

# THE Legal Secretary®



November 2013

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## The Law Office Team of Multiple Talents

BY WILL KAY, ESQ.  
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### THE LEGAL SECRETARY MAGAZINE

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Dedicated to LSI Past President, Joan M. Moore, PLS, CCLS

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# Rise To The Challenge

BY SANDRA T. JIMENEZ, CCLS — LSI PRESIDENT



**W**e have so much to be thankful for: our jobs, our homes, our families, and above all else, our health – as we see in the news every day, others are not as fortunate. Additionally, we must appreciate the fact that we still have the ability to do the work that we have dedicated and committed ourselves to do – at home, at work, and for this organization. As members of Legal Secretaries, Incorporated (LSI), let us give thanks and acknowledge the fact that membership in this organization has improved our careers as legal professionals. I urge members to continue to Rise to the Challenge of staying focused on positive goals for improvement -- locally and statewide. If we do, LSI can and will continue to prosper.

## ***August 2013 Conference – Acknowledgment/Recap***

Our special thanks to SAN DIEGO LSA for hosting a wonderful August 2013 Conference! I believe that many will agree that it felt like a mini-vacation. The hotel had such a calming and relaxing atmosphere that was truly enjoyed by everyone who attended.

We salute and commend Terrie Quinton, CCLS, Conference Chair and the SDLSA committee on planning a wonderful Hawaiian weekend. The food was excellent and the hotel staff and service was absolutely fantastic – everyone was very impressed by that! However, I must say that the best part was the entertainment at the Friday reception and also on Saturday at the banquet. I didn't know that my son, Mike Jimenez, Jr., would be part of the entertainment on Saturday evening, but I must admit that he pulled it off very well.

Many LSI Past Presidents attended the August Conference: Patricia S. Brady, PLS, CCLS, Esq.; Diana E. Estabrook, PLS; Patricia A. Parson; Linda Duarte; Deanna A. Pepe, CCLS, PLS; Patricia E. Miller, PLS, CCLS; Yvonne Waldron-Robinson, CCLS; Kay J. Thornburg; Mary S. Rocca, CCLS; and Brooke Mansfield, CCLS. Also in attendance were two honorary members: Donald F. Lee, member of Merced County LPA, and Sharon Irish, CCLS. We certainly appreciate their attendance and continued support at LSI conferences.

## ***It is a thrill to report on the many exciting things happening within LSI:***

- We have received more than 75% of our projected per capita for the year in the first quarter.
- Our CCLS Chair, Terrie Quinton, CCLS, reported 41 registrants for her first on-line class which commenced on August 15, 2013.
- Our Legal Secretarial Training Chair, Shaylene Cortez, CCLS, reported that the Beginning Legal Secretary Online Course is gearing up to start on October 1.
- Thanks to the efforts of Michelle Tice, CCLS, Editor of The Legal Secretary magazine, LSI has a new magazine designer at a reduced cost.
- Our Parliamentarian, Astrid B. Watterson, CCLS, will soon complete the task of updating the Bylaws and Standing Rules for all local associations -- assistance from local associations is greatly appreciated.

### **SANDRA T. JIMENEZ**

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

- The 2013-2014 Eula Mae Jett Scholarship Plan of Administration has been updated by Sylvia Marsh, LSI Scholarship chair.
- Our Legal Procedure chair, Jeffrey Weddle, is busy keeping his blog updated and current.
- The Continuing Education Council (CEC) continues to schedule free seminars at quarterly conferences. I urge everyone to take advantage of this member benefit. The CEC also announced at the August Conference that plans are underway for an all-day educational event planned for April 2014 in Ontario, CA.
- As announced by J. Cori Mandy, CCLS, Educational Program Coordinator, the price of the CCLS Study Kit was reduced to \$199. No better time than now to purchase the kit.
- The Legal Specialization Sections (LSS) are now accepting membership applications and renewals for the 2013-2014 fiscal year.
- Maria Bishop, CCLS, Editor in Chief, and the Publications Revision Committee continue their outstanding performance, meeting the deadlines on all revisions to our publications. Negotiations continue with updating our LPH and LOPM contracts.

Of more importance is that governors are showing renewed interest, are participating more in discussion, and are voting more informed at Board of Governors meetings -- that is definitely a plus for LSI. The governors are the ruling party and they must always know where their associations stand on ALL issues before voting. Two Notices of Amendment (which were postponed at the August Conference) have been re-noticed, distributed, and the governors will be voting on them at the November conference.

There are always special members of the legal community who participate at all our conferences, and LSI appreciates the time they take from their busy lives to join us. Special thanks to our Saturday morning Welcome Speaker, the Honorable Jeffrey B. Barton, Supervising Judge for the Civil Division of the San Diego Superior Court -- we could have listened to him all day. His report was rather grim regarding the financial status of San Diego Courts, as today's economy is affecting everyone; however, he was optimistic.

We also thank Master of Ceremonies (MC) for the Saturday Banquet, Dan McAllister, San Diego County Treasurer-Tax Collector; a man with a great sense of humor and the perfect MC.

Our Brunch inspirational speaker was Leslie M. Devaney, Esq., Stutz Artiano Shinoff & Holtz, and founding member of The Crime Victims Fund. Ms. Devaney was presented with a monetary donation collected by SDLSA during the conference weekend. We certainly wish her success in this worthwhile endeavor.

## Coming Up - November 2013 Quarterly Conference

LSI's next conference is coming up in Long Beach -- **The Survivors, A Mayan Adventure!** The members of Long Beach LPA are ready to share an eventful weekend in their city. The Hotel Maya is in close proximity of the Queen Mary, so there will be lots to do. Detailed information regarding our November 2013 Quarterly Conference is included in this issue. Read the article and you will definitely be persuaded to attend the upcoming fun and educational Quarterly Conference -- register early, as you don't want to miss it!

The LSS has a great team this year and all the leaders are working hard to schedule informative seminars. They have great topics and speakers lined up for November. The seminars are always scheduled on Friday evening and Saturday late morning and late afternoon. I personally had the opportunity to attend the Civil Litigation seminar -- *Military Law vs. Civil Law* presented by Paul J. Leeds, Esq., at the August Conference in San Diego and the seminar was very interesting and informative. If I had not attended, I would have missed a lot of great information, as Mr. Leeds was an excellent speaker. Join LSS today and attend seminars at the November Conference free of charge.

Visit the LSI website, [www.lsi.org](http://www.lsi.org), and check out the posted information regarding topics and speakers for the November Legal Specialization Sections seminars, the Continuing Education Council's legal educational seminar, and the CCLS workshop. More information is included in this issue of *The Legal Secretary* magazine. Remember that LSI is an MCLE provider and seminars may provide continuing legal education credit.

We look forward to seeing you in Long Beach!

LS

### RECIPE FOR LEGAL SECRETARY

Stir together until well blended:

- 10 fast fingers;
- 1 nimble brain;
- 1 even temper with equal parts of tact, diplomacy and common sense;
- 1 large size heart;
- 1 broad mind;
- 1 infallible memory;
- 1 lifetime of loyalty

Add a touch of tenderness and season to suit individual taste of employer. Bake approximately 8 hours in moderate law office. Serve garnished with one large pay check and a few words of thanks.

-Unknown-  
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AUGUST 9-11, 2013, SAN DIEGO

# LSI Quarterly Conference









# Patricia Brady, ESQ.

I had the opportunity to spend some time with Patricia Brady at the August conference in San Diego and I am most pleased to share my interview with all of you.

Patricia was born in San Francisco, California. When she roomed with Betty Lou West at the Annual Conference in San Jose, they discovered that they both attended first grade at the same school—Lottie Grunsky Elementary School in Stockton. It's such a small world! From there, she attended schools in Sacramento and San Francisco until her family relocated to Long Beach and in 1941, graduated from Long Beach Polytechnic High. After high school, Patricia attended Grau Business College, continuing with Gregg shorthand for Court Reporting. Instead of going for a college degree, she attended courses at Long Beach City College, UCLA and UXC, where she studied Mandarin Chinese, Statistics, and Comparative Religion—topics she was interested in.

Eventually, Patricia took and passed the State Bar College Equivalency examination and the LSAT, and attended law school at night, working full time days. She was sworn in as an attorney at age 59 and practiced solo for 28 years.

LSI members' employers referred federal court cases to her or associated her into theirs. After 1983, she confined her practice to Probate and Estate Planning, handling the estates of six attorneys, some of whom had practiced for over 50 years.

Patricia became involved with Legal Secretaries, Inc. when she joined the Long Beach LSA in 1941-42 and was

working in the courthouse, which was located in the famous Jergins Trust Building in Long Beach. When she was just 18 years old, she worked in a one-person/one-girl office and two Long Beach legal secretaries took her under their wing.

During the same time and during the years of World War II, the efforts of the LSI officers were of necessity and directed towards holding this organization together since travel was curtailed.



Many members enlisted in the armed services or went to work in war plants, but they could retain their membership status under those circumstances. Despite the difficulties encountered and thanks to the untiring efforts of the LSI leadership, the association did continue and in post-war years began to grow while at the same time, selling war bonds. By the summer of 1940, the victories of Nazi Germany against Poland, Denmark, Norway, Belgium, the Netherlands and France brought urgency to the government discreetly preparing for possible United States involvement in World War II. Of principal concern were issues surrounding war financing. Many of President Franklin D. Roosevelt's advisers favored a system of tax increases and enforced savings program and bond rallies were held throughout the country with famous celebrities, usually Hollywood film stars, to enhance the bond advertising effectiveness.

During WWII, Patricia traveled on the weekends with the United Services



Organization ("USO") to Camps Cook, Roberts, Pendleton, air stations in the desert and Palm Springs, and Tonopah, Nevada. She danced with thousands of servicemen and she continued to sing and visit with the returning servicemen at the Long Beach Naval Hospital, including the 13th Armored Division, known as the "Black Cats," where the veterans spent time in the hospital, broken, much as they are today when they return from war.

Patricia represented the USO at the dedication of the CPO Club on Ocean Boulevard and as part of the Pacific Coast Club in Long Beach, along with Peggy Lee and Jane Russell. The dedication was held on a Saturday with a memorial ceremony, reception and a star-studded dance. The Navy dedicated the expanded, remodeled and redecorated Chief Petty Officers' Club at the Long Beach Naval Station to the late Capt. Jack Kennedy, who commanded the Navy's disciplinary barracks on Terminal Island from May 1944, to December 1946. Today, Patricia supports and attends the Bob Hope USO at LAX which greets the caskets beside the families of the fallen boys. The USO is famous for its "touch of home" and string of smiles to millions of GI's often during their most difficult hours. Visiting the USO means they need not wait in the often impersonal airport terminals, frequently for many hours. It also means they have available for their exclusive use an array of facilities and services that include recreation areas, secure luggage storage, a theater with big screen TV and a library of literally hundreds of current and classic



*Continued on page 28*



# Diana E. Estabrook, PLS

## LSI President 1984-1986

**D**iana, her husband Ray, and son Pete were born in Houston, Texas. They moved to Santa Rosa in 1969, and as a grand welcome to California, an earthquake leveled downtown within the month! They moved from weathering tornados to earthquakes. Yikes!

Ray Estabrook is licensed to practice law in both Texas and California, and Diana has been by his side, in his office, for over 40 years. Over 40 years of working together and, this year, 50 years married—the Golden Wedding Anniversary.

One of Diana's first friends in Santa Rosa—Karen Green's friend—was the then President of Sonoma County LSA, Toni Hanson. Diana and Toni became fast friends and Toni invited her to a Medical/Legal Seminar that Sonoma County LSA ("SCLSA") was offering. It was an impressive seminar and that dear lady also invited Diana to call upon Toni if she had any questions.

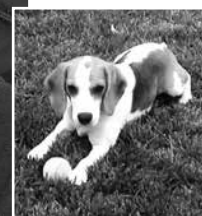
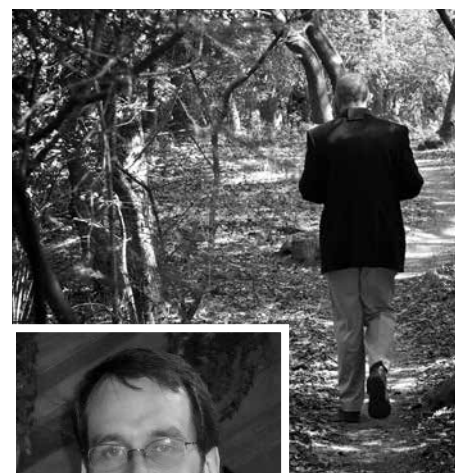
Diana's BA degree from THE University of Texas was, some say, in beer and bridge (actually psychology/sociology) but, although she had paid attention to Ray's studies as he went through law school, Diana knew nothing, nothing at all, about legal procedure: summons, complaint—what? However, she did know that SCLSA was where she needed to be. At the medical/legal seminar Diana attended, she secretly told herself, "I want to be the president of SCLSA one day."

As soon as the required six months had passed, Diana joined SCLSA, and not too long after, another mentor, Peggy Downing Saragena, gathered a group of SCLSA members who decided SCLSA and Santa Rosa Junior College needed a legal secretarial training program. Diana admits that she must have learned her lessons because when Peggy started her family, she asked Diana to teach her classes. When Peggy returned, Diana stayed on as adjunct and taught a few other classes.

Her best class included Latin terminology with a Texas accent y'all. Karen Green decided she might enjoy attending those beginning classes, although the legal field was far from her mind. Interestingly, Karen fell in love with probate and came to be, in Diana's opinion, one of the three outstanding probate paralegals in Sonoma County, along with Isobel Clayton and Rosemary Lapham. These three ladies have, to this day, been willing to lend a helping hand whenever Diana calls.

SCLSA gave Diana the opportunity to be a chair, elected officer, and delegate to the 1975 LSI annual conference in Newport Beach. In alphabetical order, SCLSA was on the back row, which gave her an overview of the meeting. Again, Diana secretly told herself, "I want to be the president of LSI one day."

At that conference, Diana met Patricia A. Greene, who soon became the LSI president. She loved the meet'n greet and Patricia gave Diana her start at the state level by serving as Resolutions Chair (how many of you remember that one?). Diana was well on her way. The Legal Secretarial Training Chair was the next step, but meanwhile, Diana had met her next mentor: Ivy W. Person, who was soon to become the National Association of Legal Secretaries, International (NALS) President. Diana attended several NALS meetings by Ivy's side and soon met Harriet C. Sharp, who, when she became the NALS president, appointed her to the NALS CEC, Legal Secretarial Training Chair. This appointment took Diana all around the United States (from Washing-



ton state to New York City) hosting educational seminars for local associations on behalf of NALS. Diana's "after LSI President" assignment came from LSI President Linda Duarte, who appointed Diana as the Special Advisor to the Law Practice Management Section of the State Bar of California. Diana was pleased that the Law Practice Management Section appointed her the chair of an educational seminar at a State Bar meeting entitled "Law Office Products," an easy program for an LSI member to provide.

The NALS appointment found Diana both as a NALS chair and the Treasurer

*Continued on page 13*

# Astrid Watterson, CCLS

## LSI Parliamentarian

If you are like me, you sit in awe at each LSI conference and watch Astrid at work. For anyone that currently serves as their local association's parliamentarian, or even as a member, I continue to be intrigued by her knowledge of parliamentary procedure which includes not only "how it should be done," but also, "why it should be done." She is an expert in the rules of order and the proper procedures for the conduct of our meetings, and she is also available to assist LSI and local associations alike in the drafting and interpretation of bylaws and rules of order. But on a personal level, who is Astrid Watterson?

Astrid has three girls: Alexis who is 14 years old; Emily, her 12 year old; and her canine love, Millie. In addition to her volunteer activities and full-time job, she is a very busy, involved parent.

Alexis is in 9th grade and plays competitive volleyball. She has been involved with her school sports team since 6th grade and has played for the Club Stockton Volleyball League since 7th grade. She has also attended the University of Pacific's summer volleyball camps for several years. Alexis is also involved in basketball and soccer, and most recently made the Langston Hughes Academy High School Varsity Volleyball team as a Freshman! Basically, Lexi's various sports keep Astrid busy and her schedule tied up.

Her daughter Emily is in 7th grade and has also been involved in the school's volleyball team, but theatre is her main focus. Emily has been fortunate enough to land several lead roles, such as Jack in Fee Fi Fo Fum (Jack and the Beanstalk), Alice in Alice in Wonderland, and most recently, Granny in an old western comedy. Emily has participated in over 15 plays for Kudos Children's Theatre in Stockton. When she has time, Astrid tries to help the local children's theatre with makeup and by taking pictures whenever possible. Emily involves herself (and by default, Astrid) in every activity she can get herself into at school, such as archery, mathematic competitions,

presentations, music, etc. It is quite common for Astrid to pick the girls up only to find out that Emily has "volunteered" her for something. In addition, she says that Emily is a major over-achiever who has consistently scored 100% in the California state scholastic exams since elementary school. Nicely done Emily!

Astrid loves to read and participates in a reading group where they share stories and adventures that they have had. She also enjoys baking, and her girls know her best for her desserts. Each week, Astrid bakes the girls homemade cookies for their snacks, and every evening they have a dessert with dinner -- cakes, pies, cookies, tarts, croissants, cream puffs, etc. It's their time to bond.

Astrid has two best friends – the twins of awesomeness (and her motivators): Tammy and Dawn (whom some of us know). Tammy was quite the handful in the beginning (way too perky) and Dawn was a bit difficult to read (aka grouchy). However, over time they both grew on her and she is truly blessed to have such wonderfully smart and funny BFFs! Astrid said that she thinks life set her up for several challenges, both professionally and personally. However, someone somewhere decided to provide her with a not-so-secret weapon to face the various challenges by providing her with the two best friends anyone could ever



have. They provide her with the safety and comfort to be herself and to make mistakes, because if Astrid falters, they will be there to help her get through whatever life throws at her. They are her soul sisters, her life partners, and her best friends. Astrid said that she could probably make money renting them out, but would rather keep them all to herself! "They are not only personally awesome people, but extremely professional and knowledgeable. They may not be my sisters by blood, but they are even better, for they are sisters of my heart," said Astrid.

Astrid attended College of Notre Dame for two years (1995-1997), and graduated from the paralegal program from CSU Stanislaus in 2003. In addi-

*Continued on page 22*



is an LSI Past-President (1994-96) who was appointed in February 2013 to fill the vacant position of Executive Advisor and also serve as Nominations and Elections Chair. Linda has worked in the legal field for over 25 years and is currently semi-retired, working as a freelance legal secretary in Long Beach, California.



# Nominations & Elections

## Join the Team

BY LINDA DUARTE, LSI EXECUTIVE ADVISOR

**T**he Call for Nominations of Officers for Legal Secretaries, Incorporated for the 2014-2015 fiscal year will be sent out in January 2014. The Official Nomination of Candidate papers will be sent to your President, which must be signed by your Association President and Secretary, as well as the candidate, and returned to the LSI Nominations and Elections Chairman by January 27, 2014, in order to have your name appear on the February Report of the Nominations and Elections Chairman. Nominations may be made from the floor during the Annual Conference, provided the candidate has a properly executed Official Nomination of Candidate form to submit. January will be here before we know it so please consider whether you want to run for office or qualify for office in LSI and contact your President and Governor. More information will be forthcoming.



LSI will kick off its 80th year at the May 2014 Annual Conference at the Concord Hilton in Mt. Diablo, California. At that time, the Delegates of LSI will elect a new slate of officers. At that conference, the outgoing LSI President, Sandra Jimenez, CCLS, will step down as President and take the office of Executive Advisor if she so chooses, and each of the current officers will run for the office next in line, leaving an opening for a new LSI Treasurer. The Treasurer Candidates must (a) be actively engaged in work of a legal nature either full time, permanently part time, or on a contractual basis; (b) shall have been an active member of LSI in good standing for at least three years immediately prior to nomination; and (c) shall have served on the Board of Governors or as an LSI Committee Chairman. Have

you been contemplating running for LSI Office? Do you want to make a difference in LSI? If you answered yes to at least one of these questions, then it is time to consider running for the office of Treasurer. When elected to serve as LSI Treasurer, you not only serve as the Treasurer, but will move up the ladder and serve two years in each position on the board (8 years), and move on to take the position of Executive Advisor for two more years if you so choose to take that position after your term of President has been completed. It may seem a long time to serve, but when you figure you are required to attend only four meetings a year, it doesn't seem so long. That is not to say that you will not be busy. If you intend to run for office, your family and your employer should be made aware of exactly what your

commitment will entail. The time commitment is the most important thing for you to consider because as an officer of LSI, you will be spending quite a bit of your spare time working for LSI. Your family and your employer must be fully supportive and on board with this venture you are considering. There may be times when you will have to forfeit personal plans because of LSI commitments and your employer must understand that it is highly possible that LSI will infringe on your workday from time to time. But there are many benefits too. As an officer of LSI you have the opportunity to meet and network with the members of LSI throughout the state, and to interact with members of other legal professional organizations. The

*Continued on page 10*

## NOMINATIONS AND ELECTIONS

Continued from page 9

contacts one makes throughout the journey from Treasurer to President can be very valuable in the work arena. While you are giving of your time during your service to LSI, you are benefiting through the networking process and cultivating skills which will enable you to seek career advancements should you desire to do so. On a personal level, you attain skills that will serve you throughout the rest of your life. It can be a very rewarding experience if you are open to learning, listening, and working with others.

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

The future of LSI depends on its members and quality leadership of its officers and chairmen.

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

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

Review the Official Notice to get an idea of where the Executive Committee spends their time throughout the conference weekend, and watch what they do. Not only does the Executive Committee meet all day on Friday at each conference to discuss the events of the previous quarter and the status of the corporation, there are other duties involved that keep them busy throughout the conference weekend. Of course there is time to attend the educational seminars and social activities offered at each conference, but as an officer, your time at conference must be spent wisely to ensure you cover all of your duties. Conferences require a serious commitment and, of course, energy for each LSI Officer.

There are many changes coming in the future of LSI, and we need confident and dedicated leaders to make it happen. Do you have what it takes? Are you ready to make a difference? If so, the door is open and it's time to take that first step. **LS**

## CCLS QUIZ - REASONING & ETHICS

SEE P. 28 FOR ANSWER KEY

ANSWER "TRUE" OR "FALSE" FOR EACH QUESTION BELOW.

1. An attorney and his secretary may, as equal partners, open an office which handles only unlawful detainer actions.
2. An attorney may reveal a client's confidential information if he reasonably believes that the disclosure will prevent a homicide.
3. Attorneys can agree to split fees between their offices so long as the client is not charged any more than they would be if only one office represented them.
4. An attorney may not accept a case that they know is not warranted under existing law unless there is a good argument for extension, modification, or reversal of such law.
5. An attorney must notify a client in writing, at the time of engagement, if he or she does not have professional liability insurance, unless that representation will be for a total of less than four hours.
6. An attorney may discuss a matter with the opposing party if that party calls and says his attorney is out of town and he needs to get some information to respond to discovery.
7. An attorney may continue representing her client even after discovering one of the third party witnesses is the attorney's cousin.
8. If a client disputes which portion of settlement funds paid for the benefit of the client is attributed to attorney fees, the attorney may not take that disputed portion out of the trust account to pay his rent.
9. An attorney may tell an individual that he will assist them with their divorce proceedings if the individual will introduce him to the CEO of the company that the attorney wants to represent in a large lawsuit.
10. An attorney may hire a disbarred attorney to draft motions and pleadings.



has been a member of Mt. Diablo LPA since 1988, holding numerous chair and board positions. Currently she is co-President, Parliamentarian, and CCLS chair for Mt. Diablo LPA. At the LSI state level, she is currently the Legal Specialization Sections Family Law Section Leader. She has her B.S. in Criminal Justice Administration and an M.S. in Psychology. She is a certified paralegal employed in Family Law and Probate/Estate Planning at the Law Offices of Rita A. Holder and the Law Offices of Richard D. Silvester in Concord, California.



# Disabled Attorney, Dead Attorney: It Happened to Me.

BY MARY LOU FLOYD, CCLS, PARALEGAL – SUBMITTED BY MT. DIABLO LPA

**O**n July 24, 2013, my career was turned upside down – more so than it had been in the previous six months. Since January 2013, I had been working for a Family Law attorney in Oakland, CA. I knew when I was hired the attorney was disabled, but her reputation was that she was a pit bull in the courtroom and was a highly sought after attorney. My journey began well and this seemed like a good fit for me. There was one associate attorney working at the firm, and another would be hired soon. The attorney envisioned having a powerful team comprised of three associate attorneys, me as the paralegal, and a receptionist/legal assistant.

The first turn in my journey occurred on April 3, 2013, when the attorney was hospitalized. She was a very demanding attorney, but had a viable practice. At this time, there were two associate attorneys working at the firm. Due to the tremendous demands the attorney placed on one of the associates, she quit. The other associate remained a few more weeks, but then she quit too. I was the lone survivor. I worked by myself, under the attorney's supervision, for two and one-half months.

The attorney remained in the hospital until May 18, 2013, when she was transferred to a healthcare facility. During this time, she anticipated being discharged and coming back to the law office to continue her practice. On July 15, 2013, she was released from the healthcare facility and sent home. One telephone conversation is still crystal clear in my mind – she was excited and said "I'm back!" and I said I didn't

know whether to run for the hills or not. She chuckled and proceeded to give me instructions about things that needed to be done. The morning of July 24, 2013, I received the phone call everyone dreads – the attorney had died the night before.

How did the practice run from April through July? The things I learned are things that need to be shared with other legal professionals. There is the psychological side working with someone who is disabled and ill. There is the legal side involving California Business and Professions Codes and California State Bar Guidelines.

The psychological side involves the illness, the attorney, personality changes, emotions, loyalty, leaving work at work, and, in this situation, the stages of grief. The issues related to the illness are how much should you know about the attorney's illnesses and how much do you want



to know. In a situation where the attorney is ill and disabled, you get to know the attorney from different perspectives – the private information, personal issues, and life changes. There is private information the attorney may or may not reveal. You risk crossing the boundary into the personal life of the attorney. You may be in a position to see the attorney's weaknesses. You see first-hand the life changes as they occur, but on some levels are in denial or want to hope for the best.

During my journey, personal and professional boundaries were crossed. I

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## DISABLED ATTORNEY, DEAD ATTORNEY

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found myself running personal errands for the attorney. The attorney was not able to do things for herself because of her illnesses and disabilities. She did not have family nearby, and I didn't know any personal friends of hers. I felt obligated to help her. She told me I became her legs and was getting paid to do whatever she asked me to do. I wound up somewhere in Oakland picking up soul food. Another time I was somewhere else in Oakland picking up a cake. A couple of times I was dispatched to San Francisco on purse hunting runs. There were numerous trips to grocery stores looking for the exact items she had requested. Even though I tried my hardest to keep her happy and do what she requested, there were times I failed. For example, it turns out I couldn't read food labels; I couldn't anticipate that she meant apple juice even though she typed grape juice in her e-mail; I couldn't read her mind; and I took too long going anywhere for her. We had a few screaming matches. I was cursed at. The moments were humiliating, frustrating, and sad, but in my heart I believed my journey was not over yet.

From a psychological point of view, I recognized the personality changes and the emotions. The attorney went from being demanding, in control, and brilliant to becoming dependent, mean, clingy, and depressed. Some of these changes were due to medications, dialysis, and other medical treatments. I felt a loyalty to the attorney and to the clients. But the months from May to July became so consuming it was impossible to leave the situation at work. I became the lifeline for the attorney. She would begin her barrage of phone calls at 6:30 am. I tried setting boundaries by not answering my cell phone until after 8 am. The barrage continued when I got to the office. It was not unusual to receive 12-25 phone calls from the attorney before noon. There were times I had 10-40 e-mails from her. My day was consumed by the attorney, by her illness, by her disability, by her.

My office routine consisted of at least two trips to the hospital or healthcare facility to see the attorney. I would pack all the mail, client files, and packages she needed to see. We would go through everything and she would give me instructions on what she wanted done. Her iPad became our lifeline. She would review documents that were drafted, make changes, or call me with the changes that needed to be made. I kept close tabs on the client files that I took to her because of the concern for confidentiality. Client documents were scanned and e-mailed. She put client phone numbers into her cell phone so she could maintain contact with clients.

In the last few weeks before the attorney died, there were moments I questioned her competency. I reviewed the California State Bar Act and Business and Professions Codes seeking answers. To this day, I am not sure what steps I could have or should have taken because I was hopeful that things couldn't get worse. Then the worst happened – she died.

The first step is to call the Department of Deceased Attorneys at the California State Bar (213-765-1368). I received a call back late the next day by my own personal contact person at the State Bar level. She e-mailed the guidelines for winding down a practice. Unfortunately, because the attorney did not leave a contingency plan, the burden was placed on my shoulders to take steps to wind down the practice. The first step is to contact all active clients, opposing counsel, evaluators, etc., and inform them the attorney had passed away. I did that. I did not feel comfortable performing the next steps without a supervising attorney, so I called my contact at the State Bar. By the way, I am no longer being paid because the attorney is deceased!

I informed the State Bar contact I did not feel I should take the remaining steps without an attorney supervising the situation. The State Bar contact informed me that the attorney's staff and family usually volunteer to wind

down the practice. What? For free? I don't think so. I informed her I couldn't do that. The State Bar contact informed me that I needed to call local attorneys and ask if any of them would be willing to volunteer to wind down the deceased attorney's practice. I called approximately 10-15 attorneys. They all declined for various reasons. There was no family that I knew of to call. Now what?

It was time to declare the practice had been abandoned. By declaring the practice abandoned, the burden rested on the California State Bar to take over the practice. Before I made the final phone call, I ran client billing one last time. I made a pile of statements for clients who owed the firm money. I made a pile of statements for clients who had money in client trust accounts. I put post it notes on the computer with the passwords to all the programs, including the password to the telephone voice mail. I left a note with my personal cell phone number. I packed all of my personal items and took them to my car. I pulled the active client files and placed them on the credenza. I pulled files for office equipment that was being leased and placed those files on the receptionist desk.

When I spoke to the contact at the State Bar, it became apparent my choice of words made a tremendous difference in what transpired. The contact person was not available so I left a voice mail message indicating the practice had been abandoned; 10-12 attorneys had been called and all had declined to wind down the practice; there were active cases; and, the deceased attorney had paid bar dues for many, many years. I informed the State Bar I believed that in this situation it was their responsibility to take over an abandoned practice and to take over the client trust accounts. I informed the State Bar I would be walking out of the office at a certain time, securely locking the office, and

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taking all of the office keys downstairs to the main office in the building on the first floor. I also left my cell phone number.

The State Bar contact called me minutes before I was going to walk out of the office. She said I was correct on all the points and the State Bar would be taking over the practice. She thanked me for all the information I provided her. I felt my journey had come to an end. As the lone survivor, I believe I had done the right thing for the clients and for myself.

Some helpful resources were the Practitioner Checklist which can be located at <http://trustslaw.calbar.ca.gov/Publications/Practitioner-Checklist.aspx>; and the State Bar of California Website at <http://calbar.ca.gov>. Terms you can search include "winding down a practice," "closing a practice," and "The State Bar Act."

I had wise counsel from a judge and several Family Law attorneys in Oakland. Their insight, advice, and help with what should be done were extremely helpful. For that I am grateful. I had their support in taking the

last steps to close the doors to the practice. Please ask your attorney if he or she has a contingency plan in the event of a life-changing disability or death. Please ask if your attorney has estate planning documents, and where they are and/or who has them. Please talk with your attorney about what to do in the event of a life-changing disability or death. Although it is an uncomfortable topic, it is a necessary one to provide clients with direction, to prevent chaos, to prevent additional stress on office staff, and to know what the attorney would have wanted done.

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## DIANA E. ESTABROOK, PLS

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of LSI. Juggler! It was a successful two years with NALS and because of the resignation of the LSI Executive Secretary, who moved to the financial field, Diana was able to move up the LSI officers' ladder a tad faster than usual.

All the while, Ray's practice had grown with the "factory" in Santa Rosa, a secretary, paralegal, RN, claims adjuster, court reporter, and Diana (the bean counter). They had satellite offices in four other locations: seeing clients there, bringing their files back to the "factory".... juggling!

Today, both Diana and Ray say they are semi-retired, however, she believes that lawyers and legal secretaries never retire; there is always "just one more" case, someone that needs help and so

the beat goes on. Diana has seen her office transition from her portable typewriter that she used in college, big chief tablets and crayolas, carbon paper and white out, to computers, scanners, iPads and iPhones! Talk about a learning curve. She never thought she would get beyond the mag card!

Diana would like to extend her thanks to those who have been her mentors, who have helped her be a better legal secretary and broaden her view of her profession beyond Sonoma County by helping her attain her secret wishes: fulfilling the roles of both SCLSA and LSI president.

Along this journey, Diana prays that she has been, at least, in some small

way, a mentor to others; and while LSI president, she remains thankful and appreciative to those who were friends and who stepped up to serve this organization and whom she still calls "friend" today. She also thanks those who went on to become LSI Presidents and others who have and still serve this professional association in so many ways both locally and at the state level.

In closing, Diana really enjoyed being the LSI president. That office and this corporation have taken her to places she never imagined and Diana wishes the same for all of you!

LS



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**California Certified Legal Secretary**  
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**APPLICATION**

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

**CCLS Certifying Board  
14403 Leibacher Avenue  
Norwalk, CA 90650**

(Select One)	(Select One)
<input type="checkbox"/> Northern California <input type="checkbox"/> Southern California	<input type="checkbox"/> Saturday, October 19, 2013 <input type="checkbox"/> Saturday, March 15, 2014

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

EXAMINATION FEES*			
<b>LSI MEMBERS**</b> Registration fee: \$ 25.00 Examination fee: <u>\$ 100.00</u> Total \$125.00	<b>Non-LSI MEMBERS</b> Registration fee: \$ 75.00 Examination fee: <u>\$ 100.00</u> Total \$175.00		
<div>Enclosed is a check in the sum of \$ _____, payable to LSI.</div> <div>* Fees subject to change without notice.</div> <div>** LSI members: Name of local association: _____ LSA/LPA. <b>Please enclose a photocopy of your local membership card.</b> You must be a member upon application to be eligible for reduced fees.</div> <div>*** Include \$30 late fee if applicable.</div>			

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

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

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

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

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

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

Employer: \_\_\_\_\_

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

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

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

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

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

Rev. July 2013



# Quarterly Assignments

**THE FOLLOWING ASSOCIATIONS ARE EXPECTED TO SECURE ARTICLES FROM GUEST WRITERS FOR PUBLICATION IN THE MAGAZINE ISSUES SPECIFIED BELOW.**

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

## Dates to Remember in 2013

OCTOBER 14, 2013	COLUMBUS DAY	DECEMBER 7, 2013	PEARL HARBOR REMEMBRANCE DAY
OCTOBER 19, 2013	CCLS EXAM	DECEMBER 21, 2013	WINTER SOLSTICE
NOVEMBER 11, 2013	VETERANS DAY	DECEMBER 25, 2013	CHRISTMAS DAY
NOVEMBER 15-17, 2013	LSI 2ND QUARTERLY CONFERENCE THE HOTEL MAYA, LONG BEACH, CA HOST ASSOCIATION: LONG BEACH LPA	JANUARY 1, 2014	NEW YEAR'S DAY
NOVEMBER 28, 2013	THANKSGIVING DAY	JANUARY 27, 2014	DEADLINE FOR LSI NOMINATIONS
NOVEMBER 29, 2013	DAY AFTER THANKSGIVING	FEBRUARY 21-23, 2014	LSI 3RD QUARTERLY CONFERENCE
DECEMBER 1, 2013	DEADLINE FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY EDITOR		DOUBLETREE HOTEL MODESTO, MODESTO, CA HOST ASSOCIATION: STANISLAUS COUNTY LPA AND MERCED COUNTY LPA

## Helpful Websites

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

**Office of the Attorney General**  
[www.ag.ca.gov](http://www.ag.ca.gov)

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

**California Assn. of Legal Support Professionals**  
[www.calspro.org](http://www.calspro.org)

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

**California State Bar**  
[http://www.calbar.ca.gov/state/calbar/calbar\\_home.jsp](http://www.calbar.ca.gov/state/calbar/calbar_home.jsp)

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

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

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

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

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

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

**California Secretary of State**  
[www.sos.ca.gov](http://www.sos.ca.gov)

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



## JORDYN GIBBS

is the newly elected Governor for 2013-2014 for the Desert Palm Legal Professionals Association (DPLPA). Jordyn is employed at the the Law Firm of Thurman W. Arnold, III, in Palm Springs. She recently bought her first home in Desert Edge, CA, where she lives with her fiancée, Ruben, and her pitbull, Mary. Jordyn and Ruben plan to marry on 12/13/14.

# Historical Tidbit of the Legal Secretary

BY JORDYN GIBBS - SUBMITTED BY DESERT PALM LPA



The Sumerians of Mesopotamia in 2500 B.C. were one of the earliest to keep records on clay tablets using a stylus. Over the centuries, the educated scribe became an important and well-respected figure in society.

In the modern world, women held secretarial positions in the legal arena, taking dictation in shorthand notes. The dictating machine gave way to transcribing from a recorded voice. When I was young in the legal field, the law firm I worked at had a full-time word processor that did nothing but transcribe long dictation. With the technology of servers and a computer on every desk, today many attorneys type a lot of documents themselves.

The importance of the legal secretary became evident in 1929, with the idea to form a group of legal secretaries. That idea blossomed in 1934, and by 1940, Legal Secretaries, Incorporated officially formed and the spread of local associations under LSI formed one after the other. In fact, the association I am

The history of the Legal Secretary goes back thousands of years to the beginning of the written word, when it was necessary to keep business records and transactions, recording history, and the decisions of governments or ruling classes.

a member of and Governor for, Desert Palm Legal Professionals Association, was chartered in 1961.

There are many different types of legal secretaries. A legal secretary who specializes in estate planning may be involved primarily in the drafting and preparation of wills, revocable and irrevocable trusts, powers of attorney, and other relevant documents. A corporate legal secretary prepares articles of incorporation, as well as forms and other documents needed for filing with the Secretary of State's office or with the Internal Revenue Service to officially create a new business entity. A legal secretary specializing in family law will focus on preparing documents related to divorce, adoptions, marital settlements, changes in child support, and visitation or custody issues.

Being a legal secretary as opposed to a secretary in a general business brings added responsibilities, but the benefit is an increase in salary. Sometimes, a legal secretary also acts as a paralegal depending on the size of the law firm and the number of attorneys in that firm. The larger the firm, the more legal secretaries it requires. Also, a legal secretary may be promoted to paralegal status and would be required to submit billing hours for work that would otherwise be done by an attorney; however, all the work he or she does is under the supervision of an attorney. Today, a legal secretary may

pass a state examination that covers a variety of legal areas to become a Certified Paralegal, thus enhancing the demand for her services in addition to greater pay.

It is beneficial to the legal secretary and any ambitions she may have for advancement and/or job security to become familiar with specific areas of the legal profession -- and there are many to choose from. Certain areas will appeal more than others and they can include corporate, family law, criminal, real estate, probate, civil litigation, and others. Depending on where the legal secretary seeks employment and the more familiar he or she is with a specific specialty, he or she will most likely have a better chance of employment with possibilities for advancement. With Internet capabilities and many courts posting dockets and court calendars online, the legal secretary's value and usefulness to her employer continues to grow. No doubt, there will be other avenues pertinent to the role of "legal secretary" that will reveal themselves to make this position of greater importance.

Legal Secretaries, Incorporated offers California legal secretaries education and testing for CCLS (California Certified Legal Secretary). Certification is achieved by passing a comprehensive

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was born in Chicago, Illinois and has been married to Margaret B. Fullerton since 1953. He has four children, ten grandchildren, and six great-grandchildren. He attended Duke University and received his B.A. in 1953, was a member of Phi Beta Kappa, Phi Kappa Psi (social), Omicron Delta Kappa (leadership), and was Editor of the Duke Chronicle. He also attended Stanford University, 1956, Order of the Coif (scholastic, top 10%), Stanford Law Review (1954-55) and was the recipient of a Research Grant from the Fund for the Republic. Mr. Fullerton is a retired lawyer and currently lives in Fresno, California.



# As They Vanish, a Salute to Valley Legal Secretaries

BY PHILIP C. FULLERTON

Legal secretaries are a “dying job,” reported the Wall Street Journal on June 27. They have been largely displaced by technology and a slowing economy. But before this noble group passes into oblivion, I feel compelled to laud them as one of the least understood and least appreciated category of workers.

I practiced law in Fresno from 1956 to 1984, 28 years. Vast changes occurred not only in the law business but in the community during that time. At the commencement of this period, there were only two women attorneys in the county. And I never saw a male legal secretary. Instead, the custom was for women to be socially restricted to the jobs of nurse, school teacher or secretary.

This grossly unfair practice resulted in the pool of legal secretaries being hugely overqualified. My secretaries included, for example, a woman who would become one of the Valley’s leading real estate brokers, a talented actress at Roger Rocka’s, two attorneys, a building contractor and much more.

Outstanding talent was required. First, of course, was typing, since letters, documents and court papers are the heart of the practice of law. We required 60 words a minute with few errors. Typing was done on manual typewriters, which required an even stroke. And accuracy was critical because copies were made by carbon sheets inserted between copies, often as many as seven sheets and copies.

Any error required eight erasures, a daunting project. It would take decades for copy machines to displace the carbon sheet and the carbon copy, the “cc.”

Shorthand was required, usually 140 words a minute. The secretary would seat herself in my office, and I would dictate the letter or document. Alternatively, there were Dictaphones which coupled with a foot pedal allowed her to transcribe the document from the previously recorded message.

But the tasks didn’t end there. Calendaring was critical. Not only appointments but court dates and vacations. This created a network of secretaries who usually cooperated between legal offices to straighten things out. This took much diplomacy because defendants were always asking for more time yet needed to be accommodated to some degree so that I could have a vacation!

Then came the telephone answering. To function, an attorney must be able to limit phone calls. Office law is a

## (NOTE FROM THE EDITOR)

Dear Members,

Most of you have no doubt heard about the Wall Street Journal article entitled “Legal Secretary, A Dying Job,” published on June 27, 2013. I tried to get permission from the Wall Street Journal to reprint the article, but unfortunately, they requested several hundred dollars to do so. Since the publication of this article, there have been many responses to this piece, many of which disagree with the author’s view. I thought it important to share one person’s view of the article and I am pleased to present it to you below.

While some disagree that this profession is vanishing, I hope that the message taken from the Wall Street Journal article will serve as a reminder that legal secretaries must continue with their education, learn about their firms’ practices and familiarize themselves with the modern tools of the trade. As one poster mentioned: “those intent on only working 9-5 and unwilling to acquire new skills well into adulthood will be increasingly relegated to compete in the declining unionized public-sector.”

I hope you enjoy Mr. Fullerton’s article and I look forward to hearing some feedback from our membership.

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**LEGAL SPECIALIZATION SECTION SEMINARS**  
**LSI 2nd Quarterly Conference – November 15-17, 2013 – Hotel Maya**  
**Hosting Association: Long Beach LPA**



**REGISTRATION FORM - DEADLINE IS Tuesday, November 5, 2013**

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

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

<b>LSI SECTION MEMBER:</b> Free with Advanced Reservations \$5.00 at the Door/After Deadline Handout Only: \$5.00	<b>LSI NON-SECTION MEMBER:</b> \$10.00 with Advanced Reservation \$15.00 at the Door/After Deadline Handout Only: \$10.00	<b>NON-LSI MEMBER:</b> \$15.00 with Advanced Reservation \$20.00 at the Door/After Deadline Handout Only: \$15.00
<b>Friday, November 15, 2013 – 7:30 p.m. to 9:00 p.m.</b>		
<b><u>CRIMINAL LAW:</u></b> Topic: <i>"Criminal Law &amp; Procedure"</i> Speaker: Richard L. Poland, Esq.  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>LAW OFFICE ADMINISTRATION:</u></b> Topic: <i>"Data Security - Client Files in the Cloud"</i> Speaker: Adrian Francoz, Senior Solutions Consultant, WAMS  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
<b>Saturday, November 16, 2013 – 10:30 a.m. to 12:00 p.m.</b>		
<b><u>FAMILY LAW:</u></b> Topic: <i>"Termination of Parental Rights"</i> Speaker: Lauren K. Johnson, Esq.  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>TRANSACTIONAL LAW:</u></b> Topic: <i>"Intellectual Property Through Tax Filters"</i> Speaker: Curt Harrington, Esq.  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	
<b>Saturday, November 16, 2013 – 4:00 p.m. to 5:30 p.m.</b>		
<b><u>CIVIL LITIGATION:</u></b> Topic: <i>"Employment Law Updates"</i> Speaker: Pamela A. Swindells, Esq.  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	<b><u>PROBATE/ESTATE PLANNING:</u></b> Topic: <i>"Trust Funding – Trust Wrap-up"</i> Speaker: Marie A. Cioth, Esq.  <input type="checkbox"/> I will attend <input type="checkbox"/> Handout Only <input type="checkbox"/> Section Member <input type="checkbox"/> Non-Section Member <input type="checkbox"/> Non-LSI Member	

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

*Speakers and Topics are Subject to Change*

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

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is a criminal defense attorney at Grimes & Warwick where she represents individuals and corporations in criminal matters, state and federal. Dana received her Juris Doctor from University of San Diego. She received her undergraduate degree from UCLA.



# Treatment Options in Criminal Cases

BY DANA GRIMES, ESQ. - SUBMITTED BY SAN DIEGO LSA

## ***Increase in Drug-Related Deaths***

Drug-related deaths in the United States have more than doubled in the last 10 years. Now, over 37,000 people die of drug overdoses yearly—that's more than the number of people who die in traffic collisions. A growing percentage of these overdoses are from prescription narcotics. The government's response includes greater monitoring of databases for controlled substances, such as the CURES system in California. The CURES system is an online database which allows healthcare professionals, pharmacists, law enforcement, and regulatory boards to access timely, patient-controlled substance history information in an effort to prevent so-called "doctor shopping."

The government has also responded by prosecuting doctors for illegal prescribing practices, and in some cases, involuntary manslaughter. For example, Michael Jackson's personal physician, Dr. Conrad Murray, who administered a fatal dose of the anesthetic Propofol – as a sleep aid – to Jackson, was sentenced to four years in prison for involuntary manslaughter. The jury agreed with the prosecutor, who argued that Murray acted with criminal negligence by treating the singer with the sleep aid in his home – a practice the prosecution experts testified was highly unsafe.

## ***Common Drugs of Abuse***

Often, the role of criminal defense counsel involves working with substance abuse professionals to come up with a viable treatment plan for clients, many of whom would never be before the court on a criminal case if it were not for a substance abuse problem. These problems range from one bad decision involving binge drinking to a full-blown narcotic addiction. One significant difference between being a private lawyer and working for the Office of the Public Defender is that in private practice, we see clients who

still have family and resources available to them, which is a significant advantage in tailoring a sentence that focuses on rehabilitation.

**Alcohol:** Many people drink alcohol socially and some research suggests that people who drink moderately live longer than those who abstain. However, millions of people – including a large number of highly functioning professionals – should never drink. Alcohol abuse is a major factor in criminal cases and, perhaps because it is legal, many people who abuse it deny that they have a problem, even when confronted with police reports that detail conduct they cannot remember. While a defense attorney cannot act as a substance abuse counselor, sometimes it is in the client's best interest to talk to his or her attorney about the fact that alcoholism is a progressive and terminal disease.

**Marijuana:** Its use has been decriminalized in California (while sales or possession for sale cases remain serious felonies). Marijuana use typically does not lead to the type of violent crime meth or even alcohol abuse can lead to. However, it can greatly impair a person's ability to drive and the San Diego District Attorney and City Attorney

prosecute a high number of driving under the influence of marijuana cases. These cases can be defensible when a person's chemical test results are not particularly high. But when bad driving is combined with high THC levels in a defendant's blood, the consequences are just as serious as driving under the influence of alcohol.

**Cocaine:** At one time, cocaine was popular among professional athletes and movie stars, but it is thankfully less popular now that people are aware it can be highly addictive. Possession of cocaine cases still exist, of course. One problem with the charge of possession of cocaine is that it is a non-reducible felony. This leads to the arbitrary result that a person who is found with cocaine is charged with a non-reducible felony, while a person who is charged with possessing meth is charged with a wobbler felony, which has the potential to be reduced to a misdemeanor. (For eligible defendants, Penal Code §1000 drug diversion is available on cocaine possession cases.)

**Methamphetamine:** We have not done an official study, but our bet

*Continued on page 20*

would be that if you asked law enforcement, criminal defense attorneys, and everyone else in the San Diego criminal justice community which drug causes the most damage, crime, and pain, the clear answer would be meth. Meth is cheap, its effects are long lasting, it's extremely addictive, and it produces violent and paranoid behavior. Meth is still primarily a street drug, although over the last five years or so we have seen dramatically increased use in households across San Diego, especially in the East County, where most of the meth produced in San Diego is cooked. Meth is easier and cheaper to make in Mexico and its value approximately doubles when it crosses the border. Meth is still imported in large quantities by boat or car into San Diego. Federal meth importation cases are common and can result in huge sentences. For example, if a mule crossing with meth is caught at the San Ysidro port of entry with 15 kg. or more of meth in his tires, the base offense level in federal court is a level 38 – which correlates to a range of 235-293 months in prison, even if he has no criminal history. Suffice it to say that a number of indigent, low-level drug mules, getting paid around \$500 to \$1,000 to cross the border, go to prison for 10 to 20 years on meth importation every day in federal court in San Diego. These sentencing ranges have not appeared to impact the cartels that run the multi-billion dollar drug trafficking business.

Heroin: Opiate users are rarely violent, but they often lie and steal to support this very strong addiction and the risk of death by overdose is great. Out of all of the historic “street drugs,” heroin is perhaps the one that has made the largest leap over social divides and into affluent San Diego households in recent years – especially through its increased presence at high schools. Twenty years ago, our office would not have had any cases in which a 17-year-old La Jolla Country Day student was caught with black tar heroin, or a Francis Parker student was caught selling it. Now these cases are fairly common, and young clients do not

seem to feel the same social pressure or stigma that used to be associated with intravenous “hard” drug use. The synthetic opiates, such as oxycodone and hydrocodone, are also highly addictive. Some of our saddest cases involve people who were prescribed Vicodin for a legitimate surgery, continued to take it to manage their pain, and became addicted to it. These citizens are then arrested for crimes like using false prescriptions or driving under the influence, or their Vicodin addiction spirals into a heroin addiction and they are arrested on heroin-related charges.

### ***Treatment Programs: You May Want to Hire a Consultant***

Cindy McCain, Betty Ford, and Rush Limbaugh are good examples of people who suffered from addictions to prescription medications and made successful recoveries. Charlie Sheen and Lindsey Lohan are reminders that many people relapse after doing residential rehab. It is often said that relapse is a part of recovery. Some families can afford to spend \$150,000 on an in-patient program and then do it again for every subsequent relapse, but most families cannot.

Drug rehab is big business. Costs vary dramatically between programs and the price is often negotiable. Criminal defense attorneys and family members of people who suffer from substance abuse issues are often not aware of how helpful it can be to hire a consultant – one who is not on commission. Our office often consults with drug rehabilitation consultants and counselors, who, for a nominal fee of a few hundred dollars, will guide a client's family in finding the right program and in finding a bed at a program. Rehab programs come and go, and some \$1,000-per-month programs are as effective as other \$60,000-per-month programs. Other programs, like CRASH and Volunteers of America, are subsidized by the government and there is little or no cost to the patient (although there is often a long wait).

Some treatment facilities work on a sliding scale based on an individual's ability to pay. The independent consultants who work on a daily basis with these programs can save a client a lot of time and money, and can help find the best fit for that particular client. Some of the consultants also work with the courts on drug programs, so they have insight into the court process and are aware of the reputations of different programs within the court system.

Specialized treatment programs exist for substance abuse for professionals who have criminal cases related to drug abuse. The state bar has programs for lawyers and the medical board has programs for doctors. Participation in these programs can be an important condition of probation for these people, not to mention an important part of their overall recovery.

### ***Treatment In Lieu Of Custody***

Every inmate wants to get out of jail right away. If they are addicted to drugs, they are particularly eager to get out, because they are going through withdrawal. If the inmate is willing to go into an inpatient rehab program, it is best if they go to the program straight from jail. If the court orders the inpatient program as a condition of bail or release on the person's own recognizance, the defendant is entitled to custody credits for the time in the program, under Penal Code §2900.5.

Sometimes drug diversion is available as part of a plea agreement with the People. Penal Code §1000 drug diversion is available in drug possession cases to defendants with no prior drug convictions, when the offense does not involve violence or drug offenses other than simple possession, and for defendants with no record or minimal records. It involves about 10 weeks of weekly classes and fees of about \$350, and successful completion of the program along with staying



## TREATMENT OPTIONS...

*Continued from page 20*

clean for a period of 18 months results in the dismissal of the case. Penal Code §1210 is another drug diversion program, which passed overwhelmingly by initiative. This is available to some non-violent offenders who have criminal records that make them ineligible for PC §1000, and the treatment requirements are more involved than PC §1000.

In federal court, defendants sentenced to prison will be screened for eligibility for the RDAP 500-hour prison inmate drug program. This program is only available to prisoners who have at least 15 months remaining on their sentences. Participation in this program can result in a sentence reduction of up to 12 months and early placement in a half way house.

### Staying Out of the System

The criminal justice system is designed to punish offenders, not treat addicts. It can be difficult to shift the focus from punishment to rehabilitation, although in the last few years the prison overpopulation crisis has created more opportunities for treatment in lieu of custody. The San Diego Probation Department is under pressure to do more supervising and treating and less violating of probationers, but they are law enforcement, not social workers, and they have huge caseloads to manage. Of course, it is best if people seek treatment before their substance abuse problem brings them into contact with the law. *Reprinted with permission.*

LS

## HISTORICAL TIDBIT

*Continued from page 16*

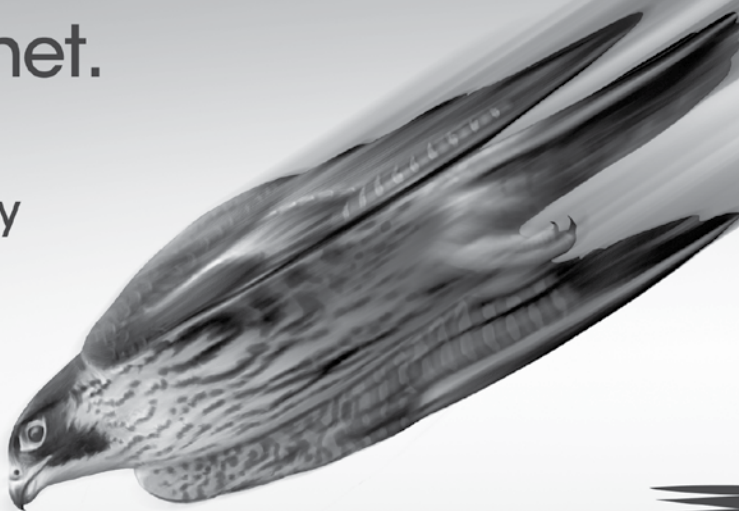
examination. Candidates are tested in California legal procedures, legal terminology, performance skills, reasoning and ethics, law office administration, communications, and legal computations.

Although it seems that legal secretaries should have always had an important role in the legal field, they have not always been appreciated as much as they are today. Legal secretaries were thought of as the do-all for the attorney, simply there to assist and obey the attorney. But in this day and time, attorneys are beginning to realize how valuable their legal secretaries are to the law office. In the old days, legal secretaries were not certified, but now, with so many certifications such as California Certified Legal Secretaries (CCLS) requiring educational credits, and Mandatory Continuing Legal Education (MCLE) credits, attorneys are realizing the value and worth of their legal secretaries. The turning point for all office professionals was 1955, with the official Administrative Professionals Day. This was the beginning of the realization of how important all office professionals, including the legal secretary, were to become.

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tion, she passed the CCLS exam in 2003. She has worked for Shearman & Sterling; Cooley Godward; Morris & Nakaue; Best Best & Krieger; and has been with Somach Simmons & Dunn since May of 2008, a top-notch firm and friendly work environment. She started her legal career working for a law firm in San Francisco as one of the two accountants in the accounting department, and was in charge of accounts payable, which translated into categorizing, reviewing, and approving expense reports and the various bills for the San Francisco and Menlo Park offices.

Astrid was always good at numbers, but she really wanted to be a legal secretary. The friends that she had at the time made the job look fantastic, classy, and interesting, and she wanted to be a part of that. Eventually, Astrid moved to a different law firm in San Francisco and worked as an immigration legal secretary. After the birth of her second child, she found a litigation job in Stockton and waited until both of her children could attend school before taking on a position in Sacramento. Being a legal secretary was a great experience, but she really enjoyed the research, citations, and writing, so she went back to school to obtain a paralegal degree. Her office manager told her that she should remain as a staff accountant because she was good at that and would not be a good legal secretary. The office manager said “you are not smart enough to be a legal secretary,” said Astrid.

English is not Astrid’s first language; it is her second. She was born in El Salvador and immigrated to the United States when she was in elementary school. She struggled a lot with The Gregg Reference Manual, but eventually overcame it and succeeded. She still has occasions when words and thoughts must be translated into English in her head, but she manages. So she also does not appreciate being told that she can’t do something, nor does she appreciate when others don’t provide an opportunity to grow. Since then, education has been her main

focus. She would often question herself, asking why she was smart enough to handle the millions of dollars the firm brought in, but not smart enough to prepare a letter or a pleading? So, initially she set off to prove the office manager wrong and, as she became more and more involved, she found that she really enjoyed the legal field, litigation especially.

The best part of Astrid’s job is her co-workers and the type of work that she is fortunate to have. She enjoys being a part of the team, reviewing the cases, putting together case binders, and helping to gather the needed evidence to ... win! She considers herself highly competitive, but it can be a problem at times, since she doesn’t like to lose, but when she does, she takes the time to learn from it, so that if the situation arises again, she makes sure to win.

Astrid enjoys working on complicated cases and trial work—the crazier the case, the more law and motion involved, the more fun she has. She is best known for her editing skills and loves citations and grammar, and especially loves using her “red” pens. She enjoys the challenge of editing a brief and reviewing the cases being cited to ensure the quality of work.

In town, Astrid is best known for her involvement in the Sacramento Legal Secretaries Association and served as its president in 2005-2007 and 2010-2011, and she is currently serving as its parliamentarian. She has taught the Beginning Legal Secretary course for nearly 10 years and has trained many of the staff in town. She also taught the California Certified Legal Secretary classes and had a very successful passing rate when she did teach.

Astrid is also a member of the National Association of Legal Assistants, and the Sacramento Valley Paralegal Association. Eventually, she would like to obtain her CLA/CP and perhaps even an additional degree specializing in civil litigation. As you all know, Astrid is the recipient of the LSI President’s Award in 2008 by President Christa Davis for her work

as the LSI CCLS Chairman, and in 2013 by President Sandra T. Jimenez, CCLS, for her work as the LSI Parliamentarian. She has also received a Parent Involvement award for her work in assisting the junior high her girls attend with their various sports programs, specifically volleyball.

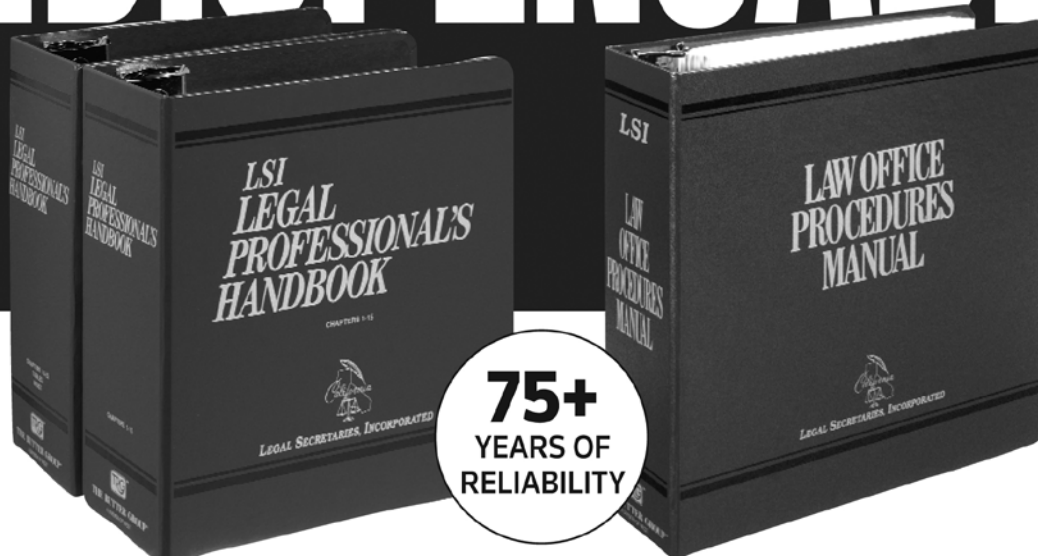
When talking about the legal field today, Astrid mentioned that she thinks that at times the attorneys don’t realize what an asset they have in their legal staff. “It is unfortunate to see a shift of adding 5-7 attorneys to one secretary and expecting success. A true legal secretary should be the most important asset to the attorney. A true team consisting of a partner, an associate, a paralegal, and a legal secretary can be the best legal team ever – if only it were recognized more often.” She would like to bring back some of the “old school” ways of practicing law, back when the attorneys would communicate more and involve their staff more in their day-to-day practice. I have to admit, I agree, and like Astrid, I like the old school way of writing – more formal and to the point, rather than the long drawn out letters of today with a bunch of typos. Canceled is with one “L” people!

Her advice to new and recent legal support staff professionals is to “get as much education as possible. Don’t ever stop learning something new! Don’t become complacent with your current knowledge. The law changes twice a year, so why should you stay stagnant. Do something positive for the legal community and share your knowledge with the newbies. Remember, EVERYONE had to start at the beginning.” And as some have experienced, it is especially difficult when the older, more experienced staff members keep their knowledge to themselves for job security—sometimes they forget how frustrating it can be as a new legal staff member. “Share your knowledge! Train the summer clerks well from the beginning, you never know who will grow up to be a partner one day and remember you!”

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WILL KAY, ESQ.

as he is known in these parts, was born in Missouri and raised in Seattle, Washington. He attended local schools and graduated from Seattle University in 1966 with a Bachelor of Arts in Political Science. After military service in the US Army with service in the Republic of South Korea, he attended the University of San Diego's School of Law, graduating in 1972 with a Juris Doctor degree. Involved with the local community, Will has been president of Rotary Club of Eureka, Humboldt County Bar Association, the Ingomar Club, and chair of the Board of Trustees for St. Joseph Hospital and Redwood Memorial Hospital, and was founding chair of Six Rivers National Bank. He is currently serving Legal Secretaries, Inc., as an advisory member of the CCLS Certifying Board

# The Law Office Team of Multiple Talents

BY WILL KAY, ESQ. - SUBMITTED BY HUMBOLDT COUNTY LPA

## About me

This article is authored by a country lawyer in general practice. Though I've worked in the "Big City," namely San Francisco, San Diego, and San Jose, I opted for the quiet life of the country back in 1977, when I moved to Eureka. During my years of practice (which I'm shocked to recognize has passed forty), I have had the experiences of working in the corporate world, the challenging environment of a deputy district attorney, in private practice as an associate and later as a partner in small firms, and now as a sole practitioner.

The perspective that I set out below is an informal and unscientific series of observations of the talents, qualities, responsibilities, attitudes, and personalities of the law office team in the simple settings with which I am familiar. I hope to create some comment, even debate, over these observations, so that the dialogue will help the reader think about himself/herself, and the role that s/he plays and fits in the scheme of the modern law office team.

## About the Lawyer

Briefly, the lawyer is the quarterback, the leader of the team. S/he should be the originator of work for the team, be it preparing a contract or will, forming a business entity, conducting discovery, or presenting evidence at trial. You know the diversity of work that lawyers perform. Not only does the lawyer need to be a leader, but also a manager. These roles require different talents, and some lawyers possess only one of them. At times some lawyers possess none of them! Creating a plan of action and carrying it out are two different functions. The lawyer needs both quali-

ties to be successful in the practice of law. If the lawyer is deficient in an area, the team must take up the slack. The lawyer needs to recognize his/her shortcomings and task the secretary and/or the assistant with assignments that will cover the shortfall. And the lawyer needs to appreciate the team and to be appreciated by the team for their combined work and contributions to the services rendered to the client. Sometimes we lawyers think of ourselves as the STAR of the team. Well, if that characterization is anywhere near a reality, the star must acknowledge that the height of the orbit is a function of the thrust and strength of the team.

## About the Legal Secretary

The legal secretary plays a varied and diverse role on the team. Observing that a legal secretary has to be a multi-tasker is an understatement. The areas of responsibility that a legal secretary must manage and control are daunting in number and variety. The challenge presented to the legal secretary is to perform all of these tasks, all at the same time, and all the while presenting an image of calm and cool

professionalism, as the vortex swirls around his/her head.

In many respects, the legal secretary also serves as the marketing department for the practice. His/her skills and personality in dealing with the "public" either make or break new or continuing relationships with clientele. Usually the legal secretary is the first encounter that a client has before gaining access to the lawyer. These contacts may be in person or by phone. Somehow the legal secretary must be intuitively aware of the thinking of the lawyer with respect to whether or not s/he wishes to be disturbed at the time of the contact. This screening requires awareness of the circumstances and stressors of the office that can include the volume of the day's scheduled work, the prioritization of deadlines, and the incessant interruptions that deflect one from the path of the day's goal. I call the "goal" one's reason to live! I'm not exactly sure how all this works, but a good legal secretary simply "knows." It is often amusing to me to learn the reason given that has served as the

*Continued on page 27*

obstacle to immediate contact with me. I often wonder if legal secretaries were the originators of the concept of plausible denial.

Unfortunately, the legal secretary cannot have a “bad” day. Creating at least the façade of composure and goodwill is a daunting task when confronted with personal issues, never-ending phone calls, interruptions from team members, the letter carrier, delivery persons, and equipment breakdowns. All of these obstacles to getting the day’s work done should be greeted with a smile and a kind word. It is essential that the legal secretary maintains a positive attitude, notwithstanding the reality.

The legal secretary oftentimes serves as the institutional memory for the practice. Beyond the normal areas of remembering at one’s fingertips: client names, the services being provided to those clients, the location of their files, the deadlines that must be met, lawyer appointments, both in/outside the office and most importantly in court; the legal secretary is often challenged to remember client names and case files of closed matters that can be of several years’ vintage. A good legal secretary has an elephantine memory!

It is important for the lawyer and legal secretary to communicate with each other on a high level of efficiency. The lawyer should give clear direction to the legal secretary, so that his/her efforts are not wasted. In my experience, the key to effective communication is focus on the parts of both the lawyer and the legal secretary in order to insure that the tasks are clear, time limits defined, and priorities assigned in relationship to other work being performed. In reality, this is a complex responsibility. The ability to prioritize tasks requires that the legal secretary fully understands the requirements and deadlines associated with each type of legal matter, and the

status of each client’s case progression in light of the client’s expectations.

It is a given that the legal secretary must be a skilled individual. These skills include command of English grammar, spelling, and writing. In many areas of California, having bilingual skills may be essential. A working knowledge of computers, both hardware and software, is extremely helpful, especially on those magical days when work is overwhelming, and a printer, computer or its program shuts down. The ability to proofread is absolutely necessary if outgoing papers, be they letters or pleadings, are to carry the intended image of the firm. How many times do we receive the papers from others which contain typos or grammatical errors? What is your impression of the authors of the papers? The goal should be perfection.

### ***About the Legal Assistant***

Like the legal secretary, the legal assistant should be highly organized with an accurate understanding of the status and time requirements for each case s/he is handling. Some legal secretaries possess all of the requisite qualities, skills, and knowledge to perform as legal assistants and vice versa. However, in my observation, I make a distinction between the two positions. In a sense, a legal secretary is a generalist, and the legal assistant is a specialist. Earlier in this article I attempted to describe the breadth of qualities, skills, and knowledge of the legal secretary. The position of legal assistant has more of a specific task orientation, and generally is involved in fewer matters than the legal secretary. Examples of tasks using the skills of a legal assistant include the preparation of probate pleadings, corporate documents, written discovery, and document organization and labeling. Though at times the work of the legal assistant can become chaotic, my visual image of a legal assistant’s work

is one of focused detail, performed in a quiet setting. Interruptions should not be the main menu of the day for the legal assistant, for a break in the train of thought extends the time spent on the task and results in an increase in cost to the client. In reality, protecting the legal assistant’s focus can be a significant challenge and should not be overlooked or understated.

The relationship between the lawyer and the legal assistant is different from the lawyer’s relationship with the legal secretary. It is important that the lawyer conveys to the legal assistant the point of the work to be performed. I call it the “It.” In some instances the “It” is the theory of the case, or the purpose(s) for which a business entity is being formed, or the expressed goals of the client. Sometimes the challenge is for the lawyer himself/herself to perceive the “It,” and therein lays the potential flaw in the effective and efficient work of the legal assistant. The communications and contact between the lawyer and the legal assistant must be continuous, for many times situations change during the course of the engagement, and the “It” may have to be reconsidered and adjusted. It is critically important that the legal assistant “gets It.” To be avoided is the situation of the “left hand not knowing what the right hand is doing.” The result is always the loss of time and money.

The legal assistant must have people skills. While I expressed earlier the need for a quiet setting in which the legal assistant performs his/her work, I did not mean to convey that the work was to be performed in isolation. Much of the work of a legal assistant requires conferencing with clients, expert witnesses, court clerks, staff at other law firms, and the like.

*Continued on page 28*



## THE LAW OFFICE TEAM ...

Continued from page 27

Most of the time the legal assistant's purpose in making the contact is the attempt to get something from these folks, which is most of the time one form or another of help. Establishing good working relations with these people is essential to acquiring the assistance of others and is fundamentally based upon the legal assistant's presentation of integrity, honesty, and competence. It takes a while to establish these good relations, but once established they are priceless.

## AS THEY VANISH ...

Continued from page 17

mix of client conferences, research and phone calls which often exceeded 50 a day. Without limiting calls, no other tasks could be done. So secretaries are instructed to "Hold all my calls." She then would engage in a pirouette: "Mr. Fullerton is on the other line; he is out of the office; he is in conference." But this also took huge discretion. Judges were given immediate access as were major clients, family members and others deemed priority callers.

The workload would vary widely. During trial both night and early-morning work were often indicated. We didn't pay overtime but tried to give compensating time off. The secretary's job was to get documents out as needed regardless of her personal needs or schedule. This often required major sacrifices.

Discretion was also required, not only for confidentiality of clients,

## About the Team

As described above, the law office team is composed of individuals possessing different and necessary skills, knowledge, training, and experience. Each team member is responsible for producing his/her requisite component part of the service provided for the client. While different, each team member must integrate and work well with the other team members. Each team member is important to the success of the firm, which at the end of the day, really is the STAR.

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but in censoring my output. A good secretary would know to not send a fiery letter out for a day or two until I cooled off.

In what I find to be shocking, embarrassing and sexist anachronisms, I always had my secretary bring me that wonderful first fresh cup of morning coffee while surrounding her with clouds of cigar smoke, a habit I have long since discarded.

Now it is all going. Technology has doomed the legal secretaries. But hopefully not to be forgotten are their superb, loyal and skilled services to oil the wheels of our justice system.

*This commentary was originally published in The Fresno Bee and republished with permission. For more information, visit <http://www.fresnobee.com/2013/07/12/3385442/as-they-vanish-a-salute-to-legal.html#storylink=cpy>*

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## PATRICIA BRADY, ESQ.

Continued from page 6

films on DVD and video, a state-of-the-art Internet computer center, a fully-stocked free lending library, a well-equipped "Family Room" where children can relax and play games, or simply a place to take a nap.

In 1943, Patricia worked for an attorney in San Pedro and took on the second largest estate which involved the Estate of Ramon B. Sepulveda. The original Spanish land grant included what today consists of the Pacific coast cities of Los Angeles harbor, San Pedro, the Palos Verdes peninsula, Torrance, Redondo Beach, Hermosa Beach, and Manhattan Beach, and east to the Los Angeles River, including the cities of Lomita, Gardena, Harbor City, Wilmington, Carson, Compton, and western portions of Long Beach and Paramount. It was during this time that Patricia got experience in the federal courts when the government took the Sepulveda land from that estate for Fort MacArthur. History shows us that the Sepulveda sons did not obtain proper title to the Rancho until June 3, 1846, when it was signed by Governor Pio Pico. In the agreement, Manuel Gutierrez was to be permitted to pasture his cattle on the rancho for the remainder of his life, but he was not to have any rights to ownership. Patricia prepared that Estate Tax Return.

In 1946-47, Patricia was a member of the Los Angeles LSA. In 1948, she moved to Beverly Hills and became a member of the Beverly Hills Legal Secretaries Association. It was in



### CCLS QUIZ - P. 10 ANSWER KEY

- |          |          |          |          |          |
|----------|----------|----------|----------|----------|
| 1. False | 3. False | 5. True  | 7. False | 9. False |
| 2. True  | 4. True  | 6. False | 8. True  | 10. True |

1960-62 at the age of 37 that Patricia served as LSI's president. "Conferences were very elegant and long, formal gowns, hats and gloves were worn for banquets, says Patricia. Educational speakers attended conference at that time, but no educational workshops were offered. The Executive Committee ("EC") would meet at 7:00 a.m., before the Board of Governors meeting, and the EC did very little compared to today's meetings. Almost all decisions were made by the Board of Governors.

In 1961, Patricia took the first PLS exam in San Francisco with Bea Tabbert, Catharine Ryan and Virginia Haines, who were the first Professional Legal Secretaries. Patricia retook the section she missed and passed, with Maidie Hutson and Mildred Milkey. The three of them received telegrams of their passing the exam a few days before the 1962 State Conference in Beverly Hills when Patricia was conducting her last conference as LSI President.

In 1962, she and Rhoda Valentine Polley (San Diego LSA) traveled to Yuma, Arizona to install the Arizona State Legal Secretaries. It was also of note that most conference attendees could not get off work early and had to take vacation days, which I know still happens today. Patricia's husband would pick her up, take her to the airport and she would change into her evening gown in the back of the car, attend conference and go home that same night. In her two years as President, she visited almost all of the LSI local associations.

In 2011, Patricia attended her 70th High School class reunion and there were approximately 200 people in attendance. Television stations from the area were in awe at the number of attendees and did a story on the reunion. The reunion was held at 11 a.m. until 2:30 p.m., which, at the age of the class members, qualifies as an all-day affair. The reunion cost \$40—a tad more than 50 cents a year since graduation, and was held at the Long Beach Yacht Club.

Today, Patricia is and has been the President of the Los Angeles Police K-9 Fund and has been active for over 30 years. This group provides all police dogs (over 115) for the City of Los Angeles and each dog now costs approximately \$10,000. With fewer officers doing more work, personnel hours and money were being consumed by extensive searches for dangerous felony suspects who had concealed themselves and all too often, these searches resulted in the suspects not being located. Community safety mandated that diligent efforts be made to locate these dangerous criminals. In April 1980, approval was given to train two search dogs for a pilot program within the West Bureau of the Police Department. The achievements of these two dogs were so astounding that, after two months, the one-year trial program was declared a total success. During its three decades of operation, an increasing demand for the unique services provided by the K-9 Platoon has allowed it to gradually grow until the entire City now has rapid access to patrol search dogs, gun detection dogs and tracking and trailing dogs on a twenty-four hour basis. Patricia was hand-picked by the previous President and founder (who passed away at 101 years old) to serve in this position and this group remains very important to her.

Patricia is also the past President of the Culver City Woman's Club and received a medal for community service from the President of the United States. In the early 60s, she was also a NALS representative for President Kennedy's Commission on the Status of Women.

We spent some time reminiscing about her many friends at LSI, including past LSI President Mildred Drost, a tall elegant woman with perfect posture whom she admired so much. Her first group of LSI friends included founder Eula Mae Jett and, later, Golda Cooper, and they remained friends for many years. Golda often invited her to spend holidays with her family.

Patricia enjoyed her time as state president, but her most rewarding



experience was as Editor of the Legal Secretary's Handbook (now the LPH). She worked under Inez Ingram, first Editor, for a number of years. When Ms. Ingram's law practice expanded to the point that she could not meet the publisher's deadline, Bernice M. Tabbert appointed Patricia as Editor. She met the deadline and saw the Handbook on the big press on her way to the Annual Conference in Long Beach where she was to be installed as LSI President in May of 1960.

It was very time consuming, and when her husband finished proofreading the handbook (he would get up at 5 a.m. to do so), she would deliver it to the printer and watch the handbook on the big press. Because of all the work he did for LSI, her husband became an honorary member. When he passed away and after years of being an attorney, her friendships she made through LSI became very important to her. It would be impossible for her to give up her friends and she remains sentimental about them. Nearing the end of our interview, Patricia's advice was "Friends die, keep making younger friends. It's the way to stay in this world."

Thank you, Patricia, for your wonderful story, emotional interview, and for spending time with me. You are truly an extraordinary lady!

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## CATHLEEN MCGRATH SILER

is the Conference Chair for the 2013 LSI Second Quarterly Conference. She has been a Legal Secretary since 1988. Cathleen has been a member of LBLPA since 2006 and has served on the board as Vice President and President. Cathleen has worked at Atkinson Andelson Loya Ruud & Romo in Cerritos, CA for 15 years.

# The Survivors – A Mayan Adventure

BY CATHLEEN MCGRATH SILER, 2013 CONFERENCE CHAIR



## About The Hotel Maya:

The Hotel Maya - a DoubleTree by Hilton Hotel, is located in lush tropical surroundings. Savor your complimentary freshly-baked chocolate-chip cookie as you check in to this unusual building. The award-winning design pays homage to ancient Mayan pyramids, and includes an agave garden, reclaimed wood, and Indian beds. The heated outdoor pool and whirlpool feature floating cabanas with fire pits, and a full water view. Each spacious guest room features a beautiful view of the bay or gardens. Relax in front of your 37-inch HD TV, and luxuriate in the bathroom with soothing aromatherapy bath products. Complimentary high-speed internet access and a desk mean you can work in peace.

The closest airports are Long Beach (LGB), John Wayne Airport (SNA)/Orange County and Los Angeles International Airport (LAX).

A complimentary shuttle bus (Passport) runs between our Long Beach hotel and the town from 6 a.m. to midnight every day.

Long Beach Legal Professionals Association is anxious to host LSI's November Quarterly Conference at The Hotel Maya, 700 Queensway Drive, Long Beach, California 90802 (a stone's throw from the Queen Mary) from November 15-17, 2013. Please join us . . .

## Dining

Fuego Restaurant - Fuego, helmed by award-winning Executive Chef Victor Juarez, is a celebration of the coastal cuisines of Mexico and Latin America. With a breathtaking waterfront setting with views of downtown Long Beach, guests will enjoy relaxing indoor and outdoor seating and modern Latin-inspired décor.

You can also catch the Passport to the Pike and enjoy one of the several restaurants to choose from or travel up Pine Street and enjoy original brews at Rock Bottom, fantastic fish at King's Fish House on Pine and Broadway, or yummy Greek cuisine at George's Greek Café - to name a few.

## Things to Do

Visit the three major permanent galleries at the Aquarium, where more than 500 different species of animal are housed. Explore the Southern California, Northern Pacific, and Tropical Pacific exhibits, or pet sharks and stingrays at Shark Lagoon. The Aquarium houses seals, sea lions, and sea otters from local care centers, and it features an Earth-Friendly Garden on the front lawn, populated by California's native and drought-resistant plants. Visit the Queen Mary, a retired ocean liner built in Scotland that now serves as a major tourist attraction in Long Beach. Harbor Breeze Cruises allow visitors to see seasonal whales,

dolphins and other marine life up close. Or spend the day at the Pike at Rainbow Harbor dining and entertainment complex.

## Banquet

We will have a fabulous time at banquet and we have a new special treat at this conference - if you would like to reserve a table of 10 ahead of time, please send your request to our Registration Chair, Alice M. Widmark, CCLS (contact information on the registration form), with the name of the group, names of the guests for the table and \$15. If you have any questions, please feel free to contact me or Alice.

The entire weekend will be a celebration of survival. The dress code will be bright Mayan colors. Turquoise, orange, magenta, yellow, green - stop me when your favorite color appears. The LBLPA team will wear Mexican peasant blouses in those colors, each with colorful embroidery. (We found them online.)

Please feel free to contact me if you have any questions or require more information. My direct line at work is 562-653-3407, or you may email me at [mcsiler@yahoo.com](mailto:mcsiler@yahoo.com). We have all this information, including forms, on our website at <http://longbeachlpa.com/november-conference/>.

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# Increasing Your Value

BY LYNNE KOROUGH, SACRAMENTO LEGAL SECRETARIES ASSOCIATION

*Nancy leaned across the lunchroom table and said to Susan, "Did you hear that another law firm is closing their doors? Everybody is being let go." Susan gasped in astonishment, "No, I hadn't heard that!" "Yeah, I was shocked, too," Nancy replied. "I wonder where those people are going to go?" Worried, Susan answered, "I don't know. It's a really tight job market right now. Do you think our firm will try to absorb some of those folks?" "I'm not sure," said Nancy, "but it does make me wonder what I would do if that happened to me. What advantage would I have over someone else?" Susan sighed, "Well, that's definitely something to think about. I guess no one's job is safe anymore."\**

Unfortunately, the above scenario is more common than any of us like to think about. Courts are having their budgets cut and reducing staff, law firms are downsizing or dissolving completely, and the offices that are hiring are overwhelmed by the sheer number of applicants vying for just a single position. What sets one applicant apart from another? What sets one staff member apart from another? What value do you bring to your employer? How can you increase that value?

Below are some suggestions that apply to both applicants and staff members.

**Resume** – Be sure there are NO spelling, grammar, or punctuation errors! You may be the best cracker-jack secretary in the world, but if there's a typo on your resume, an employer may not even get past the error to review the rest of your information. Ask a couple of other people with good proofreading skills to go over your resume before you send it out.

**Be Honest** – Don't embellish your experience. If you have worked primarily as a receptionist, don't represent yourself otherwise. Occasionally helping to index pleadings and discovery does not make you a litigation secretary. Instead, DO emphasize those

tasks as additional duties carried out under the supervision of a legal secretary. This lets a potential employer know that you have an interest in learning more about the legal field, you are open to training, and you are willing to take on additional tasks.

**Toot Your Own Horn** – Do you have skills or experience that your employer is not aware of? It may have been listed on your resume when you were hired two years ago, but that new attorney you were just assigned to may not know that you were a transactional law secretary for ten years prior to moving into the litigation department. Are you a CCLS? Do you speak more than one language? Are you a Notary Public? These are valuable assets for many employers. Do you serve as a volunteer for your local legal secretaries association? Let your employer know! Chances are, they are very supportive of your efforts and appreciate the information you share with the office as a result of your membership and volunteer service.

**Research the Company** – Do your homework on a potential employer, and keep abreast of the successes and happenings of your current firm. Demonstrating that you are aware of the company's history, standing, and activities tells an employer that you are genuinely interested and care about your workplace.

**Education** – Do you need to add to your education? If you haven't heard it recently, most HR managers will tell you that in today's employment market a four-year college degree is the new high school diploma. The days of having to possess at least a high school diploma to get a good job have been replaced with having to possess a college degree. Maybe you're just a few credits or a couple of semesters shy of finishing your degree. Completing that degree could be the best thing you ever did for your career. Do you just need a refresher in a particular practice area, or do you need continuing education credits? Your local legal secretaries association and LSI provide many opportunities for continuing legal education: Legal Specialization Section workshops; CCLS workshops; Beginning Legal Secretary training; lunchtime learning lessons; monthly dinner meeting educational programs, and more!

**Enthusiasm/Attitude** – While it should be obvious, enough cannot be said about the importance of attitude and enthusiasm in the workplace or when presenting oneself to a potential employer. Be genuine about it - - if you have to fake it, forget it!

*Continued on page 32*

**Invest In Yourself and Your Career** – How much of an investment have you made in your legal career? Can that be seen on your resume, observed in an interview, or witnessed on the job? Do you need to bump up your investment level? If you are not already a member of your local legal secretaries association, join. If you are a member and haven't been taking advantage of your membership, do it! Are you a CCLS? If not, consider taking the exam and becoming certified. As mentioned previously, why not finish that college degree? Consider becoming a Notary Public. Take a class, attend a seminar, utilize the internet, do some networking, invest in some good training materials (i.e., *The Legal Professional's Handbook*, *Law Office Procedures Manual*, etc.). You'll never get a bad return on an investment in yourself!

**Take Ownership** – Any job you do is going to have your signature and fingerprints all over it. That's why it is so important to take ownership of your job. Do it the best you can; do it the best it can be done. That is how you succeed. You want the work you do to be something you're proud of, that helps your career, and doesn't hold

you back. The people who get noticed and recognized are those who make a difference and truly care. If there is no difference between what happens when you come to work and when you don't, why would your employer go to extra lengths to keep you or fight for your position? You don't want HR to say, "We can let (your name here) go. He/she never does much anyway." Instead, you want them to say "And special thanks to (your name here) for that great job on the xx case." Go above and beyond. Really take ownership of every job you do. Others will notice.

**Partnering** – This goes hand-in-hand with taking ownership, but raises your investment level to the maximum. Working in a law office is truly a team effort. No one gets anything done without someone else's assistance. You want your attorneys, fellow staff members, and your clients to view you as a valuable, respected, and integral part of a cohesive, productive team. More importantly, you should view YOURSELF as such! When you are truly partnering with your attorneys and coworkers, it is not only noticed and appreciated, but most likely considered

when having to make critical staffing decisions.

**Reliability/Consistency** – Employers are very aware of who they can rely on and who is consistent. How's your attendance? Do you do what you say you're going to do? Do you follow-up? Can you be counted on to deliver a quality product? Are you a solid performer? This is another area employers will evaluate when considering their staffing needs.

We really are living and working in tough times. All you can do is your very best each day. Remember signatures and fingerprints? They're unique. Just like you. Hopefully, the above suggestions have encouraged you to be gentle with yourself when needed, to be honest with yourself about where you're at or what you need to do, and above all, to be proud of yourself for who you are and all you have to offer.

\*This is a hypothetical story. The names used and the facts presented are not intended to bear any relation or resemblance to any real person or law firm. Special thanks to Kathi Kossak for her contributions to this article.

**Continuing Education Council Proudly Presents:**

# Workers' Compensation 101

**L. Robert Vermes, Attorney at Law, Wilson & Pesota LLP**

What role does a secretary play in workers compensation cases? Learn the basic workers compensation issues secretaries deal with, the process for filing documents with the Workers Compensation Appeals Board, how to "rate" impairments, and much more! Please joins us for this very informative program.

**When:** FRIDAY, Nov. 15, 2013, from 5:15 p.m. to 6:15 p.m.

**Where:** The Hotel Maya - 700 Queensway Drive, Long Beach CA, 90802

**Reservations:** email J. Cori Mandy, CCLS at [cori.mandy@procopio.com](mailto:cori.mandy@procopio.com) or call 619-515-3256 or 619-954-3603.

\*Legal Secretaries, Incorporated, an approved provider, certifies that this activity has been approved for minimum continuing legal education credit by the State Bar of California in the amount of 1.0 hours.



is a recent graduate of Everest College with her Associates Degree in Paralegal studies. She completed the two year program in April 2013. She was previously certified as a Medical Assistant and Physical Therapy Aide. She decided to take a different route in the legal field after her father passed away. She completed a three-month internship at a wrongful foreclosure law firm in Diamond Bar, CA in June, when she joined the Rio Hondo District Legal Professionals Association.



# From Student of Distinction to Partnership

BY REBECCA WELKER, SUBMITTED BY RIO HONDO DISTRICT LPA

Hi! My name is Rebecca Welker and I want to thank you for allowing me the opportunity to introduce myself to you. In April of this year I received my Associate in Science Degree in the Field of Paralegal Studies from Everest College in the City of Industry. Looking back I realize that three years ago I made a conscientious decision to change my life and began my journey toward having a career in the field of law, a passion that was sparked by my father's encouraging words and attained through hard work, determination, and dedication.

Upon my acceptance in the program, I immediately became involved in our campus's extracurricular activities and quickly rose to the rank of President of our Igniter Ambassador Program, where I became involved in coordinating student activities as well as community outreach and volunteer work. Before I knew it, I was graduating with a GPA of 4.0, was a valedictorian of my graduating class, and was the recipient of an award for being a "Student of Distinction."

In order to put the skills I had learned to work, I volunteered as an intern at a law firm that specialized in real property and foreclosures. I was grateful for the opportunity to proofread and analyze complaints, draft notices, and handle the process involved with serving defendants. At first I was unsure if I had what it took to handle the stress of a fast-paced, get-it-done, type of law office, but it wasn't long before I became a true asset to that office and found myself

being the direct contact for many projects. Unfortunately, they didn't have a position available, but offered me an open door to return once they have an opening available and gave me stellar recommendation letters.

I then started networking and was introduced to the Rio Hondo District Legal Professionals Association, where I attended a dinner and had the pleasure of meeting some of the members. I immediately knew that this was the perfect fit for me. The following month I was officially inducted as a member of the association during a Whittier Bar Association meeting where I was honored with a commemorative pin from Legal Secretaries Incorporated. I realize that this is just the beginning of my journey and I can hardly wait to share the rest of the journey with you. Until then, I look forward to being of service to our members and the partnerships we'll share.

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**MALINDA MULLER** is the current director of programs and partnerships representing the library's community outreach and services division. She facilitates the development and implementation of the Members Program, MCLE classes and workshops, remote services locations, the annual pro bono and law weeks, and educational partnerships. She joined LA Law Library in 2010, following 20+ years as a private law firm librarian.



**SANDRA J. LEVIN** is the Executive Director, and prior to fulfilling that position, she was a founding principal of Colantuono & Levin, a highly respected law firm specializing in representation of local government agencies. While there, Ms. Levin served as the City Attorney of Los Alamitos, La Habra Heights, and the City of Sierra Madre, as well as General Counsel to the Sierra Madre Community Redevelopment Agency, the Orangeline Development Authority, the Los Angeles County Law Library, and special counsel to numerous local agencies throughout the state. In 2012, she was named one of the Top 25 Municipal Lawyers in the state. Prior to forming Colantuono & Levin, she practiced at Riordan & McKinzie for 13 years, where she was a principal in the litigation department.

# Quick and Easy Legal Resources: LA Law Library Is Much Closer Than You Think

BY MALINDA MULLER, INTERIM SR. DIRECTOR LIBRARY SERVICES, AND SANDRA LEVIN, EXECUTIVE DIRECTOR, LA LAW LIBRARY,  
SUBMITTED BY LOS ANGELES LSA

Do you ever need help finding the right legal resource? Does your law firm ever need materials that aren't in your office library or are outside the scope of your online research plan? Are you ever asked to help find appellate or Supreme Court briefs from the California courts? How about a sample complaint for that new case that just came in the door? Do you ever need to find space in downtown Los Angeles for a settlement conference or deposition? If you answered "yes" to any of these questions, LA Law Library can help.

Apart from the Law Library of Congress, LA Law Library is the largest public law library in the United States and it serves legal professionals all over the world, not just in Los Angeles County. The million plus volume collection is both current and historical, covering all areas of law, including an extensive foreign and international law collection, with materials from more than 200 countries.

## ***Delivery and E-Delivery: How do I get access to this collection?***

Since most patrons cannot come to the Law Library in person, you can access this unique collection in several

other ways as well. Most of the materials in the collection can be checked out and delivered to borrowers via the library's messenger service or overnight delivery for a small delivery fee. Library cardholders can also designate a messenger to come to the Library and check out books on their behalf.

For maximum efficiency, research material can also be scanned or downloaded and emailed for a nominal fee (starting at \$15 for 25 pages). In today's market, personal and law firm libraries are no longer comprehensive. Affordable e-delivery is a "just in time" service from the library that effectively expands your personal collection without the prohibitive cost.

## ***Collection Overview: What's in this collection?***

The California materials include everything a California practitioner could want, ranging from the ever-popular standard materials (Rutter Guides, Witkin treatises, Matthew Bender's Forms of Pleading and Practice, CEB Practice Materials, Miller & Starr Real Estate, etc.) to the obscure. The Law Library also provides easy access to judicial profiles for California state and federal judges.

The comprehensive collection of domestic and federal materials includes case reporters, annotated codes, regula-

*Continued on page 39*

is an associate at Casey, Gerry, Schenk, Francavilla, Blatt & Penfield, LLP, where he practices in the areas of plaintiffs' civil litigation and appellate law. He received his Bachelor of Arts degree from Rice University in 1993 and his Juris Doctor from University of Kentucky in 1996. Mr. Robinson is a co-author of a chapter in the ATLA Litigating Tort Cases series on removal to federal court and is a presenter for the "What's New in Tort and Trial" seminars. He has been the Tort Law column editor for Trial Bar News since 2006.



# Liability for Intoxication – Respondeat Superior

BY JEREMY ROBINSON, ESQ., SUBMITTED BY SAN DIEGO LSA

A wise scholar once proclaimed that alcohol was “the cause of – and solution to – all of life’s problems.” I won’t weigh in on the “solution to” part, but it is common knowledge that alcohol consumption is the cause of many tragic deaths and catastrophic injuries on our highways. Since I am dealing with a double fatality caused by a drunk driver right now, I thought this would be a good time to review the law relating to employer liability for a crash caused by an employee who potentially got drunk in the scope of his or her employment.

Under respondeat superior, an employer is ordinarily liable for the injuries its employees cause in the course of their work. This is based not on the employer’s fault, but on public policies concerning who should bear the risk of harm created by the employer’s enterprise. It is considered unjust, for example, for an employer to disclaim responsibility for injuries created by its normal or typical activities. *Yamaguchi v. Harnsmut* (2003) 106 Cal.App.4th 472, 481. Also, losses caused by employees’ torts are viewed as a required cost of doing business, for which the employer may get insurance. *John R. v. Oakland Unified School Dist.* (1989) 48 Cal.3d 438, 450.

A subset of respondeat superior cases focus on an employer’s liability for damage caused by an employee who gets drunk and causes harm. The courts there have ruled that if an employee drinks alcohol in the scope of his or her employment, the employer is liable for any injury proximately caused by that drinking. See, e.g., *Purton v. Marriott International, Inc.* (2013) 218 Cal.App.4th 499; *Childers v. Shasta Livestock Auction Yard, Inc.* (1987) 190 Cal.App.3d 792; *Rodgers v. Kemper*

*Constr. Co.* (1975) 50 Cal.App.3d 608. So, if the employee consumes alcohol at a company party, or on the employer’s premises, or with the encouragement of the employer, the employer may be liable. *Id.* See also, *Bussard v. Minimed, Inc.* (2003) 105 Cal.App.4th 798, 803.

This is sometimes referred to as an “exception” to the “going and coming” rule (which generally bars a finding of scope of employment when the employee is commuting to or from work), but in reality it is an independent basis of liability. Both *Childers* and *Bussard* hold the going and coming rule is irrelevant in cases where the basis for liability is that the employee became an “instrumentality of danger” while in the scope of employment. Indeed, the *Bussard* court characterized the going-and-coming rule as “an analytical distraction” in such cases. *Bussard* at p. 806.

Instead, courts must apply a foreseeability test to determine whether the danger arises from work. The California Supreme Court describes this type of foreseeability, as conduct by employees that is neither “startling” nor “unusual.” *Bussard* at p. 804. *Childers*

is a good example of this. In *Childers*, an auction yard foreman gave a set of keys to the yard to two employees on a Friday night and told them to “Go have a beer.” *Id.* at 799. Several employees started drinking beer and liquor that was kept at the office, and were later joined by a customer. *Id.* Several hours later, three employees departed on a personal errand and one drove off the road, killing one employee and injuring the plaintiff. *Id.*

The court found that the drunk employee was within the scope of her employment at the time of the crash. Although not still on the clock at the time she got drunk, she had consumed alcohol supplied by the employer, at the employer’s invitation, and on the employer’s premises. *Id.* at pp. 799; 806. The practice of drinking on Friday nights at the office was routine and was thus a customary incident of the employment relationship. *Id.* at 806.

The *Childers* court rejected the argument that because the crash happened after the employee had left work, it was unrelated to her employment.



*Continued on page 36*

## LIABILITY FOR INTOXICATION...

*Continued from page 35*

“We conclude ... respondeat superior liability is properly applied where an employee undertakes activities within his or her scope of employment that cause the employee to become an instrumentality of danger to others even where the danger may manifest itself at times and locations remote from the ordinary workplace.” *Id.* at 804-805.

Childers was followed in *Purton v. Marriott*, 218 Cal.App.4th 499, a case decided only a few months ago. In *Purton*, an off-duty employee got drunk at a Marriott Christmas party where Marriott management provided some of the alcohol. He then left the party, went home, and 20 minutes later left his house to drive someone else home. On the way, he crashed and killed an innocent driver.

Marriott argued vigorously that once the employee got home, Marriott’s liability was cut off. The *Purton* court disagreed. It held that as long as the employee got intoxicated in the course and scope of his employment (using the broad foreseeability test outlined above), Marriott remained liable until that intoxication wore off.

*Rodgers v. Kemper Constr. Co.* (1975) 50 Cal.App.3d 608 is also a key case. There, the employer provided a trailer, known as the “dry house,” at a construction job site. Employees routinely remained around the dry house after work, and it was not unusual for them to drink beer there, particularly on Friday nights. *Id.* at 615. The employer made no effort to stop the drinking and in fact the supervisors frequently joined in. *Id.* On one particular Friday night, two employees drank a few beers with a manager after their shift had ended and while working on a car near the dry house. *Id.* Later that evening the employees got into a fight with two other men on another part of the job site and badly hurt them. *Id.* at 615-616.

The employer argued against vicarious liability because the assault happened after the employees were done working and it was the result

of a personal dispute, but the court in *Rodgers* disagreed. The employer knew that it was customary on Fridays for employees to sit around the dry house after their work shift and talk and drink beer. *Rodgers*, at p. 620. The court held where after-hours social or recreational activities on the employer’s premises are endorsed, expressly or impliedly, by the employer and have become a customary incident of the employment relationship, those activities are within the scope of employment. *Id.* at p. 620.

Childers, *Purton*, and *Rodgers* are not the only cases finding scope of employment in such situations, either. The courts in *Boynton v. McKales* (1956) 139 Cal.App.2d 777, *McCarty v. Workmens Comp. Appeals Bd.* (1974) 12 Cal.3d 677, and *Bussard v. Minimed, Inc.*, *supra*, all reached the identical conclusion. In *Boynton*, the defendant employee drank too much at an after-hours company banquet and got into a crash on the way home. Finding that whether the employee’s attendance at the banquet (which was arguably mandatory) was in the scope of his employment “was correctly left to the jury,” the court affirmed a verdict in the plaintiff’s favor. *Boynton* at p. 791.

Similarly, in *McCarty v. Workmens Comp. Appeals Bd.*, the California Supreme Court found a fatal accident caused by excess alcohol consumption at a company Christmas party was within the course and scope of employment. In that case, the employer let the employees off work at 2:30 in the afternoon for a company Christmas party. Most of the alcohol at the party was furnished by the employer, and evidence showed drinking and card playing was customary at the job. When the plaintiff/decedent finally left at around 9:00 p.m., he was visibly drunk, and on his way home he drove his car into a pole and died from the injuries.

The court found that the going and coming rule did not apply because *McCarty* had become intoxicated at his place of work. *McCarty* at p. 681, fn. 3.

The court further found that *McCarty*’s intoxication arose in the course of his employment: “Employee social and recreational activity on the company premises, endorsed with the express or implied permission of the employer, falls within the course of employment if the activity was conceivably of some benefit to the employer” or if the activity had become a recognized, established and encouraged custom at the place of employment. *Id.* at pp. 682-683.

Finally, in *Bussard v. Minimed, Inc.*, the court applied this line of reasoning to a case that did not involve alcohol consumption. Instead, the employee got sick from breathing in pesticide fumes while at work, and on her way home, crashed into the plaintiff. Following *Childers* and the other cases mentioned above, the court found respondeat superior liability. The court also expressly rejected the application of the going and coming rule, stating that the plaintiff’s claim for vicarious liability was that the employee “was an ‘instrumentality of danger’ because of what had happened to her at work.” *Bussard* at p. 806. So, although the employee’s decision to drive home gave the employer “an opening to raise the going-and-coming rule, the rule did not apply because her decision was a fortuity that must not obscure [the plaintiff’s] central claim that [the employee’s] job had contributed to the accident.” *Id.* Thus, summary judgment for the employer was reversed. *Id.*

Of course, not all cases favor the plaintiff. Three in particular have held liability for an employee’s intoxication should not be imputed to the employer under their particular facts: *Calrow v. Appliance Industries, Inc.* (1975) 49 Cal.App.3d 556, *Aetna Casualty and Surety Co. v. Workers’ Comp. Appeals Bd.* (1986) 187 Cal.App.3d 922, and *Harris v. Trojan Fireworks Company* (1984) 155 Cal.App.3d 830.

*Continued on page 38*



# Guidelines for Submission of Articles to *The Legal Secretary*



Dear Friends,

I hope that you enjoyed your summer and that you are looking forward to the holidays ... they are just around the corner!

As I've mentioned before, I would be grateful if you could take a moment to review the Guidelines. I think some are missing an opportunity to share their association's success stories and/or events. This is a fantastic opportunity to showcase your association and let others in the legal community know what you are up to.

I hope to see some responses to articles that have been published by way of our "Letters to the Editor" column. Please feel free to send me

your letter in response to an article you've seen in this issue or a in a prior issue.

I would like to proffer my thanks to Don Lee and Esperanza Larios for their photo submissions in this issue. I would also like to extend my warmest thanks to my proofreaders, Terrie Quinton, CCLS, Annie Parrish, CCLS and Debbie Frias. And I would be remiss if I failed to thank our designer, Lori McElroy, for another exceptional issue.

Do you have something you'd like to see published? If so, please send it my way.

See you in November!

*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**

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

## **Submission Guidelines**

17. 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.

18. All articles submitted must be at least 500 words and no more than 2500 words.
19. Articles sent in PDF format are not acceptable.
20. 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.
21. 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.
22. 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.
23. Articles submitted and published in The Legal Secretary become the property of LSI unless prior agreement is obtained by the authors

## **Photographs**

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

In each case, respondeat superior liability was denied for an alcohol-related car accident because the intoxicated employee's drinking was outside the scope of employment in the first place. Calrow involved an off-duty employee and new father who brought alcohol to work after hours to celebrate. One of his co-workers consumed a lot of the alcohol and later got into an accident. Employer liability was denied because, unlike our case, there was no evidence in Calrow that the employer had provided any of the alcohol, that the employee drank while still on the clock, or that drinking was customary at the employer's place of business. So, the court concluded the after-hours

drinking was not within the driver's scope of employment. *Id.* at 570.

*Aetna Casualty and Surety Co. v. Workers' Comp. Appeals Bd.* (a workers' compensation case) dealt with a situation where employees drank while off the clock and the employer neither provided any of the alcohol nor suggested the drinking was in any way company-related. *Id.* at 929-930. So, as in Calrow, the court found the ultimate accident outside the scope of employment because the drinking itself was not within the scope of employment. *Id.*

Finally, in *Harris v. Trojan Fireworks Company* (1984) 155 Cal.App.3d 830, the court rejected employer

liability because there was no showing that the drinking, which occurred at an informal employee potluck after the office had closed, was a "customary incident" of employment. The potluck was organized entirely by the employees, it was after the office had closed, the employer did not provide any alcohol (it was expressly forbidden) and the employee's attendance at the potluck was purely optional and of no service to the employer. *Id.* at 836.

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

**"Reasoning & Ethics"**

Second Quarterly Conference, November 15-17, 2013  
Hotel Maya, Long Beach, CA

Saturday, November 16, 2013, 7:30-8:30 a.m.

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

What constitutes the unauthorized practice of law? What is the best, reasoned reaction to certain situations? What makes your actions cross over from ethical, to poor judgment, to unethical? In this workshop, we will be covering these questions and more in preparation to tackle the Reasoning & Ethics section of the CCLS Exam.

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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@dsmw.com](mailto:quinton@dsmw.com).

CCLS CREDIT WILL BE GIVEN FOR THIS WORKSHOP

## QUICK AND EASY LEGAL RESOURCES...

*Continued from page 34*

tions, rules of court, jury instructions, etc., for every jurisdiction, as well as practice materials, treatises, legal encyclopedias and resource guides for every state. Practitioners also make frequent use of the Library's multi-state practice materials (e.g., American Bar Association publications, Corbin on Contracts, Lindey on Entertainment Law, etc.).

The global collection is one of the most comprehensive in the country and includes 400,000+ volumes of foreign and international materials, covering primary law from over 200 countries and practice materials for over 100 countries. For those with tax questions, the global collection provides tax law for an astounding 130 different countries.

The historical collection is an unparalleled resource used by attorneys around the world, providing early California and state colonial materials and an archive of superseded versions of codes, regulations, court rules, and practice materials. You will find a trove of federal and California appellate and Supreme Court briefs dating back to the 1800s. LA Law Library has been an official repository for these briefs for nearly two centuries. Lawyers often need to know what the law was at a moment in time; LA Law Library preserves those moments.

### **Reference:**

#### ***How do I find what I need?***

With a million plus volumes to sift through, most people need some assistance finding what they want. For those who need research materials, but aren't sure what the Library has or how to find it, the Law Library's reference librarians are a wonderful, free resource and are reachable in person at the Library (301 West 1st Street), by mail, by phone (213-785-2514) or by email ([express@lawlawlibrary.org](mailto:express@lawlawlibrary.org)). They can suggest relevant materials, provide assistance in locating and using library materials (hard copy and electronic), and pull selected titles from the shelf for delivery or e-delivery.

#### ***Online: What resources are available from home?***


Visit the library's website to access the largest repository of California Supreme Court and Courts of Appeal starting in 2008 to the present. The library has digitized up to 75,000 briefs and continues to add more daily. Download a legislative history checklist or retrieve California ballot propositions since 1980. Also available is full text access to all publications and forms contained in the nuts and bolts suite of Nolo publications published by EBSCO.

#### ***Facilities: Does LA Law Library have facilities and work spaces for visiting attorneys?***

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To learn more about us, or to find out about our events, classes and programs, get on the Law Library mailing list, or order a day pass and try out the Members Program, please go visit [www.lalawlibrary.org](http://www.lalawlibrary.org) or contact Malinda directly at [mmuller@lalawlibrary.org](mailto:mmuller@lalawlibrary.org). 





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<b>BRASS TACKS*</b> A guide instructing local officers and chairmen on how to perform their respective duties. Contains check lists, calendars and forms. (Rev. 12/2011) No charge for PDF [ ] Send hard copy [ ]	\$ 5.00		\$
<b>CCLS BROCHURE</b> Tri-fold brochure promoting the benefits of taking the CCLS Exam. (Rev. 12/11)	N/C		
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<b>LAW OFFICE ADMINISTRATION (LOA)**</b> <i>Pocket Guide to Legal Ethics</i> (book included with section) Secretary of State Notary Public Handbook, LOA Section of CCLS Study Guide, LOA Worksheets, LOA Study Tips, list of additional references required for LOA	70.00		
<b>REASONING AND ETHICS (R&amp;E)**</b> <i>Pocket Guide to Legal Ethics</i> (book included with section), California Rules of Professional Conduct, Secretary of State Notary Public Handbook, R&E Section of CCLS Study Guide, R&E Worksheets, R&E Study Tips, list of additional references required for R&E	70.00		
**If LOA and R&E are purchased as individual sections at the same time, there is a \$40.00 discount because the same reference book is included in both sections.			
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<b>LSI LEGAL SPECIALIZATION SECTIONS BROCHURE</b> Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 6/12)	N/C		
<b>LSI MEMBERSHIP BROCHURE</b> Tri-fold brochure, extolling the advantages of LSI membership and programs. Contains request for membership application. (Rev. 12/11)	N/C		
<b>LSI MEMBERSHIP PIN* (magnetic or pin back-please specify)</b> A 3/4" high oval gold-tone pin with blue and white enamel overlay. LSI logo in center and "Legal Secretaries, Incorporated" inscribed on circumference. For all LSI members. <input type="checkbox"/> Magnetic <input type="checkbox"/> Pin back closure	5.00		
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<b>MEMBERSHIP APPLICATION FORM*</b> An 8 1/2" x 11" form adopted 5/01 by LSI for use by all local associations. Includes request for Legal Specialization Sections information. Local associations may add second-page for supplemental information. (Rev. 5/08) Can be transmitted as an e-mail attachment (Word format), if so requested. <input type="checkbox"/> E-mail -or <input type="checkbox"/> Printed	N/C		
<b>NEW MEMBER PACKET*</b> A 2-pocket folder containing letter from LSI President, LSI membership information, Specialization Sections Membership Application, list of benefits and providers, CCLS information, Legal Professional's and Law Office Procedures Manual flyer and Code of Ethics. Local associations may insert additional material. For new local association members only.	N/C		
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