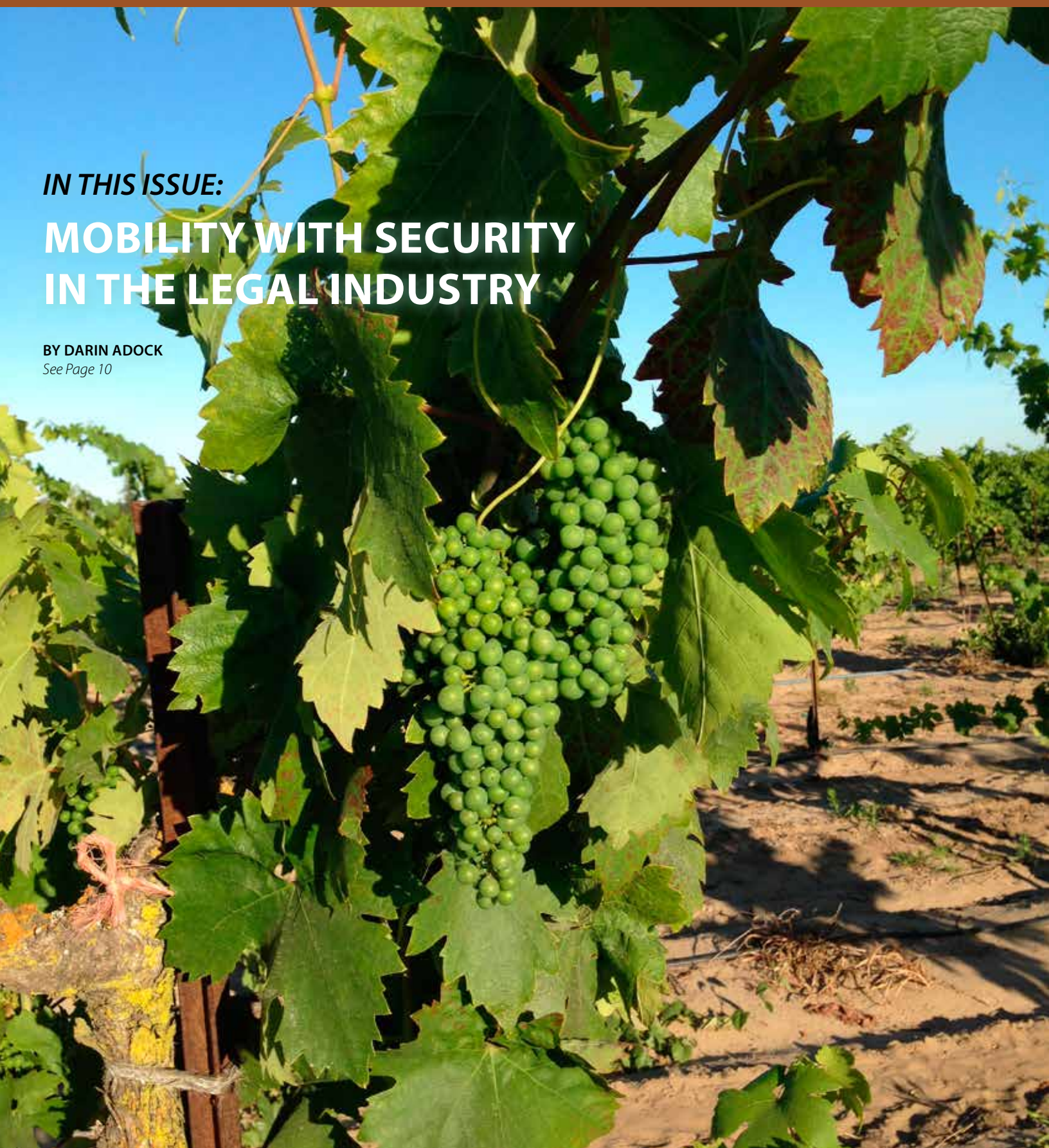


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MOBILITY WITH SECURITY IN THE LEGAL INDUSTRY

BY DARIN ADOCK

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

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Moving Onward and Upward in Unity

BY MARY J. BEAUDROW, CCLS



MARY J. BEAUDROW, CCLS

is President of Legal Secretaries, Incorporated and a member of Mt. Diablo Legal Professionals Association. Mary has worked in the legal field since 1977, and has worked for the law firm of Morrison & Foerster LLP since 2002, where she is currently a Senior Docket Coordinator. Mary is a former member and Past President of San Francisco Legal Professionals Association.

We have returned from celebrating Legal Secretaries, Incorporated's 81st Annual Conference at the Bahia Resort in San Diego, California. Thank you to our host association, San Diego Legal Secretaries Association, and Annual Conference Chair Michelle Tice, CCLS, along with her committee members for doing an outstanding job. The Bahia Resort in San Diego provided a beautiful location for our conference.

At the Saturday night banquet, I had the pleasure of presenting the President's Award to our Editor-in-Chief, Maria Bishop, CCLS, for all of her years of service for LSI. Maria has been a member of the Public Revisions Committee for several years and in 2010, she was appointed to be the Editor-in-Chief. As I said in my speech, Maria is a quiet leader with a heart of gold. The Editor's main duty is to make sure that the committee is keeping on top of updating the chapters for the *Legal Procedures Office Manual* and the *Legal Professional's Handbook*. Without these publications, LSI would not be as financially sound as we are at this time. When I made the announcement, Maria's expression was priceless.

To me the most important topic of discussion that took place at the annual conference was the selection of LSI's new administrator. At the Post-Board of Governors meeting a majority of the Governors voted to adopt the following Executive Committee's recommendation:

The EC recommends hiring California Advocates Management Services (CAMS) as the LSI Administrator and further recommends executing their contract for services.

California Advocates Management Services is an association management service that was formed in 1991. They are a full service association management company that provides services to numerous associations, including 501[c] (6) mutual benefit organizations and 501[c] (3) foundations. A team of association management specialists who possess over sixty combined years of diversified association experience manages CAMS and its current clients. CAMS is located at 2520 Venture Oaks Way, Suite 150, Sacramento, CA 95833. This office is convenient to the airport and is just five minutes from downtown Sacramento. The CAMS office will be the LSI's headquarters. The office is open Monday through Friday, 9:00 a.m. to 5:00 p.m.

I worked closely with CAMS when I was President of California Legal Professionals Support Services (CALSPRO) from 1998 – 2000, and during my years of serving on the Board of Directors of CALSPRO. I know CAMS to be a professional corporation that provided a personal touch to its clients. It is because of my previous relationship with CAMS that I asked them to submit a bid for the LSI Administrator position. Some of the associations that CAMS manages beside CALSPRO are the Association of Defense Counsel of Northern California and Nevada; California Judges Association; and Los Angeles Chapter of the American Board of Trial Advocates.

LSI is making a dramatic change in having a corporation serve as our administrator and I understand change is not easy. Change can be a good thing. Please note the Executive Committee is not making a lifetime commitment to CAMS. We have signed a contract for one year that may be terminated by either side without cause on 90 calendar days prior notice. The Executive Com-

PRESIDENT'S MESSAGE

mittee felt we need at least a year to determine if having CAMS as our administrator is serving the needs of LSI.

Kim Ingersoll, who has worked for CAMS for eleven years and handles the other legal association accounts, has been assigned to be our LSI Administrator. There is going to be quite a learning curve for both parties as we develop our working relationship; however, I am confident that the membership will continue to receive excellent customer service.

The fiscal year for Legal Specialization Sections is August through July, and membership renewals are just around the corner. Please be sure to renew your membership soon. If you are not a member of one or all of the Legal Specialization Sections, you are missing a wonderful opportunity for quality education at an outrageously minimal cost.

The Legal Specialization Sections will continue to offer lunch time webinars. A webinar is scheduled for June 10, 2015, from Noon – 1:00 p.m. with the topic “Immigration Consequences of a Criminal Conviction: A Review of Lawful Permanent Residency vs. Executive Action.” How convenient to receive education by sitting at your desk! If you are a member of the Law Office Administration section or the Criminal Law section, you attend for free.



Make a change in your life, step outside of your comfort zone. Bring someone new in to LSI. Take it a step further and invite someone new to attend an LSI conference with you. Introduce them to the Executive Committee and the members of LSI. Help them to experience all that LSI offers. But most importantly, make them feel welcome. Make them realize the advantages of being a member of Legal Secretaries, Incorporated. **LS**

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SHARA J. BAJURIN, is employed as a legal secretary for Carr McClellan P.C. in Burlingame, California, supporting attorneys in the Litigation, Real Estate, Corporate and Bankruptcy Departments. Shara has worked more than twenty-five years in the legal field. She is a graduate of the University of New Mexico with a BA in Political Science, earned an AA in Paralegal Studies, and passed the California Certified Legal Secretary exam. Shara is a long-time member of the San Mateo County Legal Secretaries Association, served as President from 2009-2011 and is currently Co-President, and is a member of LSI's CCLS Certifying Board.

Seven Reasons Why Paralegals Should Take the CCLS Exam

BY SHARA BAJURIN, CCLS, CCLS CERTIFYING BOARD

This question comes up all the time: What is the difference between a paralegal and a legal secretary? One might say that paralegals do what attorneys can do, and legal secretaries do what attorneys can't do. Essentially, a paralegal's duties could include interviewing people involved in the case, preparing case summaries, research and documentation of cases, and general case management. Paralegals may bill their time, which makes them a valuable asset for the firm. On the other hand, a legal secretary's duties may include essential administrative duties for the law firm, including word processing, filing, calendaring, and assisting the lawyers and paralegals. In this quickly-changing industry, many legal secretaries have earned paralegal certifications in order to improve and broaden their skills, as well as allow their firms to bill their time for paralegal work. But, why should a paralegal consider taking the California Certified Legal Secretaries Exam? We have seven reasons why the CCLS exam is a great idea for paralegals:

- Ability to Communicate Effectively. Paralegal programs are not focused on improving grammar and punctuation. It is assumed that the paralegal has advanced skills in that area already. The reality is that many paralegals lack the basics in spelling, punctuation, and grammar. Studying for and taking the CCLS exam will sharpen those skills considerably.
 - California Legal Procedures. Acquiring a deep understanding of state court requirements seems like a no-brainer, but many paralegals find themselves asking questions like, "How many copies do I need to provide to the court?" and "How do I calendar this?" Preparing for the CCLS exam will make you the expert.
 - Skills. A paralegal may specialize in one area of law, but in today's downsized, right-sized, topsy-turvy working world, having a broader set of skills assures greater marketability. Learning to work in many different areas of the law provides better job security.
 - Legal Computations. Thought you left math behind in high school or college? Think again! A career in the legal field guarantees that you will have to calculate judgments or calendar deadlines. Whether a legal secretary or paralegal, you will most likely have to determine post-judgment fees or calculate a response date. Studying for the CCLS exam will prepare you for that.
 - Legal Terminology. Most paralegals have a very good understanding of legal terminology, so show off your skills! The CCLS exam will push you hard, and will require that you recognize the proper citations using the *California Style Manual*.
 - Law Office Administration. Earning a paralegal degree or certificate does not usually include the many aspects of working in a law office. This section of the CCLS exam will expose the paralegal to the unique structure of the law office, including records control, filing procedures, and notary public procedures.
 - Reasoning and Ethics. Everyone who works in a law office is expected to have an understanding of professional standards of conduct. Paralegals are required to complete four hours of legal ethics every two years. This section of the CCLS exam will provide a deeper understanding of what this means, making the paralegal a more valuable asset to the firm.
- The CCLS offers you greater recognition from your peers. Hear that applause? It's all for you! As a CCLS, you can expect recognition from your peers for taking that extra step in your professional development. **LS**



DARIN ADCOCK joined Dowling Aaron Incorporated in 2005 and became its Chief Information Officer in 2007. He manages all aspects of technology from servers and PCs to telecom and wireless solutions. Dowling Aaron is the Central Valley's second largest full-service law firm with locations in Fresno, Bakersfield, Visalia and soon Roseville, California. Darin earned his Master's Degree in Digital Security from Golden Gate University and has been featured in BizTech Magazine, CIO.com and USA Today informing readers about mobile device security. He is a recipient of the ROI award from the prestigious Nucleus Research organization. He was also nominated for the Information Security Executive award for the West region and has been a speaker at InterOp, LegalTech, and AirWatch Connect.

Mobility with Security in Legal Industry

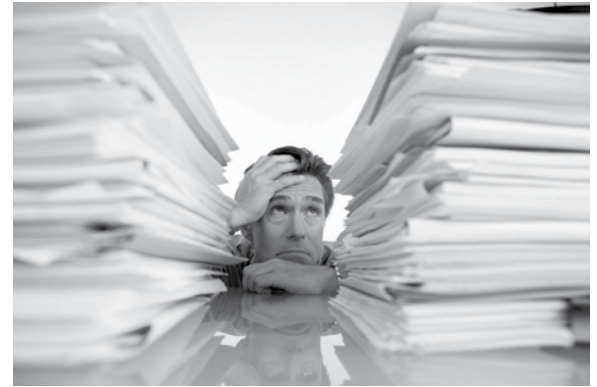
BY DARIN ADCOCK, FRESNO COUNTY LPA

Your workload is heavy, timelines are shortened and productivity is expected to increase so how do you manage to get everything done? Well, it seems that a huge majority of people are solving these issues by working while being mobile. Smart phones and tablets allow us to continue to accomplish a lot of tasks even though we are on the go. Whether I'm sitting in the doctor's office or sitting in bed, I can still communicate with staff, answer emails or do research even though I'm not sitting at my desk. But can I do it securely? Mobile security is just as important as being mobile but most people haven't addressed the issue yet. Many law firms are allowing their employees to sync their smartphone with the corporate email server yet have no safeguards in place if the phone is lost or stolen. Many law firms don't even require a passcode to be on the device and even if they did, they don't have the means to enforce it.

Years ago when the Palm Treo became able to sync with Outlook, we had a few attorneys that wanted to use the technology. I remember those days well because the attorneys would always freak out when we had a power outage since their phone was no longer syncing until they were logged back in and Outlook was running. At the time, it was just a handful of attorneys so I could keep track of who was syncing and if they had a passcode on their device or not. I quickly learned that even though I explained the reasons why it's important to have a passcode, they would turn it off as soon as I left their office. It apparently slowed them down too much to have to enter the 4-digit PIN. As I monitored and learned how much data they were storing on their Treo's, I quickly realized that they are walking around with an electronic briefcase. They had hundreds of megabytes of corporate data at their fingertips, or if they lost it, someone else's fingertips. It was at this moment I knew I had to come up with a solution that would allow me to manage mobile devices and set some security requirements. In talking with my representative at CDW, he suggested I give AirWatch a look. AirWatch is a Mobile Device Management (MDM) solution that works with all kinds of different devices allowing you to set and push pol-

icies to the smartphone or tablet. AirWatch could do the three main policies I wanted and a lot more. I wanted to force a password, wipe the phone after 10 failed attempts and also put a screen timeout for inactivity. We also use it to push Exchange Sync settings, Wi-Fi and a few other things. After the initial setup costs, it costs roughly \$3 per month to protect a smartphone or tablet. This is a very inexpensive way to protect all of the data that resides on smartphones and tablets.

Although I met some initial resistance and inherited the name "Big Brother," it only took one stolen phone for the attorneys to realize the need for AirWatch. They also learned that not only was I protecting corporate data, but their personal data as well. We had an attorney whose car was broken into while attending a funeral on a Sunday afternoon. It was obvious the phone was stolen and not misplaced so he immediately called me using his wife's phone and told me to send the wipe signal. Once the phone was wiped, he could then go into Verizon and replace it. He took comfort in knowing that not only the corporate data was gone but so was his personal banking application, text messages and personal photos. Now employees come to me right away to get AirWatch installed.



Things to Consider:

- Employees should “Opt-In” to the Mobile Security Policy with personally-owned phones.
- Only salaried employees should be allowed to sync except in special circumstances due to potential over-time issues.
- Mobile Security policy should state what you have rights to, what security policies are in place and what you are not doing. For example, we don’t enable GPS tracking.
- Send multiple emails prior to launch of the project explaining reasons why you are implementing a mobile security policy and also remind them that you can’t read their texts or view their pictures, etc.
- Choose only a few policies to begin with so it’s not overwhelming or over-complicated.
- You can choose to perform a “Corporate Wipe” which removes just the Exchange Sync settings which is Mail, Calendar and Contacts or you can perform a “Device Wipe” and reset the phone completely which would also erase their personal items.
- If you have resistance getting the project approved, remind them that attorneys have an express duty “to maintain inviolate, the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.” Bus. & Prof. Code section 6068, subd. (e)(1).

LS

CCLS QUIZ:

ABILITY TO COMMUNICATE EFFECTIVELY – GRAMMAR

BY TERRIE QUINTON, CCLS, CALIFORNIA CERTIFIED LEGAL SECRETARY CHAIRMAN

INSTRUCTIONS: CHOOSE THE CORRECT WORD IN EACH SENTENCE BELOW.

1. Neither the plaintiff nor the defendant [A] have [B] has the tentative ruling.
2. The board [A] is [B] are driving their own cars to the meeting.
3. He is the kind of attorney [A] that [B] which all plaintiffs would like to hire.
4. The plaintiff must assert all of [A] it’s [B] its claims at the outset of the case.
5. [A] Who [B] Whom is the person in charge of this project?
6. You and [A] me [B] I are the designated signors.
7. I wish she [A] were [B] was present for the hearing.
8. A number of accidents on the freeway [A] have [B] has tied up traffic.
9. The opposition to the motions [A] are [B] is due today.
10. We [A] can not [B] cannot do anything, or we can fix the problem.the amount of support to be awarded.

SEE ANSWER KEY ON PAGE 29



KELLY BORGES is a member of Humboldt County Legal Professionals Association, currently serving as its Governor/Parliamentarian, previously as its Vice President, Treasurer and Secretary. She is a Paralegal for David J. Crane, Attorney at Law, whose focus has been state and federal litigation for over forty years. Kelly earned her AS degree in Legal Assistancy/Paralegal Studies over twenty-five years ago.

How Unemployment Really Feels

BY KELLY BORGES, HUMBOLDT COUNTY LPA

I've worked since I was thirteen years old and never thought I would be collecting unemployment. I had heard the stories of many in our area struggling to find placement, both in the legal field and others, but could only empathize, having no personal experience.

In the past if I found myself interested in an open position, I submitted my application and resume and confidently awaited the interview I knew was coming. If the offer was attractive enough I took it and never stayed less than two years. One position lasted fourteen. Then 2012 changed everything I knew.

I not only lost my position of almost three years, I lost my self-esteem, professional image, and identity. It was a blow for which I was unprepared, and the emotional roller-coaster that accompanied this new place in my life was equally devastating. I was depressed, unable to sleep, nauseous, and at times desperate enough to consider my previous career in the medical field. This was a constant struggle over an eighteen month period. I actually received unemployment benefits through the first extension, before that program ceased.

After applying for multiple positions, interviewing, and not being hired, I had to wonder what I was missing. What was wrong with me? For the first time in my life I felt unwanted and underappreciated, not a great place.

I brushed up on my Spanish, kept up my MCLE's, and actually sought assistance through the programs offered by Employment Development Department. That was another first.

I had to attend a seminar on what employers are seeking, the questions to expect and the most appropriate answers (What animal would you be? Were they serious? I failed that one, by refusing to relinquish my human standing). EDD reviewed and critiqued my resume, evaluated my interview style through seven mock interviews, each offering new insight and suggestions. They also offered a variety of self-improvement courses. It hit them all. It was a revelation.

I registered with two different employment agencies and notified our local association's Employment Chair of my position requesting I be placed on her list. I applied

everywhere, tested, interviewed and accepted temporary positions as they came. I lost my previous confidence, but learned instead the reality of humility and accepted all offered constructive criticism. I found the true value of teamwork within our local association. Their continual support and suggestions kept me going. My fellow members directed me to helpful websites, evaluated my resume for different elements than the general items EDD had done. I actually joined a website for legal professionals, something I had always viewed as a waste of time. I learned otherwise, with their Blogs, articles, networking, and one continual flow of information.

In addition, our members kept in touch, aside from the monthly meetings, and kept me buoyant. I learned a lot about strength, determination, resourcefulness and myself. Mostly, I believe, I learned that reaching out does not define one as weak, but instead, as open.

One of those temporary positions eventually let to my current, permanent job, for which I am eternally grateful. Litigation is an area in which I was always interested, but never pursued. I am so glad to have been given the opportunity to do so.

Litigation is different every single day. The hours pass quickly. I come home exhausted and commonly go to bed without dinner. I'm just too tired to eat, but it is a good tired. My brain is constantly challenged in different ways than before, and the time I used to spend in recreational reading or puzzles I now use to relearn those things I haven't addressed since acquiring my degree.

My employer is patient, believes and practices mutual respect and loves to teach. This is my cup of tea and I wouldn't change places with anyone.

Thank you all for everything. I don't look forward to unemployment, but will handle it with a much more open mind than I have in my past, should the need arise.

LS



OVERVIEW OF CALIFORNIA STATE COURT DISCOVERY

LSI will be offering an online class on an Overview of California State Court Discovery. This class will be a six-week, work-at-your-own-pace online session commencing November 2 and ending December 14, 2015. During the classes, the following topics will be covered:

Interrogatories
Demand for Production of Documents
Requests for Admissions
Depositions

Demand for Physical Examinations
Deposition Subpoenas
Discovery Timelines and Service
Verifications

CLASS SESSION OPENS MONDAY, NOVEMBER 2, 2015

Classes will take place online utilizing video lectures, discussion boards, email, whiteboard sessions, chat rooms, and quizzes. Login information will be provided upon enrollment in the class.

The content of this class is designed for legal secretaries and those studying for the California Certified Legal Secretary examination.

The cost of the class is \$30 for LSI members/\$50 for non-LSI members. Each individual must register separately. Upon completion of the class, students will receive a certificate of completion from LSI.

OVERVIEW OF CALIFORNIA STATE COURT DISCOVERY CLASS REGISTRATION

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Email registration form NO LATER THAN October 26, 2015, to Shaylene Cortez, CCLS, LSI Legal Secretarial Training/Seminar Chair, training@lsi.org or mail to LSI (see website for mailing address). Checks should be made payable to LSI (Note: checks must clear before access will be released). Registration will also be offered online at www.lsi.org with PayPal. For further information or inquiries, email training@lsi.org. No refunds after November 2, 2015.

LSI – Educating California's Legal Professionals



KATHLEEN GORHAM is a Southern California native and Palm Springs resident since 1990, and has served in the legal profession for 28 years. Kathleen is a past member of the San Fernando Valley Legal Secretaries Association and current member of the Desert Palm Legal Professionals Association. Kathleen is a certified paralegal with the law firm of Slovak Baron Empey Murphy & Pinkney LLP in Palm Springs. Kathleen can be reached at gorham@sbemp.com.

Estate Planning is for Everyone

BY KATHLEEN GORHAM, DESERT PALM LPA

When it comes to our own personal estate planning it's "Ugghhh!" No matter how many times many of us help other people go through it, when it comes to thinking about our own end it is difficult to deal with. I feel the same way about going to the dentist. Great for you but not for me!

I have watched many families fall apart and away from one another because of battles over a loved one's "stuff." I was sure this would never happen in my own family until my father passed away. So now I am even more an advocate for estate planning which can be completed with an attorney for somewhere between \$1,200 up to around \$3,500 for couples depending on each family's complexities.

Start with the basics – Power of Attorney and Medical Directive. Not having these in place could cost your loved ones tens of thousands of dollars. First, you want a Power of Attorney and Medical Directive in place so that someone can make the decisions you want for you if you cannot. Second, you want to protect your money and your assets so that your spouse, children or other relatives will be able to continue without your income or monetary aid when you're gone. Next is your Will which allows you to designate in succession your assets and personal property. You may want to include a Trust which can offer protection of assets and allocation of taxes. Another consideration is to leave assets like IRAs and life insurance policies outside of your Trust so they can be paid out immediately to your designated beneficiary to help pay for immediate costs. Another very important piece to consider if you have a special needs child is a Special Needs Trust so that assets, including assets that will build up over time, or insurance policies can be set aside for the care and well-being of that special needs person and protect any means-tested programs they are enrolled in while relieving your family of much stress or pressure on an abled sibling.



Life is full of ups and downs, but no experience is more difficult than a loved one's illness, incapacitation or death. On top of that, even the closest and most well-behaved families fight over inheritance or what to do with a sick or incapacitated parent. You can relieve much of this stress and pain for your own family and relatives by preparing your estate plan now, while you can. Then make a note each new year to review your plan and make any desired changes.

Perhaps you feel that you do not own enough valuables to bequeath to someone after you're gone, but even the smallest, personal item like a bracelet, a book or even an old car to someone you love will mean the world to that person that you thought of them. Most people designate their spouse first, but if you are not married, think very carefully about who you designate as the executor of your estate or successor trustee. If you have any doubts in any one person, designate two together or consider designating your attorney. If you are willing your estate equally among your children, then designate the child living nearest to you. Give it some thought, but try not to delay. Remember the tip of calendaring a review every new year so that you can make changes if you want to.

LS



LEGAL SPECIALIZATION SECTIONS

2015-2016 MEMBERSHIP APPLICATION AND ANNUAL RENEWAL FORM

August 1, 2015 – July 31, 2016

Membership includes access to free quarterly workshops at LSI conferences for those sections you are a member of; quarterly newsletters that include changes to the law and forms; discounted LSS webinars; statewide roster of all LSS members in each section for easy access to local procedural information in other counties; and networking opportunities.

	✓	LSI Member New/Renewal	Non-LSI Member New/Renewal
I would like to join all six sections!	<input type="checkbox"/>	\$75	\$150
Civil Litigation	<input type="checkbox"/>	\$20	\$40
Criminal Law	<input type="checkbox"/>	\$20	\$40
Family Law	<input type="checkbox"/>	\$20	\$40
Law Office Administration	<input type="checkbox"/>	\$20	\$40
Probate/Estate Planning	<input type="checkbox"/>	\$20	\$40
Transactional Law	<input type="checkbox"/>	\$20	\$40
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LYNN KAPPELMAN is a partner in Seyfarth Shaw LLP's Boston office and is the Chair of the Boston L&E Department. Her practice focuses in the area of labor and employment litigation, including issues arising under ADEA, Title VII, ERISA, ADA, and all other state and governmental laws affecting employers.



DAWN SOLOWEY is Senior Counsel in the Labor & Employment Department in the Boston office of Seyfarth Shaw LLP. Ms. Solowey is an experienced litigator who represents management clients in labor and employment litigation in federal and state courts, in arbitration, and in the Equal Employment Opportunity Commission and equivalent state agencies

7 Key Moments to Preserve Objections at Jury Trials

BY DAWN R. SOLOWEY, ESQ. AND LYNN A. KAPPELMAN, ESQ., SAN GABRIEL VALLEY LSA

During trial, there are certain key moments when it is critical to preserve your objections for appeal. Every trial lawyer, from junior associates who are just learning the trade to experienced trial counsel, should review those crucial moments to ensure they do not waive their right to appeal. Here is a cheat sheet for keeping track of the key points during trial when it is critical to preserve your objections.

First Day of Trial

On the first day of trial, before opening statements, there are several key moments when you must preserve the record for appeal.

Before jury selection begins, request voir dire questions that will help you eliminate biased jurors. Resist the temptation to ask for too many questions; instead, focus on those few that get to the heart of whether the potential juror is biased against your client. If you do so, the court will be more likely to accept your questions, and you will have an easier time creating a clear record for appeal. Object on the record to any important voir dire questions the court refuses to ask. It is also important to object to improper or prejudicial voir dire questions which opposing counsel or the court propose.

As jury selection proceeds, exercise peremptory challenges and, if applicable, consider a Batson challenge to any improper exercise of peremptory challenges by opposing counsel on the basis of protected classifications. In addition, prepare your defense to your opponent's Batson challenge where unwarranted.

On the first day of trial, before opening statements, also consider objecting if the court has denied any of your motions in limine or granted any motions in limine which you opposed. But remember that objecting to the ruling is

not sufficient to preserve the objection; the objection must be renewed as the offending evidence comes in.

At this stage, it may also be helpful to seek clarification from the court about the parameters for opening statements. For example, if the court has not yet ruled on a pending motion in limine, you should seek to prevent opposing counsel from referencing a subject at issue in the pending motion.

After Plaintiff Rests

Defense counsel should be ready to move for directed verdict, now known as judgment as a matter of law in federal court, after the plaintiff rests. Ideally, you should prepare a written motion in advance, and have it ready to file in addition to making a verbal record of the motion for directed verdict. A written motion is more likely to carefully preserve all arguments and to guard against any inadvertent waiver, than a hastily prepared verbal motion. Include all relevant directed verdict arguments, not only as to liability, but damages too. Given the time pressure of trial, it is usually most effective to draft this written motion before trial even begins and revise it to reflect the evidence as it comes in. Make sure the written motion is filed on the docket, in addition to being handed up to the judge or clerk in the courtroom. Ask for a ruling on the motion on the record.

In those instances where you do not file a written motion for directed verdict, at least outline your oral arguments and the case citations relevant to your claims and defenses to ensure you do not miss one.

After Defense Rests

Defense counsel must renew the motion for directed verdict after the defense has rested. This is a critical step that must not be overlooked, even as the trial team is preparing for closing arguments and a charge conference. In essence, the directed verdict motion argues there is insufficient evidence to reach a jury.

Insist on renewing the directed verdict motion on the record. Refer back to the original directed verdict motion, renew the arguments made in that prior motion and then layer in additional arguments based on the evidence that defendant presented in its case. While your directed verdict motion may echo the summary judgment motion filed earlier in the case in some respects, make sure the directed verdict motion specifically cites to the trial testimony and exhibits as they have come in during trial. Ask the court to make an on-the-record ruling on the renewed direct verdict motion as well.

Charge Conference

The charge conference is a critical junction for preserving objections for appeal. During the conference, on the record, preserve all arguments as to your proposed instructions and verdict form. Offer written proposed instructions *and* a written proposed verdict form, with detailed citations to authority and ensure those pleadings are filed and docketed. Object on the record to any erroneous or prejudicial instructions or verdict form opposing counsel proposes, or the court proposes, and consider making those objections in writing as well. When arguing at the charge conference, be ready with citations to relevant legal authority. Consider preparing a binder of all of the cases and statutes cited in your proposed instructions and those opposing counsel cites so you can readily access any you need during the charge conference and even hand a copy up to the court as needed.

Before the Jury Charge

Just before the court charges the jury, consider renewing objections to any adverse jury instructions. Each court's process is different. With some judges, you will be seeing a written charge for the first time just before it is given. With others, you may be given a written copy that is a revision of the ones the court provided at the initial charge conference. *Make the most* of whatever time is available to

carefully review the charge and make objections on the record or renew those made at the charge conference. At this stage, the court may be impatient to get the charge to the jury, but you must respectfully insist on making a record, at least as to the most pressing matters. Most judges will allow you to preserve your record if you frame it in those terms and do so efficiently.

After the Jury Charge

Another important preservation moment occurs just after the court gives the jury its charge, but before the jury begins to deliberate. Listen very carefully to the charge the judge gives the jury and ask for a sidebar and object on the record to any erroneous, prejudicial or otherwise objectionable instructions. Ask for a clarifying or supplemental instruction if appropriate. Even if you have already objected to a particular instruction at the charge conference or before the charge, renew critical objections before the jury deliberates.

After An (Adverse) Verdict

In the unfortunate event of an adverse verdict, it is important to keep a clear head, because several preservation steps arise immediately.

First, before the jury is dismissed, review the verdict carefully and in detail and immediately raise any inconsistency in the verdict to the court at sidebar. In many jurisdictions, an objection to an inconsistent verdict must be raised immediately, when the judge can still send the jury back to fix the error, or it is waived.

Second, ask the court to poll the jury, to ensure the verdict meets the requirements of the rule, such as a requirement for unanimity. Finally, while it may be a belt-and-suspenders approach to do so, put on the record that you renew the motion for directed verdict and intend to move for judgment as a matter of law and a new trial. Request a briefing schedule right then and there,

At trial, there are so many moving parts at any given moment that it can be difficult to keep a firm eye on preservation for a later appeal. For new and seasoned trial lawyers alike, we suggest you bring to court a cheat sheet of all of the key moments when you must preserve your objections, to ensure that nothing is waived for appeal.

This article was originally published by Law360 on May 11, 2015.

LS



JAN KUYKENDALL, CCLS, has been a legal secretary for over 34 years. She attained her CCLS certification in 1994 and she has been a member of Stockton-San Joaquin County Legal Professionals Association (SSJCLPA) and LSI since 1984. She is currently serving as SSJCLPA's President for a 7th term.

A Visit to the Emerald Isle

BY JAN KUYKENDALL, AUGUST 2015 CONFERENCE CHAIR

Stockton-San Joaquin County LPA cordially invites you to “A Visit to the Emerald Isle” in Stockton on August 21-23, 2015. We are excited to host LSI's First Quarterly Conference again at the Stockton Hilton, a beautifully remodeled hotel which is located close to I-5 and is within walking or a short driving distance from restaurants (Red Lobster, El Torito, Applebee's and Olive Garden, to name a few) and other local attractions. There is shopping within one block of the hotel and the malls are just a short drive away. If you have some extra time, Stockton is located in the heart of San Joaquin County which has rich soil and growing conditions that make it perfect for farmer's market produce and is minutes away from over 85 wineries offering tasting options. If you are driving, be sure to stop at one of the many fruit stands and pick up some peaches, plums, tomatoes and grapes for your trip home. Yum, and they smell good too.



Flying into Sacramento International Airport is a breeze and approximately a 45 minute drive to the hotel which is just a minute or two off of I-5.

There will be vendors and opportunity prizes galore! The “Host with the Most,” Honorary Member Don Lee will again be hosting a Hospitality party on both Friday and Saturday afternoon. Come and join us for some Margaritas, snacks and great conversation. Friday night we will welcome you poolside once again for the Reception, and we are planning something yummy with an Irish twist to tempt you before sending you off to an LSS seminar, dinner on the town or just to relax in or by the pool.

On Saturday, visit the Starbucks located in the hotel lobby for your early morning coffee prior to attending the CEC workshop and then on to the Board of Governors meeting. Attendees will have the chance to visit the vendors and buy opportunity tickets. We have some exciting opportunity prizes, including baskets, gift cards, tablets and Irish themed prizes. A coffee break will be provided, and we will stuff your boodle bags with snack bags of muf-

fins/pastries and fresh local fruit to enjoy with your coffee or tea.

There will be LSS seminars on Friday night and Saturday to further your educational experience. Our members are working hard to help the LSS chairs find top-notch speakers to entertain and educate those who attend.

At the banquet on Saturday evening you will be entertained by Master of Ceremonies Don Lee. The banquet menu is scrumptious, with your choice of New York Steak or Salmon, and dessert will again be the petite Boston Cream Pies which were raved about at our last conference in 2011. Entertainment will be “The Mighty Murphys,” an Irish band who will entertain us during the evening with traditional Celtic music.

On Sunday, you will enjoy a breakfast buffet which will please any palate. Then we will send you off homeward with good memories and, hopefully, lots of booty!

Come and join us in Stockton for “A Visit to the Emerald Isle.”

LS



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Escrow Duties Real Estate Professionals Need to Know

BY RICHARD D. MARKS, ESQ., CONEJO VALLEY LPA

For those of you legal professionals whose firms are involved in real estate and escrow matters, the story and discussion that follow are true and can be of assistance in your day to day dealings with your clients who are escrow officers and escrow companies. Pretend, for the moment, that you are an escrow officer working for a very busy escrow company in Ventura County.



Your favorite real estate broker indicates to you in a phone conversation that Mr. Reyes owns a home in California and that he will be opening a refinance escrow with you and your company. How exciting! A new client, a new escrow, and a new loan for you to handle as the escrow holder. Do you want to meet with him? What would you suggest to your client if he or she were to call?

Your new escrow client speaks Spanish but very little of the English language. You never meet him in person and you have no idea that he does not read or write English. You have never even spoken to him. Does he even exist? Do you suggest to your client that she have a Spanish translator interpret?

The loan funds and escrow closes. You record the appropriate reconveyances, pay off the taxes that were owing, and cause to be recorded the new lender's Deed of Trust. The title policy comes in and you send it off to your favorite real estate broker for delivery to Mr. Reyes. Your job is done, but have you fulfilled your duties as an escrow holder? Does your client have anything to worry about?

Nobody informed you that Mr. Reyes had never dealt with your favorite broker before, but the broker tells you that the details of the refinance were explained to Mr. Reyes in Spanish. The broker told Mr. Reyes that his monthly payments would not increase and that the new loan would be in an amount equal to or less than the original loan. Did you have to tell Mr. Reyes anything about the amount of the new loan? What is up here? Does your client have a problem?

Prior to the close of escrow, Mr. Reyes appears to have signed the escrow instructions you prepared, among other documents – all of which were in English. One of the documents that Mr. Reyes signed was a note that you did not prepare – a Promissory Note for \$15,000 in favor of a company that your favorite broker controlled. At the close of escrow, from the new loan proceeds you disbursed to the company the \$15,000.00 per the instruction apparently signed by Mr. Reyes. Did you follow the instructions of your principals, Mr. Reyes and the new lender? Isn't an escrow officer only required to follow the directions of his/her client?

After the loan funded and you closed your file and packed it away in storage, Mr. Reyes' loan payments substantially increased. Mr. Reyes contacted an attorney known to sue escrow companies in the past. The attorney advised Mr. Reyes that the new loan did not just pay off his old loan as Mr. Reyes had been promised, but financed 100 percent of the equity Mr. Reyes had in his property, actually resulting in the new loan being about \$150,000 more than the original loan. What did you do wrong? What do you tell your client to do?

You, your company, the real estate broker, the notary, and the new lender are served with a lawsuit filed by the attorney for Mr. Reyes. The complaint alleges that YOU breached a fiduciary duty to Mr. Reyes because you:

Did not meet or communicate directly with Mr. Reyes;

*Did not send a copy of the escrow instructions to Mr. Reyes;
and*

Closed the escrow and distributed funds without ascertaining that Mr. Reyes' signature had been forged on some documents.

Did you breach a fiduciary duty to Mr. Reyes? You didn't do anything wrong, or did you?

Fortunately, the trial court and the appellate court agreed that the charged acts and omissions claimed by Mr. Reyes against you did not qualify as a breach of your fiduciary duties. You won.

Did you give your client good advice? Did you, as a legal professional, do your job?

Probably. But why?

We all know that an escrow company and its escrow officer have fiduciary duties. But those duties are limited to strict compliance with the instructions of the parties. The escrow holder has no general duty to police the affairs of the parties to the escrow. If you strictly comply with the parties' instructions, you have fulfilled your duty.

Even oral instructions that are given to you, although other escrow instructions are in writing, are to be strictly complied with by you during the escrow. Some escrow instructions may even be implicit in other express instructions. For example, when you prepare instructions that state "that any amendments be given in writing by all parties affected thereby," you have a duty to verify the signature of the parties on amendments because of the express instruction that instructions be in writing.

"But," you say, "an escrow holder has no liability for failing to do something not required by the terms of the escrow!" However, not every possible detailed action of an escrow holder could possibly be set forth in escrow instructions. That is where Mr. Reyes' attorney tried to convince the court that when one party to the escrow is ripping off the other party, the escrow holder has a duty to notify the other party or parties of suspicious facts that might indicate that they are being defrauded. Fortunately, the courts have held that as long as you are not in collusion with the party committing the fraud, you have no such obligation. Keep your mouth shut or contact your company's legal counsel to discuss.

If such a duty were required, once an escrow holder received information, he would be forced to decide to believe the information and inform the affected party, or to disbelieve it and not tell anyone. If you do not disclose the information, you risk liability, but if you do disclose and are wrong, you have just interfered with a contract between your principals and may have breached a fiduciary duty to either or both of them. It is a Catch-22 situation, and fortunately, one you don't have to be concerned with because the duty to disclose suspicious facts probably does not exist.

Also, you don't have to physically meet with a party to an escrow – unless the escrow instructions specifically require such a meeting. Just as you don't need to send the escrow instructions directly to the borrower in a refinance escrow unless the instructions provide that you do so.

If Mr. Reyes and the new lender had instructed you, in writing, that the parties were required to appear before you to sign documents, required that the parties' signatures had to be notarized, or even required you to obtain picture identification of the parties to the escrow – you would have the duty to comply with those express written instructions.

As an escrow holder, when you handle an escrow, you must exercise ordinary skill and diligence in your job. You only have to use that skill and diligence to ascertain, one way or another, that your principal signed the instructions. Although, if you do not meet with your principal, then you are not familiar with his signature, and if you do not mail the instructions directly to your principal, there is no way you can determine if your principal did, or did not, sign the instructions.

But no such general duty, absent an express instruction from which it can be inferred, requires that you do anything other than obtain the signature. If there was such a duty, it would be not only impractical, but almost impossible, for you to fulfill such a duty; for example, where your principals are not in the same city as you are located, you have no duty to fly out of town, meet with your principal and confirm they signed the escrow instructions – unless instructed to do so by your principals.

There are many things that can be learned from your experience with Mr. Reyes:

1. An escrow agent is a limited or special agent for the parties. It is a special agent because its duties only extend to the strict and faithful performance of the escrow instructions of the principals and within the course and scope of this limited employment, the escrow agent is a fiduciary to all parties to the escrow.
2. The escrow agent must at all times exercise the utmost loyalty and good faith toward the parties to the escrow and must use reasonable skill and diligence in performing the duties provided in the instructions. You must strictly comply with each and every term and condition of the instructions.
3. The instructions that you prepare and the principals sign govern escrow's rights and those of the parties. The principals are only entitled to the performance that is provided in their instructions and you, as the escrow holder, are only obligated to perform in accordance with those instructions.

Continued on page 29



VICKI GARDINER TAYLOR is a retired Legal Secretary, Paralegal and Realtor who worked in Silicon Valley and Northern California firms with litigation and intellectual property attorneys. Their case work focused on real estate transactions and disputes, as well as patents, trademarks & copyrights issues, medical malpractice, wrongful death, insurance fraud and anti-counterfeiting prevention and prosecution. Vicki became a licensed Realtor® in 2004, joined the San Joaquin County Bar Association as a Paralegal in 2006, and in 2014 became an active member of The Write Bunch, a small group of female authors who publish in a variety of genres. Vicki's focus has been on consumer protection. Questions or comments contact Vicki at vickitaylor@movinca.com

Counterfeit Deeds Create Counterfeit Debt - *Wrongly Recorded Mortgage Documents Can Double Your Debt*

BY VICKI GARDINER TAYLOR AND DENNIS HAY, ESQ.

What a shock when I went to the County Recorder's Office recently. As a paralegal and a realtor, I had visited the Recorder's Office to double check the recorded document history on our personal residence and also on the home of a close family member, with their permission, of course. It was 2013, and I had hoped it would be a routine review of the mortgage records, ensuring that all loan documents had been recorded correctly on our homes. It turned out to be anything *but* routine. The paperwork on our home looked fine. But the paperwork on our relative's home didn't look right. I knew something was wrong, but what? After obtaining certified copies of the suspicious home loan documents (deeds) from the Recorder's Office, I took the documents home to study them more carefully.

On close examination and comparison to the homeowner's real estate records, which included copies of all 2010 loan documents, it became clear that the lenders had recorded our relative's home mortgages twice! I was stunned. One Deed had been altered with the addition of new first and last pages so that it almost looked like a new document, and then the lender recorded it - again. The other Deed was an outdated draft document that should have been shredded years ago, as soon as it was superseded by the newest signed Deed. But instead, the lender held on to the old draft, and then recorded both the final Deed - and the old draft. Seeing the signed deeds after they had been photocopied, altered, and wrongfully recorded against the homeowner reminded me of seeing signed checks after they had been intercepted and altered for wrongful cashing. Because by the erroneous recording of these two counterfeit deeds, our relative's mortgage debt had more than doubled. The errors (in the lender's favor) amount to several hundred thousand dollars!

Counterfeit deeds and mortgage loan documents may not show up on credit reports. Like hidden financial landmines, counterfeit deeds may remain unknown to unsuspecting homeowners for years, ready to blow up in their faces whenever they go to refinance, sell their home, or want to retire on a modest income. (The word "counter-

feit" here is used to describe invalid deeds which may have been mis-recorded or created either negligently or intentionally.) What a shock to homeowners when counterfeit deeds are suddenly unearthed on their property and they find themselves burdened with unanticipated counterfeit mortgage debt that they have to deal with before they can refinance, sell, or pay off their mortgage and retire with some financial security.

In some cases mortgage loan documents may be held for years and recorded later without notice to the homeowners and showing up on their credit reports. The burden appears to be on the homeowners to discover any errors in the recorded document history. In this bureaucratic world, even after errors are discovered, it appears that homeowners are assumed guilty (of any questionable debt) until they are proven innocent (of the debt). Yet homeowners are not empowered to make corrections to loan documents that other people or institutions have recorded on their homes. Rather, it is the responsibility of the lenders (which, for purposes of this article, includes their agents, associates and/or affiliates) to correct any of their mis-recorded documents that are erroneous or counterfeit.

In other words, the very lender institutions that recorded the counterfeit or mistaken loan documents in the first place must somehow be persuaded or prevailed upon

to correct their own mistakes and clear the record. The burdensome, phony debt is likely to remain on the home (and the homeowner) until the homeowner somehow discovers, informs and motivates the lenders to correct their mistakes and clear the invalid deeds from the recorded record. This is not an easy task, especially when the mistakes are in the lenders' favor, to the tune of hundreds of thousands of dollars of easy money.

Our relative in this situation has repeatedly and politely written to his lenders requesting they take action to clear the two invalid deeds from the record. He has also contacted the Consumer Financial Protection Bureau and the Department of Real Estate Fraud at the County District Attorney's Office. Although the lenders have not tried to defend their mistakes, the lenders have stalled for time – repeatedly – thus effectively ignoring the need for timely corrections. As a result, the counterfeit deeds the lenders began recording in 2013 remain on the record at the County Recorder's Office to this day in 2015. It is now over two years after the lenders started mis-recording documents in 2013, and nearly five years since the new loan was implemented in 2010. Our relative's home continues to be burdened with phony debt. If his lenders continue to refuse to remedy the official records, this homeowner can neither refinance nor sell his home, and the final payoff amount in 30 years would appear to be more than twice the mortgage debt that he actually agreed to when he signed his final loan documents.

How could all this have happened? It turns out that "counterfeiting" and recording duplicate mortgages (loan documents and deeds) is not that difficult in the 21st Century. Many safeguards that used to be in place to protect homeowners have been removed. And today's institutional lender institutions can use tools of the trade such as Liquid Paper™, photo editing software, photocopiers, scanners, electronic signatures and electronic filing systems, to record duplicate deeds and loan documents simply by recording altered photocopies, or outdated drafts. Once the Recorder's Office receives such deeds electronically, they may be recorded as if they are authentic, even though they are essentially counterfeits! In other words, whether by mistake, negligence, or fraud, today's lenders may electronically record deeds and loan documents more than once. This can easily double the lenders' profits at the same time it doubles the homeowners' debt.

What does this mean to you? Real estate loan documents may be recorded against you incorrectly. What can you do about it? Keep fully-signed and notarized copies of all your real estate documents indefinitely, not just for

a few years, because you may need to refer to them later to demonstrate what you actually signed. And just as it is advisable to annually check the accuracy of any credit reports which are issued by the credit bureaus, so it is also advisable to regularly check the accuracy of the recorded document history at the County Recorder's Office on your personal residence. After all, your financial health and reputation, as well as your home, may be on the line here. I would not advise any homeowner to wait 30 years to check the records, because it could happen that just when (the homeowners thought) their mortgage would be paid off, they could find out their mortgage has somehow doubled and will take another 30 years to pay off! Nor is it advisable to wait to check the recorded history until you want to refinance or sell your home. The excessive burden of debt may make selling or refinancing your home impossible until it is cleared from the record, and that could take an excessively long time.

How can you check the accuracy of the recorded history on your home? Call or go to the local county government's official website for directions to your County Recorder's or Recorder of Deeds Office in your state. However, here in California I have found the county website sometimes only lists document names (often abbreviated and which may not match the actual names on the original documents), so it can be confusing and misleading. I think a better way to check the accuracy of the recorded documents is to go in person to the County Recorder's Office or Recorder of Deeds' Office to personally obtain certified copies of key recorded documents, and review them with trusted advisers. Outside of California, if your property is in another county or state, I suggest you go to the County Recorder's Office or Recorder of Deeds in the county where your real estate is located, and consult with a local real estate attorney in that area about how best to ensure the recorded document history on your property is authentic and accurate.

Here in California, you may also ask a local title company for a title report which includes the recorded document history on your property, but be aware that neither the County Recorder nor any title company employee can answer legal questions or give legal advice, so if you have serious questions, you should ask a California real estate attorney to review the records with you. There are also statute-of-limitations concerns involving time-sensitive deadlines when homeowners risk losing key legal rights. So it is always wise to consult a qualified attorney about your particular situation, to avoid missing one of these time-critical deadlines and protect your rights.

Continued on page 29



MAXINE MARCHUS is a member of Merced County Legal Professionals Association. She has worked in the legal field since 1984, and has worked for the law firm of Morse & Pfeiff since the partnership began in August 1997, where she is currently the office manager for the firm. Maxine lives in Merced with her husband Duane.

The Importance of Camaraderie

BY MAXINE MARCHUS, MERCED COUNTY LPA

Yesterday I did something I have not done for a very long time. I took a much needed break from my office work and my responsibilities at home. Stephanie of Merced LPA had planned and announced a facility tour of the Tenaya Lodge for the February 2016 quarterly conference Merced LPA is hosting and invited any interested member to join her for the follow-up inspection and tour.

My work schedule has changed drastically in the last two years because of family commitments and I have been feeling a real disconnect from our membership. I have continued to have a limited participation in fundraisers, and attend monthly business meetings whenever I am able. Our business meetings take place at noon, so there is little time for visiting. It is usually a quick “hello, how are things going,” grab your lunch, pay attention to the business at hand, then another quick “hope to see you next month.”

My husband and I provide before school transportation and after school pickup and care for grandchildren out of town. So my work week begins on Friday and ends on Monday. This limits my participation with MCPLA. However, this week I realized the spring break was upon us and I would have a few days off from that responsibility.

When I received an e-mail reminding members of the facility tour, I was able to make arrangements at work to take the time to join the other attending members. What a great decision that was!

Instead of being at my desk at 7:00 a.m. and wishing I was outdoors, I was meeting Don Lee at his home for the drive up to Yosemite. Along with Lorraine Bettencourt and Carla Cleary we piled into Don’s vehicle and headed for the mountains. It was a beautiful day and the drive through the foothills to Mariposa, our first pit stop, was relaxing. As we visited in the car I could feel my neck and shoulder muscles loosening up. Mariposa was a quick “opportunity” stop halfway to our destination. Then we were on our way again winding through beautiful mountain country terrain, with a mixture of oaks and pine. As we approached our destination the oaks gradually gave way to more pine and the air had the wonderful scent of pine.

Our destination, Tenaya Lodge, was indeed the perfect venue for the February 2016 quarterly conference. Stephanie and her husband were already there, having spent the night before so as to soak up the ambience. Susie Fagalde drove up separately and planned to visit her parents in Mariposa.

The facilities tour was enjoyable and informative. The rooms are spacious, from the personal accommodations, to the rooms for seminars, banquet and brunch. They have an incredible full facility spa that is to die for. This is one venue that attendees will wish they had two extra days to fully enjoy.

After our tour we headed back for a lunch stop in Oakhurst. This was our chance to relax further and visit, and throw out ideas for conference and other upcoming events. There was time for just visiting and connecting that doesn’t happen at the meetings.

We finally decided it was time to head home, with another pit stop in Mariposa. We did, however, make a stop at the oldest court house in continued use, so Don could take some pictures. Carla had never seen this court house, so loved the chance to do so. We did not take the time for the Mariposa Museum as it was getting late, but that is another must-stop-and-see destination for history buffs.

When we arrived back at Don’s home and disbursed, it was again a quick “goodbye see you next month,” but this time I left feeling refreshed and connected to my sister members, and of course our super host Don. It made me realize that it really is important to take the opportunity when it comes, to participate in activities that give you the time to just visit and catch up, perhaps on a committee, or co-chairing a position, or, like I did, doing a facility visit.

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COUNTERFEIT DEEDS CREATE COUNTERFEIT DEBT

Continued from page 27

In the 21st Century, ordinary consumers have a variety of ways to protect their personal credit histories which are on file at the three major credit bureaus, including automatic monitoring and immediate notification of the consumer regarding any changes to their credit histories. But for California homeowners, key safeguards have already been removed in years past, and now there are currently no automatic monitoring or notification systems available to homeowners to help protect them against the recording of counterfeit deeds on their homes, nor effective means for homeowners to remove them. And there appears to be no pending legislation to protect California homeowners by enabling them to record a form “Request for Notification to Homeowner” at the County Recorder’s Office where their home is located, which form would trigger automatic written notification from the County Recorder to the homeowner when any deeds are recorded on their home, after the date of the recording of their Request for Notification.

Be especially careful if you or a family member has purchased, lost or refinanced a home sometime in the past fifteen years. To ensure your personal residence is protected, go to the County Recorder’s Office (or ask a title company or real estate attorney) for copies of all documents recorded on your home or other real estate. Then review and compare those documents to your own records to be sure the recorded documents are authentic and accurate. Of course, always obtain complete copies of all the fully signed and notarized (not blank) real estate documents at the time you sign them (before they can be altered), then keep them in a safe place for future reference. If you own a home, it is wise to protect your own interests and personally check the recorded history on your home at least once a year. No homeowner wants to be blown up by hidden financial landmines and find themselves unexpectedly burdened with counterfeit debt.

LS

ESCROW DUTIES REAL ESTATE PROFESSIONALS NEED TO KNOW

Continued from page 25

4. Finally, the escrow agent must comply with both the express provisions of each instruction but also with terms that are implicit in the express instructions. In essence, in addition to the express obligations provided in the escrow instructions, the escrow agent also implicitly promises all parties to the escrow that it will do all things normally done by an escrow agent that were not expressly excluded by the provision of the instructions.

You will be safe if you strictly comply with the instructions of your principals.

Your clients who are involved in the day to day operations of an escrow, or an escrow officer who has issues regarding what he/she should or must do, should always be advised to “follow your instructions” as they can’t go in the wrong direction if they do. And, when in doubt, suggest to your clients that they seek competent legal counsel for escrow issues beyond the usual.

This article was originally published by the California Escrow Association in its CEA News, Volume 45, No. 2, Apr/May/June 2013.

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ANSWER KEY TO P. 11 QUIZ

- | | |
|------|-------|
| 1. B | 6. B |
| 2. B | 7. A |
| 3. A | 8. A |
| 4. B | 9. B |
| 5. A | 10. A |



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

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Each officer and chairman is expected to submit an article for at least one quarterly issue during the fiscal year.

Each governor is expected to submit an article for at least one quarterly issue during the fiscal year and a guest writer article.

Articles are submitted by email as an attached document using Word or WordPerfect. Biography should be included in the article and digital photos should be submitted as separate jpeg files.

All articles must be at least 500 words and no more than 2500 words.

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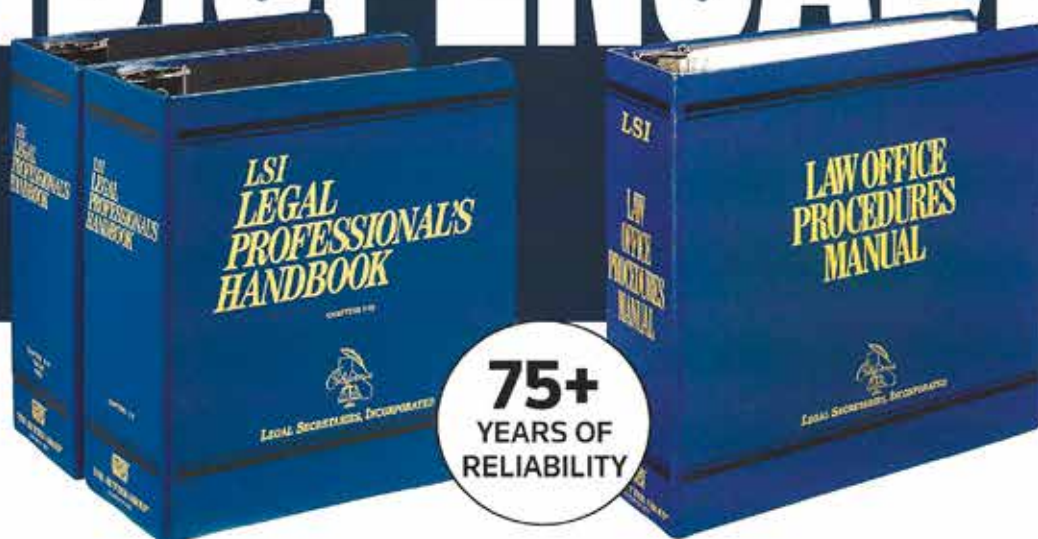
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LEGAL SECRETARIES, INCORPORATED ~ ORDER FORM

ITEM	UNIT PRICE	QNTY	TOTAL
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CCLS BROCHURE Tri-fold brochure promoting the benefits of taking the CCLS Exam. (Rev. 12/11)	N/C		
CCLS STUDY GUIDE (Revised 2013) Sample questions and answers to assist in preparing for all sections of the CCLS Exam.	25.00		
CCLS PIN A ½" high, 10-karat gold-filled pin with CCLS logo. For the CCLS.	35.00		
CCLS STUDY KIT SECTIONS All sections include suggested 10 and 18 week syllabi.			
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LEGAL COMPUTATIONS (LC) LC Section of CCLS Study Guide, LC Worksheets, LC Study Tips, list of additional references required for LC	30.00		
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LEGAL SECRETARY'S REFERENCE GUIDE A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff. (Rev. 05/13)	30.00		
LSI BYLAWS AND STANDING RULES* As currently adopted by the LSI Governors. Download for free at www.lsi.org	5.00		
LSI LEGAL PROFESSIONAL'S HANDBOOK FLYER An 8 1/2" x 11" advertisement of the LPH. Includes listing of contents and Order Form. (Rev. 1/2012)	N/C		
LSI LEGAL SPECIALIZATION SECTIONS BROCHURE Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 6/12)	N/C		
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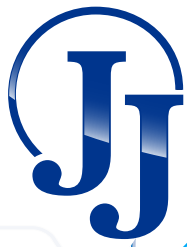
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