

THE Legal Secretary®

November 2011



IN THIS ISSUE LSI WELCOMES YOU BACK TO BASICS: EDUCATION, NETWORKING AND FRIENDSHIP

CATHERINE CULVER, CCLS





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November 2011

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BROOKE MANSFIELD-ATHERTON
LSI PRESIDENT

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

Education, Leadership, Mentoring

BROOKE MANSFIELD-ATHERTON, CCLS

Our August Quarterly Conference hosted by Stockton San Joaquin County LPA was another outstanding conference for the history books, literally and figuratively. Stockton San Joaquin County LPA did an amazing job of hosting our quarterly conference. If you were unable to attend, here is a brief outline of what you missed out on:

Our Legal Specialization Section (LSS) leaders provided six different workshops on Friday and Saturday. Attendees had the opportunity to obtain three hours of required continuing legal education for little or no money! I was able to attend the Transactional Law LSS semi-

could not be more wrong.

Maybe it's just me, but it sure feels like just about every conference has yielded at least one motion being made from the floor and some lively conversation among our membership. This is exactly how your corporation is designed to run. Members must ask questions and make motions. Don't rely on the members of the Executive Committee to make recommendations. Take action and move this organization forward!

As I contemplated this article, I kept thinking about two women in history, Mary Shelley (1797 - 1851), and Barbe-Nicole Clicquot

"I think the highlight of the conference is always the Board of Governors meeting."

nar on Saturday morning. The speaker, Mr. Seth Shapiro, Attorney at Law, was engaging and informative. This was probably the best single \$5 I spent all weekend!

On Saturday, our Career Promotion Scholarship Chairman, Diana Dempsey, CCLS moderated a workshop entitled "Promoting Your Local Association" and on Saturday evening, our California Certified Legal Secretary Chairman, Terrie Quinton, CCLS, moderated a workshop entitled "Legal Computation What Is It and How Do I Do It."

I think the highlight of the conference is always the Board of Governors' meeting. Now, you may think to yourself that you've been there, done that. How could the Board of Governors' meeting be a highlight of a conference? It is officers and chairman one after another giving oral reports on various activities. It's a true sleep-fest, bound to induce deep REM sleep if not near coma-like symptoms. You

Ponsardin (1777 - 1866). Two women whose paths never crossed, and yet were pioneers in their day. Mary Shelly is perhaps most famous for writing *Frankenstein*, her first novel. Mary, married to poet Percy Bysshe Shelley, was inspired to write *Frankenstein* after an evening of telling ghost stories with her husband and another couple, both of literary fame. Barbe-Nicole Clicquot Ponsardin was widowed at the tender age of twenty-seven. With no formal business training and no firsthand experience, she transformed a well funded but struggling small time family wine brokerage into arguably the most important champagne house of the nineteenth century.

My love for literature and for a glass of fine wine (with or without the fizz) is what made me think of these two ordinary women who did extraordinary things and changed the world for decades after they left this earth.

I believe we all have a bit of Mary Shel-

ley and Barbe-Nicole Clicquot in us – the ability for us to each achieve extraordinary things. We had five Executive Committee Recommendations at the August Quarterly Conference, one recommendation made by the Continuing Education Counsel (CEC) and two motions made by members during the Board of Governors' Meeting. Two "ordinary" members doing extraordinary things. What is so extraordinary about making a motion? Because it changes the course and direction of the organization. YOU as a member of LSI, have the ability to be extraordinary and change the direction and perhaps history of this great organization. You can only do this if you attend conferences and attend the Board of Governors' meetings.

One motion made from the floor was generated by the article, The Decline of The Dress Code. Prior to conference the editor of The Legal Secretary magazine received several comments about the article, all of which were very positive. The discussion at conference was very different. The heated issue appeared to be that the article was allowed to run anonymously. I approved this article prior to its publication. It was pointed out at the Board of Governors' meeting that the guidelines for articles clearly stated that all articles must be accompanied by the name, email address, contact information of the person submitting the article, and the name of the submitting association. (See page 34 of the August issue of The Legal Secretary for full guidelines for submitting an article). As I stated at the Board of Governors' Meeting, as your President I made the executive decision to allow the article to be published. I take full responsibility for it and if I had to make the decision again, I would still allow the article to be published. Why, you ask? Because the topic has come up over the past year from countless members who complained about the casual dress that was becoming more and more the norm at our conferences. There was a concern for our public image. I do not think the article was submitted anonymously because the author was "afraid" to attach their name to it. Instead I think it was a delicate topic and by submitting the article anonymously, they could write bluntly and honestly without fear of hurting feelings.

The motion that was made and passed was that the members of the Executive Committee would not permit articles submitted anonymously to be published in The Legal Secretary Magazine.

What I find most interesting is that there was little or no discussion on the recommendation to spend \$2,500 to advertise with LawBiz, but significant discussion regarding the article in the magazine.

Our future depends on us reaching outside of our membership and marketing ourselves to all members of the legal community. By partnering with LawBiz, I believe we are taking a small step in that direction. What else is in store for LSI? I encourage you to share your ideas. Help take an ordinary idea and turn it into an extraordinary reality.

One idea that was mentioned at the Post Board of Governors' Meeting at the May Annual Conference was LSI helping local associations financially to attend conference. Michelle Rodgers, CCLS, our CCLS Certifying Board Chairman, was asked to obtain information regarding this topic and its effect on our non-profit status. Michelle reported back with several ideas. The members of the Executive Committee (EC) discussed the ideas during the EC meeting held on Friday, August 19, 2011. This was also discussed at the Governors' Luncheon, Presidents' Luncheon and Membership Luncheon at the August Conference. The members of the Executive Committee welcome your ideas on this topic. What would be beneficial to all associations? Would LSI providing a free scrip ticket help you to attend conference? What about helping to reduce the cost of the scrip ticket? Please share your ideas. You are welcome to contact me or another member of the Executive Committee on this or any concern or idea you have regarding LSI.

As members of LSI we must all feel comfortable discussing items on the Executive Committee Resume, to ask questions of our Officers and Chairmen and to make motions. You have the ability to shape the future of LSI with your voice and your vote. I encourage you to do just that at each of our quarterly conferences. Let's work together to turn an ordinary organization into an extraordinary one! **LS**

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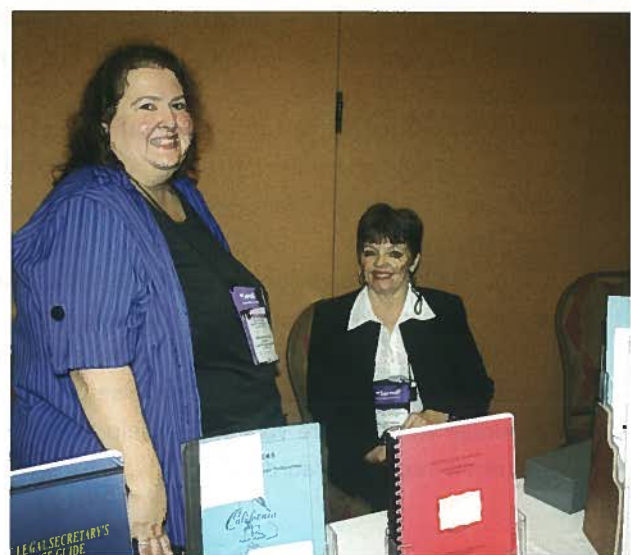
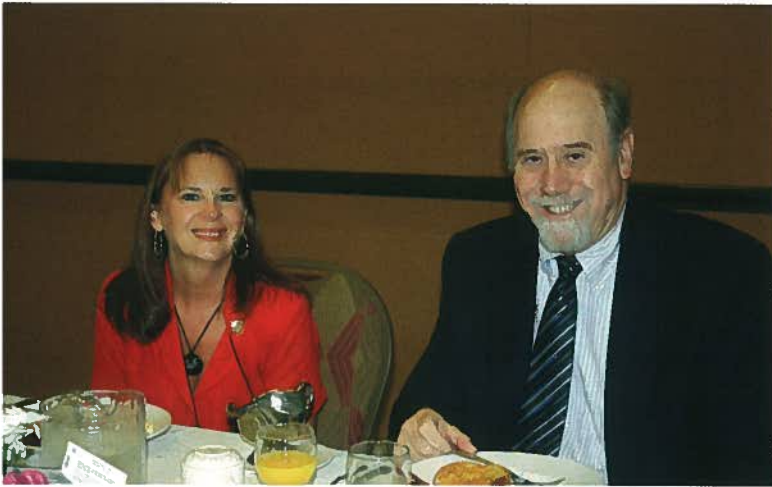
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U. S. Supreme Court Upholds Employer Search Of City-Owned Devices Where Search Was Work-Related And Limited In Scope

NATE J. KOWALSKI, IRMA RODRIGUEZ MOISA, AMBER M. SOLANO, JAY G. TRINNAMAN, MATTHEW S. D'ABUSCO —SUBMITTED BY LONG BEACH LPA

On June 17, 2010, the United States Supreme Court ruled that a city audit of an employee's text messages on a city-owned device did not violate the Fourth Amendment. In *The City of Ontario v. Quon*, the Supreme Court determined that the City of Ontario's search was reasonable under the narrow factual circumstances of this case. Significantly, however, the Supreme Court declined to address the broader issue of to what extent does an employee have a reasonable expectation of privacy in his electronic communications on employer-provided devices.

In *The City of Ontario*, the City of Ontario Police Department (the "City") provided police officers with alphanumeric pagers capable of sending and receiving text messages. Jeff Quon, a member of the City's SWAT team, was issued a pager to assist in mobilization in response to emergency situations. The City had a preexisting "Computer Usage, Internet, and Email Policy" that specified its right to monitor all network activity, including email and internet use. Following the distribution of the pagers, the City informed employees, both during a meeting and in a subsequent memorandum, that it would consider text messages the same as emails for purposes of the policy. However, a supervisor informed the officers that their text messages would not be reviewed provided the officers paid for any overage fees.

While Quon consistently exceeded his monthly allotment of messages, he paid the excess charges. As the overuse charges continued, the City initiated an investigation into whether the text messaging message plan was sufficient and if it was requiring its officers to reimburse the City for work-related messages. After the City requested and received transcripts of text messages from its service provider, the transcripts revealed the majority of Quon's messages were not sent for work-

related purposes, including sexually explicit texts to his wife and a female friend. Based upon that information, the City conducted an investigation and ultimately disciplined Quon for his use of personal text messages while on-duty in violation of the "Computer Usage, Internet, and Email Policy."

Quon filed suit in United States District Court alleging the City's review of his text messages violated his privacy rights under the Fourth Amendment. While the District Court found Quon had a reasonable expectation of privacy in the content of his text messages, it held that the search was nonetheless reasonable. The District Court determined that the search did not violate Quon's Fourth Amendment rights as it was for the legitimate purpose of reviewing the sufficiency of the City's text messaging plan.

On appeal, the Ninth Circuit Court of Appeal agreed that Quon had a reasonable expectation of privacy in his text messages. However, it concluded that the City's search was unreasonable. Although the search was conducted for a legitimate work-related purpose, it was deemed unreasonable in scope. The Ninth Circuit found that there were less-intrusive means available to verify the sufficiency of the text messaging plan that would not infringe upon Quon's Fourth Amendment rights.

The United States Supreme Court reviewed the Ninth Circuit's decision, but did not issue a broad opinion specifically articulating a standard to evaluate employee privacy rights in the context of electronic technology. Instead of conclusively addressing the validity of Quon's expectation of privacy in his text messages, the Supreme Court operated under an initial assumption that Quon had an expectation of privacy in his text messages. The Supreme

...Continues on page 14

Announcing

The 2011 California Calendar Key . . .

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by Brenda Thomas Wilson, J.D.

This 270-page STATE calendaring guide has tips, techniques, and numerous tables to help you write entries, calculate dates, and find the timelines you need. With each book, you will get a "book tag" to identify it when shelved and a laminated calendar card (approximately 4 x 6 inches) of the most common superior court timelines. This publication is also Part I of the *Calendar Procedures Key*, described below. Updated with relevant 2011 California Rules of Court (January 1, 2011, to and including rules adopted April 29, effective July 1, 2011) and Code of Civil Procedure amendments, the main topics and features are:

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- Alternative dispute resolution, including judicial arbitration
- Trial calendaring with new Expedited Jury Trial information
- Alphabetized unlimited and limited civil case reference guide with appellate review timelines
- Blackline text of the California Electronic Discovery Act
- Number conversion table of the California Rules of Court on civil mediation
- Table of authorities for state statutes and rules

and the Calendar Procedures Key (California Civil Litigation)

Also by Brenda Thomas Wilson, this 452-page STATE AND FEDERAL calendaring guide contains (as Part I) the entire 2011 *California Calendar Key* described above, with the addition of federal district court calendaring and e-discovery. It, too, includes a laminated calendar card for the most common California state timelines and its own book identification tag. The main topics and features are:

- Federal district court filing and calendaring
- FRCP time-computation amendments
- Federal motions and civil discovery, including rule 502 of the Federal Rules of Evidence
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- The latest relevant local rules of the Eastern, Northern, Central, and Southern District Courts of California, including the Northern District Court's important motion timeline changes effective June 2, 2011; and Central District Court amendments effective June 1, 2011
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CHRISTA DAVIS

Christa Davis is the immediate past president of LSI, serves as Executive Advisor, and Nominations and Elections Chair. She became a family law legal secretary in 1987 and has been a member of LSI since 1989. She has been the administrator for Staley Jobson, a family law firm in Pleasanton, CA since 1997.

Nominations, Elections & Stepping Outside The Box

CHRISTA DAVIS —LSI EXECUTIVE ADVISOR

The Call for Nominations of Officers for Legal Secretaries, Incorporated for the 2012 – 2013 fiscal year will be sent out in January 2012. That seems like a lifetime away, but really, it is just around the corner.

LSI will kick off its 78th year at the May 2012 Annual Conference at the Bahia Resort in San Diego. At that time, the Delegates of LSI will elect a new slate of officers. As Executive Advisor, I will step down, and each of the current officers will run for the office next in line, leaving an opening for a new LSI Treasurer. Not just anyone can run for the office of Treasurer. Candidates must...(a) be actively engaged in work of a legal nature either full time, permanently part time, or on a contractual basis; (b) shall have been an active member of LSI in good standing for at least three years immediately prior to nomination; and (c) shall have served on the Board of Governors or as an LSI Committee Chairman. Who will be elected and step into the office of LSI Treasurer? Will that be you? Have you been contemplating running for LSI Office? Do you want to make a difference in LSI? If you answered yes to at least one of these questions, then it is time to get on with it, but first you must do your homework.

When elected to serve as LSI Treasurer, you not only serve as the Treasurer, but someone who may serve as President 8 years down the road. Yes – the long haul for an LSI officer is 10 years (assuming you are appointed to serve as Executive Advisor when your term as President ends.) A lot can happen in 10 years. If you intend to run for office, your family and your employer should be made aware of exactly what your commitment will entail. The time commitment is the most important thing for you to consider because as an officer of LSI, you will be spending quite a bit of your spare time working for LSI. Your family and your employer must be

fully supportive of this venture you are considering. There will be times when you will have to forfeit personal plans because of LSI commitments and your employer must understand that it is highly possible that LSI will infringe on your workday from time to time. I will not sugarcoat the fact that being an officer of LSI is hard work, time consuming, and requires you to leave your personal agenda at the door to allow you to make decisions that best serve LSI. It can be frustrating and at times you may find yourself wondering "what the heck am I doing?" But, there are many benefits too. As an officer of LSI you have the opportunity to meet and network with the members of LSI throughout the state, and to interact with members of other legal professional organizations. The contacts one makes throughout the journey from Treasurer to President can be very valuable in the work arena. While you are giving of your time during your service to LSI, you are benefiting through the networking process and cultivating skills which will enable you to seek career advancements should you desire to do so. On a personal level, you attain skills that will serve you throughout the rest of your life. It can be a very rewarding experience if you are open to learning, listening and working with others.

Serving as an officer of LSI is more than just attending quarterly meetings and giving a report. It is doing your part to ensure that the corporation continues to thrive and grow with the times. It is learning to work with others, integrating their ideas with yours. It is setting aside personal differences and working together as a team. Do you have the desire and energy to help to guide the membership through bigger and better changes? The future of LSI depends on its members and quality

...Continues on page 18

The Real Retirement Problem

EMERSON J. FERSCH CFP®, MSFS, CHFC CLU — SUBMITTED BY SAN DIEGO LSA

Over the years the standard investment advice that prospective retirees typically receive is to reduce market risk to the portfolio by adding bonds and cash. Some may be familiar with the mantra that “the percentage of bonds you own in your portfolio should be equal to your age.”

There is a glaring hole to this approach, and the following is an explanation of why bonds, cash and fixed annuities are akin to financial suicide in retirement, and why equities are the best option, especially during retirement.

Consider the facts: The average 62 year old, non smoking couple has a joint life expectancy of 30 years. This means the second of each couple will pass at age 90. Therefore, the couple that retires at 62 has an investment time horizon of 30 years.

During this period of time, having accumulated enough savings to live on is not the concern. The essential economic reality in those 30 years is this: Every year everything we will need to buy will cost more.

Therefore it is obvious that the retirement income goal is to be able to draw from our investments at a rate that at least meets this increase in cost so that the one offsets the other. We want to maintain our lifestyle over this 30 year period, allowing us to maintain our dignity and independence, which become more and more important as we age. Therefore, the real retirement problem is rising costs; the solution is a continually rising income.

Now, what assets classes do we know that never provide a rising income? The answer is the so-called “safe” investments category: bonds, cash and fixed annuities. These all fall under the auspices of “fixed income” investments, the name of which is indicative of the problem: a fixed income does not increase. While placing money in these areas may generate enough income to meet current needs, the income need will increase over time, even if the retirement lifestyle stays the same. Fixed income

investments are a bandaid to a long term problem.

The most reliable source there has ever been in human history for an income that rises at least as fast as costs rise are the constantly rising dividends of the great companies of America and the world. From 1935 through the end of 2009 inclusive, the cost of living, as measured by CPI, compounded at 3% per year. The dividend of the S&P 500 stock index over the same period compounded at 5.6%. The dividends of these companies have risen almost twice as much as the cost of living has increased.

There is a trade-off for the opportunity to generate an increasing income through investment in the great companies of America and the world: volatility. Nearly every 4 out of 5 years, the values of the stock of these companies go up; a little over 1 out of every 5 years, the values will temporarily drop. The variable is how quickly and to what extent the values drop. Making these periods even more difficult for most people is the media, which routinely declares the end of the financial world as we know it whenever the Dow Jones Industrial Average drops more than 100 points. Volatility is not an intellectual issue; it is an emotional one. The key to succeeding is not to panic out of owning these companies, because over the long run, patience combined with a well diversified portfolio of quality equities has always paid off.

To summarize, the problem is not when unemployment is going to improve or whether or not the value of the dollar is going to result in rampant hyper inflation. The problem is maintaining an increasing income for 30 years. When viewed from this perspective, and in looking at history, the proper course of action is clear. Overloading in bonds and cash will not accomplish the goal; owning the great companies of America and the world, with their history of increasing dividends, will.

“This article is meant for general information. It is not intended for specific recommendation or advice. Each situation is unique. Contact your advisor for your situation.” **LS**



EMERSON J. FERSCH

Emerson J. Fersch is the sole owner of Capital Investment Advisers in Long Beach, California and has been working in the financial services industry since 1986. Emerson specializes in retirement planning and investment management, and has been providing advice to LSI members since 1996. Emerson can be reached at emerson.fersch@siionline.com.



GARY BARNES

Gary Barnes is the Manager of Trial Technologies at Barkley Court Reporters. He has specialized in Trial Technology for litigation and settlement presentations since 1995 and has been involved in over one hundred trials. Gary has a BFA from Memphis University and an MFA from Western Illinois University. He currently conducts the MCLE and eMCLE course "Leveraging Trial Technology in a Visual Society" for law firms throughout California, Illinois and New York.

Gary is proficient in graphic design and trial technology software platforms and is a Certified Trial Director trainer, as well as a member of the American Society of Trial Consultants. He has been responsible for the visual strategy, management and design for civil cases in Superior and Federal Courts. He has served as the primary liaison for clients providing presentation problem-solving, graphic design, videography, writing, technical expertise and courtroom setups. Gary can be reached at garyb@barkley.com.

Trial Technology And The Visual Revolution

GARY BARNES - SUBMITTED BY MT. DIABLO LPA

If there was ever any doubt that there has been a cultural shift from a verbal society to a visual, consider this: marketing research has estimated that as of 2009, the number of cell phones equipped with a still or video camera has surpassed the number of film and digital cameras shipped since the invention of photography. This means that almost everyone has on them some type of still or video camera.

What does information look like to people now? Not surprisingly, it is a picture rather than words that we rely on to give shape to our world. We are bombarded with images, both still and moving, all day, every day. It has been shown that pictures are actually more believable than words alone. In fact, pictures that capture an event will resemble reality more than words can and are more likely to provoke a cognitive and emotional response similar to those aroused by the real event. Dig a little deeper and we find that the part of the brain that processes pictures is the same part that is responsible for emotions with the implication that images have more power than words and are less likely to be subject to change through critical thinking.

This is important information to understand if you are trying to persuade a jury to agree with your client's version of events. Attorneys have a high level of competency in the language of the law, and the law has relied on the power of the written and spoken word to function. However, that competency does not extend to the *visual language* of pictures. Color, balance, point of view, actor/object identification among many other things, have subtle but real influence on the juror.

In the litigation world, there are very real restrictions on what can and cannot be shown to the jury. The judge's litmus test of any graphic offered is generally *the probative value*

must outweigh the prejudicial effect. It is vital that the person creating the graphic for trial keeps this principle in mind at all times, and that person should probably not be the nephew who is pretty good at creating websites, or the neighbor's kid who took a college class in animation! A whole industry has sprung up specializing in the creation of dynamic and persuasive graphics for trial within the bounds of Rule 403. These *Trial Technology* firms have the visual competency to create graphic elements that will stand up to that test.

Your trial team should plan for the visual story early in the litigation process and bring in an experienced legal graphic designer to help formulate visual strategy and suggest graphics for the opening statement and closing arguments and work closely with the expert witnesses who will authenticate the demonstrations you plan to use.

When it is time to go to court, the trial technician will bring in the equipment necessary, and will have all of those elements in place, operational and tested, before opening statements. The trial technician will bring up documents for the jury, highlight text, underline key words, and pull out relevant passages, all in an effort to keep the jury focused and engaged. He or she will also display the graphics designed for opening/closing, expert testimony, animations, videos and playback of video depositions. In other words, the trial technician will be responsible for all graphic elements and will "drive" technology in the trial, mediation or arbitration. This service gives the litigator one less thing to worry about and more ability to focus on trying the case.

The power and influence of visual elements has exploded in the last decade. To convince and persuade a jury, attorneys must understand and exploit the opportunities offered in this "Visual Revolution." **LS**

Parliamentary, Smarliamentary, Better Known As "Knowledge is Power"

JULIE EDSILL, CCLS — LSI PARLIAMENTARIAN



JULIE EDSILL
LSI PARLIAMENTARIAN

Have you ever wondered what the big deal is with Robert's Rules and Parliamentary Procedure?

Have you ever sat in a meeting and gotten completely lost and voted anyway?

Have you ever wished you could just make all the discussion stop and get to the vote?

Have you ever wondered what is 2/3rds of the majority vote?

Or better yet; the majority of what?

Believe it or not, you are not alone. I can guarantee that there are at least five other people in the meeting wondering the exact same things.

Now it is my turn to ask you a question. How would it feel to know the answer to each of the previous questions and be able to appropriately act on them? Keep reading, because I am going to pass on some valuable information that you will actually be able to understand and use.

First and foremost, you need to be recognized by the Presiding Officer before saying anything. If you just speak out you are being disorderly, and if another person has the floor you do not have more rights than that member. Once you have been recognized (i.e. given the floor), address the Presiding Officer and state in a loud and clear voice what is it you are wanting to accomplish. I know, you are sitting there thinking, "really?" I thought you were going to tell me how to do that. Don't worry I am getting to that, but first I want to share with you what Robert's Rules says about Parliamentary Procedure:

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization.

In other words, Parliamentary Procedure is important and to be used for the benefit of the whole association. Trying to run a meeting by the rules of individuals will always lead to pandemonium and misuse of time. Okay, I am getting down off my soap box, at least for the time being.

I promised you information, and that is what I am going to share with you now. The following is taken from Robert's Rules of Order. I hope that you will use them at the appropriate time, in the appropriate way in your meetings:

Question of Privilege: As a member of the audience you believe that you cannot hear or see the proceedings, but you have a feasible solution. You have the right to stop the meeting, and have the problem corrected.

Call for the Orders of the Day: You notice that the agenda specifies the time for each portion of the agenda. You notice that the part you are interested in is scheduled for 9:15 a.m., and the time is now 9:16 a.m. The meeting is stuck with the 9:05 a.m. item. You "Call for the Orders of the Day." This automatically forces everyone to abandon the 9:05 a.m. item and deal with the 9:15 a.m. item.

Point of Order: During a meeting you notice that someone (even the presiding officer) is disobeying Robert's Rules of Order. You state "Point of Order" and explain your point. The Presiding Officer rules on your point and you help to keep everyone in line.

Point of Information: One right no one can take from you is the right to understand the process and the potential consequences of the next voting. You have the right to stop business and have someone explain the process and consequences of the debate, or the voting. Your request for information cannot be ignored by the Presiding Officer.

...Continues on page 18

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



CATHERINE CULVER

Catherine Culver is the LSI Administrator. She received her BA in economics from Denison University in Granville, Ohio, her paralegal certificate from UCLA Extension, and earned her CCLS in 2003.

LSI Welcomes You Back To Basics: Education, Networking And Friendship

CATHERINE CULVER, CCLS - LSI ADMINISTRATOR

Did you see the cover of this issue? You are looking at the Executive Committee of LSI. They grace the cover this month because LSI is hosting the second quarterly conference in Rancho Cordova. The theme is Back to Basics: Education, Networking, and Friendship.

You'll notice when you register that in lieu of a pre-packed boodle bag, you will have the opportunity to take a recyclable shopping bag and choose the items you will use. This will reduce the waste generated by tossing out those boodle items for

were lucky enough to attend the November 2009 conference and eat at Formaggio, you know how delicious it is.

At the Friday Welcome Reception, LSI will recognize members who have served or are serving in the armed forces. The Legal Trivia Throwdown will take place at the reception as well. Another opportunity for Education and Networking wrapped in fun. Rekindle existing friendships or forge new ones by attending the Legal Specialization Section Seminars or the membership luncheon.

"Ask questions. Don't be afraid to ask questions when you do not understand something."

which you personally have no use. Thank you to all of the associations and individuals who donated items for the donation opportunity drawings. Your support helped keep costs down and fun and interest up. Don't forget your return address labels to avoid writing your name out multiple times on the tickets for those drawings. Another return to basics is the use of hotel-owned centerpieces for all events. Please do not take any centerpiece. You will be charged for it.

Terrie Quinton, CCLS Chairman, is presenting a CCLS Workshop on Leading a CCLS Study Group. Terrie is mindful of conflicts with the Legal Specialization Sections. She volunteered to have the CCLS Workshop held on Saturday morning at 7:30 a.m. so as not to conflict with other Education taking place this weekend.

The Sacramento Marriott Rancho Cordova has some treats for conference attendees: 2 Starbucks discount coupons for each guest room, a 15% discount at the onsite restaurant Formaggio, and complimentary internet access in guest rooms. If you

Visit the vendors! Many are offering products or services from which your office may benefit.

What can save you time, and your office money? Dig deeper. Many vendors will offer a drawing so check them all out. Some of the vendors will offer personal interest items. Some are even LSI members. Be sure to thank all of the vendors for supporting LSI by exhibiting this weekend. Vendor support is essential to successful conferences.

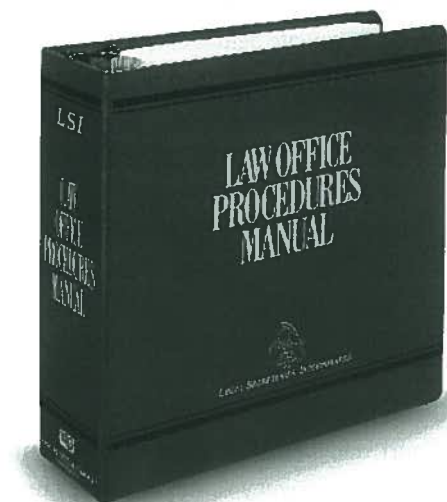
Ask questions. Don't be afraid to ask questions when you do not understand something. If you are in the Board of Governors meeting, you approach the floor microphone and address the chair by identifying yourself and your association, or member at large status. After each report the chair asks if there are questions. Remember, if one person asks a question, it is likely that ten other people are wondering the same thing.

After wringing all the good you can from conference, LSI hopes that getting Back to Basics: Education, Networking and Friendship will have furthered LSI's goal of Educating California's Legal Professionals. **LS**

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U.S. Supreme Court... Continued from page 6

Court then directed its focus on whether the City's search and review of Quon's text messages was reasonable. According to the Supreme Court, the City's review of Quon's text messages was justified at its inception because the City sought to ensure employees were not being required to reimburse the City for work-related expenses. In addition, the City's review of the transcripts was determined to be an efficient and expedient method to conduct the review and directly related to the objectives of the City. In evaluating the search itself, the Supreme Court noted that in the course of the City's investigation, it reviewed only two months of text messages and did not review text messages sent while Quon was off-duty. The Supreme Court rejected the Ninth Circuit's finding that the search was unlawful because less intrusive searches were available. Instead, the Supreme Court found that the mere fact that a less intrusive method for conducting a search may exist does not render the search unlawful under the Fourth Amendment.

Importantly, while it assumed that Quon had an expectation of privacy, the Supreme Court stated that the extent of that expectation was relevant in determining if the City's search was reasonable. The Supreme Court reasoned that "employer policies concerning communications will of course shape the reasonable expectations of their employees, especially to the extent that such policies are clearly communicated." The Supreme Court further noted that the City's "Computer Usage, Internet, and Email Policy" stated that:

"[u]sers should have no expectation of privacy or confidentiality," and that it would have been unreasonable for Quon to conclude that his messages were immune from any search. As such, the City's search was not excessively intrusive as Quon's reduced privacy expectation "lessened the risk that the review would intrude on the highly private details of Quon's life."

The Supreme Court did not, however, express an opinion on whether a supervisor or manager's later statements may override a written policy—an argument Quon asserted. Consequently, the Supreme Court's ruling leaves open for future decisions to define the parameters of an employee's reasonable expectation of privacy in the rapidly developing methods of electronic communication.

IMPACT OF THE DECISION ON EMPLOYERS

While the Supreme Court declined to specifically articulate a standard to evaluate employee privacy rights in the context of electronic communications technology, the Court's comments regarding employer policies shaping privacy expectations demonstrate the importance of establishing and regularly disseminating broad policies that place employees on notice that communications may be accessed by the employer. This is particularly true for employers who allow employees to use handheld devices for work and personal purposes. Moreover, in the event an employer is required to review employee communications, those investigations should be initiated based upon a legitimate business reason and be appropriately limited in scope. ^{LS}

Tips and Tricks... Continued from page 16

applicants are expected to notify the Board at least two weeks before the examination date of their inability to be present to take the examination and request a deferment. If you fail to submit the deferral application and pay the fee by the due date, you will be required to reapply. Important note for retake examinees: The granting of a deferral will not in any case extend an applicant's time to pass all seven sections of the exam beyond seven consecutive regularly-scheduled examination dates.

Exam sites: If you know of a good location or work at a firm that might be willing to allow us to use their facilities on a Saturday, please feel free to contact me. We are always looking

for suitable locations and comfortable facilities to administer the CCLS exam. The exam is regularly scheduled for the third Saturday in March and October of each year.

Further information: Please stay familiar with the information that is posted on the website. Review the CCLS category under Programs at www.lsi.org for additional information. If you have a question that you cannot find the answer, please contact me at mrodgers@lawpolicy.com. ^{LS}

LEGAL SPECIALIZATION SECTIONS

Of LEGAL SECRETARIES, INCORPORATED

2011-2012 MEMBERSHIP APPLICATION/ANNUAL RENEWAL FORM

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

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

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

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MICHELLE RODGERS

Michelle Rodgers is a legal assistant with Stern, Van Vleck & McCarron, LLP. She has been a legal secretary for over 22 years. Michelle earned her CCLS in 2001 and holds a paralegal certificate as well. An LSI member since 1992. She currently serves LSI as Chairman of the CCLS Certifying Board and represents Capitol City Legal Professionals Association as their President.

Tips And Tricks For CCLS Examinees

MICHELLE RODGERS , CCLS — CCLS CERTIFYING BOARD

Are you planning to apply to take the CCLS exam? If so, here are some tips and information to help you better understand the procedures involved.

Submit your paperwork: Get those applications in early. The deadline for the Certifying Board to receive applications is 60 days prior to each examination date. Sixty days before each exam the Certifying Board creates spreadsheets, prepares files, and starts making plans for exam locations based on the number and location of the examinees who have submitted applications. Although we are likely to accept late applications (along with a late fee), consideration for exam sites will have already taken place based on the location of the examinees who submitted their applications timely. In some instances, space is limited and we may not be able to accommodate late applicants.

What to wear: Dress comfortably. It is suggested that you dress in layers in case you find the exam room too cool or too warm. Often times we are in an office conference room (on a Saturday) and we do not have the ability to turn on the HVAC.

What to bring: You are only allowed to bring a calculator as long as the calculator is "silent" so as to not distract the other examinees. We will provide you with scratch paper, pencils, and the testing materials. Reference materials, books, papers, note cards, cell phones, PDA's, etc. will need to be left in your vehicle or at the back of the exam room. Although we do give verbal notice when there are 10 and 5 minutes remaining, you may wish to wear a watch if you like to pace yourself. Cell phones or PDA's may not be used for this purpose.


Partial retake examinees: To qualify for a partial retake, a minimum of four sections must be passed at one sitting of the exam. Examinees

who qualify for partial retakes have up to six consecutive regularly scheduled examination dates to pass the remaining three or fewer sections. All failed sections must be retaken at the same time. We understand that 8 a.m. on a Saturday is early; however, we always schedule the sections that people are retaking first. That way, as an examinee that only has one or two sections to take finishes, they can leave for the rest of the day. General instructions are read first thing in the morning and it would be disruptive to the other examinees to have someone show up and try to check-in later in the day. Look on the bright side - retake examinees have the rest of the day to unwind and do regular weekend activities.

Schedule: The exam starts promptly at 8 a.m. No one will be admitted into the exam room after 8 a.m. We would suggest that if you are unfamiliar with the area you allow yourself plenty of time to find the location. Or, you may consider scoping it out the day before. As mentioned above, retake sections are scheduled first and everyone has probably heard, Legal Computations, Legal Terminology, and Ability to Communicate are some of the toughest sections and are the most likely sections to be scheduled early in the day. The order of the sections is not set in stone - it depends upon the needs of those examinees that are doing retakes. All sections except Skills are allotted 50 minutes; Skills is allotted 90 minutes; and there is a 10 minute break in between each section and a 1 hour lunch break.

Deferrals: If you find that you are unable to sit for the exam as scheduled, you can request to take the exam on the next examination date by submitting a completed deferral application and paying the required deferral fee. All

...Continues on page 14

LEGAL SPECIALIZATION SECTION SEMINARS 2nd Quarterly Conference – November 11-13, 2011 – Sacramento Marriott Rancho Cordova Host: Legal Secretaries, Incorporated REGISTRATION FORM - DEADLINE IS FRIDAY, November 4, 2011 Registration MUST be RECEIVED by each Section Leader on or before the deadline. Please make advance reservations so materials may be prepared. Please check appropriate boxes below. <u>Mail, Fax or E-Mail a copy of this form to each corresponding Section Leader.</u> Send a self-addressed, stamped envelope if you wish confirmation of your reservation. PLEASE MAKE ALL CHECKS PAYABLE TO "LSI"		
LSI SECTION MEMBER: Free with Advanced Reservations \$5.00 at the Door/After Deadline Handout Only: \$5.00	LSI NON-SECTION MEMBER: \$10.00 with Advanced Reservation \$15.00 at the Door/After Deadline Handout Only: \$10.00	NON-LSI MEMBER: \$15.00 with Advanced Reservation \$20.00 at the Door/After Deadline Handout Only: \$15.00
Friday, November 11, 2011 -- 7:30 p.m. to 9:00 p.m.		
PROBATE/ESTATE PLANNING: Topic: <i>Estate Planning: What You Don't Know Could Hurt You</i> Speaker: Lynn Dean, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Linda Moore, CCLS, Probate/Estate Planning Section Leader c/o Stutz Artiano Shinoff & Holtz, APC 2488 Historic Decatur Rd., Ste. 200, San Diego, CA 92106 (O) 619-232-3122 ext. 404 (F) 619-232-3264 Email: lmoore@stutzartiano.com	CIVIL LITIGATION: Topic: <i>Who's at the Door? Successfully Serving Summonses & Subpoenas</i> Speaker: Mark Schwartz, One Legal <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Denise Aguilar, CCLS, Civil Litigation Section Leader 8279 Philodendron Way, Buena Park, CA 90620-2120 (H) 714-670-0215 Email: daguilar57@att.net	
Saturday, November 12, 2011 — 10:30 a.m. to 12:00 p.m.		
CRIMINAL LAW: Topic: <i>From Arrest to Conviction</i> Speaker: Brandon T. Williams, Esq. <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Linda Lane, Criminal Law Section Leader P. O. Box 12582, La Crescenta, CA 91224 (H) 818-248-0739 (C) 818-434-6600 Email: l.lane44@yahoo.com	LAW OFFICE ADMINISTRATION: Topic: <i>Adobe Acrobat – Tips and Tricks</i> Speaker: Brooke Greene, One Legal <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Sara E. Mull, CCLS, Law Office Administration Section Leader Harris, Sanford & Hamman P. O. Box 908, Gridley, CA 95948 (O) 530-846-5691 (F) 530-846-5738 Email: sara@sacvalleylaw.com	
Saturday, November 12, 2011 — 4:00 p.m. to 5:30 p.m.		
TRANSACTIONAL LAW: Topic: <i>Bankruptcy – The Road to Recovery</i> Speaker: TBA <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Belinda Owens, Transactional Law Section Leader 3163 Easy Street, San Diego, CA 92105 (C) 619-261-9323 Email: bowens0913@aol.com	FAMILY LAW: Topic: <i>Child Custody - When Things Get Ugly, No One Wins</i> Speaker: Diane Wasznicky, Esq., CFLS <input type="checkbox"/> I will attend <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member <input type="checkbox"/> Handout Only Send to: Judith Williams, Family Law Section Leader 2368 Lincoln Street, Suite A, Oroville, CA 95966 (O) 530-534-8973 (F) 530-534-6551 Email: pwpplg2@yahoo.com	

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

Nominations, Elections... Continued from page 8

leadership of its officers and chairmen.

If you are giving serious consideration to running for Treasurer, some of the more important skills to have at this point include not only the basic book-keeping and accounting skills, but the knowledge of QuickBooks or a similar software accounting program. A legal professional with good written communication skills and the ability to lead can perform the duties of the other offices, but specialized skills are definitely a must for the Treasurer.

Possibly, the following suggestions will help to solidify your decision whether to run for Treasurer. Investigate what it entails to be an officer of LSI. Take the time to talk with each of the current LSI Officers about the duties they perform. Doing so will give you an idea what the time commitment can be. Find out what skills they feel helped them the most. Discuss how they balance their personal, work, and LSI lives evenly. Review the Official Notice to get an idea of where the Executive Committee spends their

time throughout the conference week-end, and watch what they do. Not only does the Executive Committee meet all day on Friday at each conference to discuss the events of the previous quarter and the status of the corporation, there are other duties involved that keep them busy throughout the conference week-end. Of course there is time to attend the educational seminars and social activities offered at each conference, but as an officer, your time at conference must be spent wisely to ensure you cover all of your duties. Conferences require a serious commitment and of course energy for each LSI Officer. It is not my intent to paint a bleak picture of the amount of work and time required at conferences as an officer of LSI, but to enlighten you of the seriousness of duties involved.

As I come to the close of my ten year commitment, I reflect back to each office I held and appreciate the experiences and life lessons I have learned. I have learned how to work together with others as a team. My writing abilities have dra-

matically improved since my term as Treasurer. While I am still extremely nervous when I present my oral reports at each conference, I feel confident about my ability to stand before the membership and report with confidence. I have met so many interesting and different people, and made friendships that will last a lifetime. But, the most important attribute I have gained as an officer of LSI, is my self-confidence. This experience helped to build confidence in myself and to realize that it is okay to step outside the proverbial box. I did just that and enjoyed every minute of it. Becoming an officer of LSI can be very rewarding, but it takes a certain level of commitment and the desire to make a difference in this corporation. There are many changes coming in the future of LSI, and we need confident and dedicated leaders to make it happen. Do you have what it takes? Are you ready to make a difference? If so, the door is open and it's time to take that first step. **LS**

Parliamentary, Smarliamentary... Continued from page 11

Division of Assembly: Whenever you doubt the Presiding Officer's hearing capabilities during a vote by loud ayes/nays, you can have the vote taken by having voters stand instead of yelling. You call for a "Division of the Assembly" and the vote has to be retaken in a more accurate manner.

In these cases, you do not need to be recognized, or seconded. No one can amend, or debate your motion. No vote is necessary.

When somebody calls out "Question!," must debate cease?

No. Previous Question is the proper motion for that, and a member must be recognized by the chairman to move Previous Question, not just shout it out from

their seat. If recognized and seconded, it is not debatable, and requires a two-thirds vote to be adopted. If adopted, debate ceases and a vote is taken on the immediately pending question. For more information, refer to RONR 10th ed. pp. 189-201.

In determining the result of a vote, what constitutes a majority?

The word "majority" in this context means, simply, more than half. The use of any other definition, such as 50 percent plus one, is apt to cause problems. Suppose in voting on a motion 17 votes are cast, 9 in favor and 8 opposed. Fifty percent of the votes cast is 8 1/2, so that 50 percent plus one would be 9 1/2. Under such an erroneous definition of a major-

ity, one might say that the motion was not adopted because it did not receive fifty percent plus one of the votes cast, although it was, quite clearly, passed by a majority vote. [RONR (10th ed.), p. 387; see also p. 66 of RONR *In Brief*.]

The final bit of information that I would like to make sure you have, is that whenever you make a motion always say "I move," not "I make a motion."

So next time you find yourself completely lost with what is going on, I hope that you confidently say _____. You fill in the blank. E-mail me with your answer, the first one that correctly responds will earn acknowledgment in my next quarterly report and a small gift at the November conference. **LS**

Why You Should Come To Meetings

LAURELYN BERGFELD, CCLS — SUBMITTED BY SAN FERNANDO VALLEY LSA



LAURELYN BERGFELD

You! Reading this article in The Legal Secretary. We haven't seen you lately at meetings or events and miss you!

You are a member of a local association, right? Do you go to your association's meetings? Or do you renew your dues every year just so you can get the roster and the magazine and leave the membership on your resume?

Question: Exactly why aren't you coming to your association's meetings? See a familiar response in one of these?

- I'm too busy with work.
- The topics are never in the practice that my office does.
- I'm not reimbursed for the cost of dinner.
- The price is too expensive and the food is lousy anyway.
- I have family and personal stuff, especially on meeting nights.

Now take a moment to consider.

Are you really so busy that you don't go to a movie occasionally, knit a blanket or read a book to relax? Meeting with others in a social or educational setting is really equivalent as a stress reliever. You see old friends, get an opportunity to meet new people, share job opportunities and tips, and learn a little something about the law. Didn't you join LSI to learn more about working in the legal field?


Do you get reimbursed for your dues? Or for Specialization Section membership? If so, great – now ask about getting reimbursed for meetings where you are going to hear about something related to the law office. And, yes, attending a meeting on reducing stress in your life and on the job is related to working in a law office. Small firms get walk-in business in all sorts of practices and large firms are looking for people who have been cross-trained in

practice fields. You've only done family law? Check out probate or bankruptcy, practices which also rely heavily on forms. Litigation is your mien? What about Workers' Comp or insurance defense? In today's market, we may have less to choose from, but we can apply our experience in almost any practice.

Dinner is too expensive or you don't like the food? Then tell someone – please! Associations are trying to find places where costs can be kept at a reasonable level and the food is good. Sometimes that means a lot of compromise with a restaurant or hotel. If you know of a better alternative, then for Pete's sake, tell someone! Everyone is operating on very tight budgets and maybe some creative meetings can help – can meals be split as two-fers? Lunch meetings or "cocktail hour" only may work for you and your association, but maybe no one has suggested this alternative.

You don't get reimbursed for meetings? Have you asked? Okay, okay, you asked, and you don't want to pay for a meeting yourself. Unreimbursed education expenses relating to a job are generally deductible if you itemize your taxes. But, more importantly, aren't you worth the price of a dinner (and maybe parking) once a month? How about every other month? Or at a special association event or seminar?

Meetings are a time to network, share good and bad experiences, pass on information, and renew ourselves for the daily grind of the office. Meetings are the best places to share information about possible jobs and training, as well as the agencies willing to go the extra mile for you to get a job.

Finally – just consider that we would like to see you once in a while. Colleagues keep in touch. So do friends. And membership in an association means you have lots of colleagues and friends who are interested in you. Come to the next meeting! We'll be glad to see you! 

Laurelyn Bergfeld works for Sidley Austin LLP in Los Angeles, and has over 20 years legal experience in California and New York. Laurie is an attorney-certified litigation paralegal and has a degree in English Literature. A long-time member of San Fernando Valley LSA (and Glendale/Burbank LSA before that), she has been president, vice president, parliamentarian, and is currently governor. Laurie was Los Angeles County Forum Chair from 1998-2000, as well as the Forum's annual seminar chair.



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FEBRUARY 24, 25, & 26, 2012
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FOR GENERAL INFORMATION CONTACT:

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OR CONFERENCE CHAIR – MARIA BISHOP, CCLS, (925) 284-7788 – maria@mtdiablolpa.info
MDLPA WEBSITE: WWW.MTDIABLOLPA.INFO

HOTEL REGISTRATION DUE BY FEBRUARY 9, 2012



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NO REFUNDS AFTER JANUARY 28, 2012



MARIA BISHOP

Maria Bishop is the Editor-in-Chief of LSI's Publications Revision Committee.

Maria is a member of Mt.

Diablo LPA and currently serving as its Treasurer. She

has been employed as a legal secretary and paralegal for 36 years, working for the same attorney, Richard Perez of Perez & Miller, for the past 34 years.

Wanted: Attorney Volunteers

MARIA BISHOP, CCLS — EDITOR-IN-CHIEF, PUBLICATIONS REVISION COMMITTEE

Dear Attorney:

Chances are one or more of the legal support staff in your office are members of Legal Secretaries, Incorporated (aka LSI), as well as a local Association in your area. And because of that membership your employee has benefitted in one way or another from the educational workshops that he/she has attended both at local Association meetings and at the LSI quarterly and annual conferences, and by networking at those conferences with others in their profession. You have benefitted too, by having an employee who is educated and up-to-date on changes in the law.

You are probably wondering why this letter is being sent. First of all, LSI would like to personally thank you for supporting your legal support staff with their membership in LSI. And, secondly, this letter seeks to encourage your continued support of not only your legal support staff but also of LSI.

You can support LSI in several ways, but the following is an urgent request. One of the committees within LSI is the Publications Revision Committee (sometimes referred to as the "PRC"). The PRC is a committee of eight LSI members consisting of an Editor-in-Chief, Editor of the LSI Legal Professional's Handbook, Editor of the Law Office Procedures Manual, and five Assistant Editors. The members of the PRC are appointed by the LSI President and approved by the Executive Committee. The main responsibility of the PRC is to edit two important publications – the Law Office Procedures Manual and the LSI Legal Professional's Handbook. These books are currently published by The Rutter Group. The PRC would welcome your help with reviewing chapters in one or both of these books.

The two books cover the following areas of law:

LAW OFFICE PROCEDURES MANUAL

Adoptions*
Bankruptcy
Civil Procedure
Conservatorships*
Corporations
Court Structure
Criminal*
Discovery
Family Law
Local Rules
Probate*
Real Estate
Unlawful Detainer

LSI LEGAL PROFESSIONALS HANDBOOK

Adoptions*
ADR
Appeals and Writs
Attachment/Other Provisional Remedies
Bankruptcy
California Commercial Code
California Courts of Justice
Commencement of Civil Actions
Corporations
Criminal Law & Procedure*
Discovery in Civil Actions
Family Law
Federal Civil Procedure/Appeals
Foreclosures
Intellectual Property
Limited Partnerships

Postjudgment Proceedings
Pretrial and Judgment in Civil
Actions
Probate Proceedings*
Statutes of Limitation/Jurisdiction*
Unlawful Detainer
Workers' Compensation
Appeals Board

*We currently have attorneys reviewing these chapters.

The Law Office Procedures Manual (aka "LOPM") is a procedural handbook, and an ideal training manual for new legal staff, and covers most areas of the law – civil, family law, bankruptcy, criminal, corporate, and more. The LOPM includes cross-references to code sections and other legal publications, examples of legal forms, step-by-step instructions for completing them, and also includes procedural checklists and a glossary of legal terms. The LOPM is updated twice a year.

The LSI Legal Professionals Handbook (aka LPH) is a clear, concise procedural handbook for legal professionals, and includes cross-references to code sections and other legal publications. The LPH contains 24 separate chapters giving deadlines and step-by-step instructions on what to do and how to do it. The LPH is updated once a year.

You may ask, "What is it you want me to do?" We need attorneys to review chapters from the LOPM and LPH. An attorney who reviews a chapter from one or both of these publications should be knowledgeable in the particular field of law. The attorney reviewer would read the chapter, checking that the procedure outlined therein is accurate and current. Re-writing to correct inaccurate information would be required, as well as adding new content, if applicable. The attorney reviewer would not need to check code citations or forms, but if new content is added or corrections made, reference to codes or rules, and any new form(s), would need to be added. The time commitment from attorney reviewers is minimal, but the benefits are huge.

You ask, "What's in it for me?" Well, not only do you get an "educational" review in your particular field of law, and maybe learn a thing or two in the process, but you will receive from Rutter one of their Practice Guides¹ Or, if you already have a subscription to a Practice Guide, Rutter will comp your next update. Another benefit is that you may be able to claim MCLE credit for your work. The Bar rule regarding that credit is:

Rule 2.83 Self study

A member may claim up to half the credit hours required in a compliance period for

(A) completing activities for which attendance is not verified by a provider;

(B) taking an open or closed book self test and submitting it to a provider who returns it with a grade and explanations of correct answers; or

(C) authoring or co authoring written materials that

(1) have contributed to the member's legal education;

(2) have been published or accepted for publication; and

(3) were not prepared in the ordinary course of employment or in connection with an oral presentation at an approved educational activity.

Rule 2.83 adopted effective January 1, 2008.

Thank you for taking the time to read this letter, and for your consideration in helping the PRC. If you can volunteer to review chapters in the LOPM and/or LPH, please contact the Editor-in-Chief, whose contact information is below.

MARIA BISHOP, CCLS Editor-in-Chief, mbishopcccls@hotmail.com, 925 284 7788

END NOTES

1 Practice Guides vary in price, but most average \$500. Updates are not included, but subscriptions are available from Rutter. To receive a Practice Guide, a thorough review of the LOPM/LPH chapter, including re-writes and new content, is necessary.



JASON GERVAIS

Jason Gervais began his career in commercial sales management for Enterprise Rent-A-Car, where he was elected Regional M.V.P. in sales and marketing. His efforts in eliminating competition from key accounts, lead to increased market share. He focused on training employees to work towards a common mission in order to achieve optimal results of increased profits, improved employee satisfaction, and numerous employee promotions.

Jason transitioned into the financial sector when he joined the team at Countrywide Bank FSB to coordinate the establishment of its first branch in Tucson, Arizona. He used his interpersonal skills and outstanding follow-up to build a strong customer base retained after the merger with another financial institution.

Jason's extensive sales experience and financial acumen have helped him develop a new career focus in the staffing industry. Building meaningful relationships and focusing on the individual needs of his clients are his primary objectives.

Getting Ready For An Interview

JASON GERVAIS - SUBMITTED BY LOS ANGELES LSA

Does knowing the right answer matter in a job interview? Of course, it does. Does wearing the right attire matter for a job interview? Of course, it does. Do your personality traits matter? Of course, they do. All of these elements are an important part of a job interview, but there is also much more to con-

Tale #2: Impressions are made by general appearance

"All I could see were roots and wrinkles—the roots in her hair and the wrinkles of her suit jacket. This was a woman seeking an executive position. At first, I wondered whether the roots and wrinkles were a good sign: maybe she worked so hard that she didn't have time

"I have seen many different candidates walk into interviews with a variety of ill-chosen items from fluorescent shirts to goth-like dark make-up, but the one that I found the most peculiar was from a gentleman interviewing for a management position. He had longer fingernails than the woman who was sitting in on the interview with me."

sider. An interview panel may infer a great deal more from your mannerisms, appearance and non-verbal cues than you ever realized. Here are some tales from the field to give you an idea of what an interview panel may infer that is probably never spoken aloud:

Tale #1: Distractions need to be avoided

"I remember this one interview where the woman walked in with this very large purse. She placed the purse on the table in front of her. The purse kept falling over during the interview. She kept readjusting the purse as she answered our questions. The purse was so large that it actually kept part of the candidate hidden. All I wanted to do was stand up, grab the purse, and place it on the floor. I wondered whether she needed this purse as her security blanket. I wondered why she needed such a large purse. I was too distracted by the falling purse that I wasn't focusing on her interview answers. I wondered whether this candidate could adapt to challenging situations."

to look presentable. On second thought, I realized that even though her appearance may have been the result of working too many long hours and not having enough time to focus on personal appearance, time really should have been allotted for getting ready for a job interview. This executive would have to meet with clients and this was no way to leave an impression on them."

Tale #3: Mannerisms can reflect leadership qualities (or lack thereof)

"I have seen many different candidates walk into interviews with a variety of ill-chosen items from fluorescent shirts to goth-like dark make-up, but the one that I found the most peculiar was from a gentleman interviewing for a management position. He had longer fingernails than the woman who was sitting in on the interview with me. At first, I felt bad for noticing them and figured that maybe he had a reason for them, but then he started to tap his fingernails on the table in front of him as he answered the questions. I could only focus on

the fingernail tapping, and I kept wondering whether he would do that during management team meetings and whether it would drive people crazy."

TALE #4: POISE CAN GO A LONG WAY

"She gave the perfect answers. She wore the perfect pant suit. She sat with confidence and she chose the perfect pair of shoes for her outfit. Her poise and confidence was so clear to all the interview panel members in less than five minutes, and she put everyone else to shame who interviewed after her."

These are real stories; whether positive or negative, inferences are made in every interview. Right or wrong, an interviewer builds his/her judgments on more than just what is said in an interview. So, the next time you have a job interview, make sure you consider what implications your appearance, mannerisms, and body language will have on an interview panel. Be yourself, let your personality and experience shine through. Be sure you do what you can to keep the interviewer(s) attention on what you want them to perceive and learn about you. Lastly, make sure you send a clear message that you want the job; don't ever assume that they know. **LS**

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GERALD W. O'BRIEN

Gerald W. O'Brien is a graduate of Western State University and the Principal at Gerard W. O'Brien, Attorney at Law. Mr. O'Brien earned his license to practice law in 1991. Since admission to practice, Mr. O'Brien has focused his practice on Estate Planning, Business Succession Planning and Business Related Bankruptcy. In the last two years, he has written articles about Tax Litigation and The Internal Revenue Code, and he has written a chapter in the CEB Practice Guide, Business Succession Planning: Strategies for California Estate Planners and Business Attorneys, which was published in 2010, and the second edition will be published this year.

Fiduciaries: Ethics And Professionalism

GERALD W. O'BRIEN, ESQ. — SUBMITTED BY RIO HONDO DISTRICT LPA

INTRODUCTION

It appears that in California Licensed Professional Fiduciary is emerging as a new profession, which will stand alongside other licensed professional advisers such as attorneys and CPAs. Since July 1, 2008, fiduciaries who serve the public must be investigated, educated, tested and licensed if they want to continue practicing in California. The reason for this is stated in Business and Professions code §6502 (a).¹

(a) Every person who is required to register with the Statewide Registry maintained by the

division of the California Department of Consumer Affairs. This Bureau is evolving and while today it has only limited coercive power, it is actively seeking through legislation to increase that power with the ability to issue citations and fines for licensees whose practices fall below the professional standard and who pose a threat to the public.

Created in 2007 to enforce the Professional Fiduciary's Act (PFA) contained in the Business and Professions Code at §§ 6500 and 6592, the PFB is a tiny but well-run office. The Bureau has less than two full time employees.

"Today there are slightly more than 500 LPFs in California, but that number is rising at the rate of about 200 licensees per year."

Department of Justice under Chapter 13 (commencing with § 2850) of Part 4 of Division 4 of the Probate Code prior to January 1, 2007, shall be required to obtain a license as a professional fiduciary under this chapter.

This evolving field holds the promise of higher quality service, more accessible service, and service providers that are more accountable. Evolving law and an overseer in its infancy also means that those with the desire to do so can still be instrumental in shaping this agency and its governing laws.

Perhaps of more pragmatic interest is the fact that all professional fiduciaries will need to work with attorneys and therefore those law offices familiar with the needs and regulation of fiduciaries in the state of California will be best able to service this new and growing client pool.

The Bureau has already faced and survived an attempt to merge it with the State Board of Accountancy. It survived mainly due to showing a strong ability to pay back its founding loans and to run without additional funding from the state.

Business and Professions Code §§ 6500 to 6592 are the Professional Fiduciaries Act. The act deals with the set up and maintenance of the Bureau; licensing; practice provisions enforcement and disciplinary proceedings.

Today there are slightly more than 500 LPFs in California, but that number is rising at the rate of about 200 licensees per year. As the Baby Boomers age, the number of applicants for licensure is expected to grow. The youngest Baby Boomers are 47 years old so the profession could continue to grow for the next 20 years and remain strong for at least 60 years.

PROFESSIONAL FIDUCIARY BUREAU

The Professional Fiduciaries Bureau (PFB) is a

THE PROFESSIONAL FIDUCIARY'S PRACTICE

The law relating to the practice of the fiduciary

is contained in CCR §§ 4400 through 4580. The code sets out eight general principles; the first of which is called "General Principles." The next seven cover Decision Standards; Confidentiality; Conflicts of Interest; Residential Placement; Care Treatment and Services; Management of the Estate; and Limitation or Elimination of Fiduciary Powers; Restoration of Capacity and Termination of Fiduciary Relationship.

AM I A FIDUCIARY AND DO I NEED A LICENSE?

As with most laws, there are several carve-outs for people who act as fiduciaries, but who do not need the additional license to continue to work. Note, that everyone who will be acting as a fiduciary will be licensed; it is just that the California State Bar or the Department of Consumer Affairs' Board of Accountancy already licenses lawyers and accountants. They also discipline them; so there is no perceived need for additional oversight of these fiduciaries.

Where there has been a controversy is with Enrolled Agents (EA); these are professionals who are licensed to practice before the Internal Revenue Service. After much wrangling, EAs are exempt and may act within the scope of practice of an enrolled agent pursuant to Part 10 of Title 31 of the Code of Federal Regulations. However, any activities of an enrolled agent that are not within the scope of practice pursuant to the federal regulations would fall outside the exemption.

EVOLVING LAW

The current law lacks the teeth of the proposed law. Today the PFB can only revoke an errant PLF's license, and yes one fiduciary has had its license revoked which demonstrates that the system is working. But all the PFB can do is suspend or revoke, what they seek now is the ability to issue citations and fine fiduciaries who are not acting at a professional level. This will allow for the correction of mistakes, and other incorrect acts, while not decimating the ranks or discouraging individuals from applying for a license.


FEATURES THAT OFFER BENEFITS

It appears that the Act and the Bureau will provide great protection for principals, wards, conservatees, and beneficiaries. Particularly important is C.C.R. § 4484. This section provides for the termination of conservatorships if it is in the best interest of the conservatee. This should offer hope to conservatees that they will not spend the rest of their life in their conservatorship. This light at the end of the tunnel should improve their quality of life while under the conservator's care.

Additionally, the emergence of the Professional Fiduciary may provide a solution to the age old estate planning challenge, "Who is going to serve as my fiduciary?" Attorneys often face clients who have modest estates, no close family and a situation that would benefit from the use of a trust. Larger and bou-

tique corporate fiduciaries often want nothing to do with these small estates. Now there is developing an affordable and available profession to handle this significant group of individuals' needs.

CONCLUSION

This is a momentous occurrence in how California deals with its most at risk populations. A group needing defense will be defended, the defenders will be educated, investigated, monitored and if need be, disciplined. The Bureau that will be overseeing this important area of practice is growing to meet the changing needs of a dynamic population. The focus on education will result in a superior pool of professionals to work in an expanding area of need. It seems that California has gotten this aspect of protecting its citizens, their lives and property just right. 

END NOTES

1 BUSINESS AND PROFESSIONS CODE, DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY CHAPTER 6. Professional Fiduciaries Article 1. General Provisions BUSINESS & PROFESSIONS CODE § 6500. This chapter shall be known as the Professional Fiduciaries Act.

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ROD CARDINALE JR.

Rod Cardinale Jr. is the President of Santa Clara County Legal Professionals Association. He has previously served as the Ways and Means Chairman. Rod is a Paralegal at Grathwohl Rauch, & Cohen, an Estate Planning Firm in Redwood Shores and can be reached at Rod@grc-law.com.

21st Century And LSI

ROD CARDINALE JR. — SUBMITTED BY SANTA CLARA COUNTY LPA

Can LSI succeed in its current structure in the 21st Century? My simple answer is, no! I am relatively new to LSI and to date have been to six conferences. I thoroughly enjoyed myself at every conference, and in fact have caught the "conference fever." However, I am beginning to see a trend. I have attended the Presidents' luncheons and heard the struggles presidents from other associations are having. On the upside, many associations are experiencing successes. At each conference, LSI President Brooke Mansfield-Atherton, CCLS, encourages each of us to step up and help by providing our experiences and suggestions in an attempt to get back on track and increase membership. I took President Brooke's recent President's report to heart. I have been a legal professional for three years now and so far, I love it! I love being a part of LSI. As a member of LSI, I have made so many new friends and have many memories of the conferences, meetings and social events sponsored by LSI and its local associations. However, I have some major concerns about the future of our corporation that I would like to share with everyone.

TEAMWORK

Any team is only as strong as its weakest link. You can consider LSI as a 41-team league, and many of our associations (teams) are not doing so well. In fact, many are floundering. When local associations need help, LSI steps in and assists in any way they can through the Officer Visitation Program. But it appears that there are currently no solutions for LSI to help the local associations when they are in dire straits financially. They need LSI's help. I feel that getting members to attend at least one conference will be all it takes for them to gain interest in LSI. If each association would bring a new member, or a member that has never attended conference, to conference, I am positive they will catch the "fever," take

it back to their local association, share their experiences and thus light a fire and begin to rebuild interest in their local associations. In the case of Santa Clara County LPA, sending a new member to the 2010 Annual Conference made a huge impact on that member. So much so the member came back to the local association armed with excitement and enthusiasm, which snowballed. The association was finally able to balance their budget and increase membership from approximately 40 members to almost 70 members in just one year, hosted monthly educational seminars and general meetings, and has hosted many successful fundraisers. While it took a team to accomplish these successes, it took only one person fully energized from attending one conference to encourage the other members to get more involved. If Santa Clara County LPA can do it, so can your association. Every association should be represented at every conference.

Perhaps LSI should consider creating a "conference fund" whereby \$5 of the \$20 from the per-capita tax paid by associations would be earmarked for the purposes of aiding local associations in need. The funds could be used to assist in keeping the associations active or possibly used to send those that have never attended a conference. Because LSI is a non-profit organization, the funds should be made available to all local associations. Sort of like revenue sharing - much in the way the NFL has done. Doing so allows all associations the possibility to be represented at every conference. I propose that the associations that need "seed" money could receive an interest-free loan from LSI, much like the subsidy account used to assist associations who need "seed" money to start the process of hosting a conference. LSI must offer this opportunity to every association in order to protect its non-profit status. The associations that have the funds in their budget would likely not need to take advantage of this opportunity, but we have to at least

ensure it is offered to every association. This would allow the struggling associations to have the funds to put the plans into action to promote their local association as well as the means to send members to conference. As a state-wide organization, we need to work together to help each other out in times of need. I think LSI should provide an association-wide structure for running the associations. Give the associations a model of how to maintain an association - something they can work with. Does something like this already exist? I'm not sure, but LSI needs to provide associations with the tools that will teach them how to prosper.

EDUCATION

At the August Conference, I discovered that only about 20 percent of the applicants for the most recent CCLS exam passed. To me, that is unacceptable. If our tag line is "LSI - Educating California's Legal Professionals" and we have only a 20 percent passing rate for the CCLS exam, then are we failing as educators? Times have changed since the CCLS program was started, and I think it is time to update the CCLS program. The CCLS program is well known throughout LSI; unfortunately it is an unknown program to most law firms. The CCLS program is promoted throughout LSI, - We need to market outside LSI and focus our efforts on the California legal community. It's time to brand and market the CCLS program, but first we should consider whether the name should be changed to California Certified Legal Professional ("CCLP").

Since the term "legal secretary" seems to be going by the wayside, is the interest going forward in becoming a CCLS also fading? If we change our name from Legal Secretaries, Incorporated to more of an all-encompassing term such as Legal Professionals, Incorporated, then it makes sense to change the CCLS program to CCLP. Changing the name of the program would allow us to market to all legal professionals and not just limit us to legal secretaries. This would expand the desire to want to attain the status of a CCLP. Of course, we would still need to market the program and this can be done by educating the law firms in your area, through local bar associations, and of course the State Bar of California. We should focus our promotion of this unique certification to include what the exam can accomplish for the legal professional. By changing the name and doing a mass marketing of the program, attorneys will want to better educate their legal support staff and encourage them to take the exam. The idea would be to promote and grow the program to the point that every law firm in California would recognize the term "CCLP" and appreciate the work and knowledge it takes to attain this status.

NAME CHANGE/MARKETING

In my opinion, the first thing LSI needs to do is change our name. We need to "re-brand" LSI to stay current with today's legal

community. I believe the term "secretary" is becoming extinct. As Legal Secretaries, Incorporated, we continue to market to a class of professionals that are rapidly decreasing in numbers. The whole structure of the law firm has changed so much over the last 25 years and the new legal secretaries today would rather be called legal professionals.

Is it a coincidence that the LSI membership totals have declined almost every year since 1991? I don't think so. A review of our membership list from the LSI Treasurer's 2011 Annual Report shows that over the last 20 years LSI's membership has declined 19 out of 20 years, from a high of 3,915 in 1991 down to 1,250 today. Something is clearly not working.

In 2006, the Board of Governors voted not to change our name, but to add a tag line - "LSI - Educating California's Legal Professionals." Has that tag line helped to gain members? It doesn't appear that it has. The primary reason the name change was voted down was the concern of the amount it would cost to put the name change into play. The Board of Governors thought five years ago that the name change may be necessary, but apparently money upheld the decision. While I respect the rich history of LSI, I think it is definitely time to change the name. With the onset of the use of e-mail and electronic documents, the cost to change our name would in all likelihood be less costly than initially thought. While it is important to have a financial safety net, I believe that we have the funds to change our name. After all, it takes money to make money. Since 2006 approximately half of the local associations have changed their names from Legal Secretaries Association to Legal Professionals Association. Some members feel that because they didn't see much of a rise in membership when their local association became a Legal Professional Association, that LSI should not consider changing its name. Is this a reason not to consider a change? While I agree that changing the name of some associations has not generated the increase in membership there is a reason behind that, and that reason is marketing and branding. For example, if I change my name to Joe and don't tell anybody that I've changed my name to Joe, people will continue to call me Rod.

LSI on the state level, the local level, and the CCLS Certifying Board, need to do much better marketing of our organization. Not just within our membership, but to the legal community - today's legal professionals. There are many ways this can be done. For example, Santa Clara County LPA (SCCoLPA) began marketing to all legal professionals and now has paralegal students joining because they found out about the association through their school. Flyers have been sent to every law firm in Santa Clara County announcing that SCCoLPA offers MCLE credits, at a reasonable price, for all legal professionals, including attorneys. Attorneys and paralegals who attend our seminars are offered a one-year free membership to our local asso-

...Continues on page 35



JENNIFER L. PAGE
LSI TREASURER

Jennifer L. Page 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 has worked with J. Frank George for 14 years representing Plaintiffs in wrongful death, medical negligence and personal injury cases.

Jennifer has been a member of Marin County LPA since 1991; has served both her local association and LSI in a variety of chairmanships and was awarded Honorary Life Member status in 1991. She is currently serving LSI as Treasurer. Jennifer obtained her CCLS designation in October 2008.

To Run, Or Not To Run? That Is The Question

JENNIFER L. PAGE, CCLS—LSI TREASURER

When I joined LSI and Marin County LPA in 1991 I had absolutely no intention of being anything but a "member" of this great organization. To network, attend educational seminars and meet new friends who had similar career goals. I attended monthly meetings, met wonderful women, learned from our speakers and really stayed in my Marin County LPA bubble. I had no real concept what LSI was other than it was the parent organization. This worked for a few years. Then I was asked to be

was officially hooked.

I served my association as Governor and learned to let my voice be heard; not only did I get over the fear of addressing a room full of people, but I represented my local association which meant asking questions, expressing an opinion, getting more information on something that wasn't quite clear to me or my members. I could no longer just sit among the crowd and observe, I was now participating.

Over the years I have grown to love being

"...I have learned that it's okay for my voice to be heard, to express opinions and question something that doesn't make sense."

a member of the board of my local association. I thought "why not?" And I accepted the position of Vice President. As the years went on I held various chairmanships and have been President several times. At first I was terrified of holding such important positions. I pictured myself the "worker bee" and never the leader. Why would anyone want to pay attention to what I had to say, accept my ideas, and have confidence in my ability to lead our group?

In May 1993, I attended my first LSI Conference. It was an Annual Conference in Oakland, California and Cheryl Woodson, CCLS, was the current and incoming President of LSI. I was overwhelmed and so excited at the same time. I attended workshops, luncheons and General Assembly of the Board of Governors. I was completely bowled over - I found myself among an incredible group of legal professionals. The educational workshops were top notch, luncheons informative, and the opportunity to network with legal professionals from all over the state of California was incredible. I

a participant. I may not always have the best ideas, or ask the right questions. but, I have learned that it's okay for my voice to be heard, to express opinions and question something that doesn't make sense. I have been lucky enough to moderate the Newcomers Workshop and Luncheon several times and have thoroughly enjoyed sharing the world of LSI with others.

In 1999 I was first asked to be an LSI chairman. Again, another opportunity to grow, learn and participate. Since then, I have been honored to hold various positions in LSI. Each assignment has brought a new set of challenges. But, I still considered myself a "worker bee" and not a leader.

On May 10, 2008, I was honored and humbled to receive the President's Award presented by Lorraine M. Bettencourt, PLS, CCLS, LSI Past President 2006-2008. Receiving this award validated all the hard work and effort I put forth for LSI. The award sits on my desk at work and is a constant reminder that my dedi-

cation to LSI and my local association is worth the effort.


I was happy to serve LSI as a chairman and had no intention of climbing any further up the ladder. However, a few LSI members came up to me and posed that terrifying question: "Why don't you run for LSI Treasurer?" Followed by, "you'd be a terrific officer for LSI." Never mind that I had no bookkeeping experience and had no interest in doing so. At the time my daughter was quite young, I was studying to pass the CCLS exam, I had a husband, extended family, etc. And, just plain NO I'm not going to do it. I pushed those questions aside and was determined to continue being a "worker bee" until I started to really think about my contributions to LSI and betterment of LSI and decided to go for it! If you are thinking about tackling this journey, I would encourage you to do so. Every single member of LSI has a voice, ideas, and something to share. If

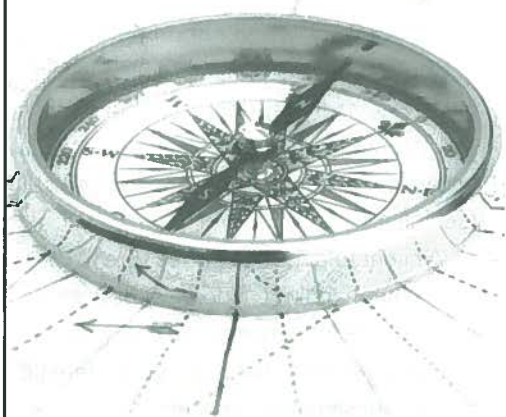
LSI is to continue into the future, it needs strong individuals to keep it moving forward. I have met many of you over the years and I do believe there are many of you who could take on this journey and make significant contributions to LSI and its membership. Yes, we all have our own lives, families, friends, work outside of LSI but I would ask you these questions: "Why did you decide to join LSI?" "What do you expect to receive as a benefit of being a member?" "Do you have ideas that would help LSI continue on into the future?" "Do you enjoy being part of a successful team?" If you answered yes to more than one of these questions, you may well have what it takes to be a chairman and maybe even a leader.

When I began this journey, I had no idea what an incredible experience this would be and who I would become along the way. I have found a new level of confidence in myself that has spilled over into

my day-to-day life both personally and professionally.

Do I still get a bit spooked to address a crowd? You bet! Do my palms still sweat, my legs go weak? You bet! Does my heart race just before I open my mouth? You bet! If these things didn't happen, I would think something is wrong. No one wants to fail or be criticized. But, failure and criticism make you stronger.

I would encourage each and every one of you to consider serving LSI in some capacity. Contact the incoming President and ask to be a chairman or committee member. Take that first step, take a deep breathe and PARTICIPATE! 



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BEATRICE BALLANCE

Beatrice Ballance has been working in the fitness industry for more than 20 years. As a Personal Fitness Trainer, she is certified with the American Council on Exercise, Aerobics and Fitness Association of America, American Red Cross, CPR. She is also a Certified Nutritionist with American Health Science University, and a Certified Nutrition Specialist with Lifestyle Management Association.

Beatrice is recognized as a "Master Level" Personal Fitness Trainer with International Association of Fitness Professionals. She writes a monthly newsletter, *Skin & Tone* and writes about health and fitness for the award winning *California State Bar* magazine, *Big News*. Her health and fitness columns appear in the *California State Bar* yearly conference magazine. Beatrice teaches jazz dance, body sculpt and advanced cardio/jam aerobics classes. She can be reached at www.ballancebodyworks.com.

Moody, Cranky, Hungry, Tired? Fighting The Food Swings

BEATRICE BALLANCE

It begins with a low hunger pang deep within the stomach. Soon lethargy sets in. Some people suffer headaches; others feel dizzy. But of all the unpleasant symptoms of hunger, it affects not only the person who is famished, but also unsuspecting co-workers, friends and spouses as well.

Countless adults admit to being irritable, even hostile, when they are hungry. "I'm sorry, I was hungry" has become a culturally acceptable way to apologize for brusque behavior. One of my clients, Eileen, who works in a high-powered legal firm says she relies on the "forgive me I'm hungry" response. "Once I identified those symptoms," she said, "I was able to say, 'I'm really hungry right now and I'm sorry. Just give me half an hour and I'll be fine.'"

A new vernacular has evolved around this behavior with the afflicted, referring to their nasty moods as "food swings." Nutrition scientist, Dr. Saltzman of the United States Department of Agriculture's Nutrition Research Center at Tufts University in Boston, says the increasing awareness of hunger's sullen side effects may be in part a by-product of society's growing obsession with food and dieting. Talking about it, the hungry and crabby speak up and even warn friends and colleagues to steer clear. It gives them a chance to cope without resorting to cursing, weeping or assaulting a candy machine.

Dictionaries define hunger simply as a need for food or a physiological response to a lack of it. Hunger pangs are contractions of the stomach that occur when it is empty according to Dale A. Schoeller, professor of nutritional sciences at the University of Wisconsin, Madison. But people have many ways of describing the feeling of mild hunger that sets them on edge. Some say it is a craving or an overall feeling of weakness that overcomes them when

they have not eaten for several hours. Others describe it as an unspecified desire for more energy.

There are those who use their hunger as a verbal Get Out of Jail Free Card. They relish the hunger excuse to be cantankerous. Yet many mercurial eaters do not stop at words. They try to control hunger-provoked dramas by scheduling their lives around their next meal. They stock drawers, coat pockets, purses and briefcases as if they were kitchen cupboards to ensure that sustenance is always within reach. For some, a granola bar has become as essential as a cell phone.

Although you don't want to go through your day feeling hungry, it is important to watch that you are not using these snacks as a crutch to disguise other unexpressed emotions. For example food swings may be harder to conquer if they are based not on physical hunger but on "emotional hunger," which is triggered by stress, sadness, depression or even boredom. Emotional hunger is harder to satisfy because you can eat and overeat and still not feel full.

A client told me she makes sure to keep fruit bars in her handbag. "I don't want to get to that point where I'm grumpy or angry at people," she said. At work about six of her female colleagues designated an afternoon snack time so they could all weather their food swings together. They refer to hunger-induced hostility as "the cranks." She said that this method is working well for them.

Another client and LSI member who works downtown Los Angeles likes to secretly squirrel away nibble-friendly fare like string cheese, pretzels, apples and trail mix in her purse and desk drawer. If she and her husband have late dinner reservations, she has a snack beforehand. A recent trip to a Lakers game required

eating before tip-off and again when she got home. On her wedding day last October she was relieved to learn that there would be food at the hair salon. "It's a conscious thing that I think about," she told me. "It can ruin a day or an experience if food is not available to me." This behavior is dangerously close to unhealthy "emotional eating" and now she is consciously working on this important issue.

"Much depends on what we eat and when" states Dr. Mark Friedman, an associate director of the Monell Chemical Senses Center in Philadelphia, which conducts research on taste and smell. "Your sensitivity to your external environment increases when hungry. That may be why" he said, "someone playing music in the apartment below may be more irritating when you're hungry than when you're not."

Fighting food swings by eating small amounts throughout the day is a good idea as long as the food is healthy. A diet rich in protein, healthy fat and fiber will help stave off hunger. This energy boost approach can reduce your perception of fatigue because your brain, which has no actual energy reserves of its own, will have a steady supply.

Consider thinking about what you can add to your nutritional regime, not what you should take away. Focus on getting the recommended 5-9 servings of fruits and vegetables each day.

"It sounds like a lot, but it is well worth it, because at the same time you are meeting your fiber goals and feeling more satisfied from the volume of food," says Chef Laura Pansiero, RD. You are also less likely to overeat because fruits and vegetables displace fat in the diet. And that's not to mention the health benefits of fruits and vegetables. More than 200 studies have documented the disease-preventing qualities of phytochemicals found in produce.

Stay active. Although it may seem counterintuitive, don't use exercise either to punish yourself for eating or to "earn" the right to eat more. When you do that, it sets up a negative thought pattern which is why some people say they hate to exercise. Instead, focus on how great you feel, how much better you sleep and how much more energy you have when you exercise. Physical activity is good for your mood whether you are trying to lose weight or not, so keep it positive and make it a lifelong habit.

Give yourself a reality check if the "food swings" are coming on. Take responsibility; stop and listen to what you are thinking and saying to yourself. Keep your self-talk positive, constructive, sympathetic and caring. The kinder you are to yourself, the more likely you will show kindness to others. **LS**

WHEN YOU NEED IT FAST!



GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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

SUGGESTED TOPICS FOR ARTICLES

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

SUBMISSION GUIDELINES

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

PHOTOGRAPHS

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

Deborah Rickert, CCLS • Editor, The Legal Secretary
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LEGAL SECRETARIES, INCORPORATED
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“Tips for Leading a Study Group”

Second Quarterly Conference, November 11-13, 2011
Sacramento Marriott Rancho Cordova, Rancho Cordova, CA
Saturday, November 12, 2011, 7:30-8:30 a.m.

Speaker: Terrie Quinton, CCLS

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

Whether you are a CCLS or are striving to become a CCLS, leading a study group for your local association is a rewarding, and beneficial, endeavor. Attend this workshop to get tips for leading a study group, including essential information to pass along, areas to cover in your lesson plans, how to create a lesson plan, and the types of homework/review assignments you should create. Benefits to you of being a CCLS Study Group leader? You will always learn something new, and you can earn CCLS credits for leading a study group!

REGISTRATION DEADLINE: November 9, 2011

Name: _____ Email: _____

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

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

CCLS CREDIT WILL NOT BE GIVEN FOR THIS WORKSHOP


21st Century And LSI...Continued from page 29

ciation which gives us the permission to email to them information about upcoming events in the hope that they will want to become more involved. They attend, enjoy the classes and then go back to their offices and share their experiences with their peers. It is free advertising - and word of mouth is the best form of advertising. SCCoLPA now has attorneys and paralegals as members. We changed our name from "SCCLSA" to "SCCoLPA", marketed ourselves to all legal professionals in our area, and have seen our membership numbers rise approximately 40 percent in the past year. Little by little, we are growing and more importantly, the legal community is learning about us. It is amazing to hear how many people who attend our seminars say they have been legal professionals in Santa Clara County for years, but yet never knew we existed.

CONCLUSION

In conclusion, if we don't change our name to include ALL legal professionals, how can we expect an increase in membership? Once we change the name, we can work together to assist the

smaller associations become more active. We can update our teaching materials and create models and outlines for every association to use for the purposes of presenting educational classes. We can establish a marketing plan targeted towards the up and coming legal professionals. We can change the CCLS program to the CCLP program and aggressively market its relevance to ALL legal professionals.

The legal secretary's job description, with all the new technology in today's world, is simply not the same as it was 20 years ago, and it is evidenced by the decrease in membership in LSI over the last 20 years. It is apparent that the new generation of legal assistants does not want to be considered a legal secretary, and according to research, a large percentage of existing legal secretaries are trying to change their titles to legal professionals. If the majority of the legal community wants to be referred to as legal professionals, what do you think we should call our corporation? The answer is simple: "Legal Professionals Incorporated." 



TERESA L. BEARDSLEY

Teresa L. Beardsley has been a legal secretary since 1990 and obtained her CCLS in 2005. she has worked in various areas of law, including bankruptcy, mortgage banking and construction defect, and has been employed with Wolfe & Wyman for seven years.

How To Deal When There's Too Much To Do

TERESA L. BEARDSLEY, CCLS — SUBMITTED BY MT. DIABLO LPA

We have all been there – five attorneys breathing down your neck, they've all got urgent documents and/or letters that absolutely, positively have to be processed *right now*, there are 12 letters waiting in the transcription tray, lunch was *supposed* to be two hours ago, and you are running out of time before: 1) the mail is picked up, and 2) the office of the court clerk (pick any of several) closes and they don't have a drop box!

Okay, maybe I'm exaggerating...a little. What to do? Run screaming from the office and never go back? Probably not a good solution. Prioritize? Better. Organization is your friend.

Sort the work...what's MOST important? Sometimes an attorney wants their work done, served and in the court's hands right now *just because*. Do they have a realistic view of what has to happen in order to get it there? My experience tells me that less experienced attorneys may not.

What is the deadline? KNOW your rules of court...when is that response actually due? If there is any way you can manage it, get a copy of the Civil Code and keep it on your desk.

Obviously, the most important things are those with the closest deadlines. If you know something needs to be done ahead of time, great...*plan* for the time you need to get it done. *Prepare* what you can ahead of time...envelopes, proof of service, etc.

If the attorney has a last minute urgent matter, then it is our job as professional legal assistants to make it happen. There may be times, however, when it simply cannot be done. LET THE ATTORNEY KNOW if this is the case. Keeping an open line of communication with your attorneys is extremely helpful. But don't wait until the last minute. Again, what is the *actual deadline*?

Next: work faster? I am a perfectionist so this one is really difficult for me. *It doesn't always have to be perfect.*

What about staying late to finish up? Are you *allowed* to work overtime? If you have kids in daycare and there is no one else to pick them up, this is not an option! If this is the case, your boss should be aware of it. Do you have any assistants in the office, maybe a file clerk that might be capable of making your copies for you? Sometimes we need to let go and allow others to assist us, but be clear: "I need this many copies of this document, stapled. Then I need them folded and placed in *these* envelopes."

If all else fails, *talk to your boss*...your supervisor if you have one, or the lead attorney in your office. Let him or her know what the problem is. Do not be afraid to share your ideas. "I could really use an assistant...perhaps a part-time file clerk." Okay, that's for ongoing problems and dealing with possible solutions for the future. Lets get back to brass tacks.

Documents to be served are most important – most of the time. Court documents with deadlines are next most important. Letters of consequence next...such as demand letters, meet and confer deadline letters, etc. Acknowledgment letters and letters to your client would be next on the ladder. Most of the time, these letters can wait...they could be faxed, scanned and sent electronically, or sent by overnight delivery the next day.

So, organize, prioritize, delegate. Now...take a breath!

Dates to Remember 2011-2012

November 4, 2011	Deadline to sign up for Legal Specialization Section Workshops
November 11-13, 2011	Second Quarterly Conference 2011 Hosted by Legal Secretaries, Incorporated Marriott Hotel, Sacramento, CA
December 1, 2011	Deadline for submission of articles to The Legal Secretary
January 16, 2012	Last day to submit CCLS Exam Application to the CCLS Certifying Board
January 28, 2012	Deadline to postmark February conference registration to receive discount
February 15, 2012	Last day to register for CCLS Exam with payment of late fee
February 24-26, 2012	Third Quarterly Conference 2011 Hosted by Mt. Diablo LPA Hilton Hotel, Concord, CA
March 1, 2012	Deadline for submission of articles to <i>The Legal Secretary</i>
March 17, 2012	California Certified Legal Secretary (CCLS) Exam

Helpful Websites

Supreme Court of the United States
<http://www.supremecourt.us>

Office of the Attorney General
www.ag.ca.gov

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

California Assn. of Legal Support Professionals
www.calspro.org

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

California State Bar
http://www.calbar.ca.gov/state/calbar/calbar_home.jsp

California Legislative Information
<http://www.leginfo.ca.gov>

U.S. Citizen and Immigration Services
<http://www.uscis.gov>

Administrative Office of the U.S. Courts
<http://pacer.psc.uscourts.gov>

American Medical Association
<http://www.ama-assn.org>

American Association of Law Libraries
<http://www.aallnet.org>

National Notary Association
<http://www.nationalnotary.org/index.cfm>

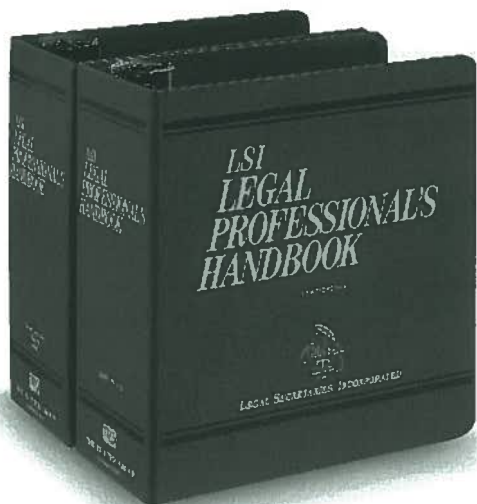
California Secretary of State
www.sos.ca.gov

National Court Reporters Association
<http://www.ncraonline.org>

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- Bankruptcy
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ITEM	UNIT PRICE	QUANTITY	TOTAL
BRASS TACKS* A guide instructing local officers and chairmen on how to perform their respective duties. Contains check lists, calendars and forms. (Rev. 1/2010) No charge for PDF [] Send hard copy []	\$ 5.00		\$
CAREER PROMOTION/SCHOLARSHIP <i>NOT JUST A SECRETARY</i> BOOKLET Currently under revision and not available at this time			
CCLS BROCHURE Tri-fold brochure promoting the benefits of taking the CCLS Exam. Includes tear-off to request application form and information kit. (Rev. 2/08)	N/C		
CCLS MOCK EXAM (Revised 2010) Sample questions and answers to assist in preparing for all sections of the CCLS Exam.	25.00		
CCLS PIN A ½" high, 10-karat gold-filled pin with CCLS logo. For the CCLS.	35.00		
CCLS STUDY KIT Contains Mock Exam (see above), Gregg Reference Manual with Instructor's Resource Guide, Basic and Comprehensive Worksheets.	199.00		
GUIDELINES FOR HOSTING LSI CONFERENCES* An instruction guide, including forms and samples, essential to any association considering a bid to host an LSI Conference. (Rev. 12/09)	N/C		
GUIDELINES FOR PREPARATION OF A LEGAL EDUCATIONAL PROGRAM A 34-page guide, with sample forms, to assist with the planning and execution of a successful legal educational program. (Rev. 8/03)	5.00		
HISTORY BOOK AND SCRAPBOOK COMPETITION RULES AND GUIDELINES* A booklet with step-by-step directions, including rules and examples, for preparing a History Book for entry in the LSI History Book Competition. Created for local association historians and/or presidents. (Rev. 11/08)	5.00		
HISTORY OF LEGAL SECRETARIES, INCORPORATED A 50-page memory of people, places and events since 1929. (Rev. 3/2010)	5.00		
LAW OFFICE PROCEDURES MANUAL FLYER An 8 ½" x 11" advertisement of the LOPM. Includes listing of contents and Order Form. (Rev. 1/2010)	N/C		
LAW OFFICE PROCEDURES MANUAL INSTRUCTOR'S GUIDES To assist instructors in conducting training classes. Teacher Training Chapter offers tips for teaching. Other Guides supplement Chapters of the LOPM and contain projects, instructions to student, completed and blank legal forms, exams and answer keys.			
TEACHER TRAINING CHAPTER (Rev. 9/07)	4.00		
ADOPTIONS CHAPTER (Rev. 6/11)	7.00		
CIVIL PROCEDURE CHAPTER (Rev. 9/07)	7.00		
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WORKERS' COMPENSATION CHAPTER (Rev. 9/07)	7.00		
MISCELLANEOUS CHAPTER (Rev. 6/11)	7.00		
LEGAL SECRETARY'S REFERENCE GUIDE A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff. (Rev. 11/09)	30.00		
LSI BYLAWS AND STANDING RULES* As currently adopted by the LSI Governors.	5.00		
TOTAL THIS PAGE			\$

*Item available to LSI members only.

(Prices effective 07/01/2011)

LEGAL SECRETARIES, INCORPORATED ~ ORDER FORM

ITEM	UNIT PRICE	QUANTITY	TOTAL
LSI LEGAL PROFESSIONAL'S HANDBOOK FLYER An 8 1/2" x 11" advertisement of the LPH. Includes listing of contents and Order Form. (Rev. 1/2010)	\$ N/C		
LSI LEGAL SPECIALIZATION SECTIONS BROCHURE Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 2/08)	N/C		
LSI MEMBERSHIP BROCHURE Tri-fold brochure, extolling the advantages of LSI membership and programs. Contains request for membership application. (Rev. 2/08)	N/C		
LSI MEMBERSHIP PIN* (Magnetic) A 3/4" high oval gold-tone pin with blue and white enamel overlay. LSI logo in center and "Legal Secretaries, Incorporated" inscribed on circumference. For all LSI members.	5.00		
LSI ROSTER* Booklet with current listing of LSI officers, chairmen, past-presidents, honorary members, scheduled conferences, local association presidents and governors.	N/C		
MEMBERSHIP APPLICATION FORM* An 8 1/2" x 11" form adopted 5/01 by LSI for use by all local associations. Includes request for Legal Specialization Sections information. Local associations may add second-page for supplemental information. (Rev. 5/08) Can be transmitted as an e-mail attachment (Word format), if so requested.	N/C	<input type="checkbox"/> E-mail -or- <input type="checkbox"/> Printed	
NEW MEMBER PACKET* A 2-pocket folder containing letter from LSI President, LSI membership information, Specialization Sections Membership Application, list of benefits and providers, CCLS information, Legal Professional's and Law Office Procedures Manual flyer and Code of Ethics. Local associations may insert additional material. For new local association members only.	N/C		
PRESIDENT'S PENDANT* A 1" high oval gold-tone pendant with blue and white enamel overlay. LSI logo in center and "Legal Secretaries Association" inscribed on circumference. Eye for necklace chain on back. For local association presidents.	7.00		
PRESIDENT'S PIN* Same as pendant (see above). Specify magnetic or pin back. [] Magnetic [] Pin back closure	7.00		
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PLEASE LIMIT THE QUANTITIES OF NO-CHARGE ITEMS ORDERED TO MINIMAL IMMEDIATE REQUIREMENTS. COMPLETE PAYMENT INFORMATION BELOW AND MAIL COMPLETED ORDER FORM TO LEGAL SECRETARIES, INCORPORATED, CORPORATE OFFICE, PO BOX 660, FORTUNA, CA 95540-0660; OR, FAX TO (707) 682-6888. CHECK OR CREDIT CARD INFORMATION MUST BE INCLUDED. ORDER WILL BE MAILED OR SHIPPED WITHIN 10 DAYS OF RECEIPT, SUBJECT TO AVAILABILITY.

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*Item available to LSI members only.

(Prices effective 07/01/2011)

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APPLICATION

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

**CCLS Certifying Board
P.O. Box 1481
Sacramento, CA 95812-1481**

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

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

EXAMINATION FEES*			
	LSI MEMBERS**		Non-LSI MEMBERS
	Registration fee: \$ 15.00		Registration fee: \$ 55.00
	Examination fee: \$ 95.00		Examination fee: \$ 95.00
	Total \$110.00		Total \$150.00

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

* Fees subject to change without notice.

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

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

Name _____ Last 4 Digits of SSN _____

Mailing Address: _____

City/State/Zip: _____

Day Phone: _____ Evening Phone: _____

E-mail(s): _____

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

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

Dates _____ Position _____

Employer _____

Address _____

City/State/Zip _____

Supervisor _____ Phone _____

Summary of Duties _____

Dates _____ Position _____

Employer _____

Address _____

City/State/Zip _____

Supervisor _____ Phone _____

Summary of Duties _____

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

Signature of
Applicant _____ Date _____

BENEFITS

LEGAL SECRETARIES INCORPORATED (LSI)

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

<p style="text-align: center;">DISCOUNT THROUGH CEB</p> <p>Members of Legal Secretaries, Incorporated are offered a reduced cost for certain educational benefits (seminars, publications) through Continuing Education of the Bar. For more information, visit http://ceb.com/LSI/</p>	<p style="text-align: center;">WORKING ADVANTAGE</p> <p>Toll Free: (800) 565-3712 www.workingadvantage.com Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more. Member ID: Contact LSI Corporate Office, lsiorq@suddenlink.com, or LSI Vice President</p>
<p style="text-align: center;">HERTZ CORPORATION</p> <p>Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 www.hertz.com</p>	
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2011-2012 LSI Roster



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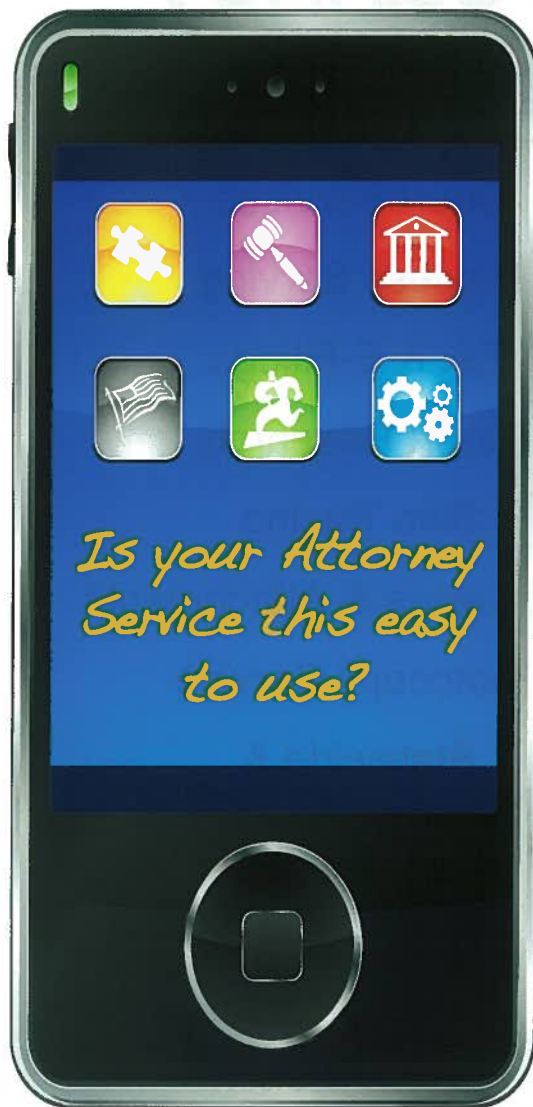
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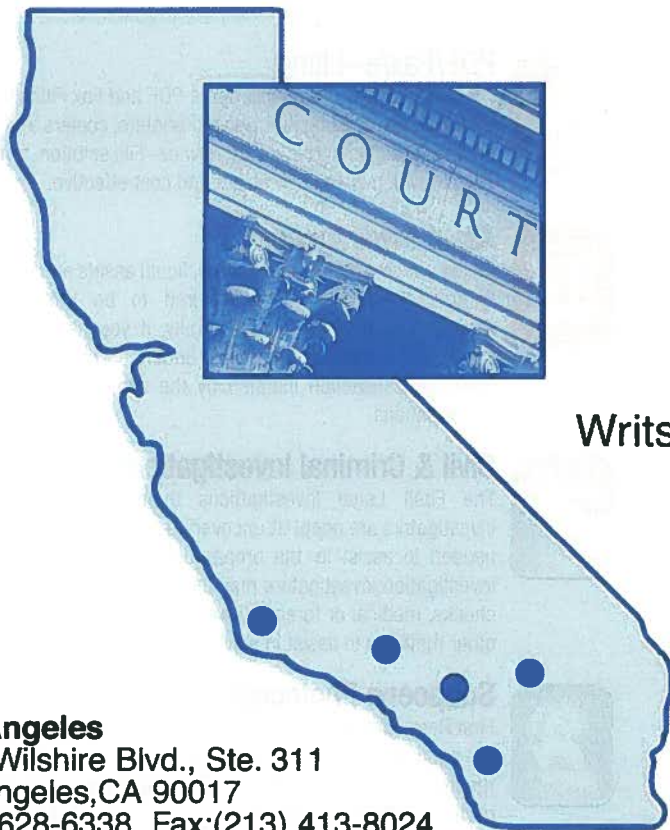
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