Is there any further debate? Hearing none, the question is on the adoption of the motion that Sue Sampley should always win a raffle prize. Those in favor of the motion, say "aye."

MOST MEMBERS [Remain seated]:

Aye!

MADAM PRESIDENT:

Those opposed, say "no."

OTHER MEMBERS [Remain seated]: No.

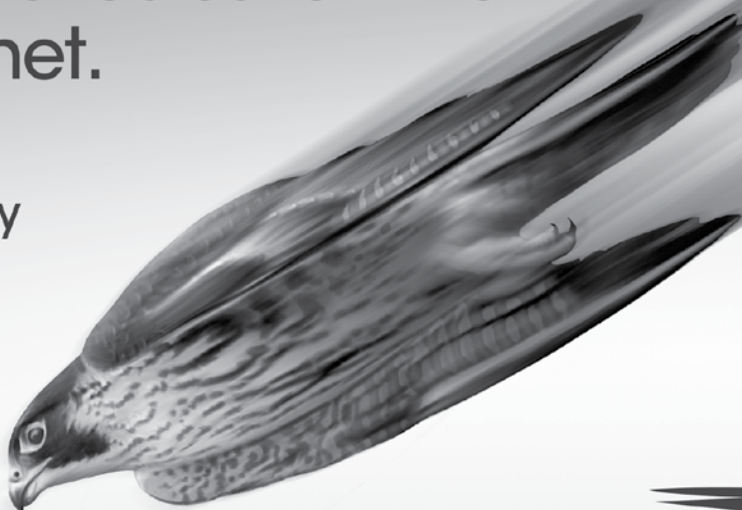
MADAM PRESIDENT: The "ayes" have it, and the motion is carried. Sue Sampley will always win a raffle prize. Is there further new business?

OR

The "noes" have it, and the motion is lost. Is there further new business? **LS**

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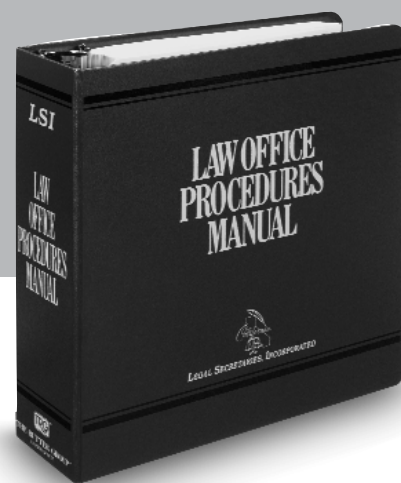
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Duties Of Being A Governor

SUBMITTED BY: JENNIFER L. PAGE, CCLS — LSI EXECUTIVE SECRETARY

Have you been asked to be Governor of your Association, or you have decided to put your name on the ballot and run for this position? Are you familiar with all the duties and chores that are required of this position? Hopefully this article will answer most of your questions and provide you with some insight into what being the Governor entails.

The position of Governor is a vital and important position that needs to be taken seriously. As Governor, you are the direct link between LSI and your local association and

board and appropriate members as soon as possible and bring these items up for discussion at your next meeting. It is probably best to check with your board first and they will help decide how to best disseminate the information received.

Once elected as Governor, your association must complete and return the Certification of Governor form provided in April of each year. The form is to be returned to the LSI Executive Secretary with a copy sent to Corporate Office. If, for any reason, the Governor of your association changes, a new

the Official Roll Call for each Conference and for ensuring that a quorum will be present should any issues come before the corporation that may require a vote of the governors. Sending in your notification two days before conference is not sufficient.

Advise and discuss with your association all proposed amendments to LSI Bylaws sent to you by the LSI Parliamentarian. It is suggested that they be discussed with your local parliamentarian before presentation to your board and/or membership. Your association probably will vote to instruct you concern-

The position of Governor is a vital and important position that needs to be taken seriously. As Governor, you are the direct link between LSI and your local association and its members.

its members. As Governor you are tasked with relaying information from LSI to your board members and membership. You are responsible for ensuring that your association's voice is heard.

You have the responsibility of voting on behalf of your association at all meetings of the Board of Governors. Sometimes it is impossible to know in advance everything that will be discussed at these meetings, and you must use your best judgment.

Corporate Office typically sends out all correspondence, notices, etc., on behalf of the members of the Executive Committee and LSI Chairmen. It is your responsibility to ensure that any correspondence, notices, etc., are disseminated to the appropriate members of your association. In the case of notice of amendments to bylaws or standing rules, other types of motions, election notification, and directives, you need to alert your

Certification of Governor must be completed and returned to the LSI Executive Secretary with a copy to Corporate Office.

Prior to each conference, the Official Notice and Notification of Attendance are distributed. It is imperative that you complete the Notification of Attendance, whether your association will be represented or not, and send the form in timely to the LSI Executive Secretary. The Notification of Attendance does not go to Corporate Office. The LSI Executive Secretary is in charge of creating

ing its desire to amend, adopt, or reject such amendments.

Additionally, you may use the Notification of Attendance form to request that a specific LSI Officer or Chairman attend the Governors' Luncheon to address a specific topic, or you may simply request that a specific topic be added to the agenda for discussion with the Governors. Failure to submit Notification of Attendance will prevent your Governor from being seated at conference and prevents your association's vote from being counted.



JENNIFER L. PAGE, CCLS, has been in the legal field since 1989, starting out as a legal secretary to a bankruptcy attorney. She obtained her Paralegal Certification from St. Mary's College, Orinda, CA in 1991. Jennifer worked with J. Frank George for 15 years, representing plaintiffs in wrongful death, medical negligence, and personal injury cases. Jennifer recently joined the firm Ragghianti Freitas LLP and has embarked on the next adventure in her career, working for four partners of the firm and learning new areas of law.

At quarterly conferences, during the Board of Governors meeting all Governors are asked to sit at the front of the room. If you wish to address those assembled, please use the microphone; introduce yourself and the association you represent. It may be daunting to go to the microphone, but I guarantee that if you have a question on something, so does someone else. Changes cannot be made, errors cannot be corrected, and improvements cannot be made, if everyone sits on their hands and says nothing.

At Annual Conference, as Governor you attend the Pre-Board of Governors Meeting, the General Assembly, and the Post-Board of Governors Meeting. Again sitting at the front of the room. During the General Assembly, only delegates are assigned seating.

GOVERNORS LUNCHEON

This is an opportunity for the Governors to review the Executive Committee Resume and any recommendations made, in detail. Every Governor is encouraged to discuss items they are confused, concerned, or are just plain curious about. If you have an item to discuss, please stand when recognized, announce your name and association. I know standing can be difficult for some but it allows those present to hear you more clearly. If there are other items on the agenda, then those are discussed as well.


When the Board of Governors meeting reconvenes after the luncheon, the EC Resume is once again discussed. If you asked that a specific item be discussed or clarified during the luncheon, then it is your responsibility to go to the microphone and renew your question so that all present can learn what was discussed during the luncheon.

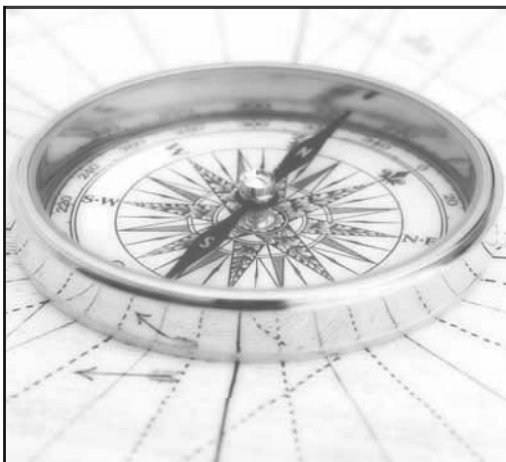
I strongly encourage you to take notes during the Board of Governors meeting and luncheon. This will help you prepare your written and oral report of the actions that occurred during Conference. Be prepared to answer questions from your membership. Additionally, ensure that the local chairmen receive a copy of the report of their LSI counterparts so they are aware of what's going on with LSI.

CHAPTER ACHIEVEMENT CONTEST

This chore typically falls to the Governor. I suggest you go to the LSI website and print out the most current contest form and rules. Some associations have tailored the entry form to the activities their association participates in. Distribute the form to your members and encourage them to keep track of their activities throughout the year. One of the most important items that is part of the Chapter Achievement Contest is timely responding to directives. All directives are sent to the Governor for distribution to the local association counterparts. Remind each local chair to complete their directive, give them the deadline, and ask that they copy you on the form when responding to their state counterpart. This will help you keep track of the points earned.

Remember, LSI is here for the benefit of its membership. If there are issues that need to be addressed or suggestions to be presented, this is your opportunity to bring them before the members of the Executive Committee and the rest of the membership of LSI.

I encourage you to be Governor of your association. It's a challenging, fun, and rewarding experience. 



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Fundamentals of Legal Writing

“First Impressions Really Are Everything”

BY HIRBOD RASHIDI — SUBMITTED BY ORANGE COUNTY LEGAL SECRETARIES ASSOCIATION

The old adage that “First Impressions Are Everything” applies with equal force to legal writing. I remember years ago when I was working for a bar review course as a grader, I used to constantly write on the first page of the students’ bluebook “Make the grader your friend,” followed by whatever suggestion I had to improve their introductory paragraphs. Nine out of ten times I knew whether they were going to pass the exam by just reading the first page.

Take a right-to-abortion case as an example. Would the bar grader be more likely to want to pass you if you simply stated “A woman has a constitutional right to an abortion, *Roe v. Wade*,” or would it be better to show how well you understand this topic? That is, “The 14th Amendment’s due process clause has been interpreted to contain a right to privacy (*Griswold v. Connecticut*, 1965). This general right to privacy has been further interpreted to afford women the right to make personal decisions affecting their health, i.e. a right to abortion in certain circumstances (*Roe v. Wade*, 1973). The Court, in *Planned Parenthood v. Casey* (1992), while upholding the central holding of *Roe*, went on to establish the current standard – undue burden.” Then analyze the facts. Obviously the latter makes a better first impression.

This does not have to be limited to constitutional analysis. Let’s say we are presented with a civil procedure analysis dealing with personal jurisdiction. Is it okay to simply state, “The Court has personal jurisdiction over the defendant because she was served in the forum state”? Or would it be better to show the grader that you know what you are talking about and that you are organized: “For a forum state to have personal jurisdiction over

a party, one of the three traditional bases for personal jurisdiction – (1) domiciliary of the forum state, (2) served within the forum state, or (3) consent – must be satisfied (*Pennoyer v. Neff*, 1878), or the plaintiff must prove that the defendant has sufficient minimum contacts with the forum state so that it would be fair to have the trial there.” (*International Shoe v. Washington*, 1945). Then proceed to analyze the facts in light of the law. (On the bar exam, you don’t necessarily need to cite to cases, except for landmark cases such as *Roe*, *International Shoe*, *Miranda*, etc., however it certainly looks better if you can.)

This, of course, is not limited to bar examinations. One thing that bar graders have in common with judges (especially at the appellate level) is that they are both charged with reading a large quantity of material. As such, anyone that can make their job easier, by getting to the point right away, is no doubt on the right track. In fact, all experts agree that generally your strongest argument should go first.

“When logic permits, put your winning argument up front in your affirmative case. Why? Because first impressions are indelible. Because when the first taste is bad, one is not eager to drink further. Because judicial attention will be highest at the outset. Because in oral argument, judges’ questioning may pre-

vent you from ever getting beyond your first point.” Antonin Scalia and Bryan A. Garner, *Making Your Case, The Art Of Persuading Judges*, (2008).

Note that like almost everything else, this is a general rule and it is to be followed “[w]hen logic permits.” For example, as Scalia and Garner point out, there will be situations where you will have to address jurisdictional issues first. It is also not just a “legal” writing rule. “The most important sentence in any article is the first one. If it doesn’t induce the reader to proceed to the second sentence, your article is dead. And if the second sentence doesn’t induce him to continue to the third sentence, it’s equally dead.” William Zinsser, *On Writing Well*, 65 (4th Ed., 1990).

Likewise at trial, “[w]hen lawyers open a case, they often fail to tell the jury what they need to prove.” Laura Castro Trognitz, *Bench Talk*, *ABA Journal*, March 2000 at 62. According to Judge Nancy Friedman Atlas of the U.S. District Court for the Southern District of Texas, “The good lawyers will stand up and say, ‘Here is our case in a nutshell. Here is what I need to prove and here’s how I intend to go about it[.]’” Or as one California litigator has pointed out, “The opening statement also is extremely critical to developing trial themes.

...Continues on page 43



HIRBOD RASHIDI is an attorney for the Riverside County Public Defender’s office, and instructor (through Extension) in legal research and writing at the University of California, Riverside & Los Angeles, and an adjunct professor at National University.

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Presentation is Key

BY LORI MCELROY — SUBMITTED BY SAN DIEGO LSA

After all of the painstaking discovery work that goes into a case, what a win or loss really comes down to is presentation during trial. A successful presentation will prove its point through a combination of words and visuals in a manner that builds confidence and trust with the audience. Attorneys are often very well versed in the art of language, but are not always so comfortable with the creation and use of visual aids. Visual communication can play a major role in persuading how a jury interprets information.

Studies show that over a 72 hour period, visual aids can increase viewer retention by

tation. They remain in front of the jury box, emphasizing their point, burning into the memory of the jurors, and are often taken into deliberation. Boards have an unspoken tangible value due to the increased use of the internet. Technology allows anyone to post anything they want or be anyone they like, from the far reaches of the universe, with anonymity. Thus, boards are subconsciously given more validity, "It's here, it's real, I can touch and see it, so it's true." Boards also offer an interactive aspect which many disregard. They allow the attorney a reason to get up close and personal with the jury. Pivotal

information. Digital presentations are good for maintaining attention (especially that of younger jurors), because they are more similar to watching television or surfing the World Wide Web. The two most widely used trial software programs, Sanction and Trial-Director, have wonderful tools for the organization of documents. Folders can be created for the various stages of trial, and there are various methods of searching to find specific exhibits quickly and easily. One of the most impressive benefits of using these programs is the capability to import video testimony or depositions and have the synchronized tran-

"The benefits of boards when applicably used are vast though."

45%! Statistics like this make it obvious that a tool as powerful as visual aids should not be overlooked or underutilized, as it could be the key to ensuring a win. The two most common forms of presenting visually in the courtroom are traditional hard boards and digital projection. Both of which have benefits and shortcomings that should be taken into consideration.

Traditional hard boards are not given the credit they deserve in the technical society in which we live. Many seem to think that high tech is the way to go, but boards definitely still have their place, and probably always will. However, they do have some faults, such as the fact that they can be cumbersome transporting to, and maneuvering within the courtroom. They also need to be completely finalized ahead of time, because last minute edits and reproduction can be problematic.

The benefits of boards when applicably used are vast though. There are no surprises or technical mishaps to worry about. Even if boards have an interactive aspect such as flipping pages or dry erase capabilities, their performance is a known entity. In cases that are document heavy, boards are ideal for key exhibits in conjunction with a digital presen-

information can be left off and scribbled in by hand for impact and shock value, drama that typing just doesn't achieve. It also allows for theatrical embellishments such as waving arms, pointing, and thumping to emphasize an argument. This sort of passionate execution has an immeasurable impact on jury attentiveness, retention, and the attorney juror relationship.

On the other hand, digital presentations are extremely popular. They are the premium solution for document rich cases, where not every item is a crucially important exhibit. Pretreatment and on the fly customization can be made to exhibits. For example, you can easily highlight and call out one important sentence within a text document so that the jury doesn't lose focus on extraneous

script scrolling right beside it.

Digital presentations are absolutely sensational if done properly, but if not, the consequences can be punishing. Creating a precise presentation magnifies the authors' responsibilities. First and foremost, they must be completely comfortable with the software and hardware being used, or be willing to hire someone who is. A lot of practice is required in making sure the presentation is seamless and error free. Planning and preparation for any foreseeable problem, such as bringing extra projector bulbs, is a must. The propane always runs out during your game day barbeque, not when you're just cooking for yourself. Even with all of the rehearsal in

...Continues on page 43



LORI MCELROY is the Creative Director of REDROMAN creative, a design studio specializing in legal communications for over 13 years. Lori is an independent contractor partnering with DTI and Esquire Solutions. Her client list includes fortune 100 firms, government agencies, and sole practitioners among others. She provides consultations to develop concise and professional corporate identities, marketing materials, newsletters, presentations, proposals, and trial exhibits.

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

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

* Fees subject to change without notice.

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

*** Include \$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 _____

GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

Dear Friends,

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

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

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

Cheers,
Michelle



DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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

SUGGESTED TOPICS FOR ARTICLES

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

SUBMISSION GUIDELINES

1. Articles must be submitted by email as an attached document using word processing programs such as Microsoft Word or WordPerfect and saved as "doc", "txt", "wpd" or "ASCII" file. When

sending email, include in subject line: "[Last Name of Author] and [contents]," i.e., Smith - Article, Bio and Photo.

2. All articles submitted must be at least 500 words and no more than 2500 words.
3. Articles sent in PDF format are not acceptable.
4. All articles submitted must be accompanied by the name, email address, contact information of person submitting the article, and name of submitting Association. Articles that do not have this information cannot be considered for publication.
5. Type all copy in Times New Roman 12 point type to fit across an 8-1/2" x 11" page, single spaced. Avoid using style attributes such as bold, italic, centering, columns or tabs.
6. Articles are subject to approval and/or editing. Editor cannot guarantee publication in any given issue, although every effort will be made to publish as soon as possible after acceptance.
7. Articles submitted and published in The Legal Secretary become the property of LSI unless prior agreement is obtained by the authors

PHOTOGRAPHS

1. Digital photography is required and must be a resolution high enough to guarantee at least 300 dpi at 100% scale.
2. The subject should be either horizontally or vertically positioned. Centered, straight-on shots are preferred. If you use a flash, direct it away from the subject to avoid glare; or move a few inches left or right of center to eliminate glare.
3. If you submit photographs other than your own, please indicate the source and include any letters of permission for publication in the magazine.

JENNIFER L. PAGE, CCLS IS CURRENTLY SERVING AS LSI'S EXECUTIVE SECRETARY, HAVING SERVED PREVIOUSLY AS TREASURER AND PRIOR TO THAT, APPOINTED AS CHAIR OF THE CONTINUING EDUCATION COUNCIL.

Jennifer graduated from Sir Francis Drake High School in San Anselmo, California and obtained her paralegal certification from St. Mary's College in Orinda, California, while at the same time, working full-time with a two-plus hour commute each way for a three hour class in addition to finding time to complete over ten hours of homework! The trick is seek balance—to try to find time for everything including school, work, family, and friends, and clearly Jennifer has accomplished that task. While she didn't really have a career in mind, her high school guidance counselor provided no guidance at all. When her mother and stepfather divorced right around the time she graduated, she had to get a job right away to help support the family. For a few years she bounced around in various secretarial positions, which seemed to get eliminated just when she was gaining a little seniority. That's when she decided to pursue a legal career, researched Paralegal studies, came across the St. Mary's College program and she hasn't looked back since.

Jennifer worked for two different insurance defense firms and then was hired by a solo practitioner, J. Frank George for whom she had worked for 15 years. Unfortunately, his cancer diagnosis and treatment forced her to look for another opportunity and she was fortunate enough to be hired by her current employer, Ragghianti Freitas. She's still the new kid on the block but she is hoping to be there for a very long time. She is known for getting the job done and accepting her mistakes when they happen, a rare, but very fine quality.

Her advice to new and recent legal staff members includes education and networking with other legal staff members. "Keep your eyes open – don't narrow your thinking that 'I'm a paralegal' and can't hang with legal secretaries and vice versa." Jennifer considers herself a tremendous asset in that she has both legal secretarial and Paralegal experience. A few years ago, someone asked her daughter what her career was – she said, very proudly, "my mom is a paralegal/secretary". She sees no problem in combining the two and as a matter of fact, neither do I. If she were not in the legal field, she would be on an archeological dig or hanging with the chimpanzees or low land gorillas, another Jane Goodall, if you will.

Jennifer mentioned that her mom, Victoria Diotte, is someone she

looks up to. Life hasn't always been easy for her mom – she had some pretty intimidating challenges to get through to be where she is today. But, her strength, fierce loyalty, guidance and friendship have had a tremendous impact on Jennifer's life.

There are also several other people that Jennifer looks to for guidance as an example of professionalism, courtesy and fairness and most

of them are members of LSI, including Mary S. Rocca, CCLS, Christa Davis, and Heather Edwards. Each of these women (for different reasons) has helped her become the person she is today. As a matter of fact, she was the recipient of the President's Award in 2007-2008, awarded by Lorraine M. Bettencourt, PLS, CCLS, LSI Past President. Congratulations Jennifer!

Another nonprofit organization that Jennifer admires is Heffer International, a company that helps communities learn to be self-sufficient. A little known fact: Jennifer's daughter collects change all year so she can donate it to this organization. Last year, she collected enough money to buy a llama to be donated to a needy community!

Speaking of Jennifer's daughter, Emma (who just turned 12 in January), she describes her as an incredible person, compassionate, independent,

and self-assured. Emma loves to go anywhere and do anything and Jennifer can't wait to see where life takes her.

Jennifer has been married to Tony for 19 years (in September) and admits they live a pretty crazy life. Tony owns two businesses, races in the 24 Hours of Lemons Circuit, drag races, and he is a huge aviation enthusiast and HAM radio operator. In addition, they have a three-car garage full of pinball machines. Her family has had the privilege of meeting some very interesting people because of these hobbies. Other hobbies include scrapbooking, card making, traveling when she can, and most importantly, spending time with her family. She volunteers at her daughter's school and for her daughter's swim team. When asked where she sees herself in five years, she answered: "Hopefully right where I am – maybe a little healthier and less stressed." We wish that for you as well.

And lastly, when asked what would be impossible for her to give up, she mentioned cheese and wine! I have to admit, that would be impossible for me to give up as well! In all seriousness, Jennifer finds it impossible to give up family and friends. **LS**



San Jose – Not Just the Capitol of Silicon Valley

BY ROD CARDINALE — 2013 ANNUAL CONFERENCE CHAIR

Santa Clara County Legal Professionals Association ("SCCoLPA") is proud and honored to host the 79th Annual Conference of Legal Secretaries, Inc., on May 16-19, 2013, at the San Jose Marriott in San Jose. The theme of the conference is "LSI Through the Years" and SCCoLPA plans to pay special tribute to those who have paved the way for the last 79 years. We will celebrate the legacy of legal secretaries and legal professionals and honor the contributions they have made to make LSI what it is today.

In the February 2013 issue of The Legal Secretary, we provided you with some infor-

From its founding as California's first city, San Jose has been a leader, driven by its innovative style. Today, San Jose stands as the largest city in Northern California and the capital of Silicon Valley – the world's leading center of invention and modernism. Over the past decade, San Jose made an investment of more than \$600 million in parks, libraries, and neighborhoods, with business and civic leaders working together to enhance the city's distinctive quality of life.

SAN JOSE'S RICH DIVERSITY:

San Jose takes pride in its cultural and ethnic diversity, and no matter where you come

and bicycle trail which is the largest in the nation, championship golf courses, pristine lakes, and mountain terrain. There are more than 300 days of sunshine each year and an average annual temperature of 70 degrees.

TRANSPORTATION:

San Jose is a global gateway to the world's top companies and talent, and the city hosts an average of six million visitors per year. The Mineta San Jose International Airport recently underwent a \$1.6 billion renovation and is now the world's most technologically advanced airport with sleek, beautifully designed passenger terminals, state-of-the-art baggage handling, and proudly holds a top on-time performance record among U.S. airports. The San Jose Diridon train station is the transit hub of Silicon Valley, located a few blocks from the San Jose Marriott and two miles from Mineta San Jose International Airport. The station serves Caltrain, Amtrak, Valley Transit Authority, and other regional bus services.

LOCAL ATTRACTIONS:

San Jose offers attractions and dining experiences as diverse as the city's population – from Broadway shows, local theater, symphony and ballet productions, educational museums, family fun destinations, and diverse art exhibitions. The choices are end-

Dubbed the "Capital of Silicon Valley," San Jose exemplifies this greatness.

mation about what you can expect while attending the annual conference as well as a little bit about the San Jose Marriott. Follow us now and we'll show you the way to San Jose! More than a million people found their way last year alone: to vacation, for conferences, or to relocate to the Capital of Silicon Valley. San Jose is already home to more than 850,000 people and we will share with you many reasons why we love it here and why you will too.

OUR CITY:

Dubbed the "Capital of Silicon Valley," San Jose exemplifies this greatness. Did you know that San Jose is the 10th largest city in the country? Or that its downtown district offers superb dining and world-class culture? With so much to offer, it's easy to see why San Jose was recently ranked as one of the five best places to live in America by Money Magazine.

from, you'll feel at home: within its city limits, more than 56 languages and dialects are spoken. San Jose sponsors many cultural festivals throughout the year and its ethnic chambers of commerce are extremely active in the community.

San Jose's residents are consistently ranked as some of the healthiest in the nation, and much of this can be attributed to a myriad of recreational opportunities, including more than 200 neighborhood parks and gardens, a 330-mile long hiking



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

less when visiting San Jose. San Jose's dining scene will turn your next meal into an unforgettable event, with more than 100 restaurants in the downtown district alone.

The partnership between Team San Jose and the San Jose Convention and Visitors Bureau has resulted in delivering an exceptional visitor experience. To get an idea of some of the best places to visit, go to www.sanjose.org for more information.

Whether you like the beach, mountains, or wine country, San Jose is a great starting point to the best of the rest of the local attractions in the Bay Area. If you want to go to the beach, San Jose is only a half-hour drive to Santa Cruz and an hour away from Monterey, Carmel, and Pebble Beach. Want to taste world-famous wine? Visit the wineries in Napa and Sonoma, which are both less than two hours away from San Jose – or enjoy a tasting at one of San Jose's wineries, brewpubs, or tasting rooms.

Downtown San Jose is also known as Silicon Valley's Urban Center. Residents and visitors enjoy the creativity of downtown by the

arts, cultural offerings, and entertainment, including the nation's largest musical theater for youth, the largest children's museum on the West Coast, and the Technology Museum of Innovation ("The Tech"). Sports fans know that San Jose is also the home of the NHL San Jose Sharks.

Over three million people attend music festivals in Downtown San Jose annually. The city is alive with venues and special events such as the San Jose Rock 'n' Roll Half Marathon, the Mexican Heritage and Mariachi Festival, and Left Coast Live. In addition, the HP Pavilion (home of the San Jose Sharks) plays host to the likes of top international stars such as Madonna, Coldplay, and most recently hosted the United States Figure Skating Championships and United States Gymnastic Championships.

SEE YOU SOON!

SCCoLPA plans to take you on a "nostalgic trip down memory lane" – every event over the weekend will celebrate a particular decade. On Friday night come dressed in your pink

jacket and poodle skirt as we treat you to a 50's-themed welcome reception, complete with live music and a twist contest!

On Saturday night come to the banquet dressed in your finest formalwear because we plan to take you back to the 1940's when everyone danced the jitterbug and did the fox trot to the big band sounds of Glenn Miller and Benny Goodman. The 40's were synonymous with glamour, with the fashion of that era being elegant gowns, strands of pearls and long gloves. We are so excited to have the renowned San Jose Jazz High School All Stars perform at the banquet. Finally, at the Sunday brunch we will look eagerly to the future while at the same time honoring and respecting the past with the help of a very special inspirational guest speaker.

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

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LEGAL SECRETARIES, INCORPORATED

Officers and Chairmen Workshops

May 17, 2013

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

Schedule: 8:30 a.m. Introductions and Workshop Overview – J. Cori Mandy, CCLS
Location: Salon 5 & 6

10:15 -10:30 a.m. Coffee Break

President's Roundtable (Incoming/Outgoing Presidents Only) Moderators: Mary S. Rocca, CCLS and Patricia E. Miller, PLS, CCLS		9:00 a.m. to 11:45 a.m. Location: Willow Glen I
First Session – 9:00 a.m. – 10:15 a.m.		Second Session – 10:30 a.m. – 11:45 a.m.
<u>Minutes/Notes/Correspondence/Corporate Office</u> Moderators: Jennifer L. Page, CCLS Executive Secretary Catherine Culver, CCLS, LSI Administrator Location: Willow Glen II		<u>Newcomer's Workshop</u> Moderator: Margaret Tovar, CCLS Liaison to Law Practice Management and Technology Section of the State Bar of California Location: Willow Glen II
<u>Parliamentarian</u> Moderator: Astrid B. Watterson, CCLS Parliamentarian Location: Willow Glen III		<u>Governor's Workshop</u> Moderator: Elizabeth Adame, CCLS Governor, Imperial County LPA PRC Assistant Editor Location: Willow Glen III
<u>Legal Secretary Training/Seminars</u> Moderator: Shaylene Cortez, CCLS Legal Secretary Training Chair Location: Blossom Hill I		<u>Bulletin Editor Workshop</u> Moderator: Michelle Tice, CCLS Editor, The Legal Secretary Location: Blossom Hill I
<u>Day in Court</u> Moderator: Lynne Koroush Day in Court Chair Location: Blossom Hill II		<u>Legal Procedures</u> Moderator: Jeffrey S. Weddle Legal Procedure Chair Location: Blossom Hill II
<u>Career Promotion/Scholarship</u> Moderator: Sylvia Marsh Career Promotion/Scholarship Chair Location: Blossom Hill III		<u>Marketing</u> Moderator: Jeremy Durant, BOP Designs Location: Blossom Hill III

Please note: Locations are subject to change.



Our warmest congratulations to **Linda Duarte** on her appointment to the LSI Executive Board as Executive Advisor! Linda, a native Californian and Past LSI President, served this corporation as President in 1994-1996, and her motto was "TEAM-Together Everyone Achieves More." She is a member of the Long Beach Legal Professionals Association and has worked in the legal profession for over 25 years in the fields of Corporate law, Contract law, Probate and Estate Planning to name a few.

Before being elected as an officer of LSI, Linda served as LSI Editor of the Law Office Procedures Manual for four years and as co-Editor of the Legal Professionals Handbook. Linda has a daughter, Lisa, who is also a legal secretary and a granddaughter, currently attending University of California at San Diego. Thank you for rising to the challenge!



Congratulations to **Michelle Rodgers**, CCLS! She has accepted another term as Chair of the CCLS Certifying Board. Michelle is a legal assistant with Aronowitz Skidmore Lyon. She has been a legal secretary for 24 years, earned her CCLS in 2001, and is a paralegal as well.

Michelle has been a member of LSI since 1992 and currently serves LSI as Chairman of the CCLS Certifying Board. She has previously served LSI as the Transactional Law Section Leader for the Legal Specialization Sections, as an Assistant Editor for the Publications Revision Committee, and as a team member hosting the November 2007 LSI conference in Grass Valley and the November 2009 LSI conference in Rancho Cordova. Michelle is currently a member of Placer County LPA and has served in numerous positions with prior local associations.

Michelle lives in Grass Valley with her husband of 24 years, Tom, and their 16 year old son Tyler. Their older son, Matt, lives in Ashland, Oregon, with his bride and attends Southern Oregon University. Michelle enjoys wine tasting, spending time on the beach, swimming, stand-up paddle boarding, sailing, and cooking. She is also a USA Swimming Official and officiates at various swim meets year round. Michelle claims to be a novice golfer and fisher, but hopes to spend more time on these activities with her husband in the very near future.



LeQuita Hodge, CCLS, has accepted an appointment to the CCLS Certifying Board and we send our congratulations to her for "rising to the challenge." LeQuita has been in the legal field since January of 1978 when she worked for the County Counsel's Office for the County of Madera, in the Central Valley. A couple of years later she left to work in the private sector for a workers' compensation attorney as his Administrative Assistant. By our standards she would have been a paralegal. LeQuita eventually moved to Los Angeles County and worked as a secretary for another workers' compensation firm in Tarzana, California. Later she became the office manager of the firm and worked for a few years until she decided to stay home and be a full time mother. She enjoyed that part of her life, but decided that being home with three kids wasn't enough, so she started her own business transcribing tapes for rehabilitation counselors, as well as a few law offices.

LeQuita joined a Legal Secretaries Association chapter in 1983 and went to a few meetings. That is where she first heard about the CCLS exam. After a much-needed transition in her life (okay, divorce), she went full time with her business that now also included bookkeeping for a few individuals with apartment buildings.

On July 28, 1992, LeQuita met the love of her life and later married him and inherited three boys, which brought her combined happy family to six children. By now she had started working for Sedgwick, Detert, Moran & Arnold in downtown Los Angeles. She looked into what local legal associations were out there and found Long Beach to be the closest. She joined and after a short period became the secretary of the association. She studied for and took the CCLS exam, but holding down a household and new baby proved too much, even though she almost passed four of the sections. Unfortunately it took her ten years before she had the opportunity to focus on the test. With the help of her husband (flash cards before bed) and family, she studied and passed the exam in March of 2009. At the present time, she is still employed at the same firm, which is now Sedgwick LLP. Her attorneys' practices consist of Asbestos, Complex Litigation, Product Liability, and Environmental & Toxic Tort, and Class Action. She has extensive trial prep experience.

LeQuita currently serves as the Governor for Long Beach Legal Professionals Association. She enjoys her part time (I'd love it to be full time) business as a Thirty-One Independent Consultant as well as various activities at her Church. She admits that the best part of her life is raising her 13 year old and spending time with her grandchildren. Life just doesn't get any better.

LeQuita was flattered to be considered for the position on the Certifying Board and hopes to be an asset to LSI and all that she works with. She is now, and has always been proud to be called a Legal Secretary.

Dates to Remember in 2013

May 12, 2013	Mother's Day
May 16-19, 2013	LSI 79th Annual Conference San Jose Marriott, San Jose, CA Host Association: Santa Clara LPA
May 27, 2013	Memorial Day
June 16, 2013	Father's Day
June 21, 2013	Summer Solstice
July 4, 2013	Independence Day
August 9-13, 2013	August Quarterly Conference Crowne Plaza Hotel, San Diego, CA Host Association: San Diego LSA

Helpful Websites

Supreme Court of the United States

<http://www.supremecourt.us>

Office of the Attorney General

www.ag.ca.gov

California Courts

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

California Assn. of Legal Support Professionals

www.calspro.org

California Codes

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

California State Bar

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

California Legislative Information

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

U.S. Citizen and Immigration Services

<http://www.uscis.gov>

Administrative Office of the U.S. Courts

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

American Medical Association

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

American Association of Law Libraries

<http://www.aallnet.org>

National Notary Association

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

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www.sos.ca.gov

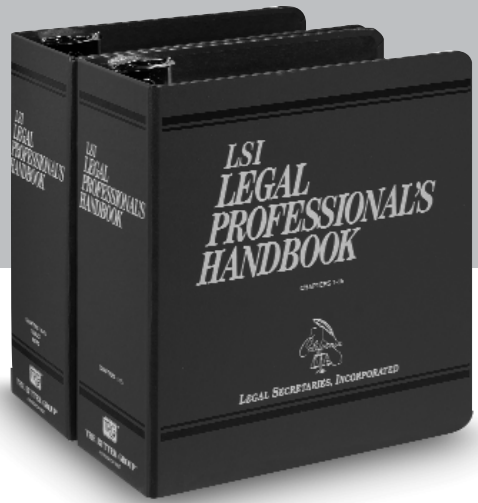
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- ADR
- Foreclosures: Mortgages and Trust Deeds; Mechanic's Lien
- Unlawful Detainer
- Federal Civil Procedure and Appeals
- Bankruptcy
- Family Law
- Adoptions
- Criminal Law and Procedure
- Probate Proceedings: Decedents' Estates; Guardianships/Conservatorships; Trust Law
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- California Commercial Code
- Corporations
- Limited Partnerships
- Intellectual Property Law: Copyrights; Trademarks; Patents
- Miscellaneous General Information

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E-Discovery: Reducing Electronic Discovery Costs And Risks Through Litigation Readiness

BY JEFFERY JACOBS, ESQ. — SUBMITTED BY SAN DIEGO LSA

Recent court decisions imposing sanctions and holding both in-house and outside counsel responsible for poor electronic discovery practices make clear that all lawyers need to understand the basics of electronic discovery, or at least know when and how to engage colleagues, litigation support teams, and service providers who are experts in the field. They should also know how their clients can use litigation readiness to reduce the costs and risks of electronic discovery.

Litigation readiness starts with effective information management, on the so-called “left side” of the Electronic Discovery Reference Model (EDRM). A well-structured records retention policy and schedule, ensuring that information is kept only as long as required to meet legal and regulatory requirements, business purposes and of course compliance with any holds imposed for pending litigation or investigative proceedings, helps reduce the costs associated with storing unnecessary and outdated paper records and electronic data. When coupled with an effective email usage and retention policy, ideally enforced with an electronic tool that automatically deletes emails that have not been archived within a specified period of time, the amount of data that needs to be preserved, collected, processed and reviewed in responding to litigation or investigatory discovery requests can be significantly reduced, with accompanying cost savings.

Under the amended FRCP, and many state and local rules, initial disclosure of copies or descriptions of relevant ESI and its sources is required within about three months after the beginning of a case. In order to be able

to comply with this requirement within the requisite time frame, and also to avoid the risk of overlooking sources of potentially relevant information, it is helpful to have a data map identifying the major sources of ESI within an organization, including email and other messaging systems, electronic archives, collaborative tools and workspaces, corporate applications and databases, along with contact information for the business owners and users and the IT personnel responsible for managing or administering each one. This is also a convenient place to keep track of systemic retention (and deletion) and backup protocols, in case it is necessary to suspend them to implement a litigation hold. The data map should also include legacy or decommissioned systems that contain organizational information, even though those systems may not be considered reasonably accessible. Keeping the data map up to date requires regular communication with the IT department to make sure that changes are recorded as new systems and applications are brought online and old ones decommissioned.

A number of electronic discovery decisions, including those in the *Zubulake v. UBS* and *Qualcomm v. Broadcom* cases, have stressed the importance of having a discovery response plan, ideally one that is developed and put in place before it needs to be

activated in response to a specific litigation or investigatory matter.

A good start involves creating a discovery response team, with representatives from legal, IT, HR, records, compliance, and other affected business units who will develop the response plan and be responsible for putting it into action when needed. It is also a good practice to select and enter into agreements with any service providers who may be needed, so that the terms, conditions, and pricing will be in place before they are needed.

The discovery response plan should include a documented, repeatable, and legally defensible workflow, with detailed procedures for executing and documenting each step of the process. Given the number and cost of discovery sanctions imposed for inadequate preservation, the ability to impose a timely and effective litigation hold has to be at the center of any discovery response plan. The hold process should include the preparation of hold notices from templates, and methods for transmitting hold notices, receiving and documenting acknowledgments of receipt and compliance, providing periodic reminders of ongoing hold obligations, and ultimately releasing the hold. This can be done manually using

...Continues on page 43



JEFF JACOBS is DTI's associate general counsel and also heads up DTI's litigation readiness consulting practice, advising clients on records retention policies, data mapping, and the evaluation and development of discovery response plans. He is a frequent conference speaker and presenter of CLEs on a wide range of electronic discovery-related topics. www.dtiglobal.com

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Fundamentals of Legal Writing Continued from page 26

Even though jurors will be instructed that the lawyers' comments are not evidence, studies show that jurors form opinions after opening statement that nine times out of ten will not change." Daniel J. Callahan, "Using Themes To Succeed At Trial," *California Lawyer*, Sept. 2004

at 21.

First impressions – whether you are writing a bar exam, presenting an appeal, or trying a case to the jury (or judge) – are of paramount importance. Legal guru Bryan Garner calls this the "90-second test." That is,

[e]very brief should make its primary point within 90 seconds." Bryan Garner, "The Winning Brief," at 48. But since, according to Garner, "only 1% of briefs actually succeed on this score," we can all work on our first impressions. ^{LS}

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

Maria Bishop, CCLS, of Mt. Diablo LPA.

• Executive Advisor -- Linda Duarte.

Two bids were received and graciously accepted by the Executive Committee:

1. San Diego LSA – May 2015 Annual Conference;
2. Stockton-San Joaquin County LPA – August 2015 Conference.

The deadline to submit bids for the November 2014 and February 2015 Quarterly Conferences was extended to April 20, 2013. New submission of bids will be announced at the May 2013 Annual Conference. If no bids are received, then LSI will have to host.

COMING UP - MAY 2013 ANNUAL CONFERENCE

Our next conference is coming up in San Jose and Santa Clara County LPA is excited about hosting our May 2013 Annual Conference. Annual Conference Chair, Rod Cardinale of Santa Clara County LPA invites everyone to

the San Jose Marriott, May 16-19, 2013. They promise a fun-filled, educational event, and invite LSI to join them for a weekend celebrating "LSI – Through the Years." Detailed information regarding our May 2013 Annual Conference is included in this issue. Read the article and you will definitely be persuaded to attend the upcoming, fun and educational Annual Conference.

Also look for posted information on the website regarding topics and speakers for the Officer/Chairmen Workshops at Annual Conference. The LSI Educational Program Coordinator tallied responses to her survey and has set up workshops according to the majority of responses and requests received. These are wonderful training workshops – don't miss them!

Sign up for the luncheons: Governors' Luncheon, Newcomers' Luncheon, Presidents' Luncheon and the CCLS Luncheon. I must admit that the CCLS Luncheon is the

most exciting one of all. We will be congratulating those who passed the California Certified Legal Secretary exam in October 2012 and March 2013. You are cordially invited to join us in celebrating this wonderful achievement with them!

As usual, the Legal Specialization Sections have excellent topics and speakers lined up for Annual Conference. A registration form is included in this issue. If you need CLE or CCLS credit, Annual Conference is definitely the place to be.

If you have never attended an LSI Annual Conference, I urge you to attend at least one. Come to learn and enjoy networking with other legal professionals. LSI Conferences are fun and exciting again! I urge everyone to Rise to the Challenge of moving LSI forward. Let's continue to feel positive about our organization and about our membership in LSI.

I look forward to seeing everyone in San Jose! ^{LS}

Presentation is Key Continued from page 28

the world, the potential for computer issues beyond your control still exists.

Regardless of the presentation style that works for the attorney, or if it is a combination of the two, there are some key factors to keep in mind for success. A complicated, confus-

ing, or poorly executed presentation can do more harm than good, as it reflects those attributes on the attorney and their client. Train with the chosen media and play to its strengths while working around its weaknesses. All presentations should be clear,

simple and brief (a good rule for most things in life). "Our life is frittered away detail . . . Simplify, simplify." – Henry David Thoreau ^{LS}

END NOTE

1 Weiss-McGrath Study (1989)

E-Discovery Continued from page 41

spreadsheets, but keeping track of large numbers of custodians in large numbers of pending matters may require the use of legal hold tools or software, which may save personnel costs and automate documentation,

thereby also reducing risk.

This combination of litigation readiness elements – retention policies, data mapping, discovery response team, and a documented discovery response plan – can all go a long

way toward helping organizations reduce discovery costs and risks, and helping their counsel sleep better at night. ^{LS}



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