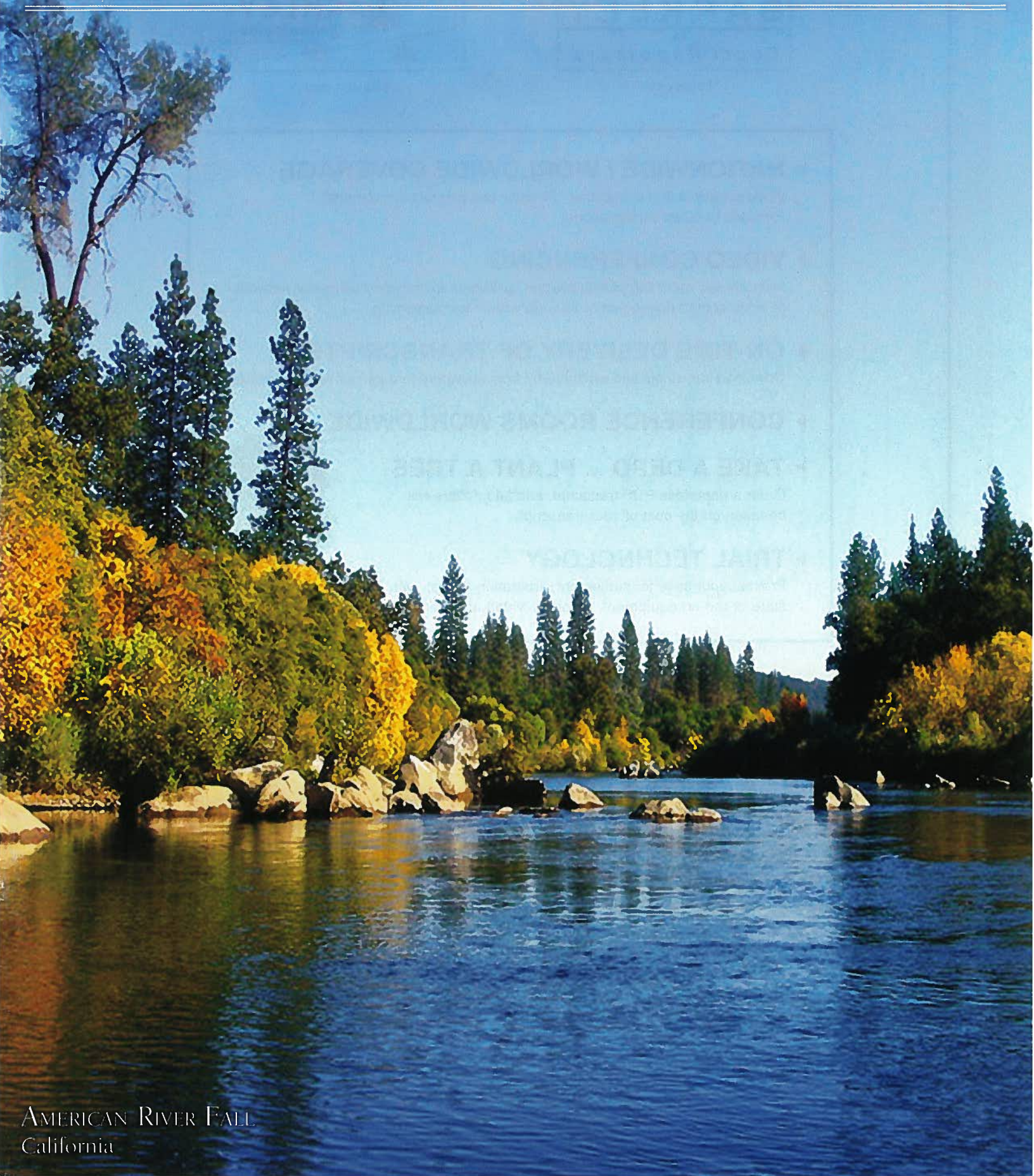


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VOL. 64, BOOK 2

LEGAL SECRETARIES, INCORPORATED

NOVEMBER 2009



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LEGAL SECRETARIES, INCORPORATED

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Editor: DEBORAH RICKERT, CCLS Printed by: MONARCH LITHO, INC.

Building Membership Through Education

LSI President



Christa Davis is President of Legal Secretaries, Incorporated and a member of Livermore-Amador Valley Legal Professionals Association. Christa started her legal career as a legal secretarial trainee in 1987. She has been working for Staley Jobson, a family law firm in Pleasanton since 1989, where she is currently the Administrator. Christa lives in Castro Valley with her husband and daughter.

From LSI President Louise Cord to President Lorraine Bettencourt, PLS, CCLS, Legal Secretaries, Incorporated has been fortunate to have experienced 74 years of quality leadership. Each President brought different ideas and their own styles of leadership. Each President built on those before her and the results of their leadership are what the members of LSI enjoy today. LSI has come a long way since 1934, each year changing for the better. While it is the members that *make* Legal Secretaries, Incorporated; it is the dedication and strong leadership that continues to move the organization forward.

Typically, every LSI President served on the Executive Committee a total of twelve years, working their way from the office of Treasurer to Executive Advisor. Twelve years is a long time to give of anyone's time, but it is time well spent. During that time, the members of the Executive Committee learn each office as they move up the LSI ladder. They learn the history of LSI, the in's and out's of the corporation, and most importantly, how to become an effective leader. It is not an easy task to be an officer of any organization, but it is a learned art. Being an officer pushes one to take a good look at themselves – their character, how they interact with others, the opportunity to learn to set their personal opinions aside, and to lead with an open mind. One might think of the Executive Committee as cheerleaders for LSI, and one of the duties of the LSI officers is to offer assistance and guidance to the local associations – cheer the associations forward. We do this



through the Officer Visitation program.

As I write this article, I am still searching for the answer to how and when the Officer Visitation program began. I hope to track down the beginnings, but I bet that the program in some form or another has been in place since the beginning. The Officer Visitation program has many purposes: It a tool for the local associations to learn more about LSI and establish personal contact with the LSI Officers. It is a good way for the LSI Officers to establish and maintain a bond between

LSI and the local associations. It is a way for LSI to assist the local associations through their guidance, and a wonderful way to connect with the local association members. If the LSI Officers do not follow through with the Officer Visitation program, then LSI is just a mystery acronym to those who don't attend conference. It leaves

members wondering what LSI does for them in return for the dues they pay.

The schedule of the LSI Officers at conference is often hectic so it leaves little time for the officers to socialize. The Officer Visitation program provides an excellent opportunity for the LSI Officers to mingle with the members on a more personal basis.

At the beginning of each fiscal year, the LSI Officers are "assigned" associations. Letters are sent to the local associations advising of the officer assignment. The officers request to be added to the associations' mailing/e-mailing list to keep up to date on association events. Associations are encouraged to invite the officers to visit for social events, educational workshops, inter-association

events, or monthly meetings. The LSI Officers are eager to speak to the membership, act as installing officers or marshals, or just attend as a guest. Associations are encouraged to invite the LSI Officers to visit association events as often as possible.

Officer visitation is not just about visiting associations. We are available by telephone, e-mail or possibly a personal visit to discuss issues that may be of concern to association members. While we may not always have the answers, we will certainly do what we can to provide assistance and information.

For the 2009-2010 fiscal year the officers are assigned associations as follows:

President, Christa Davis: Alameda County LSA, Long Beach LSA, Mt. Diablo LPA, Palo Alto LSA, San Francisco LPA, San Gabriel Valley LSA, and Santa Clara County LSA.

Vice President, Brooke Atherton, CCLS: El Dorado County LPA, Humboldt County LPA, Monterey County LSA, Napa County LSA, Placer County LPA, Redding LPA, and Sacramento LSA.

Executive Secretary, Sandra Jimenez, CCLS: Antelope Valley LSA, Conejo Valley LPA, Rio Hondo District LPA, Riverside LPA, San Diego LSA, and Santa Maria LPA.

Treasurer, Mary Beaudrow, CCLS: Butte County LPA, Capitol City LPA, Marin County LPA, Merced County LPA, Santa Cruz County LPA, and Trinity County LSA.

Executive Advisor, Lorraine Bettencourt, PLS, CCLS: Fresno County LPA, Livermore-Amador Valley LPA, Los Angeles LSA, Sonoma County LSA, Southern Butte County LPA, Stanislaus County LPA, and Stockton-San Joaquin County LPA.

Parliamentarian, Kay J. Bliss, PLS, CCLS: Beverly Hills/Century City LSA, Imperial County LPA, Orange County LSA, San Fernando Valley LSA, Santa Barbara LSA, and Ventura County LPA.

As is evident, many associations are somewhat of a distance from the assigned officer, but we make every attempt to visit our associations and look forward to those visits.

Unfortunately work and life tends to get in the way of visits and so we are not always able to attend as many events as we would like. But don't let that stop the invitations. It may not be possible to attend one event, but another event may be possible; and sometimes we just invite ourselves. Personally, I keep an eye on the educational programs offered each month and attend when I am able. I have been fortunate to attend some very interesting events. So please keep your assigned officers updated on your upcoming events because we'd love to attend.

In researching the Officer Visitation program, I called upon our Past Presidents for information and their recollections of the program. It was such a pleasure to hear from so many of our Past Presidents and so encouraging for me to hear what they had to say.

I spoke to Bernice Tabbert, PLS, CCLS, LSI Past President 1958 – 1960. While Bernice apologized for not having the answer to my question, she did tell me that she remembers visiting surrounding associations as early as her term as Vice President, which would take us back to about 1956. She recalled how much fun it was to visit different associations and meet and talk with the members. As a side note, it was such a pleasure and an honor to talk with Bernice. At 96, she has been retired for quite some time, but did tell me that she is currently the Parliamentarian of her local garden club, and has plans to attend conference in Modesto in August 2010. I can only aspire to be as active as Bernice at 96!

Patricia S. Brady, PLS, CCLS, Attorney at Law, LSI Past President 1960 – 1962 told many stories about her past LSI experiences, and one in particular stuck in my mind. She recalled leaving work so she could attend an association event that was about an hour or so away. Pat remembers frantically changing her clothes in the backseat of her car while her husband drove as fast as the law would allow so she would be on time. In the early 1960's in addition to the hats, dresses and gloves that women wore, there were many under garments and accessories required to accomplish the overall look, so dressing in the backseat of a moving vehicle was no easy task, but they arrived on time.

Linda Duarte, LSI Past President 1994 – 1996, was a member of Santa Maria LSA when the then LSI President Suzanne M. Allen, PLS (1978 – 1980) attended Santa Maria's Installation of Officers. Linda remembered how she was so impressed with Suzanne's professionalism that she wanted

(Continued on page 4)

to be just like Suzanne. Obviously, Suzanne made quite an impression on Linda. Unbeknownst to Linda, she would experience a similar situation when she was President some years later. I recall my first conference in San Diego in 1995. Linda Duarte was president. I happened to be in the elevator with a friend when Linda Duarte stepped in. My friend said hello to Linda but I said nothing. I was too tongue tied to say anything (hard to believe, I know). When Linda got out of the elevator, my friend scolded me for not acknowledging our President. Of course I felt awful about it, but there was just something about being that close to the LSI Presidentlittle did I know that someday I too would be in Linda's shoes. (Note to all: if you see me in the elevator, and we've never met, or even if we have, remember I'm just your average Joe.)

So my search to find out when the Officer Visitation program began continues. In the meantime, I hope this article inspires associations to extend invitations to their assigned officer for a visit. If your association is experiencing difficult times, this might be the perfect opportunity to bring the members together to brainstorm with an LSI Officer for ideas to work out the concerns.

The First Quarterly Conference held in Palm Springs this past August was a fabulous success. I thoroughly enjoyed the weekend and appreciated the efforts put forth by Desert Palm LPA. At the August Quarterly Conference, Legal Specialization Section Leader, Margaret Tovar, CCLS announced the first five scholarship winners of a one-year membership in all six Legal Specialization Sections, courtesy of Janney & Janney Attorney Service. The lucky winners are: Leanna Pierce of San Diego LSA, Ann Posthill, CCLS, of San Diego LSA, Candice Deppe of Butte County LPA, Debra Clark-Nejak of Stockton-San Joaquin County LPA and Patricia Wood of San Gabriel Valley LSA. Congratulations to each scholarship recipient. I hope this is

the start of long memberships with the Legal Specialization Sections for each of them. These members won their memberships, not only for being lucky, but just for registering for the conference. The winners will receive newsletters for each of the Legal Specialization Sections, access to other members of the Legal Specialization Sections, and free admittance to workshops offered at each conference (with timely registration). If you have the good fortune to win one of the scholarships and are already a member of the Legal Specialization Sections, LSI will reimburse you for the membership fees. However, don't let this be the only reason you attend the November Quarterly

Conference. Attend to take advantage of the educational workshops, bring yourself current with LSI, and take advantage of the LSI network. This is a very exciting event for LSI. What is even more exciting is that LSI will be awarding five additional one-year memberships at the Second Quarterly Conference this November in Sacramento. Registering for the conference is all it will take to guarantee you an opportunity to win. Of course these scholarships would not be possible without the generous donation

of Janney & Janney Attorney Service. Please be sure to utilize the many services Janney & Janney provide, as well as all of our advertisers and supporters.

While the current economic times are challenging, this is an exciting time for LSI. The officers and chairmen are working hard to provide the members with the best possible educational opportunities, networking possibilities and overall, an organization that you can be proud of. Take advantage of these opportunities, they are there for the taking, and in order to continue providing excellence through education, we need you to participate. Remember, this organization is not about you or about me; it is about us – unity. □



All Jazzed Up

November Conference
Co-Chairs

Sacramento. Capital of California; confluence of the Sacramento and American Rivers; home of the Sacramento Jazz Festival. What better place to get *In the Mood*¹ for the November 2009 Quarterly Conference "ALL JAZZED UP" being held at the Sacramento Marriott, Rancho Cordova on November 13-15, 2009.

This time of year, you are probably wishing it was *Summertime*²; however, the *Autumn Leaves*³ are beautiful along the nearby American River, so *Come Rain or Come Shine*⁴, join Placer County and Capitol City Legal Professional Associations for a harmonious weekend.

The history of Jazz Music is a history of America. In the early 1900s, many cultures from all over the world called New Orleans home. African American musicians blended gospel and traditional European music to create a variety of musical styles, such as blues and ragtime, to create a uniquely American style of music – jazz. During the conference weekend, you will experience the progression of jazz, from blues and ragtime, to Dixieland, Swing, and Bebop.

You won't want to miss the Saturday evening banquet. Good food, old (and new) friends, and the best jazz music in the West. Put on your snazzy, jazzy outfit and your favorite party mask, (optional), and prepare for a toe-tappin' treat with a performance by the Rio Americano High School award winning jazz ensemble. The band program at Rio Americano was recognized as one of the United States' top 15 high school jazz bands at the Essentially Ellington Competition and Festival in New York City.

Sunday morning, Sacramento native, Kevin Bracy, Founder of LifeChangers International and

a master of motivation, will inspire us to nurture our dreams.

Although you will enjoy the wonderful cuisine at all of our events, as an added bonus, we will provide each of you with a 25% discount card which you may use all weekend at the hotel's restaurant, for room service, and at the Starbucks in the lobby of the hotel.

Before or after the conference, consider investigating the many Sacramento area attractions. During the gold rush era, the area around Sacramento was recorded as the largest human migration in history. If you enjoy the history of California, Old Sacramento, the California State Railroad Museum, Crocker Museum, Sutter's Fort, and the State Capitol building are all nearby.

With the holidays right around the corner, you might want to consider a shopping trip to nearby Folsom, with its upscale outlet mall featuring an impressive collection of 80 designer and name brand outlet stores, such as Guess, Naturalizer, Coach, Jelly Belly and Gap. If you fly into Sacramento, not to worry, light rail is just across the street from the hotel, and Folsom is only two stops away!

A short drive from the hotel will deliver you to the Shenandoah Valley wine region of the Sierra Foothills where some of the country's finest wineries and vineyards are located.

For more ideas, check out the websites for the Sacramento Convention and Visitor's Bureau or the Placer County Visitor's Bureau for a host of activities in the Sacramento/Placer County area.

See you in Sacramento for a jazzy weekend full of music, motivation, and so much more. □



Michelle Rodgers, CCLS, is a legal assistant at Stern, Van Vleck & McCarron, LLP, in Sacramento, and Governor of her local association, Capitol City LPA. Michelle is co-Chair of the November 2009 Conference with Gloria Lamm, Legal Assistant at the Law Office of Lynn A. Dean in Roseville, and a member of Placer County LPA.

¹ *In The Mood*: Music - Joseph C Garland/Lyrics - Andy Razaf

² *Summertime*: Music - George Gershwin/Lyrics - DuBose Heyward

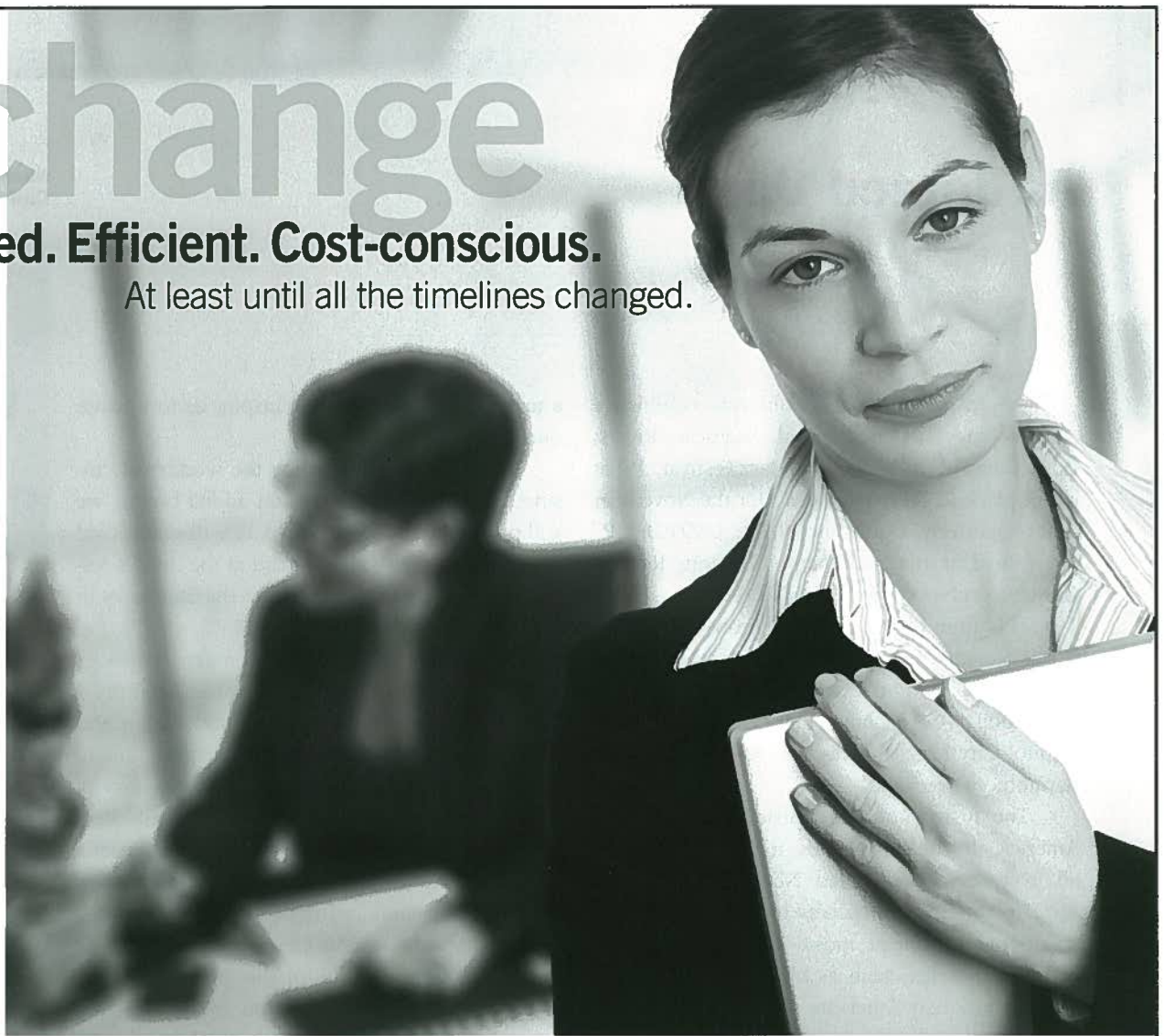
³ *Autumn Leaves*: Music - Joseph Kosma/Lyrics - Johnny Mercer & Jacques Prevert

⁴ *Come Rain or Come Shine*: Music - Harold Arlen/Lyrics - Johnny Mercer

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LEGAL SPECIALIZATION SECTION WORKSHOPS**2nd Quarterly Conference – November 2009 – Sacramento Marriott Rancho Cordova –****Host: Capitol City LPA and Placer County LPA****REGISTRATION FORM - DEADLINE IS MONDAY, November 9, 2009**Registration **MUST** be **RECEIVED** by each Section Leader **on or before the deadline.****Please make advance reservations so materials may be prepared. Please check appropriate boxes below.**Mail or Fax a copy of this form to each corresponding Section Leader.

Send a self-addressed, stamped envelope if you wish confirmation of your reservation.

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\$20.00 at the Door/After Deadline

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Friday, November 13, 2009 -- 7:30 p.m. to 9:00 p.m.**FAMILY LAW: "ICWA - Indian Child Welfare Act"**

Speaker: Elizabeth Sandoval, Esq., California Dept. of Social Services

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Stephanie Harrison, Family Law Section Leader
 c/o Law Offices of Marvin J. Brown
 720 West 19th St., Merced, CA 95340
 (H) 209-723-4479 (O) 209-384-0123 FAX: 209-384-1661
 Email: stephmjb@sbcglobal.net

CRIMINAL LAW: "No Money, No Justice?"

Speaker: Jessie Morris, Jr., Esq., Sacramento Public Defender's Office

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Cheryl Kent, PLS/CCLS, Criminal Law Section Leader
 5534 Blackbird Drive, Pleasanton, CA 94566
 (H) 925-462-3440 (O) 925-837-0585 FAX: 925-838-5985
 Email: clkcccls@comcast.net

Saturday, November 14, 2009 -- 10:30 a.m. to 12:00 p.m.**TRANSACTIONAL LAW: "Avoiding Rejection by the Secretary of State"**

Speakers: Connie Christenson (Business Entity Filing Unit) and Terry Sharp (Business Programs Division), Secretary of State's Office

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Mae Brooks, CCLS, Transactional Law Section Leader
 1050 S. Kimball Road, Ventura, CA 93004
 (H) 805-642-6478 (O) 805-659-6800 FAX: 805-659-6818
 Email: mbrooks@fcoplav.com

LAW OFFICE ADMINISTRATION: "Civil Rights – Past, Present & Future"Speaker: Windie Scott, Chief Deputy Director
Department of Fair Employment and Housing
☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Jan Vornkahl, CCLS, LOA Section Leader
 3553 Sutton Loop, Fremont, CA 94536
 (H) 510-790-8337 (O) 415-984-8341 FAX: 415-226-0735
 Email: jvornkahl@nixonpeabody.com

Saturday, November 14, 2009 -- 4:00 p.m. to 5:30 p.m.**PROBATE & ESTATE PLANNING: "Qualified Domestic Trust (QDOT) – What It Is and How It Works"**

Speaker: John Burghardt, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Leslie Ames, CCLS, Probate/Estate Planning Section Leader
 1036 – 5th Street, Eureka, CA 95501
 (O) 707-442-2927 FAX: 707-443-2747
 Email: eurekalaw@aol.com

CIVIL LITIGATION "CEQA (the California Environmental Quality Act) – Writ Practice"

Speaker: Howard Wilkins, Esq. and Jennifer Holman, Esq.

☐ I will attend ☐ Section Member ☐ Non-Section Member
☐ Non-LSI Member ☐ Handout Only

Send to: Elizabeth Adame, CCLS, Civil Litigation Section Leader
 P.O. Box 4344, El Centro, CA 92244
 (H) 760-352-8333 (O) 760-352-4001 Fax: 760-352-5561
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The Legal Specialization Sections are a program of Legal Secretaries, Incorporated, an approved provider, and certify that these workshops have been approved for minimum MCLE/CLE credit of 1.25 hours each, by the State Bar of California.

LSI First Quarterly Conference 2009





A Look Back At Legal Secretaries, Incorporated 2004 – 2006

LSI President
2004 – 2006



Mary S. Rocca, CCLS is a native Californian. She resides in Alameda with her husband, Lou; they have two grandsons, Tony and Nathan. Mary has been employed in the legal field for over 40 years as a legal secretary and legal assistant. Mary completed her 12-year term on the Executive Committee in 2008, and has been a member of Alameda County Legal Secretaries Association since 1986. She works at the Law Offices of Margaret M. Hand, PC in Oakland, where the areas of practice are probate, estate planning, probate litigation, and trust administration.

The 75th anniversary of Legal Secretaries, Incorporated is a milestone that is certainly cause for celebration. How many professional organizations can you name that have been in existence that long?

Deborah Rickert, editor of *The Legal Secretary* magazine has asked each of the LSI past presidents to share what life was like in the association during their term.

In May 2004, the year of the 70th anniversary of LSI, I was installed as your 39th president. So many great women served LSI prior to my time; so much history preceded me. And yet, so much history has followed me in five short years.

Hopefully, many of our past presidents will share their own reminiscences. I know they have many stories to tell of their years as president. Here are just a few memories of mine.

KNOWLEDGE - THE BRIDGE TO EXCELLENCE

At a conference in the early 2000s, the banquet speaker recited the poem *The Bridge Builder*. It had a tremendous and lasting effect on me. I felt it spoke of our duty and responsibility to preserve LSI for the members of the future. Not only to pave the way for them, but to do everything possible to ensure that the bridge of LSI remained solid and constant. Once again, let us reflect on these words:

An old man, going a lone highway,
Came, at the evening, cold and gray,
to a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
“Old man,” said a fellow pilgrim, near,

“You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide,
Why build you a bridge at the eventide?”

The builder lifted his old gray head:
“Good friend, in the path I have come,” he said,
“There followeth after me today,
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him.”

— Will Allen Dromgoole

The goal during that time was to shore up the bridge LSI had built 70+ years before. That included strengthening the bridge between LSI and its local associations, that of the local associations and their members, and the last step was to erect a bridge between the past and the future - inventing new ways to accomplish our goals. We set out to succeed with tremendous enthusiasm and optimism.

Here are some of the highlights of life in LSI from 2004 through 2006 as we attempted to increase our knowledge and build our bridge to excellence:

- The Executive Committee made an effort to increase officer visitation, and remained steadfast in their promise to visit as many associations as practical.
- Each member of the Executive Committee contributed to a letter that was disseminated to the local associations. This letter was created to assist the locals explore new ways to keep their associations viable.

- An Open Forum was conducted in August 2005 with our Past President, Deanna A. Pepe, CCLS, PLS, as moderator. Many great ideas were exchanged that Saturday morning and the Open Forum was very well received. Responding to the members' request for more interaction, the "mini" Open Forum was instituted. It was conducted at the conclusion of Saturday business meetings at succeeding conferences.
- Each of the Presidents' Luncheons focused on leadership training skills, helping the local association presidents learn new and progressive ways to bridge the gap between cherished members and new and prospective members, providing them with the skills necessary to guide their association.
- The editor of *The Legal Secretary* instituted a new feature in which each quarterly issue focused on an important event sponsored by a local association.
- The Calendar of Events portion of the website was retitled "Local Association Events," which provided everyone with an update on what programs and social activities were planned by their sister associations. Also, a new link was added – "LSI Calendar." All deadline dates for directives were set out, together with the dates for each conference, the dates for the CCLS exam, Regional Seminars, etc.
- A "members only" portion was established on the website and orders for products could be placed online using PayPal.
- A link to the Continuing Education of the Bar was established on the LSI website to help members discover the various continuing legal educational programs available to them at a discounted rate.
- Conference Saturdays were revised and we experienced shorter, more productive business meetings, with a greater amount of time to participate in the excellent continuing educational programs offered at each and every conference.
- Open membership was initiated, no longer requiring membership in a local association.
- A CCLS workshop was conducted at the conclusion of the Legal Specialization Sections Regional Seminars in an effort to offer attendees more educational opportunities, and an opportunity to better prepare for the CCLS exam.

We began our journey at Annual Conference in Oakland, then traveled to the beautifully decorated Mission Inn in Riverside. Next, we enjoyed February in Pleasanton, Annual Conference in Santa Clara, and enjoyed summer on the Queen Mary in Long Beach. November found us celebrating the end of Fall in Folsom, we arrived in San Diego in February and concluded our journey in Modesto. We traveled from one end of the state to the other, crossing many a bridge along the way!

As you can see, LSI was quite a hub of activity during this time. It was less than six years ago, but in many ways it seems like light years. We were all so much younger then! So much has transpired in the years leading up to the 75th anniversary of LSI. It is my hope that each of our past presidents will take the time to provide us with a look back at their term, providing us with a glimpse of what life was like in LSI during those years. The programs they promoted are all such an important and integral part of the foundation of our association.

KNOWLEDGE - THE BRIDGE TO EXCELLENCE

Bridges are a natural part of everyday life, and provide passage over many types of obstacles. Our members have many roads to travel, and many bridges to cross.

Despite frequent recessions, the occasional downturn in the economy, cyclical record-breaking unemployment, a shortage of legal support staff, and a slow but steady decline in membership, LSI has managed to weather the years' storms and hurricanes. It remains a strong, albeit smaller, group of legal professionals who are steadfastly dedicated to the goal of providing continuing legal education to those employed in the legal field. Indeed, our bridge has withstood the test of time.

It was an honor for me to serve as president of Legal Secretaries, Incorporated. I gained so much personally and professionally from serving as a chairman and an officer. I have always maintained that I received much more than I gave. There are many who will pass this bridge after us. I hope that all of you remain interested and involved in LSI and help maintain the bridge our founders began to build 75 short years ago. □

When Staying Connected Online Crosses The Line

Submitted by
San Diego County LSA



Lisel M. Ferguson is a partner with Procopio, Cory, Hargreaves & Savitch LLP in San Diego. She focuses her practice on copyright, trademark, patent prosecution and intellectual property litigation. Reach her at lmf@procopio.com or (619) 515-3207.

In today's world, Internet communications have come a long way, even replacing the traditional letter, Christmas card and many other forms of paper communication. The ever-popular e-mail message has even been improved with the advent of chatting and instant messages. Instantaneous dialogues allow people to stay connected constantly, whether they are a block or an ocean away.

With the introduction of Web sites such as MySpace, Facebook and Twitter, the Internet has become a popular avenue to chat with friends, to stay updated on friends and family through the use of personal Web pages, and to engage in the exercise of free speech by creating a site that embodies each individual's personal likes, dislikes, beliefs, etc. But occasionally, this personal freedom available on the Internet can have serious consequences for a company's intellectual property portfolio, particularly its copyrights, trademarks and domain name registrations. The right to chat and blog does not include the right to invade the intellectual property rights of others.

Recently Facebook announced it would allow users to register personalized Internet addresses. This decision can have a major impact on the intellectual property rights of your business. Previously, when you signed up for an account on Facebook, the address that appeared in the URL box of your Internet browser looked something like this: www.facebook.com/group.php?sid=439eeaadff&gid=399111&ref=search. Whew, what a mouthful!

Now, each individual user is given one opportunity to personalize their individual site. When a user signs in, he or she can elect to change their current address to something more user-friendly and memorable. For example, if your name is Joan Smith, you can change your configuration so that the URL reads www.facebook.com/JoanSmith. That way, if you want to look somebody up, you

can type in [www.facebook.com/\(whatever their name is\)](http://www.facebook.com/(whatever their name is)) and find the person you are looking for online. The individual URL that you establish on Facebook is not transferable.

A great idea -- except that there are no restrictions on what names users can use as their personalized site. As a result, damage can be done to a company's intellectual property by a third party who can set up a Facebook URL named after a particular company or trademark and put whatever they want on that site.

Facebook has set up a process to remove offending Web sites. You can go to www.facebook.com to report a potential infringement, and Facebook will remove the offending site. Facebook has also set up a page for FAQs related to intellectual property infringement.

The advent of Web sites such as those described in this article has increased the value of seeking trademark, domain name and copyright registrations. Without registrations, it is much more difficult to assert your claims to protection against third party users. In this particular situation, if you can provide Facebook with a trademark, domain name or copyright registration, that information is sufficient for them to remove any potentially infringing user site. But without existing, documented legal rights, the path to protecting your intellectual property will be more difficult, time-consuming and costly.

Staying connected to others is a reality of today's world, but sometimes the connections cross the line. If you aren't sure when a blog or Web site crosses the line between protected First Amendment speech and infringement of existing intellectual property rights, it is a good idea to contact an attorney who is trained to help you distinguish between the two.

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***For more information, contact Margaret Tovar, CCLS, Legal Specialization Sections Coordinator.
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Mail to: **Margaret Tovar, CCLS, Legal Specialization Coordinator,**
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How To Market Your Association: (Part I)

LSI Vice President

Several associations have asked how they can market their local association. Some ideas have been shared with attendees of various luncheons at conferences during the past year.

I hope this article will inspire you with ideas and help to establish that link between how LSI markets our organization and how you, the local association, can market yourselves.

Several directives back, I asked "What's in your LSI toolbox?" Here are some ideas for a well stocked marketing toolbox:

THE MARKETING COMMITTEE

The Marketing Committee was established to coordinate marketing LSI, to promote the many benefits and educational opportunities available, and to assist the local associations in their marketing endeavors. The members of the Marketing Committee include Educational Program Coordinator, Jennifer Page, CCLS; Editor of *LSI Legal Professional's Handbook*, Maria Bishop, CCLS; Advertising Chairman, Michelle Tice; California Certified Legal Secretary Chairman, Astrid Watterson, CCLS; and LSI Vice President, Brooke Atherton, CCLS.

Members of the Marketing Committee represent LSI at the State Bar of California, the California Alliance of Paralegal Associations (CAPA) and the Bay Area Legal Secretaries Forum (BALSF) conferences throughout the year. We spread the word about LSI, encourage visitors at our booth to make contact with the local association nearby and distribute literature on the various programs and publications of LSI.

The Marketing Committee, members of the Executive Committee and LSI Past Presidents staffed the LSI booth at the Annual State Bar of

California Convention September 10-12, 2009. The Rutter Group generously donated a Law Office Procedures Manual (LOMP) and Legal Professional's Handbook (LPH) for our drawing prizes. The entries collected will be sorted by county and forwarded to the closest local association. It is our hope that local associations will make contact with State Bar attendees and promote participation with their local association.

LSI WEBSITE

Does your association have a website? If so, is it linked to the LSI website? Your association should check the LSI website periodically to be sure that your association contact information is correct and current. Make sure your local association website is current as well. When your association has educational events, let me know. This information is posted on the website. Check the website for the basic format of information I need from you. Occasionally I will receive a flyer for an event to be posted on the LSI site. I have to extract information from the flyer I feel is most important. If you don't want me to guess, please send me specific information.

THE LEGAL SECRETARY MAGAZINE

This is a huge marketing tool that you should not ignore. Magazines should be provided to local high schools, community colleges and employment agencies. Be sure to attach contact information, monthly meetings and scholarship information to each magazine.

Magazines can be provided to local law offices as well. Hand deliver a magazine or two to nearby law firms. Invite the receptionist or other support staff to join in at your next meeting. Be



Brooke Atherton, CCLS, a member of Butte County LPA, currently serves as LSI's Vice President. She has served her local association as Governor, Secretary, President and various chairman positions. Brooke is the office manager/paralegal at her husband's law office in Paradise, California. Brooke and her husband, Chris, have two grown children, Blake, who is currently serving in the US Army, and Jennifer, who lives in Southern California and is an Economics Professor, teaching at several community colleges in her area. In their spare time, Brooke and Chris enjoy wine tasting and weekend trips to Reno. Brooke also knits for Socks For Soldiers and is on the Board of Directors for a property owners association in Monterey County.

(Continued on page 16)

sure to get a name and contact number. Follow up!! Call a day or so before the meeting and re-invite them to your meeting or event.

Contact the HR department in the larger firms. This was a great suggestion provided at our Membership Luncheon in Palm Springs. The HR department may be your ticket through the door to the appropriate support staff. Keep them informed of your monthly meetings and educational workshops.

LEGAL SPECIALIZATION SECTIONS

Education is what we are all about. Promotion of educational opportunities should be a main focus of your marketing plan. There are tri-fold brochures available from Corporate

Office. Share these with prospective members. We offer incredible deals on continuing education. Let prospective members know they can receive top notch education at a very reasonable price.

I hope that you will take at least one idea here and implement a plan. Google "goal setting" and you will find several forms and ideas to help you set your goals and stay on track. Announce your goal at your general meeting or in your monthly newsletter. Have goal buddies to help keep you on track. Be sure to report your successes to your membership and celebrate the small milestones to reach your goal. Remember, the Executive Committee and the LSI Chairmen are here for you. If you need help, just give us a call or send an email. □

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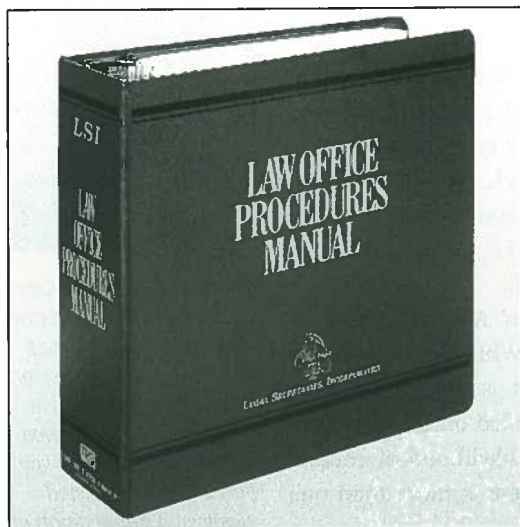
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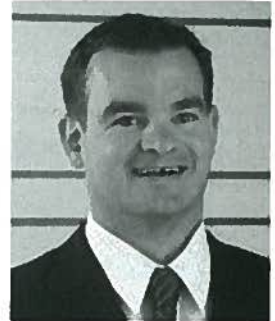
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An Introduction To Advance Health Care Directives

Submitted by
Merced County LPA



Mr. Niebel's practice focuses on estate planning, probate and trust administration, asset transfers, tax and real property issues. He comes to Berliner Cohen from a San Francisco law firm where he assisted clients in a broad range of estate planning and tax-related services. He also served as a judicial extern to The Honorable Marshall Whitley, Superior Court of California Probate Court, and as a law clerk in the Tax Division of the United States Attorney's Office in San Francisco.

Berliner Cohen is one of the largest law firms in the Merced area and serves the full-service business and regulatory needs of private business and public agencies.

If you are unable to make health care decisions on your own, who will make those critical decisions on your behalf? Are there medical procedures you do not wish to receive? Alternatively, are there medical procedures which you wish to be made available to you?

Several years ago, the Terri Schiavo case brought this issue into the national spotlight. Regardless of your personal opinion of the court's ruling and as heart wrenching as the case was for the family involved, the Schiavo case had at least one positive outcome – it generated a great deal of discussion among millions of Americans regarding a very serious and personal issue.

If you are like the majority of Americans, you have likely thought about these questions (in one form or another) and have developed a general opinion on the matter. Unfortunately, while the majority of people have an opinion as to what type of medical treatments they would like to receive in various circumstances, it is estimated that less than 25% of them have actually taken any steps to ensure their wishes are carried out.

Unless you have a written document memorializing your wishes, there is no way to ensure your wishes will be known, let alone followed. In California, an Advance Health Care Directive ("AHCD") is the legal document which allows you to memorialize your health care wishes.

What is an AHCD? An AHCD is a legal document which allows you to: (1) appoint a person to make health care decisions on your behalf (an "agent") and (2) provide personalized health care instructions.

The generic term for the AHCD is a "living will." You may have also heard of the California Natural Death Act Declaration ("CNDAD") or a Durable Power of Attorney for Health Care ("DPAHC"). The CNDAD and DPAHC have been replaced by the AHCD. The AHCD is a broader, more comprehensive document than either the CNDAD or the DPAHC.

Any California resident, who is at least eighteen years old, of sound mind, and acting of his or her own volition, can execute an AHCD.

The document may be effective immediately or it may become effective upon the happening of a certain event in the future (i.e., if you lose capacity). The choice is up to you.

Who can be my agent? Any adult may be nominated as your agent. While you may name two or more "co-agents," it is not advisable to do so. The agent is often called on to act in very stressful situations and the likelihood of conflict rises exponentially when there is more than one agent involved.

That being said, you may nominate one or more alternates to act in the event the primary agent is unable or unwilling to do so. If possible, it is advisable to name at least one alternate agent.

Before you nominate an agent, be sure to discuss the position as well as your specific health care wishes with the person to ensure that he or she is willing to act on your behalf. The position comes with a significant amount of responsibility and the person you intend to nominate as your agent may or may not be willing to act on your behalf.

With this in mind, you also want to be sure that the person you nominate is someone who lives in close proximity to you (i.e., you do not necessarily want to nominate your cousin who resides out of state to be your agent) and is someone who is strong enough to carry out your wishes.

Health Care Instructions. You may provide your agent with total discretion to make decisions on your behalf. Alternatively, you may provide specific instructions as to the types of health care treatments you wish (or do not wish) to receive.

The instructions you provide should not be taken lightly. The AHCD is a powerful document which has significant consequences. Be sure to consider your choices carefully as well as the variety of situations in which they might apply.

General thoughts. The AHCD is an extremely flexible document and provides you with a great deal of control over your health care choices. You are free to revoke or amend your AHCD as long as you have the capacity to do so.

Generic AHCD forms are publicly available (see Prob. C §4701). However, an individualized AHCD may be obtained from your estate planning attorney, personal physician or other private sources. It is advisable to discuss the AHCD with your personal physician and your estate planning attorney before executing it. As with any legal document, do not execute the AHCD unless you understand what you are signing.

Once executed, you should provide copies of the AHCD to your primary and alternate agents and discuss the document with your family members to ensure they are aware of your wishes.

Limitations. This article presents only a brief introduction to the AHCD as it relates to your individual health care decisions. Other health care-related documents such as Do Not Resuscitate Orders and Physician Orders for Life Sustaining Treatment exist, but are well beyond the scope of this article.

You must also be aware of the fact that the AHCD represents just one part of a comprehensive estate plan. The powers granted under your AHCD are specifically limited to your health care concerns. It does not address the multitude of personal and financial issues which also arise when an individual loses capacity. Only a qualified estate planning attorney can provide you with a comprehensive estate plan.

Although this area of law is constantly evolving, planning for the needs of individuals continues to be the central focus of the law. When incorporated into a comprehensive estate plan, the AHCD can provide a tremendous benefit not only to you, but to your family as well.

Summary. The AHCD is an excellent document for memorializing your health care wishes and appointing an agent to carry out those health care wishes in the event you are unable to do so. While no one ever wants to be in the situation where an AHCD is needed, I can assure you that if the situation arises where you lose capacity, you (and your family) will benefit if you have an AHCD in place. This is truly a situation where a little bit of planning goes a long way. □

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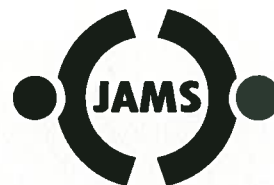
Weekly classes will run for four consecutive weeks, from 4:00 pm to 6:00 pm, requiring a commitment from both participating firms and individuals, each of whom contributes one hour of time per week. Observation of mediation sessions will be scheduled based on JAMS current caseload and availability of participating neutrals.

Dates and times for the upcoming series are as follows:

Class 1	Introduction and Overview, Negotiation	Wednesday, January 13, 2010, 4 pm-6 pm
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Class 3	Arbitration	Wednesday, January 27, 2010, 4 pm-6 pm
Class 4	Ethics, International ADR	Wednesday, February 3, 2010, 4 pm-6 pm

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To register or for information regarding future trainings at this and other JAMS locations, please contact Kim Miller, Business Manager, JAMS Orange at **714-937-8252**, or by e-mail at **kmiller@jamsadr.com**.



THE RESOLUTION EXPERTS®

My CCLS Journey

Submitted by
Marin County LPA

When I originally considered the legal field as a career, I decided to obtain my paralegal certification. To confirm my decision, I obtained a job as a legal secretary for a bankruptcy attorney. I stayed with that employer while attending St. Mary's College in Moraga, California - not a fun chore by any means. I worked a 40-hour week, attended two 2-hour classes per week (traveling upwards of 2 hours just to get to school), with 4+ hours of homework per class, per week. This went on for a year and a half. I graduated from the program and received my certification in October 1992.

While employed with the bankruptcy attorney, a flyer advertising Marin County Legal Secretaries Association came across my desk and I decided to join for the networking and camaraderie. I attended the monthly meetings for awhile and then, when I was installed as Governor in 1993, I began attending LSI conferences. That is where I first encountered the CCLS designation. I was impressed by those who were brave enough to study and then sit for the exam but, I thought I was done with studying and taking tests, and decided that wasn't the path for me.

Over the years, several other members of my local chapter decided to sit for the exam. One member had a particularly difficult time passing the exam but she persisted and eventually became the first member of our association to attain the CCLS designation. Some time passed and I decided to join another association's study group. I found myself, once again, commuting a long distance after work, with no time for dinner before class started. The class was held in a law library making it impossible to talk amongst each other and really learn, so, I stopped going. Then a few years later, another one of our members studied for the exam, passed on the first go

round, and then formed a study group. By this point I thought, "Okay, I'm going to do this," and I joined the group. Unfortunately, it still wasn't the right time. A few more years passed and our association decided to assemble another study group. We were not very formal about our study habits and didn't always have weekly classes. But, I committed to it this time and finally sat for the exam on October 21, 2006. I figured, "What did I have to lose?" I'd at least have an idea of what I really needed to study afterwards.

I won't sugar coat it, sitting for the exam was an exhausting chore. I honestly don't remember even driving home afterwards and of course, I doubted almost every answer I selected.

I began waiting for my results thinking, "wouldn't it be nice if I passed a few and, of course, even better if I passed four or more?" Well, wouldn't you know it? I passed five of the seven sections! I nearly fell out of my chair.

My confidence level was restored. I only had two more sections to study for and pass; how hard could that be? Well, I opted to review my results and was floored when I discovered that I had completely misread the directions for part of one of the sections that I hadn't passed. If I'd read them correctly, I probably would have passed that section, too! Confidence was once again shot.

So began my quest to conquer Ability to Communicate Effectively and California Legal Procedures. I sat for the exam on March 17, 2007, and I managed to pass California Legal Procedures. Phew, one more to go! I thought, "Piece of cake!" And, my love affair with Gregg began in earnest. I studied, sat for the exam October 20, 2007 - didn't pass. I studied, sat for the March 15, 2008 exam - didn't pass. This time, I only missed by one lousy point!!! Now I was getting pretty frustrated and mad at myself.

(Continued on page 24)



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. Jennifer has worked with J. Frank George for 13 years representing Plaintiffs in wrongful death, medical negligence and personal injury cases.

Jennifer is an honorary life member of Marin County LPA and has served both her local association and LSI in a variety of chairmanships. She is currently serving LSI as the Educational Program Coordinator. Jennifer obtained her CCLS designation in October 2008.

Jennifer resides in Novato, California with her husband of 15 years Tony, their 8 year old daughter Emma, Olive the pug, and Midnight the cat.

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My boss even offered to pay someone to take the exam for me. I reviewed my results to see if there was a specific thing I wasn't understanding; no such luck.

I started to study again and honestly I wasn't fully engaged in the process at this time. I was completely frustrated and angry with myself but, I was determined to finish what I had started.

Then, in August 2008, the LSI CCLS Chair, Astrid Watterson, CCLS, announced that LSI would be putting on a statewide study group for those interested in participating.

By this point, I was so committed to sitting for and passing the exam I felt I was obligated to share that with others who were interested in studying for the exam. With firsthand knowledge, I could share with my students my very own journey, offer guidance and support, and help keep them on the right path. I became the instructor for my local association. By this point, everyone thought I had lost my mind. Study for the exam and teach a class?

I ended up with four very eager students. And I thought this would be the perfect way for me to study. I'd have to review the lesson plan each week, go over the class work to be covered, and the homework that would be handed out. And, of course, I'd be correcting the homework, too. I thought, "I'll just do the work with the class and that will help me get ready to pass the darn test." Hah! I was sorely misleading myself there. In order to be a thorough and effective teacher, I found that I had to really concentrate on "teaching" and not be a student. This left little time for me to actually study the one and only section I had left to pass.

When the October 18, 2008 exam came up, I went, completed my section, and went home feeling utterly lost and confused. I again doubted every answer I selected and figured I would have to pass in March 2009, which, by the way, would be my last opportunity to sit for the only section I hadn't yet

passed before having to sit for the ENTIRE EXAM ALL OVER AGAIN!

Needless to say, I was a complete basket case waiting for the results to come in. I even pestered the chair of the Certifying Board to see if she could give me some insight as to when the results would be ready.

Then, one afternoon, I was sitting at my desk at work and saw an email come in. It had the usual subject line: "CCLS Exam October 18, 2008." The agony of waiting was finally over and I prepared myself for the worst. However, when I opened

the email, I screamed so loudly, "I did it!" that the entire office came running, thinking something horrible had occurred. My boss congratulated me and said "Now, get back to work!"

When I got home that night and told my husband and daughter the amazing news, my daughter came to me, gave me a big hug and said, "Mommy, I'm so proud of you."

Deciding to study for and take the CCLS exam was a personal decision. While my boss supported my efforts and encouraged me during the journey, he wasn't offering a bonus or raise at the end of the rainbow. It became a mission to prove to myself that, with knowledge of civil litigation procedures only, I could conquer other areas of the

law. I also felt that it would benefit me to see how other areas of the law are handled. As I studied, I was continuing to learn and this helped me with the day-to-day performance of my job. I continue to refer to the reference materials I studied to clarify or answer a question that comes up. I have become more confident in my ability to find answers.

I am now proudly taking educational classes and gathering those precious CLE hours to maintain my certification. I strongly believe that there is never a perfect time to take the exam but you do need to be in the right place to study and sit for the exam. And, more importantly, you have to believe in yourself. □



The Importance Of A Mentor And Mentee

Submitted by
Rio Hondo District LPA



Angela Huggins is a Legal Secretary for Mark R. Weiner & Associates, in house legal counsel for State Farm Insurance. She specializes in Civil Litigation and assisting three attorneys. Angela has worked in the legal field since 1990.

The mentor/mentee relationship is a two-way street, and there is much to be gained from the relationship by both parties. The mentee gains the guidance and training of a more knowledgeable practitioner, and training that is often invaluable in the profession of law. At the same time, the mentor should be open to the new ideas and fresh perspective of the young mentee. Overall, it is a learning process for both parties, and both parties must be willing to learn from the process to make it work.

A mentor is a trusted counselor, guide or coach. A mentor is an advisor, trainer, and teacher. A good mentor is both a good person and a good worker. In the legal arena, the mentor is someone who is able to guide a young secretary in the understanding of law, give instructional advice about local laws and customs, and help the mentee to grow personally, as well as professionally.

The mentor is the key to a successful mentor/mentee relationship. The mentor is the catalyst that begins the relationship and the fuel that keeps it going, although the mentee plays a key role as well.

Qualities of a good mentor:

- **Communication:** Being able to effectively communicate is key to a successful mentor/mentee relationship. A good mentor is able to communicate openly with the mentee. The mentor is able to openly discuss some times delicate issues, including the common frustrations with the practice of law and the sometimes tough ethical issues that arise from time to time. Good communication includes praise when needed, constructive criticism when required, and discussion of issues in a productive manner.
- **Flexibility:** As the mentee grows professionally, the method of communication may need to change. Further, the mentor is generally not the know-all legal sage. The best mentors are those who understand that the mentoring process is a two-way street. They should be excited to learn from them as well.
- **Positive role model:** A good mentor is a positive and loyal person. The mentor is well respected among his or her peers and other practitioners. Young minds are impressionable, even the minds of young secretaries. The person in charge of guiding a young mind should be a secretary with a positive and realistic attitude toward life.
- **Guidance:** A good mentor acts as a guide to the mentee. The mentee is not merely a glorified secretary for the mentor. The mentor should be able to help the mentee learn how and where to find the answers rather than merely providing the answers. This facilitates the mentee's independence, growth, and sense of accomplishment.

(Continued on page 26)

The Importance Of A Mentor And Mentee (Continued from page 25)

- **Honesty:** A good mentor is honest. A good mentor will not sugar-coat or minimize problems or tough issues that arise. Others in the profession will not do so for the mentee. The legal profession is a tough, but rewarding profession. Difficult issues are part of the game. A good mentor will aid and encourage the mentee in learning how to address some of those issues, while at the same time ensuring that the mentee realizes their importance.
 - **Realistic:** It is important to be realistic about the importance of a mentor/mentee relationship. The mentor will not have all of the answers all the time. A mentor should know when to ask for help, or refer the mentee to other sources of information or support.
 - **Be Yourself:** Pretending to be something else will make it harder to be a good mentor and will reduce the effectiveness of the relationship.
 - **Respectful:** Although the mentee is a young or inexperienced secretary, he or she deserves your respect, just as you expect in return. The relationship will go much more smooth and will produce greater results with mutual respect. This includes respecting each other's time, and realizing its value.
3. Be a worthy mentee. Consider what you can bring to a mentoring relationship and why a mentor would be interested in working with you. Understand not just your learning needs but also your strengths, and the areas where you perform especially well.
 4. Build a network of potential mentors. You have to get out and meet other secretaries in your firm or through legal secretaries associations; they are your pool of potential mentors. As you get to know them, consider their particular skills and talents, and what you could learn from them. Later, when you ask someone for mentoring assistance, you are more likely to get it if you have established a personal connection – and a reputation for integrity. As you form these relationships, be generous with your time and assistance, and be a person who can be trusted. Do not underestimate the value of small courtesies and considerations extended to others.
 5. Understand yourself. What are your ambitions? What drives you? What are your priorities? What do you want to learn? The better you understand your needs and learning objectives, the easier it will be to set specific goals and find mentors who can help you achieve them.

Qualities of a Good Mentee

1. Be seen as capable, eager and committed to learning. Mentees who are perceived as “rising stars” attract mentors. To create that perception, build a solid reputation as a secretary who works hard and does excellent work. Have a positive attitude. Make yourself visible in the firm through high-profile assignments and committees.
2. Demonstrate your commitment to the firm. They have to believe that you will be in the firm long enough to make their personal investment in you worthwhile. If you want them to be committed to you, you have to be willing to make a commitment to them and to the firm.

6. Appreciate your mentors. Show your gratitude to them and tell others how helpful they have been.

Mentee benefits:

1. Encouragement and support;
2. The opportunity to explore new ideas and insights in attaining their professional goals;
3. Contacts with new individuals and groups that can aid mentees in achieving their career goals; and
4. Gain an understanding in the relationships within the legal community.

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Manners In The Workplace Equals Good Business Sense

Submitted by
Merced County LPA

Did you ever realize when you were growing up how important learning simple manners such as “thank you” and “please” would have in the world of business? Although we think of courteous behavior as being universal, many of us may not take into consideration how the nuances of what is “right” or “manners” are just as important in the business world as they are in our social life.

Manners make good business sense and can easily become a part of your everyday life at work. We all know there is nothing more annoying than working with someone who is inconsiderate and rude.

Today more than ever, in our rapidly changing world where there is the assumption that we are all free to “do our own thing,” it is important to know how to conduct oneself in a business setting. This means being polite to not only your clients, but also to those people you work with day after day. Office etiquette is based on the concern and consideration you show for your co-workers.

Dealing with someone’s irritating behavior in the work place can be one of the biggest time wasters and can lower your energy and productivity. Wherein just one person can make an office a nicer place in which to work; and it’s not just in what you say or how you say it, there are other points to keep in mind, such as:

- Keeping your voice down
- Following office policies
- Offering support to co-workers who need it

Manners are the basis for getting along in all aspects of our lives. Nowhere are they more important than in the business world where so many of us spend so much of our time. Here, the way we behave, along with how well we do our job, determines what others think of us. Whether you are conducting business over the telephone or working with a difficult client or co-worker, good manners smooth the way, and along with dedication and hard work, are the key to success in the working world. □

Cheri Jacobs is a paralegal in the Probate/Estate Planning Department of Berliner Cohen. She has experience in probate, trust administration, estate planning, corporate, and civil litigation. She holds an Associate of Arts degree from Merced College, in Merced, California, and was promoted to a paralegal through her experience in the legal field. She is also a member of the Merced County Legal Professionals Association.



- Being punctual
- Knowing when someone is in a rush
- Setting reasonable deadlines for others
- Giving credit where credit is due
- Avoid shouting for people to come to you
- Being neat and cleaning up after yourself in the kitchen or conference room
- Making a fresh pot of coffee after taking the last cup

Understanding Court Reference Matters

Submitted by
Alameda County LSA

As a legal professional, you are already adept at working with attorneys and clients on cases filed in court. However, there is an entire body of alternative dispute resolution ("ADR"), with which you might not yet be familiar, but may become relevant in many of your cases. As the civil trial calendar continues to be backlogged and overwhelmed with complex issues, the courts have begun to more frequently utilize and/or seek relief through references to Special Masters and Referees.

Court Reference cases are matters the court refers to private ADR providers. In state court, the most common reference matters are those under CCP §§ 638 and 639. CCP § 638 references are "voluntary references," in which the parties stipulate to appoint a private referee to determine some or all of the issues in their filed case. This stipulation must be approved by the court. CCP § 639 references are "involuntary references," in which the court selects and appoints a private referee to determine some or all of the issues in a filed case. In federal court, FRCP 53 allows the court to appoint a Special Master to serve a wide variety of functions which include: discovery management, assisting the court with complex issues, administering class settlements, implementing and monitoring consent decrees, fact finding, and a host of settlement negotiations.

Special Masters and Referees can help judges resolve complex cases. At a basic level, they may review and organize information, and prepare reports for the judge. But they frequently move beyond that to other aspects of civil case management. The duties of a Referee or Special Master can be broad or narrow, depending on the agreement of the parties or the inclination of the court. For example, a court with an over-crowded docket may refer a discovery dispute to a referee with the appropriate time and subject-matter experience

to devote to the case. They can be appointed for pre-trial management or any trial related purpose. The Referee or Special Master may be responsible for determining a limited discovery issue or the entire body of discovery propounded during the discovery phase of the case. Courts also refer entire cases to Referees who can resolve a dispute quickly.

Because of the many benefits of court reference cases, you can be instrumental in making sure that the matter proceeds smoothly for your attorney and your client.

Benefits of Court Reference Cases

One way to assist with court reference matters is to understand the benefits of the process, so you can help maximize those benefits for your attorney and client.

1) Flexibility

Attorneys and clients can craft a process that works best for them and their case, with fewer of the constraints imposed by court rules and other codes. The Referee can help parties narrowly identify the core of the case and disputed issues. Also, a Referee can facilitate negotiations and the settlement of a case. The Referee or Special Master can provide a discovery plan/process consistent with financial parameters. Counsel and the neutral can work together more closely to establish some form of ground rules to prevent unnecessary game playing between counsel or the parties. They can control and allocate costs to avoid any delays. Thus, costs to your client can be reduced because the attorney's time will be focused on the most important issues that will lead to resolution.



Ellen Schuster is an ADR Specialist based in the JAMS San Francisco Resolution Center. She may be reached at eschuster@jamsadr.com.



Melissa Lelaïnd is a Business Manager with the JAMS San Jose Resolution Center. She may be reached at mlelaïnd@jamsadr.com.

(Continued on page 30)

2) Specialized Knowledge Base

A Referee may have more specialized knowledge of the area of law involved in your case. For example, a Referee who specializes in real estate partition actions can work quickly to set up the processes necessary to complete the partition (i.e., hiring a land surveyor). Also, some discovery disputes may be routine and not require any expertise, but many are much more complex. Often, major issues in discovery can involve privilege issues which involves an entire separate body of legal issues, statutes, rules and case law. Factual nuances determine or affect their application. Therefore, discovery motions may vary. Expertise of the neutral draws from their experience with the subject/practice area and their knowledge and understanding of the rules. E-discovery and related issues such as spoliation have given rise to expand the needs for expertise in this area. Because attorneys will spend less time educating the referee on the area of law and the necessary steps, your client's costs will be lower and the case can be finalized more quickly.

3) Individual Attention

A Referee can offer a very "hands on" approach to your case. For example, attorneys may find it difficult to devise a cost-effective case management plan or reach stipulations. A Referee can work closely with the parties to streamline discovery and motions, identify areas of agreement and disagreement, and help reach factual and legal stipulations. The Referee will be primarily focused on the needs of your specific case, not the restraints of a calendar or crowded docket. Simply put, the Referee can devote more time to the case.

4) Faster Resolution of Issues and Motions

Decreased time spent on these issues means lower costs for your client. When issues arise in your case, the Referee can often resolve them quickly, as they can be available for a conference call or other hearing on short notice without the need for a formal motion or other briefing, and can render decisions and guidance immediately. Often, parties are allowed to file letter briefs which are significantly less costly and more time-efficient.

5) Continuity

Having a single Referee or Special Master decide all discovery issues in a case provides some continuity and predictability. With such consistency, less time and money must be devoted to educating various decision-makers on the procedural history or other background of the case.

How Legal Secretaries Can Assist With Cases

You can assist with these cases in several key ways. The first is maintaining open lines of communication with the referee's case manager. Keep the case manager informed of forthcoming issues and motions so he or she can help you plan accordingly. For example, if the case manager is aware that your attorney is about to file several discovery motions, he or she can keep you apprised of the referee's availability for an upcoming hearing. Also, the case manager often has direct access to the court through the judge's clerk. He or she can serve as your administrative access to the court and even set up meetings in courthouse jury assembly rooms without cost.

Another way you can assist is in calendaring. By maintaining accurate calendar information, you can keep track of impending deadlines, conferences, and hearings. This is especially key because reference matters tend to move more quickly than standard court proceedings and deadlines may not be as far apart as they would be in the court.

You can also help your attorney and client by properly filing all materials with the referee, and if necessary, with the court. By knowing at the outset of the case whether all original submissions must be filed with the court, you can save the client money. Often, the only materials that must be filed are Orders or Reports and Recommendations from the Referee or Special Master. Time and costs can be spared when materials aren't filed unnecessarily. Also, sometimes all documents can be filed electronically with the Referee or Special Master. Fewer paper copies means lower costs in materials and mailing. And once documents are properly filed, they are in the Referee or Special Master's hands, meaning you do not have to spend time following up or tracking materials.

As court dockets grow longer and longer and the time it takes to resolve matters increases, references to Special Masters and Referees will increase. By understanding the advantages of handling these matters privately, you can harness their expediency and efficacy to assist your attorney and your client. You might even recommend such a reference matter to your attorney as a way to speed up the resolution of your filed case! □

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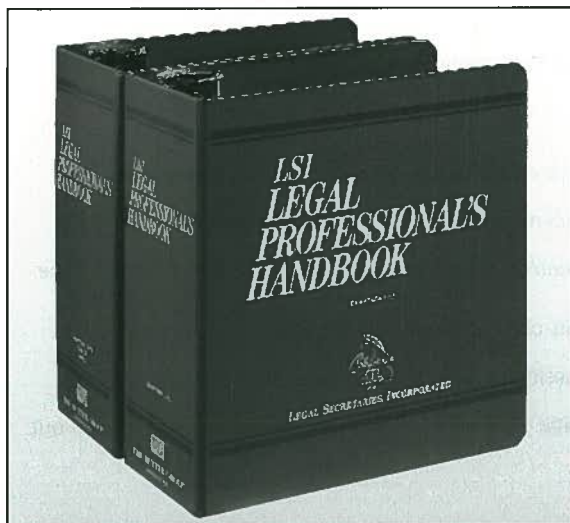
- LSI:** Legal Secretaries, Incorporated – Our state association which is presently comprised of 41 associations.
- LSA:** Legal Secretaries Association – The acronym following all local association names, such as Alameda County LSA.
- LPA:** Legal Professionals Association – the acronym following some local association names, such as Butte County LPA.
- EC:** Executive Committee – The EC is comprised of the elected officers, the Parliamentarian and the Executive Advisor (the appointed officers).
- CEC:** Continuing Education Council – The educational backbone of LSI. This committee is comprised of the coordinator and six officers and chairmen. The CEC oversees the revisions of the CCLS mock exam, the CCLS study materials, and *The Legal Secretary's Reference Guide*, and is responsible for the Officer/Chairman Workshops at each annual conference.
- PRC:** Publications Revision Committee – The PRC is made up of an editor-in-chief, the editor of *The Legal Professional's Handbook*, the editor of *The Law Office Procedures Manual*, and five assistant editors. This committee is responsible for the review and revision of our publications – our main source of income. The editor-in-chief serves as our liaison with our publisher, The Rutter Group.
- CCLS:** California Certified Legal Secretary – A designation which can be attained by anyone who successfully passes an all-day comprehensive examination covering such topics as California procedure, ethics, law office administration, bookkeeping, grammar, and skills.
- LSS:** Legal Specialization Sections – Six sections covering six specialized areas of the law: Civil Litigation, Criminal Law, Family Law, Law Office Administration, Probate/Estate Planning, and Transactional Law. Members may join one or all six sections. Membership benefits include free or reduced-rate registration at LSS sponsored educational programs, membership rosters, and continuing education through information contained in quarter newsletters.
- LPH:** The Legal Professional's Handbook – The most clear, concise procedural handbook for California courts contains cross-references to code sections and other legal publications.
- LOPM:** The Law Office Procedures Manual – Detailed practice forms for every major area of law practice, along with step-by-step instructions. A great resource for training office staff.
- LSRG:** The Legal Secretary's Reference Guide – A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff.

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Overcoming Adversity In Challenging Economic Times

Submitted by
Livermore-Amador
Valley LPA



Anne Louis is a member of Livermore-Amador Valley Legal Professionals Association and currently serving as Governor. Anne began her legal career as a trainee at Chicago Title Insurance Company in 1989. Anne currently lives in Tracy with two large dogs and close to her seven grandchildren.

I think that everyone would agree that these are definitely challenging economic times. We have fears about the future, and struggle with anxiety, what we perceive as unfairness, and insecurity. Never before, in my lifetime, have there been so many negative aspects to the work force. Law firms are closing their doors, cutting back on expenses, and expecting their staff to perform at extremely high levels for either the same pay or less. Legal Professionals are losing their jobs at an alarming rate, families are losing their homes to foreclosure, and the government is cutting back on essential safety services and education for the future leaders, our children, and grandchildren.

I have experienced many personal challenges this past year including a job loss and near foreclosure on my home, and it has been quite challenging to be back interviewing and competing for employment at 59 years of age.

During the first months of my unemployment, I sought a reason for what happened. I took great exception with the following phrase, "everything happens for a reason." I asked, "Why is this happening to me? I am a good person. I don't deserve this." In the past six months, I have decided that the reason behind what has happened to me is simple, I needed to experience these things in order to make a difference in someone else's life. I also may have needed to be more humble and grateful for all the blessings in my life. I made a commitment to reach out to people who cross my path that are suffering and offer assistance in any way that they need. These new friends have enriched my life and I hope that I have made even a small difference in their lives.

When people discuss their present life situations, I listen. I think that is enough for most people. They do not really want a "fix" to their situation. They want simply to have a friend, to know that someone cares. What concerns me is that I have heard from my peers in the legal profession often about their amplified workload.

I hope that if you, the reader, of this article are employed, take a breath, be patient, be grateful and do the best that you can to be a positive member of your firm. Take care of your health, as increased stress causes a multitude of health problems. Cherish time with friends and family.

When I stopped concentrating on myself and started to focus on others, I started to attract many positive aspects into my life. More and more job opportunities are appearing. My lender has offered a modification of my loan, which will enable me to stay in my home. I have spent many hours caring for my two small granddaughters. I have met people that I never would have known if I were continuing to go back and forth to work. They have enriched my life and I hope that they will be lifelong friends.

In situations of great stress, humans bond together. If you remember, September 11, 2001, that is exactly what happened. I hope that you never forget how kind you were to strangers during that most tragic time in this country's history. Remember to cherish your family, your friends, your co-workers and, yes, your boss. Remember to count your blessings every day. Remember to make a difference in someone else's life.

Be confident that this time will end, our economy will improve, and this country will continue to be a positive force in the world. At the end of these trials, your firm will acknowledge your positive influence and you will receive rewards for your commitment.

Henry David Thoreau once said, "If one advances confidently in the direction of one's dreams, and endeavors to live the life which one has imagined, one will meet with a success unexpected in common hours." I believe that this is true. When coupled with a concentration on figuring out how to "pay it forward," I know that you can achieve more than you might ordinarily in different circumstances. Find someone today you can help without thought of receiving any payback. □

From BBQ To Conference – 25 Years And Still Going!

Submitted by
Merced County LPA

26 years ago Linda Pruitt came up with the idea of hosting a BBQ fundraiser to “beef up” the general fund. As anyone who has ever worked on a fundraiser knows, it takes a ton of work, organization and manpower. Whenever a question came up or the inevitable problem reared its ugly head, Linda’s answer was “NO SWEAT, WE CAN DO IT!”

In September 2008 Merced County Legal Professionals Association hosted their “Silver Celebration Under the Stars” and yes, we can still do it, but with a little sweat. This is our only fundraiser for our general fund. All other fundraisers are for our community service projects. But the BBQ is the big one. This sends our members to conferences.

Planning starts 9 months in advance, as soon as a date is secured. Stephanie Harrison volunteered to chair the event and the dreaded phone call came. “Maxine, you won’t have to do much of anything, it will all take care of itself, it will be a piece of cake. Just co-chair this with me and you will see how smoothly it will all flow.” Does this sound a little like “Just trust me!???”

Like all associations, there is a core group that steps up to the plate and really comes through. Linda Pruitt has been in charge of the kitchen for 24 years. This year her two main helpers, one being her boss, deserted her. She was able to put together a new crew and her planning began. And yes, for year 25, SHE DID IT!

Melissa Saltos, our incoming president, and Stacy Mello, our incoming vice-president, were in charge of the silent auction. Baskets for the silent auction were so slow coming in, Stephanie and I started getting concerned (freaked out). But during the last two weeks our membership really came through and, once again, we had a fabulous display of items.

This year we turned our desert auction into a silent auction. It saved time and worked very well, closing after the “basket” silent auction.

Mary Joan Marson did an incredible job of obtaining great raffle prizes and the raffle ticket sales paid for several scrip tickets.

Of course, Don Lee was there at 8:00 am with donuts and coffee energizing our “cleaning and set up” crew. Our tables were decorated with black tablecloths and silver flowers, leaves and candles. Several members wore matching black tops with silver stars.

Dorothy Knox ran the bar as efficiently as she has for the last 25 years. This year she had the help of new member Madeline McBurney and her husband Mike. Madeline had just joined and I told her being behind the bar was the best way to meet everyone attending. She actually thanked me for giving them that assignment and said she and her husband both had a blast. Every time I went to relieve them I was told they were having too much fun to take a break.

Once again, never trust someone who says “Trust me.” Everyone pulled together to make another successful event, but it was definitely not even close to being a “piece of cake.” The group that was at the planning core 25 years ago was still part of the core. Fortunately there was also some “younger blood” helping out. Hopefully they will carry the torch for the next 25 years.

In visiting with other members from other associations, I have learned that our chapter goes above and beyond in getting members to attend conference. We are continually encouraging our newer and younger members to at least give it a try. Our association pays the entire scrip ticket. The only requirement is attending the Board of Governor’s Meeting. MCLPA pays for half of each member’s room, so if you room with another member, your room is paid for. Some members invite their spouses to come along, for the price of half the room. It’s a pretty sweet deal, and there is still time for some sightseeing with your partner.

So by attending conference, our members are taking advantage of the chance to further their education at the sections workshops, having the opportunity to meet new sister members of LSI, sharing the fun and camaraderie, and, reaping the rewards of all the hard work put in during the BBQ! □



Maxine Marchus is a member of the Merced County Legal Professionals Association. She has worked in the legal field since 1984, and has worked for the law firm of Morse & Pfeiff since the partnership began in August 1997, where she is currently the office manager for the firm. Maxine lives in Merced with her husband Duane, and spends much of her leisure time either bonding with two of her granddaughters who live closest to her, or scrapbooking with them.

California eDiscovery Act And Its Potential Impact On Legal Secretaries

Submitted by
San Diego LSA



Micah Kasdan is the Regional Director of Electronic Sales at Teris - Southwest, a service provider that assists legal professionals to manage electronic and paper documents. He consults regularly with attorneys and executives to develop custom methodologies for automating discovery reviews through modern litigation support technologies. Prior to his current position, Micah had worked in customer service and account management at Teris. All told, he has been serving the legal community for over 7 years now.

His professional career has extended to training and public speaking with law firms, conventions and industry organizations such as the Association of Corporate Counsel, International Paralegal Managers Association and San Diego Paralegal Association. Micah has also been published in industry circulations with articles that reflect his interest, understanding of eDiscovery and the litigation support process.

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The discussion of eDiscovery has been a hot topic for legal practitioners and service providers alike for the past 5 years or so. Over this time, we have seen practices mature with their procedures and others sanctioned due to a lack of understanding and preparation. For nearly three years now, rules have been in place at the federal level to ensure that Electronically Stored Information (ESI) does not get left ignored. And since that time, many states have followed suit. In late June of 2009, the other shoe dropped when Governor Schwarzenegger signed into law the California eDiscovery Act.

The impact on attorneys, paralegals and litigation support professionals seems to be clearly defined. How may this affect legal secretaries and administrators? For many larger practices, there is a clear divide in responsibilities to discovery management. In most cases, these responsibilities fall outside of the legal secretary's daily role. However, the newly effective state rules are sure to make some impact on this group.

State practitioners are much more likely to operate without litigation support professionals, let alone paralegals. In the cases of boutique and sole practitioner law firms, often all of the support for discovery and everything else falls on the shoulders of legal secretaries. There is a lot of preparation that is required to prepare yourselves and your firms for dealing with clients' ESI. This article is designed to bring the main themes of the new rules to the forefront to help uncover areas that may require improvement at the practice level.

Although the double standards between paper materials and ESI may be begrudgingly debated behind the scenes, there is no question that more defensible actions are required when addressing eDiscovery issues. At the beginning stages, data identification and collection is a mandatory function to be addressed. Conveniently, there is Safe Harbor language in place to protect clients and law firms alike from unnecessary sanctions related to loss of data. However, in order to realize this protection, counsel must be able to prove with good faith that protecting evidence

was a primary and proactive goal. This usually comes in three phases:

- Legal Hold Notifications must be implemented in a reasonable time frame to help protect clients from themselves. In the regular course of business, data is deleted and destroyed for many reasons. Once litigation seems a potential, counsel must implement a legal hold to inform witnesses and records custodians of their obligations to protect and maintain all data that may be relevant to the matter at hand.
- Firms must have an understanding of clients' data storage methods and usages of electronic files for the purpose for which they are generated. Through witness interviews, legal teams can target potentially relevant data that has been protected by a recently implemented legal hold.
- Data collections will take place to create a clean working set of information to be reviewed and produced in the regular course of discovery. There are many methods for collecting data, from simple Windows copying to forensic imaging. Each lawsuit has different limitations and sensitivities that will help dictate the right approach to gathering data from a clients' site.

Once your potential evidence is protected and collected, inspection and production demands must be addressed. The California eDiscovery act has adopted language similar to its federal counterparts which have added ESI to the language for inspection and production demands. These rules allow for objections to production demands based on inaccessibility and they address the burdens for protective orders. These rules are put in place to keep ESI visible when parties are approaching discovery. By taking lessons from the federal court system, this is where parties may find shelter from production

(Continued on page 36)

responsibilities in the form of a court ruling or court mandated cost shifting.

In many cases, inaccessibility is a byproduct of disaster recovery systems like archival servers and back-up tapes. With an early understanding of your clients' data systems you can help your team create arguments for relief. However, keep in mind how a lack of preparation can negatively affect your approach to handling eDiscovery. If you don't get the court's relief from performing review on data that could be seen as an undue burden, you may find yourselves managing a huge document review with a similarly large price tag.

Now that you have protected your clients' data and budget you must address the increasingly important issue of production forms. The new rules, once again, have similar language to the FRCPs in regards to the actual format of data productions. The main two options for ESI production forms are native files or image files. As the rules are written, the requesting party can specify the form of production of ESI from the opposition. If there is not a specified form of production requested, the responding party may produce in any reasonable format. And, once the production is completed in accordance with these rules, the responding party is not required to produce again in any other format. It is tremendously important that you formulate your production requests with exactness.

Each firm and legal department has its own level of comfort and ability to handle reviews and productions with native or image files. Often attorneys are not aware of the logistical differences between these two options. If you receive a collection that is less useful to your practice's defined workflow, the cost and efficiency losses may be significant. Be aware of your technological resources and aptitudes and make sure you ask for assistance when required. At the support staff level, this aspect of eDiscovery can create the biggest pain points if not handled with care and pro-activity.

There are many considerations that a legal team must address together when preparing for eDiscovery. The more continuity there is with communication and approach throughout the entire practice, the more effective you will be when handling the ESI component of your next matter. As you evaluate or re-evaluate your responsibilities as defined in California Civil Code or FRCP you will likely find ambiguity in the definitions of your responsibilities. However, one thing is not ambiguous—in either of these court systems you are now required to address, manage and produce ESI. It takes all members of a legal practice to handle these duties properly and even more in the legal secretary position when you are the sole support personnel. Start early, take your time and manage with care. □

HAS YOUR ASSOCIATION HOSTED A CONFERENCE LATELY?

In the coming weeks, LSI Executive Secretary, Sandra T. Jimenez, CCLS, will be sending a letter explaining the process to bid to host a future conference, and a Notice of Intention to Bid. Pursuant to Standing Rules 2.3 and 3.3, local associations who wish to host a quarterly or annual conference shall present a Notice of Intention to Bid for each such conference to the LSI President by the February Conference for presentation at the Post-Annual Conference Board of Governors Meeting. The Board of Governors vote on upcoming conferences two years in advance. LSI Conferences are one of the main reasons why LSI is successful. It brings members together to further their education, network with other members, receive updates on the business of the corporation and just have fun. This year, conference bids will be due to the LSI President no later than February 12, 2010. Conferences that will be available to bid are as follows: Quarterly Conferences: November 2011, February 2012, and August 2012. Annual Conference: May 2012. Talk with your association members and consider hosting an upcoming conference. It is an experience you will always remember.

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Examination fee:	\$ 95.00	Examination fee:	\$ 95.00
Total	\$110.00	Total	\$150.00

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

Signature of Applicant _____ Date _____

A Message From The Editor

Editor,
The Legal Secretary



Deborah Rickert, CCLS is editor of The Legal Secretary magazine. She has served LSI as LSS Civil Litigation Leader, PRC Assistant Editor, Registrar, and Editor of The Legal Secretary 2004-2006.

She is currently serving as Parliamentarian of Orange County LSA. Deborah has been a legal secretary for over 25 years, and works at Latham and Watkins LLP in Orange County, California.

As editor of *The Legal Secretary*, I am pleased to say many articles were received for this issue. We had a team breakdown for the last issue but with a bit of coaching, the LSI team came through and hit a home run. This issue contains many articles about a variety of topics filled with interesting and educational information.

Among them, LSI President, Christa Davis' article Building Membership Through Education tells us how the Executive Committee might be thought of as cheerleaders for LSI as they cheer the associations forward through the Officer Visitation program. Mary Rocca's article is an excellent look back at LSI's 2004 – 2006 years and what a great team leader accomplished during her term as President. Brooke Atherton's article on How To Market Your Association is invaluable for all members of our team.

On this LSI team, elected and appointed officers are each assigned to submit one article per year and the local association teams are assigned to submit both a governor and guest writer article. Each printed article by a guest writer is a triple, and earns your Association 100 Chapter Achievement points. Each article authored by a Governor is a line drive, and earns your Association 50 Chapter Achievement points. Every LSI member is part of the team and articles can be submitted at any time during the game. Let's be the best LSI team in the league by keeping those articles coming, earning hits and home runs for the 2009 – 2010 fiscal year. As with any game,

there is no maximum number of hits allowed and submissions from all team members are welcome.

There will be a prize awarded for the Association with the highest score at the end of the season (fiscal year). The game points begin with all submissions received for the August 2009 issue and end with the May 2010 issue. For each article submitted on behalf of an Association whether it is printed or not, one run will be earned. Currently the game is in the second inning with Merced County in the lead, San Diego in second place and Alameda County in third place.



The associations assigned for the February 2010 issue of *The Legal Secretary* are:

Placer County, Redding, Rio Hondo District, Riverside, Sacramento, San Diego, San Fernando Valley, San Francisco, San Gabriel Valley and San Mateo County.

Articles are to be received no later than

December 1, 2009 but can be submitted at any time. Make it easier for your team by asking that articles are sent before the holiday season. That way you won't have to go to bat at the most critical time.

What team are you rooting for? Can you come up to bat and hit a home run? It is as easy as putting pen to paper or fingers on a keyboard. Help your team out – write an article today!

As always, I welcome your comments and any suggestions on how we can improve upcoming issues of *The Legal Secretary* magazine. Please feel free to contact me at any time. □

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November 9, 2009	Deadline to sign up for Legal Specialization Section Workshops
November 13-15, 2009	Second Quarterly Conference Hosted by Placer County LPA and Capitol City LPA Rancho Cordova, California
December 1, 2009	Deadline for submission of articles to <i>The Legal Secretary</i>
January 19, 2010	Last day to register for CCLS March 20th Exam without a late fee
January 29, 2010	Last day to register for February conference and receive early registration discount
February 18, 2010	Last day to register for CCLS Exam with payment of late fee
March 20, 2010	California Certified Legal Secretary (CCLS) Examination Northern and Southern California locations
February 26-28, 2010	Third Quarterly Conference Hosted by San Diego LSA San Diego, California
March 1, 2009	Deadline for submission of articles to <i>The Legal Secretary</i>



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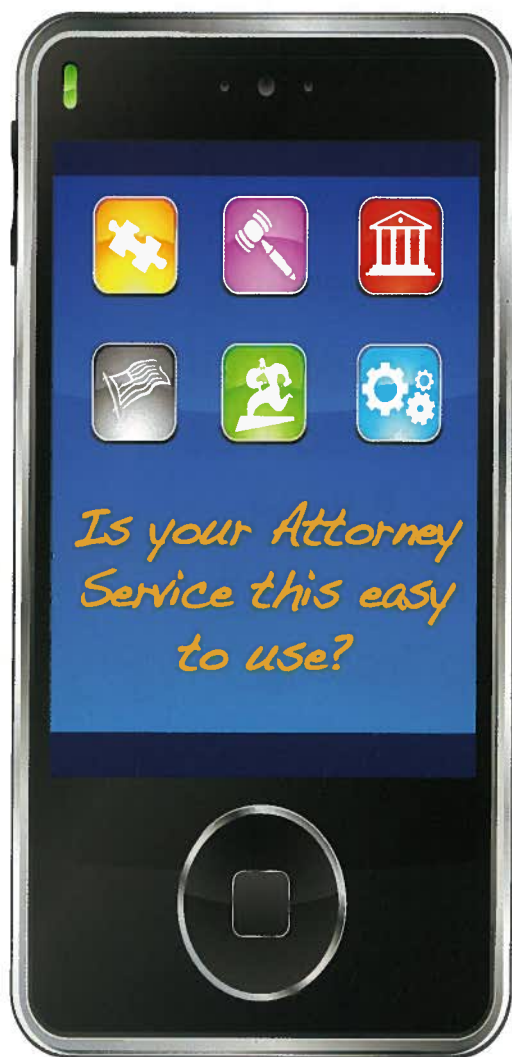
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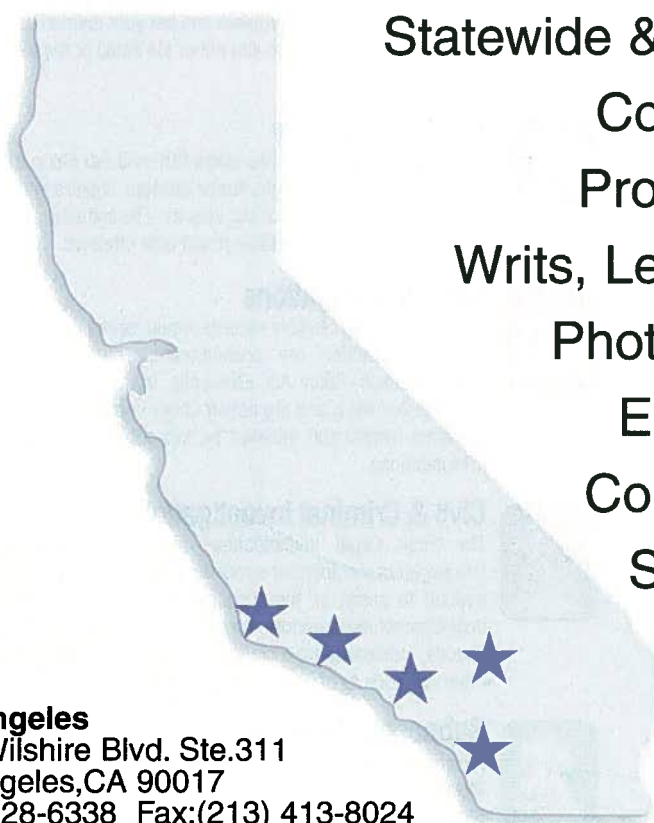
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