

# THE Legal Secretary®

MAY 2020

*A Legacy to Remember - Happy 86th Anniversary, LSI!*



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# Legal Services & Document Retrieval Nationwide - Worldwide



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## MESSAGE FROM THE EDITOR

We are thrilled to have put together the collage on the front cover. Thanks, Lynne Prescott, CCLS, for your vision and your help in locating as many pictures of LSI Past Presidents as possible in a short amount of time! Also, with these uncertain times and businesses still being closed, we are only going to send the magazine out via email for the time being. We hope to have hard copies to be able to send out in the near future. Thanks for your understanding!

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### THE LEGAL SECRETARY MAGAZINE

*is published Quarterly by Legal Professionals, Incorporated*

Editor: BARBARA BARREGAR

Designer: LORI MCELROY, REDROMAN CREATIVE

Printer: INSERVIO3

Cover Photo: COLLAGE OF PAST PRESIDENTS

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

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

# President's Message

BY HEATHER EDWARDS, LPI PRESIDENT



HEATHER EDWARDS is LPI's President and has been a member of San Fernando Valley Legal Secretaries Association since 1991, the same year she joined the legal field. She obtained her Bachelor's Degree from California State University Northridge. In May 2006, LSI's President Mary S. Rocca presented Heather with the President's Award. Heather resides in Northridge, California with her husband of 28 years Ernie, and their 4 children, Kennedy, Koree, Kaden and Kamden.

**"Trust the wait. Embrace the uncertainty.  
Enjoy the beauty of becoming.  
When nothing is certain, anything is possible."**

*— Mandy Hale*

I hope this finds you healthy and well, and that you are managing through what is among one of the most dynamic situations we've seen in a generation, perhaps in our lifetime. It is resilience that we need most during this unprecedented time. The COVID-19 pandemic has forced us into a new reality that many of us were not prepared for. This is a time when we are all required to unexpectedly evolve and innovate in ways that bring out the best in us. We are driven by our core values, and we are fueled by a passion to creatively serve our members and the members of our legal community during this time of fragility. At this very moment, as you read this, we know that YOU need us to show up on your behalf, and that is exactly what we have done. You have our commitment.

While it may not be business as usual, our corporation remains a source of steadiness and continuity for our members and our legal community during this time of fluidity. In the spirit of demonstrating this commitment, I want to share with you some of the actions the Executive Committee (EC) has taken to support our members:

The May 2020 Annual Conference was postponed to August 21-23, 2020 and will be hosted by Stockton-San Joaquin County LPA at the Stockton Hilton in Stockton, California. Structure for the NEW August Annual has been modified. Please check our website to access all forms related to Annual Conference.

All elected Officers (President; Vice President; Executive Secretary; and Treasurer) will remain serving in their respective capacities through August Annual Conference. All appointed Officers and Chairmen have been asked to stay on in their respective roles through August Annual Conference.

The CCLS Certifying Board canceled the March 21, 2020 CCLS Examination to ensure the safety of all test takers and Certifying Board proctors. Those who were registered for the March exam will be automatically registered for the September 19, 2020 exam. Further instructions regarding exam location and other exam particulars will be emailed to all applicants 30 days prior to the September 2020 exam.

The deadline for the Eula Mae Jett Scholarship Contest has been extended to Tuesday, June 30, 2020. Further details may be found on our website in the Education Section under Eula Mae Jett Scholarship Plan.

Payment of Per Capita Dues has been postponed for the 2020-2021 fiscal year for all local associations from June 15, 2020 to July 31, 2020 with no penalties.

Payment of Legal Specialization Section Membership Dues has been postponed for the 2020-2021 fiscal year for all members from May 1, 2020 to July 31, 2020.

The deadline for The Golda J. Cooper Chapter Achievement Contest has been extended to July 31, 2020. All contest submissions must be submitted electronically by July 31, 2020 to be eligible for this contest. All winners will be awarded during the Saturday evening banquet at August Annual Conference on August 22, 2020. Further details may be found on our website.

*Continue on page 3*

## PRESIDENT'S MESSAGE

*Continued from page 2*

We continue to offer stellar online education including a free webinar that was presented on April 21, 2020 on "The New Virtual Reality: How to Make Remote Work, Work." This timely webinar was presented by Marni Beach, Legal Resource Manager at Meyers Nave who presented a fantastic workshop in response to COVID-19 and working remotely. Marni will also be presenting part 2 of tips and tricks workshop at the August Annual Conference.

Hope Springs Eternal - In the midst of this global pandemic, our esteemed corporation became Legal Professionals, Incorporated (LPI) on May 1, 2020. We will be post-pandemic pioneers trailblazing a new frontier. We will continue to be the beacon in the legal community for legal support professionals through our online continuing education classes and webinars; our publications; certification programs; and professional development through networking.

Be assured that we are here for you every day. LPI continues to be the go-to resource for legal professionals statewide. As we emerge from this global pandemic, you will see dynamic changes implemented as we build anew.

We will continue to enhance the role of legal support professionals and those wishing to embark in a career in the legal field.

We are ONE T.E.A.M. With our collaborative efforts, we will get through this together. Stronger. From the ashes, we will rise.

With great anticipation, I look forward to seeing you very soon. Until then, please stay healthy, be safe, and take care of YOU and your families.

LS



*You're such an inspiration to us all!*

LPI would like to  
recognize one of our  
dearest Past President's,  
Patricia Brady, PLS, CCLS



*Happy 97th Birthday!*





FEBRUARY, 2020 | MODESTO, CA

# 3rd Quarterly Conference









*California Certified Legal  
Secretary*  
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## NEWSFLASH

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***EFFECTIVE January 1, 2020***

### ***CCLS Recertification Mailing Address Change***

**Brenda Bracy, CCLS  
P.O. Box 938  
Galt, CA 95632**

**CCLS Recertification email remains the same at  
[cclsrecertification@gmail.com](mailto:cclsrecertification@gmail.com)**

**Board prefers email rather than mail.**

**DO NOT send certified/priority/overnight mail to  
this post office box. Rather, contact Brenda at  
email address above for a physical address.**





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## APPLICATION FOR CCLS® RECERTIFICATION

Mail Application for Recertification and fees of \$25 payable to "LSI"  
to the following address:

**Brenda Bracy, CCLS**  
**P.O. Box 938**  
**Galt, CA 95632**

Name: _____	
Mailing Address: _____	
Last 4 digits of SSN: _____ Email: _____	
Phone (Day): _____	Phone (Evening): _____
LSI Member: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name of Local LSI Association: _____	

Recertification Fees  
(Select Payment Type)

**Check** ☐  
**Payable to "LPI"**  
**Mail to above address**

**PayPal** ☐  
**Email Application to**  
**[CCLSRecertification@gmail.com](mailto:CCLSRecertification@gmail.com).**  
**Payment link will be provided by email**  
**upon approval of recertification.**

- ☐ I have completed the required 15 hours of continuing education during a three-year period. Certificates of attendance for the recertification period are attached or have previously been provided to the Certifying Board.
- ☐ I retired from the legal secretary profession, effective \_\_\_\_\_. I certify that I no longer perform duties required of a legal secretary. (No fees are due.)
- ☐ I am a member of the California State Bar effective \_\_\_\_\_. (No fees are due.)

I have reviewed the "CCLS Standards for Recertification" and have complied with the recertification requirements outlined in it.

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

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

Space below for CCLS® Certifying Board use only.

Date Certified: \_\_\_\_\_  
Recertified: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_



LYNNE PRESCOTT, CCLS, is a legal secretary with the law office of Rich Fudge Bordsen & Galyean in Marysville, California, with emphasis on probate and estate planning, civil litigation, and transactional law. She is a past president and member of Sacramento LSA, and currently serves as LPI's Vice President.

# Estate Planning: What Are "Digital Assets" and Why are They Important?

BY LYNNE PRESCOTT, CCLS\* - SUBMITTED BY SACRAMENTO LSA

I think it's fair to say that most of us are probably familiar with traditional assets that get included in an estate plan, i.e., real property, personal property, bank accounts, stocks, bonds, etc. But what about the ever-growing number of less-tangible assets? The last 20 years has seen a steady rise in the number of "digital assets" in the form of data, communications, photographs, videos, music, ideas, designs, products, services, storefronts, currency trading, and the like.

In the digital realm, valuable client assets can exist in a number of places:

- Email folders (including inboxes, sent items, custom folders, etc.)
- Contact lists
- Online note keepers
- Cloud-based document storage
- Pictures/Video/Music/Audio (either owned or created)
- Online shopping/banking/business accounts and associated information

## Is It Really That Important?

Many clients have various amounts of information stored online, and some of it may be valuable, but is it truly important? YES! We've all heard stories about families seeking to recover information, accounts, and data of loved ones who they've lost. In today's digital world, with so much of our lives chronicled and archived online, preserving access to digital data is more important than ever.

Sacramento-based attorney Jan Roos states, "Only upon losing a loved one do families and friends discover there is almost NO consistency among internet-based services for accessing or recovering online data. Family members cannot simply present a death certificate to retrieve account access. In many instances, where e-mail or other 'private' data is concerned, companies like Google and Facebook try to stand by a zero-tolerance policy. If you don't have someone's account info and password, you may be out of luck." Unlike



more tangible assets that do not significantly change in terms of access over time (real property and land, most personal property, physical bank accounts), digital assets are often held in online accounts where usernames and passwords change on a whim, making it nearly impossible for a fiduciary to hold such information "in trust" for beneficiaries.

## What Can Estate Planners Do?

Attorney Roos advises that starting the conversation is key. "These topics can be difficult to broach with clients, but the alternative (fighting with dozens of faceless customer services entities online) is far more disconcerting." Explain to clients the value of preserving their online accounts and data (should that be their wish). Provide simple worksheets alongside/within existing client questionnaires in order to help them quantify and categorize their digital assets. Have them create "inventories," if you will. Point clients to existing online services that help manage their digital assets, including heirVault, Everplans, and Next Avenue.

CONTINUED ON PAGE 9

How many of the following digital devices do you use or maintain for others (i.e. keep operational)	Qty.
Personal Computers	
Tablet Computers	
Cell or Smartphones	
Music Devices	
Digital Storage Devices	
Internet routers, Smart TVs, other smart home devices	
<b>Total:</b>	

How many of the following Internet accounts do you maintain?		Qty
<b>Email</b>	Gmail, Hotmail, Outlook, Comcast, ATT, Yahoo, AOL, personal, business, etc.	
<b>Social Media</b>	Facebook, LinkedIn, Instagram, About, Pinterest, Twitter, Foursquare, Friendster, Myspace, Flickr, etc.	
<b>Blogs</b>	Personal writing, business writing, cooking, hobbies, sports, spirituality, etc.	
<b>Subscription/ Membership</b>	Magazines, periodicals, blogs, newsletters, frequent flier mile programs, software services. Examples: online versions of Consumer Reports, Wall Street Journal, <a href="#">heirVault</a> , etc.	
<b>Cloud Storage</b>	Google Drive, iCloud, DropBox, Microsoft OneDrive, RealPlayer, AWS Cloud, <a href="#">Mozy</a> , etc.	
<b>Shopping</b>	Amazon, iTunes, Priceline, Zappos, eBay, Travelocity, Walmart, Sierra Trading Post, Target Overstock, etc.	
<b>Banking/ Trading/ Credit/ Loans</b>	Checking, savings, brokerage, retirement, credit cards, loans, etc. Examples: PayPal, eTrade, Visa, MasterCard, Amex, <a href="#">etc.</a> , <b>that you access via the Internet</b>	
<b>Online Business</b>	Business websites you own, eBay, Etsy, affiliate programs, ecommerce accounts, etc.	
<b>Business Tools</b>	Collaboration tools, website hosting, code storage, marketing, advertising, research, etc.	
<b>Total:</b>		

Estimated Quantity	0	1-99	100-499	500-999	1000+	Type of user
Emails within email accounts (inbox & sent)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<1000 = light user >1000 = moderate to heavy user
Calendar Entries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Contacts within contact-related tools	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<100 = light user >100 <1000 = moderate user >1000 = heavy user
Notes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social Media Posts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Medical Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sentimental Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Business (career related) Documents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

CONTINUED ON PAGE 14



[illegible]

### Inventory Complete! Now What?

Once clients complete these inventories, they will have created a series of important lists that need to be securely stored somewhere. The primary ways to do this include:

- Encrypt and/or password-protect this document using your word processor's security functions or encryption software.
- Services like LastPass and PasswordBox allow users to store all of their online account credentials in one secure place.
- Print a copy or save to USB storage and store it in a fireproof safe, a secure file drawer, or in the possession of someone who is deeply trusted.
- It is important to update these inventories on a regular basis!

### An Attorney's Role May Be Limited

Because digital assets may be frequently updated, and since the account credentials used to access them may also be changed from time to time, it often makes more sense for clients to establish and manage their digital estate themselves. Nonetheless, it's often an attorney's role to start the conversation, get clients thinking about these topics, and help them determine the resources that are most helpful.

\*Special thanks to Sacramento attorney Jan Roos, whose presentation to Sacramento LSA and his contributions on this subject are greatly appreciated. Inventory charts and other portions of his presentation are provided with permission.

LS

## MEMBERSHIP TIP:

### IDENTIFY YOUR TARGET AUDIENCE

**WHILE WE ALWAYS WANT TO REACH AS MANY PEOPLE AS POSSIBLE, SOMETIMES THAT IT IS JUST NOT REALISTIC OR DO-ABLE. WHO DO YOU WANT TO REACH? PLACE AN "X" NEXT TO YOUR TARGETS:**

- ☐ Law Firm Personnel
- ☐ Attorney Services/Legal Vendors
- ☐ Court Personnel

- ☐ Notaries
- ☐ Court Reporters
- ☐ Title Company Personnel
- ☐ Students in Legal Studies Programs

- ☐ City/County/State Legal Departments
- ☐ Other

Look at how many possibilities you have checked. Ask yourself: Is this realistic? Is this manageable? If it's not realistic and it's not manageable, then what you've probably got is a "wish list" of possibilities. Look at the list again. Strike the ones that don't need to be addressed right away. Those can wait and be reevaluated later. Focus on the ones that are honestly and realistically do-able, allow you to connect with and capture your target audience, and accomplish your stated purpose. Don't be afraid to start small! It's far better to focus your energies and resources on what you are certain you can handle than to be overwhelmed with more than you can handle. Be careful not to self-sabotage or set yourself up for potentially underwhelming results and disappointment.



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MAY 21, 2020, 12:00 PM

**PRESENTED BY: CHRISTINA MCGONIGLE, ESQ., CELA  
MCGONIGLE & HUNSAKER, LLP**

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or

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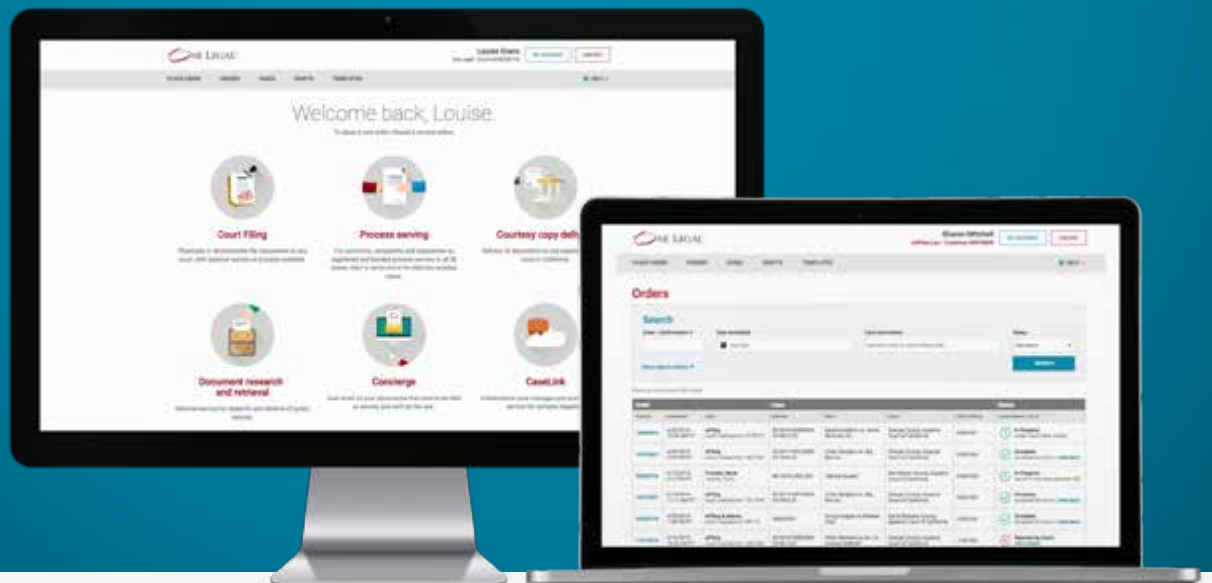




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## CCLS ON-LINE STUDY GROUP

July 12, 2020 – September 13, 2020

If you are interested in studying for the California Certified Legal Secretary (“CCLS”) Exam,\*\* join LPI’s CCLS On-Line Study Group. During the classes, all topics covered in the CCLS exam will be reviewed (see *CCLS Information Kit* on LPI website for a description of the sections of the exam).

Lectures (MP4) and materials will be posted no later than 7 pm on Sundays. Students may complete the material at their convenience. Access information will be provided upon enrollment in the classes.

### Individual modules for each section of the CCLS Study Group are available!

If you only need to study for a few sections, you may purchase individual modules for immediate upload at any time during the then-current Study Group class. You may also purchase all sections if you would prefer to study at your own pace.

Reminder – all material is intended for individual use only, and not for local association study groups

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.

Materials will be available to registered participants through the date of the next regularly scheduled CCLS Exam following the then-current Study Group session.

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

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### REGISTRATION FEES:

#### 10-Week Study Group:

First time participation:	\$100 Members	\$150 Non-Member
Subsequent participation:	\$ 50 Members	\$ 75 Non-Members

#### Individual Modules: (\$15 each Members; \$25 each Non-Members)

California Legal Procedure	Legal Terminology	Legal Computations
Skills	Reasoning & Ethics	
Law Office Administration	Ability to Communicate Effectively	

### ONLINE REGISTRATION AND PAYMENT AVAILABLE AT [WWW.LSI.ORG](http://WWW.LSI.ORG)

**DEADLINE TO REGISTER IS JULY 3, 2020. NO REFUNDS AFTER JULY 8, 2020.**

If you have any questions about the Study Group, email them to the CCLS Chair at [cclschair@legalprofessionalsinc.org](mailto:cclschair@legalprofessionalsinc.org).

*STRIVE FOR SUCCESS – BE A CCLS!*



# CCLS QUIZ:

## LEGAL TERMINOLOGY - CITATIONS

**DIRECTIONS: FOR EACH SET OF CITATIONS BELOW, DETERMINE WHICH IS CORRECT.  
(ALL CITATIONS ARE PURSUANT TO CALIFORNIA STYLE MANUAL.)**

1A. Code of Civil Procedure, section 2025

1B. (Code Civ. Proc., § 2025)

---

2A. (80 Ops.Cal.Atty.Gen. 203 (1997))

2B. 1 Witkin, Summary of Cal. Law (9th ed. 1987), Contracts, § 791

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3A. *ABC Company v. XYZ, Inc.* (2011) 87 Cal.App.4th 1490, 1493

3B. *ABC Company v. XYZ, Inc.* (2011) 87 Cal. App. 4th 1490, 1493

3C. *ABC Company v. XYZ, Inc.* (2011), 87 Cal. App.4th 1490, 1493

3D. *ABC Company v. XYZ, Inc.*, (2011) 87 Cal. App.4th 1490, 1493

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4A. (Const., art. VI, § 10.)

4B. (Cal. Const., Art. VI, § 10.)

4C. (Cal. Const., art. VI, § 10.)

4D. (Const., Art. VI, § 10.)

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5A. *Id.*

5B. Wat. Code, § 32, *et seq.*

6A. *Waters v. Rogers* (1998) 151 F.3d 1247

6B. *Waters v. Rogers* (9th Cir. 1998) 151 F.3d 1247

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7A. Civil Code section 1782, subd. (a)(1)

7B. Civil Code sec. 1782, subd. (a)(1)

7C. (Civil Code § 1782, subd. (a)(1))

7D. (Civil Code, § 1782, subd. (a)(1))

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8A. *Hayes v. Larraby* (May 3, 1999, S068112) \_\_\_\_ Cal.4th \_\_\_\_

8B. *Hayes v. Larraby* (May 3, 1999, S068112)

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9A. California Rules of Court, Rule 224

9B. (Super. Ct. L.A. County, Local Rules, rule 13.1)

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10A. *Supra.*

10B. *Standish v. Rightco* (N.D. 1998) 573 N.W.2d 823

**CCLS QUIZ ANSWERS ON PAGE 25**



**California Certified Legal Secretary**  
A Program of LPI®



## APPLICATION TO TAKE CCLS® EXAM

Mail Application, copy of LPI Membership Card (if applicable), and fees to:  
**Vivian Shreve, CCLS, c/o WSGR, 650 Page Mill Road, Palo Alto, CA 94304**

(Select one)	(Select one)		
<input type="checkbox"/> Northern California	<input type="checkbox"/> Saturday, September 19, 2020	<input type="checkbox"/> Saturday, March 20, 2021	
<input type="checkbox"/> Southern California	<input type="checkbox"/> Saturday, September 19, 2020	<input type="checkbox"/> Saturday, March 20, 2021	

- **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 "LPI" 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>LPI Members</b> <input type="checkbox"/>	<b>Non-LPI 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) 45.00	Late Fee (if applicable) 45.00	
<b>TOTAL DUE w/o Late Fee: \$125.00</b>	<b>TOTAL DUE w/o Late Fee: \$175.00</b>	

### Personal Information

Name: _____	
Mailing Address: _____	
Last 4 digits of SSN: _____	Email: _____
Phone (Day): _____	Phone (Evening): _____
LPI Member: <input type="checkbox"/> Yes (enclose copy of LPI Membership Card) <input type="checkbox"/> No	
Name of Local LPI 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 2020

STOCKTON-SAN JOAQUIN COUNTY LEGAL PROFESSIONALS' ASSOCIATION  
PRESENTS

**2020 – Seeing Changes in Our Future**

August 21 – 23, 2020

**LPI**

**2020 ANNUAL CONFERENCE**

STOCKTON HILTON HOTEL – STOCKTON, CALIFORNIA

**CONFERENCE REGISTRATION FORM**

NAME (ON BADGE): \_\_\_\_\_

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AMY VAN NEST is a current and active member of San Francisco Legal Professionals Association. She has been a Secretary at Ropers, Majeski, Kohn & Bentley for the last eight years and has been working in the Legal industry for over 25 years.

Amy dedicates her time to volunteering at the San Francisco SPCA wherein she is a dog walker. Another cause she advocates for is the American Foundation for Suicide Prevention where she has been a Team Captain for the last 3 years. She is also active in Catholic Social Services where she volunteers time to the Teenage Mother Program and the Mental Health Program. She is also a Licensed Foster Parent.

# My First Year in LSI

BY AMY VAN NEST – SUBMITTED BY SAN FRANCISCO LPA

As a total introvert, I was very hesitant to attend my very first San Francisco Legal Professionals Association (SFLPA) event. I actually didn't make it to the first few events. Finally, I dragged myself begrudgingly to a New Member Meeting wherein I met Francie Skaggs, May Sene and Lillian Wong. Everyone was so inviting and interested in talking to me and finding out about me. It was not awkward one bit. I returned to the next few Brown Bag Lunches Francie Skaggs puts on for SFLPA, which I learned a lot. The speakers were extremely professional and the education was stellar. If you have not gone to one of her Brown Bags yet, I highly recommend it.



As time marched on, I started attending Member Meetings and signed up to be on the SFLPA Conference Committee. I helped May Sene with the Raffle Prizes. My friendships with the members all along were growing stronger as we spent more time together. We put in several long nights and weekends preparing for the Conference. Then I got to attend my very first conference and met more amazing people from different counties as I manned the Raffle Room. I participated in the Tour of San Francisco Bus Tour which was a hoot and we learned about all the historical legal sights in San Francisco. Even though I live in San Francisco, many of the facts I did not know.

I started attending events from other LSI chapters like San Mateo County's Bowl-A-Thon and met Tanya Tate and some other amazing legal professionals and bowlers. I tried to show off my bowling skills but failed. I came home with a trophy as "Worst Bowler" (Thank you for that Tanya!). I display that trophy with honors at my desk in my cubicle. I also attended my first NFL football game wherein I rooted on the San Francisco 49ers with Santa Clara County LPA.

I continued to grow as a member and decided to participate even more. I am now on the Ways & Means Committee. For San Francisco LPA I am introducing events we can sponsor and get involved in such as the Aids Walk San Francisco and the American Foundation for Suicide Prevention Out of the Darkness Walk. I am helping Lillian Wong with the Annual Crab Feed and BBQ coming up this year. I am creating our very First Stamp-Up & Bingo Fundraiser for our members to enjoy and am setting up our next San Francisco Giant's Fundraiser.

What I have found with SFLPA is that it really is a family that is here to advance us to our fullest potential and stand behind us to lift us up in our careers. I found we get what we put into the association, not what we take out. I found there are a lot of amazing people just waiting to become new best friends for life. There is so much opportunity to grow.

So in closing, I just want to say, "Thank you LSI."

LS



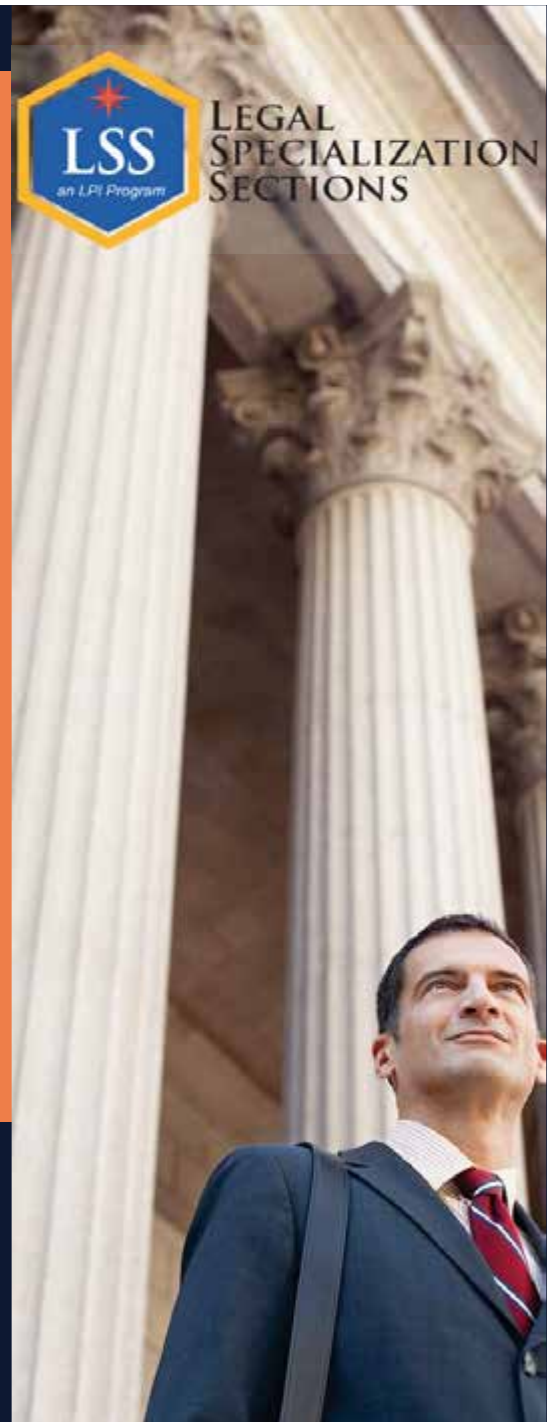
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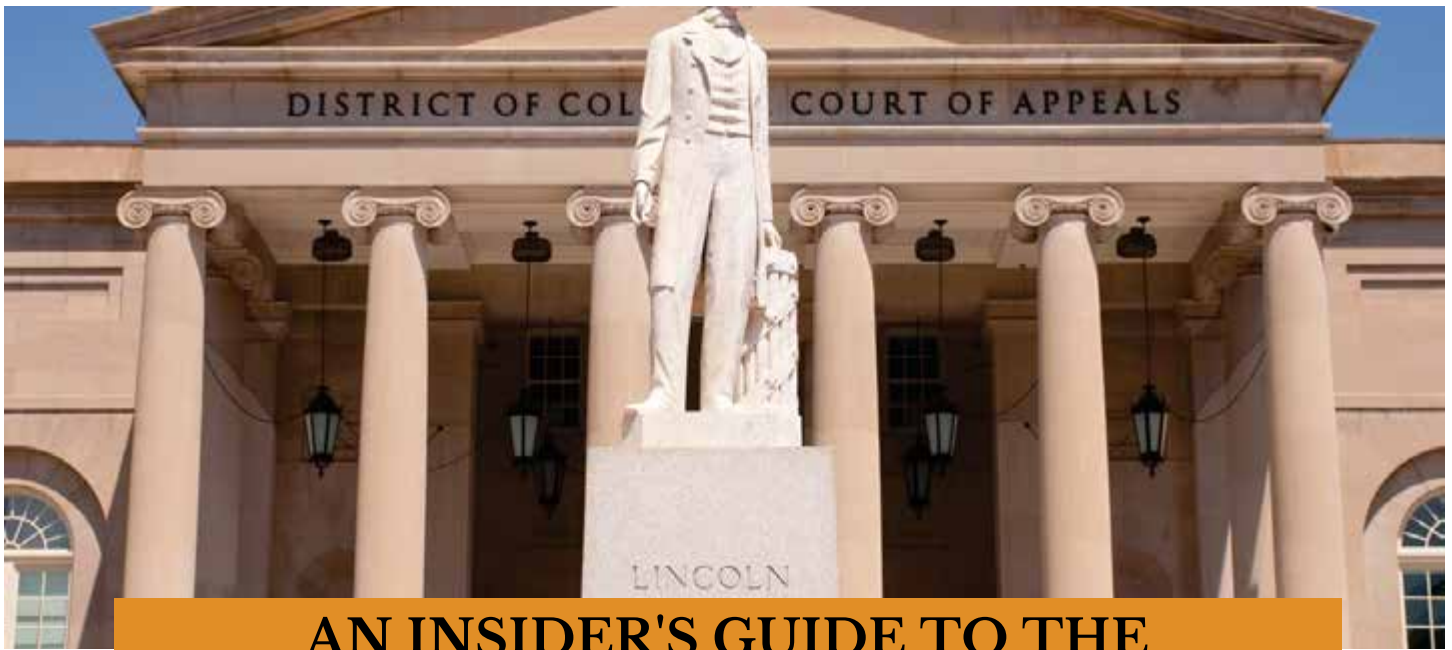
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AMY RAMOS is a Legal Assistant with McManis Faulkner supporting the family law practice. A member of Santa Clara County Legal Professionals Association (SCCoLPA) since 2015, Amy serves as the SCCoLPA Social Media Chair.

# How To Succeed In Taking the CCLS Exam

BY AMY RAMOS, CCLS  
– SUBMITTED BY SANTA CLARA COUNTY LPA

**Perseverance**- noun. Webster's dictionary defines perseverance as continued effort to do, or achieve something despite difficulties, failure, or opposition. It is truly the word I needed to know for the lead up to and taking of the California Certified Legal Secretary (CCLS) exam.

When I first heard about the CCLS exam, I knew that I wanted to take it. However, there was one small requirement that I had to fulfill - a minimum of two years' full-time experience in the legal field. In December 2016, I had only just completed the paralegal certificate program at West Valley Community College and was working as a paralegal at a small family law firm in San Jose. By January 2018, I had met the two year requirement working in the legal field, and I registered for the September 2018 CCLS exam.

## Here are a few tips that I hope will help you be successful when taking the CCLS exam.

**Learn what study method works for you.** I relied mostly on highlighting and tabbing the study materials that I read. Also, I had a lot of flash cards. If I did not know a term, it went on a flash card

**Stock up on index cards.** You will need a lot of them for those previously-mentioned flash cards (I still have them in a large Ziploc bag. I feel pride when I look back and see how many flash cards I made).

**Have a good support system.** My husband took over some of the household duties while I studied after work and on the weekends. In addition, the firm I worked for at the time was able to accommodate my schedule if I needed



to take time off to study. The members of SCCoLPA who had already taken the CCLS exam were also a great resource and really helped me when I had questions.

**Sign up for the online study group.** SCCoLPA has an online study group available for CCLS exam takers. While it is an additional expense, it is worth it. The online study group went more in depth for each section of the test and provided PowerPoint slides that I could use to study.

**Use what you know.** While I had only been in the legal field for a short time, I was able to use my skills and knowledge from my previous jobs to help me study. For example, I once worked in a Title and Escrow Company shortly after college which helped me understand the terminology for the Real Estate section of the exam.

**Practice, practice, practice.** Have friends, coworkers, and family members test you. This approach helped me focus on the areas I needed to improve.

**Find out where the exam will be before the day of the test.** If you think you need to get a hotel close to the exam site, do it. If a hotel is not possible, knowing the location in advance will allow you to allot extra travel time into your morning. Even on a Saturday morning, traffic can be an issue.

CONTINUED ON PAGE 25



## HOW TO SUCCEED IN TAKING THE CCLS EXAM

Continued from page 24

**Do not cram the night before.** I did not study the day or night before the exam and just enjoyed the day. It helped me to clear my mind and lowered my stress levels so I was able to get a good night's sleep.

**Encourage yourself.** I believe there is a mental aspect to studying. When I began to doubt myself (and trust me, there were times), I wrote on little pieces of paper, "I am CCLS" and placed them throughout the house, in my notebook, and on my desk at work. I wrote this phrase as if I already passed the exam, which I believe worked.

**After the exam, celebrate!** You worked hard and should reward yourself!

While this was one of the hardest things I have done in my life, it has also been the most rewarding. I am glad that I persevered. What are you waiting for? Sign up and register for the CCLS exam. You will not regret it.

LS

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FROM QUIZ ON PAGE 16

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



MIKE LOEFFLER, ESQ has practiced family law since 1975. He was a Mental Health Hearing Officer for fifteen years. He was the head of the Area VI Developmental Disabilities Board for ten years. He graduated with highest honors from the University of California, Davis, where he was a member of Phi Beta Kappa, and from the University of The Pacific, McGeorge School of Law, where he attained membership in The Traynor Society. He is also a second-degree black belt in aikido and a former marathon runner.

# FAMILY LAW: FROM THE BEGINNING

BY MIKE LOEFFLER, ESQ. – SUBMITTED BY STANISLAUS COUNTY LPA

(AS FIRST PUBLISHED IN FAMILY LAW NEWS)

You are at the beginning of a case. What steps should you take? There are many articles on the subject of what to advise clients at your first interview. What follows are some different ideas typically not mentioned there. Caveat: This is not intended to be all-inclusive. Nor is this intended to be advice. However, these points may be useful to you as part of a checklist. Think outside of the box. Modify this as you wish.

## PREPARING FOR THE INITIAL MEETING WITH YOUR CLIENT

Have a phone intake sheet for your staff to use when the prospective client first calls. Use that to identify the key issues. This will save valuable time at the meeting. After you have run your conflict check, then prepare for the meeting.

First, have materials in your possession for you to refer to, as necessary, on each of those subjects. The more the client understands the applicable law, the more he/she will be able to assist you. "Knowledge is power."<sup>1</sup>

For example, I suggest the following as the minimum, depending on the facts of the case and what appear to be the issues:

### a. Custody and Visitation:

1. Worksheet that your county family law facilitators use for alternative parenting arrangements. Use this to discuss various alternatives.
2. Article discussing the process in your particular county. You should be able to obtain this as well from the family law facilitators.
3. Checklist of what a parent should and should not do. There are many good online articles, or you can prepare your own list.

### b. Retirement Plans:

1. Article discussing both options: In-kind division, and asset distribution and cash-out. I recommend William P. Hogoboom et al., California Practice Guide: Family Law, ¶8:1126 - 1129.5.<sup>2</sup>

### c. Spousal Support:

1. Family Code section 4320 (permanent support).<sup>3</sup>
2. Other statutes related to spousal support in the Family Code.<sup>4</sup>

### d. Child Support:

1. Blank Dissomaster. Clients have no idea how the dissomaster works. Educate them. They will appreciate it. It will only take a couple of minutes. Perhaps prepare a 'what if' dissomaster with the client so that the client will understand the process. Caveat: Always, whether or not you give the client a copy of the computation, add a written disclaimer on the dissomaster that it is not intended to be accurate, because at this point you do not have sufficient information to accurately fill out the Dissomaster.

### e. Standard Family Law Restraining Orders (ATROs)

1. The Standard Family Law Restraining Orders (ATROs) on the back of the Summons. Always give the client a copy at the first meeting and explain these fully. Document your file that you have done so.

CONTINUED ON PAGE 27

**f. Real Property and Personal Property:**

1. If transmutation is an issue: Family Code section 852; *In re Marriage of Valli*, 58 Cal. 4th 1396 (2014).
2. Blank Schedule of Assets and Debts: to discuss with client, then have the client later fill out in draft format. Although the Preliminary Declaration of Disclosure is not due immediately, the best practice is to always have the client begin to gather the records and information as soon as possible.
3. Division of assets and debts: have William P. Hogoboom et al., *California Practice Guide: Family Law* available. I also recommend as required reading *In re Marriage of Cream*, 13 Cal. App. 4th 81 (1993), which is a gem of a decision.

**g. Student Loans:**

1. Family Code sections 2627, 2641(b)(2).<sup>5</sup>
2. William P. Hogoboom et al., *California Practice Guide: Family Law*, ¶8:811 et. seq.

**h. Domestic Violence:**

1. Family Code section 4325.<sup>6</sup>
2. Family Code section 4320(i).
3. Family Code section 3044.<sup>7</sup>
4. Copies of one or more cases with the current case law interpretation of "disturbing the peace of the other party" to include "conduct in destroying the mental or emotional calm" of the other party.<sup>8</sup>

**i. Vocational Evaluations:**

1. Family Code section 4331.

**PROCEDURES DURING YOUR FIRST MEETING**

If any pleadings have already been filed, the client should come in 30 minutes beforehand with any prior pleadings so that you can review them before discussing them with the client.

Most clients immediately want to tell you their story. At the outset, tell the client that you may be interrupting from time to time to ask questions. Do so only when it is important. You need to listen, even if much is irrelevant. At this point, you do not know what matters. Empathic listening is key both for learning about the case and creating a relationship with this person.

You should be able to find something in common with the client. Do not underestimate this aspect. It is part of establishing a trust relationship. What does the person do? What are their hobbies? Know about their past? Chances are that you will have some shared bond. When the client smiles, you know you're onto something.

In his/her first narrative, the client may not wish to go into much detail regarding potential problems with the case. This is human nature. The client wants to make a good initial impression. Accordingly, after the client has finished, ask further questions. The goals at this point are:

(1) to clarify what the client has said; (2) to see if there are other issues which the client has not identified; and (3) to find out problems in the case.

At some point, educate the client that the case may take a long time. There are variables which you cannot control, such as the conduct of the other party and attorney; orders after hearing that the client may not like; circumstances which no one can foresee, etc. In other words, tell the client that he/she needs to have the mindset of a marathoner, not a sprinter. Give the client a copy of the Judicial Council form FL-107-INFO ("Legal Steps for a Divorce or Legal Separation").

Review some of the false ideas that clients often have, such as:

1. "There is common law marriage in California if people live together more than 7 years."
2. "If we have equal timeshare, then there will be no child support."
3. "Under California law women always get custody."
4. "Whatever money I made during the marriage is mine because my spouse was never employed."
5. "I bought the house before marriage, so it is completely mine."
6. "The [bank account, car, house, etc.] has always been only in my name, so it belongs to me."
7. "We will be divorced after six months."
8. "The court will order whatever custody and visitation the children want."
9. "Spousal support always lasts for half of the length of the marriage."
10. "As long as we live together, the court will not consider us to be separated."
11. "We have separate credit cards. He (or she) is solely responsible for his (hers); I am for mine."
12. "I won't leave the house because if I do, my spouse gets ownership."

If the other party has an attorney, tell the client about your knowledge of that attorney from prior experiences, including if the attorney has traditionally exhibited certain tendencies. Is opposing counsel typically cooperative? Willing to discuss settlement? Engages in inflammatory rhetoric in court filings?



Paint a realistic picture, not an unreasonable one. Do not sugar coat any problems.<sup>9</sup>

At the same time, do not make them sound worse than they are. If steps can be immediately taken to either resolve a problem or lessen its impact, review those steps with the client.

If you do not know the answer to a question, tell that to the client. Sometimes you can find the answer in a few minutes of brief research. If it involves some research that you may need to do, but will take some time, suggest that you can find out but will need to research the issue first. If the client agreement set a realistic deadline with the client as to when you will get back to the client.

Discuss the issue of breach of fiduciary duty. Clients typically do not know anything about this. As we all know, this can be an extremely important matter. I recommend the excellent treatment of this subject in Hogoboom et al., 98:612 *et seq.*

Warn them that any written communication that they make may be evidence in court. Be sure that they understand that, therefore, they should use caution on social media. I sometimes suggest to my clients that it would be better if, during the case, they avoid use of social media as much as possible.

Instruct your client not to delete anything from the client's hard drive.

If the client has previously been represented by counsel, and has not been satisfied with that representation, ask the client for an affirmation that the client will give you a "fresh start." Often clients develop a jaundiced view of attorneys in general.

Have a candid discussion about fees. Make sure that, where appropriate, you have the client sign a Legal Services Agreement. Make sure that your Agreement has all of the requisite language. I always suggest that the client not sign at that moment but take the Legal Services Agreement home to review. That way, there is less chance that at some point the client will say that the client did not understand a portion of it. If the client signs (either at that point or later), always make sure that both you and the client have a fully executed copy.

At the end of the interview, each of you must make a decision. Does the client want to retain you? On your part, is this a case which you want to take? Why? Or, are there "red flags" which you can feel in your gut, warning you not to take the case?

## **THINKING AHEAD**

Family law cases are similar to chess. Always think

several steps ahead. Put yourself in the mind of the other attorney (or self-represented party). What is he/she likely to do?

One often-overlooked subject is the importance of immediate collaboration with other experts. Examples include:

### **1. Criminal Defense Attorney.**

If there is a domestic violence accusation against your client, or that you may need to do, but will take some time, such as an allegation of child abuse, immediately begin to collaborate with a criminal defense attorney, irrespective of whether criminal charges are pending. It is always a good idea to have a written Confidentiality Agreement in place first prior to any writings between the offices. Consider having language which, at a minimum, includes something like:

"John Jones and Jane Smith anticipate that, from time to time, there will be a need during this case for the sharing of information which is confidential, as either within the attorney-client privilege or the work product privilege or both. This may also include but not be limited to the exchange of documents, memoranda, records, reports, telephone conversations, letters, emails, texts, and the like from time to time. The parties hereto agree that any and all information or documentation which is shared between them relating to (the mutual client's name) case is confidential, and is within both the attorney-client and the work product privilege; and any and all documents, letters, memorandums, emails, texts, or other communications between them relating to this litigation are to be disclosed with an expectation of confidentiality."

Have that attorney review all of your draft discovery responses and all pleadings filed with the court to prevent an inadvertent waiver of your client's Fifth Amendment Rights. If there is no criminal investigation yet, there may be. If the other side schedules a deposition, discuss various options with the criminal defense attorney.

If there is an allegation that your client caused property damage, the criminal defense attorney cannot approach that party and attempt to resolve that issue. However, the criminal defense attorney may be able to guide you through efforts to resolve the same issue as part of a settlement of the family law DVRO issues.

### **2. Vocational Evaluator:**

If earning capacity or imputed income is an issue, it is a good idea to ask your client, in the first interview, for permission to contact a vocational evaluator. Explain the

potential cost. It will be significant. In my experience, in Northern California, some counties permit vocational evaluators to provide declarations and oral testimony in the beginning, at a hearing on temporary support (although the applicable, statute, Family Code section 4331, is in the portion of the Family Code dealing with permanent spousal support). Other counties do not.

If the client does not want to do so, then, for your own protection, immediately document that by a written communication to the client.

If the client agrees, immediately contact the vocational evaluator and ask opposing counsel if he/she is willing to stipulate to the appointment of the vocational evaluator without your having to file a motion (*query*: should the failure to stipulate, in a case in which earning capacity is clearly relevant, sanctionable conduct pursuant to Family Code section 271 if you are not asking that the expert be the court's expert under Family Code section 730?). If you are the one retaining the expert, see if opposing counsel will stipulate pursuant to section 730. However, do not stipulate to the vocational evaluator being appointed as a section 730 expert if the evaluator has been retained by the other side.

If opposing counsel declines to stipulate, then file your motion, documenting your "meet and confer" efforts for the court in your own declaration. Remember that if the case only involves child support, not spousal support, then by law a vocational evaluator cannot be appointed. It typically takes a vocational evaluator some time to do a complete evaluation. The sooner the expert can start, the better.

### 3. Forensic Accountant:

An accountant can provide spreadsheets with potential settlement options, with mathematical calculations. Additionally, if there are issues involving valuation of a business, the amount of support which a payor can afford (also known as "spendable income analysis"), or the amount of support that the payee spouse will require, the accountant can assist here as well. Additionally, there are sometimes hidden tax consequences, such as "hot assets," which an accountant can identify, even though a division of community assets is by law a non-taxable event under the Internal Revenue Code.

### 4. Financial Advisor:

If there are substantial diverse assets, the client may want someone to provide advice as the case progresses. What are the client's goals five years from now? Ten years from now? Is growth or financial security more important to the client? Or both? Is ownership of a house better than

ownership of stocks, bonds, other liquid assets? In large asset cases, you may need to work with both an accountant and a financial advisor.

## Conclusion

There is nothing as important in a family law matter as preparation.<sup>10</sup> Start your case off the right way at the beginning.

### ENDNOTES

1. FRANCIS BACON, *MEDITATIONES SACRAE* (1597).
2. WILLIAM P. HOGOBOOM ET AL., *CALIFORNIA PRACTICE GUIDE: FAMILY LAW* 98:1126 - 1129.5.
3. CAL. FAM. CODE § 4320. (Be sure to clarify the factors and the differences between permanent spousal support versus temporary spousal support. Always explain that the term "permanent" does not necessarily mean forever. Explain the half-the length of the marriage presumption in CAL. FAM. CODES § 4320 (I) and when it does/ doesn't apply).
4. For instance, if the opposing party has "separate property, or is earning the party's own livelihood, or there is community property or quasi-community property sufficient to give the party proper support (CAL. FAM. CODE § 4321); "where there are no children, and a party has or acquires a separate estate, including income from employment, sufficient for the party's proper support" (CAL. FAM. CODE § 4322); if there is co-habitation (CAL. FAM. CODE § 4323); if there has been a criminal conviction for a domestic violence (CAL. FAM. CODES 4325); etc.
5. Any loan incurred during marriage for a spouse's education or training which remains unpaid at the time of dissolution or legal separation must be assigned for payment to the spouse who obtained the education or training and is disregarded in effecting a net equal division of the community estate.
6. CAL. FAM. CODES 4325 (d) (Rebuttable presumption for conviction of domestic violence. There were significant changes made to this section effective January 1, 2019. The changes only apply to convictions that occur on or after January 1, 2019. They are extensive. I recommend that every family law attorney review them. For example, "[t]he court may determine, based on the facts of a particular case, that the injured spouse is entitled to up to 100 percent of the community property interest in his or her retirement plan).
7. Rebuttable presumption from showing that person seeking domestic violence has perpetrated domestic violence; factors; finding; evidence (relating the physical and legal custody).
8. I suggest that you have a copy of *In re Marriage of Nadkarni*, 173 Cal. App. 4th 1483 (2009).
9. See Mark LeHocky, *Civility and Mediation*, CONTRA COSTA LAWYER MAGAZINE, April, 2017 ("...a wealth of behavioral studies of client and attorney decision-making show that lawyers and clients often develop unduly optimistic views of their litigation prospects, often with unfortunate consequences").
10. There are many wonderful quotes about the value of preparation. For pure enjoyment, do a search on the internet for "preparation quotes". My favorites include: "I will prepare and someday my chance will come," Abraham Lincoln; "By failing to prepare, you are preparing to fail," Benjamin Franklin; "Opportunity does not waste time with those who are unprepared," Idowu Koyenikan; "I believe luck is preparation meeting opportunity. If you hadn't been prepared when the opportunity came along, you wouldn't have been lucky," Oprah Winfrey.

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<b>CCLS BROCHURE</b> Promotes the benefits of taking the CCLS Exam.		N/C	
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LYNNE PRESCOTT, CCLS, is a legal secretary with the law office of Rich Fuidge Bordsen & Galyean in Marysville, California, with emphasis on probate and estate planning, civil litigation, and transactional law. She is a past president and member of Sacramento LSA, and currently serves as LPI's Vice President.

# Life in the Time of Quarantine: Isolation Does Not Mean Disconnection

BY LYNNE PRESCOTT, CCLS, LPI VICE PRESIDENT

Never in recent history have we seen humanity experiencing the collective trauma we are undergoing with the current global pandemic. We wake up each day in worry and stress over everything from toilet paper to virus exposure, and we go to bed at night weighed down with economic and employment uncertainties. We are constantly connected to the television, internet, and social media; a non-stop visual and audio barrage on our mind and senses. It is human nature to physically comfort and support each other during difficulty and crisis, yet we are having to practice social distancing at a time when we need that in-person comfort and support the most.



Many of us are working remotely or have even been furloughed or laid off. Local associations have been forced to cancel or postpone monthly meetings. LPI has postponed the May 2020 Annual Conference to August 2020. All the places we normally gather and connect -- offices, professional events, houses of worship, restaurants, coffee shops, parks, clubs, malls, retail shops, farmers markets, grocery stores, etc. -- are deemed unsafe until this pandemic is over. It's easy to understand feeling overwhelmed, stressed, and cut-off. But, now more than ever, it is vitally important that we not let isolation turn into disconnection.

Fortunately, most of us are connected by phone, text, e-mail, and social media. Today's technology allows us access to instant messaging, conference calling, video conferencing, the ability to login remotely to our offices, and a host of other platforms for connecting. These tools and resources provide exactly what we need right now to remain connected, feel important, and not lose our sense of being "visible" at a time when it can be too easy to feel unappreciated and invisible.

- Go out of your way to be virtually present and transparent, reaching out to acknowledge peers, family, friends, and your association members. Checking in with the people in your personal and professional circle impresses upon them that you care and you're mindful of them and their needs.
- When you can't be with your tribe, consider "hanging out" via video technology, Google Hangouts, or even finding a fun game on the internet that you can play at the same time!
- Regularly interact on your peeps' social media pages. Don't forget to post your own updates so that they can keep up with what's going on in your life.
- Working remotely can create a growing sense of isolation, along with an insidious encroachment of your work life into your private life since the built-in boundary of the physical office is absent. Set boundaries for office time and personal time.
- Not able to work remotely? Is there some other way you can support and stay connected with the office?

CONTINUED ON PAGE 33

## ... ISOLATION DOES NOT MEAN DISCONNECTION

Continued from page 32

- Join other legal professionals and sign up to take a few webinars or online classes. LPI has both live and recorded sessions.
- Is there a celebration or special occasion coming up? Do a drive-by or drop-off party! Make signs, decorate your car, honk the horn, blast music, etc. Drop off cards, baked goodies, balloons, and gifts. Invite the friends or family being celebrated to come outside and watch the party, then have someone video everything. Safely convey your excitement and good wishes even if you can't be together! Heck, do it for no reason at all - who needs an occasion?!
- Offer to help someone out. Perhaps there's an elderly or disabled person who has a hard time getting to the supermarket that you could pick up a few things for and drop off while you're out? Do they need a prescription picked up? How about dropping off a homemade meal to a friend, neighbor, or family member?
- Write a good old-fashioned letter or note card. Include an envelope with a stamp and your address on it with your note or letter and ask the recipient to send one back to you. There's nothing more special than receiving personal, handwritten sentiments.
- Start a fun, positive daily message or question on social media. Maybe a daily professional tip. You'd be surprised how many people respond and how interesting the responses can be!

We can still be "visible," make a contribution, remain valued, and stay connected even when isolating. Don't let the "distance" of social distancing keep you from being you!

LS

# Congratulations to LSI's Newest California Certified Legal Secretaries!

The following individuals are to be recognized and commended  
for passing the September 2019 CCLS exam:

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**Sharon Moore-Duncan, CCLS - Non-member**

**Maribel Garza-Duncan, CCLS - Non-member**

**Maria Gonzalez, CCLS - Stanislaus County LPA**

**Melissa Dallas, CCLS - San Francisco County LPA**

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Passing the CCLS examination is a tremendous achievement and these new CCLSs deserve kudos for rising to the challenge and proving that hard work, dedication, and commitment can lead to fantastic results!

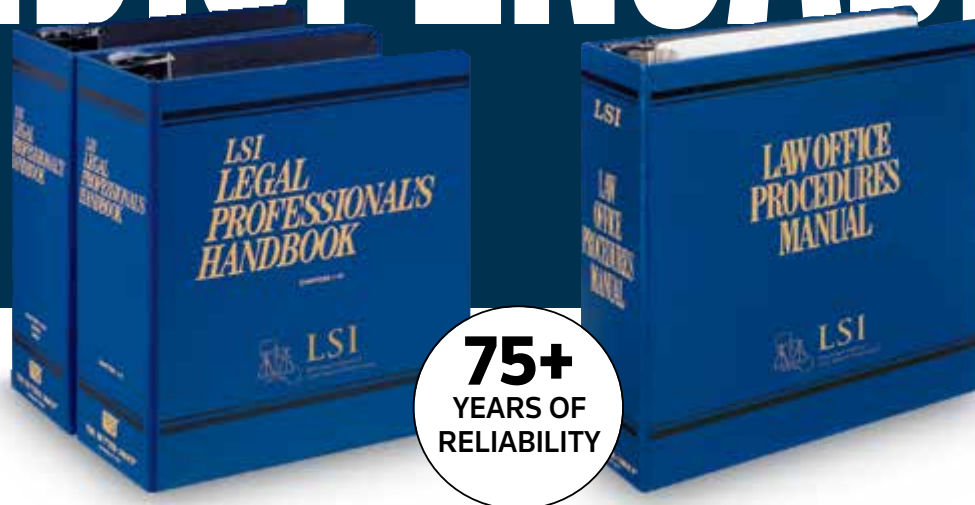
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