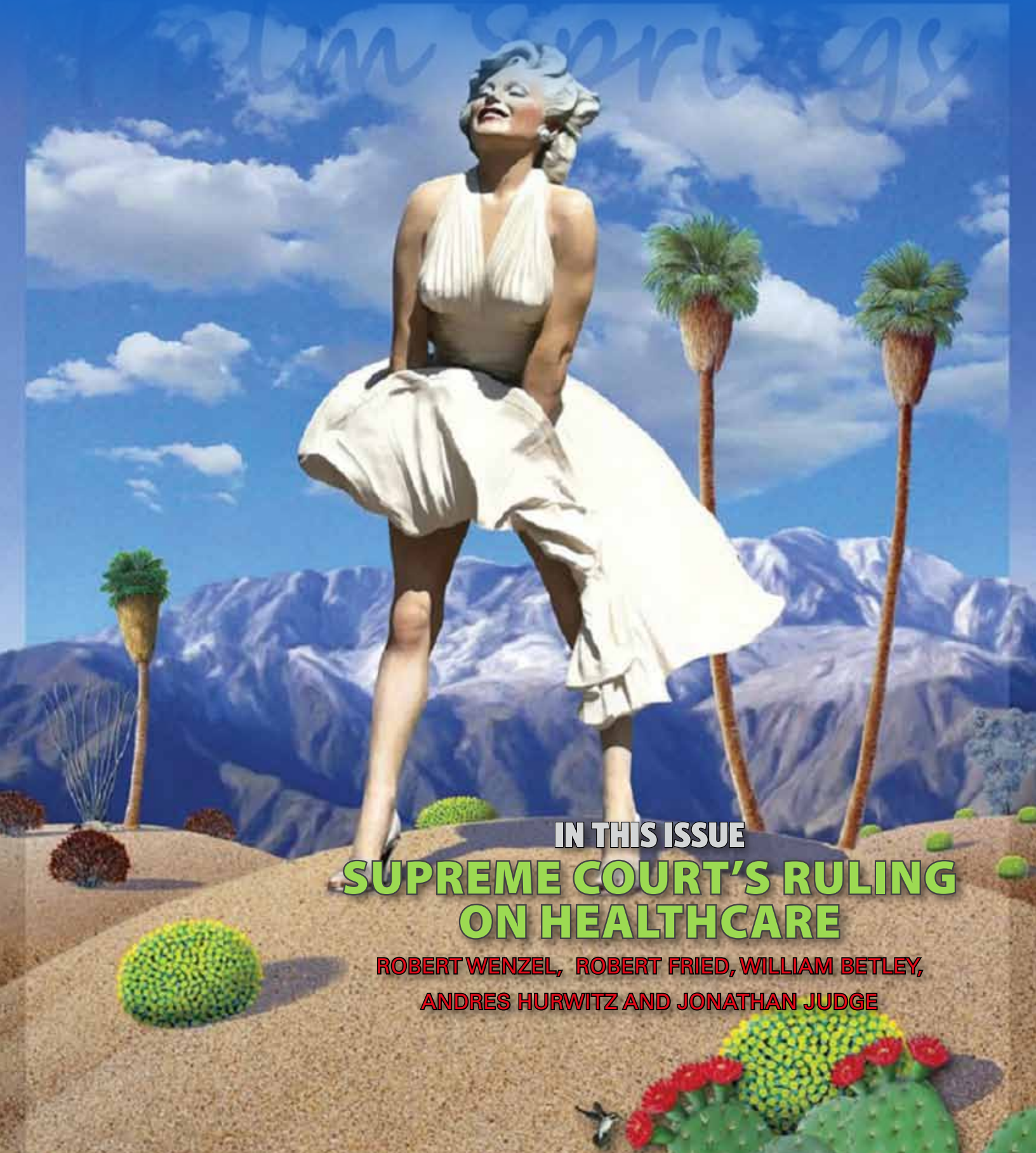


THE Legal Secretary®

November 2012



IN THIS ISSUE
**SUPREME COURT'S RULING
ON HEALTHCARE**

ROBERT WENZEL, ROBERT FRIED, WILLIAM BETLEY,
ANDRES HURWITZ AND JONATHAN JUDGE

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Features

August 2012 Conference Acknowledgment/Recap By Sandra T. Jimenez, CCLS.....	2
A Weekend in Paris By Jennifer Ellis.....	9
First Quarterly Conference By Cynthia Gibbon, CCLS.....	11
Section 8 Housing As A Social and Political Phenomenon Submitted by Kevin R. Fish.....	12
5 Things the CCLS Certifying Board Needs to Know By Michelle Rodgers, CCLS and Terrie Quinton, CCLS.....	16
Look Out-Here Comes the Train! By Jeffrey S. Kaufman, Esq.....	18
Why Become a Member of the Legal Specialization Sections By Cheryl L. Kent, PLS, CCLS.....	19
Your Second Tool in Your Marketing Tool Box By Cathleen Siler.....	24
Supreme Court's Ruling on Health Care By Robert Wenzel, Esq., Robert Fried, Esq., William Bentley, Esq., Andres Hurwitz, Esq. and Jonathan Judge, Esq.....	26
Who Will Watch Over Your Kids? By Robert Mansour, Esq.....	29
Choosing to Attend an LSI Conference By Michal Prager, CCLS.....	30
Law Office Ethics By Lynn Koroush.....	33
Increasing Productivity and Profitability with Paralegals By Tom Pokladowski.....	34

Columns

President's Message By Sandra T. Jimenez, CCLS.....	2
Letters to the Editor	6
Profiles: Meet the Governors.....	14
Profiles: Meet Your President	32
Movers and Shakers: What's Happening with Our Members	36

Departments

LSI Conference Scrapbook	4, 5
CCLS Workshop Registration Form	8
LSS 2012-2013 Membership Application	10
LSS Seminars – November 2012 Quarterly Conference	17
February 2013 Conference Registration Form.....	22
February 2013 Conference Hotel Reservation Form	23
Guidelines for Submission of Articles to The Legal Secretary	31
Dates to Remember	37
Helpful Websites	37
LSI Order Form	39
CEC Workshop Registration Form	42
LSI Benefits.....	43
LSI Roster	44

Advertisers Index

Atkinson Baker	20
Barkley Court Reporters	IFC
Carol Nygard & Associates	35
First Legal Network.....	IBC
Hutchings Court Reporters.....	28
Janney & Janney.....	Back Cover
The Rutter Group.....	21, 38

THE LEGAL SECRETARY MAGAZINE

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August 2012 Conference Acknowledgment/Recap

BY SANDRA T. JIMENEZ, CCLS — LSI PRESIDENT



Special thanks to Co-Conference Chairs Cheryl L. Kent, PLS, CCLS, and Mary S. Rocca, CCLS, and Hosting Associations Livermore-Amador Valley LPA and Alameda County LSA for a wonderful, fun, and memorable August Conference. The warm greetings and smiles at the registration table were a wonderful start to a fun weekend. The Hosting Associations are commended for **"rising to the challenge"** of planning and hosting a great conference – awesome teamwork. The Blue Ribbon Fair theme was perfect! And, what a great turnout – 144 registrations!

LSI kicked off the weekend with the Officer/Chairmen Training Luncheon on Friday. Each member of the LSI Executive Committee was able to provide instruction on expense claims, reporting procedure, roll call, parliamentary procedure for motions, as well as reviewing stationery requirements to be used by all officers and chairmen for consistency and standard professional etiquette and protocol. The luncheon provided chairmen the opportunity to ask questions on topics reviewed. Our Editor-in-Chief, Maria

Bishop, CCLS, the Legal Specializations Sections Leader, Cheryl L. Kent, PLS, CCLS, and Educational Program Coordinator, J. Cori Mandy, CCLS, also were afforded an opportunity to review goals of the various committees for the coming year. I can truly say that all officers and chairmen benefited from the Officer/Chairmen Training Luncheon and all were very pleased with the opportunity to come together as a team.

The CEC educational program on Friday afternoon was very well-attended and was a very successful seminar. I attended the workshop and can definitely say that both the topic and speaker were absolutely great. Our sincere thanks to J. Cori Mandy, CCLS, and the CEC team for such a wonderful program. Members wanted CLE credit and they certainly got it!

The Friday night reception was truly awesome with all the vendors, popcorn, cotton candy – definitely a REAL fair event. The aroma of hot dogs and popcorn filled the air. The food was great and the camaraderie with colleagues and friends even better.

LSI CCLS Chair, Terrie Quinton, CCLS, reported that the CCLS workshop on *Legal Terminology* at 7:30 on Saturday morning was very well-attended. If anyone can assist you in passing the CCLS exam – Terrie certainly can! CCLS workshops will be held at all Quarterly Conferences – don't miss the next one!

Our welcome speakers on Saturday morning were the President and Vice President of the Eastern Alameda County Bar Association – Katharine Hooker, Esq., and Jillian Atuegbu Esq., respectively. They work together in a family law firm in Livermore. They provided us with insider information on local places to visit for food, fun, and entertainment. AND more importantly, where to shop!

The decision to go green was definitely the right decision. The Board of Governors meeting on Saturday went rather smoothly – partly due to the fact that all the reports and agenda were provided in advance. Governors reviewed the reports prior to the meeting and were ready to comment and vote; therefore, business was transacted in a fairly efficient manner. The governors are commended for their efficient and professional conduct while transacting the business of the corporation. Special thanks to our pages: Cindy Gibbon and Mary Bjork.

The following recommendations were approved at the afternoon Second Session: the Eula Mae Jett Plan of Administration was approved as proposed; the Marketing Committee recommendation made at the February 2012 Conference that: *"all marketing committee members be called to every conference and that they be reimbursed by the Marketing budget"* **was rescinded**; notice was provided that LSI Bylaw Article XIV section 6

SANDRA T. JIMENEZ currently employed by the County of Imperial, Department of Social Services. Previously she was employed as a Legal Secretary/Paralegal by the Law office of Sutherland & Gerber, APC, in El Centro, CA, and prior to that, employed as a Legal Assistant to Richard W. Bohlander, also in El Centro, CA for 20 years. Sandra has been happily married to her husband Mike for 41 years. They have one wonderful son, Mike, who currently resides in Santa Barbara, CA. A California Certified Legal Secretary, since October 17, 1992, and a Certified Legal Assistant since June 10, 1988, she has an A.S. degree in Business from the Imperial Valley College.

be amended that: *"local associations who have not complied with the annual reporting requirements of the IRS and FTB shall not be entitled to vote unless the required proof has been submitted."* Governors will vote on this at the November Conference. The noticed Amendment to Bylaw XIX, section 2, subsection (b) also passed.

Many attended the LSS seminars on Saturday. I personally saw some of the evaluations after conference and they were excellent! The section leaders are a very energetic and enthusiastic group and have also planned excellent seminars for the November Conference. If you didn't join the sections at the August Conference, it is not too late. You can still benefit from all the great seminars coming up this year. In support of LSI's Legal Specialization Sections, the Executive Committee members are joining ALL sections this year, and we invite you to do the same. Support LSS - join the sections!

The banquet decorations were very colorful and Chesley "Chet" D. Quaide was very humorous indeed. We also had a young, very talented musical group entertain us with well-known songs and many felt comfortable in singing along.

The climax to the fun weekend was the Sunday Brunch. Our keynote speaker, Kay Daly, a former legal secretary, provided some motivational and positive tips for all. Overall, it was a fantastic "first" conference for me and for all the Executive Committee members. If you didn't go, you missed a great conference.

LSI UPDATE

- LSI Website Editor, Cathleen Siler, has set up a *Governors only* LinkedIn page called **LSI Governors' Forum**. It's by invitation only and the invitation has already gone out to all governors.
- Shaylene Cortez, CCLS, LSI Legal Secretarial Training Chair has prepared a survey to assist her and the Continuing Education Council (CEC) in gearing up for an online educational and training program. Local Association presidents and governors are requested to take the time to respond to the survey. Your input is vital in moving forward with this project.
- As many know, the LSI Marketing Committee has been working diligently with Bop Design under the approved marketing agreement. Mary Beaudrow, CCLS, LSI Vice President and Marketing Coordinator, and Cathleen Siler, Website Editor, have initiated a

new page on the LSI website under the "Members Only Section" entitled Marketing. Visit the website at www.lsi.org to download information on the proposed logos. Please contact Mary Beaudrow, CCLS, with any comment or question regarding the logos.

- The CEC have planned another seminar for the November Conference on Friday from 5:15 pm to 6:15 pm. A seminar flyer with topic and speaker is included in this issue and is posted on the LSI website – don't miss it!

- TLS Editor, Michelle Tice, CCLS, is doing a magnificent job on our magazine. Included in this issue are her new columns **"Letters to the Editor"** and **"Profiles."** Being Editor of our magazine is not an easy task. Please assist the Editor in making *The Legal Secretary* magazine the best ever by submitting scheduled articles. Our magazine is a great marketing tool for LSI – let's take pride in it and do our part!

LSI is *of, by and for* LSI members. **Rise to the Challenge** to be involved and participate. There IS something for everyone to do. No one is paid or compensated for their time and energy, but

that is what keeps LSI strong - our faith, commitment and dedication to this organization. Therefore, promote LSI wherever and whenever possible. Promote our legal publications, the Legal Specialization Sections, membership in LSI, and our Quarterly and Annual Conferences. This is OUR organization and only WE can make it better.

COMING UP IN NOVEMBER

The November Conference is coming up in Palm Springs! Who doesn't want to go there? LSI Conferences are fun and exciting again – you can almost feel the energy and enthusiasm of those in attendance.

November Conference Chair, Jennifer Ellis, and Desert Palm LPA invite everyone to the Hilton Palm Springs for the November Conference, November 16-18, 2012. They promise a fun-filled, educational event, and invite LSI to celebrate **A Weekend in Paris**. Detailed information regarding the November 2012 Conference is included in this issue. Read the article and you will want to attend this conference. Palm Springs in November is going to be fantastic with beautiful weather. You are cordially invited to attend and participate in all the planned festivities --see you there! 





LSI First Quarterly Conference 2012

Hilton Pleasanton, Pleasanton California





Name Change

CHANGING OUR NAME – ANOTHER PERSPECTIVE

Dear Editor:

The “aha” moment occurred during the speaker’s address to the Sunday morning meeting of the Board of Governors at LSI’s November Quarterly Conference in Rancho Cordova. It was when she said that she was eager to accept the invitation to speak to a gathering of Legal Secretaries, Inc. because she knew she would be speaking to a group mostly made up of women. There followed the usual audience response indicating, “Yea! This person is one of us; she feels our pain; she understands.”

I, however, felt a stab of embarrassment. I felt badly for Jeff, Andrew, Don, Michael, and Rod – the token men in the crowd who are LSI chairmen or represent local LSI associations as governors, presidents, or regular members. Was her speech not meant for them as well?

Then I thought about friends I have who happen to be male paralegals or men who work under other legal support staff titles. These men know I belong to LSI. I have told them about meetings, events and benefits, and not one of them has ever even considered joining. I am sure they do not think this organization is meant for them.

I know that our membership is open to everyone who works in the legal field, regardless of race or sexual orientation or age or whatever. I am also extremely proud to be a legal secretary, understand the etymology of the term (it comes from the Latin word *secer-nere*, “to distinguish” or “to set apart”) and its lengthy history. It was a male realm starting with the origin of the term, until the invention of the typewriter when women started entering the job force as secretaries. Only

recently have the lofty positions of United States Secretary of State and other cabinet positions (Secretaries) been held by women. All that being said, the term “secretary” is most often associated with a female position and does not generally hold a level of high regard in today’s workplace.

I respect the founders of LSI and the long history of the organization and the work of everyone who has helped it along its way. But I am concerned about the perception from the outside, from the community in general and, specifically, from the legal community whose employees we are trying to attract as members. LSI’s current bylaws regarding qualification for membership are as follows:

ARTICLE V. MEMBERSHIP

Section 1. Active Member.

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

The word “secretary” is not even mentioned in the qualifications for active membership! If our name is seen as exclusive or discriminatory in today’s society in any way, it needs to be changed. Our name and our entire marketing scheme need to be inclusive and reflect what our Bylaws already state.

I understand that women are still not equal to men in the workplace. We still don’t earn equal pay; there are many barriers to promotion. There are not enough women elected to governmental positions and many personal battles have been fought to obtain

the progress we have made thus far. We still have a ways to go, but that does not mean we need to perpetuate a form of discrimination of our own. Perhaps some members of LSI want to keep it an exclusive club for women. Maybe they feel comfortable in that realm, but I personally do not want to belong to an exclusive organization. I was in favor of changing our name before, but I am even more convinced it is necessary now.

*Kristi L. Edwards, CCLS
Governor, Marin County LPA
June 8, 2012*

VIEWS ON THE POSSIBLE NAME CHANGE

Dear Editor:

I would like to share my point of view on the possible name change for LSI, and any subsequent request to change the name of my local association, San Diego LSA.

GENERAL COMMENTS

I have been a member of LSI since I became a legal secretary in 1978. The seasoned legal secretaries at my office told me I must join for the educational benefits and networking (although at the time, it wasn’t called networking) with other legal secretaries in Kings County LSA (unfortunately, that association no longer exists). When I moved to San Diego in 1981, I transferred my membership to SDLSA and worked with Lynn High, the employment chair, to secure a legal secretary position. Since the move, I have attended hundreds of meetings and seminars organized by SDLSA and LSI, and a few organized by other associations and legal groups. I have held numerous offices on the SDLSA

board and chaired and worked on many committees. I have also held chairmanships and worked on committees, including the PRC, at the LSI level.

When you are proud of your career, you network and educate yourself, which is why these organizations were founded. LSI and SDLSA were both started by likeminded legal secretaries who saw a need to educate themselves and other legal secretaries. So why are members acting as if they are ashamed of being a legal secretary? I'm not ashamed... I am proud of what I do and what I have accomplished through my membership in these organizations.

I feel that if we take the words "legal secretary" out of our name, others in the legal field may assume we are ashamed of being legal secretaries. My feeling is that if you resent being called a legal secretary, you should leave the field and earn a paralegal certificate or become an attorney instead. Most people who hear the term legal secretary know you are not "just a secretary" because of the specialized knowledge and training a legal secretary must have to perform his or her duties. We know this, and so do our attorneys, judges, court staff, and anyone else in the legal community.

When placing an ad for a legal secretarial position, the ad is directed to legal secretaries, not legal professionals. Shouldn't our organization be the same? We started as an organization to help educate and network with other legal secretaries. Has our goal really changed, or do we just think it has because our membership now encompasses other legal staff? I'm certain that legal secretaries comprise the largest membership group in LSI and SDLSA, so why not be proud of our heritage and keep our name? Yes, we may have court staff, file clerks, and other legal support staff as members, but are we offering educational programs geared to their job duties? Our programs focus on legal secretaries and paralegals, because many legal secretaries perform some paralegal tasks. Those that are not legal secretaries or paralegals have chosen to join LSI and SDLSA for their own reasons. Why must we change our name because of their choice?

RECOMMENDATION

At one point, there was a recommendation that suggested making our name more intriguing or exciting. Personally, I don't join an organization because of its name, but because of the benefits membership will bring or because I believe in the organization's purpose and vision. Why do you join an organization? Do you want members to join just because the name is intriguing and trendy? Think about receiving a present. Isn't the content of the box more important than how it is wrapped? The same concept applies here...everything our organization has to offer is much more important than how trendy our name is.

The estimated cost of changing LSI's name is very high. Will that cost be passed down to the local associations by way of a dues increase? If not, where will the funds come from to pay for the name change, especially since there is no guarantee the name change will increase our membership? Have associations who have changed from LSA to LPA seen any increase in their membership? From what I've heard, they haven't.

In addition, it was suggested that those associations that have already decided not to change their name, such as SDLSA, should change their name along with LSI. There will be costs involved for each association, and this comes at a time when some associations can't afford to send governors and/or officers to LSI conferences. In addition, those associations that are corporations, such as SDLSA, will incur even more costs with a name change. Based on our recent research, the cost to our association would be approximately \$4,000.

QUESTIONS

What percentage of members are legal secretaries, paralegals, attorneys, file clerks, vendors, etc. What were the various outlooks and opinions of the consultants that the ad hoc committee consulted? What number was for the change and what number was against? The LSI letter said it is the general consensus of the Ad Hoc Committee, not of the actual marketing consultants. I would like to know

what the consultants had to say, and I bet other members would as well.

CONCLUSION

There are some legal secretaries today that appear to find the term "secretary" offensive, and would like to be called legal assistants, which may or may not be the spark that ignited this situation, but I'm sure everyone will agree that declining membership is not caused by only one factor. Over the years, there have been a number of changes that are affecting membership in organizations. Many firms have stopped paying for dues and meeting attendance. With technological advances, everything seems to move at a faster pace, resulting in busier schedules. Those with children now must transport them to and from classes and sporting events because it's not safe to let them walk or ride a bike. The world has changed and our lives have changed as well. We live our lives at a faster pace, and something has to give. For many legal secretaries, they have given up belonging to organizations because membership just doesn't fit into their busy schedules any longer.

I feel we need to decide what is more important, quantity or quality? Do we need to change our name to possibly increase our membership, or should we strive to maintain the members we have and continue offering the best benefits of membership to those members. Do we need to become like a large warehouse and attract more shoppers, or should we continue at a comfortable size and offer quality products to the loyal shoppers we have now. Bigger isn't always better. Why not continue doing what we do so well? If new members come along, we will gladly embrace them, but why struggle so hard to attract large numbers of members?

Thanks for taking the time to read my thoughts, and thank you, also, for your dedication to the profession, LSI, and your local association.

*Anna Gateley-Stanton, PLS, CCLS
Member, San Diego LSA*



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WORKSHOP REGISTRATION FORM

“I’ve Taken the CCLS Exam – Now What?”

Second Quarterly Conference, November 16-18, 2012

Hilton Palm Springs, Palm Springs, CA

Saturday, November 17, 2012, 7:30-8:30 a.m.

Speaker: Terrie Quinton, CCLS

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

So you’ve taken the CCLS Exam – what do you need to do now? If you’ve passed the Exam, there are steps you need to take to maintain your CCLS designation. If you did not pass, you should take steps to better your chances of passing the next time. Come to this workshop to learn everything you need to know about what to do after you take the CCLS Exam.

REGISTRATION DEADLINE: November 10, 2012

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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.

NO CCLS CREDIT WILL BE GIVEN FOR THIS WORKSHOP

CCLS PUZZLE

ANSWERS ON PAGE 42

DIRECTIONS: CRYPTOGRAMS ARE SIMPLE-SUBSTITUTION CIPHERS WHERE EVERY LETTER OF THE ALPHABET HAS BEEN SWITCHED. USING PATTERN RECOGNITION AND YOUR KNOWLEDGE OF LEGAL TERMINOLOGY, DECIPHER EACH OF THE HIDDEN WORDS BELOW. EACH SET OF WORDS HAS A DIFFERENT CODE.

LATIN TERMS

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GBR NMH ZUHC
KIGBM
LIHCK YCHIX
CY KCW.
PUK GCDLCDK
KIM KGRDYC
CO GMBYC
UD PUXUDC

CODE ABBREVIATIONS

SJVM. & QRLF. HETJ
HETJ HQZ. XYEH.
BEZ. HETJ
XJR. HETJ
NWL. & XYEM. HETJ
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LXEJRIJHH
WBEZTBFXKTZ
KTHTRKERI

A Weekend In Paris

BY JENNIFER ELLIS—SUBMITTED BY DESERT PALM LPA

Desert Palm Legal Professionals Association is honored to host the 2012 2nd Quarterly Conference of Legal Secretaries, Inc., November 16 – 18, 2012, in Palm Springs, California. We are excited for everyone to return to Palm Springs!

We will be spending “A Weekend in Paris.” Desert Palm LPA wants to make sure that everyone has a great time.

Our Friday Night Reception will be an indoor Evening Under the Stars. Please come dressed casually and be ready to eat some delicious food and mingle with your LSI friends and our vendors.

Saturday Night Banquet – Un Petit Soiree – will be all done in black and red. Please feel free to dress accordingly and semi-elegant. We are in Paris after all. Our entertainment for the evening promises to be excellent. We cannot wait for you to see what we have in store.

Sunday Morning Brunch is going to be a cheerful ending to our wonderful Weekend in Paris. Our speaker will be an inspiration to many. We want everyone to be comfortable and happy as they leave Palm Springs.

Also, please remember that all classes and meetings will require business casual dress. However, please expect to have a little bit of fun in between classes and meetings.

Don't miss out on this year's Fashion Week! Our vendors will amaze you with their fabulous new designs and accessories for the New Year.

There also promises to be many treasures that await each and every one of you throughout the weekend, so keep your eyes open!

We will be returning to the Hilton Palm Springs Resort again this year. The rooms are \$109 per night for single and double occupancy. Since the Hilton Palm Springs is considered a resort, a one-night deposit is necessary. There is an \$8 resort fee, which does include parking for those of you driving. The



Palm Springs Hilton also offers a complimentary shuttle for those of you flying through Palm Springs International Airport.

Of course, Palm Springs offers many things to do. Just down the street from the Hilton Palm Springs is the Spa Resort and Casino that offers many gambling opportunities as well as a few dining options. Downtown Palm Springs is within walking distance. Here you will find many shops and dining options. Downtown Palm Springs has its very own “Walk of Stars.” For those of you who may be arriving early, please attend the Thursday Night VillageFest. This is an old fashioned street fair with musicians, food, and arts and crafts vendors. You may also want to visit Marilyn Monroe while she is in town. A 26-foot tall sculpture of Marilyn is on display on Palm Canyon Drive and Tahquitz Canyon (right down the street from the hotel) until June 2013.

There are many other activities and things to see in Palm Springs.

Palm Springs Ariel Tramway is a must do. Take a short ten-minute ride up to over 8,500 feet in the world's largest rotating tramcar. There is even a restaurant, a culinary experience of the clouds.

You can also visit one of our many museums, including Palm Springs Air Museum and Palm Springs Art Museum.

We also have the Moorten Botanical Garden and the Living Desert Zoo.

And for a little more adventure and excitement, take a Ghost Tour of Palm Springs or the Palm Springs Celebrity Tour.

There is so much to do and see in Palm Springs, we encourage everyone to take some extra time and spend a few days in our fabulous city. We look forward to seeing everyone in Palm Springs and having a wonderful Weekend in Paris. **LS**



JENNIFER ELLIS is a member of Desert Palm Legal Professionals Associations. She has served on her local association's board in various positions. This is her second time as conference chairperson.

LEGAL SPECIALIZATION SECTIONS

Of LEGAL SECRETARIES, INCORPORATED

2012-2013 MEMBERSHIP APPLICATION/ANNUAL RENEWAL FORM

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

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

Enclosed is payment of my dues for the fiscal year **8/1/12** through **7/31/13** for the following Section(s). Please check appropriate boxes below for the sections you are joining.

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

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First Quarterly Conference August 17-19, 2012

CYNTHIA GIBBON, CCLS — SUBMITTED BY LIVERMORE-AMADOR VALLEY LPA

After months and months of meetings, planning, soliciting, and organizing, the LSI First Quarterly Conference hosted by Alameda County LSA and Livermore-Amador Valley LPA began on August 17, 2012. Mary S. Rocca, CCLS, from Alameda County LSA and Cheryl Kent, PLS, CCLS, from Livermore-Amador Valley LPA co-hosted this Conference at the Pleasanton Hilton at the Club in Pleasanton, California.

The conference began on Friday, with registration opening at 11 am to accommodate the first ever Officer/Chairman Luncheon, followed by a full day of meetings for the LSI Officers and Chairmen. President Sandra T. Jimenez, CCLS, hosted the luncheon as a way for the new officers and chairs to get to know each other. Friday evening brought the Reception, "The Midway," chaired by Pamela Thompson of ACLSA in the Wimbledon Room, which is where the Exhibitors were set up. It was standing room only! Entertainment was provided by Gavin Hughes, son of Carrie Hughes, CCLS, of Mt. Diablo LPA. Gavin entertained everyone with his balloon characters, wit, and winning smile. He was quite the entertainer. Everyone was treated to "fair" food, including cotton candy, popcorn, and pretzels. One of the highlights was the appearance of the official "LSI Fair Cow" (aka Don Lee) who provided everyone with Milk Duds. Everyone enjoyed The Midway, and the Exhibitors were very happy as they were front and center and they made the most of their opportunity.

Saturday began bright and early with a CCLS Workshop and then the Board of Governors meeting - the main event of the conference. I am always amazed at how well organized the Board of Governors meeting is. The members were updated with the status of the business of the corporation and there was a lot of discussion and interaction. It is great to see so many governors and

members get involved. President Sandra T. Jimenez, CCLS, did a wonderful job at her first Conference as President.

Everyone was treated to a mid-morning break and then the Legal Specialization Section Seminars were presented. The Governors' Luncheon, Presidents' Luncheon, and Membership Luncheon provided venues for everyone to enjoy a wonderful lunch and discuss the events of the morning. Of course, Saturday afternoon would not be the same without Don's Hospitality Suite and his terrific margaritas.


The Saturday Night Banquet, "The Winners Circle," was chaired by Jamilah Robinson and Cary Cornelius of ACLSA. Jamilah and Cary outdid themselves in turning the room into a true winners circle. The LSI Officers, Past Presidents, and Honorary Members were introduced by Darnell Knauss, member of LAVLPA, and Chesley D. Quaide, partner of Atkinson, Andelson, Loya, Ruud & Romo was our keynote speaker. He did a great job of acknowledging how important LSI members have been in helping to make his office life easier. Following the speaker, three members of the California High School Chamber Singers performed country songs for us. They had the audience clapping and standing.

Sunday morning brought the brunch, "Hall of Flowers," chaired by Bryana Schroder, CCLS, from ACLSA. She did an amazing job decorating the room and she hand-

made all of the decorations. Our speaker, Kay Daly, gave a very motivating talk, and was very entertaining. I think we all left with more of a positive outlook on life.

There were many drawings for special prizes donated by various associations, providing more than 70 donated items. Lots of winners took away some very, very nice items.

Most of the attendees I spoke to had a wonderful time and a lot of great things to say about the Conference and the way it was organized. I did note that comments were made about the conference schedule and how there seemed to be little time to socialize. Maybe we should consider revamping the conference schedule for future conferences.

There is no doubt in my mind that this was a very successful conference, and this would not have been possible without the many, many hours of work and dedication by our conference co-chairs, Mary S. Rocca, CCLS, and Cheryl L. Kent, PLS, CCLS. Under their direction, both associations were able to work together, have a great time and produce a successful conference that all will remember. Of course I would be remiss if I did not thank the many members of both associations who went above and beyond the call of duty in making sure there were plenty of donations, decorations, and volunteers. It was definitely a blue ribbon fair! 



CYNTHIA GIBBON is a member of Livermore-Amador Valley LPA and is currently serving as its President. She works for Atkinson, Andelson, Loya, Ruud & Romo in special education and labor law.

Section 8 Housing As A Socialand Political Phenomenon

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



Corporate counsel and law firms are section 8 housing for low-income tenants is a relatively recent phenomenon, and is not the first effort to help the poor. In the nineteenth century, Dorothea Dix was a great leader in the movement to establish hospitals for the mentally ill. Also during that century, Jane Addams established the Hull House in Chicago, Illinois, to help the children of immigrants while those immigrants worked. Later, the Franklin Roosevelt Administration's New Deal created programs to put people to work. Then, only a decade before Section 8 became law, President Lyndon B. Johnson launched the "War on Poverty" to combat the suffering that afflicted so many people.

Section 8 housing is authorized by Section 8 of the United States Housing Act of 1937, which was enacted by the Housing and Community Development Act of 1974. Originally proposed by Senator John J. Sparkman of Alabama and such federal representatives as Wright Patman of Texas, William A. Barrett of Pennsylvania, and Fortney H. (Pete) Stark of California in 1974, this law is designed to aid lower-income families in securing a decent place to live and to promote economically mixed housing.¹

The debate over the original legislation was very sharp. Congressman Henry B. Gonzalez of Texas contended that the bill seemed to be leading toward a virtual collapse of the national effort for better housing and community environment rather than the national commitment of the Housing Act of 1949 for a decent home in a suitable living environment for every United States family. However, Congressman Edward I. Koch of New York argued that it was time for Congress to provide a direction for housing and community development and to lift the suspension of program activity of the previous nearly eighteen months. Also in support of the legislation was Congressman Stark, who asserted that it provided a sound framework for a workable housing program; and that, as a form of housing revenue sharing, it empowered local

authorities to state their needs and implement their choices of programs. Stark further maintained that a new program in California could furnish most of what was needed if the local housing agencies would join local government officials in deciding details of new housing construction along with leasing of existing units.²

In fact, a stronger argument in favor of such legislation was made as late as 1988 by Judith Bernstein-Baker, a staff attorney for the Support Center for Child Advocates of Philadelphia, Pennsylvania. In that city, as an example, a severe shortage of affordable and decent housing had resulted from reduced federal housing funds, rising housing costs, and abandonment by landlords. A 1983 study revealed that nearly 89,000 households needed rental subsidies as contrasted



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

with only 4,500 families receiving such assistance in 1982-1985. The waiting list for public housing during the same period included 15,000 families. Moreover, housing had been deteriorating in quality. Adding to the problem was the fact that, in 1980, the unemployment rate was 11.4% while the median family income was behind that of the rest of the United States. Consequently, lower income people have had fewer housing options than higher income people.³

This desire to help the poor in terms of housing was continued by the latest amendment of the Section 8 law, which was proposed by such senators as Herbert Kohl of Wisconsin in January 2009. This changed Section 202 of the Housing Act of 1959 to improve the program for supportive housing for the elderly. In the debate over this proposal, Kohl contended that it would ensure that seniors had accessible, safe, and affordable housing so that they could live independently and with dignity while saving the federal government money by keeping people out of expensive nursing homes. HUD's senior housing program is also known as the Section 202 program, but Kohl asserted that it had been unable to address the growing demand for such housing.⁴

While the federal aspect of Section 8 housing is very important, one must not ignore how it is implemented at the state law. For example, relevant California law regarding the subject is very specific in its requirements. A housing authority is responsible for operating its housing projects, and is empowered to deal with tenants and prospective tenants in and out of court. Every authority is required to adopt and promulgate regulations that create a plan for the selection of applicants so as to assure equal opportunity and nondiscrimination regarding race, color, or national origin. State law also mandates standards for eligibility, procedures for prompt notification of eligibility or disqualification, and how to maintain a waiting list of eligible applicants for whom vacancies are not immediately available. No housing authority is allowed to interfere with a citizen's constitutional rights in determining conditions of the privilege of occupancy, such as eviction without reasonable cause and the lack of a written statement of such cause. The housing authority is also required to perform such actions as inspections of the premises before tenants occupy the units, and allowing such tenants to examine the inspection records. State law further stipulates that the execution of a lease by a housing authority creates a property interest that is required to be exercised within the Fourteenth Amendment of the United States Constitution. Among other state law provisions regarding Section 8 housing, mandamus is a proper remedy to force a housing authority to certify for admission anybody who has been denied admission to a housing project.⁵

Besides statutory law, Section 8 housing has also encountered important case law, with some judicial battles dealing with tenant eligibility. As held by a United States district court in Illinois, the *Kohl* Decision of 1982 stipulated that, under HUD regulations that governed the federally subsidized rent program that utilized existing dwelling units, a local public housing authority was allowed to establish local eligibility requirements other than those that were prohibited by HUD as long as the local authority's policies and procedures were submitted for HUD approval of the authority's equal opportunity housing plan.⁶

Later, according to the United States Court of Appeals' *People To End Homelessness, Inc.* Decision of 2003, Section 8 housing tenants became eligible for enhanced voucher assistance under the United States Housing Act and Multifamily Assisted Housing Reform and Affordability Act (MAHRA) when housing developments' Section 8 contracts with the Department of Housing and Urban Development (HUD) expired and were not renewed; but also when tenants wanted to stay in the same dwelling unit, regardless of the developments' failure to provide proper notice of the termination of the contracts.⁷

Section 8 housing is only one area of statutory and case law in which there is a strong impulse to help less fortunate people, but such efforts will always face challenges. As the economy goes up and down, the availability of funding is greatly affected. Elected officials at all levels of government always must deal with different priorities of their constituents, but such pressures increase when economic conditions decline. It is never a good idea to turn one's back on the people when the competition for funding increases. Good times will always return, so temporary sacrifices are necessary during the down times, but one must be careful not to make overly severe budget reductions for too long a period.

NOTES

1. Section 8 of the United States Housing Act of 1937, as added by Housing and Community Development Act of 1974, sec. 201, August 22, 1974, 88 *United States Statutes At Large*, 1974 (Washington, D. C.: Office of the Federal Register, National Archives and Records Service, 1976), pp. 662-666; 42 United States Code Annotated 1437f. U. S., Congress, Senate, introduction of S. 3066 of 1974, 27 February 1974, *Congressional Record*, 93rd Cong., 2nd sess., Volume 120, part 4:4,487. U. S., Congress, House of Representatives, introduction of H. R. 15361 of 1974, 13 June 1974, *Congressional Record*, 93rd Cong., 2nd sess., Volume 120, part 14: 19,109.
2. House of Representatives Committee on Banking and Currency, *The Housing And Urban Development Act Of 1974*, H. Rpt. 93-1114, to accompany H. R. 15361, 93rd Cong., 2nd sess., pp. 187; 189; 207
3. Judith Bernstein-Baker, "Cooperative Conversion: Is It Only For The Wealthy? Proposals That Promote Affordable Cooperative Housing In Philadelphia," 61 *Temple Law Review* (Summer, 1988): 393
4. U. S., Congress, Senate, introduction of S. 118 of 2009, 6 January 2009, *Congressional Record*, 111th Cong., 1st sess. U. S., Congress, Senate, Senator Herbert Kohl of Wisconsin on S. 118 of 2009, 20 December 2010, *Congressional Record*, 111th Cong., 2nd sess., p. S10,810. 42 United States Code Annotated 1437f.
5. Public Housing, Sections 23-28, *West's California Jurisprudence 3D* (Thomson/West, 2003), Volume 51, pp. 774-782
6. *Kohl v. Housing Authority of City of Bloomington, Illinois* (1982), 537 Federal Supplement 1,207
7. *People To End Homelessness, Inc. , v. Develco Singles Apartments Associates* (2003), 339 Federal Reporter, Third Series 1

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

Yvonne Waldron-Robinson, CCLS—Governor, San Francisco LPA



Yvonne served as Governor for the San Francisco LPA for four years before becoming an LSI officer. When deciding on her career path, she was working in Human Resources when a position became available in the corporate law department. From there, she went on to law firms and to litigation, which is her true love. Her current employer respects and encourages participation in professional organizations where she no doubt met her mentor, Joyce I. Seymour. Yvonne has, in turn, mentored several LSI officers.

Yvonne is very active in her church and in her spare time supports her favorite sports team, the San Francisco 49ers. She has enjoyed serving LSI in many capacities prior to becoming an officer, and she is proud to have served as a president of this very worthy organization.

Cindy Frazier, CCLS—Ventura County LPA

Cindy is serving her second recycled term as Governor, having served as Governor for Ventura County LPA in 2006-07. She said that the best part of her job is watching the clients grow during the process of a divorce. They frequently come in broken and sad, and often have a much better perspective after their divorce is finalized. They may not be happy to be divorced, but at least most of them are much more understanding of the process and can pick up and move on.



Is Cindy a sports fan? Yes. She is a long time San Francisco 49ers fan! She loves to watch football and rarely misses a game, regardless of who's playing.

Cindy is the proud parent of two children—Brittnie is 21 and attending the University of California, Irvine, and Jesse is 28, and an architectural drafter. She is the very extra, especially proud Gramma to Ilana, Jesse's daughter.

Interestingly, if not in the legal field, Cindy would be a therapist/counselor, preferably to teens. She volunteers doing live theater with some of the local 12-step recovery programs. She is what they call a "normie," meaning she doesn't have addiction problems, but many in her family do, so she acts in plays to help raise funds for local sober living homes.

Jeffrey Weddle—Governor, Orange County LSA



Jeff is serving his first term as Governor (second year) for the Orange County Legal Secretaries Association. He received his Bachelor of Science degree in Criminal Justice at Cal State Fullerton. And look at him now! He said it has helped him stay in the legal business.

Professionally speaking, Jeff excels at proofreading, editing, and consistency. His firm is supportive of his involvement in both OCLSA and LSI, paying for his dinner meetings and extending a paid holiday so that he can attend conference(s).

When asked who his favorite sports team is, he replied, "Who else? LAKERS Baby!" Enough said.

Kristi L. Edwards, CCLS—Governor, Marin County LPA



Kristi is the Governor for Marin County LPA for the "umpteenth" time - actually, only the fourth time. She has worked for the same small law firm, Burroughs & Froneberger, for over twenty years, supporting 2-3 attorneys, handling the book-keeping and billing, and running the office in all respects. Kristi never planned to have

a career in a law office, but a job opportunity presented itself and she never looked back.

Kristi got married before she completed a degree, so LSI and the CCLS program have really helped her fill in the gaps and have given her confidence in her skills. The things that Kristi likes best about her job are the teamwork aspect and the opportunity to help people. She also likes organizing and finishing things.

Kristi's office handles probate and trust administration, and she enjoys helping people wrap up estates. At home, playing her flute helps keep her sane, and knitting is a good excuse to watch her beloved SF Giants play baseball!

Elizabeth Adame, CCLS—Imperial County LPA



Liz has lost count of the number of times she has served Imperial County as its Governor, but she recalls at least 11 or 12 times. She just happened to fall into the legal field when a friend called her one day saying that a local family law attorney was in need of a secretary and forwarded the informa-

tion to her. Liz called, set up an interview and two days later she was offered the job. Once there, she realized that she liked the law, learning the intricacies of the legal field, reading up on updates and changes, and helping people. Liz impressed her boss with her writing skills (skills she didn't know she possessed) and her boss took the time to teach her how to be the best that she could be in this field.

Two years later Liz interviewed for and was hired as a secretary for Mitchell Driskill. The next month, she was introduced to Sandra T. Jimenez, CCLS, at an ICLPA membership luncheon. The rest is history. Liz said that these individuals are to blame for her love of the legal field and the professionalism and perfectionism she strives to maintain in everything that she does. She says that the best part of her job is knowing that she helped put a smile on someone's face ... no doubt a gratifying experience.

Liz mentioned that she has been very lucky and grateful to have the best mentors anyone could ask for: Mitchell Driskill, Esq., and Sandra T. Jimenez, CCLS! They both taught her to take pride in her work and all that she strives to do. The best piece of advice Mr. Driskill gave Liz was, "When writing any correspondence, put your personal feelings aside and assume the person receiving and reading it is a judge. This is a sure way of not landing yourself in trouble." (And let me tell you, this little piece of advice has kept her out of trouble many times.)

Even though Liz is from Southern California, her very favorite sports team is the San Francisco 49ers ... she has been watching them since before she knew or understood football.

In addition to her volunteer activities with ICLPA and LSI, a few of her other volunteer activities include the Imperial High School football boosters; Imperial FFA Ag Boosters & Honorary Member; Imperial Girls Softball League board member; DVAcres Volleyball (travel team); organizing and assisting with numerous fundraisers for non-profits and school groups -- if her children participate, chances are she will volunteer her time.

Speaking of children, Liz has six. Yes—SIX! She has one stepson; one stepdaughter; three sons; and one daughter (whom she and her husband adopted in 2008). All are fabulous, respectful, good looking, and still in school! They attend Imperial High School, Imperial Valley College, CSU San Marcos, and Arizona State University. So Liz, what do you do in your spare time?

Melanie Herman—Governor, Sacramento LSA



This is Melanie's first year representing Sacramento Legal Secretaries Association as their Governor. Congratulations Melanie!

Growing up, Melanie had a really strong bond with her grandmother, whom the grandchildren all called Grammie. She even chose to attend Sonoma State University to be near her and her Grampie in Santa Rosa. It was Grammie that initially started Melanie's interest in the law. She convinced Melanie that she needed to get into a field where she "could

wear pretty, professional attire and wouldn't have to deal with any kind of bodily fluids" (blood, snotty noses, etc.). Grammie told her about a friend of a friend who was a paralegal and, after a bit of research, she decided to study Criminology with the hope to work as a paralegal for a district attorney. After receiving her Bachelor of Science in Criminology from Sonoma State University in 2006, Melanie moved back to the Bay Area. She started working at an asbestos defense firm in Oakland as a file clerk while she attended Cal State East Bay and obtained her ABA accredited Paralegal Certificate.

In late 2009, after attempting to live without her "amazing" boyfriend, she moved to Sacramento to be by his side while he attended law school.

Currently, Melanie is working at Perkins & Associates, a small firm located in downtown Sacramento. Her firm deals with a variety of civil litigation matters, but focus on labor and employment claims. She absolutely loves how close her office is and how the staff all work together, never placing blame or pointing a finger should something not go as planned. It has been a great learning experience for Melanie, coming from a firm that was so specialized (asbestos defense) to an office where each client is unique. In her position as a legal assistant, she oversees all of the firm's 50+ clients, in addition to handling all of the calendaring, creating the first drafts or shells of every document, finalizing everything that goes out the door, and making sure the office continues to run as smoothly as possible.

Melanie is very proud of her boyfriend, Alexander Gigliotti, who successfully received his Juris Doctorate from McGeorge School of Law in May of this year. She had the opportunity to attend the graduation ceremony, where Chief Justice Tani Cantil-Sakauye, of the California Supreme Court, was the commencement speaker. Melanie was excited to hear all the advice she had to give, but unfortunately, that excitement was short lived. She painted a grim picture of the decline in job opportunities available to the recent graduates and made everyone in attendance cringe when she noted the lack of decent paying options for the new JDs, most of whom have excessive loan debt hanging over their heads. The Chief Justice's speech, along with the recent cut-backs within the court systems, make her very thankful that she has a job ... a job in a positive environment that she truly enjoys.

Juliet A. Alcazar—Governor, Rio Hondo District LPA



Juliet is serving her third term as Governor for the Rio Hondo District LPA. She used to be Secretary/Recorder for this LPA in 2008. Its previous governor, Maureen Franklin, had to leave her position at the time to help her father for an emergency matter. She asked Juliet to take over the position as governor in November 2010.

Juliet loves to read books with subjects that include love stories and legal matters. She also loves watching movies and her favorite TV

...Continues on page 20

5 Things The CCLS Certifying Board Needs To Know About You

MICHELLE RODGERS, CCLS & TERRIE QUINTON, CCLS — SUBMITTED BY CCLS CERTIFYING BOARD

There are five things that the CCLS Certifying Board needs to know about every CCLS in order to keep the Board's records updated, and to help the CCLSs to keep their CCLS designation.

1. **Change of Address.** Any time your mailing address changes, notify the CCLS Certifying Board. While it is ultimately the CCLS's responsibility to send in their Application for Recertification (available on the LSI website), the Certifying Board will send out reminders to CCLSs approximately 30 days before their Application is due. If you have changed addresses during the preceding three years, your reminder may not arrive.
2. **Change of Name.** If your name changes, notify the Certifying Board. When sending in your Application for Recertification, unless you include your former name, the Certifying Board will be unable to match your Application with your records, thereby delaying your recertification. Additionally, if you would like to order a new certificate with your new name on it, you may do so for a fee of \$30.
3. **Move Out of State.** If you move out of state, upon notifying the CCLS Certifying Board, you can put a hold on your continuing education requirements. You will not be able to use the CCLS designation while you are out of state and not maintaining the educational requirements. If you maintain the educational requirements and recertify on time, you may continue to use the CCLS designation. If and/or when you return to California, you must notify the Board within 60 days of your return and continue with your continuing education requirements. For

example, if you moved out of state two years into your recertification period, you will have one year upon your return to complete the requirements for that three year period.

4. **Leave the Legal Field.** If you leave the legal field, upon notifying the CCLS Certifying Board, you can change your status to inactive and put a hold on your continuing education requirements. You will not be able to use your CCLS designation during this time. However, if you return to the legal field, you must notify the Certifying Board immediately and continue with your educational requirements in order to return to using your CCLS designation. For example, if you left the legal field two years into your recertification period, you will have one year upon your return to the field to complete the requirements for that three year period.

5. **Retirement.** If you retire from the legal field, you must notify the CCLS Certifying Board. A CCLS is considered to be retired if they are no longer working in the legal secretarial profession on a part-time, full time, permanent, or temporary basis. Upon retirement, the continuing educational requirements are suspended, however, the CCLS may continue to use the CCLS designation. If you return to work, you must notify the board to reactivate your CCLS designation, and you must continue with your educational requirements.

Because not all CCLSs are members of LSI, please share this information with any CCLSs you know – help them keep their designation.

If you have not already done so, please take a few minutes to review the CCLS category under Programs at www.lsi.org for additional information. [LS](#)



MICHELLE RODGERS is a legal secretary / paralegal with Downey Brand LLP. She has been a legal secretary for over 23 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. Michelle can be reached at CCLSCertifyingBoard@gmail.com.



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

Look Out – Here Comes The Train!

Eminent Domain – A Beginner’s Guide

JEFFREY S. KAUFMAN, ESQ. — SUBMITTED BY MERCED COUNTY LPA

Whether your property is in the path of the coming California high speed rail project, a highway construction project, or any other eminent domain project, understanding your legal rights is often essential to maximizing the amount you are paid for your land.

Consequently, your first line of defense is to contact an experienced eminent domain attorney to help you with the process. We have several attorneys at Berliner Cohen’s San Jose and Merced offices with experience in this area.

EMINENT DOMAIN

A governmental entity, such as the United States, the State of California, or a county or city government, school district, hospital district, or other public agency, has the power to purchase privately-owned real estate for public use, with or without the property owner’s permission.

The Fifth Amendment to the Constitution provides that “private property [may not] be taken for public use without just compensation.” The Fourteenth Amendment added the requirement of just compensation to state and local government takings. The hard part is determining exactly what “just compensation” is.

GETTING PREPARED BEFORE A LAWSUIT IS FILED

On many occasions, your first indication that a governmental entity is interested in your property comes by way of a letter or notice describing the project and informing you that you will be contacted in the near future. That notice is often followed by contact from a “right of way agent” or another public entity representative who wants to talk to you about how much is going to be paid for the

land they want to take.

These initial contacts are usually made long before any eminent domain lawsuit is filed. The law requires that the agency have the “fair market value” of the property appraised, and that they make the landowner an offer to purchase the property based on that appraisal.

However, you need to keep in mind that the governmental entity’s ultimate goal is to make a deal with you on the amount of money to be paid for your property, and that they are operating on a budget. As a result, it is not unusual for their opinion and yours as to the value of your property to be quite different. They may also make larger deductions for “defects” (such as poor access or environmental contamination) than are warranted, and may also fail to take into account positive features of the property, as compared to others.

Furthermore, in addition to the basic value of the land you may be entitled to additional dollars beyond just the fair market value for the land being taken. Without competent legal advice you may be leaving dollars on the table that you are entitled to.

In fact, in some situations, there may be steps you can take to increase the value of your land before eminent domain proceedings commence.

WHY LEGAL COUNSEL MAY MAKE YOU MONEY

Let’s assume a high speed rail line is going to be built through the middle of your farm, orchard, dairy, or another type of property. When the project is done:

1. you could be left with property on either side of the rail line with no easy way to get to either side; and/or
2. you will have to build a new irrigation system to service the half of the property that will be without water. In short, your cost of doing business just went up because of this project.

In cases like this, you may be entitled to “severance” damages in addition to the sum paid for the value of your property being taken. The right of way agent you are talking to may or may not mention this to you.

Alternatively, you may be able to negotiate with the public entity and get them to pay for an irrigation pipeline or an access point to get to the other side of the train tracks. This can be a “win-win” situation: your problem is taken care of and the public entity saves money.

Consequently, you should consider hiring an attorney early on in the process to avoid leaving money on the table or failing to consider other options you might have. **JS**



JEFFREY S. KAUFMAN, is a partner at Berliner Cohen and represents a wide variety of businesses and individuals, including many agri-businesses, including growers, packers, processors, and dairymen. Mr. Kaufman also handles real estate and construction disputes for contractors, subcontractors, individuals, realtors, and public entities.

Why Become A Member Of The Legal Specialization Sections?

CHERYL L. KENT, PLS, CCLS — LEGAL SPECIALIZATION SECTIONS COORDINATOR

Membership in the Legal Specialization Sections ("LSS") is just one of the educational opportunities offered by LSI. So, why should you join? Do you need continuing education credits to maintain your CCLS or paralegal certification? Do you want to network with other legal professionals throughout the state who work in the same (or different) area of law as you? Do you want to become a more valuable employee? If you answered "yes" to any of these questions, you should become a Legal Specialization Sections member.

There are currently six Legal Specialization Sections from which to choose: Civil

entitled to attend the seminars presented by the section(s) in which they belong at no charge with advance reservations. Yes, as a section member, you can receive MCLE and CCLS credits at no charge! There is a nominal fee for non-section members. If you are unable to attend a seminar, handouts are available for purchase.

Whether you join just one or all six Legal Specialization Sections, you will receive a roster of all section members. The roster is available in November and is updated quarterly. It is a great networking tool, so the next time you have a question regarding a filing in a county you are unfamiliar with, get out your

The current Legal Specialization Section Leaders, Dawn R. Forgeur, CCLS, Civil Litigation; Christina Vieira, Criminal Law; Mary Lou Floyd, CCLS, M.S., Family Law; Tammy L. Hunt, CCLS, Law Office Administration; Kristi L. Edwards, CCLS, Probate/Estate Planning; and Lisa De La O, Transactional Law, have accepted the challenge to improve your LSS membership experience.

In 2012-2013 you can look forward to section newsletters with an updated format and more substantial content. The section leaders have already started sending out e-blasts so you can expect to be among the first to receive updated court and related informa-

Sandra Jimenez, announced during her installation as LSI president that the motto for her term is "Rise to the Challenge."

Litigation, Criminal, Family Law, Law Office Administration, Probate/Estate Planning, and Transactional Law. As a member of LSI, the cost of membership is just \$20 per section or \$75 to join all six. (Non LSI members pay double.) The LSS fiscal year is different than that of LSI, with dues payable on August 1 and expiring on July 31.

As a section member, you will receive a quarterly newsletter for each section you have joined. The newsletters are prepared by each section leader and include information regarding changes in the law, court rules, forms, and practice area tips, as well as relevant articles. Did you know that whether you are a section member or not, you can earn chapter achievement points for your local association by submitting articles for publication in the LSS newsletters?


Seminars are presented by each section leader at all LSI conferences. Members are

entitled to attend the seminars presented by the section(s) in which they belong at no charge with advance reservations. Yes, as a section member, you can receive MCLE and CCLS credits at no charge! There is a nominal fee for non-section members. If you are unable to attend a seminar, handouts are available for purchase.

In the past, the LSS presented Regional Seminars in the spring and fall of each year, alternating between northern and southern California. Unfortunately, due to decreased attendance and increased costs, regional seminars have not been cost effective of late. Alternatives to the Regional Seminars format, including webinars, are being investigated.

Sandra Jimenez, CCLS, announced during her installation as LSI president that the motto for her term is "Rise to the Challenge."

tion. The seminar registration process has been streamlined – now, whether you wish to attend one or multiple seminars, you need to fill out just one form and, if a fee is due, write just one check, and send it to the LSS Coordinator. Suggestions to improve your LSS membership experience are always welcome.

Please consider making the most of your LSI membership and become a Legal Specialization Section(s) member today. 



CHERYL L. KENT has been a member of Livermore-Amador Valley LPA since 1981. She has been with her current employer, Gagen, McCoy, McMahon, Koss, Markowitz & Raines in Danville since 1982, working in the area of criminal defense.

Meet The Governors!... Continued from page 15

series: Matlock and Murder She Wrote. As a matter of fact, she still watches them on DVD!

Oftentimes, Juliet volunteers at State Farm Insurance as one of the legislative partners. Every year, she goes to the Sacramento Capitol to meet with her assemblyman, congressman and senator. Currently, they are lobbying for the best product and benefits of State Farm's insured and customer.


Juliet received a Bachelor of Science in Commerce, majoring in Marketing Management at the Polytechnic University of the Philippines. Her first job was as a receptionist, followed by word processing operator, claims processor, and was promoted as Legal Secretary. Her company sent her to attend

courses at the UCLA Extension in April 1990 for a complete course as Legal Secretaries Advanced Professional. At that time, Juliet specialized in civil litigation, auto accident, and property damage. She also worked on and specialized in workers compensation and subrogation cases for 16 years.

The best part of her job as a legal secretary is joining the local association for legal secretaries. She first got introduced at the Burbank-Glendale LSA, where she participated in a couple of chairman positions, gained experience on how to contact speakers, and advertising for her local association. The Burbank-Glendale LSA was dissolved, so Juliet joined the San Gabriel Valley LSA and

became a member there, but didn't hold any positions at that time. She, along with numerous other legal secretaries in her firm, also joined and became active members. Juliet is credited with referring several new members in the Rio Hondo District LPA.

What Juliet loves about her local association and LSI are the numerous continuing educational opportunities. This has enhanced her everyday work in the legal field. She especially loves Legal Ethics, which gives meaning to her work.

Juliet is the proud parent of twin daughters, Elizabeth Anne and Julia Catherine. She has been married to her husband, Ernesto, for 27 years now. 

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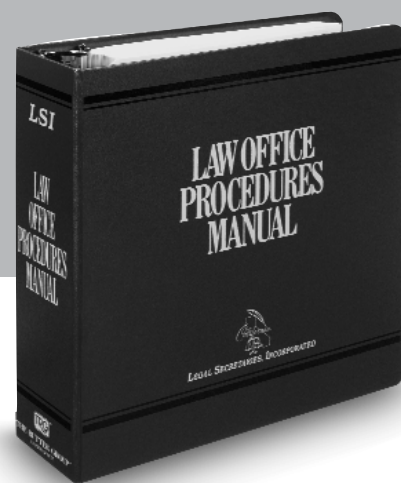

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Your Second Tool In Your Marketing Tool Box

CATHLEEN SILER — SUBMITTED BY LONG BEACH LPA

When I was preparing to write this phase II article, I researched the best ways to market a non-profit. The very first thing on the list is **"create and maintain a website."** I'm sure by now you have started or updated your association's website. Excellent work!

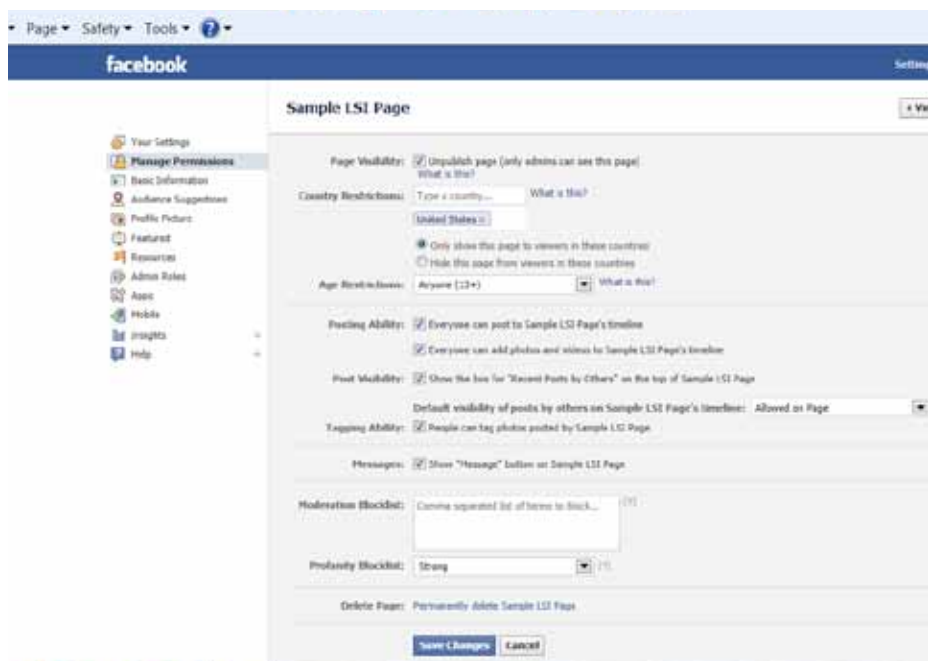
Now for the second tool in your marketing toolbox . . . **SOCIAL MEDIA.** Do not be scared! If anything, social media is easier than setting up a website. I am currently reading *Fast Track Photographer* by Dane Sanders. I noted the following comment and how it applies to all businesses and organizations in this time:

We happen to be living at one of those rare moments in history in which the rules of engagement are being rewritten right before our eyes. The trouble is that very few people are aware of the new rule-book. And those who are playing by the old one are destined for confusion, pain, and failure.¹

The ONLY thing holding you back from doing any of this is fear. The purpose of fear is to keep you safe . . . what are you trying to stay safe from? Exposure? Well, that is counter-productive - you can do this!

What are some of the benefits of participating in social media?

- **Get the Message Out Faster - and to More People.** Social media enables more rapid sharing of information – imagine if your only means of getting the word out about a meeting or event were snail mail. It costs more and takes longer. Moreover, there are huge limitations to the number of people you can reach. Social media is FREE.
- **Improve Branding.** By participating in social media, you will attract the younger generation and reach more people. For example, when reviewing



(Figure 1)

my stats for my business Facebook page, it details how many likes I received and how many people I reached and when. One week I reached 558 unique people – that is without advertising. I only have 166 likes on my page, but somehow my posts reached hundreds of people. Long Beach LPA has 63 likes – one week we reached 301 unique people. Obviously, our word is getting out there. We are being seen. Facebook even goes into great detail to tell you who you've been seen by – not their names, but gender, age, location . . .

- **Boost the Impact of Direct Marketing.** Many social media techniques – such as frequent use of common jargon and key phrases, title tags, ticker symbols (#), and links to blogs and other relevant Web content – can dramatically improve search engine rankings.

According to *The Non-Profit Times* your organization can:

- Learn what your supporters are saying and sharing about your organization.
- Drive traffic to your various Web properties: Website, blog, Facebook, etc.



CATHLEEN SILER is a legal assistant with the firm Atkinson, Andelson, Loya, Ruud & Romo. She has been a legal assistant for 25 years. She has created and maintained Long Beach LPA's website for the past six years, as well as her own business website. Cathleen currently serves as LSI's Website Editor.



(Figure 2)

- Improve results on search engine result pages with keyword rich content.
- Drive visitors to online donation pages.
- Enable supporters to distribute messages about your organization through their social Web presence.
- Empower your most passionate and influential supporters to promote your organization.
- Enable grassroots movements in real-time and rapidly respond to unforeseen events.
- Humanize your organization by not limiting communications to traditional methods or messages.
- Acquire new contacts and build your email house file.
- Increase trust and loyalty from your supporters by allowing them to share their voice through feedback forums.

This article will only discuss Facebook as it is the most utilized social media. Now, don't make that face. This isn't about you and your opinion of "that Facebook." This is about your audience and visibility. The fact of the matter is – the most exposure you will get will come from your Internet presence. If you have a small presence – your exposure will be quite minimal. If you have a large presence . . . you get it.

How to Start:

If you do not have a personal Facebook page and do not want one, that is perfectly fine. Go to www.facebook.com. On the bottom right hand corner of the page, click on "Create a page for a celebrity, band or business." Then choose "Company, Organization or Institute." That will send you on your way.

You want a public page. If it is not "public," it is not very "social." Set your privacy settings. Allow people to post pictures and make comments. Allow people to share. Do not make it a private page. I would, however, restrict it to the USA - just to avoid any weird comments or "ads" being posted on your page. I have not had that happen on any of my three business pages, but it "could" happen.

Here is a screen shot of the first page. I have set up a "Sample LSI Page." You will notice that at the top, I have checked "Unpublish page." That is only because I set it up for the purpose of this article and have already deleted it. (See Fig. 1)

After your page is set up, you do not have to be the only one who maintains the page or posts things as your association. Your Board members will naturally "like" the page; therefore, you can simply go to your "likes" and assign anyone an administrator position for that page. (See Fig.2)

You are ready to start posting. On the Long Beach LPA page, we post court updates, links to interesting articles, we comment on conferences, announce meetings and events, and post pictures. We also post a link to our blog every time we post a new entry or a new event.

Make sure to set up "like" buttons on your website to link to your Facebook page. Each time someone clicks a like button on your website, that is even more exposure for your association and the topic or event which they have "liked."

Another idea for exposing your organization is going to different pages and "liking" them. Then they will know you exist. For example, I, "using Facebook as Long Beach LPA," will click "like" Atkinson Andelson Loya Ruud & Romo's Facebook page. On the Atkinson, et al., page, it will show up – Long Beach Legal Professionals likes Atkinson, et al. If they did not know who we were before – they will now! And they will be curious what you are all about – that's why you also need a website!

Good luck – happy creating and contact me if you have questions or need help!

LS

END NOTES

1. Sanders, Dane (2010-05-14). Fast Track Photographer, Revised and Expanded Edition: Leverage Your Unique Strengths for a More Successful Photography Business (p. 13). Random House, Inc. Kindle Edition.

Supreme Court's Ruling On Health Care Law Means Employers Must Review And Prepare For Upcoming Mandates

BY ROBERT WENZEL, ESQ., ROBERT FRIED, ESQ., WILLIAM BETLEY, ESQ., ANDRES C. HURWITZ, ESQ. AND JONATHAN JUDGE, ESQ.

SUBMITTED BY LIVERMORE AMADOR VALLEY LPA

On June 28, 2012, in a 5-4 decision, the United States Supreme Court upheld the Patient Protection and Affordable Care Act ("ACA").

Congress passed the ACA in 2010 in order to expand health insurance coverage to more people and lower the cost of health care. One of the key provisions of the ACA is the "individual mandate," which will require most Americans to maintain "minimum essential" health insurance coverage starting in 2014. Those individuals not receiving health care insurance from their employer, or who are otherwise not exempt from the individual mandate, will be required to purchase health care insurance from a private insurer or pay a "shared responsibility payment" to the federal government. One of the chief challenges to the ACA was whether Congress exceeded its powers in enacting the individual mandate.

As a threshold matter, the Court held that it was not prevented from deciding the case due to the Anti-Injunction Act, which prohibits lawsuits over taxes from being pursued until after the taxes have been paid.

The Court then ruled that the individual mandate is not a valid exercise of Congress's power to regulate commerce. Congress may regulate commercial activity, but here, the individual mandate compels individuals to become active in commerce by purchasing a product. Therefore, the individual mandate regulated inactivity rather than activity. The Court ruled that Congress's power to regulate commerce did not extend to regulate what people "do not do."

Next, the Court analyzed whether the individual mandate may be upheld within Congress's power to tax. The Government, in defending the ACA, argued that the Court must view the individual mandate as imposing a tax on those who do not buy insurance. The Court noted that, because every reasonable construction must be resorted to in order to save a statute from unconstitutionality, the question is whether it is "fairly possible" to interpret the individual mandate as imposing such a tax. The Court concluded that such an interpretation was reasonable, and upheld the individual mandate as within Congress's power to "lay and collect taxes."

The four dissenting Justices wrote that they would have struck down the ACA in its entirety.

Another issue before the Court was whether Congress had the power to expand Medicaid through the ACA. Currently, Medicaid offers

federal funding to states to assist pregnant women, children, needy families, the blind, the elderly, and the disabled in obtaining medical care. Starting in 2014, the ACA expands the scope of Medicaid, increasing coverage to adults with incomes up to 133 percent of the federal poverty level, among others. While the ACA would also increase federal funding to cover the states' costs in expanding Medicaid, the ACA provides that if a state does not comply with the new coverage requirements, it will lose all federal Medicaid funding. Twenty-six states challenged that Congress overstepped its bounds to so expand Medicaid.

The Court ruled, 7-2, that the expansion of Medicaid was unconstitutional as it coercively put "a gun to the head" of the states as to whether to agree to provide expanded Medicaid coverage or lose all federal assistance. To remedy the violation, the Court held that the Secretary of Health and Human Services will be barred from withdrawing existing Medicaid funding if a state refuses to provide expanded coverage, meaning that states could opt out of the new expanded Medicaid requirement. The Court held that the rest of the ACA would not be affected by this ruling, in that Congress would have wanted the remainder of the ACA to stand had it known that the states would have a genuine choice as to whether to participate in the Medicaid expansion.

WHAT DOES THIS MEAN FOR EMPLOYERS?

While the landmark ruling will have impact for years to come on its effect on Congressional power to regulate commerce, for employers, the impact of the case will be more immediate. Although there are promises by some politicians to repeal the law, such course will depend on the outcomes of the elections for the White House and Congress in November. In the meantime, the ruling comes a little over 18 months from when many of the major provisions of the ACA take effect. Going forward, employers should be mindful of the following dates of implementation:

- January 1, 2013 – Employers who file more than 250 W-2s annually will be required to disclose the value of health coverage provided to each employee on 2012 W-2s. Employers who issue less than 250 W-2s per year are temporarily exempted from this requirement, but it is unclear how long this exemption will remain in effect.
- January 1, 2013 – Contributions to Flexible Spending Accounts will be capped at \$2,500 per year. The threshold for deducting medical

expenses on taxes will go from 7.5 percent to 10 percent of income.

- March 1, 2013 – Covered employers must provide written notice to employees upon hire about state health insurance exchange information, eligibility for tax credit or cost-sharing reduction, and possible loss of employer contribution.
- January 1, 2014 – Maximum allowable waiting period will be 90 days (this rule is currently under review by the IRS).
- January 1, 2014 – Employers with less than 25 employees that offer health care coverage to employees will be eligible for an increased tax credit of up to 50% premiums paid. (This credit first became available in 2010 with a maximum credit of 35% of premiums paid.)
- January 1, 2014 – Employers with 50 or more employees will be required to provide health care coverage to full-time employees (defined for purposes of this law as 30 or more hours per week), or pay a penalty (“play or pay” provision).
- January 1, 2014 – Employers with 200 or more employees who offer health insurance coverage will be required to automatically enroll employees for health care coverage upon eligibility. Employees will have the option of opting out. Employers will be required to give new employees notice of the auto enrollment and ability to opt-out (this rule is currently under review by the IRS).
- January 1, 2014 – Employers will be required to report the following information to the government annually: name of each employee and dependents covered; number of full-time employees; length of waiting period; monthly premium; employer share of cost; and actuarial value of lowest-cost option. A summary report will also be required to be provided to employees by January 31st of each year.
- January 1, 2014 – Individuals not provided health insurance by their employers will be eligible to purchase health insurance through Exchanges established in each state. Under the individual

mandate, individuals will be required to obtain health insurance coverage or pay a penalty to the IRS.

- January 1, 2014 – Employers with less than 100 employees will be eligible to purchase health insurance from the state Exchanges.
- January 1, 2016 – The tax incentive for small business is set to expire.
- January 1, 2017 – Employers with 100 or more employees will be eligible to purchase health insurance from the state Exchanges.
- January 1, 2018 – The “Cadillac” tax on high-cost benefits will take effect.

With the certainty of the Supreme Court’s ruling that the ACA is constitutional, and with major provisions just over 18 months away from taking effect, employers should also expect to see increased regulatory activity to

implement the law. These may clarify and establish rules as to how some of the above requirements will be implemented. Employers may also expect legislation to be enacted, making minor changes to the ACA, as “improvements” to the ACA have been promised. ¹⁵



ROBERT WENZEL is the supervising partner of the firm’s employment and labor practice group in the Cerritos office of Atkinson, Andelson, Loya, Ruud & Romo. He represents a diverse clientele which includes health care providers, residential construction, manufacturing concerns, restaurant and hotel, retail, food processing companies, temporary employment agencies, and service firms.

ROBERT FRIED is a partner in the Pleasanton office of Atkinson, Andelson, Loya, Ruud & Romo. In addition to his litigation practice as defense counsel, mediator, and expert witness, Robert maintains an extensive regulatory and policy practice on state and federal issues at the agency level.

WILLIAM BETLEY practices in all areas of employment law including unlawful harassment, discrimination, wrongful termination, employee classification, and wage and hour. He is located in the Riverside office of Atkinson, Andelson, Loya, Ruud & Romo.

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JONATHAN JUDGE is a senior associate in the Cerritos office of Atkinson, Andelson, Loya, Ruud & Romo. He represents employers in labor law and various employment litigation matters, including wrongful termination, discrimination, wage and hour, and harassment.

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DID YOU KNOW?

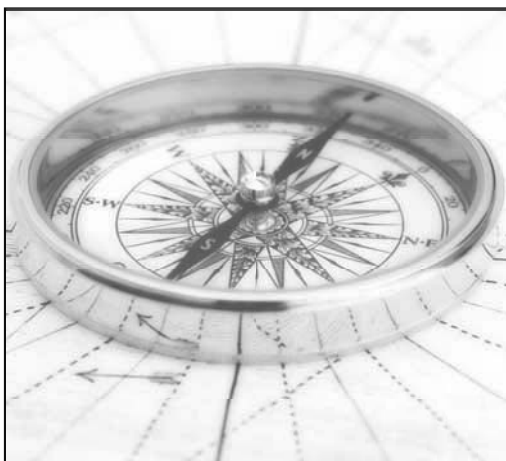
In 1938, the motto "We Serve" and the slogan "An Ounce of Loyalty is Worth More Than a Pound of Cleverness" were adopted by the California Federation of Legal Secretaries to signify the intentions of the organization. In 1993, the motto was changed to "Excellence Through Education."

DID YOU KNOW?

In 1940, Legal Secretaries, Incorporated adopted blue and gold as its official colors. These colors have been, and continue to be, used on the publications as well as at functions where they can be included in the decorations.

DID YOU KNOW?

On May 18, 1969, San Luis Obispo Legal Secretaries association presented to President Lucille M. Thornton a gavel carved from the wood of a tree planted by the Mission Fathers at Mission San Luis Obispo de Tolosa in 1772. This historically significant item has been, and will be, used by each succeeding LSI president. The original Legal Secretaries, Incorporated gavel was mounted on a plaque and presented to Eula Mae Jett, founder.



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Who Will Watch Over Your Kids? Choosing A Guardian For Your Kids

BY ROBERT MANSOUR, ESQ. – SUBMITTED BY RIO HONDO DISTRICT LPA

If you and your spouse pass away leaving minor children, have you selected someone to serve as their guardian? Have you chosen someone to manage their finances? These decisions can be made during the estate planning process, a process that employs legal tools designed to protect you and your family. Even if you have a living trust already in place, you still need a will that designates, among other things, guardians for your children.

The law requires children to be raised by adults. You can't leave your kids at home with an instruction booklet and ask them to raise themselves. If you don't name a guardian in your will, the court will designate someone without your input. Generally, it's best to name one person as guardian. Some inquire about "co-guardians." However, co-guardians can end up going separate ways or have trouble agreeing on key issues. An estate-planning attorney should ask you to name an "alternate" or "successor" guardian if the first nominee is unable to serve.

You need to ask some fundamental questions. Is the person old enough and mature enough to serve as guardian? Have they raised children and does that matter? Does the guardian have kids of a similar age? Are they physically able to handle the job? Does your nominee for guardian have a genuine affection and concern for your kids? Does the guardian have the time? Does your nominee share your values and/or religious convictions? Can they afford to raise your kids? Will your children have to move?

You can't force someone to be a guardian. It is advisable to sit with the nominee and ask the aforementioned questions tactfully. Usually, people are honored to be asked. If they are not up to it, they will typically let you know. Wouldn't you rather know in advance?

If you want your kids to remain together, it's best to name the same guardian for each. In some cases where age differences are considerable or with children from different marriages, it may be appropriate to name different guardians. Keep in mind that your ultimate goal (and the court's job) is to make sure the children's best interests are served.

During the estate planning process, you should name a guardian to watch over your children's property and finances. Children typically can't own property. If you leave property or money to your kids (directly or as a beneficiary), there needs to be a guard-

If you want your kids to remain together, it's best to name the same guardian for each.


ian to manage it until your child becomes an adult, or at some other time designated by you in your estate plan. Typically, a guardian over property and money does not require court approval. This guardian needs to make sure the children's expenses, health, and educational needs are properly managed. Unless there is a compelling reason not to, it is advisable to choose the same person to be the personal guardian and guardian over property and finances. The money and property you leave for the kids can be placed in a children's trust (separate trusts for each child or a combined trust). The children's trust

can contain instructions to guide the named guardian. Again, all this can be set up during the estate planning process.

Choosing a guardian can be a contentious subject during the estate planning process. It can be difficult to agree. Remember most people struggle with this decision. You may not have a "perfect" choice, and you simply may have to choose the "best" person for the job. Since you are not perfect, it would be unreasonable to expect your child's guardian to be perfect.

Usually, the court will appoint the person you nominated unless it is not in the best

interests of your children. Children are not property. You can't leave your kids to someone in the same manner you might leave your baseball card collection to your cousin Mel. A court may deny your nomination for guardian if there are obvious reasons to question your selection. Planning for the future is wise, and a good estate plan should address the issue of guardianship.

For more information, please contact Robert Mansour at 661-414-7100 or visit www.MansourLaw.com for estate planning matters. See www.ValenciaLawyer.com for his personal injury site. 



ROBERT MANSOUR, attended Loyola High School and Occidental College. He received his Juris Doctor degree from Southwestern University School of Law in Los Angeles and has been practicing law since 1993. He has worked for a small personal injury firm near Pasadena, California, and for the Burbank City Attorney's office. Robert has also been a member of a large civil litigation firm in Glendale, California, where he was recognized by the firm as Trial Attorney of the Year in 2004.

Choosing To Attend An LSI Conference

MICHAL PRAGER, CCLS— SUBMITTED BY SAN FERNANDO VALLEY LSA

My main purpose for attending LSI conferences is to educate myself further than what I learn at my job. The broader scope of knowledge makes me a more valuable employee in the long run. There are areas of law that I don't do at work but that interest me, so I attend workshops in those areas because I want the education, whether I can use that education at my current job or not. I want to learn more, so I go after the knowledge!

It is late June 2012 and the list of workshops to be held at the August 2012 LSI Conference have just been published on the LSI website. I muse over the topics to decide if I want to attend this conference. A CCLS must have at least 15 hours of CCLS/MCLE hours to recertify every three years. Since there are four conferences per year, if I attend even two workshops (lasting 1 ½ hours each for a total of three hours per conference), I could easily meet the 15-hour requirement. However, intellectual and personal growth guide my choices more than the need for the CCLS hours.


The first workshop choice that strikes my eye is the Probate/Estate Planning workshop being held on Friday night at 7:30 entitled "Wills vs. Trusts." Since I recently had to deal with this issue after the death of my surviving parent, I decide that this would be an informative workshop for me to attend. Then I look at the two workshops being presented at 10:30 on Saturday morning. Since I have spent a good part of the last ten years at my current job working in the Employment Group, the topic of "Mid-Year Employment Law Updates" (being presented as the Law Office Administration workshop) interests me very much. I decide I want to attend that workshop as well. And last is the workshop being presented on Saturday afternoon at 4:00. The Criminal workshop entitled "How Can You Defend Someone Like That?" is intriguing – and comical – as well. Though the firm for whom I work

does not handle criminal law, that has always been an area of law that interests me. I decide I want to attend this workshop as well.

Because I am interested and intrigued by a workshop being presented at every time slot of the conference, I decide to attend this conference.

Since becoming certified as a CCLS, I have always submitted original Certificates (as required) to the Certifying Board every three years. In 2007 when I first recertified, I submitted certificates for over 70 hours. In 2010 at my second recertification, I submitted certificates for over 50 hours. In 2012 (with my next recertification not until November 1, 2013), I already have over 30 hours of original certificates. Though I am not required to have certificates for this many hours, I submit them all, because I have attended all these workshops, and, most importantly, I have been interested in the topics of all the workshops I have attended. As a result, I have learned something new from each of those workshops. I don't just haphazardly pick some workshop, attend it, maybe even fall asleep during the presentation (which would of course probably require that I sit in the back), just so I could say I was there. I pick a workshop I am actually interested in, and go because I want to learn more about that topic. It makes it more fun for me. I stay awake because I am interested, I take notes (for myself and for my employer, where appropriate), and come back more educated than when I left for the conference.

Yes, there are the social events held at conferences, and I attend those on occasion. (A few years back, I decided to attend the banquet during the November conference held in Riverside. A retired judge spoke. His message was "Find something you are passionate about and devote your time and energy to that passion!" I spoke to this retired judge after the banquet and decided to set about to "follow my passion." As a result, I have had the opportunity to participate in something that matters to me a lot, and even met an attorney from Riverside I probably never would have met otherwise. I am grateful for having attended that banquet to hear that message that was obviously meant for me to hear.)

I think as a CCLS, attending workshops that educate me further – whether in my area of practice or not – makes me a better employee, and represents my "CCLS" title as a much more educated secretary too. I never know when or where this knowledge that I acquire at an LSI conference can be used to my advantage, as well as to the advantage of those whom I meet along my journey of life. I am prepared whenever and wherever it does happen to carry a message of further education to those who ask. This also may help me be an example to those secretaries who are not certified to be encouraged to become a CCLS. Pass it on!! Help the CCLS community grow – in number and in knowledge! 



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

GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

Dear Friends,

I am honored and thrilled to serve as LSI's editor for The Legal Secretary magazine. I hope that I can continue to produce a first-rate product that you will enjoy each quarter.

Thank you for your patience as I waddled my way through the first issue. There were a few mistakes and I want to send my apologies to Denise Aguilar for misspelling her name and to Honorary Member, Don Lee, for his contribution of photographs for the August 2012 issue. In this issue, a shout out to Cathleen Siler, Esperanza Larios and Don Lee for the wonderful photos they so graciously sent to me for this issue. If you have a photo you would like to share, please feel free to forward it to me.

The magazine will undergo some changes starting with this issue. As I mentioned in my last report, I am now accepting Letters to the Editor and the guidelines for submitting are as follows:

- All letters to the editor are welcomed and will be considered for publication.
- Length limit: 400 Words
- No petitions
- The editor reserves the right to edit letters for length, redundancy, clarity, civility and accuracy. Letters must be in good taste and focus on issues of general concern, not personalities.

All letters should include the author's name, address, phone number and email address. Anonymous letters will not be printed.

Letters by the same author that reiterate opinions previously expressed may not be published.

Letters to the Editor must be comments related to an article previously published in The Legal Secretary magazine

Most important, the point of letters is to opine – everyone is entitled to their opinion.

It is my hope to introduce new columns that will cover an array of topics. I welcome any and all ideas so please do not hesitate to share those with me. For now, the guidelines set forth in this issue will remain in effect until further notice. I look forward to hearing from you.

Cheers,
Michelle

DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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

SUGGESTED TOPICS FOR ARTICLES

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

SUBMISSION GUIDELINES

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

PHOTOGRAPHS

1. Digital photography is required and must be a resolution high enough to guarantee at least 300 dpi at 100% scale. When sending

SANDRA T. JIMENEZ, CCLS, IS A CALIFORNIA CERTIFIED LEGAL SECRETARY (1992), HAS A TWO-YEAR DEGREE IN BUSINESS (A.S.), AND A TWO-YEAR DEGREE IN LEGAL STUDIES FROM IMPERIAL VALLEY COLLEGE. HER DREAM WAS TO CONTINUE AT SDSU AND OBTAIN A BACHELOR'S DEGREE IN BUSINESS, BUT SOMETHING ELSE CAUGHT HER EYE.

Sandra's most memorable educational experience was passing the CCLS examination. Studying for it took discipline and she was determined to pass it on her first attempt – which she did! Sandra must have jumped four feet in the air walking out the door, because she knew she had passed. It was an awesome feeling and a great accomplishment. Passing the exam truly inspires personal confidence.

Believe it or not, Sandra bumped into the legal field by accident. She was in Sacramento looking for a job and applied at a temporary placement agency. They placed her in a receptionist position with a corporate and tax law firm located about one block from the Capitol. Upon moving back to El Centro, Sandra applied and was hired by an attorney who specialized in probate and bankruptcy. She found the work interesting and began taking legal assistant classes in the evenings.

When asked about her advice to new and recent legal staff members, Sandra recommends that one learn as much as they can as soon as they are able to, because that will definitely simplify your duties as a legal support professional. Aristotle said: "enjoy what you do and you will do it well." One must first learn how to perform their duties efficiently in order to be proficient at the work one does every day.

Sandra tries to keep an open mind and learn from everyone because she believes that everyone has a special talent. There is a special friend who has been there for her as she has traveled up through the LSI Executive Committee positions. This lady is near and dear to Sandra's heart and she said that she "will always be indebted to her for her constant assistance, companionship, and friendship."

At the present time, the current 2012-2013 LSI team motivates Sandra and she has faith in all the appointments that she made. All have agreed to "Rise to the Challenge" with her to improve LSI and she knows that they will give their best to LSI. Their positive attitude and energy is very inspiring to Sandra. When she has the time, she hopes and plans to assist local charities, for example, assist at the women's shelter and volunteer with the Salvation Army in serving holiday meals to the needy.

Recently, Sandra was awarded the "Legal Professional of the Year" award from the Imperial County Local Bar Association (June 2012). That was an immense honor and meant so much to Sandra (and was well-deserved). The other award that meant just as much was the President's award received from Patricia E. Miller, PLS, CCLS, LSI Past President (1998-2000) for her position as Transactional Section Leader. The award was given to the entire LSS Team.

Sandra's favorite sport is basketball; therefore her favorite team is the Los Angeles Lakers (no comment). She used to watch as many games as she could until she no longer had the time. It has been a while since she has been able to see a complete game. Her son, Mike,

updates her on the status of the team, as he watches all the games. He has been to several games in Los Angeles.

Sandra hopes to be retired within five years' time. She has been working for so many years now that she wants to have the time to enjoy life and spend time with immediate family that she has been remiss in visiting for so many years. Her brothers and sisters live in various states and sometimes it is difficult to find the time to plan family reunions.

She has also always wanted to take a ceramics class and to make a family quilt. Sandra would enjoy continuing the search of her family's ancestry, to put together a family photo album(s) including a story of her life to leave for her son. No doubt she wishes she had taken the time to get the complete history from her parents when they were alive. She wants to have the time to play music again as she hasn't had the time to play piano in a long time. When asked what else she wanted to do ... she said, "the list is long ..."

And that's where we'll end this story ... for now.



Law Office Ethics

Not Just The Lawyer's Responsibility

LYNNE KOROUGH — SUBMITTED BY SACRAMENTO LSA/FERNANDO VALLEY LSA

Lawyers depend on their staff to perform a great deal of increasingly complex and sophisticated tasks, an arrangement that is beneficial to both the lawyer and the client, and is universally recognized as appropriate. However, the relationship between the lawyer and support staff is more than simply employer/employee. The mere fact of working in a law office immediately confers the status of a public representative of a professional person. Regardless of the duties performed in a law office, or who performed them, under the Rules of Professional Conduct of the State Bar of California, they are treated as if performed by the lawyer. To put it simply -- the lawyer is responsible for the acts of his or her employees, and the employees are bound by the same code of ethics as the lawyer.

It is extremely important that staff recognize that dealings with clients, other lawyers, the courts, and the public are not just reflective of the lawyer, but can actually be equated with the lawyer. This means that the legal support staff, as extensions of the attorneys they work for, must conform their behavior to the same ethical obligations as an attorney. And while it is true that it is the attorney who ultimately faces potential disciplinary action or malpractice liability for a violation of ethics, support staff undoubtedly share an interest in avoiding ethics issues.

The most important thing to remember is that everything you learn in the law office is confidential. Working in a law office is exciting, and you may learn all sorts of interesting things about prominent or well-known people in the community. It can be tempting to disclose some of this information to outsiders (including a spouse or family members). It is a natural response because it makes us feel important to be able to convey knowledge that others don't have. Revealing information

obtained through your employment can be extremely harmful and/or hurtful to other people. Consider the following scenario:

One afternoon you see the son of an old friend of the family in the office who has an appointment for a legal consultation. You engage in a brief conversation about non-legal matters, say goodbye, and return to your desk. Two weeks later, you bump into the client's mother at the grocery store and during the course of conversation you innocently mention that you ran into her son at your office a couple of weeks ago. Knowing that you are employed with a criminal law defense firm, the client's mother then approaches her son about his reasons for being in your office and learns that he had recently been involved in a DUI incident. The client was a legal adult and had every right to keep the matter private (even from his own mother), but you have accidentally revealed this confidential information.

Besides being harmful, failing to maintain client confidentiality can also result in a complaint to the State Bar, or worse, a claim for malpractice against the attorney. Further, it could also mean discharge from your

employment and the likelihood that you will not be hired by another law firm.

A situation that often arises with legal support staff is when family, friends, or acquaintances find out you are working in a law office and assume you must know all about the law and ask you for legal advice. Additionally, as a result of developing a good working relationship with clients, they may ask you questions that would require the legal advice or opinion of an attorney. The information you have learned while working for the lawyer can become such second nature that you may forget it can be construed as legal advice. Regardless of the confidence you may have in your response, answering such questions violates the unauthorized practice of law statutes (unless it is the exact legal opinion of the attorney and you have been given permission to communicate it). This includes the preparation of legal documents, which should always be under the direction, supervision and review of an attorney.

The responsibility for ensuring that legal support staff are in compliance with the Rules of Professional Conduct should not be absorbed only by the lawyer. Support staff needs to insist on proper supervision, training, and review to protect not only the attorney, but themselves and the client. You are

...Continues on page 41



LYNNE KOROUGH is a legislative/legal secretary with Greenberg Traurig, LLP with over 27 years' experience in the legal field. Her areas of specialty are legislative, regulatory, and administrative law. She has been a member of SLSA for six years, and recently served as Co-Chair for the SLSA Day In Court Committee. Prior to joining SLSA, she served as a two-term President for Solano County LSA, also serving as its Secretary, Vice President, and Governor. Lynne also served as LSI's Law Office Administration Section Leader from 1996-1997.

Increasing Productivity And Profitability With Paralegals

BY TOM POKLADOWSKI — SUBMITTED BY ORANGE COUNTY LSA

Paralegals may be the best kept secret from many attorneys. Lawyers often want to increase their productivity and profitability, but don't know where to start. Working with paralegals is the perfect first step toward a more productive and profitable practice. Hiring a paralegal employee, or using a contract paralegal, can be an effective way for attorneys to make the most of their own time and add to their bottom line. Still, many attorneys do not know what to expect from a paralegal.

The California Business and Professions Code defines paralegal as "a person . . . who is qualified by education, training, or work experience, who either contracts with or is employed by an attorney . . . and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California . . ." Bus. & Prof. Code § 6450(a) (2011). Although attorneys must supervise all of the work performed by a paralegal on the attorney's behalf, a paralegal can take on much of the work the attorney would normally perform. An attorney will save a great deal of time by reviewing, and revising if needed, the work of a paralegal, instead of performing the same work from scratch.

Paralegals can increase an attorney's productivity by performing substantive tasks. For example, paralegals are expressly permitted to:

- interview clients
- gather facts
- conduct legal research
- draft and analyze legal documents
- collect, compile, and utilize information to make an independent decision and recommendation to the supervising attorney.

BUS. & PROF. CODE § 6450

To be certified as a paralegal in California, one must possess the education, or the combination of education and experience, set forth in Business and Professions Code section 6450(c). The education and training these paralegals receive generally makes them well-suited to conduct legal research, draft pleadings, and draft motions and contracts, as well as gather and organize evidence for trial.

For example, to be admitted to the ABA-approved Paralegal Certificate Program at UC Irvine Extension, students must possess at least an associate degree from an accredited post-secondary institution, provide references, and submit an acceptable writing sample. These extra requirements help to ensure that students admitted to the program are ready for the rigorous course of legal study, as well as being likely to succeed at tasks required of paralegals after completion of the program.

Attorneys also can strengthen client relations by directing a paralegal to update clients regularly, and to quickly respond to routine case status questions. And attorneys can save a great deal of their own time by having a paralegal conduct legal research and write the first draft of a motion or brief. While paralegals are working on traditionally time-consuming tasks, the attorney can be

strategizing with the client or meeting with prospective clients to bring in new business. In short, an attorney working with a paralegal can focus on the aspects of representation that only they, as members of the State Bar of California, are qualified and permitted to perform.

When looking to hire a paralegal, attorneys should select someone who can tackle the tasks in their practice that are the most time-consuming, as well as those that are easily delegated and reviewable by the attorney. A well-trained paralegal will be resourceful, and will produce high-quality work in a timely fashion. As an attorney's work relationship with a paralegal develops, a quality paralegal will come to understand the attorney's style and how work should be presented for review. Just as attorney's fees range based on negotiations between an attorney and client, paralegal salaries and independent contractor fees have a huge range. Attorneys needing help establishing a fair salary or fee may consider asking a local paralegal association if it conducts annual salary surveys that the attorney may consult.

While paralegals can be a great help to attorneys, they must remain just that – helpful to attorneys. Despite their education and skill, a paralegal cannot provide legal advice, represent a client in court, or explain or draft any legal document to or for any person other



TOM POKLADOWSKI is the Director of Law, Finance, and Business Programs in University Extension at University of California, Irvine. He can be reached at tpoklado@uci.edu.

than the attorney who directs and supervises the paralegal. See Bus. & Prof. Code § 6450(b). However, considering how many different tasks go into representing a client, a paralegal can assist with most of them.

Paralegals can increase an attorney's profitability because an attorney can bill clients for a paralegal's time. While attorneys are in court or handling other tasks that paralegals cannot perform, a paralegal can be researching, writing, and billing. In most cases, this will result in

what a paralegal can do to help a practice, attorneys should not hesitate to ask what skills a paralegal honed in his or her training.

Not only do paralegals increase productivity and profitability, they also help serve the greater good. Working with paralegals frees up attorney time so that attorneys are able to serve more clients in need than they would otherwise be able to serve. Hiring a paralegal, whether as a permanent staff member or on a contract basis, is good

To be certified as a paralegal in California, one must possess the education, or the combination of education and experience, set forth in Business and Professions Code section 6450(c).

more revenue than if the attorney did all the work from start to finish. Clients save money by paying a lower paralegal rate for certain tasks. In this way, paralegals can decrease an attorney's expenses because they can be paid less than what the attorney would pay for an associate or contract attorney to do the same work. Thus, paralegals can provide excellent value to an attorney's practice.

Just like attorneys, some paralegals are better than others at writing, some are better at monitoring litigation calendars and deadlines, and some excel at organizing exhibits for trial. When in doubt about

business and good for the community.

This article first appeared in Orange County Lawyer, September 2012 (Vol. 54 No. 9), p. 40. The views expressed herein are those of the author. They do not necessarily represent the views of Orange County Lawyer magazine, the Orange County Bar Association, the Orange County Bar Association Charitable Fund, or their staffs, contributors, or advertisers. All legal and other issues must be independently researched. **LS**

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LSI PRESIDENT SANDRA T. JIMENEZ, CCLS HONORED AT LUNCHEON

On August 4, 2012, Imperial County LPA, honored newly installed LSI President, Sandra T. Jimenez, CCLS at the Crowne Plaza San Diego. Sandra entered the beautifully decorated room with her husband Mike at her side (her biggest supporter). She was surrounded by numerous friends and members of LSI. Several past presidents were in attendance to honor Sandra, support her and welcome her as LSI's President.

There was a special surprise by Past President, Kay J. Thornburg as she brought two of Sandra's mentors from the past, Diana E. Estabrook, PLS, LSI Past President 1984-86, Sonoma County LSA and Anna McClellan, long time Governor from Napa County LSA. Sandra was certainly surprised.

Aloma Harris, President of Imperial County LPA, thanked everyone for attending and then introduced the members and past presidents who came to say special words to Sandra as she embarked on her new journey. Sandra then spoke to the members on her goals for the upcoming year for LSI. All who attended were ready for the new fiscal year to get under way. The room was filled with excitement.

Sandra T. Jimenez, CCLS is an inspiration to all who have known her for many years. And to those who will meet her during her term as president, will come to know the most enthusiastic and compassionate person that LSI has been fortunate to embrace.

Thanks to all the past presidents and members of LSI who attended the luncheon to honor Sandra. Her day was truly a special one.



CATHLEEN SILER, WEBSITE EDITOR, INTERASSOCIATION CHAIR

Cathleen McGrath Siler has been a legal secretary for 25 years. During the past seven years, she has created websites for a handful of businesses, including her own photography business. She created and maintains her association's website, Long Beach Legal Professionals Association and currently serves as the co-President for LBLPA. Last month's cover photo of The Legal Secretary was taken by Cathleen. Congratulations to Cathleen for rising to the challenge as LSI's first Website Editor.



CHRISTINA VIEIRA, CRIMINAL LAW SECTION LEADER

Christina has worked for the Law Office of John Garcia for 10.5 years, a criminal defense firm. She is a second year law student at Humphrey's College-Lawrence Drivon School of Law, and plans to practice criminal defense, but in the meantime, she is doing an internship with the Merced County Public Defender's office. Our thanks to Christina for rising to the challenge as one of our section leaders.



JENNIFER L. PAGE, CCLS, WAYS AND MEANS CHAIR

In addition to the numerous activities with the Marin County LPA (and a member since 1990), Jennifer continues to rise to the challenge, having held virtually every officer and chairmanship position. In 2001, Marin County LPA presented her with Honorary Life Member status. Jennifer began serving LSI in 1999 when she was appointed as the Legal Procedure Chair and continued to serve LSI until she was elected Treasurer in 2010. In May 2008, President Lorraine Bettencourt, PLS, CCLS, presented Jennifer with the President's Award. She has just completed a term as LSI Treasurer and is now LSI's Executive Secretary.

Dates to Remember in 2012

November 16-18, 2012	LSI Second Quarterly Conference Hosted by Desert Palm
November 22, 2012	Thanksgiving Holiday
December 9, 2012	Hanukkah Begins
December 22, 2012	First Day of Winter
December 25, 2012	Christmas Day
December 26, 2012	Kwanzaa Begins
January 1, 2013	New Year's Day
January 20, 2013	Inauguration Day
January 21, 2013	Martin Luther King Jr. Birthday
February 22-24, 2013	LSI Third Quarterly Conference Buena Park, CA Knott's Berry Farm Hotel Host Association: Orange County LSA
March 16, 2013	CCLS Exam, Southern California
April 1, 2013	Deadline for Scholarship Application

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

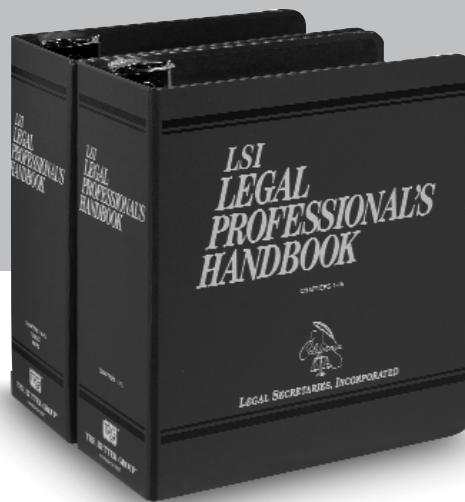
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<http://www.ncraonline.org>

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CCLS BROCHURE Tri-fold brochure promoting the benefits of taking the CCLS Exam. (Rev. 12/11)	N/C		
CCLS STUDY GUIDE (Revised 2012) 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		
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LEGAL TERMINOLOGY (LT) California Style Manual (book included with section), LT Section of CCLS Study Guide, LT Worksheets, LT Study Tips, list of additional references required for LT	50.00		
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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.			
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LSI BYLAWS AND STANDING RULES* As currently adopted by the LSI Governors. Download for free at www.lsi.org	5.00		
LSI LEGAL PROFESSIONAL'S HANDBOOK FLYER An 8 1/2" x 11" advertisement of the LPH. Includes listing of contents and Order Form. (Rev. 1/2012)	N/C		
LSI LEGAL SPECIALIZATION SECTIONS BROCHURE Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 6/12)	N/C		
LSI MEMBERSHIP BROCHURE Tri-fold brochure, extolling the advantages of LSI membership and programs. Contains request for membership application. (Rev. 12/11)	N/C		
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In last month's issue of *The Legal Secretary*, Denise Aguilar's name was spelled incorrectly. This editor sends her humble apologies for the error. In addition, credit was omitted for the photographer of the August 2012 cover photo, and my apologies go out to Cathleen Siler. At the same time, I shout out my thanks to Cathleen for a beautiful contribution to our magazine.

Law Office Ethics-Not Just The Lawyer's Responsibility Continued from page 33

ultimately responsible for your own education, growth, and role in the law office. Don't be afraid to ask questions or seek the guidance of those who have more experience.

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IN PRO. PER.
IBID.
PRO HAC VICE
SUPRA
DUCES TECUM
ET SEQ.
LIS PENDENS
SUA SPONTE
EX PARTE
IN LIMINE

CODE ABBREVIATIONS

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CODE CIV. PROC.
GOV. CODE
PEN. CODE
BUS. & PROF. CODE
STS. & HWY. CODE
VEH. CODE
EVID. CODE
PROB. CODE
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