

# THE Legal Secretary®



November 2010

A photograph of the Hollywood sign on a hill. The sign is made of large white letters and is set against a backdrop of a dry, hilly landscape with sparse vegetation. The sky is clear and blue. The sign is the central focus of the image, with the word 'HOLLYWOOD' written in large, white, block letters across the middle of the frame.

HOLLYWOOD

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**WHAT IS A CONSERVATORSHIP, ANYWAY?**

JULIA P. WALD





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# THE Legal Secretary®

November 2010

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**BROOKE ATHERTON**  
LSI PRESIDENT

Brooke Atherton is a member of Butte County LPA and currently serves as LSI's President. She has served her local association as Governor, Secretary, President and various other chairman positions. Brooke is the office manager/paralegal at her husband's law office in Paradise, California.

# Education, Leadership, Mentoring

BY BROOKE ATHERTON, CCLS

**M**erced County LPA and Stanislaus County LPA did an amazing job of hosting our August 2010 Quarterly Conference in Modesto, California. The Legal Specialization Sections provided our members with six fantastic continuing legal education seminars. I was able to attend the Probate / Estate Planning and Criminal Law seminars. The Probate / Estate Planning speaker, Mr. Michael Wright, provided a wealth of information about Probate Referees and Mr. Carlos Fuentes, Attorney at Law, spoke about when minors commit adult crimes. The responses from the membership regarding the other Legal Specialization Section ("LSS") seminars was very positive. Congratulations to our Section Leaders for a job well done.

I am very excited about our new membership drive. Our LSI Vice President, Sandra T. Jimenez, CCLS, has provided information on the membership drive in this issue of *The Legal Secretary*. The membership drive begins September 1, 2010 and ends January 31, 2011. The winners will be announced at the February 2011 Quarterly Conference, to be held in Oroville, California, and hosted by Southern Butte County LPA.

The membership drive slogan is, "LSI - Experience It!" This is in addition to the Membership Gain contest sponsored by LSI and announced at the May Annual Conference. Think of the many benefits you have received over the years as a member of LSI. Share those benefits with your fellow legal professionals.

Our membership count at the close of last fiscal year, April 30, 2010 was 1685. Our membership total as of the close of our first quarter, July 31, 2010, was 1377. This is a loss of 308 members. Per Capita from the local associations was slow coming in during our first quarter. This would account for some of the

"missing" 308 members. It is vital that each association submit Per Capita Reports to Jennifer Page, CCLS, the LSI Treasurer, in a timely manner. This will be especially true during the membership drive.

I would like to share a personal story with you on marketing LSI. In August 2008, I sent the August issue of *The Legal Secretary* to my son and added a few post it notes to show an article I had written, my picture in the roster and a brief note on what I had been up to with LSI. Fast forward to January 2009. I am in Texas where I have the occasion to meet some of the men my son served with in the US Army. Upon introduction, almost without fail, these young men said "I saw you in that magazine." or "You're a paralegal, right? I saw that magazine." That's some networking! Young men, not even in the legal field saw our magazine and remembered it!

Why do I mention this? Because each and everyone of us are ambassadors for LSI. We cannot predict how what we share about LSI will come back to us. If members of the 6 - 1 Cavalry Brigade know about our magazine, shouldn't the legal secretary working next to you know about us? I encourage you to share your November issue with one other person. Invite him or her to your next local association meeting. Follow through with your invitation the day before or the morning of your meeting. Remind your guest that you are looking forward to having him or her attend your local association meeting.

I know that we can increase our membership, but it takes the teamwork of all our current members to make it happen. Our conferences are a great way to introduce new members. Encourage your co-workers to attend an upcoming conference, or at a minimum attend one of the Legal Specialization Section semi-



nars. Our November Quarterly Conference is hosted by San Gabriel Valley LSA. I encourage all Governors to attend and for each association to encourage as many members as possible to attend as well.

Why should you attend conference? In addition to multiple opportunities to obtain continuing education by attending the Legal Specialization Section seminars, you will have ample opportunities to network with other legal professionals and learn more about your organization. In addition to the Legal Specialization Section seminars, you will also have the opportunity to attend a workshop conducted by Beatrice Ballance, Personal Fitness Trainer & Certified Nutritionist. Our daily jobs can be stressful enough, and heading into the holiday season can move the stress-out meter into the danger zone. Beatrice will give us tips on how to stay healthy and less stressed.

To register for the November Conference or the LSS seminars being held at the November Quarterly Conference in North Hollywood, please use the registration flyer in this magazine, or visit the LSI website.

Attending conference will inspire and motivate you. Ask anyone who has attended in the past. They will tell you that once you "catch the LSI bug" you need to keep coming back to get your "LSI fix!" **LS**

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**SANDRAT. JIMENEZ**  
LSI VICE PRESIDENT

Sandra T. Jimenez is employed as a paralegal by the Law Office of Sutherland & Gerber in El Centro, California. Certified Legal Secretary, since October 17, 1992. Certified Legal Assistant since June 10, 1988. California Notary Public, commission expires October 20, 2014. Associate of Arts degree in Business from Imperial Valley College. Member, Imperial County Legal Professionals Association. Member, California Legal Secretaries, Incorporated. Positions held: Day in Court Chair 1994-1996 and 2002-2004; Transactional Law Section Leader 1996-1999, received LSI's President's Award for Outstanding Service in 1999, CCLS Chair 2004-2006, LSI Treasurer 2006-2008, and current position LSI Vice President 2010-2012.

# LSI Website - Here Yesterday, Today & Tomorrow

BY SANDRAT. JIMENEZ, CCLS, CLA

**O**ur website address is [www.lsi.org](http://www.lsi.org). The website was initially constructed in 1996 - seems like ages ago, right? But, no, it is only in its teens. LSI has definitely come a long way and still has many more years to go. It is here to stay. The website maintenance falls under the responsibility and duties of the LSI Vice-President. Therefore, the website is constantly being updated and maintained by the LSI Vice President with the assistance of our LSI Administrator. For those who do not know, our webmaster is Scott Herman of WebEditor. He has been with us now for approximately three years and is doing a wonderful job of maintaining our website. It is indeed a pleasure to work with him. He always knows the answer to all questions and he responds quickly, which is indeed helpful. You can see Scott at work in the photograph included in this article.

The website, [www.lsi.org](http://www.lsi.org), was created to make LSI accessible to legal professionals everywhere looking for a professional affiliation. It is a fact that our website is well-visited. For example, in February 2010, we had 70,647 hits, we had 1,975 unique visitors (which means that each visitor was only counted once even though they visited the same page twice). Did you know that our busiest months are conference months? February, May, August and November are active "website" months due to the fact that members visit and download conference registration forms, LSS workshop registration forms, etc. Isn't that great? You can visit the website and know that you can go there when necessary to download information and forms that you need.

The website serves as a dual purpose: (1) it is there for our members, as stated above. With member login, members have access to addi-

tional information specific only to LSI members; and (2) the website also serves as a great marketing tool. It provides information about LSI. Information about who we are, our main purpose and goals, our educational programs and upcoming conference information. Plus all associations (who have a website) are linked for easy access to their local association websites. With just a click you can visit any local association (linked to LSI) and find out more about their meetings and events. Additionally, visitors can even purchase items online from our corporate office. But, the most important fact about our website is the fact that it markets LSI 24-7. Visit the website every chance you get. When visiting, don't forget to click on our advertisers and sponsors. They support us, therefore, let us in return support them.

Now, a couple of questions for you. How often do you visit the LSI website? Did you find the information you were looking for? If not, what information was not there that you believe should be there? If you have a comment or suggestion for improvement, please contact me. I would love to hear from you! It is your website too!

The LSI website, [www.lsi.org](http://www.lsi.org), was here yesterday, is here today in all its glory, and will definitely be here tomorrow. It must always reflect our pride in our organization - LSI. **LS**





**LEGAL SPECIALIZATION SECTION WORKSHOPS**  
**2<sup>nd</sup> Quarterly Conference – November 2010 – Beverly Garland Hotel, North Hollywood**  
**Host: San Fernando Valley LSA**

**REGISTRATION FORM - DEADLINE IS MONDAY, November 8, 2010**

Registration **MUST** be **RECEIVED** by each Section Leader **on or before the deadline.**

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**Friday, November 12, 2010 -- 7:30 p.m. to 9:00 p.m.**

**TRANSACTIONAL:**

Topic: ***Entertainment Contracts***

Speaker: David Evans, Esq.

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**Send to:** Belinda Owens, Transactional Law Section Leader  
 3163 Easy Street, San Diego, CA 92105  
 (W) 858-410-8951 (C) 619-261-9323 (F) 858-410-7878  
 Email: bowens0913@aol.com

**PROBATE:**

Topic: ***Are Your Elders Protected?***

Speaker: W. Todd Stevenson, Esq.

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**Send to:** Linda Moore, Probate/Estate Planning Section Leader  
 c/o Stutz Artiano Shinoff & Holtz, APC  
 2488 Historic Decatur Road, Ste. 200, San Diego, CA 92106  
 Email: lmoore@stutzartiano.com

**Saturday, November 13, 2010 — 10:30 a.m. to 12:00 p.m.**

**FAMILY LAW**

Topic: ***Child Custody Litigation & Evaluations***

Speaker: Linda Grillo, Esq.

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**Send to:** Judith Williams, Family Law Section Leader  
 2368 Lincoln Street, Suite A, Oroville, CA 95966  
 (O) 530-534-8973 (F) 530-534-6551  
 Email: pwplgl2@yahoo.com

**LAW OFFICE ADMINISTRATION:**

Topic: ***Developments in Employment Law for 2011***

Speaker: Susan M. Steward, Esq.

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**Send to:** Sara Mull, CCLS, Law Office Administration Section Leader  
 c/o Harris, Sanford & Hamman  
 PO Box 908, Gridley, CA 95948  
 (P) 530-846-5691 (F) 530-846-5738  
 Email: Sara@sacvalleylaw.com

**Saturday, November 13, 2010 — 4:00 p.m. to 5:30 p.m.**

**CIVIL LITIGATION:**

Topic: ***Subpoena Laws of California***

Speakers: Jack Cambe & Tim Ayre

☐ I will attend   ☐ Section Member   ☐ Non-Section Member  
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**Send to:** Denise Aguilar, CCLS, Civil Litigation Section Leader  
 8279 Philodendron Way, Buena Park, CA 90620-2120  
 (H) 714-670-0210 (F) 714-670-0285  
 Email: daguilar57@att.net

**CRIMINAL:**

Topic: ***Crime and Immigration***

Speaker: TBA

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**Send to:** Cheryl Kent, CCLS, Criminal Law Section Leader  
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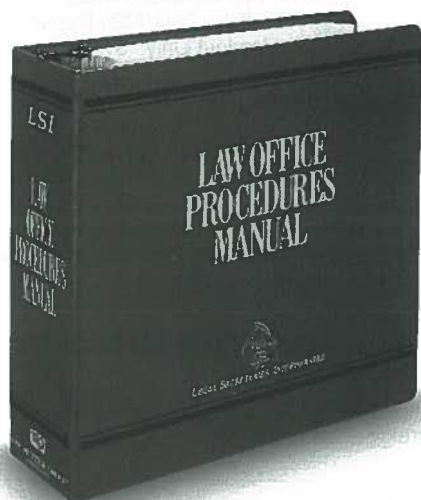
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# Let Us Entertain You

## "In The Entertainment Capital Of The World"

BY LISA DE LA O — NOVEMBER 2010 CONFERENCE CHAIR

**S**an Fernando Valley LSA ("SFVLSA") is very excited to host LSI's Second Quarterly Conference November 12-14, 2010. Our committee has been working very hard to make sure you will be fully entertained with wonderful and memorable experiences as well as educational opportunities.

The conference is being held at the Beverly Garland Holiday Inn located in North Hollywood, California, the gateway to Hollywood. Our theme is *Let us Entertain You "In the Entertainment Capital of the World."* The hotel is 5 Miles from Burbank (Bob Hope) Airport and 17 Miles from Los Angeles International Airport (LAX). The hotel does not offer a shuttle to and from the airport, however, it does offer complimentary shuttle service to Universal Studios, CityWalk, and the Metro Red Line Subway Station. Please contact Super Shuttle at 1-800-BLUE-VAN (1-800-258-3826) or book online at [www.supershuttle.com](http://www.supershuttle.com) for shuttle service to and from the airport. The hotel also has a coffee bar serving Seattle's Best Coffee and teas for your morning coffee fix.

We have a great weekend planned for you. Friday night's welcome reception theme will be "Hollywood Premiere." Be prepared to walk the red carpet into a premiere Hollywood-style with surprise celebrity appearances. On Saturday "Meet Me At The Derby" for lunch, that is the Brown Derby of course. As for the Saturday night banquet, we hope you come dressed in your best awards outfit and tell us who you are wearing for a "Night at the Oscars" with very special entertainment from the James Burroughs High School Choir (think Glee!). As they say in Hollywood "That's a Wrap" for the Sunday brunch. Come casually dressed to get ready for your travels home. We are very excited to have Manny Medrano as our guest/inspirational speaker at the brunch. Mr. Medrano is an Emmy Award-Winning TV Broadcast Journalist, Trial Attorney, and Law Professor here in Los Angeles. The Legal Specializa-

tion Sections have also scheduled great speakers for their workshops. See the Sections registration form in this issue.

Since there is so much to see and do in Hollywood, why not plan on making this a family vacation too. Come early or stay a day or two after the conference so you and your family can enjoy all that the San Fernando Valley, Hollywood, and Los Angeles has to offer. The hotel is offering the conference room rate three days before and three days after the conference dates. Take advantage of the hotel's complimentary shuttle service to Universal Studios, CityWalk, and the Metro Red Line Subway Station.

It's a quick hop on the Metro Red Line Subway to Hollywood & Highland Center for dining, entertainment, and shopping. From there, walk up and down Hollywood Boulevard for more restaurants, shops, entertainment, movie theatres (Egyptian Theatre, Kodak Theatre, El Capitan Theatre, and Grauman's Chinese Theatre), attractions, and nightlife. The Hollywood Walk of Fame is also on Hollywood Boulevard. Keep going on the subway to Union Station and visit Olvera Street aka El Pueblo De Los Angeles (birthplace of the City of Los Angeles) for shopping and dining, or you can visit Los Angeles's Chinatown (a block away from Olvera Street). Take the subway to other stops/stations for more attractions, dining, entertainment, nightlife, and shopping – or just to check out the original themed art in each metro station. There's always a full schedule of tapings at Paramount, NBC and CBS Television City. Just over the hill is Griffith Park, home to the L.A. Zoo, the Museum of the American West, and the Griffith Park Observatory. World famous Farmers Market, Rodeo Drive in Beverly Hills, numerous museums, Venice Boardwalk, Santa Monica Pier, and the Sunset Strip.

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LISA DE LA O

Lisa De La O has been a legal secretary for over 15 years and has been with the law firm of Spencer & Mulally for 14 years. She has been a member of the San Fernando Valley Legal Secretaries Association since 1995 and held various officer and chair positions. Lisa is also an assistant editor of LSI's Publications Revision Committee.



LESLIE AMES

Leslie Ames has worked in the legal field for over 14 years. She is currently employed with the Law Firm of Bragg, Perlman, Russ, Stunich & Eads, LLP, in Eureka, California, working in probate, trust administration, and estate planning.

# Educating California's Legal Professionals

BY LESLIE AMES, CCLS—LEGAL SPECIALIZATION SECTION CHAIRMAN

**O**ur tag line says it all. LSI's mission is to provide quality educational opportunities for professionals working in the legal field. One significant avenue by which these opportunities are provided is through the Legal Specialization Sections.

So why should you spend your hard earned money and become a member of the Sections? In these uncertain economic times, it is not necessarily the one with the most experience will get the job; rather it's the one who shows that he or she has the drive to succeed in his or her selected field, the desire to improve, the initiative to learn, to educate himself or herself and stay abreast of the latest changes, the newest laws the one who strives to be an asset for his or her employer.

The Sections include Family Law, Criminal Law, Civil Litigation, Transactional Law, Probate/Estate Planning, and Law Office Administration. As a Section member you:

- Receive a quarterly newsletter prepared by the individual Section Leaders containing up - to - date information, including changes in the law, new forms, and relevant legal articles.
- Are entitled to attend quarterly educational seminars free of charge (with advance registration) where you have the opportunity to obtain continuing education credit in the areas of law indicated above. This is extremely helpful for California Certified Legal Secretaries (CCLSs), paralegals, and attorneys.
- Receive a statewide roster of all members in all sections for easy access to local procedural information in other counties, thereby expanding your networking forum

statewide.

- Respect from your employer when you pass on valuable information obtained at workshops and seminars.

At \$20.00 per section or \$75 for all six sections (a savings of \$45!), annual dues are some of the most reasonable you will find among professional organizations.

The times, they are a - changing, my friends. We can no longer rest on our laurels and continue with an attitude of "my years of experience alone will provide me with the best opportunity for employment and advancement." Education - Initiative - Desire - Drive these are the tools by which you can and will succeed. And the Legal Specialization Sections are here to assist you. So come on! Join us! You won't be disappointed. **LS**

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# Accept The CCLS Challenge

KATHY NELSON, CCLS — CCLS CERTIFYING BOARD



KATHY NELSON

If you are reading this article, thinking "I would like to be a CCLS but just don't have the time," I can tell you that the only thing standing between you and the CCLS title is YOU (or should I say your attitude).


I am a strong believer that a person can do anything they truly want to achieve. There will be bumps in the road as you study for the exam, but that's life. I had bumps in the road while studying for the exam, and I know there are many other CCLSs that faced obstacles and distractions as well.

Why should you become a CCLS? How about pride in your accomplishment? Or the possibility of job advancement or a better salary? Becoming a CCLS is a great accomplishment and not an easy task. It is something you (and your boss) can take pride in. It gives you self-confidence. It IS a worthwhile goal. Don't let the "negative nellys" convince you otherwise.

If you are studying for the exam and have questions, or if you are interested in more information, please send me an email at [kathy@sacvalleylaw.com](mailto:kathy@sacvalleylaw.com). My goal is to help anyone taking the exam to be successful.

I would like to offer my congratulations to the newest CCLSs:

Launa Atkinson, CCLS	David Casey, CCLS	Tereta McClory, CCLS
Lynda Kovalcheck, CCLS	Michelle Tice, CCLS	Sara Mull, CCLS
Sarah Drellich, CCLS	Sophia Albov, CCLS	Andrea Savig, CCLS
Teresa Kleeberger, CCLS	Dianne de la Rocha, CCLS	Bryana Schroder, CCLS
Patricia Remington, CCLS	Beverly Govea, CCLS	Nancy Vanderhorst, CCLS
Pamela Zwillinger, CCLS	Susie Hryekewicz, CCLS	Vanessa Vargas, CCLS
Sheba Candor, CCLS	Becky Kirby, CCLS	Laura Welch, CCLS
Lisa Martinez, CCLS	Mary McCall, CCLS	Diane West, CCLS

The new CCLSs in attendance at the May conference were recognized and honored at the CCLS luncheon and again at banquet. Congratulations to you all! You deserve all the recognition and accolades bestowed on you! Good luck to those taking the exam in October. 

Kathy Nelson is the California Certified Legal Secretary Chairman for Legal Secretaries, Incorporated. She has been employed by the law firm of Harris, Sanford & Hamman in Gridley as a paralegal/bookkeeper for 13 years. She is a member of Butte County Legal Professionals Association where she has served as treasurer, secretary, and vice-president. Kathy can be reached at [kathy@sacvalleylaw.com](mailto:kathy@sacvalleylaw.com).

## LSI - EXPERIENCE IT!

Legal Secretaries, Incorporated ("LSI") is launching its 2010-2011 statewide membership drive with the slogan: LSI - EXPERIENCE IT! LSI is excited and enthused about this new member campaign and know that once legal professionals "experience" the educational benefits of LSI, they will renew their membership for years to come and become life-long supporters of Legal Secretaries, Incorporated.

The campaign will run from September 1, 2010 through January 31, 2011. This statewide drive provides that each new member brought in to a local association will earn an opportunity to win. There will be a variety of special prizes for the local associations that gain the most "new" members and winners will be announced at LSI's February 2011 Quarterly Conference in Oroville, California.

We ask that local associations join LSI in this worthwhile endeavor. Take advantage of this wonderful opportunity to be an integral part of LSI's growth! Now is the time to promote your local association and invite potential members to Experience LSI!

For more information, contact LSI Vice President, Sandra T. Jimenez at [sjimenez52@yahoo.com](mailto:sjimenez52@yahoo.com).



PENELOPE GLOVER

Penelope Glover is an attorney at Atkinson, Andelson, Loya, Ruud & Romo law firm and advises school districts, county offices of education, and community colleges on issues of liability, technology use, employment, labor negotiations, and student discipline. While Ms. Glover's primary practice is Education Law, she is also an experienced private sector litigator who handles state and federal employment discrimination matters.

# Dealing With The Cyberbully At Work And School

BY PENELOPE GLOVER, ESQ.— SUBMITTED BY HUMBOLDT COUNTY LPA

Whether we clock-in and out or log-on and off, we are using technology from the moment we arrive at work until the moment we depart. At work, we are "encouraged" to use technology. We sign computer use agreements acknowledging, among other things, that we have no expectation of privacy, we cannot download inappropriate materials, and we must not damage our employer's technology. Although we are also subject to anti-harassment policies, we often forget that such policies apply to one-on-one, telephone, and online communications. As a result, we frequently tolerate the office bully or "cyberbully" who can be rude, offensive, and downright mean, particularly in email communications.

As an attorney representing school districts and county offices of education throughout California, I have seen firsthand how schools have responded to cyberbullying among students. Schools have generally been less than tolerant toward cyberbullying and, as a result, have sometimes overstepped constitutional boundaries by disciplining students for online communications which were ultimately deemed "free speech." In a recent Los Angeles Times article, it was suggested that an unpublished federal court decision (*J. C. v. Beverly Hills Unified School District*) may have granted students "a right to be mean online."

Although some may believe there is a "right to be mean," there are steps you can take to protect yourself and others from bullies and cyberbullies, whether at work, home, or school. First, familiarize yourself with the applicable policy for submitting a complaint. This will be particularly important if you do not feel comfortable speaking directly with the person who is engaged in the offensive conduct. Second, report the incident or bullying behavior. If you are concerned about a cyberbully at school, for

instance, the school district or county office will have a board policy and procedure for submitting a complaint. Although not all employers have formal complaint procedures, there is usually some mechanism in place for reporting employee concerns, particularly if the concerns involve alleged harassment. Remember that, whether the conduct is at work or school, it will likely not stop unless the right people know it is occurring. Third, when you report the incident or behavior, articulate the impact upon any affected persons and identify all potential witnesses. Fourth, once you submit a complaint, be patient as your employer or the school investigates.

Although privacy laws may prevent you from being provided with detailed information about all steps being taken to curtail the perceived bullying, the person investigating the complaint will likely gather facts before recommending any discipline or changes. The investigator will want to know things like, what was the nature of the communication (e.g., violent and threatening), how many people know about the communication, where and when are people discussing it, and whether there have been similar communications in the past.

Even if the facts uncovered during an investigation do not legally support regulation of speech, a good faith report of bullying, harassment, or cyberbullying may alert an employer or school to a potential problem which needs to be addressed on some level. It may also alert the employer or school to the need for training and new or revised policies on harassment, cyber citizenship, and ethics.

Whether we embrace or merely tolerate technology, it is here to stay. Fortunately, we do not have to tolerate the bully or cyberbully at work, home, or school. **ES**



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JULIA P. WALD

Julia P. Wald practices in the Law Offices of Julia P. Wald in San Rafael, California. She formerly practiced at Law Offices of Julia P. Wald in San Francisco for 25 years. Ms. Wald is a member of the California State Bar and has been certified by the California Board of Certification as a Certified Specialist in Probate, Estate Planning & Trust Law since 1990. Super Lawyers picked Julia as a Top Attorney in Northern California in 2010 for the sixth time and for the second year in a row.

The Law Offices of Julia P. Wald is engaged in simple and complex estate planning for single people, married couples, life partners, and handling administration of their estates.

# What Is A Conservatorship Anyway?

BY JULIA WALD, ESQ.—SUBMITTED BY MARIN COUNTY LPA

**A** dults who cannot care for themselves or manage their finances may be provided with a court-supervised Conservator. A Conservator can make medical decisions, handle the finances, make investments and protect the client from personal mistreatment, fraud or theft.

## EXACTLY HOW IS A CONSERVATORSHIP STARTED?

First there is the problem or the perceived problem.

Maybe your mother or your aunt, your brother or your nephew starts to forget things. Maybe this happens over time, gradually, or maybe it happens very quickly after your dear one has a head injury, is in an automobile accident, suddenly has a stroke or silent heart attack you didn't even know happened.

Whatever the start is, one day you notice this forgetting is getting worse. At first perhaps you are irritated. "How could you forget to meet me for lunch?" you say (or think). "We talked about it just yesterday." Later you check in with others and discover the forgetting is frequent...then time passes and you discover something like your loved one has late payment charges on unpaid bills, is forgetting to eat, or most undignified of all, forgetting to use the bathroom on time.

As the forgetting continues and gets more serious, you and others try to talk to the person. You may ask, "Can I help with the bill paying?" "Could we arrange for Meals on Wheels to bring you a nice hot lunch?" But dignity and pride are at stake and FEAR, so much fear. While you are wondering, "What's going on here?" the other person may be thinking, "OH NO NO NO, am I losing my mind?" As the certainty of that sets in, the reactions are as varied as people are, but how could there be no fear?

In the midst of the fear, if anyone mentions the problem, one reaction may be to deny any problem. Isn't sweeping a problem under the rug one way to prevent it, to make it go away? Another reaction may be irritation and anger. Almost certainly there will be cover ups. A question like, "What did you have for lunch?" may get the vague answer, "Oh the usual". If you say, "Oh, a sandwich, was it good?" Whatever was actually eaten, the answer is likely to be, "Yes, it was perfect...." and then a quick change of topic, very polite, "And what did you have for lunch?"

Then there is the decision to do something.

## PILLS FROM THE DOCTOR

Medication may improve the condition for a while. First there might be a doctor's visit; medication may be prescribed which improves the condition for a while. But then...

Later, it may be necessary to go to a lawyer, a lawyer who specializes in creating Conservatorships. You really want to see a lawyer who has done this lots of times before. Don't go to your neighbor who does corporate law or personal injury cases or even to your cousin who only does estate planning but has never done the papers for a conservatorship. Go to a law firm where attorneys and paralegals work on Conservatorship matters every day of the week. Lots of experience makes for better outcomes, and sometimes for finding ways to avoid a Conservatorship all together. Believe me, you never want to initiate a Conservatorship proceeding unless there is no way to avoid it. NEVER. But you absolutely do want to initiate a Conservatorship proceeding to protect someone who is "losing it" or, even worse, is being taken advantage of and you do need to do it NOW.



In my experience, some potential clients come to me thinking, reluctantly, that a Conservatorship might be needed, really knowing in their heart of hearts that something needs to be done. In these cases, Dad or Aunt Matty is writing checks to certain charities every time an envelope comes asking for a donation ...that is 2, 3, 4 times a month, and sometimes overdraws the checking account, or Uncle Mike's alleged girlfriend is taking him for a ride for all he is worth and he will be wiped out with no way to pay for his care and you can't cover his expenses when that happens. When the well person comes for a consultation for the Conservatorship sometimes they lose heart and go away and do nothing. **DON'T BE ONE OF THESE PEOPLE.**

If you have gone so far as to choose a lawyer, make an appointment **AND** go to the lawyer's office, you know something must be done. I have had the reluctant client come back six months or a year later, and the mess is so much worse, Aunt Matty has no checking account or the "girlfriend" has left with as much money as she could extract from Uncle Mike.

### **CONSERVATORSHIP IS A COURT PROCEDURE**

First and foremost in California a Conservatorship is a court procedure; a court procedure that happens in the Probate Court.

The court is asked to declare a person has lost capacity; then, if the judge is given enough evidence that in fact the person has lost capacity, the judge will make an Order that says so and that says who will take charge. After all, if someone has lost capacity, that means that person cannot make decisions in his/her own best interest and a helper better be put in place to make those decisions.

First, a vocabulary lesson: the person who has a Conservatorship established for him is called the conservatee; the person who is put in charge of the conservatee is the conservator. It may help you to keep the difference straight if you think about the words employer and employee. In each situation, the boss person is the person whose title ends in "r."

Probate Court may appoint Conservators for people who are unable to take care of themselves and/or their finances. The Court appoints a Conservator to protect the proposed Conservatee from serious health problems and/or from undue influence in financial matters.

The procedure for establishing a Conservatorship is to file a Petition with the Court to obtain Letters of Conservatorship. Along with the Petition, there are a number of other forms that are filed with the Court. These additional forms outline the reasons for the Conservatorship, information on the proposed Conservator, and a list of close relatives and friends.

After the Petition is filed, the Court appoints a Court investigator, usually a social worker. The Court Investigator meets with the proposed Conservatee and contacts relatives and friends. The Court investigator writes a report with a recommendation as to whether the Court should appoint a Conservator. Usually

an attorney is appointed by the Court to represent the Conservatee. The advantage of a Conservatorship is that there is court supervision which protects the Conservatee from abuse. Sometimes there is no alternative to a Conservatorship if the proposed Conservatee will not accept assistance voluntarily. The Conservatorship is reviewed by the Court after six months and then annually thereafter.

### **WHAT WILL IT COST?**


Now you may be asking: What will it cost me to start a conservatorship? And why should I have to pay? Those are good practical questions. Let's start with the issue of **WHO PAYS**. That is, who will be out the expense of the attorneys' fees and the filing fee (and other court costs) that must be paid to start the court case.

California case law has resolved the issue of who pays for the attorney's work to initiate the Conservatorship. The person for whom the Conservatorship is established pays for it. This person will also pay the court costs, which include the filing fee and cost of court personnel who investigate the situation.

That makes sense: the person who benefits from the court proceedings pays for the benefit. But it is not as if the person who is put under the Conservatorship whips out a check book and pays the lawyer and the county clerk. After all, the whole problem is that this person has lost capacity and may not want the Conservatorship.

Here is what actually happens. As hypothesized above you have decided it is time to start a Conservatorship proceeding and have selected a lawyer to do it for and with you. The attorney you hire will decide on what financial arrangement to make with you. The two most likely options are: (1) You will agree to pay the attorney and later the attorney will ask the court to make an order for you to be reimbursed out of the money of the conserved person. (2) The lawyer will agree to do the work and not be paid until after the Conservatorship is established. Then the lawyer will ask the court to make an order for his/her fees to be paid out of the money of the conserved person.

You may wonder what happens if you ask the court to appoint a certain person as the conservator and someone objects to that person being appointed; then ultimately someone else is appointed conservator. Can you still get a court order to pay the attorney's fees from the conservatee's money? Yes. This kind of thing happens frequently enough that the court is not surprised if the actual person who becomes conservator is different from the person originally proposed. The problem would occur if you started a conservatorship proceeding and dropped it before getting a conservator appointed. In this situation, the conservatee would not have to pay the costs of a half-done case when no Conservatorship was created.

For the sake of your loved one, **ACT NOW**. Retain a lawyer to get the Conservatorship established. 



DANA CARLSON

Dana Carlson is Bulletin Editor for El Dorado County Legal Professionals Association. She has worked for the law firm of Zitomer & Roberts, P.C. since March 2000 as a legal secretary, working her way to a paralegal status. She is an associate member of the El Dorado County Bar Association and lives in Cameron Park, California.

# First Impressions

BY DANA CARLSON—SUBMITTED BY EL DORADO COUNTY LPA

I have worked in a law office for nearly half of my working life. The other half I worked in insurance offices, financial offices, real estate offices, and a few others. In all offices, the first impression of the firm or company is absolutely the most important impression. Whether you answer phones, greet people, assist with client intake, attend meetings, or act as liaison between client and attorney on their case, making a lasting impression is vital.

Have you ever walked into an office, only to be taken aback by an impatient or inattentive person sitting behind the desk? Have you ever blindly contacted a service company out of the phone book, or called to ask questions regarding the services it provides, only to find that the person taking the phone call just does not have the time of day for you?

After 10 years with Zitomer & Roberts with all the highs and lows, busy and slow times, what keeps me going day in and day out are the PEOPLE: our clients and our potential clients. Like many of you, I wear several hats in my office. I am receptionist, file clerk, janitor, legal assistant/office manager, and yes, even the paralegal, so most days are busy and some days can get unbelievably hectic. However, when a client walks through our door, everything I am doing stops! It matters to me that our client feels more important than paper, tasks, or projects. I take care of the person first. Coming to an attorney's office is not usually a pleasant event, so the least I can do is to make sure they know that I care and to make sure they are comfortable while they wait.

The same goes for the phone calls; if I cannot at the moment dedicate enough time to the person on the phone; I will ask if I can call them back. The potential clients who contact our office by looking in the Yellow Pages are completely up for grabs. Are they going to make an appointment if I do not talk to them with courtesy and respect, giving them the time and information they need, albeit within

reason? No, they will cross us off their list and move on to the next firm.

If you do not give 110% when answering your phone, you have lost a potential client. Most of us bear the responsibility to make sure questions are answered, we sound positive, and if we cannot answer a question, we let our future or current client know we will speak with our boss or supervisor and return the call at our earliest opportunity.

Whenever your client(s) just drops in or arrives for an appointment before your attorney is ready, give them priority over what you are doing, and let the answering machine pick up the phone for a couple minutes while you engage your clients in conversation. Make them feel like they matter and that you care about their time. Remember, they are the ones paying attorney fees, and no one likes to pay attorney fees; I am sure we can all admit to that!

In today's tough economic climate, customer service is absolutely one of the most important aspects of any business. Despite the work day we might be having, even our own financial or personal challenges, our firm's potential or existing clients need to feel that they matter more. This is true whether they walk in or call.

Our jobs these days usually include acting as receptionist, legal assistant, paralegal, counselor, or therapist, you name it. And that means we have to shift gears from an efficient multi-tasking, logical professional to a patient, attentive, thoughtful human being. Often, this may challenge us, but it is vital to our firm. Every legal client needs some understanding. How gracefully we engage each client makes an impression regardless of where we fit into our firm. By handling each encounter with respect and compassion, we are confronted with fresh opportunities which prepare us to always make the best of the first impressions.

LS



# LEGAL SPECIALIZATION SECTIONS

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### 2010-2011 MEMBERSHIP APPLICATION / ANNUAL RENEWAL FORM

Complete and mail with your check made payable to LSI, for \$20 for each section, or a total fee of \$75 per year to join all SIX sections simultaneously if an LSI Member, or \$40 for each section or a total fee of \$150 per year to join all sections simultaneously if joining as a non-LSI member.

Mail to: **LESLIE AMES, CCLS, Legal Specialization Coordinator,**  
**4248 Crestview Place, Eureka, CA 95503**

Enclosed is payment of my dues for the fiscal year **8/1/10** through **7/31/11** for the following Section(s). Please check appropriate boxes below for the sections you are joining.

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**TERRIE QUINTON**

Terrie Quinton has been a legal secretary since 1985, and is a member of San Diego Legal Secretaries Association. Terrie obtained her CCLS in 1997, and has since served four years on the CCLS Certifying Board, and is currently the CCLS Chair for her local association.

# Why Should You Take The CCLS Exam?

BY TERRIE QUINTON, CCLS—CCLS CERTIFYING BOARD

**W**e all have our own reasons for taking the California Certified Legal Secretary exam, or for not taking it. Reasons for taking the exam might include proving to yourself or your employer that you can do it, or it's just another challenge to conquer, or your employer may recognize you with a raise and/or bonus for passing the exam. These are all great reasons for taking the exam, but what about the reasons for not taking it?

1. I don't know what the CCLS Exam is. The California Certified Legal Secretary exam is an 8-hour exam given twice a year (March and October), and tests your knowledge in the following areas: California Legal Procedures (litigation, business, probate, family, and real estate), Legal Terminology (terms used in the areas of law covered in California Legal Procedures, citations), Legal Computations (calendaring, math, and light bookkeeping), Ability to Communicate Effectively (grammar, punctuation, etc.), Skills (using what you know), Reasoning & Ethics (making the right choices in various situations), and Law Office Administration (filing, computer knowledge, etc.).
2. My employer doesn't know what the CCLS exam is and won't recognize me for passing, so why bother? Many employers don't know what the CCLS exam is all about, but if we all educate them as to what the exam consists of, what is involved in studying for the exam, and what the benefits are of having a CCLS on their staff, they will become more familiar with the program, and more likely to recognize CCLSs on their staff.
3. I don't have time to study. Your association might have a study group - if not, start one.

Anyone can conduct a CCLS study group. The study group can meet less often at the beginning (usually once a week), but as the exam draws nearer, might want to meet more often (two or three times a week) to review material. Study time outside of the group meetings is individual, and is up to the discretion of the examinee depending upon their needs. You can fit study time in just about anywhere - an extra 10 minutes every morning before leaving for work, on the train or bus, in the car (using audio tapes), lunchtime - anywhere you can find the time. You can even study while you work - turn off your spell check and grammar check features on your computer, keep your Gregg Reference Manual, California Style Manual, and LOPM/LPH handy and look up anything that comes across your desk. I know your bosses will appreciate the extra attention to detail, and you will appreciate the extra study time! While it is a good idea to participate in a study group, it is not necessary, and that would leave it entirely up to the examinee to fit in their study time where they can.

4. I can't afford to take the exam. The books are expensive, and the exam fee is not cheap. However, study materials can be borrowed. Many CCLSs will loan their materials to examinees. In some cases, your employer may already have some of the materials you will need to study. Your employer may even pay for your exam fees!
5. I can't maintain the required continuing education credits. CCLSs are required to complete 15 hours of continuing education credits every three years. Your association may offer CCLS credit for seminars, you can get 3.75 CCLS credits at every LSI conference

**...Continues on page 33**



# A Brief Look At Motions

## For Summary Judgment And Summary Adjudication

BY DEBORAH LEVINE, ESQ. — SUBMITTED BY RIO HONDO DISTRICT LPA



DEBORAH A. LEVINE

**V**irtually every opposition to a summary judgment motion includes a variation of the following argument: Summary judgment is a drastic procedure that must be used with caution. While that is true, summary judgment motions are also an appropriate procedure under the correct circumstances as well as a cost-efficient and expeditious means of resolving a meritless lawsuit or claim. Specifically, a summary judgment motion "pierces" the pleadings and attacks the merits of the opposing party's claims. The motion is properly granted where there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. Essentially, the Court conducts a trial of the evidence based on the applicable law.

A motion that challenges the entire action is a motion for summary judgment. A motion that challenges only a cause of action, an affirmative defense, a claim for damages, or an issue of duty is a motion for summary adjudication. A party may move for summary judgment or, in the alternative, summary adjudication of issues but a motion that only asks for summary judgment cannot be treated as a motion for summary adjudication. Motions for summary judgment are most often brought by the defendant. Plaintiffs usually only move for summary adjudication of one or more of a defendant's affirmative defenses.

Nearly everything one needs to know about motions for summary judgment and summary adjudication can be found in Code of Civil Procedure section 437c and California Rules of Court, Rules 3.1350 to 3.1354. The motion must strictly comply with all statutory requirements. It cannot be made until at least 60 days after the opposing party's general appearance in the action. It must be heard at least 30 days before trial unless the Court orders otherwise. It must be served at least 75 days prior to the hearing date unless the parties stipulate to shorter notice. The Court cannot shorten the 75 day notice period. It must be accompanied by a sepa-

rate statement setting forth both the material facts and the supporting evidence. The Court can only consider the facts and evidence contained in the separate statement. Failure to comply with these statutory requirements will result in denial of the motion.

In determining whether or not a summary judgment motion is appropriate, there are two important factors to keep in mind. First, what are the material facts of the case. Facts are material only if they relate to a claim in issue which could make a difference in the outcome. For instance, if plaintiff claims he fell because the tile floor was slippery and defendant moves for summary judgment on the ground the tiles were not slippery, it is immaterial that the tiles may have been installed by an unlicensed contractor. Second, is there any conflict in the evidence that is relevant to the material facts. Since the Court cannot consider the credibility of the witness when ruling on the motion, if two witnesses give conflicting testimony about material facts a summary judgment motion most likely will not be feasible even if one of the witnesses is not a credible witness. Summary judgment cannot be granted if there are disputed material facts.

The scope of a summary judgment motion is determined by the pleadings. The moving party must address all the allegations in the pleading. The opposing party may not raise a new, un-pled legal theory to defeat the motion. But sometimes the opposing party may attempt to seek leave of court to amend the pleading to add new theories before the motion is heard.

The burden of proof is on the moving party. The moving party can prevail on a summary judgment motion in one of three ways. First, he can disprove an essential element of the opposing party's case. For example, if a tenant's dog bit the plaintiff, a landlord can prevail on summary judgment by establish-

Deborah A. Levine is an attorney for Mark R Weiner & Associates, in-house counsel for State Farm Insurance. Deborah has worked as a Law and Motion attorney since joining house counsel in 1994.

*...Continues on page 37*

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# Just SLAPP Me

## What To Do When Faced With A Special Motion To Strike Pursuant To California Code of Civil Procedure Section 425.16

BY CANDICE CAUFIELD—SUBMITTED BY SAN DIEGO COUNTY LSA

If you've recently been served with a Special Motion to Strike pursuant to *California Code of Civil Procedure* section 425.16, consider yourself SLAPPED back. It stings, doesn't it? After the shock wears off, and once your face is no longer red-hot, take some time to dissect *Code Civ. Proc. §425.16*, the "Anti-SLAPP" statute (but I call it the ugly step-sister to the beloved Motion for Summary Judgment).

In 1992, California's Legislature enacted *Code Civ. Proc. §425.16* due to a "disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances." (*Code Civ. Proc. §425.16(a)*). Since then, the intentional and unintentional consequences of the application of this law have been vigorously debated. Although I would love to elaborate, this article simply aims to address the procedural aspects of opposing an Anti-SLAPP motion. That being said, if you and your attorney believe that your client's lawsuit could be deemed a Strategic Lawsuit Against Public Participation (SLAPP), then your preparation for opposing a special motion to strike should begin well before filing your complaint.

As with any motion, immediately following service of the Special Motion to Strike, calendar the deadline to file and serve your opposition papers (nine court days prior to the hearing). You should also assure that the motion was filed within 60 days from the service of the complaint and that the hearing is not scheduled more than 30 days after service of the motion (*Code Civ. Proc. §425.16(f)*). If the moving party fails to observe these technicalities, your attorney should raise the issue of these procedural defects in his/her opposition brief.

Next, prepare your attorney for the eviden-

tiary battle he/she is about to engage in, as *Code Civ. Proc. §425.16(b)(1)* states:

A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States Constitution or the California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

When preparing for an opposition to an Anti-SLAPP motion, legal support staff should focus on the latter-part of *Code Civ. Proc. §425.16(b)(1)*. Gathering and organizing evidence for any lawsuit in itself can be difficult on its own, but when opposing an Anti-SLAPP motion, this task is further complicated since "All discovery proceedings in the action shall be stayed upon the filing of a notice of motion made pursuant to this section. The stay of discovery shall remain in effect until notice of entry of the order ruling on the motion..." (*Code Civ. Proc. 425.16 (g)*). Thus, prior to even initiating the lawsuit, you should ensure that your attorney is well stocked with evidentiary ammunition. Do you have evidence that shows your client's probability of prevailing on the merits? Is this evidence organized? Do you have contact information for important witnesses? Do you have witnesses that are ready and willing to sign declarations in support of your opposition?

Even if you answer the above-questions in the affirmative, note that your attorney can attempt to seek discovery during the automatic stay by filing a motion to conduct specified discovery (*Code Civ. Proc. 425.16 (g)*). If the judge finds good cause and grants the motion, send

**...Continues on page 35**



CANDICE CAUFIELD

Candice Caufield is a member of San Diego Legal Secretaries Association. She is proud to currently serve as a Board Member for SDLSA. Candice received her Bachelor's Degree in History from the University of San Diego. She will be celebrating five years of employment as a Legal Assistant with H. Paul Kondrick, A.P.C. this October.



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**BROOKE ATHERTON**  
LSI PRESIDENT

Brooke Atherton is a member of Butte County LPA and currently serves as LSI's President. She has served her local association as Governor, Secretary, President and various other chairman positions. Brooke is the office manager/paralegal at her husband's law office in Paradise, California.



**ROD CARDINALE, JR.**

Rod Cardinale, Jr. is the President of Santa Clara County LPA. He has previously served as the Ways and Means Chairman. Rod is a Paralegal at Grathwohl, Rauch and Cohen PC one of the leading Estate Planning Firms in the Bay Area since 1972.

# Becoming A Fan Of Facebook

BY BROOKE ATHERTON AND ROD CARDINALE, JR.

**E**ach LSI conference provides an opportunity for local association Presidents, Governors and Members to network and share ideas at luncheons designated for each group. A member of the Executive Committee moderates each luncheon. The LSI President moderates the Presidents' Luncheon, the LSI Executive Secretary moderates the Governors' Luncheon and the LSI Vice President moderates the Membership Luncheon. The LSI Treasurer, Parliamentarian and Executive Advisor rotate the three luncheons at each conference.

I had the pleasure of moderating the Presi-

a Personal Profile and a Fan page is described on Facebook's help center. Profiles represent individuals and must be held under an individual name, while Fan pages allow an organization, business, celebrity, or band to maintain a professional presence on Facebook. You may only create Facebook Pages to represent real organizations of which you are an authorized representative.

In addition, Fan Pages are managed by administrators who have personal Facebook profiles. Fan Pages are not separate Facebook accounts and do not have separate login infor-

**"One of the items discussed ... was the use of social sites, such as Facebook to promote local associations."**

dents' Luncheon at the August Quarterly Conference in Modesto, California, hosted by Merced County LPA and Stanislaus County LPA. One of the topics we discussed was using social networking sites, such as Facebook to promote local associations. I must admit that I was skeptical on the idea prior to the luncheon. However, after a brief discussion, I knew I had to learn more.

One of the items discussed during our Presidents' Luncheon was the use of social sites, such as Facebook to promote local associations. Rod Cardinale Jr., President of Santa Clara LPA, provided information regarding Santa Clara's Fan Page on Facebook and how the Fan Page has increased traffic to their local association's website.

I have a Facebook page, but know very little about Fan pages. Rod agreed to do an interview with me to share more about how using Facebook has increased their exposure to members and non-members alike.

**BROOKE:** What is a Facebook "Fan" page and how is it different from a personal page?

**ROD:** The definition of the difference between

mation from your profile. They are merely different entities on the site, similar to how Groups and Events function. Once you have set up a Page within your profile, you may add other administrators to help you manage this Page. People who choose to connect to your Page won't be able to see that you are the Page administrator or have any access to your personal account.

**BROOKE:** I know that I can set my privacy settings so only my "friends" can see my photos and other items. Can you control privacy settings the same way on Fan pages? What if I tag you in a photo on my Personal page, how do you keep that from showing up on your association's Fan Page?

**ROD:** The Privacy settings of your Personal page are set by the individual. You have total control over what information people can see. It has nothing to do with the Fan Page. For example; if you're a Fan of our Fan Page but you and I are not personal friends and you have your personal settings set to allow only your friends to see your page, I won't be able to see anything on your Personal page. I will see you



as a Fan on the page. You can see what the page says, but I won't be able to see your Personal page.

If you post a picture of me on your Personal page and tag me in the picture, it will only show up on my Personal page. If the Fan page posts a picture with you in it and tags you, it will show up on the Fan page and on your Personal wall only.

The settings on the Fan page are set by the administrator. There are general settings such as which countries can view your page and also an age restriction.

Additionally, there are the wall settings:

1. Default View for Wall. You can set this so all posts by fans go to a separate wall. (See Capital City LPA's page.) They have two different walls - a wall where the administrators of the page post and one where all the posts by fans go. You can also set it so that all posts go to the same wall. (See Santa Clara County LPA's Fan page.) I personally think it is better to have one wall, that way you know people are seeing everything that gets posted.
2. The second wall setting is for who can post on the wall. The Fan page gives the administrator several options for posting on the page. You can either allow fans to write on the wall, post pictures, post videos, and post links, or you can set it where only the administrators can post on the wall. All are separate. For example, you can allow fans to write on the wall, post pictures, but not post video and links. Anyone on Facebook can see the page but only fans, if the administrator allows, can post on the page. The administrators control who is accepted as a fan on the page.

**BROOKE:** Who can be an administrator?

**ROD:** There is initially only one administrator. This would be the person who sets up the page. Once the initial person, who must be authorized to act on behalf of the association creates the page, they can make anyone they want an administrator. Santa Clara County LPA gave administrative abilities to all of its board.

**BROOKE:** You said that traffic to your association's website has increased. Can you share how you direct traffic to your website?

**ROD:** When I became President of Santa Clara County LPA, our website was receiving an average of 9,000 hits a month. Santa Clara County LPA started its Fan Page in early May. Over the past 3 months we have increased our hits to an average of 16,000 a month. I attribute a good portion of that to our Facebook Fan Page. We post flyers and information, then tell the fans to go to our website to download the flyer and to check the "Upcoming Events" page.

Part of our marketing strategy is to go to the local community college paralegal programs. We believe that the 20-something is more inclined to go to a Facebook page, instead of our website. If you tell someone to go to [www.sccolpa.org](http://www.sccolpa.org), they may not remember that. If you tell someone to go to Facebook and search, Santa Clara County Legal Professionals Association, they may do it right there from their phone. We believe that in order to attract new and younger members who will eventually be the foundation of our association; we should go right to where they are.

**BROOKE:** Is Facebook a legitimate and professional advertising option for business and groups alike?

**ROD:** In a 2009 Harris Poll Survey, I found that 49% of all Americans have a Facebook, MySpace or Twitter account. The survey breaks the use of social networking down by age as follows.


74% of Americans aged 18-34 have a social networking page, 47% of Americans ages 35-44 have a social networking page, 41% of Americans aged 45-54 have a social networking page, and 24% of Americans aged 55 and older have a social networking page.

In 2005 only 8% of Americans had a social networking site. That number is now up to 49%. In a new report from The Nielsen Co., Americans are spending a quarter of their internet time on Facebook or other social networking sites. The report said that Americans spent 22.7% of their online time on social networking or blogs in June 2010, a 43% increase compared to June 2009.

With so many Americans using social networking sites, I think it is a no-brainer to jump on the bandwagon. Every time I turn on the TV and see a commercial that ends with, "Visit our Facebook Fan Page for more information," it drives home the fact that Facebook is a legitimate and professional option for advertising.

**BROOKE:** What has been the reaction of your members?

**ROD:** The reaction of our members has been mixed. Just like the Harris Poll described above members 55 and older are less inclined to want to be a part of the Facebook experience, while the younger members are on board 100% with advertising our association on Facebook. Slowly but surely the more seasoned members are starting to see the advantages and the usefulness of Facebook in the 21st century.

**BROOKE:** Rod, thank you so much for the tutorial of a Facebook Fan Page. I am a convert! My local association is joining in, and is now in the process of creating a Facebook Fan Page. 



MIKE MURRAY

Mike Murray is the National Training Director for Barkley

Court Reporters and has been in the legal technology field for five years. Mike graduated with a B.A. from The School of the Art Institute of Chicago in 2002. He currently conducts MCLE

seminars for law firms throughout the state of California and New York. He is a visiting faculty member for the Institute for Paralegal Education and a guest lecturer for San Francisco State University. Mike is

proficient on numerous litigation and trial presentation software programs including Adobe Acrobat, LiveNote, Transcript Manager Pro, Summation and Sanction.

He works closely with Barkley's trial presentation team.

Mike provides training to Barkley's employees and reporters, as well as attorneys, paralegals and legal support staff.

For more information about Adobe Acrobat, please join one of our free webinars. To sign up, visit [www.barkley.com/webinar](http://www.barkley.com/webinar).

# The Death Of Photographic Evidence?

BY MIKE MURRAY—SUBMITTED BY SAN GABRIEL VALLEY LSA

This year Adobe released their latest version of Photoshop, the tool photographers use to edit photos including "touching-up" magazine covers, etc. This latest release is game changing. While it has been possible for years to tamper with photographs and utterly change their content, this new software release makes it easier than ever. What used to take a Photoshop expert hours, even days, to do, can now be done in a few clicks, literally! If you can scribble with the brush tool, you can actually "brush" things out of the photo. I have some examples on our website, [www.barkley.com/photoshop](http://www.barkley.com/photoshop). Each of these pictures took only a few clicks to edit, which is great for touching up holiday photos.

It is unsettling, however, to know that now anyone can be a Photoshop expert and change photos in seconds. There will always be forensic experts that can detect if a photo has been tampered with, but their services are expensive. What does this new feature mean for the legal field?

One interesting tool that Adobe includes with their other product, Adobe Acrobat Professional™, is the Compare Document tool. This can be used to compare the text of documents to detect changes (helpful if opposing counsel is trying to pull one over on you), but most people don't realize that it can also be used on photographs. If you have the original photograph and the one you suspect has been tampered with, you can use Acrobat to indicate each area that has been changed. While the examples on our website are extreme, and do not take a computer to recognize what has changed, you may be faced with more subtle changes that are not readily apparent.

The first step in comparing your photographs is to convert them to PDF. Then, choose

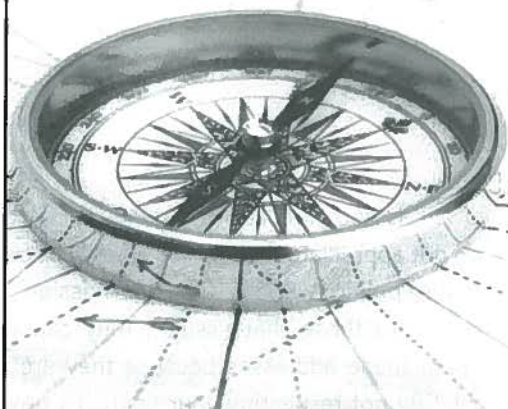
the Compare Documents tool from the Document menu. (NOTE: This is only available in the Acrobat Pro version of the software, not the Standard package.) A pop-up will appear, prompting you to select the two documents/images to compare. After selecting the two images, click OK. Acrobat will now analyze the images at lightening speed and generate a report showing all the areas that have been changed. I will include this PDF report and more examples on our website ([www.barkley.com/photoshop](http://www.barkley.com/photoshop)).

This report is easy to navigate and will highlight each area that has been modified. By hovering the mouse over the area, a pop-up will appear that will indicate what has changed. Clicking on that area will display side-by-side the original and modified areas. You can print the report using the Summarize Comments button (located in the Print dialogue box). In addition to printing the report, you can save it as a PDF.

You may not always have a copy of the original image, but in those instances that you do, Compare Documents is one of the most powerful tools you can use to combat doctored photos. Keep in mind this Compare Documents tool is also effective with documents -- it can compare any two versions of a PDF. I am often asked to compare two versions of a contract or document which is suspected of being tampered with since it was originally created.

As software continues to advance and make it even easier to fool people, technology also creates tools to detect tampering and trickery. I encourage you to learn more about these tools, and not turn away from them in fear and uncertainty. Mastering these tools will increase your value to the firm and ensure no one tries to "pull one over on you." **LS**





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MICHELLE TICE

Michelle Tice has been a legal secretary since 1977 and currently works for Baker & McKenzie, assisting Chair of the North American Litigation Practice Group, Senior of Counsel to the North American Region and a partner in the transactional field. She is Immediate Past President of San Diego Legal Secretaries Association and also served SDLSA as a Director, chaired the Publicity and Charitable Projects Committees and was Secretary and Historian.

# Netiquette

BY MICHELLE TICE, CCLS—SUBMITTED BY SAN DIEGO LSA

## DON'T BRUSH OFF E-MAIL PRIVACY

Do you show a blatant disregard for your contact's privacy? How would you feel if your contacts whether business or personal, decided to take your phone number and give it out to strangers? Strangers who you don't know! Strangers who may use your phone number to contact you about something you're not interested in or worse yet, who may sell your phone number to telemarketing companies to do the same.

The same thing happens with e-mail addresses every single day. We've all had this happen to us and it's not okay. Each day we receive messages or forwarded e-mail from well intentioned onliners listing all those they are sending to in the To: field. And by doing so they are visibly displaying their contact's e-mail addresses to strangers!

If you do this and are thinking "no big deal" you are so wrong! If the only thing all the folks you are sending to have in common is you, you have breached your contact's privacy by publicizing their e-mails to people they don't know. Talk about showing a complete disregard for their privacy not to mention your lack of tech savvy!

Whenever you are sending to a group of onliners, put your e-mail address in the To: field and everyone else's in the Bcc: field and protect their e-mail addresses from unnecessary exposure. There are two common issues that people struggle with:

1. How do I let this person know I don't appreciate them publicizing my e-mail address to people I don't know? What were they thinking!?
2. Is it O.K. to e-mail all the other people whose address is in the To: field along with mine about my business or service?

So as you can see, your contacts not only do not appreciate their e-mail addresses being made public without their permission but there are those that assume they can then spam those addresses because they are visible! By not respecting your contact's privacy you are in fact opening them up to additional unwanted e-mail.

## ATTRACT MORE BEES WITH HONEY

Courtesy isn't only about holding doors open, saying thank you or helping a neighbor - it applies to e-mail as well. By adding courtesy, you are then perceived as someone the other side will want to assist, respond to, go the extra mile for.

We all get a ton of e-mails. To the point where we sometimes have to prioritize and be selective with whom we are going to respond to, in how much detail - or if at all. When you don't include a greeting, a kind question or inquiry and a thank you in advance for your help and sign your name, your request is viewed as demanding and terse. For example:

**Subject: info needed**

***i need to know how to get the details organized the way i like. i am willing to pay a small fee for your assistance but don't want to get ripped off.***

***please rely ASAP!!!!***

Now, how much better is this with just a little effort and courtesy?

***Hello, Oprah:***

***I've reviewed your site and am hoping you could be of assistance. Here is what I would like to accomplish (details here....).***



***If this is something you can help me with, please let me know at your convenience what will be involved in time and cost.***

***Thank you for your time and consideration.***

***Sincerely,  
John Doe***

To think that how your e-mail doesn't make a difference is naive at best. To think that you will have those on the other side scrambling to reply (instead of hitting delete) to a request like the first is simply naive. Courtesy, consideration and taking the time to communicate as a civil human being will speak volumes as to what it will be like to work with you, help you, hire you, acknowledge your request.

Taking the time, making the time to put your best foot forward is always time well spent!

### **HOW DO I ASK THEM TO STOP FORWARDING ALL THOSE SILLY E-MAILS?**

How many times a day do you get silly e-mails? I often hear from several people how to nicely ask someone they know, like or love (possibly you) to please stop forwarding e-mails they didn't ask for or are not interested in. Unfortunately, there is no nice way. No matter how nice, how kind, how thoughtful they may be in asking someone to stop forwarding these "forward to everyone you know" e-mails, the forwarder will either have hurt feelings or get downright belligerent in the belief that they can do what they want.

Hence, this installment for Netiquette. See, the problem isn't really the forwards. It is how they are forwarded. Although the forwarders think they are being thoughtful, in fact they are being proportionality the opposite because they are not forwarding properly.

If one wants to be truly thoughtful, all one has to do is stop and think of the person on the other side - not just what you want to do or what will make you feel important at that moment in time. The three critical issues here are:

1. Forwarding to everyone in your address book. You can bet that everyone will not be interested in the topic of that e-mail. So you need to take the time to choose who you forward to because you know they will be interested.
2. Not including a personal comment to the person the e-mail is being forwarded to. Now, that certainly isn't very thoughtful! If you cannot type a brief comment to the specific person you are forwarding to about why you are forwarding them that specific e-mail, then don't forward it at all.

3. Forwarding jokes and non-business related e-mails to another's business e-mail address isn't appropriate. These type of e-mail should only be forwarded to personal addresses still taking into consideration number one and two above.

To all the thoughtless or naive uncontrollable forwarders out there, if you get asked by someone to not forward future e-mails, kindly respect their request. Don't get hurt feelings and certainly don't act like you have a right to disregard someone's legitimate desire to not get e-mails they have no interest in receiving.

Know that those who make these requests still want to hear from you—they just don't have the time or their e-mail volume is such that extraneous forwards about silly, political or humorous topics that they are not interested in are what they no longer want to receive. This includes those chain e-mails no matter how noble the cause may seem - it's probably hogwash.

If you are sending unasked for forwards to everyone on your list, without comment, maybe you should be more genuinely thoughtful by being selective about what you forward and to whom. A good rule of thumb is that if an e-mail says "forward to everyone you know, all your friends or everyone in your address book" it is best you just hit Delete. **LS**

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BEATRICE BALLANCE

Beatrice Ballance has been working in the fitness industry for more than 20 years. As a Personal Fitness Trainer, she is certified with the American Council on Exercise, Aerobics and Fitness Association of America, American Red Cross, CPR. She is also a Certified Nutritionist with American Health Science University, and a Certified Nutrition Specialist with Lifestyle Management Association.

Beatrice is recognized as a "Master Level" Personal Fitness Trainer with International Association of Fitness Professionals. She writes a monthly newsletter, *Skin & Tone* and writes about health and fitness for the award winning *California State Bar* magazine, *Big News*. Her health and fitness columns appear in the *California State Bar* yearly conference magazine. Beatrice teaches jazz dance, body sculpt and advanced cardio/jam aerobics classes.

She can be reached at [ballancebodyworks.com](http://ballancebodyworks.com)

# Keeping Your Balance At The 2010 Quarterly Conference

## What To Do When Food Won't Fix It

BY BEATRICE BALLANCE

Welcome to the November 2010 Legal Secretary 2nd Quarterly Conference hosted by the San Fernando Valley Secretaries Association. Here you are, away from home and work. What a wonderful opportunity to be able to participate in educational programs, luncheons with distinguished speakers, attend receptions and award ceremonies; a chance to be part of fun-filled activities.

You may make a promise to yourself that during these few days away at the conference, you will not be tempted to over eat or select unhealthy comfort foods when feeling

calories? You need something to keep you awake, make you feel pepped up, not fill an empty stomach. Since you were not hungry, did that drink and pastry fill another need? This is an example of emotional eating. Eating for reasons other than hunger. This is not uncommon during a conference when most legal secretaries don't pay attention to what they are putting in their mouths. The healthier choice would be to lie down and rest or have the coffee without the pastry.

Another case of emotional eating is mindless eating or eating unconsciously. For instance, you keep eating although you are full.

**"Choose comfort foods that are healthy instead of junk food. Have a healthy snack for sustainable energy between regular meals."**

stressed, tired or have low energy. However, breaking the pattern of our habits can seem impossible, especially in a highly intense environment. As a matter of fact, no matter how hard you may try, the thought of food persists.

Ah, food! Here in this lovely atmosphere you believe it will be easy to make healthy food choices because the conference will engage your mind and you won't have to think about troubles. But wait a minute. What if that scenario takes a detour?

After checking in and registering, you're on your way to your room to unpack. You are not hungry but you are tired. Instead of grabbing a quick nap, you stop at a kiosk for a large latté along with a pastry. Key point to note here is that you do not feel hungry; just tired, a little cranky and looking for something to give you energy.

But did you make the right choice by choosing something loaded with sugar and empty

This can happen because you are engaged in an intense and lively conversation, or perhaps you are bored and food is your diversion. No matter. It is still considered emotional eating. What is wrong with emotional eating?

Often over the years, my legal secretary clients come to me after being at a conference, crying the blues over the weight gained or upset about the poor food choices they made during their conference they would never make at home. The food was high in fat, sugar or salt and now they have put on a few unwanted pounds.

So why did it happen? Why did they make those food choices? The answers are almost always the same; it made them feel good at the time. Does this sound familiar? Unfortunately, emotional eating doesn't just disappear because we are physically in another location. Emotional eating is always there, tricking us into eating patterns that are harmful to our



health; resulting in stress, anxiety, weight gain, chronic unhappiness with our looks or take us on a guilt trip.

Jane Jakubczak, a registered dietitian at the University of Maryland said, "Instead of the physical symptom of hunger initiating the eating, an emotion triggers the eating." Emotional eating is feeding your feelings, not your stomach. "We all eat for emotional reasons sometimes," says Jakubczak, "but if eating becomes the only or main strategy to manage your emotions, then problems arise."

Sadness, anger, boredom, even great happiness can trigger emotional eating cravings that have nothing to do with hunger. When we are anxious, we may tend to crave comfort foods that trigger our memory from childhood.

Comfort food preferences vary by person and by gender but the top picks include anything with salt, sugar and fat. Popular comfort foods include chocolate, pizza, cookies, pasta, ice cream, fresh bread and chips. If this sounds familiar, then you want to distinguish emotional hunger from physical hunger. According, to the University of Texas Counseling and Mental Health Center, there are several differences. Check out these tell-tale signs to watch for as you go about your days at the conference: Emotional hunger comes on suddenly; physical hunger occurs gradually.

When you are eating to fill a void that isn't related to an empty stomach, you crave a specific food like those I've listed above. When you eat because you are actually hungry, you're able to choose. If you're eating to satisfy an emotional need, you're more likely to keep eating even if you are already full. When you are eating because of hunger, you are more likely to stop when full. Emotional eating often leaves behind feelings of guilt; eating when you are physically hungry does not. Recognizing these distinctions are crucial for our well-being.

"Keep a mental food record ranking

your hunger from 1-10 each time you put something in your mouth. It will bring to light 'if' and 'when' you are eating for reasons other than hunger," says Jane Jakubczak.

Practice mindful eating: This is a way of paying focused attention without judgment. This technique can help you increase awareness of the sensations, feelings and thoughts connected with food and eating.

Take your mind off the craving. Go for a walk around the conference grounds, call a friend or spouse, read a magazine or book, listen to music. Visit with a colleague. Go to the gym or take a run.

Choose comfort foods that are healthy instead of junk food. Have a healthy snack for sustainable energy between regular meals. A hand full of nuts and seeds along with an apple always works. Select some fresh fruit and add it to a low-fat yogurt. Enjoy a smoothie or some light popcorn.

Skip the second latté, which over stimulates your central nervous system, makes your mind race and creates nervous tension. Rather, choose teas that gently boost your energy such as ginseng, eucalyptus, or ginger.

Emotional hunger is real. It's part of life for all of us. Learning how to control it and using moderation is key. During the long full days of the conference you want to be in the best of health. **LS**

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# CCLS CERTIFYING BOARD

The listing and photos for the CCLS Certifying Board published in the August 2010 issue of *The Legal Secretary* were incorrect. The correct information and photographs are shown below.



Michelle Rodgers, CCLS  
Chairman



Paula Delp, CCLS  
Member



Debbie Frias, CCLS  
Member



Kari L. Kalista, CCLS  
Member



Robynne Young, CCLS  
Member



Dale A. Stern, Esq.  
Attorney



Mitchell Driskill, Esq.  
Attorney



DENISE CHAFFEE

Denise Chaffee, is a litigation paralegal at the Fresno law firm of Dowling, Aaron and Keeler, Inc. She is the current president of the Fresno County LPA and a member of the Fresno Paralegal Association. She graduated summa cum laude from California State University Fresno with a Bachelor of Arts Degree in Liberal Studies in 2003 and was valedictorian of her 2004 graduating paralegal class from San Joaquin College of Law. Denise earned her Certified Paralegal designation in 2008.

She is also a Certified Master Gardner with the University of California Cooperative Extension, and has worked with the Adult Literacy Council volunteering to teach non-literate adults how to read and write.

# FCLPA And The Great American Bake Sale

BY DENISE CHAFFEE, CP—SUBMITTED BY FRESNO COUNTY LPA

**F**resno County Legal Professionals Association ("FCLPA") volunteered to assist Share Our Strength in raising funds to help end childhood hunger in America. We did this by participating in the Great American Bake Sale project on June 12th of this year. The sale was a big success and we had a lot of fun hosting the event!

Share Our Strength ("SOS") is a national organization that works to make sure no child in America grows up hungry. Since 2003,

FCLPA has participated in volunteer projects for the two previous years as well. As in the past, this year the Board of Directors jumped at the chance to volunteer and voted a resounding "yes" to the suggestion we join SOS and participate in The Great American Bake Sale. At the next general meeting, we announced our decision, talked about the sale, and set out a signup sheet for volunteers.

We then began our efforts in earnest! FCLPA Director Judi Clifton and association

## Share Our Strength ("SOS") is a national organization that works to make sure no child in America grows up hungry.

more than 1.7 million people have participated in Share Our Strength's Great American Bake Sale, raising \$6 million to help children in need of nutritious, wholesome food.

Why did the members of FCLPA volunteer their time, effort, and money in the midst of their busy, complicated business and personal lives? Volunteering to help those less fortunate than ourselves makes us feel good. People who have spent time volunteering for a cause report they get back in satisfaction and joy more than they ever expend in inconvenience or effort – what you get back is immeasurable. What are some of the benefits of volunteering?

- Volunteering makes you feel needed.
- Volunteering can lead to learning new skills.
- Volunteering can help you deal with some of your personal problems.
- Volunteering helps you meet new people and breaks down barriers of misunderstanding, mistrust and fear.
- Volunteering can create new contacts which may help your business or career.

member Fina Vinton stepped up to the plate (pun intended!) to co-chair the project. The location for the sale was perfect: a busy street in Fresno near a university, a large shopping mall, and a major freeway. Fina solicited bakeries, grocery stores, and other local vendors for baked goods while Judi and I solicited law firms and legal support vendors for monetary donations. Announcements went out to our association members asking for baked goods donations and requests for volunteer time on the day of the sale. Local radio and television media were contacted.

We knew the day of the sale was going to be hot – after all, it is Fresno – and we wanted to get an early start. By 9:00 a.m., we were completely set up with the goodies we had already collected in the days prior to the sale. FCLPA Director Chris Banks and Vice President Tracy Schlotterback took position near Shaw Avenue with signs and balloons and waved to each and every car that drove by. Additional volunteers manned the booth. We waited...and waited.




Were people actually going to stop and buy all this wonderful food?

We need not have worried. Family, friends, co-workers and passersby kept us busy buying almost everything in sight. FCLPA members kept bringing more food and buying some too. We also sold cold beverages, the proceeds of which benefited FCLPA. And to cap it off, during the height of the sale, we were visited by a local television camera crew – FCLPA was going to be on the 6 o'clock news!

By 2:00 p.m., we were hot and tired but immensely gratified. We packed up what was left of the food and headed for home. On the following Monday, association members sold the remaining baked goods at their respective firms. The final tally: almost \$400.00 donated to Share Our Strength!

Everyone who volunteered played an integral role in ensuring the success of the sale and their efforts were certainly appreciated by me and the rest of the Board. Being a part of this great team effort was a wonderful experience for me and one I will remember fondly.

We are already talking about who we want to help next year. I challenge every local association to host a volunteer effort each year. You might be saying to yourself, "The little bit that I can do will never help much!" One person cannot solve all of the world's problems, but when we join together, we can make our small part of the world a happier, healthier, safer place to live for those in need. We can collect children's coats for the winter, fill a plate at a homeless shelter, deliver meals to shut-ins, create a school garden, tutor a child or whatever action inspires us. C'mon, jump right in and volunteer! 

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### ***Why Should You Take The CCLS Exam? Continued from page 18***

by attending the Legal Specialization Section seminars, your firm may have seminars for their attorneys which offer MCLE credits. Any program approved by the State Bar of California for MCLE credit will also provide you with CCLS credit. You can also obtain credits through self-study with audio or video programs approved for MCLE.


Still on the fence? Talk to a CCLS. They will tell you that it is all worth it. The sense of self-confidence and satisfaction that passing the exam gives you is unmatched.

Still have more questions? There are a lot of people at LSI who are ready to help.

If you would like information on the administration of the CCLS program, including how, when, and where the exam is administered, or requirements for certification, contact Michelle Rodgers, CCLS, Chair of the CCLS Certifying Board, at [mroddgers@lawpolicy.com](mailto:mroddgers@lawpolicy.com). You can also check out the CCLS page on LSI's website under Programs. This page will answer many of your questions.

If you would like information on how to go about studying for the exam, contact Kathy Nelson, CCLS, CCLS Chair, at [kathy@sacvalleylaw.com](mailto:kathy@sacvalleylaw.com). She is there to help you get started, whether you are planning to study on your own or if you would like to start a study group. She can also tell you what groups are available in your area.

If you have any questions on the LSI Mock Exam, contact the Continuing Education Council through Doro Nesbitt, CCLS, at [dnesbitt@comcast.net](mailto:dnesbitt@comcast.net). If you think you have a great question for the mock exam, send that on to Doro as well.

Hopefully this will provide enough information, and encouragement, to help turn those reasons for not taking the California Certified Legal Secretary exam into reasons to take the exam. 

## **LSI EXPERIENCE IT ! MEMBERSHIP CAMPAIGN**

Promote your local Association  
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For more information, contact:  
Sandra T. Jimenez  
[sjimenez52@yahoo.com](mailto:sjimenez52@yahoo.com)

# GUIDELINES FOR SUBMISSION OF ARTICLES TO THE LEGAL SECRETARY

## DEADLINES FOR RECEIPT OF ARTICLES BY EDITOR

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

## SUGGESTED TOPICS FOR ARTICLES

1. Legal procedures
  2. Law office management procedures
  3. Word processing/computer hints/technology/internet/world wide web
  4. Office equipment/environment
  5. Personal safety
  6. Career promotion
  7. Keynote cases
  8. CCLSs are encouraged to submit articles about their experience as a CCLS and/or pursuit for certification - e.g., CCLS mock exam (with answers)
  9. Information about our publications: LSI Legal Professional's Handbook; Law Office Procedures Manual; The Legal Secretary magazine
  10. Any Specialization area (Civil Litigation; Criminal Law; Family Law; Law Office Management; Probate/Estate Planning; Transactional Law) and appellate articles as well
  11. Photographs and/or articles regarding the success of association(s) event(s) (how, when and why successful)
  12. Other topics of general interest to the legal community
- 

## SUBMISSION GUIDELINES

1. Articles must be submitted by email as an attached document using word processing programs such as Microsoft Word or WordPerfect and saved as ".doc", ".txt", ".wpd" or ".ASCII" file. When sending email, include in subject line: "[Last Name of Author] and [contents]", i.e., Smith - Article, Bio and Photo.
  2. All articles submitted must be at least 500 words and no more than 2500 words.
  3. Articles sent in PDF format are not acceptable.
  4. All articles submitted must be accompanied by the name, email address, contact information of person submitting the article, and name of submitting Association. Articles that do not have this information cannot be considered for publication.
  5. Type all copy in Times New Roman 12 point type to fit across an 8-1/2" x 11" page, single spaced. Avoid using style attributes such as bold, italic, centering, columns or tabs.
  6. Articles are subject to approval and/or editing. Editor cannot guarantee publication in any given issue, although every effort will be made to publish as soon as possible after acceptance.
  7. Articles submitted and published in The Legal Secretary become the property of LSI unless prior agreement is obtained by the authors
- 

## PHOTOGRAPHS

1. Digital photography is required and must be a resolution high enough to guarantee at least 300 dpi at 100% scale. When sending email with photo attached, include in subject line: "[Name of Officer/Chairman] Photo," i.e., Jane Smith - Photo.

Deborah Rickert, CCLS • Editor, The Legal Secretary  
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## Correction To Bulletin Contest Winners

The correct Bulletin Contest winners at LSI's 76th Annual Conference held May 20-23, 2010, in Sacramento, California, are as follows:

### CLASS A (5-30 members)

First Place: San Gabriel Valley LSA, Corinne Patera, editor  
Second Place: El Dorado County LPA, Dana Carlson, editor  
Third Place: Placer County LPA, Mary Ayala, editor

### CLASS B (31-50 members)

First Place: Humboldt County LPA, Kathy Parker and Christine Tillett, editors  
Second Place: Livermore-Amador Valley LPA, Cheryl L. Kent, PLS, CCLS, editor  
Third Place: San Francisco LPA, Brenda Fuller, editor

### CLASS C (51-75 members)

First Place: Mt Diablo LPA, Maria Bishop, CCLS, editor

### CLASS D (76 -95 members)

First Place: Orange County LSA, Dee Johnson, editor  
Second Place: San Mateo County LSA, Shara J. Bajurin, CCLS, editor

### CLASS E (over 95 members)

First Place: San Diego LSA, Linda L. Moore, editor  
Second Place: Sacramento LSA, Cyrene Farrell, CCLS, editor

## Just SLAPP Me... Continued from page 21

the discovery requests out as soon as possible. If the motion is denied, proceed with your opposition as best you can with the evidence at hand. However, take note of the denial of the motion, as this issue can be raised on appeal, which introduces another unique aspect of *Code Civ. Proc.* §425.16.

In the unfortunate event the court ultimately grants the Anti-SLAPP motion, don't throw in the towel quite yet, as "an order granting or denying a special motion to strike shall be appealable under Section 904.1" (*Code Civ. Proc.* 425.16(i)). So, if your client is willing to spend a few more bucks and your attorney is up for the effort, you're afforded the chance to take a second shot in pursuing the matter. Of course, this also means that if the court denies the motion, the service of a "Notice of Appeal" may be in your near future. Either way, I suggest that you take some time familiarizing yourself with basic appellate procedure prior to the court issuing its ruling on the motion (or at least be in contact with a good appellate attorney who's familiar with being SLAPPED around).


Also, when preparing your opposition to the motion, be aware of the biggest sting factor of the Anti-SLAPP statute, which is that a prevailing defendant on a special motion to strike shall be entitled to recover his or her attorney's fees and costs. If the court finds that a special motion to strike is frivolous or is solely intended to cause unnecessary delay, the court shall award costs and reasonable attorney's fees to a plaintiff prevailing on the motion, pursuant to Section 128.5. (*Code Civ. Proc.* 425.16(c)(2)).

So, as if all the complexities of this statute weren't enough, you face the added pressure of eventually having to organize

either an opposition or motion for attorneys' fees. Again, this is all the more reason for the legal professional to be especially diligent when it comes to the gathering, organization, and maintenance of the evidence that will present the strongest case for your client. This also means that you'll have to keep a good record of the costs and time your office expends in opposing this motion.

Lastly, after filing your opposition to an Anti-SLAPP motion, you must "transmit to the Judicial Council, by e-mail or facsimile, a copy of the endorsed, filed caption page of the motion or opposition" (*Code Civ. Proc.* 425.16(j)). For more instructions on how to transmit this information to the Judicial Council, visit [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov) and enter the term "SLAPP" under the website's search tab. For future reference, the Judicial Council also requires that you transmit "a copy of any related notice of appeal or petition for a writ, and a conformed copy of any order issued pursuant to this section."

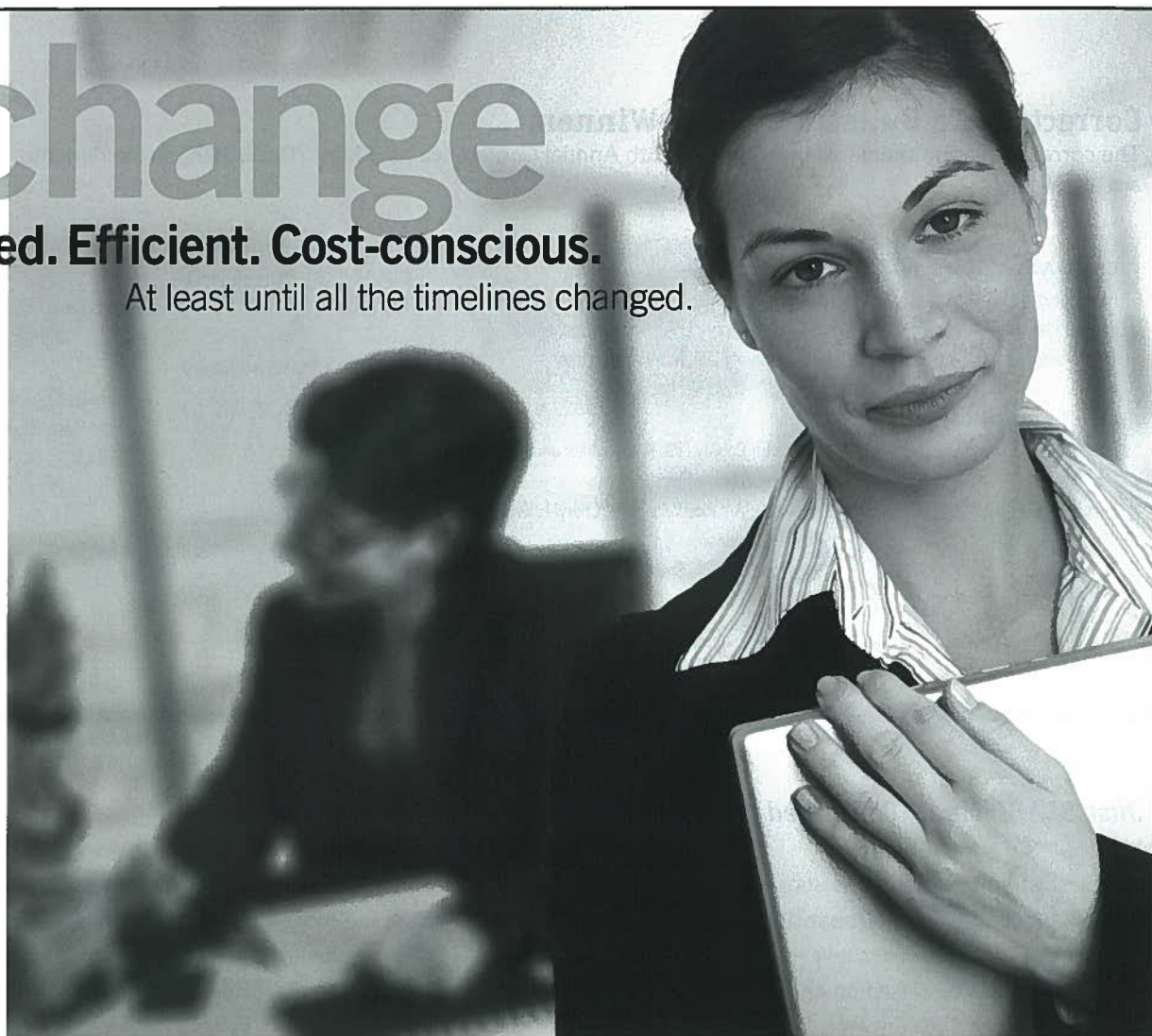
The SLAPP statute's discovery stay, attorney fee awards, and automatic appeal provisions combine to create a chaotic, complex, and just plain annoying statute that never seems to end.

So be sure to discuss your opposition strategy with your attorney well before the day your papers are due. Also be sure to discuss your post-motion strategy. Fully familiarize yourself with the statute and the review of other statutes it entails. Until then, I hope the next time you face an Anti-SLAPP Motion, you'll be a little more prepared to turn the other cheek. 

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# Dates To Remember In 2010

**November 8, 2010**

**Last day to register**  
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**November 12 - 14, 2010**

**LSI 2nd Quarterly Conference**  
Hosted by San Fernando Valley LSA  
Beverly Garland Holiday Inn, North Hollywood, CA

**December 1, 2010**

**Deadline for Submission**  
of articles for November issue of *The Legal Secretary*

**January 18, 2011**

**Last day to register**  
for CCLS October 16th exam without a late fee

**January 25, 2011**

**Last day to register**  
for February conference to avoid a late fee

**February 25 - 27, 2011**

**LSI 3rd Quarterly Conference**  
Hosted by Southern Butte County LPA  
Gold Country Casino & Hotel, Oroville, CA

**March 1, 2011**

**Deadline for Submission**  
of articles for November issue of *The Legal Secretary*

## ***A Brief Look At Motions... Continued from page 19***

ing he owed no duty to plaintiff - an essential element of the claim - by presenting evidence he did not own the dog and did not have prior notice of the dog's dangerous propensities. Second, the moving party can establish an affirmative defense to the opposing party's case such as by proving that the action is time-barred by the applicable statute of limitations. Third, he can demonstrate that the opposing party lacks sufficient evidence to support his case. For instance, the moving party can use the opposing party's factually vague discovery responses to show the opposing party has no evidence to support an essential allegation in his pleading.

The motion must be supported by admissible evidence such as deposition testimony, interrogatory responses, and declarations. Any declaration submitted with the motion must be based on personal knowledge and contain facts, not mere conclusions or inadmissible hearsay. Expert declarations must establish that the declarant is competent to give expert opinion testimony and that the expert's opinions are based on proper matter. The proper foundation must be laid for the admission of any documents. The opposing party cannot rely solely on his pleadings to oppose the motion. The opposing party also cannot rely on declarations that contradict his deposition testimony or discovery responses. The Court does not weigh the evidence or consider the credibility of the witnesses. In ruling on the motion, the Court strictly

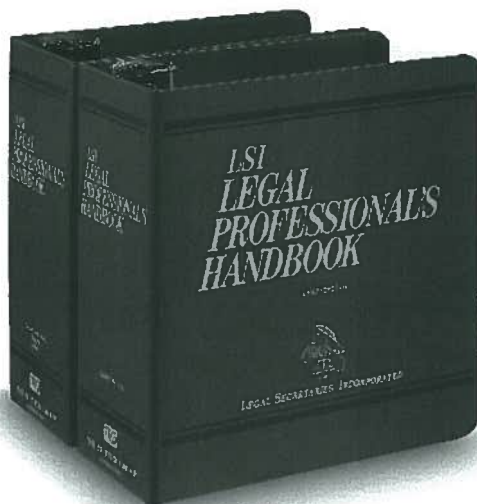
construes the moving party's declarations and liberally construes the opposing party's declarations. The Court considers the factual evidence as well as all inferences reasonably deducible from the evidence. But the Court does not consider inadmissible evidence.

If the moving party meets his burden and presents relevant, admissible evidence demonstrating he is entitled to summary judgment, the burden shifts to the opposing party to present relevant, admissible evidence contradicting the moving party's evidence. The opposing party cannot defeat summary judgment by attempting to create a factual dispute regarding immaterial issues. Nor can the opposing party avoid summary judgment through speculation and conjecture. If, after considering all the relevant facts and admissible evidence, the Court determines that there are no triable issues of material fact, it will grant the motion for summary judgment or summary adjudication. If the Court grants summary judgment, the moving party becomes the prevailing party and is entitled to recover prevailing party costs just as if he had won at trial. If the Court grants summary adjudication, the issue addressed by the motion is put to rest. **LS**

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<b>CCLS MOCK EXAM (Revised 2010)</b> Sample questions and answers to assist in preparing for all sections of the CCLS Exam.	25.00		
<b>CCLS PIN</b> A ½" high, 10-karat gold pin with CCLS logo. For the CCLS.	35.00		
<b>CCLS STUDY KIT</b> Contains Mock Exam (see above), Gregg Reference Manual with Instructor's Resource Guide, Basic and Comprehensive Worksheets.	180.00		
<b>GUIDELINES FOR HOSTING LSI CONFERENCES*</b> An instruction guide, including forms and samples, essential to any association considering a bid to host an LSI Conference. (Rev. 12/09)	N/C		
<b>GUIDELINES FOR PREPARATION OF A LEGAL EDUCATIONAL PROGRAM</b> A 34-page guide, with sample forms, to assist with the planning and execution of a successful legal educational program. (Rev. 8/03)	5.00		
<b>HISTORY BOOK AND SCRAPBOOK COMPETITION RULES AND GUIDELINES*</b> A booklet with step-by-step directions, including rules and examples, for preparing a History Book for entry in the LSI History Book Competition. Created for local association historians and/or presidents. (Rev. 11/08)	5.00		
<b>HISTORY OF LEGAL SECRETARIES, INCORPORATED</b> A 50-page memory of people, places and events since 1929. (Rev. 3/2010)	5.00		
<b>LAW OFFICE PROCEDURES MANUAL FLYER</b> An 8 ½" x 11" advertisement of the LOPM. Includes listing of contents and Order Form. (Rev. 1/2010)	N/C		
<b>LAW OFFICE PROCEDURES MANUAL INSTRUCTOR'S GUIDES</b> To assist instructors in conducting training classes. Teacher Training Chapter offers tips for teaching. Other Guides supplement Chapters of the LOPM and contain projects, instructions to student, completed and blank legal forms, exams and answer keys.			
TEACHER TRAINING CHAPTER (Rev. 9/07)	4.00		
ADOPTIONS CHAPTER (Rev. 9/07)	7.00		
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MISCELLANEOUS CHAPTER (Rev. 9/07)	7.00		
<b>LEGAL SECRETARY'S REFERENCE GUIDE</b> A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff. (Rev. 11/09)	30.00		
<b>LSI BYLAWS AND STANDING RULES*</b> As currently adopted by the LSI Governors.	5.00		
<b>TOTAL THIS PAGE</b>			<b>\$</b>

\*Item available to LSI members only.

(Prices effective 06/01/2010)

# LEGAL SECRETARIES, INCORPORATED ~ ORDER FORM

ITEM	UNIT PRICE	QUANTITY	TOTAL
<b>LSI LEGAL PROFESSIONAL'S HANDBOOK FLYER</b> An 8 1/2" x 11" advertisement of the LPH. Includes listing of contents and Order Form. (Rev. 1/2010)	\$ N/C		
<b>LSI LEGAL SPECIALIZATION SECTIONS BROCHURE</b> Lists Sections offered and reasons for joining. Includes Section Membership Application. (Rev. 2/08)	N/C		
<b>LSI MEMBERSHIP BROCHURE</b> Tri-fold brochure, extolling the advantages of LSI membership and programs. Contains request for membership application. (Rev. 2/08)	N/C		
<b>LSI MEMBERSHIP PIN* (Magnetic)</b> A 3/4" high oval gold-tone pin with blue and white enamel overlay. LSI logo in center and "Legal Secretaries, Incorporated" inscribed on circumference. For all LSI members.	5.00		
<b>LSI ROSTER*</b> Booklet with current listing of LSI officers, chairmen, past-presidents, honorary members, scheduled conferences, local association presidents and governors.	N/C		
<b>MEMBERSHIP APPLICATION FORM*</b> An 8 1/2" x 11" form adopted 5/01 by LSI for use by all local associations. Includes request for Legal Specialization Sections information. Local associations may add second-page for supplemental information. (Rev. 5/08) Can be transmitted as an e-mail attachment (Word format), if so requested.	N/C	<input type="checkbox"/> E-mail -or- <input type="checkbox"/> Printed	
<b>NEW MEMBER PACKET*</b> A 2-pocket folder containing letter from LSI President, LSI membership information, Specialization Sections Membership Application, list of benefits and providers, CCLS information, Legal Professional's and Law Office Procedures Manual flyer and Code of Ethics. Local associations may insert additional material. For new local association members only.	N/C		
<b>PRESIDENT'S PENDANT*</b> A 1" high oval gold-tone pendant with blue and white enamel overlay. LSI logo in center and "Legal Secretaries Association" inscribed on circumference. Eye for necklace chain on back. For local association presidents.	7.00		
<b>PRESIDENT'S PIN*</b> Same as pendant (see above). Specify magnetic or pin back. [ ] Magnetic [ ] Pin back closure	7.00		
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(Prices effective 06/01/2010)



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A Program of  
Legal Secretaries, Incorporated



## APPLICATION

Please complete and mail this form to the following address with your check to reserve your place at one of the examination venues:

**CCLS Certifying Board  
5726 Lorelei Avenue  
Lakewood, CA 90712**

<input type="checkbox"/> Northern California	<input type="checkbox"/> Saturday, March 19, 2011
<input type="checkbox"/> Southern California	<input type="checkbox"/> Saturday, October 15, 2011

Deadline: Application must be received 60 days prior to examination date. A late application may be accepted up to 30 days prior to the examination if submitted with a \$25 late fee, in addition to the fees listed below, if space is available.

EXAMINATION FEES*			
	<b>LSI MEMBERS**</b>		<b>Non-LSI MEMBERS</b>
	Registration fee: \$ 15.00		Registration fee: \$ 55.00
	Examination fee: <u>\$ 95.00</u>		Examination fee: <u>\$ 95.00</u>
	Total \$110.00		Total \$150.00

Enclosed is a check in the sum of \$ \_\_\_\_\_ \*\*\*, payable to LSI.

\* Fees subject to change without notice.

\*\* LSI members: Name of local association: \_\_\_\_\_ LSA/LPA.  
**Please enclose a photocopy of your local membership card.**  
You must be a member upon application to be eligible for reduced fees.

\*\*\* Include \$25 late fee if applicable.

Name \_\_\_\_\_ Last 4 Digits of SSN \_\_\_\_\_

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

City/State/Zip: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Evening Phone: \_\_\_\_\_

E-mail(s): \_\_\_\_\_

Highest level of formal education completed: \_\_\_\_\_; Highest Degree: \_\_\_\_\_.

**EMPLOYMENT RECORD:** Please list legal secretarial employment, beginning with your most recent (or current) employment, to show a minimum of two full years of such employment. Attach a supplemental page if additional entries are necessary to show two full years of employment as a legal secretary.

Dates \_\_\_\_\_ Position \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

Dates \_\_\_\_\_ Position \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Supervisor \_\_\_\_\_ Phone \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_

**LEGAL SECRETARIES INCORPORATED (LSI) BENEFITS**  
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**HEALTH/RETIREMENT/DENTAL PLANS/DISCOUNTED LONG TERM CARE INSURANCE**

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

<p align="center"><b>DISCOUNT THROUGH CEB</b></p> <p>Members of Legal Secretaries, Incorporated are offered a reduced cost for certain educational benefits (seminars, publications) through Continuing Education of the Bar. For more information, refer to <a href="http://ceb.com/LSI/">http://ceb.com/LSI/</a></p>	<p align="center"><b>DWORKIN INSURANCE SERVICES EARL DWORKIN</b></p> <p>467 Hamilton Avenue, Suite #1 Palo Alto, California 94301 Phone: (650) 329-1330(800) 332-4313 – Fax (650) 329-9957</p> <p>Individual and Family Medical Insurance; Travel Medical; Medicare Supplements; Dental Plans</p>
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<p align="center"><b>WORKING ADVANTAGE</b> Toll Free: 1 (800) 565-3712 <a href="http://www.workingadvantage.com">www.workingadvantage.com</a></p> <p>Discount on event tickets Movie tickets; Theme parks; Broadway theatre; sporting events; Ski tickets; Hotel certificates; Family events; Gift cards &amp; more Member ID: call Corporate Office or LSI Vice President</p>	<p align="center"><b>FINANCIAL NETWORK INVESTMENT DANIEL R. HENDERSON, MBA, CFP</b></p> <p>3478 Buskirk Avenue, Suite 300 Pleasant Hill, California 94523 Phone: (925) 944-9644 Ext. 153 (800) 339-4353 Ext. 153 Fax (925) 944-5675</p> <p>Discounted JOHN HANCOCK Long Term Care Insurance/Life Insurance, annuities, retirement, Investment/estate planning, mutual funds, 401k</p>
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# 2010-2011 LSI Roster



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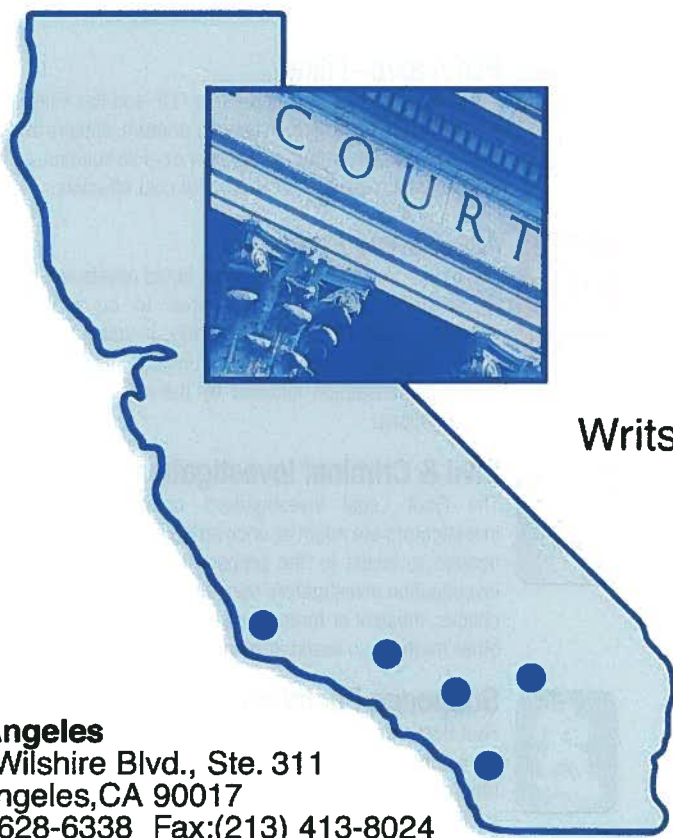
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