

UPL IS A CRIME! – The unauthorized practice of Law

by Vivian Shreve, CCLS, Page 30





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TABLE/CONTENTS

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LPI CODE OF ETHICS

It shall be the duty of each member of Legal Professionals, Incorporated, to observe all laws, rules, and regulations now or hereafter in effect relating to confidentiality and privileged communication, acting with loyalty, integrity, competence and diplomacy, in accordance with the highest standards of professional conduct.

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

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FFATURES

- President's Message New Beginnings By Rod Cardinale, Jr.
- Stronger Together LPI President's Luncheon By Elise Dresser, CCLS and Vivian Shreve, CCLS
- 10 Follow the Yellow Brick Road... to Lots of Education and Tons of Fun By Rachel Malerbi, Crystal Rivera and Corene Rodder
- 14 Marin County LPA Supports Adopt-A-Family By Kristi Edwards, CCLS

- 16 Work-Life Balance As A Legal Professional By Rachel Rosenfeld, Esq.
- 19 The Urgency of Proper Estate Planning By Reba Birmingham, Esq.
- 22 How Skip Tracing Led to the Capture of Whitey Bulger and Bin Laden By Lindon Lilly
- **30** UPL is a Crime! The Unauthorized Practice of Law By Vivian Shreve, CCLS

EDUCATIONAL OPPORTUNITIES

- LSS Day of Education (Saturday, December 3, 2022)
- Legal Specialization Sections Seminars and LPI Technology Training at November Quarterly Conference (November 12, 2022)
- 20 LPI's 3rd Quarterly Conference Registration and Hotel Information Hosted by San Mateo County Legal Professionals Association (February 24-26, 2023)
- **35** CCLS Online Study Group (commences on January 12, 2023)
- **36** LSS Webinar Real Estate 101: The Purchase and Sale Agreement (December 8, 2022; Noon)
- 37 LSS Webinar Implicit Bias in the Workplace (January 12, 2023; Noon)

MISCELLANEOUS

- 5 LPI 100% Club Membership Promotion
- November Quarterly Conference **Events Flyer**
- 12 Photos of LPI's First Quarterly Conference (August 2022)
- 25 Quarterly Assignments
- 27 CCLS Quiz: Law Office Administration
- 28 CCLS Quiz Answer Key
- 29 Legal Specialization Sections 2022 Membership Info.
- **34** Application to Take CCLS Exam
- 38 2022-2023 LPI Roster
- 40 LPI Benefits

ADVERTISERS

- IFC Macro Pro
 - Redroman Creative
 - **Barkley Court Reporters**
 - Rhino Investigation and Process Serving LLC
- **26** Sayler Legal Service

- **28** WebEditor Design Services
- 32 The Rutter Group
- 33 Direct Legal Support
- IRC First Legal Network
- **BC** Janney & Janney



ROD CARDINALE, JR.

is LPI's President and a member of the Santa Clara County Legal Professionals Association ("SCCoLPA"). He is a Sr. Paralegal and Officer Manager at The Law Office of Janet L. Brewer, Rod served as President of SCCoLPA from 2010-2014. In Rod's spare time he likes to cook, travel, watch sports and spend time with his family.



PRESIDENT'S MESSAGE

NEW BEGINNINGS

BY ROD CARDINALE, JR.

New beginnings! Starting something new can offer excitement and the opportunity to experience changes. Saying "hello" to the new can sometimes mean saying "goodbye" to what you know and what you've been comfortable with. For instance, when you start a new class, you may have to adjust your schedule and say goodbye to something else. When you start a new job or career, you'll say goodbye to the work you leave behind. New beginnings can be uncertain, but they can also be exciting! So why not embrace the changes and be open to letting things unfold?

For the last ten months, we have discussed the changes to the structure of LPI's conferences and the proposed rebranding of LPI's educational system. We started our new conference structure at our August Conference in Orange County. From all accounts, the new structure was received enthusiastically. The new structure provides more time for education and networking, less time at the Board of Governors' meeting, and everything to do with being stronger together. We kicked off the weekend with bingo and a pizza party, with Orange County LPA's ("OCLPA") Governor and co-conference chair Deborah Schmidt, CCLS ("Deborah") calling bingo. Deborah did a great job; the pizza was good, and there were laughs heard the entire time.

On Saturday morning, we were served a continental breakfast and coffee before the first session of the Board of Governors ("BOG") meeting commenced at 9:00. The first and only session of the BOG meeting concluded around 10:30 am. The first two of the six amazing workshops presented on Saturday were held from 11:00-12:00.

We then enjoyed the first-ever group Roundtable luncheon, which all conference attendees attended. We reviewed and discussed the Executive Committee Resume and the proposed changes to LPI educational system. The luncheon was well received as an opportunity for all attendees to share ideas, ask questions, and share their thoughts and view on all things LPI.

After lunch, attendees could either attend the afternoon educational workshops or use the time to network and bond with the other members of LPI until the reception/banquet at 6:00. I hope those that attended the conference and all members that attend conferences in the future use the time on Saturday afternoon to build relationships with our fellow members. Remember that one of the best benefits of membership is the professional and personal relationships we make with one another.

After the banquet, we toasted OCLPA President and conference co-chair, Heather Nowak, Deborah, and the rest of OCLPA for the herculean efforts they made in putting together the conference in only a few months that included a brand-new schedule and a new President trying to find his way. Then we turned up the music, danced, and sang the night away. A great time was had by all!

Sunday morning, we had another continental breakfast before the second session of the BOG meeting was called to order. The Governors were asked to vote on four Bylaws and four Standing Rule amendments. All seven of the amendment recommendations passed as presented, and the eighth recommendation passed after an amendment was made to

NEW BEGINNINGS

Continued from page 2

the recommendation. Effective May 1, 2023, the Governor's approved a per capita tax increase of \$10 and the rebranding of the six Legal Specialization Sections ("LSS") into three silos that will be called "LPI University," "LPI Technology Training," and "LPI Continuing Education." Gone are the days when you must pay dues and an additional \$75 to join all six LSS sections. Starting on May 1, 2023, all the educational opportunities offered through the LPI Continuing Education silo will be included in your membership dues. There will be a minimum of one to two LPI Continuing Education webinars per month, plus the non-LPI Technology training classes offered at LPI conferences. Thank you, Governors, for taking your responsibility as the governing body of LPI seriously, asking great questions, and making great suggestions.

Now that the governors have approved the rebranding of our educational system, we must do a better job marketing LPI and our new Educational Silos. At the Executive Committee retreat in June, the Executive Committee spent five hours creating a strategic plan for this fiscal year in conjunction with the education rebranding. We shared the strategic plan in June with the LPI leadership team and briefly with those on the Zoom chat we had on August 1st to discuss the then proposed education rebranding. The LPI leadership team has already begun implementing the work outlined in the strategic plan. The strategic plan outlines our ten objectives and goals for this fiscal year. A lot is going on, and I can't cover it all in this article, but I want to share some of what the team is already working on.

First, in June, we emailed all the local associations asking what each association charges for membership dues. We asked for that information because we plan to "drive" membership to the local associations through LPI's educational opportunities. The plan would modify the online registration form for each of the LPI multi-week classes webinars etc., to include the option for non-members to sign up and join a local association through LPI's website. As of the writing of this article, we are still working out the logistics of this plan, but with the help of our webmaster, Scott Herman, by the time you read this article, we should have the first iteration of this plan set up. The plan may take a little tweaking, so please bear with us as we figure out the logistics of this new membership gain plan. For example, suppose a non-member is signing up for an LPI Event and taking advantage of the opportunity to join a local association. In that case, the potential new member will be asked for their information and which association they want to join. They will be required to agree to abide by LPI's Code of Ethics and meet the requirements to be a member of LPI as defined in our Bylaws. Then LPI will let the respective local association know that they have a pending membership application so that the local association can vote on the membership application of the potential new member. If approved by the local association, at the end of each month, LPI will send a per capita report and a check to the local association for the new members that joined their association that month through the LPI events.

In addition, Career Promotions and Professional Liaison Chair Erika Garduno and Scholarship Chair Cheron McAleese, CCLS are working on a project to create a database of all paralegal schools in California, all the presidents of the Association of Legal Administrators, and all of the local bar associations. Once the databases are complete, we plan to reach out to all those organizations and set up presentations at the paralegal schools,

the ALA meetings and events, and with the local bar associations. I'm hopeful that by the November conference, we will have these databases created.

LPI was present at the annual CLA event in San Diego and the CALSPRo event in San Jose in September. Both of those events were attended by LPI Vice President Donna Day, me, and members of San Diego LSA and Santa Clara County LPA. Thank you to both associations for helping support LPI at these events.

We are also planning to increase our partnerships. We already have a partnership with First Legal and CALSPRo that we will continue to foster. I have asked Brooke Mansfield, the liaison to the LPMT section of the CLA. to inquire with the executive committee of the LPMT on what else we can do to partner with each other to help increase membership and awareness for both organizations.

There is more that your leadership team is working on that I should be able to report next quarter. I am looking forward to rolling out our new educational system next year. Then through the multiple faceted marketing efforts outlined above, we will be able to educate the legal community that LPI is and will continue to be the go-to place for education and networking for all legal professionals. Together I believe we can reach our goals and have at least a 50% increase in membership over the next two years.

We are Stronger Together!





Saturday December 3, 2022

9:00 am to 10:00 am Civil, Federal, Specialty

ETHICS: REVIEW OF THE CALIFORNIA RULES OF

PROFESSIONAL CONDUCT, PART ONE

Speaker: Heather Linn Rosing, CEO & President Klinedinst PC

10:15 am to 11:15 am

Civil, Federal, Specialty

ETHICS: REVIEW OF THE CALIFORNIA RULES OF

PROFESSIONAL CONDUCT, PART TWO

Speaker: Heather Linn Rosing, CEO & President Klinedinst PC

12:00 pm - 1:00 pm **Probate, Family Law, Criminal**

ETHICS AND CLIENT TRUST FUNDS

Speaker: Bethany N. Ensz, M.S.

1:30 pm - 2:30 pm Federal, Specialty

ATTORNEY-CLIENT PRIVILEGED **COMMUNICATIONS AND** CONSIDERATIONS RELATING THERETO

Speaker: Kristof D. Szoke, Esq. of Meyers Nave

To register, visit our Events page at https://www.legalprofessionalsinc.org/events/ or use the camera on your cell phone and scan the QR Code



LSS Members - FREE LPI Members - \$15/webinar Non-LPI Members - \$30/webinar

Day Pass (All Four Webinars) LPI Members - \$45 Non-LPI Members - \$90









The Legal Specialization Sections is a program of Legal Professionals, Inc., an approved provider, and certifies that each of these 1.0 hour seminar segments have been approved for minimum continuing education credit in the amount of 1.0 hour of Participatory and Ethics MCLE credit by the State Bar of California.

LPI PROUDLY ANNOUNCES THE LAUNCH OF ITS

100% CLUB



MEMBERSHIP PROMOTION

LPI IS LAUNCHING A 100 PERCENT CLUB AS A SPECIAL CATEGORY OF MEMBER FIRMS WHO DEMONSTRATE AN OUTSTANDING COMMITMENT TO THE PROMOTION, EDUCATION, AND PROFESSIONAL DEVELOPMENT OF THEIR LEGAL SUPPORT STAFF BY HAVING 100 PERCENT OF THEIR SUPPORT STAFF AS MEMBERS OF LPI.

Qualification Requirements

- · Between November 1, 2022, and February 1, 2023, law firms/offices wishing to qualify for the 100 Percent Club must certify on the LPI-approved form (available from the LPI Vice President) that each support staff member is a member of LPI.
- The form must be signed by a current LPI member and the office manager/HR representative for said office.

*Winner to be announced at the February 2023 Quarterly Conference

100 Percent Club Rewards

- Listing as a 100% Club Firm on LPI's Website, in The Legal Professional Magazine, and in the LPI Annual Conference Program
- Opportunity for each 100 Percent Club Firm to be entered into a drawing for a 12-Class Pass valued at \$325 towards LPI live and recorded classes (multi-week classes excluded) for their staff members*
- Special recognition and awards for LPI associations with qualifying 100 Percent Club member firms/offices

Questions? Contact LPI Vice President Donna Day at vicepresident@legalprofessionalsinc.org

STRONGER TOGETHER - LPI PRESIDENT'S LUNCHEON

By Elise Dresser, CCLS and Vivian Shreve, CCLS – Submitted by Santa Clara County LPA



On September 10, 2022, Santa Clara County LPA ("SCCoLPA") was proud to host the traditional LPI President's Luncheon in San Jose, honoring Rod Cardinale, Jr. as LPI's 48th President and first male president in its history.

The luncheon was to be held at one of President Rod's favorite restaurants, Palermo, recognized as one of the South Bay's oldest and most well-respected restaurants. The restaurant has hosted many events for the legal community, including SCCoLPA, over the years, so we felt there was no better place to celebrate this event. But less than a week before the luncheon, we woke up to the news that Palermo had suffered significant damage due to an overnight fire, resulting in its indefinite closure. Thankfully no one was injured, and we know that the owners will bring Palermo back to the community better than ever.

We urgently needed a "Plan B." The party committee spent Monday (Labor Day) emailing and connecting via Zoom to come up with an alternate plan. And who else but President Rod to come to the rescue, offering the use of his backyard for the event! SCCoLPA

has enjoyed many summer barbeques/member appreciation events in President Rod's backyard every year, so we happily checked the location off the list. The committee then came up with a list of restaurants

who could cater the lunch, and started making phone calls. By Tuesday, we had narrowed it down to Maggiano's, who was able to supply us with everything we needed. And by Wednesday, we were able to notify all our guests about the location change. A few tweaks here and there and we were ready to go!

On Saturday, we all assembled at President Rod's house for the luncheon. As we were setting up, the seasonal summer winds suddenly picked up thanks to Hurricane Kay, decorations went flying, and our shade tents nearly flew over the fence! But by party time, we were blessed with lovely, mild, and warm weather, nowhere near the torrid 100 degree temperatures we were



experiencing just a few days earlier.

With some classic Italian music playing in the background, the guests were treated to appetizers, including mini meatballs with marinara sauce and classic tomato bruschetta. After introductions and announcements were made, LPI/SCCoLPA Historian Shannon Quigley led the group in a trivia game based entirely on, you guessed it, President Rod. The guests enjoyed chopped salads, mushroom ravioli al forno, lemon & herb salmon, and chicken piccata. Past President Jennifer Page, CCLS led the guests in a wonderful toast to President Rod - thank you so much Jennifer! And then everyone was able to experience

LPI PRESIDENT'S LUNCHEON

Continued from page 6

President Rod's favorite burnt almond cake, which he describes as "the best in the world." There were more trivia games, and of course, it wouldn't be an official SCCoLPA event without Linda Neuman leading everyone in "Cupid's Shuffle" on the dance floor.

Thank you to all the LPI members who attended to help celebrate the occasion, including LSI Past Presidents Patricia E. Miller, PLS, CCLS (1998-2000); Yvonne Waldron-Robinson, CCLS (2000-2002); Mary S. Rocca, CCLS (2004-2006); Mary J. Beaudrow, CCLS (2014-2016); and Jennifer L. Page, CCLS (2016-2018), as well as the LPI Executive Committee and many other officers, chairs, and members.

The luncheon committee (Elise Dresser, CCLS, Linda Neuman, Shannon Quigley, and Vivian Shreve, CCLS)

wishes to extend a huge "thank you" to President Rod and his lovely wife Tina, for hosting the LPI President's lunch this year. We could not have put "Plan B" into action without everyone's herculean efforts. What a great tribute to President Rod's "Stronger Together" theme! We would also like to thank SCCoLPA member Marzella Philip for her donation of the sparkling wine used to make the toast.

Finally, Santa Clara County LPA is so very proud of its very own Rod Cardinale, Jr., for working tirelessly ever since he became a member, to make LPI the gold standard of legal professional support organizations in the state. We can't wait to see what lies aheadl



Parliamentarian.

VIVIAN SHREVE, CCLS, is a litigation executive assistant specializing in securities, commercial and IP litigation at Wilson Sonsini Goodrich & Rosati in Palo Alto, California. Vivian started her career working at her father's criminal defense firm in Modesto more than 30 years ago and has been a legal secretary ever since. Vivian joined Santa Clara County LPA in 2014 and is currently their President. She attained the designation of California Certified Legal Secretary in 2014 and is currently LPI's CCLS Chair.





PLACER COUNTY LEGAL PROFESSIONALS ASSOCIATION AND SACRAMENTO LEGAL SECRETARIES ASSOCIATION PRESENT:

LEGAL PROFESSIONALS INC.'S 2ND QUARTERLY CONFERENCE



NOVEMBER 11-13, 2022 HILTON SACRAMENTO ARDEN WEST

FOLLOW THE YELLOW BRICK ROAD ... TO TONS OF FUN!



FRIDAY EVENING EXTREME GAME NIGHT:

WE ALL LIKE "LET'S MAKE A DEAL"! BE PREPARED - YOU NEVER KNOW WHAT YOU'LL BE ASKED FOR IN TRADE!

READY FOR COMPETITION? WELL HAVE IT IN SPADES! WE MAY (OR MAY NOT) HAVE SOME OF THE FOLLOWING:

NOT YOUR ORDINARY COSTUME CONTEST - ALL MATERIALS PROVIDED. IT'S A TEAM EVENT AND YOU'LL BE JUDGED BY YOUR PEERS!

RELAY RACES AND MUSICAL CHAIRS, BUT WE WILL THROW SOME CURVE BALLS IN THERE! THERE WILL BE ADDED TWISTS TO ALL THESE - YOU MAY BE BLINDFOLDED, HAVE TO USE OVEN MITTS AND/OR PLASTIC UTENSILS!

HAVE WE PIQUED YOUR INTEREST? BE THERE OR BE SQUARE

DID WE MENTION THERE WOULD BE SNACKS?

AT BANQUET:

BLING YOUR FLIP-FLOPS OR SNEAKERS. ANYTHING FROM ADIDAS AND BOOTS TO NINE WEST AND VANS. PRIZES WILL BE AWARDED FOR BEST IN SHOW, MOST OUTRAGEOUS, AND THE UGLIEST (NOTHING PERSONAL).



BE SURE TO BRING YOUR DANCING SHOES FOR AFTER BANQUET! YOU MIGHT WANT TO FRESHEN UP ON THE STROLL, ELECTRIC SLIDE, AND LINE DANCING MOVES. IF YOU DON'T KNOW THE MOVES, DON'T WORRY - WE'LL HAVE FANTASTIC INSTRUCTORS!

2nd Quarterly Conference - November 12, 2022



Legal Professionals, Inc. Presents **LPI Technology Training** Legal Specialization Sections



LSS Seminars **

11:00 am - 12:00 pm - Criminal/Family Law ETHICS - California Rules of Professional Conduct: Competence, Scope of Representation, Diligence, Communication, Fees

Speaker: Diane Mecca, CP, CBA, Owner 1st Class LeGals

1:45 pm - 2:45 pm - Federal

ETHICS - California Rules of Professional Conduct: Confidentiality of Information, Conflicts of Interest, Safekeeping Property, Duties to Prospective Clients, Legal Advice, Safeguards

Speaker: Diane Mecca, CP, CBA, Owner 1st Class LeGals



3:15 pm - 4:15 pm - Civil/LOA Calendaring/Time Computations

Speaker: Carla Clark, CCLS Owner Alexander's Legal Seminars & Publications

Pre-register: LSS Members FREE; All others \$15 Walk-ins: LSS Members \$5; All others \$20



LPI Technology Training

Presented By: June Hunter

11:00 am - 12:00 pm eDiscovery 101**

1:45 pm - 2:45 pm PowerPoint 101

Two Classes - One Low Price

LPI Members ~ Pre-register: \$20; Walk-ins: \$30 Non LPI-Members ~ Pre-register: \$35; Walk-ins: \$45

Individual Classes

LPI Members ~ Pre-register: \$15; Walk-ins: \$25 Non LPI-Members ~ Pre-register: \$25; Walk-ins: \$35



3:15 pm - 4:15 pm

One on One Training with June Hunter **FREE for Conference Attendees** (Sign up at Conference ~ Space is Limited)

All Seminars Are Available In Person or Via Zoom

The last day to pre-register at the discounted rate is November 4, 2022

The November Quarterly Conference will be held at: Hilton Arden-West, 2200 Harvard Street, Sacramento, CA 95815

To Register go to: https://www.legalprofessionalsinc.org/events/ or Scan the QR Code



"The Legal Specialization Sections is a program of Legal Professionals, Inc., an approved provider, and certifies that these seminars have been approved for minimum continuing education credit in the amount of 10 hour by the State Bar of California.

Please note: The PowerPoint 101 class is eligible for CCLS credit only. MCLE credit is not available.

FOLLOW THE YELLOW BRICK ROAD ... TO LOTS OF EDUCATION AND TONS OF FUN

BY: RACHEL MALERBI, CRYSTAL RIVERA, AND CORENE RODDER - SUBMITTED BY PLACER COUNTY LPA AND SACRAMENTO COUNTY LSA

Placer County LPA and Sacramento County LSA welcome you to LPI's 2nd Quarterly Conference in Sacramento. This conference will take place over Veteran's Day weekend November 11-13, 2022. Please join us as we "Follow the Yellow Brick Road" for a weekend of education, networking, and FUN!

A full Scrip ticket is \$176 and includes: Registration, Saturday Continental Breakfast, Saturday Roundtable Lunch, Saturday Dinner/Banquet, and Sunday Continental Breakfast. On Friday we have an optional "Extreme Game Night," and tickets are \$25.

Join us after Friday Night Reception for our Extreme Game Night. Be ready to play games, have fun and eat Nachos. We all like "Let's Make a Deal!" Be prepared – you never know what you'll be asked for in trade! Ready for competition? We'll have it in SPADES. We may (or may not) have some of the following:

- Not Your Ordinary Costume Contest - all materials provided. It's a TEAM event and you'll be judged by your peers!
- Relay Races and Musical Chairs, PlingPong, or Giant Jenga, but we will throw some curve balls in there!
- There will be added twists to all these: you may be blindfolded, have to use oven mitts and/or plastic utensils!

At Saturday's Banquet, we encourage everyone to enter the shoe contest. Everyone will be voting to award prizes for Best in Show, Most Outrageous, and Ugliest. But don't stop there! Dust off your favorite Wizard of Oz costume. Will you be Dorothy, Scarecrow, Tinman, Cowardly Lion, Good Witch, Flying Monkey, Munchkin, Wicked Witch,

Witch's Guards, or even the Wizard of Oz? Do not forget to bring your dancing shoes and be prepared to have fun doing the stroll, slide, and/or line dancing after Banquet.

We will wrap conference up Sunday morning with a continental breakfast and the conclusion of the Board of Governor's Meeting and then head back home. There truly is "No Place Like Home" except when we are able to get together with our LPI friends and family!

Conference will be held at the Hilton Arden West. Room rates are \$139+ per night for a single/double and rollaway beds are available upon request. Self-parking is available for a reduced fee of \$4 per day. All rooms contain mini refrigerators and coffee makers. The hotel offers complimentary Wi-Fi, Fitness Center, Business Center, Outdoor Pool, On-Site Dining, and Room Service. See flyer for reservations. Please identify yourself as being a part of "LPI" to ensure you get the group rate.

The hotel offers three on-site dining options, or you can order food to enjoy in the comfort of your own room with room service.

Other nearby dining options include Season's 52, Cheesecake Factory, BJ's Restaurant/Brewhouse, California Pizza Kitchen, Dos Coyotes, and Mikuni's, and several other options.

Nearby shopping is also available at



Arden Fair Mall and Market Square, which includes such stores as Macy's, JC Penney, Ulta, Barnes & Noble, and much more.

The hotel is located off the Capital City Freeway, in the center of the Point West Business District and within 10 minutes of Cal Expo events and downtown Sacramento.

The Book of Mormon is touring in Sacramento at the SAFE Credit Union Performing Arts Center over conference weekend and basketball fans might want to get tickets on Sunday to enjoy a Kings v. Warriors game.

There are several museums, the Governor's Mansion, Old Sac (on the waterfront), DoCo (downtown), and lots of other things to see and do. Consider making it a longer weekend.

FOLLOW THE YELLOW BRICK ROAD...

← Continued from page 10

Driving directions from the North via Interstate-5 South to Garden Highway, Exit 521. Left on Garden/Arden Garden Connector/Arden Way. Left on Harvard Street. The hotel is on the right.

Driving directions from the South via Interstate-5 North to US-50 East. Merge onto I-80 Business Loop. Exit Arden Way West, Exit 9b. Right on Harvard Street. The hotel is on the right.

Driving directions from the South via CA-99. Exit Arden Way West, Exit 9b. Right on Harvard Street. The hotel is on the right.

For those flying, Sacramento International Airport is approximately 13.5 miles from the hotel (approximately 20 minutes). There is no hotel shuttle service, however it is a short Uber/LYFT ride away, or Super Shuttle reservations are also available.

Placer County LPA and Sacramento County LSA looks forward to seeing everyone.

RACHEL MALERBI has been in the legal

field since 2004 and has worked exclusively in Family Law. In April 2021, Rachel joined Purcell Stowell PC as a Senior Paralegal. Rachel has been a member of Placer County LPA since 2005; serving in many positions and is currently serving as both President and Governor. Rachel began to serve LSI/LPI in 2016 and has served in the following positions: Professional Liaison, Day in Court, Career Promotion, and Scholarship Chair. Rachel is currently serving as LPI's Webinar Team Assistant, Rachel resides in Lincoln, CA and enjoys spending time with her family and friends whenever possible.

CRYSTAL RIVERA

has been a legal secretary since 1979. She's been a member of SLSA for many years; she is the current vice president and have held several board and committee positions. She has been with Somach Simmons & Dunn, an environmental law firm, since 2001. Her first legal secretary position was at The Grunsky Law Firm in Watsonville where she worked for almost 20 years. She has been very fortunate to work at great firms and with great attorneys and staff.

CORENE RODDER

is a legal secretary at Somach Simmons & Dunn, an environmental law firm. She has been with Somach Simmons & Dunn for 7 years and has been a legal secretary since 2002. She joined SLSA in 2011 and is currently serving as Governor for the 2022-2023 term. Corene also served as Governor of SLSA for the 2019-2020, 2021-2022 terms. She has enjoyed serving on many committees over the past several years as well as being a Co-Chair of the LPI Quarterly Conference for November 2022.

LPI'S FIRST QUARTERLY BOARD OF GOVERNORS MEETING













Legal Professional, Inc.'s (LPI) First Quarterly Conference was co-hosted by LPI and Orange County Legal Professionals Association (OCLPA) at the DoubleTree Hotel in Orange, California. This was Rod Cardinale, Jr.'s first conference as LPI President with a sports theme "Touchdown to Education." We experienced a completely new schedule of events throughout the weekend and it was a great success.

The conference started with the Friday night reception where everyone came sporting their favorite team jersey, met the Executive Committee Officers and Chairmen and socialized with LPI members; this was followed by an optional Pizza/ Bingo Night. Deborah Schmidt, CCLS kept us entertained while calling the Bingo numbers. LPI prizes were awarded to the winners and lots of fun was had by all!







Saturday began early with a continental breakfast, coffee and hot tea and visits with vendors and exhibitors before the Board of Governors commenced. The Board of Governors meeting began and all of the Executive Committee member's reports were given during the morning session. Afterwards, several Legal Specialization Section and Legal Technology Training workshops were offered before the first Joint Roundtable Luncheon commenced where the Executive Committee Resume was discussed. After the Luncheon, several more Legal Specialization Section and Legal Technology Training workshops were offered. At the Saturday evening banquet, immediate LPI Past President Lynne Prescott, CCLS presented a special Elevate award to Rio Hondo District Legal Professionals Association's President and Governor, Blanca Grijavla. After dinner and awards, Rod Cardinale, Jr. gave a toast to OCLPA for co-hosting conference and then music and dancing ensued where several members danced the night away.

Sunday started off with a continental breakfast, coffee and hot tea before the Board of Governors recommenced where Governors voted on several LPI Bylaw and Standing Rule amendments and recommendations. Once business was taken care of, acknowledgments were made and LPI's First Quarterly Conference with the new schedule of events was in the books. The weekend was filled with wonderful opportunities for educational workshops, networking and fun!

MARIN COUNTY LPA SUPPORTS ADOPT-A-FAMILY

BY KRISTI EDWARDS, CCLS - SUBMITTED BY MARIN COUNTY LPA

For as long as I can remember, Marin County LPA has supported Marin Adopt-a-Family during the holidays at the end of the year. The concept is pretty simple - Marin Adopt-a-Family assigns you a family with a pseudonym and gives you their 'wish list' including ages, sizes, favorite colors, etc. They ask you to purchase gifts on the list, wrap them, and deliver them to their office. They contact the family and make sure the gifts are delivered prior to the holiday. This year, because of COVID restrictions, they set up an online registration and we contributed to their Warm Coat Drive.

On our side, we collect funds from our members and plan a shopping day to purchase the gifts and a wrapping day to make them look beautiful. We also include a gift card from the association's treasury for groceries. In the beginning, I remember we actually purchased turkeys and other food stuffs, but that is no longer practical, so the gift card at a

local grocer suffices. An extra gas card is included if our treasury allows.

Although our association has been small in number, our members have been generous and we have almost always been able to purchase everything on the family's list. This last year, my attorney was feeling generous on 'Giving Tuesday,' and he contributed to the pot as well! We filled all the wishes!

I have to say, I don't really like to 'shop,' but these shopping sprees have been tons of fun and a real pleasure. It also helps to have a Christmas Elf in the form of the daughter of member Jennifer L. Page, CCLS, one Emma Page, who has participated every year since she was born. She has helped us decipher some of the kid's wishes and clued us in on what they really want. I've nominated her for Honorary Member status based on her contribution to this project.

Every year we get not only a thank you from Adopt-a-Family, but a handwritten note from the family and you can tell how much this has meant to them. Really warms your heart.

KRISTI EDWARDS. CCLS is an active and honorary member of Marin County LPA who is a legal assistant and office manager at Froneberger & Leviloff in San Rafael, an estate law firm specializing in estate planning, estate administration, and probate litigation.





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WORK-LIFE BALANCE AS A LEGAL PROFESSIONAL

By Rachel Rosenfeld, Esq. - Submitted by Mt. Diablo LPA

On June 6, 2014, I became a lawyer. At 28, I was ready to take on the legal world – the long hours, the intellectual challenges, and the grueling research was manageable, and sometimes, even fun. On July 25, 2019, I became a mother. I was ready to take on motherhood – the sleepless nights, the limitless love for our baby, and the joy of watching our baby grow expanded my heart and blew my mind. But, being an attorney or legal professional while learning how to be a mom presents unique challenges. Unfortunately, almost immediately upon my return from maternity leave, I realized that being a working mother did not come naturally to me, as it appeared to for some of my colleagues. (Side note: I still haven't figured out how to stop comparing myself to other moms- but that is for another article.) I struggled with time management at the office and home. Essentially, I felt that I wasn't meeting my (self-imposed) goals at work or at home .What I did not realize at the time, despite late night scrolling on Google or social media, was that I was not alone.

Ketanji Brown Jackson, sworn into the United States Supreme Court on June 30, 2022, is the first Black woman to serve on the Supreme Court. She is also a mother to two daughters. At her confirmation hearing, Justice Jackson elaborated on finding the proper balance when it comes to completing her work and raising her daughters, "I had struggled like so many working moms to juggle motherhood and career. And it takes a lot of hard work to become a judge, to do the work of a judge, which I've done now for almost 10 years. You have a lot of cases. You don't have that many resources, comparatively speaking, and it's a lot of early mornings and late nights. What that means is that there will be hearings during your daughter's recitals; there will be emergencies on birthdays that you have to handle."

The struggle is real. If someone as remarkable as Justice Jackson struggles to maintain balance, maybe everyone is grappling with how to be your best in your legal career and as a parent. While I know that all parents can feel torn between their work-life and homelife, but I think part of the reason I felt so overwhelmed by lawyering and parenting was that I felt burdened by the weight of my mental load.

Recognizing the Imbalance of the Mental Load.

The mental load, sometimes referred to as "cognitive labor", is the invisible work that is related to family management. Jessica Grose of the New York Times. who has written multiple articles on women's mental load in relationships, interviewed Allison Daminger, Ph.D. candidate in sociology and social policy at Harvard University last year about Daminger's theory that the mental load can be broken down into four parts: anticipate, identify, decide, monitor.

The four-part breakdown of the mental load highlights how mothers overwhelmingly carry the cognitive burden of family management. Applying this theory to my own life, I will use registering my son for preschool to highlight the four parts. "Anticipate" is realizing we need to start thinking about preschool before my son turns three because the schools in our area generally have wait lists; "identify" is looking into the various preschools in our area that will suit my son's needs and our family budget; "decide" is choosing the preschool and getting on the wait list if necessary; and "monitor" is following up on the wait lists, making sure my son is registered for school, and filling in and sending off all medical and other forms that are required.

According to Grose and Daminger, the two parts of the process that are most heavily imbalanced toward mothers and women are the "anticipate" and "monitor" while the "identify" and "decide" are more often shared by partners jointly. I know this is true in my life, and I am guessing that many other women and mothers in my generation feel responsible for initiating and understanding any and all tasks required for family management. Also, it is a well-worn societal norm that mothers are ultimately responsible for ensuring that a parenting task is properly executed. While both partners may share equally in doing legwork or making decisions, more often than not, men in heterosexual relationships do not completely take on any portion of the mental load to ease the burden for their spouse. It likely isn't intentional – many of us are just following in the footsteps of what we saw our own parents do. However, as society has evolved to require two working parents to support a family, carrying the mental load is challenging for working moms.

Being able to identify the sense of overwhelming pressure that came over me once I started back to work was important. It made me realize that there was something deeper at play than simply my concerns with outwardly managing both my work and family duties. There was a whole internal burden that I had unwittingly taken on for my family that I hadn't recognized; and I have come to learn that many other professional mothers were going through the same thing.

So, what did I do with that realization? And now that I have imparted this knowledge onto you, what will you do with it (after the flurry of Google searches, of course)?

Continued from page 16

Day to Day Balancing

Every day as a mother, a business owner, and legal professional requires a certain amount of juggling and multitasking. Even on days where I just focus on lawyering, I am still 100% a mom, 100% of the time. My spouse and I continue to have open communication about dividing household duties. I even share articles about the mental load with him so he can gain perspective when I am feeling exasperated or depleted. I have taught myself how to let go of certain tasks where I felt I was needed (i.e., being the one to stay home with the sick kid), and when I call upon my partner to help when I feel stretched thin, he understands and gladly steps up.

As for staying organized, I rely heavily on my work and personal calendar. Family appointments, such as meetings with teachers or swimming lessons, are calendared alongside my court hearings and discovery deadlines. While it can be challenging to mentally shift gears during the day between work and family, I appreciate that I have that option. If I need to schedule some additional time in between a switch to re-focus and prepare, I do so. But generally, my days consist of a healthy mix of family management and legal work.

Because the mental load is so engrained in who we are, I still have days where I feel that I have not done enough for my family or for my business. I worry that my self-care suffers. I know I don't exercise enough or prepare enough homecooked meals. However, I remind myself I am trying my best. I tell myself that it is remarkable that my spouse and I are raising an incredible, happy child while I am managing a successful business . When some days it all feels like too much, I get through those tough days by reaching out to other women or friends who share my dilemma, so that I know I am not alone.

All working mothers and caregivers should be commended for simply surviving! The mental load we carry along with the rigors of working in the legal profession are not for the faint of heart. Mothers that are business owners and in the legal field are strong, emotionally intelligent, and persistent.

Explore Creative Career Options and Tips for Managing the Mental

As legal professionals, we are fortunate that we offer in-demand services. The work of dedicated paralegals and legal professionals is so valuable. It is critical to know how important you are to the legal profession when balancing your work-load and your mental load.

Those of us who work in the law are generally tied to one type of practice, and with experience, others come to rely on our expertise. We should lean in to our preferred area of practice when exploring creative career options. For example, I am a Trust and Estates attorney. I absolutely love my work. Focusing on this area of practice keeps me motivated, because my work makes me happy, and because I feel confident about my expertise. However, I found that working as an associate at a busy trust and estate law firm with billable hour requirements, for me, did not mesh well with motherhood.

About six months after returning from maternity leave, I left my firm and chose to start my own practice. I formed a law partnership with my friend and former colleague (who is also a working mother). Starting a business while I was in the throes of figuring out motherhood seems, on its face, like a bold decision. However it has given me the flexibility I needed to spend time on the cognitive labor of parenthood, and has allowed me to have the freedom I needed to be more physically present with my family.

I realize that starting a business and being able to be self-supportive soon thereafter is not always a foregone conclusion in the legal profession. But our chosen field does offer unique opportunities for flexibility. Paralegals

and attorneys can generally bill at hourly rates that other professions cannot. If any one law firm or business fails, a qualified legal professional can almost always find another job in the current market. For me, while it was a leap of faith leave the security of a regular paycheck to start a business, I'm so glad I did!

Other creative options for legal professionals may be doing contract work for one or several law firms or sole practitioners. In addition, working for a forward thinking, family friendly employer could be the difference between feeling miserable or feeling supported as a working parent. Finally, at a minimum, if you are feeling overwhelmed at work, communicating with your current employer and coming up with a solution may be enough for some legal professionals to feel that their needs are being understood and met at work.

> RACHEL ROSENFELD is a trust and estates attorney. She is

the President of Northern California's Chapter of National Academy of Elder Law Attorneys and Litigation Chair for East Bay Trust and Estates Lawyers along with being a member of the Contra Costa County Bar Association's Elder Law and Probate Sections. Rachel's favorite part of her job is working proactively with her clients and empowering them to make informed, yet sometimes tough, decisions. Rachel grew up in the Silicon Valley and currently lives in Contra Costa County with her husband, her son, and her dog.



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THE URGENCY OF PROPER ESTATE PLANNING

By Reba Birmingham, Esq. – Submitted by Long Beach LPA

I got a call this week from a death investigator for the Public Guardian. A man had been found in his apartment, and in his effects was a workbook from our office for estate planning. I remember him especially well, because he was deaf and we had arranged a sign language interpreter that he paid for to be available on Zoom. I had to inform the investigator he never followed through, and we had no signed documents on file.

Talking to a close friend of his later, the friend told me the decedent had no obvious relatives. Although he had put the friend as beneficiary on his accounts, he did not do a will, which would have handled the tangible personal property. In addition to his personal effects, there apparently were many bond certificates stacked in his home that will not go to someone he would have picked. Maybe he didn't trust banks, or lawyers. We will never know.

Sometimes in estate planning, we think "old school" is best. "I'll put the house in joint tenancy" or "I'll just name beneficiaries." Joint Tenancy is understood and less complicated. "We don't need no stinking lawyers!" There is nothing illegal or wrong about this, but be careful. DIY estate planning, on line stuff or "I'll just stuff cash in the mattress and let my best friend know" doesn't always work the way you intend. And isn't the idea to make sure your loved ones get your assets without a lot of hassle?

As an estate planning attorney, I don't make the rules, I teach you how to work with them. Not everyone needs a trust, a will may be just fine, but get some good solid advice and make some kind of plan. The alternative is leaving it up to the probate code to dictate what

happens. Probate fees take a bite out of an estate before it gets to your heirs. Sometimes, your hard-earned money ends up in unclaimed funds which eventually escheats to the state. Some things I hear:

"I'll just put my children on my deed as joint tenants." Yes, this will avoid probate on your death, but you have now unwittingly gifted your children with your basis (what you paid for your house). If they inherit, then sell, they may be subject to capital gains tax, which is significant.

"My wife and I have everything in joint tenancy." Yes, and you also take the same plane on vacation, the same boat on a cruise, etc. If one of you passes, the other can do a simple "Affidavit Death of Joint Tenant" and put the house in their name. What if you both go at the same time? A probate.

"I'll put everything in my sister's name. We have a big family and she will know who to give it to, we all love our nieces and nephews and she knows about the disabled brother and what he needs." Sister may end up being sued by someone who didn't have such a great opinion of the sister, claiming she "unduly influenced you." That sister also may die unexpectedly and a husband snarf all the money and say to the intended beneficiaries "too bad so sad." The sister herself may get involved in drugs or gambling or even decide her church needs the money more than greedy siblings who have made her mad. You just never know. If you have a well-written trust, you guard against all these contingencies.

A note about trust lawsuits. People ask, "If I have a trust, will it protect me from being sued?" The answer is no not unless it is an irrevocable trust, which you probably do not need. What trusts basically do is two things: (1) avoid probate and (2) make sure your assets go to who you want them to go to in an organized fashion. There are other things to talk about with a lawyer, preserving your Prop 13 low property tax in the aftermath of Prop 19, estate taxes and how they work, and gifting to nonprofits. This article is just to wet your appetite to do the thing you have been putting off. It's too late for the deaf client who did not follow through, it is

Everyone Needs A Plan

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Planning

A Will or

Living Trust

Probate

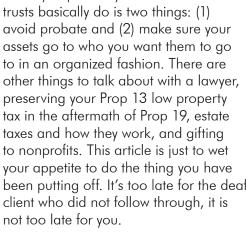
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ESQ. is an attorney at Long Beach Law, Inc., APLC in the area of estate planning, civil defense and has been doing same-sex adoption for twenty years, primarily focusing on Step-Parent (or 2nd Parent) adoptions.





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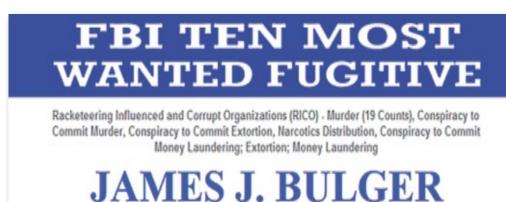
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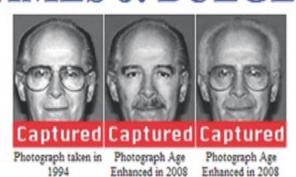
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HOW SKIP TRACING LED TO THE CAPTURE OF WHITEY BULGER AND BIN LADEN

BY LINDON LILLY - SUBMITTED BY ORANGE COUNTY LPA

Top Ten fugitive James "Whitey" Bulger was arrested thanks to a tip from the public —just days after a new media campaign was announced to help locate the gangster who had been on the run for 16 years.





Multimedia: Images Video | Audio

James "Whitey" Bulger embarked on a life of crime at the age of 14 and had become a prominent figure in Boston's organized crime scene by the late 1970s. From 1975 to 1990 Bulger also served as an FBI informant, tipping off the police on the Patriarca crime family while building his own crime network. After fleeing the Boston area in 1995, Bulger landed on the FBI's "Ten Most Wanted Fugitives" list. He was captured in California in 2011 and after a twomonth trial, the notorious crime boss was found quilty of federal racketeering, extortion, conspiracy and 11 murders.

Skip tracing

When someone "skips town," it's often because others are looking for them. Sometimes the individual knows a summons is on the way. Or maybe they're a key witness in an ongoing investigation. Maybe they owe too many people money. Other times an individual may not be hiding, just difficult to find because of outdated records or a lack of information. Regardless of whether someone is going off-grid intentionally or just trying to remain incognito, you need to be able

to find them if the situation requires it; finding these individuals is called skip tracina.

Skip tracing: the process of tracking down people who are particularly hard to find, whether they're personsof-interest, fact witnesses, debtors, or other individuals. This definition comes from an individual being difficult to find (aka, the "skip") and the process of finding them (tracing). Skip tracing these individuals often requires more than basic address and contact information.

HOW SKIP TRACING LED TO ...

← Continued from page 22

The Whitey Bulger capture created insight into skip tracing of subjects through their known associates.

The FBI credits its 30 second media campaign (PSA) across 10 states to the capture of one of its FBI TEN MOST WANTED FUGITVES James J. Bulger Jr. after 16 years of failure. The reality is, US Marshals located him and should be credited with his long overdue capture. US Marshals are the best at locating people, including notorious fugitives and missing children or others.

According to the US Marshals 2020 facts sheet, they have a higher than 50% recovery rate in 7 days for the location and recovery of missing children.

https://www.usmarshals.gov/sites/default/files/media/document/2020-Missing-Child-Program.pdf

For years the FBI focused its efforts directly on Whitey Bulger using traditional skip tracing techniques. After little over a decade and half the US Marshals were quietly asked to help. The US Marshals used a different approach,

which legal Investigators use all the time for locating witnesses, defendants, debtors, etc. The subject may seem as though they've dropped off the face of the earth but family members and people living with them have not. We start our searching through the subject's known associates, family, and friends. This is where our lesson in Bulger's capture shows us how better to locate witnesses, defendants, debtors, etc.

If you focus solely on the subject when starting your skip tracing, you may end up with the same results as the FBI—nothing. On the other hand, incorporating techniques involving the subject's associations can yield results. Sometimes it may seem as if subjects may not have a social media presence. But you can rest assured that their associates do. And these associates will include your subject on their social media platforms by way of pictures from celebrations and upcoming events that include your subject's locations. Some posts may include congratulations on purchases of real estate, vehicles, or other assets.

Scrutinizing the social media and social networking accounts of associates, friends, relatives, coworkers, and significant others can be an effective method of skip tracing. These individuals—who often are not hiding from the authorities or are unaware they may be divulging information about a skip—often share critical information investigators cannot find elsewhere.

Likewise, investigators can peruse apps to track down skips. They have done so through payment apps, messaging apps, and even fitness apps. All these applications contain a social media connectivity component that allows investigators to find public data on a person and their potential whereabouts.

The FBI dedicated thousands of man hours and dollars looking for Bulger, to no avail. The US Marshals, on the other hand, focused on his longtime girlfriend Catherine Greig who was always believed to be on the run with Bulger.

Whitey Bulger and longtime girlfriend Catherine Greig pictured below:







Whitey Bulger's girlfriend completes prison sentence (go.com)

When the Marshals became involved, they focused on Bulger's association with his girlfriend Catherine Greig, which led to his speedy capture after many years of evading the FBI.

This is the technique legal professionals use to locate people. In many ways it's a form of contact tracing.

HOW SKIP TRACING LED TO ...

Continued from page 23

Contact tracing

Contact tracing, in short, is the process of identifying the connections within and between social groups. This has many applications but is most often used in medicine to track the spread of disease and infection—especially during the Covid pandemic. Effective medical contact tracing can not only map the spread of an infection, but it can be used to control it.

The same principles, by the same token, can be applied to skip tracing by using social networks (Facebook, LinkedIn, etc.), property records, credit details, criminal history, legal court records, and genealogy sites. Start by looking at people known to have lived with your subject in the past. Does the person have some sort of professional license that can be searched for on a public website? Do they have hobbies, club memberships, medical needs, special dietary needs, or anything that else you can use to start your "skip?"

Let's not forget this technique was employed by the CIA to track medical supplies and doctors that were being used to treat Osama bin Laden.

Whether it's a world-famous terrorist. notorious Boston fugitive, or just a witness in a legal proceeding, we should always widen our skip tracing focus when it comes to locating subjects.

https://fishingwithfredo.blogspot. com/2011/05/famed-skip-tracer-whatbin-laden-did.html

The CIA and Osama bin Laden

The CIA focused on bin Laden's most trusted courier to track down the world's most infamous terrorist. Bin Laden lived in a world of electronic white noise—no internet, no cell phones. But his courier did, which turned out to be bin Laden's Achilles heel.

Bin Laden was tracked to a compound 25 miles outside the Pakistani capital Islamabad after the CIA followed a series of leads that allowed it to identify his courier, then trace his cell phone calls and movements.

It turns out that suspected terrorists detained after the September 11 attacks informed the US intelligence community about bin Laden's favorite courier, Abu Ahmad al-Kuwaiti. They said if bin Laden had a courier, it was probably al-Kuwaiti. When the CIA tracked the courier to the compound near Islamabad, they figured who he was living with had to be more important than he was

Another clue that led the CIA to bin Laden's compound was the fact that it had no digital footprint—no internet, no cell phones. This was an oddity given the size of the residence. When profiling the type of residence bin Laden would be living in, the CIA figured it would probably be large, with strong security, and without a digital footprint. Bin Laden's compound checked all those boxes.

https://www.jpost.com/Diplomacy-and-Politics/Analysis-How-the-Americansfound-Bin-Laden

In August 2010, the CIA learned that al-Kuwaiti and his brother owned an imposing and quaint abode in Abbottabad, a relatively affluent city, which was a retirement town for members of Pakistan's military. Eventually, the CIA noticed that the residents burned their trash instead of leaving it to be picked up like the neighbors. There was no internet or phone line connected to the building, which was odd since the compound was valued at over \$1 million.







HOW SKIP TRACING LED TO ...

Continued from page 24

The compound had unusually tall walls topped with barbed wire. The third floor had a tall privacy wall and few walls faced outside the property. By following the brothers' movements, the CIA was able to determine that there was another family living in the compound and that they were apparently more important than the brothers.

Nor did the CIA buy into the notion that bin Laden was hiding in some remote cave. Instead, the CIA suspected he must have been living in a city with access to a physician and medical supplies. Bin Laden was known to suffer from kidney stones, which required treatment with medicine. Exacerbating his medical needs, bin Laden also had an enlarged heart and low blood pressure.

Although the US had no jurisdiction to invade the compound on Pakistani soil, the call was made to do so since the Pakistani government couldn't be trusted with such a significant case. So, US Navy Seals raided the building, finally killing bin Laden.

Skip tracing works. Not only does it work for the US Marshals and the CIA, but it also works for private investigators who use it to track down people for their clients. Lindon Lilly is one of those private investigators, and his company Rhino Investigation and Process Serving uses skip tracing, among other techniques, to help clients win cases. Lilly is a retired law enforcement officer with 20 years of experience. He has an additional 30 years of experience in security and legal assistance. Lilly is a California licensed private investigator and has served two terms as the Governor of the California Association of Licensed Investigators (CALI).



LINDON LILLY is the founder of

Rhino Investigation and Process Serving. He has 35 years of experience in the legal support and security services industries, 30 years of experience protecting high-profile individuals, 20 years of experience in law enforcement, and is a licensed private investigator by the California Bureau of Security and Investigation Services.

QUARTERLY ASSIGNMENTS | 2022-2023

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, Conejo Valley, Contra Costa County, Desert Palm, Fresno County, Humboldt 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, Orange County
- c. February Issue (to be submitted no later than December 1st): Placer County, Rio Hondo District, Riverside, Sacramento, San Diego, San Fernando Valley, San Francisco
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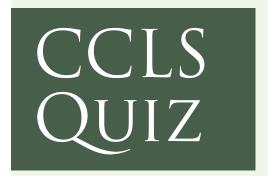
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A. Date line, inside addressB. Letterhead, date lineC. Inside address, salutation	A. True B. False
D. Letterhead, date line, inside address, salutation4) Which of the following is not a common website	9) When an abbreviation such as Esq., M.D., or Ph.D. follows a name, do not use a personal title such as Mr., Ms., or Dr. before the name.
extension? Acom Borg	A. True B. False
Cgov Dusg	10) Personal knowledge of the identity of a signer is acceptable identification for a notary to complete a jurat.
5) Alphabetizing by addresses, using the unit-by-unit alphabetic filing as recommended by ARMA, which of the below would come first?	A. True B. False
A. Mike's Malt Shop, 321 Market Street, San Diego B. Mike's Malt Shop, 4978 Fourth Avenue, San Diego	

CCLS QUIZ ANSWERS ON PAGE 28

CCLS QUIZ

ANSWER KEY

I. C

6. C

В

7. A

3. B

8. A

4. D

9. A

5. В **10**. B





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UPL IS A CRIME!

THE UNAUTHORIZED PRACTICE OF LAW

By Vivian Shreve. CCLS – Submitted by Santa Clara County LPA

Legal Professionals and Notaries

The unauthorized practice of law (UPL) is a crime. And if you've ever studied for the California Notary Exam or the CCLS Exam, then you've probably heard that quite a bit. In a recent session of the CCLS Online Study Group, we were discussing this very issue and how it can impact us as notaries, legal assistants, and paralegals. That discussion moved me to write this article.

So, what exactly does the "unauthorized practice of law" mean? I used to think that it was just someone who held themselves out to be an attorney, when they never actually passed a bar exam. While that is true, it includes much more than that. The State Bar of California's website defines of the unauthorized practice of law as follows: "When someone who is not licensed to practice law provides services that can only be performed by attorneys, that is called the unauthorized practice of law (UPL)."

https://www.calbar.ca.gov/Public/ Free-Legal-Information/Unauthorized-Practice-of-Law#:~:text=When%20 someone%20who%20is%20not,UPL%20 is%20a%20crime. California Business and Professions Code section 6125 puts it very simply: "No person shall practice law in California unless the person is an active licensee of the State Bar." And California Business and Professions Code section 6126 states that ". . . not only is it illegal to practice law in the state without a California license, but it is also illegal to hold yourself out as a licensed attorney without holding a license – even if you don't engage in the practice of law." Just the act of advertising yourself as authorized to practice law, even if you haven't performed any legal work, is enough

for a possible conviction under these statutes, possibly resulting in one year in prison and \$1,000 file for each count. If you are disbarred and continue to practice law, the penalty could increase to three years in prison for each count.

But what exactly does it mean to "practice law"? I don't believe there's an exact definition but it's typically understood to include representing clients in court, consulting with potential clients and giving legal advice, and preparing legal documentation. The American Bar Association generally defines it as "the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law." In its most general sense, the practice of law includes representing clients in court or negotiations, consulting with potential clients and giving legal advice, as well as preparing legal documentation.

So now you may be asking how this impacts you, as a non-attorney legal professional. As legal support professionals, it is very important that we are aware of these laws and statutes. It is our duty and ethical obligation to abide by these laws and regulations, as we can also be criminally prosecuted or sued for civil damages based on our actions, not to mention the potential harm that your firm may suffer because of your actions, and the probable loss of your job. It is also our moral and ethical duty to report the unauthorized practice of law when we see it happening by others.

Here are some common examples of UPL:

- A person advertises basic legal services like wills and contract reviews online but doesn't hold a license. Even if the person gets no clients, the person has still broken the law by advertising services the person isn't qualified to perform.
- To meet a deadline, a paralegal unlawfully files a legal claim on behalf of his boss, a licensed attorney, who is out of town and has not authorized the filing.
- An attorney licensed in another state provides legal services to California residents.
- An attorney gets disbarred but continues to finish legal work already in process for her clients.
- A law student who has not yet passed the bar drafts legal documents for his friends for a small fee.

Consequences for Engaging in UPL

Consequences to Attorneys:

- Disciplinary proceedings
- Injunction
- Contempt of Court
- Criminal prosecution
- Civil action brought against attorney

Consequences to Paralegals:

- Injunction
- Contempt of Court
- Criminal prosecution
- · Disciplinary proceedings brought against super-vising attorney
- Loss of employment
- Civil action brought against paraleaal

UPL IS A CRIME!

Continued from page 30

You might be really surprised at how or when you might encounter the unauthorized practice of law. Some of the most common professions at risk of engaging in the unauthorized practice of law are obviously paralegals, as well as realtors, accountants, and bankers. For example, while it is usually allowed for a realtor, because of their specialized training, to prepare purchase agreements for his or her clients, but in many states, it is not permissible for that realtor to give legal advice concerning title to the property or to represent his or her client in a legal dispute over that property.

Some tasks generally assigned to paralegals may, at first glance, appear to be the unauthorized practice of law. For example, paralegals may use their knowledge of the law and legal procedures to assist attorneys in drafting legal documents and other law-related tasks. However, as they are working under the direct supervision of an attorney, who is ultimately responsible for their work, they are merely assisting the attorney with the attorney's practice of law, and therefore, they are not engaging in the unauthorized practice of law.

The real controversy with paralegals and the unauthorized practice of law comes from independent paralegals, who do not work under the direct supervision of attorneys. They are often in danger of committing the unauthorized practice of law. Because while it is legal for them to sell legal forms and printed material drafted by attorneys, it is ILLEGAL for them to give any legal advice while doing so. Legally, the paralegal is not authorized to suggest which forms a client may need, or to advise the client on how to fill out those forms, as that is legal advice, which the paralegal is not licensed to give. It is very important for paralegals to know exactly what constitutes the unauthorized practice of law, and to make sure that their actions never violate the statute.

Another area of real controversy concerns notaries. From the Notary Public Handbook,

The unauthorized practice of law means offering legal services without being licensed as an attorney. Statutes, court opinions and ethics rulings from the state bar often define legal services in the following ways:

- Giving advice about a document a customer needs.
- Recommending the type of notarization required.
- Offering an opinion about the legality or effect of a document.

Only attorneys licensed by the bar in a particular state may perform these services, non-attorney Notaries may not.

While it may seem easy to tell a customer which notarization you think they may need, it is illegal for you to do so. The customer must decide. And if the customer doesn't know what type of notarization is needed, they must seek the advice of an attorney.

As you can see, as important as this is, many people really don't know where the official line is drawn. Sometimes it's a little hard to tell. While experienced paralegals and legal assistants may have the knowledge to perform certain tasks, it may be illegal for them to do so. Likewise, it is sometimes hard for an attorney to know exactly what they are legally allowed to delegate and how much supervision is required.

And while the enforcement and consequences differ significantly by jurisdiction, both to attorneys as well as non-attorneys, it is typically under the control of the state judiciary. But we can find a great deal of guidance from the American Bar Association's Model Guidelines for the Utilization of Legal Assistant Services. These Guidelines make it clear that attorneys are responsible for the work of legal assistants and paralegals working under their supervision. If the work is strictly

supervised, attorneys may delegate most tasks typically performed by attorneys. However, there are three things that an attorney may never delegate to a legal assistant or paralegal: establishing an attorney-client relationship; establishing the amount of fees to be charged for legal services; and rendering a legal opinion to a client. Otherwise, the Guidelines are not detailed on the utilization of paralegals. But until there is some sort of resolution on paralegal regulation and the role of paraprofessional field, these guidelines, and those adopted by statute or local rules on the utilization of paralegals, may be the best resources for attorneys, paralegals, and legal assistants. I encourage you to familiarize yourself with them.

SOURCES:

California Business & Professions Code §§6125 and 6126

California Notary Handbook

Pocket Guide to Legal Ethics, Angela Schneeman

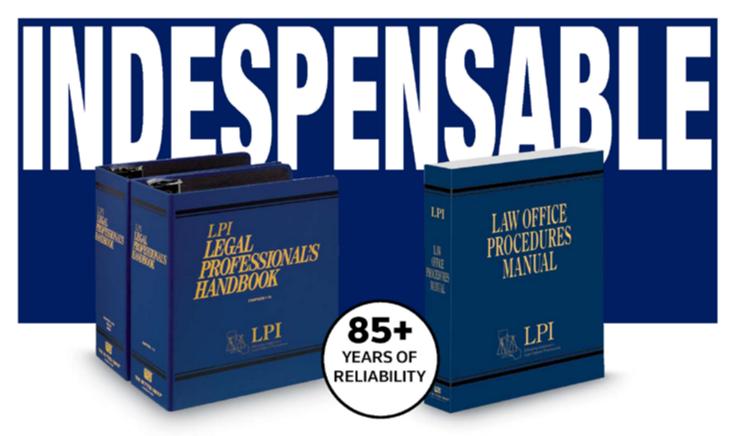
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For full information, please go to LPI's website here:

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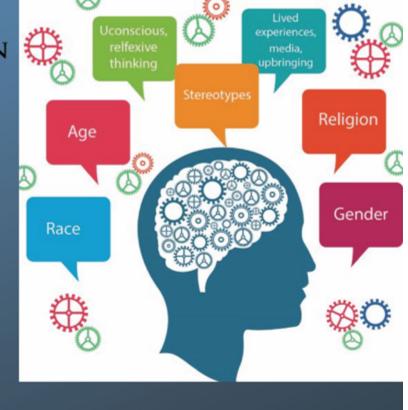
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Court Reporting Deposition & Case Management Videographers

DISCOVERY

Early Case Assessment & Consultation Preservation & Litigation Holds Data Collection

RECORDS

Subpoena and Authorization Services Subpoena Preparation Deposition Officer Designation

DIGITAL

Litigation Copying & Scanning Exhibit Boards & Binders Mail-Outs

INVESTIGATIONS

Surveillance & Sub Rosa Background Searches Skip Tracing

Get in touch

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[Portal features and functionality include]

- Electronic Filing and Electronic Service capable
- A "Route Pick-Up" delivery option for our Retainer Clients with a daily pick-up.
- User-friendly web interface tested by legal professionals and court approved.
- Securely create accounts and add users 24/7 using a completely paper-less process.
- Easily place orders and maintain a complete record of your cases & documents.
- View and share status communication updates with colleagues and clients.

Let us add you to the growing list of clients who are using the portal to make their jobs easier.

- "I am LOVING the new system! Seriously...very user friendly."
- Alison (Orange County Client)
- "Just wanted you to know that I've now used the new portal for two filings and am VERY happy with it. Super easy to use."
- Darla (Los Angeles Client)

"I really like being able to see all cases in one location. It is really easy to use."

- Miguel (Orange County Client)







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