

*IN THIS ISSUE:*

## **Legal Fees Threatened When Paralegal Qualifications Challenged**

BY MAUREEN HOLLAND

*See Page 4*



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## Features

Incoming President's Message By Jennifer L. Page, CCLS.....	2
Legal Fees Threatened When Paralegal Qualifications Challenged By Maureen Holland.....	4
The Changing Face of Outside Counsel Guidelines By Kathleen Jimenez.....	8
The California eFiling Landscape By Larry Kirlin.....	10
The Keeper of Secrets By Terri L. Nocco.....	14
LSI Celebrates Local Associations By Kim Oreno.....	17
Special Needs Trusts: Special Legal Considerations for the Family and Personal Injury & Divorce Attorneys When There Is an Individual with Disabilities By Valerie A. Powers Smith, Esq.....	18

## Educational Opportunities

### AT UPCOMING CONFERENCE

CCLS Workshop Ability to Communicate Effectively – Mock Exam.....	3
Legal Specialization Sections Seminars.....	16
CEC Seminar Who Protects the Protectors? Legal Issues Facing Law Enforcement.....	28

### ONLINE CLASSES

Beginning Legal Secretarial Training Class.....	24
CCLS On-Line Study Group.....	35
CCLS Exam Application.....	25
CCLS Quiz – Legal Computations – Calendaring.....	33
CCLS Quiz Answers.....	34

### LOOKING AHEAD

November 2016 Quarterly Conference Registration Form.....	26
November 2016 Quarterly Conference Hotel Registration Form.....	27

## Miscellaneous

Contest Winners.....	12
2016-17 LSI Officers and Chairmen.....	20-21
2016 Dates to Remember.....	22
LSI Benefits.....	29
LSI Vendor Recognition.....	30
Quarterly Assignments for The Legal Secretary.....	34
Guidelines for Submission of Articles.....	36
Legal Specialization Sections.....	36
Legal Specialization Sections Membership Application.....	32
Helpful Websites.....	37
2016 California Court Holidays.....	37
2016-17 LSI Roster.....	40

## Advertisers

Barkley Court Reporters.....	IFC
US Legal Support.....	9
Redroman Creative.....	15
Huseby.com.....	23
Knox Attorney Service.....	38
The Rutter Group.....	39
First Legal Network.....	IBC
Janney & Janney.....	Back Cover

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

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# Incoming President's Message

BY JENNIFER L. PAGE, CCLS, LSI PRESIDENT



JENNIFER L. PAGE, CCLS has been in the legal field since 1989, starting out as a legal secretary to a bankruptcy attorney. She obtained her Paralegal Certification from St. Mary's College, Orinda, CA in 1991. In 2012 Jennifer joined the firm Ragghianti Freitas LLP embarking on the next adventure in her legal career working for five partners of the firm and learning new areas of law.

Jennifer has been a member of Marin County LPA since 1990; has held virtually every officer and chairmanship position. Marin County LPA presented her with Honorary Life Member status in 2001. Jennifer began serving LSI in 1999 when she was appointed as the Legal Procedure Chair and continued to serve LSI until she was elected Treasurer in 2010. In May 2008, President Lorraine Bettencourt, PLS, CCLS, presented Jennifer with the President's Award.

Jennifer obtained her CCLS designation in October 2008.

Jennifer resides in Novato, California with her husband of 20 years Tony, their 15 year old daughter Emma and Midnight the cat.

I am honored to have been elected the 45<sup>th</sup> President of Legal Secretaries, Incorporated, and I look forward to serving its members over the next two years.

During the months leading up to my being installed as LSI's President, a lot of people asked me "what's your theme" going to be? I don't really have a theme. What I do have are goals. My main goal is to do the best that I can. To be available to each and every single member of this organization. To listen to suggestions, complaints, and to help keep LSI moving forward, to help LSI grow both in what we have to offer and in membership numbers.

I don't want to reinvent the wheel. But at the same time just because we've done things a certain way for many years doesn't mean we can't adapt and make changes. We need to look forward. We need to see where things might need to be changed to meet the ever evolving needs and demands of our members and our careers. We need to impress upon the newer members that when they choose to become legal support professionals, they have chosen a career, not just a 9 to 5 job, and we need to impress upon them that LSI is there to meet their needs through education, networking, personal and professional growth.

We are now consistently offering online educational classes and webinars. I want those offerings to continue and I want to see an increase in the number of online classes and webinars we offer. I want us to continue to offer excellent educational opportunities at conferences. I want us all to continue to strive for perfection in our work life and in our personal life. Most of us struggle to find that balance between the two. I think LSI needs to explore ways to help us do that. We need to not only provide the education to help us with our work life but we need to find ways to provide guidance in our personal lives.

Another goal I have is to encourage many of you, when I ask you to fill a chairmanship position, to step outside of your comfort zone and say "yes". I did so in 2000 and haven't regretted the decision. I guarantee you, you won't either. So, whether I call you, or you decide it's time, call me and let me know you're ready to take that next step. The next two years may get a bit bumpy, but I promise we'll have some fun along the way. That's just who I am.

The Executive Committee is currently one person short. We did not have any nominations for the office of Treasurer and until someone decides to step up and be nominated, Lynne Prescott, CCLS is doing double duty, with help from the entire Executive Committee, as LSI's Executive Secretary and Treasurer. I remind you that it's not too late to step up and out of your comfort zone and become LSI's next Treasurer.

*A friend of mine recently shared her favorite quote with me:*

**A comfort zone is a beautiful place,  
but nothing ever grows there.**

*Author unknown.*



Special thanks to San Francisco LPA for agreeing to co-host LSI's 82<sup>nd</sup> Annual Conference with my association Marin County LPA. I am so very appreciative to each and every member that helped make conference a success.

To my association Marin County LPA: I've been a member since 1990 and have made some lifelong friends throughout the years. Thank you to the members for stepping up and putting together an awesome conference. And special thanks to my friend and fellow member Kristi Edwards. Your unwavering loyalty and support has meant the world to me. Thank you.

Looking ahead to August, LSI is hosting the First Quarterly Conference of the fiscal year at the lovely Marriott in Rancho Cordova. The theme of the conference is "LSI

Celebrates Local Associations." Many members have stepped up to help – thank you. As always, there will be plenty of opportunities to get informed and educated. The section leaders are working on interesting topics and great speakers for their workshops, the CEC will have a workshop on Friday evening from 5:15p to 6:15p, and CCLS Chair Terrie Quinton, CCLS, will have a workshop on Saturday morning.

I look forward to seeing each and every one of you at an upcoming conference. I look forward to hearing your ideas, suggestions, comments, and concerns. **LS**



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Sacramento Marriott Rancho Cordova

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

CCLS CREDIT WILL NOT BE GIVEN FOR THIS WORKSHOP



MAUREEN HOLLAND has more than eighteen years of eDiscovery, litigation support, and discovery consulting experience and uses her knowledge to advise clients on the different methods to preserve and manage electronic data for purposes of data retention and litigation, develop and implement discovery best practices, processes and workflows, evaluate and select litigation review applications, develop strategic discovery plans with case teams and develop educational programs and content for both internal employees and D4 customers. In her consulting role, Maureen helps clients leverage advanced analytics technologies to achieve significant cost savings during the discovery process.

Maureen has participated in many eDiscovery CLEs and educational sessions. She has also authored several white papers, articles and blogs on a variety of industry and eDiscovery topics. Maureen holds a Bachelor degree in Fine Arts from the University of Dayton and has extensive experience with legal technology and document review applications.

# Legal Fees Threatened When Paralegal Qualifications Challenged

BY MAUREEN HOLLAND – SUBMITTED BY LSI'S LEGAL PROCEDURE CHAIRMAN

## TRUE OR FALSE:

1. Legal fees can be threatened if paralegal qualifications are challenged in a state where statutes/regulations govern paralegal professionals.
2. Fees recoverable by a prevailing party and fees legitimately charged by a firm to its own clients can both be threatened or denied completely if paralegal qualifications are challenged.
3. In California, supervising attorneys and paralegals can be held financially and/or criminally liable if they do not ensure that paralegals employed at their firm or corporation are qualified under California Business & Professions Code 6450-6456.

The answer to all three questions is true. I have attended numerous presentations and CLEs on ethics and competency and have never heard state statutes/regulations governing paralegal professionals mentioned before. This is very surprising to me considering that state statutes and regulations governing paralegal qualifications increases the level of liability for supervising attorneys in law firms and corporations.

As a non-attorney litigation support professional without a governing body to oversee competency and qualifications, I never gave much thought to the standards other non-attorney professionals were held to. Imagine my surprise to hear that in California, supervising attorneys and paralegals can be held financially and/or criminally liable if they do not ensure that the paralegals they hire are qualified to work on their matters.

After learning more about California Business & Professions Code 6450-6456 specifically, I realized there is even more risk and liability for supervising attorneys in California if they do not validate the qualifications of their paralegals under B&P Code 6450. Challenges made

under B&P Code 6450 could result in a malpractice or fee challenging claims through the State Bar as well as ethical claims against an attorney for allowing fees to be billed out under “paralegal” when their team members are not true paralegal professionals.

## CALIFORNIA BUSINESS & PROFESSIONS CODE 6450-6456

Assembly Bill 1761 was introduced as a way for consumers to protect themselves from untrained, unqualified individuals who promoted themselves as “paralegals” and then provided poor services. The Assembly Bill was codified in Business and Professions Code 6450-6456 effective January 1, 2001 and defines the qualifications and functions of paralegals practicing in California.

Some key sections of the code state the following:

[6450(a)] – “Paralegal” means a person who holds himself or herself out to be a paralegal, who is qualified by education, training, or work experience, who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California, as defined in Section 6060, or an attorney practicing law in the federal courts of this state, that has been specifically delegated by the attorney to him or her.

Tasks performed by a paralegal include, but are not limited to, case planning, development, and management; legal research; interviewing clients; fact gathering and retrieving information; drafting and analyzing legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney.

[6450(d)] - Every two years, commencing January 1, 2007, any person that is working as a paralegal shall be required to certify completion of four hours of mandatory continuing legal education in legal ethics and four hours of mandatory continuing legal education in either general law or in an area of specialized law. All continuing legal education courses shall meet the requirements of Section 6070.

Certification of these continuing education requirements shall be made with the paralegal's supervising attorney. The paralegal shall be responsible for keeping a record of the paralegal's certifications.

[6452(a)] - It is unlawful for a person to identify himself or herself as a paralegal on any advertisement, letterhead, business card or sign, or elsewhere unless he or she has met the qualifications of subdivision (c) of Section 6450 and performs all services under the direction and supervision of an attorney who is an active member of the State Bar of California or an attorney practicing law in the federal courts of this state who is responsible for all of the services performed by the paralegal. The business card of a paralegal shall include the name of the law firm where he or she is employed or a statement that he or she is employed by or contracting with a licensed attorney.

[6452(b)] - An attorney who uses the services of a paralegal is liable for any harm caused as the result of the paralegal's negligence, misconduct, or violation of this chapter.

[6454] - The terms "paralegal," "legal assistant," "attorney assistant," "freelance paralegal," "independent paralegal," and "contract paralegal" are synonymous for purposes of this chapter.

[6455(a)] - Any consumer injured by a violation of this chapter may file a complaint and seek redress in any municipal or superior court for injunctive relief, restitution, and damages. Attorney's fees shall be awarded in this action to the prevailing plaintiff.

### WHY IS CALIFORNIA BUSINESS & PROFESSIONS CODE 6450-6456 IMPORTANT?

In California, supervising attorneys can jeopardize legal fees and breach ethical obligations if they do not take the necessary steps to ensure that paralegals employed at their law firm or corporation are qualified under California Business and Professions Code 6450-6456. Although the only ways to enforce the code is by means of civil action or violation penalties, all it takes is a savvy client or opposing counsel to start questioning processes and work product before paralegal competency and legal fees are called into question.

Although decisions surrounding B&P Code 6450 are inconsistent and a bit older, the fact remains that legal fees can be threatened if a law firm or corporation ignores the requirements of the statute.

Sanford v. GMRI, Inc. dba Red Lobster, Civ. No. S-04-1535 (E.D. Cal. Nov. 14, 2005)

Fees denied due to paralegals not meeting requirements of B&P Code 6450.

White v. GMRI, Inc. dba Red Lobster, Civ. No. S-04-0620 (E.D. Cal. April 12, 2006)

Fees denied due to missing declaration of supervising attorney proving paralegal qualifications under B&P Code 6450.

Martinez v. G. Maroni Co. dba CHURCH'S et al, Civ. No. S-06-1399 (E.D. Cal. May 2, 2007)

Paralegal qualifications validated however fees reduced under B&P Code 6450 for tasks that were more appropriately identified as administrative tasks.

Ellis v. Toshiba America Information Systems, Inc., 218 (Cal. App. 4<sup>th</sup> 853, 2013)

Compliance to educational requirements of B&P Code 6450 is not a prerequisite to the recovery of paralegal fees.

### HOW REGULATIONS GOVERNING PARALEGALS APPLY TO EDISCOVERY

As more paralegals and non-attorney professionals get involved in the eDiscovery process the conversation on ethical obligations and competency has to evolve into more than the attorney perspective. The discussion has to include the ethical obligations and competency of both supervising attorneys and non-attorney professionals.

Even though eDiscovery isn't specifically mentioned in statutes/regulations governing paralegal professionals, if you look at some of the tasks specified under California Business and Professions Code 6450(a) – case planning, interviewing clients, retrieving information, collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney – these are tasks that can easily be associated to eDiscovery which makes education and experience even more important. There is a lot at stake for everyone if eDiscovery isn't handled properly and both supervising attorneys and paralegals can be held liable for inexperience and negligence under state statutes/regulations.

### BRINGING IT ALL TOGETHER

It is important for supervising attorneys and paralegals to understand what statutes/regulations govern paralegal professionals in their home state. The National Federation of Paralegal Associations (NFPA) has recently published an updated, in-depth guide of Paralegal Regulations broken out by individual state and it is imperative that supervising attorneys and paralegals review and discuss before moving forward on a matter. In California, any consumer injured by a violation of Business and Professions Code 6450-6456 can sue for injunctive relief, restitution and damages and many other states are following suit with similar statutes/regulations.

Ethical and competency obligations are not just for counsel. Supervising attorneys, paralegals and other non-attorney professionals have a responsibility to present their qualifications accurately or they run the risk of exposing their firms, corporations and clients to ethical violations and lost revenue due to reduced or unrecoverable legal fees. It is time for conversations within our industry to evolve so that both attorneys and non-attorney professionals are properly educated and roles and responsibilities clearly defined.

LS





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# Annual Conference









KATHLEEN JIMENEZ is the Information Governance Manager at White & Case LLP. Kathleen has a unique perspective on both the needs of the end users as well as the demands of the technologists. Understanding the critical need for open communication and collaboration between these two groups, Kathleen is a strong liaison who effectively translates complex issues to end users and skillfully articulates end-user requirements to IT.

# The Changing Face of Outside Counsel Guidelines

BY KATHLEEN JIMENEZ – SUBMITTED BY ALAMEDA COUNTY LSA

We have all done it, quickly skimmed the Outside Counsel Guidelines for how much we can bill and which hotel and airlines the attorneys can use. For years, this was what made up the bulk of the information contained within these guidelines. Unfortunately, the world has changed. As more clients adopt information governance and security standards within their own organizations, they are requiring it of their lawyers.

Outside Counsel Guidelines are written or verbal requirements for law firms that represent clients in any given matter. Typically they are provided at the start of an engagement but for long term clients may be adopted at any point during the representation. The guidelines contain requirements such as, what costs can be charged, what they consider overhead, how often they want status reports, and even what increments of time the attorneys can submit their bills.

Clients are starting to include requirements that range from who can actually see their files to where those files should be stored. They are also starting to include stipulations that files must be returned to them at the close of a matter.

With all of these new parts to the guidelines you may be asking, what you can do about them. Below are some of the ways that you can help your teams navigate through the changing world.

- **Read all the way through the guidelines.**

Yes, this seems like a no brainer but given the length and inconsistent nature of the guidelines many people tend to just skim through.

- **Make notes of key requirements.**

Some firms are starting to track these in specific software programs or in something as simple as an excel list. By keeping a reference of the key requirements in your guidelines, you may not have to read the whole document every time you have a question.

- **Inform your team and other relevant departments.**

The choice of where to store documents and files, along with a need to add security, means the entire team and the relevant support departments all need to know about the requirements. Finance will need to be able to help on the billing items, IT with electronic security and retention requirements, and records on the hard copy security and retention side.

- **Inform lead attorney of potential problems if they are not already aware.**

A problem may arise if the guideline does not allow information to be stored in the cloud but your firm uses a cloud based document management system. IT should also be made aware that the client has this requirement even if you currently do not use cloud solutions, this is to avoid problems in the future as well. In cases like this, a waiver can often be obtained with the help of IT to show security compliance within the system.

- **Save the document in a standard location based on your firm practices.**

Much like engagement letters, having outside counsel guidelines saved in a consistent manner regardless of the client or matter allows for easier access when the full document is needed.

*Continued on page 13*





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LARRY KIRLIN is a board member with Fresno County Legal Professionals Association. He began working in the legal support industry in 1991 and has been employed with First Legal Network since 2012. He currently holds dual positions as Regional Manager and eProducts Manager. Larry lives in Fresno with his wife Rebecca.

# The California eFiling Landscape

BY LARRY KIRLIN – SUBMITTED BY FRESNO COUNTY LPA

Few people disagree that within the next 3-5 years, all 58 Superior Courts in California will offer or require eFiling. That means we can expect a lot of change in the way law firms and legal support professionals interact with the courts. The goal of this article is to provide an overview of the eFiling movement. In the end you should have a better understanding of how eFiling works and where the state is heading.

I've always been one to embrace change and new technology so when I saw the movement in the courts towards eFiling, I wanted to be at the forefront. This led me to join newsgroups, committees and generally stick my nose in wherever I could learn about eFiling. In 2014 I was given the second job title of "eProducts Manager" and have been on a long pursuit to understand the parts and people driving change in the industry.

As a product manager, I'm responsible for staying current on industry trends, knowing what our competitors are doing and acting as a reference point within our company. The position also requires me to perform market research and make recommendations to our executive board regarding marketing, infrastructure and operations. It has given me the exposure I need to speak competently on the topic of eFiling.

## EFILING

So why are the courts pushing for eFiling now? As you know, the court budgets were drastically reduced during the economic downturn and were never restored. The court administrators see eFiling as a solution to provide the best public access to the courts at the lowest cost.

When your goal is to get the best for the least you undoubtedly find yourself in a compromise. While eFiling promises cost savings and convenience, it doesn't mean fast, efficient or error free. In most situations, eFilings are still reviewed by a court clerk before being accepted. That means your filings will sit in a review queue on a computer; similar to being placed in a pile of incoming mail. First in, first out.

This is a good time to explain the three basic building blocks of an eFiling system: CMS, EFM and EFSP.



**CMS – Case Management System:** The CMS is the backbone of the court and connects to both internal and external sources. Think of it as the “backend” system that handles all of the case workflow specific to the court. Courts use one or a combination of CMS.

**EFM – Electronic Filing Manager:** The connection between the CMS and the web – it handles all incoming filings, validates and processes according to court workflow. Typically the supplier of the CMS also provides the EFM, but in some cases they can be two completely separate systems provided by separate companies.

**EFSP – Electronic Filing Service Providers:** Third-party companies who provide an online solution to eFile directly to a specific court. EFSPs design and implement their own solution, specific to the workflow and local rules of the court, and are certified by the court. No two EFSP solutions are the same from a User Experience (UX) perspective – as they are customized to the providers interface – however, they all meet the court's requirements and local rules. Certification is critical – either the court provides this service or the provider of the CMS/EFM.

Not all courts use the same CMS and EFM, nor do all EFSPs connect to all the courts or have a consistent interface between vendors and system, as such the eFiling landscape is very fragmented. There is some consolidation happening as courts do not have the budget to build their own CMS, EFM or certification processes for EFSPs.

Consequently, courts will award a no-cost (to the court) contract to various vendors, in exchange for "sole access" to the court to collect fees as a way for the vendor to recoup costs.

The total pool of CMS and EFM vendors is limited to several companies, plus those courts that chose to "develop and maintain" their own systems. The top three CMS vendors are Tyler Technologies (Tyler), Journal Technologies (JTI) and Thompson Reuters. Tyler is working with nearly half of the 58 counties for both CMS and EFM Solutions and also acts as an EFSP. They are definitely becoming part of the vernacular in the California legal industry.

Before a county can mandate eFiling through a private vendor, California requires multiple EFSP. The reason for this is because the state believes competition among vendors is healthy for the industry. Competition drives innovation and reduces cost, but there is a limit. For one, the cost to develop an eFiling portal is a barrier for all but the largest "attorney service" companies. By the time a portal is certified, the costs are well into the six figures, not to mention annual maintenance costs in the high five figures. Jumping into the EFSP pool is not for the weak of heart.

Needless to say, this is causing great concern for smaller, traditional attorney services. Any company that counts on a high percentage of revenue from court filing and court runs/retainers is at risk. These companies will need to diversify to stay relevant in the new marketplace. One trend we are seeing is a service I refer to as "On-Behalf" or "Concierge" filing, which can be performed by any size company.

Most EFSP allow attorney services to open an account and file documents "on-behalf" of a law firm. The attorney service charges a premium over the EFSP fees for handling the transaction. This makes sense for the law firms because it is faster, easier and frees up time for the secretaries to perform higher level functions. This is analogous to firms using a copy service to prepare deposition subpoenas for records.

### eSERVICE

Hand-in-hand with eFiling is eService. It can be performed by the law firm or through a vendor. Following is a summary of the legal requirements:

Pursuant to CRC 2.251(a), you can eServe a document if you can serve it by mail, overnight or fax. Anything that requires personal service is not permitted for eService. A party must consent to eService as outlined in the rules listed as follows.

Consent to eService happens when a party stipulates to eService (CRC 2.251(b)(1)(A) ) or when a party eFiles a document with the court (CRC 2.251(b)(1)(B) ).

A party must eServe if eFiling is mandated (CRC 2.251(c)(2)), unless personal service is required by statute, the court orders otherwise or the case involves a self-represented litigant (unless that litigant consents).

Per CRC 2.251(h)(1), service is complete at the time of transmission or at the time the notification is sent. Any period of notice, response, etc. is extended by two court days.

A Proof of Electronic Service needs to be included with the documents you are eFiling and eServing. The Proof of Service can be attached to the supporting document or as a separate document and can be submitted in pleading format or on a Judicial Council form. Refer to CRC 2.251(i) for specific proof format requirements.

### WORKING WITH PDFS

As the courts transition to eFiling, attorneys and support staff are going to need a pretty intimate relationship with PDF documents. If you don't already know, PDF stands for Portable Document Format. A PDF file is basically an image file (TIFF) with additional layers of data. Quick tip: If you ever have trouble opening a corrupt PDF file, try opening it manually with a TIFF image viewer.

So, what do you need to know about working with PDF?

You don't need to buy Adobe Acrobat Professional. There are many off-brand software products that provide the same functionality and a much lower cost. I use a product called Nitro Pro that I prefer over Adobe. I suggest you google search "alternatives to adobe professional" and read some reviews to make an informed buying decision.

It is really easy to convert a Word or WordPerfect document to PDF. For beginners, the simplest way is to choose FILE-PRINT and then select the PDF converter as your printer. Voila! It's done.

Learn how to create searchable text. Also known as Optical Character Recognition (OCR). If you converted a document to PDF from a native file (Word, Word Perfect, etc.), the PDF already contains searchable text. If you are working with a scanned image, you will need a PDF software capable of performing OCR.

Bookmarks, Pagination and Links. All three are simple functions but require an advanced PDF software.

Your vendor is your friend. If you use a vendor to eFile on your behalf, you can ask that vendor to perform any and all formatting to make your document meet the court requirements. Most vendors, including First Legal, will convert and OCR your documents at no additional charge.

*Continued on page 13*

# CONTEST WINNERS

## MEMBERSHIP GAIN CONTEST WINNERS

### **GROUP A: 0-15 MEMBERS**

Santa Maria LPA – 20% gain  
Trinity County LSA – 20% gain

### **GROUP B: 16-30 MEMBERS**

Desert Palm LPA – 107% gain

### **GROUP C: 31-45 MEMBERS**

San Fernando Valley LSA – 116% gain

### **GROUP D: 46-65 MEMBERS**

Long Beach LPA – 45% gain

### **GROUP E: 66-150 MEMBERS**

Fresno County LPA – 100% gain

### **GROUP F: 151 MEMBERS OR MORE**

San Diego LSA – 44% gain

## CHAPTER ACHIEVEMENT CONTEST WINNERS

### **GROUP A: 0-15 MEMBERS**

Conejo Valley LPA – 12,725 points

### **GROUP B: 16-30 MEMBERS**

Riverside LPA – 14,725 points

### **GROUP C: 31-45 MEMBERS**

Stanislaus County LPA – 30,475 points

### **GROUP D: 46-65 MEMBERS**

Merced County LPA – 22,000 points

### **GROUP E: 66-150 MEMBERS**

Sacramento LSA – 44,175 points

### **GROUP F: 151 MEMBERS OR MORE**

San Diego LSA – 50,150 points

## BULLETIN CONTEST WINNERS

### **GROUP A: 0-15 MEMBERS**

1st Place: Conejo Valley LPA

### **GROUP B: 16-30 MEMBERS**

1st Place: Stockton-San Joaquin  
County LPA

### **GROUP C: 31-45 MEMBERS**

1st Place: San Gabriel Valley LSA  
2nd Place: Stanislaus County LPA  
3rd Place: Alameda County LSA

### **GROUP D: 46-65 MEMBERS**

1st Place: Los Angeles LSA

### **GROUP E: 66-150 MEMBERS**

1st Place: Orange County LSA  
2nd Place: Sacramento LSA  
3rd Place: San Francisco LPA

### **GROUP F: 151 MEMBERS OR MORE**

1st Place: San Diego LSA

## SCRAPBOOK AND HISTORY BOOK MEMBER'S CHOICE AWARDS

Scrapbook: Sacramento LSA  
History Book: Orange County LSA

## EULA MAE JETT SCHOLARSHIP WINNERS

### **PLAN A – HIGH SCHOOL SENIOR**

#### *1st Place*

Lizet Villanueva  
Sponsoring Association:  
Alameda County LSA

#### *2nd Place*

Kim Hoang Do  
Sponsoring Association:  
Santa Clara County LPA

### **PLAN B – COLLEGE STUDENT**

#### *1st Place*

Maria Dage  
Sponsoring Association:  
Alameda County LSA

#### *2nd Place*

Shiana Lovejoy  
Sponsoring Association:  
Los Angeles LSA

#### *1st Alternate*

Anna Marie Dominguez  
Sponsoring Association:  
San Diego LSA

### **PLAN C – CAREER CHANGE**

#### *1st Place*

Marielle Sarginson  
Sponsoring Association:  
Mt. Diablo LPA

#### *2nd Place*

Johann Christine Alcaraz  
Sponsoring Association:  
Alameda County LSA

#### *1st alternate*

Barbara Occhiogrosso  
Sponsoring Association:  
San Francisco LPA

#### *2nd alternate*

Janae Robles  
Sponsoring Association:  
Los Angeles LSA



## THE CALIFORNIA EFILING LANDSCAPE

Continued from page 11

### FREQUENTLY ASKED QUESTIONS (FAQ)

As I speak on the topic of eFiling I discovered that most people have pretty much the same questions.

*Why doesn't California adopt a system like the Federal Court (Pacer)?* Hmm, how do I say this? California is special. Even though we have one set of laws for the state, the different counties and judges demand a certain level of autonomy within their jurisdictions. Evidence of this autonomy can be seen in local rules, local forms, and unique procedures. Having one system puts too many restraints on the individual courts ability to exert local control.

*Do I have to use the court portal?* Although eFiling is mandatory in some courts, you are NOT required to perform the transaction yourself or use any specific vendor. 98% of our clients prefer to email us their filings and have us eFile on their behalf so they can focus on other tasks.

*Why would I use a vendor instead of filing directly through the court portal?* Each court filing system (EFM) requires a separate login, credit card, workflow, etc. By using your own vendor, you file the same way every time and don't have to manage several accounts. This is particularly important to law firm administrators because it is difficult for them to track eFiling expenses through a credit card statement. The more users and accounts a firm has, the more difficult it will be to reconcile. With First Legal, and other 3rd party vendors, the client will receive same invoicing they already receive from that vendor.

*What is the advantage to eFiling?* eFiling provides an electronic paper trail. An electronic document can never be lost.

*What is the downside to eFiling?* At the time of this writing, the trend in California is 18% of all eFiling transactions are rejected. That is about twice national average and five times worse than the rejection rate for over the counter filings. A significant percentage of rejected eFilings were caused by incorrect formatting or submission. Both of these errors could be avoided when using a "concierge" service to file on your behalf.

*Who does the follow-up on a document awaiting clerk approval?* Documents take anywhere from 1-3 days on average to be filed and returned by the court. A recent survey showed that 83% of eFiled documents are accepted or rejected within 24 hours. If your assignment was submitted through an EFSP, you can monitor the status of your document online and filed documents will be available on the portal. If you use an on-behalf (concierge) service, they will monitor status for you and return filed documents via e-mail.

I hope this article has given you a solid understanding of eFiling in California.

LS

## THE CHANGING FACE OF OUTSIDE COUNSEL GUIDELINES

Continued from page 8

- **At the end of matters, review the guidelines again for any requirements related to closing a matter.**

This might be as simple as originals client documents need to be returned to the client or can get more complicated when a specific retention period is dictated. In both of these situations, your records department can help you with the return process or updating their system to reflect the difference in retention.

Clients are including this type of request because they can become subject to a subpoena or government investigation later down the line. The client can destroy files which are in their possession but if the law firm still has their own copies, they could become part of discovery.

A recent panel of experts was asked what they saw coming in the future for Outside Counsel Guidelines beyond more directives regarding billing. They reported:

- Single point of contact
- Monitoring requirements that reflect who access the client's data
- Proof the firm has a standard Security Breach Protocol already established
- Requiring that firm systems have Two Factor Authentication
- More dictates regarding how long matter records are retained by the firm

As is shown in these examples, the number of groups that need to be involved is increasing. Firm awareness at all levels that Outside Counsel Guidelines can exist and that they can affect how the matter and its records are handled.

LS



TERRI L. NOCCO is a Legal Secretary at the plaintiff firm of Berding & Weil in Walnut Creek. She started at her first firm as a part-time file clerk, and has worked in the legal field for over 15 years. Terri flexes her creative writing and analytical muscles as a frequent contributor of reviews to Yelp (her coworkers always trust her with restaurant recommendations near and far!), and she administrates her own film review page on Facebook.

# The Keeper of Secrets

BY TERRI L. NOCCO – SUBMITTED BY CONTRA COSTA COUNTY LPA

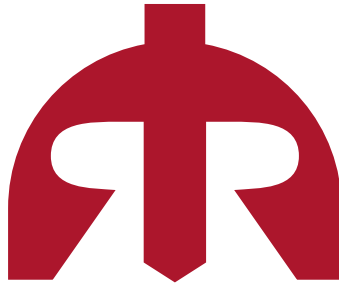
Am I allowed to say I don't always love telling people what I do for a living? It doesn't mean I don't take pride in my work, nor does it mean I haven't worked for fantastic firms, with equally fantastic people. I think it's the title – Legal Secretary. When I say it, I certainly know what a great job it is. I know what incredible opportunities have come my way since acquiring that title, and I know that it is a position of respect within law firms (more on that later). But it's the word "secretary" that causes the stumble, though luckily the attorneys and paralegals I've supported have always called me their assistant which I appreciate. Too many years of watching *Mad Men* and *Coen Brothers* movies would have the world continue to believe that any woman stamped with the title of secretary isn't much more than a well-dressed skirt, preferably blond and clad in high heels, an accomplished typist, prone to calling you Sir or Miss, and always at the ready with a refresh on that cup of coffee. I say "secretary" in conversation, and I see THAT LOOK spread across their faces. I've even been corrected by other secretaries to never call them that, they're an Assistant, and don't you forget it.



I say I am both. My official title indeed is Legal Secretary – and the "legal" part is important too, for my skill set extends far beyond the administrative. The importance and dignity of the professional path I have set myself on becomes clear when we dig a little deeper and discover the etymology of these titles that folks get so hung up on. Let's start with SECRETARY: "a person entrusted with secrets." That sounds a lot more interesting than a coffee fetching typist to me, and it points to one of the more crucial aspects of the job, which is confidentiality. Ethical legality is tantamount, and with so many secretaries and attorneys shuffling between firms year to year, conflicts can arise quickly. It is our respect for confidentiality, and the importance of the professional lines we uphold through due diligence, that keeps our clients' secrets well. We may be Plaintiff versus Defendant, but at the end of the day we are all on the side of serving our client with respect and

efficiency and the utmost professionalism.

Secrets can also extend to the daily work environment. There is no firm in existence, small, medium or large, that is free of the interpersonal dramas that complicate our workday and cause difficulties that inhibit teamwork. It isn't right, but it is a reality. Sometimes our home life struggles creep into our professional lives; sometimes we have to run to the restroom so we don't cry at our desk. We are imperfect beings held to high standards. Working in such an important and high pressure environment where millions of dollars and peoples' homes and livelihoods can be at stake, can be a daunting task. We are not expected to be superhuman. We are simply expected to do the job as we agreed to do it. Perform your tasks, get through the day, cry at home. Never let them see you struggle. Let that be a secret you keep well.



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## THE KEEPER OF SECRETS

How about ASSISTANT? Seems pretty straightforward. The etymology there states an assistant is “one who helps or aids another.” Personally I help or aid three attorneys and two paralegals as part of my firm’s construction defect team. Sure, I can exhaustively list out the individual tasks I perform, the importance of calendaring with reminders, the great tricks in Microsoft Word to help keep a motion free of old formatting dragged over from the inevitable cut-and-paste. But I’ve instead found the easiest way to explain my job as an assistant is to simply be a vital asset to the legal professionals I support, to do what I can to make their job as easy as possible. It is my responsibility to know my case load and be able to answer their questions with a minimum of fuss. With over a decade of experience under my belt, if they still manage to ask me a question I can’t answer off the cuff, I know where to start my search for the answer. I maintain contacts with vendors even when I change firms, because I will always need good reliable friends who are also in the industry. I will always update my service list when I receive an Answer or a Notice of Change of Handling Attorney, even when it’s an e-service

case, because that’s a crucial part of assistance. The more information I keep easily accessible, the more of an asset I am, and at the end of the day, it is my value as an employee and an assistant that keeps my bills paid and keeps my firm afloat. I am an important part of the team not just because they offered me the job, but because it became my responsibility when I accepted the job.

I’m a Legal Secretary. I work hard daily to be a vital asset to my team, and to earn the trust and respect of all my coworkers, no matter their paygrade, their tenure, or even their challenging attitude and steep demands. I will continue to take daily pride in assisting these attorneys and paralegals that I respect and am privileged to call friends, as they serve their firm alongside their clients and each other to achieve an ideal outcome and resolve these largest of conflicts. It is only with hard work, respect, tenacity and communication that I can effectively assist, and it is my firm’s trust and respect that I value most of all. No matter my title.

And that is a secret I don’t intend to keep.

LS





## LEGAL SPECIALIZATION SECTIONS SEMINARS

August 19 and 20, 2016  
Sacramento Marriott – Rancho Cordova

**The deadline to register without a late fee is  
Monday, August 15, 2016.**

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<b>Friday, August 19, 2016 – 7:30 p.m. to 9:00 p.m.</b>	
<u><b>Civil Litigation</b></u> California Appellate Procedure Cyndee Saucedo, CCLS <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER	<u><b>Federal Law</b></u> USDC Eastern District Honorable Troy L. Nunley U.S. District Court, CA Eastern District <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER
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<u><b>Probate/Estate Planning</b></u> I Have to do What Now? – How to Administer a Trust Jennifer Rouse, Esq. Meissner Joseph & Palley <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER	<u><b>Transactional Law</b></u> California Secretary of State, Business Programs Division Janessa Huez, Supervising Attorney Connie Christensen, Corporations Assistant <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER
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KIM ORENO has been serving as LSI's Administrator since June 2015. She graduated from Sacramento State University in 2002 with a Bachelor's Degree in Communication Studies. She has been working for her current employer, California Advocates Management Services, for 12 years. In her free time, she enjoys spending time with her husband, Brandon, their dog, Boo and their 2 cats, Luna and Sturgill. To learn more about Kim, friend her on Facebook at <https://www.facebook.com/kim.ingersoll>

# LSI Celebrates Local Associations

BY KIM ORENO, LSI ADMINISTRATOR

Come celebrate local associations with LSI in Rancho Cordova, CA on August 19-21, 2016. Celebrating local associations is the theme for the August 2016 conference and we can't wait to share it with you! The host hotel is the Rancho Cordova Marriott located at 11211 Point East Drive, Rancho Cordova, CA 95742-6239. Room rates are \$99 for a single or double room, \$109 for a triple room and \$119 for a quad room. You can make your reservation online at <https://aws.passkey.com/event/14080292/owner/9323/home> or by calling 800-228-9290 and referencing the LSI August 2016 Conference. The scrip is \$129 if you sign up by July 20, 2016. The price goes up to \$139 after July 20th.



We are excited to announce a contest for this conference. Each local association can design one centerpiece that will be placed on the tables at the Saturday evening banquet and Sunday morning brunch. Each association can spend up to \$50 on the centerpiece decorations. Each participating association will receive 50 chapter achievement points and the winner will receive 50 additional chapter achievement points for a total of 100 points. We hope you will participate and I can't wait to see the amazing centerpieces that you all will create.

There are plenty of opportunities for fun in and around Rancho Cordova. The American River Parkway is a 32-mile, fully paved bike trail that follows the American River from Beal's Point at Folsom Lake to Discovery Park in Old Sacramento. Lake Natoma, home of the Sacramento State University Aquatic Center, has a variety of recreational activities that can keep you cool on those warm summer days, such as rowing and stand up paddle boarding. You can also fish for rainbow trout, brown trout, black bass, crappie and bluegill.

If you prefer cooler, more indoorsy activities, the Folsom Outlet Mall is just a quick drive east on Highway 50. The Folsom Premium Outlets have a variety of stores for all types including Coach, Clarkes, Calvin Klein, Famous Footwear, Gap, Levi's, Nike and Adidas.

If these suggestions don't strike your fancy, I'm sure you'll find something at [www.visitranhocordova.com](http://www.visitranhocordova.com).

In addition to all of the fun you can have in and around Rancho Cordova with your LSI peers, you might want to get some education time in as well. Terrie Quinton, CCLS is finalizing the details of a wonderful CCLS workshop, J. Cori Mandy, CCLS is putting together a fabulous CEC workshop and Dawn Forgeur, CCLS will have details to you all soon on the not-to-be-missed LSS section workshops.

I look forward to seeing all of you in Rancho Cordova in August!

LS



VALERIE A. POWERS SMITH, ESQ., Of Counsel, Slovak Baron Empey Murphy & Pinkney, LLP, maintains a legal practice in California, New Jersey, New York, and Pennsylvania specializing in the following special needs and disability law subject areas: health care insurance, Medicaid, Medicare, special needs trusts & trust administration, estate planning & administration, guardianships, and accessing federal and state government disability-based benefits; as well as, estate planning, trust administration, and probate. Valerie can be contacted at [powers@sbemp.com](mailto:powers@sbemp.com) or 760.322.2275.

# Special Needs Trusts: Special Legal Considerations for the Family and Personal Injury & Divorce Attorneys When There is an Individual With Disabilities

BY VALERIE A. POWERS SMITH, ESQ. - SUBMITTED BY DESERT PALM LPA

## THE USE OF SPECIAL NEEDS TRUSTS IN ESTATE PLANNING

Most parents want to leave assets to their children when they die. If an individual with a significant cognitive disability receives assets, they may not have the capacity to make good decisions about how those assets are used and they may become ineligible for important federal and state resources and services. The individual can lose Social Security Income (SSI) and Medicaid and the assets may also be subject to recoupment by Medicaid or by the State if the individual is receiving residential services.

Upon realizing this, parents decide to disinherit the child with disabilities, leaving everything to the non-disabled children with verbal instructions to use part of the inheritance for the benefit of the sibling with disabilities. While this may appear to be a good idea, it can have equally negative results.

For example, the non-disabled child may not use the inheritance on their sibling's behalf, and is under no legal obligation to do so. Even if the non-disabled sibling uses the assets exactly as the parents intended, they can be claimed by creditors, can have negative tax consequences on the non-disabled sibling, and can be subject to equitable distribution in the event of divorce.



To avoid these negative consequences, it is recommended that parents establish a special needs trust. A special needs trust can protect the assets while, at the same time, making the assets available to protect and enrich the life of the person with a disability without jeopardizing benefits available from the government. A special needs trust is a unique legal document that contains a set of instructions describing how assets placed into trust will be administered on behalf of a person with a disability. It must be carefully worded and is best written by professionals familiar with disability services and programs.

Parents and other family members can use a special needs trust to hold assets for a disabled person. Even families with modest assets should establish a trust;



typically, such trusts are not funded until one or both parents die. A special needs trust can be funded through life insurance or estate assets distributed through one's Will. So long as the assets have never vested in the person with a disability, the special needs trust need not contain a provision reimbursing Medicaid and other providers.

Trust funds can be used to purchase independent professional opinions as necessary, fill in gaps in services, provide additional recreation and other amenities, pay for a private residential placement or buy a vehicle used to transport the beneficiary of the trust.

At the death of the beneficiary, any remaining trust property is disposed according to the instructions written in the trust document by the donor. For example, property might go to other family members or to a charity.

The governing regulations for special needs trusts can be found at 42 U.S.C. § 1396p.

### USING SETTLEMENT PROCEEDS TO FUND A SPECIAL NEEDS TRUST

When an individual with disabilities receives a settlement in a personal injury case due to medical malpractice, personal injury, an automobile accident, and similar events, care must be taken at the time of the settlement to protect that individual's eligibility for government benefits such as SSI and Medicaid. Many important government benefits have economic means tests – meaning, in order to be eligible, one must have assets no greater than \$2,000 and income below a specified amount. Accordingly, unrestricted access to settlement funds can cause an individual to be ineligible for these very important benefits.

Many individuals with disabilities require care and services throughout their lifetime and the costs of those services can often quickly deplete even a large settlement award. Therefore, it is prudent to conserve settlement funds in a manner that will provide benefit to the individual with disabilities while ensuring that the funds do not negatively affect eligibility for governmental benefits. In order to accomplish this goal, settlement proceeds must be placed into a special needs trust. Federal law permits placement of settlement proceeds into a special needs trust; that is, for the sole benefit of the individual with disabilities. Such trusts are referred to as “self-settled” trusts because they are funded with the disabled individual's own funds. They also are referred to as “OBRA '93” trusts, after the federal law that permits their creation.

By placing settlement funds into a properly drafted special needs trust, those funds will be available to supplement government benefits and enhance the quality

of life for the individual with disabilities.

There are specific requirements for self-settled special needs trusts that are not imposed on trusts funded by third parties as part of an estate plan. For example, unlike special needs trusts set up by parents as part of their estate plan, self-settled trusts must have a “payback provision” providing that on the death of the beneficiary of the trust the state Medicaid agency will receive all amounts remaining in the trust up to the amount of assistance provided. The requirements for self-settled trusts are complicated and; therefore, it is critical that the personal injury attorney consult with a special needs attorney who has expertise in drafting and administering self-settled trusts in order to assure that the trust protects eligibility for important government programs.

### WHEN DIVORCE OCCURS

Divorce presents many challenges, especially for couples with children. Parents often strive to put individual differences aside and make decisions that are in the best interests of their children. When one or more of those children have disabilities, this is of critical importance. Careful planning and consideration must go into divorce and custody agreements in order to protect the interests of the child, maximize access to vital disability-based services and supports, and preserve publicly-funded disability benefits. Parents and attorneys must carefully consider the needs of the child with disabilities, and reflect those considerations in the language of any agreements that are signed by the parents or submitted to the court. The following are important issues to consider during this process:

**Child Support** – In most divorce situations, child support is required; however, where improperly structured, child support can cause a child with disabilities to be ineligible for SSI and Medicaid benefits. The Social Security Administration considers child support “unearned income” and counts 2/3rds of child support payments as income when determining eligibility for SSI and Medicaid. It is, therefore, recommended that the divorce agreement direct child support be paid into a special needs trust for the benefit of the child with disabilities. This trust is separate and different from any special needs trust created as part of either of the parents' estate plan. Specialized legal consultation can help ensure that the trust is established and funded in a way that will preserve future benefits.

**Life Insurance & Disability Policies** – It is quite common in a divorce agreement that one or both parties are required to maintain life insurance for the benefit

*Continued on page 22*

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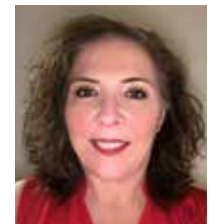
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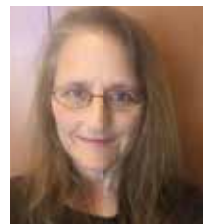
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2016/17



of the child. While well-intentioned, when improperly planned, this can also cause future eligibility problems for SSI and Medicaid if the child with disabilities is listed as a beneficiary. To avoid this problem, insurance beneficiary designations must be carefully structured to direct the child with disabilities' share to a special needs trust created as part of one or both of the parents' estate plan.

**Estate Planning & Special Needs Trusts** – Often, well-meaning family members plan to leave money to a child with a disability. Doing so, however, can have devastating consequences. It is, therefore, advisable that each party

agree not to direct Will bequests or make any beneficiary designation to the child with disabilities; but, rather, to a special needs trust created as part of one or both of the parents' estate plans.

With careful planning and consideration, a divorce does not need to limit or disrupt services to a child with disabilities. Parents of a child with disabilities in a divorce situation are encouraged to share this information with their attorneys so that the interests of their child are protected in the process.

**LS**

## 2016 Dates To Remember

<b>July 29, 2016</b>	Deadline to register for CCLS On-Line Study Group
<b>August 1, 2016</b>	Legal Specialization Sections Membership renewal begins
<b>August 9, 2016</b>	CCLS On-Line Study Group begins
<b>August 12, 2016</b>	Registration deadline for CCLS Workshop at August Conference Ability to Communicate Effectively – Mock Exam
<b>August 15, 2016</b>	Last day to submit CCLS Exam Application to CCLS Certifying Board
<b>September 1, 2016</b>	Last day to submit articles for November issue of The Legal Secretary
<b>September 8, 2016</b>	Registration due for Beginning Legal Secretarial Training Class
<b>September 14, 2016</b>	Beginning Legal Secretarial Training Class begins
<b>September 15, 2016</b>	Last day to submit CCLS Exam Application to the CCLS Certifying Board with payment of late fee
<b>October 11, 2016</b>	LSI 2nd Quarterly Conference registration due
<b>October 15, 2016</b>	CCLS Exam
<b>November 11-13, 2016</b>	LSI's 2nd Quarterly Conference Palm Springs Hilton, Hosted by Desert Palm LPA

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## BEGINNING LEGAL SECRETARIAL TRAINING CLASS

LSI will be offering its Beginning Legal Secretarial Training Class online. This class will be an eight-week, work-at-your-own-pace online session commencing September 14 and ending November 9, 2016. During the classes, the following topics will be covered:

Introduction to the Law Office  
Duties of the Legal Secretary  
Effective Telephone Skills  
Effective Oral Communication Skills  
Effective Written Communication Skills  
Calendaring and Timetables  
Basic Grammar Skills

Transcription and Proofreading Techniques  
Court Structure  
Citations  
Service of Legal Documents  
Preparing a Proper Caption  
Preparation of Documents Filed with the Court  
Basics of Civil Litigation

### CLASS SESSION OPENS ON MONDAY, SEPTEMBER 14, 2016

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 cost of the training class, which includes the Legal Secretary's Reference Guide, is \$150 for LSI members/\$200 for non-LSI members. Each individual must register separately. Upon completion of the class, students will receive a certificate from LSI.

---

---

### BEGINNING LEGAL SECRETARIAL TRAINING CLASS REGISTRATION

(Please type or print clearly)

Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

\$150 LSI Member \_\_\_\_\_ Association: \_\_\_\_\_ LSA/LPA  
\$200 Non-LSI Member \_\_\_\_\_

Payment: Check # \_\_\_\_\_ (made payable to LSI)  
(Note: Checks must clear before books will be mailed and may cause a delay in access to the class.)  
Name on Card: \_\_\_\_\_  
Visa/MC Credit Card # \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ 3-digit CVV No.: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Email registration form NO LATER THAN September 8, 2016, to LSI Legal Secretarial Training/ Seminar Chair, [training@lsi.org](mailto:training@lsi.org) or mail to LSI, 2520 Venture Oaks Way, Suite 150, Sacramento, CA 95833. Registration will also be offered online at [www.lsi.org](http://www.lsi.org) with PayPal. Keep in mind books will not be mailed until registration is processed. For further information or inquiries, email [training@lsi.org](mailto:training@lsi.org). No refunds after September 14, 2016. CCLS credit has been approved under Section 1e of the Standards for Recertification re self-study.

**LSI – Educating California's Legal Professionals**





California Certified Legal Secretary  
A Program of LSI®



## APPLICATION TO TAKE CCLS® EXAM

Mail Application, copy of LSI Membership Card (if applicable), and fees to:  
**CCLS Certifying Board, 14403 Leibacher Avenue, Norwalk, CA 90650**

(Select one)

☐  
☐

**Northern California**  
**Southern California**

(Select one)

☐  
☐

**Saturday, October 15, 2016**  
**Saturday, March 18, 2017**

- **Deadline:** Applications must be received 60 days prior to the examination date.
- **Late Application:** Late Fees apply when Applications are received less than 60 days (but not less than 30 days) prior to the examination date, and accepted only if space is available.
- **Deferral:** Requests to defer to the next exam must be received at least 30 days prior to the exam date.

<b>EXAMINATION FEES</b> (Select Payment Type)		<b>Check</b> <input type="checkbox"/> Payable to "LSI" Mail to above address	<b>PayPal</b> <input type="checkbox"/> Email exam application to <a href="mailto:CCLSCertifyingBoard@gmail.com">CCLSCertifyingBoard@gmail.com</a> . Payment link will be provided upon confirmation of eligibility to sit for exam.
<b>LSI Members</b>	<input type="checkbox"/>	<b>Non-LSI Members</b>	<input type="checkbox"/>
On Time Registration Fee	\$ 25.00	On Time Registration Fee	\$ 75.00
Examination Fee*	100.00	Examination Fee*	100.00
Late Fee (if applicable)	30.00	Late Fee (if applicable)	30.00
<b>TOTAL DUE w/o Late Fee:</b>	<b>\$125.00</b>	<b>TOTAL DUE w/o Late Fee:</b>	<b>\$175.00</b>

### Personal Information

Name: \_\_\_\_\_

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

Last 4 digits of SSN: \_\_\_\_\_ Email: \_\_\_\_\_

Phone (Day): \_\_\_\_\_ Phone (Evening): \_\_\_\_\_

LSI Member: ☐ Yes (enclose copy of LSI Membership Card) ☐ No

Name of Local LSI Association: \_\_\_\_\_

### Employment Information

Provide your legal secretarial employment information beginning with your most recent (or current) employment in order to confirm that you have at least two years' experience. Attach a supplemental page if you have not been in your current position for two years.

Position: \_\_\_\_\_ Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_  
(name and address)

Supervisor: \_\_\_\_\_ Supervisor's Phone: \_\_\_\_\_

Supervisor's Email: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

Applicant Signature \_\_\_\_\_

\*Fees subject to change without notice.

Rev. April 2016

# DESERT PALM LEGAL SECRETARIES ASSOCIATION



INVITES YOU TO

LSI's 2<sup>nd</sup> QUARTERLY CONFERENCE

NOVEMBER 11-13, 2016

Palm Springs Hilton  
Palm Springs, CA 92262

## CONFERENCE REGISTRATION FORM

Name on Badge:	
Mailing Address:	
City/State/Zip:	
Home/Cell Telephone:	
Email Address:	
Local Association:	LSA/LPA (full name)

Please check if applicable and include title:

- ☐ State Officer \_\_\_\_\_  
☐ State Chairman \_\_\_\_\_

Please check if you are:

- ☐ Governor ☐ CCLS ☐ PLS

SCRIP (includes registration, welcome reception, banquet and brunch)

POSTMARKED ON OR BEFORE OCTOBER 11, 2016

\_\_\_\_\_ @ \$130.00 \$

POSTMARKED AFTER OCTOBER 11, 2016

\_\_\_\_\_ @ \$140.00 \$

### INDIVIDUAL REGISTRATION TICKETS:

Registration by Oct. 11, 2016

\_\_\_\_\_ @ \$ 20.00 \$

Registration on or after Oct. 12, 2016

\_\_\_\_\_ @ \$ 30.00 \$

### WELCOME RECEPTION (Friday)

\_\_\_\_\_ @ \$ 25.00 \$

**LUNCHEONS:** If selection is vegetarian please check this box ☐

Presidents' Luncheon (Saturday)

\_\_\_\_\_ @ \$ 25.00 \$

Governors' Luncheon (Saturday)

\_\_\_\_\_ @ \$ 25.00 \$

Open Luncheon (Saturday) - Open to All

\_\_\_\_\_ @ \$ 25.00 \$

### BANQUET (Saturday Evening)

\_\_\_\_\_ @ \$ 65.00 \$

☐ Beef ☐ Chicken ☐ Vegetarian

### BRUNCH (Sunday)

\_\_\_\_\_ @ \$ 30.00 \$

**TOTAL AMOUNT ENCLOSED** (\$4 fee will be added to payment made via PayPal/CC)

\_\_\_\_\_ \$

Special Dietary Restrictions: \_\_\_\_\_

PLEASE MAKE CHECKS PAYABLE TO: **DPLPA 2016 CONFERENCE**

RETURN THIS FORM WITH PAYMENT TO REGISTRATION CHAIR:

**Mary Carter, 1800 East Tahquitz Canyon Way, Palm Springs, CA 92262**

For questions call Kathleen (760) 641-1424 / [gorham@sbemp.com](mailto:gorham@sbemp.com) or Erika 760-777-0380 / [dplpa.info@gmail.com](mailto:dplpa.info@gmail.com)

REGISTRATIONS RECEIVED BY 9/30/2016 WILL BE ENTERED IN OUR **FREE** RAFFLE!

\*\*\* NO REFUNDS AFTER OCTOBER 17, 2016 \*\*\*

# DESERT PALM LEGAL SECRETARIES ASSOCIATION

INVITES YOU TO

## LSI's 2<sup>nd</sup> QUARTERLY CONFERENCE

NOVEMBER 11-13, 2016

Palm Springs Hilton  
Palm Springs, CA 92262

## HOTEL REGISTRATION



- **Room Rates** (2 Queens or 1 King) \$125.00 + Tax & Utility User Fee (per night.)  
(Includes: free airport shuttle, high speed internet, local calls, 24-hr. fitness center, and 15% discount on services at Elements Spa.);
- **Self-Parking:** \$12.00 fee if parking on premises. No cost self-parking is located near the hotel;
- **Check in** 4:00 p.m. & **Check out** 12:00 p.m.;
- **Cancellation Policy:** If you wish to cancel, please do so 3 days prior to arrival to avoid cancellation penalties;
- **Pet Friendly:** Please contact hotel for policy& fees;
- Please note that room rates are guaranteed only until October 13, 2016 or until reserved room block is full, whichever occurs first;
- Each reservation must be accompanied by a one-night room revenue deposit.  
Click the following link: [Hilton-Palm-Springs-Hotel-Reservation-Link](#)

### Group Code: LSI

Group Name: L.S.I. Quarterly Conference

#### Hilton Palm Springs

400 East Tahquitz Canyon Way, Palm Springs, CA 92262  
TEL: (760) 320-6868 or (800) 445-8667

[Click here for directions](#)



For Questions call:

November 2016 Conference Chair

Kathleen at (760) 641-1424 [gorham@sbemp.com](mailto:gorham@sbemp.com)

or

Erika at (760) 777-0380 [dplpa.info@gmail.com](mailto:dplpa.info@gmail.com)  
[www.dplpa.org](http://www.dplpa.org)







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# WHO PROTECTS THE PROTECTORS? LEGAL ISSUES FACING LAW ENFORCEMENT

**FRIDAY, AUGUST 19, 2016\***

5:15 p.m. to 6:15 p.m.

\*\*\*\*\*

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Email reservations to: J. Cori Mandy, CCLS  
jcmandy5@gmail.com  
619-515-3256 or 619-954-3603

\*Seminar is free with a paid conference registration

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

## LEGAL SECRETARIES INCORPORATED (LSI) - BENEFITS

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

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<p><b>CAPITAL INVESTMENT ADVISERS</b> <b>Emerson J. Fersch, CFP, ChFC, CLU, CASL</b> 3780 Kilroy Airport Way, Suite 320 Long Beach, CA 90806 Office: (562) 420-9009 or (877) 270-9342 Fax: (562) 420-9955 <a href="http://www.ciadvisers.com">www.ciadvisers.com</a> Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>	<p><b>LEGACY WEALTH MANAGEMENT</b> <b>Daniel R. Henderson, MBA, CFP</b> 3478 Buskirk Avenue, Suite 300 Pleasant Hill, CA 94523 Office: (925) 296-2853 or (877) 679-9784 Fax: (925) 944-5675 E-mail: <a href="mailto:daniel@legacywealthmanagement.biz">daniel@legacywealthmanagement.biz</a> <a href="http://www.legacywealthmanagement.biz">www.legacywealthmanagement.biz</a> Offering discounted John Hancock Long Term Care Insurance and Life Insurance, Annuities, Retirement, Investment and Estate Planning, Mutual Funds, and 401K</p>
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<p><b>LA FINANCIAL FEDERAL CREDIT UNION</b> P.O. Box 6015 Pasadena, CA 91102-6015 (800) 894-1200 <a href="http://www.lafinancial.org">www.lafinancial.org</a> Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>	<p><b>PROVIDENT CREDIT UNION</b> 303 Twin Dolphin Drive P.O. Box 8007 Redwood City, CA 94603-0907 (800) 632-4699 - (650) 508-0300 <a href="http://www.providentcu.org">www.providentcu.org</a> All LSI members are eligible to join.</p>

### QUESTIONS AND CONCERNS CONTACT:

Heather Edwards, LSI Vice President  
LSI Marketing Committee Coordinator  
c/o Alpert, Barr & Grant, APLC  
6345 Balboa Boulevard, Suite I-300, Encino, California 91316  
Office - (818) 827-5159  
Cell - (818) 482-7040  
[hedwards@alpertsbarr.com](mailto:hedwards@alpertsbarr.com); [heatheredwardslsi@aol.com](mailto:heatheredwardslsi@aol.com)

# LSI Vendor Recognition

LSI would like to extend its thanks and appreciation and acknowledge every vendor that supported our local associations at LSI's 2016 LSI Annual Conference. Your support is very important to our organization.

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We would like to recognize others within the LSI family that also made very important contributions towards the success of our event.

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## LEGAL SPECIALIZATION SECTIONS

### 2016-2017 MEMBERSHIP FORM

August 1, 2016 – July 31, 2017

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
<b>I would like to join all six sections!</b>		<b>\$75</b>	<b>\$150</b>
Civil Litigation		\$20	\$40
Criminal/Family Law		\$20	\$40
Federal Law		\$20	\$40
Law Office Administration		\$20	\$40
Probate/Estate Planning		\$20	\$40
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<b>Total Paid:</b>			

*This information will be listed in the roster that is distributed to all LSS members.*

Name: \_\_\_\_\_ ☐ CCLS ☐ PLS ☐ CLA ☐ Paralegal

E-Mail Address: \_\_\_\_\_

Firm/Business Name: \_\_\_\_\_

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

If LSI Member, which Local Association or Member at Large: \_\_\_\_\_

Phone: \_\_\_\_\_ *I prefer to receive my newsletters via USPS* ☐

**Method of Payment:** ☐ Check payable to "LSI" enclosed ☐ Pay Online at [www.lsi.org](http://www.lsi.org) via credit card

PER LSI STANDING RULES, CHECKS ISSUED TO LSI WHICH ARE NON-NEGOTIABLE BECAUSE OF INSUFFICIENT FUNDS OR OTHER REASON SHALL BE REPLACED IMMEDIATELY BY CASH, A CERTIFIED CHECK, OR MONEY ORDER FOR THE AMOUNT OF THE ORIGINAL CHECK, \$25 PENALTY, AND THE ACTUAL COST CHARGED TO LSI BY THE FINANCIAL INSTITUTION FOR PROCESSING THE ORIGINAL CHECK.

**Send to:** Dawn R. Forgeur, CCLS, Legal Specialization Sections Coordinator  
c/o Stoel Rives LLP, 500 Capitol Mall, Ste. 1600, Sacramento, CA 95814

YEARS OF LEGAL EXPERIENCE: \_\_\_\_\_

SPECIALTY(IES): \_\_\_\_\_

FAMILIAR WITH THE COUNTIES OF (Please indicate each County, not area):

\_\_\_\_\_

# CCLS QUIZ:

## LEGAL COMPUTATIONS - CALENDARING

DIRECTIONS: USING THE CALENDAR PROVIDED, DETERMINE THE LAST DAY FOR EACH ACTION BELOW.

JANUARY						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

1. Your trial date is March 26. What is the last day to personally serve interrogatories?
2. Your demurrer is being heard on February 2. What is the last day to mail serve your motion?
3. A complaint for unlawful detainer was personally served on January 11. What is the last day to respond?
4. Great Aunt Betsy died on January 26. You found out on January 31. What is the last day to file the original will?
5. Your Case Management Conference is scheduled for March 6. What is the last day to file your Case Management Statement?
6. A special meeting of shareholders has been set for March 13. What is the first day to provide notice?
7. Your motion for summary judgment in an unlawful detainer matter is scheduled for March 23. What is the last day to personally serve the motion?
8. Your client was personally served with a petition for dissolution on February 1. What is the last day to file a response?
9. Plaintiff's complaint was served on defendant on February 5. What is the first day defendant may serve written discovery?
10. Plaintiff's incomplete responses to written discovery were mail served on January
12. What is the last day to file a motion to compel further responses?

CCLS QUIZ ANSWERS ON PAGE 34



# Want to Get Published?

## Looking to Contribute an Article?

LSI is always looking for articles geared toward the legal community.

If you are interested, please contact:  
Editor, *The Legal Secretary*  
Barbara Barregar at [LSI.TLSeditor@gmail.com](mailto:LSI.TLSeditor@gmail.com)

### ANSWER KEY TO P. 33 QUIZ

1. January 26
2. January 5
3. January 16
4. March 2
5. February 20
6. January 12
7. March 16
8. March 5
9. February 5
10. March 2

## Quarterly Assignments

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

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



LEGAL SECRETARIES, INCORPORATED

## CCLS ON-LINE STUDY GROUP

AUGUST 9, 2016 – OCTOBER 11, 2016



If you are interested in studying for the California Certified Legal Secretary (“CCLS”) Exam,\*\* join LSI’s CCLS On-Line Study Group. During the classes, all topics covered in the CCLS exam will be reviewed, including:

- California Legal Procedure (civil, family, probate, real estate, corporate)
- Legal Terminology (citations, terminology)
- Legal Computations (calendaring, math)
- Skills (proofreading, following directions)
- Ability to Communicate Effectively (grammar, punctuation, word usage)
- Law Office Administration (computers, filing)
- Reasoning & Ethics (ability to act reasonably and ethically)

### CLASSES WILL BEGIN TUESDAY, AUGUST 9, 2016

Classes will take place once a week via videoconference on Tuesday evenings from 7:30 p.m. to approximately 8:30 p.m., and will continue through October 11, 2016. Login information will be provided upon enrollment in the classes.

The cost of the 10-week Study Group is \$100 for LSI members and \$125 for non-LSI members taking classes for first time; and \$50 for LSI members and \$75 for non-LSI members repeating. Each individual must register separately.

### NEXT CCLS EXAM SATURDAY, OCTOBER 15, 2016

Students will be provided with homework and handouts. **Students are responsible for providing their own Law Office Procedures Manual, The Gregg Reference Manual (11th Ed.), California Style Manual (4th Ed.), and Pocket Guide to Legal Ethics, NO LATER THAN the start of the classes.** Students are also encouraged to have the CCLS Study Guide.

**\*\*All examinees must meet eligibility guidelines outlined in the CCLS Information Kit on LSI’s website.**

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#### CCLS STUDY GROUP REGISTRATION

(Please type or print clearly)

Name: \_\_\_\_\_ Association: \_\_\_\_\_ LSA/LPA

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

Daytime Phone: \_\_\_\_\_ Evening Phone (during class time): \_\_\_\_\_

Email (during class time): \_\_\_\_\_

Payment: Check # \_\_\_\_\_ Credit Card # (Visa/MC only) \_\_\_\_\_  
Exp. Date: \_\_\_\_\_ Sec. Code: \_\_\_\_\_

**DEADLINE TO REGISTER IS JULY 29, 2016.** Send registration to Terrie Quinton, CCLS, LSI CCLS Chair, c/o Duckor Spradling Metzger & Wynne, 3043 4th Avenue, San Diego, CA 92103, email [lsiccls@outlook.com](mailto:lsiccls@outlook.com). You may also pay via PayPal at [www.lsi.org](http://www.lsi.org). **NO REFUNDS AFTER AUGUST 2, 2016.**

**STRIVE FOR SUCCESS – BE A CCLS!**

# GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

## DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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| 1. August issue (First Quarter) June 1st         | 3. February issue (Third Quarter) December 1st |
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<i>Columbus Day</i>	Monday, October 10
<i>Veterans Day</i>	Friday, November 11
<i>Thanksgiving Day</i>	Thursday, November 24
<i>Day after Thanksgiving</i>	Thursday, November 25
<i>Christmas Day - Observed</i>	Monday, December 26

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

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

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

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

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

**California State Bar**  
<http://www.calbar.ca.gov>

**California Legislative Information**  
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**U.S. Citizen and Immigration Services**  
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**American Medical Association**  
<http://www.ama-assn.org>

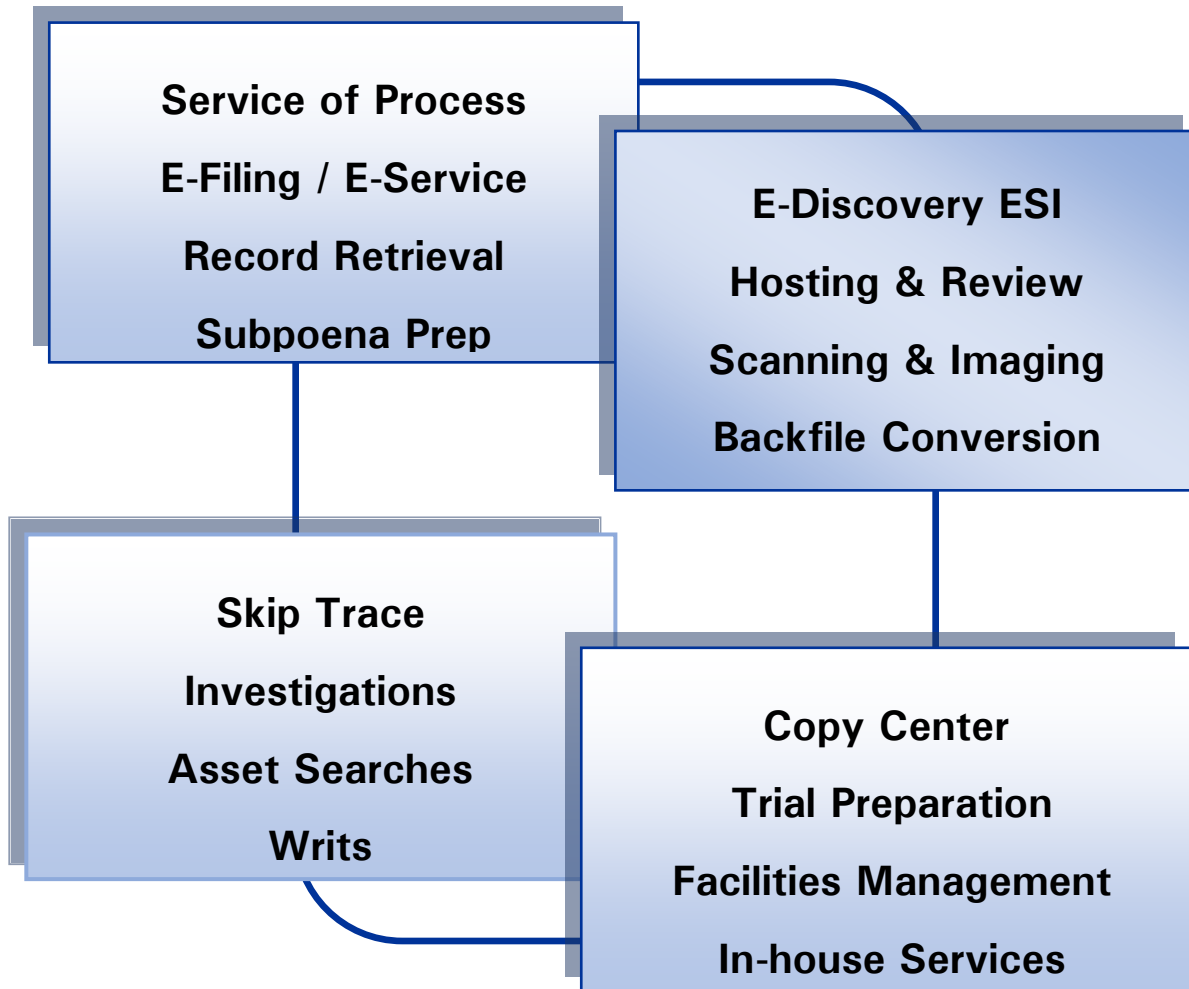
**American Association of Law Libraries**  
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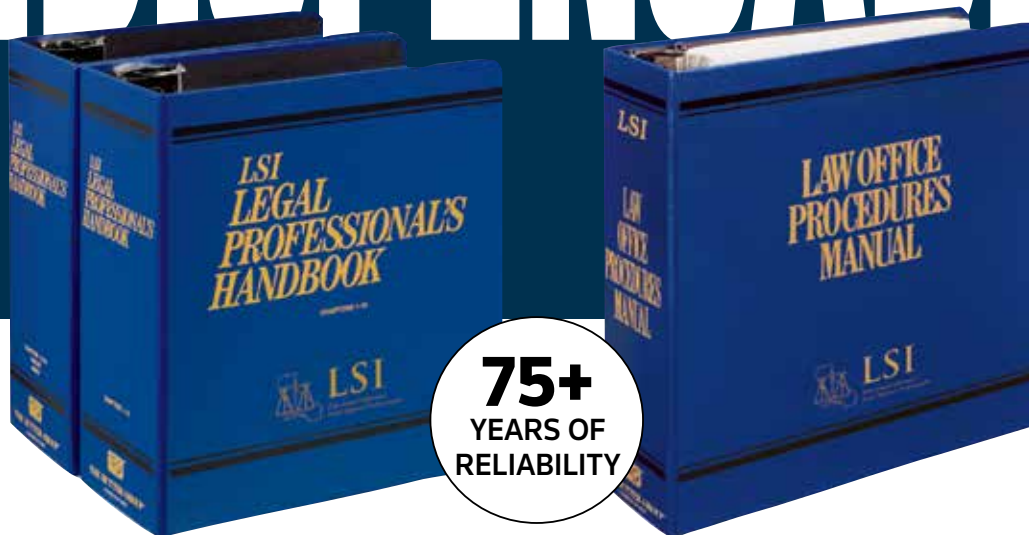
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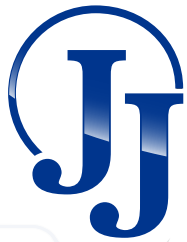
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