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Telecommuting as a Reasonable Accommodation

BY KATIE PATTERSON

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

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

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President's Message

BY JENNIFER L. PAGE, CCLS, LSI PRESIDENT



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

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

Jennifer obtained her CCLS designation in October 2008.

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

If you didn't have a chance to attend LSI's First Quarterly Conference in August you missed out. Not only did we conduct the business of the corporation, we were sufficiently educated courtesy of seven excellent educational workshops (which included the Sections first workshop covering a Federal topic), encouraged to tackle the CCLS exam, stuffed with mashed potatoes at the Welcome Reception, exposed to the fashion world with a terrific fashion show at the Saturday Night Banquet, dazzled by the creativity of the local associations who entered the centerpiece contest and we were enlightened with the Sunday morning speakers 12 tips to success. I have to again say thank you to everyone who stepped up and helped LSI host this conference. Members from Sacramento LSA, Placer County LPA, Merced County LPA, and I'm sure I'm forgetting someone, came together to run the registration table, secure drawing prizes, coordinate vendors, donate items; I personally want to thank you all.

Most of you should have heard by now, but in case you didn't, a new Treasurer was elected and installed at the August Conference. Rod Cardinale, Jr. of Santa Clara County LPA put his hat in the ring and has joined the Executive Committee. This election marks another milestone for LSI, Rod is the first male member of the Executive Committee. A very exciting time indeed.

I do have to apologize to the Governors and members in attendance at the August Conference – I let my emotions take control for a moment and I forgot to follow procedure. I announced that the CCLS Luncheon held at Annual Conference would be renamed the Kalman S. Zemplyny, II CCLS Luncheon. Renaming the luncheon should have been done in the form of a recommendation and put to the Governors for discussion and vote. This will take place at the November Conference so that the recommendation and vote can be recorded in the minutes. This is a reminder to all of us; while our intentions may be good, we must always remember to follow procedure.

I have to commend Shaylene Cortez, CCLS, LSI's Legal Secretarial Training Chair. Due to high demand and on VERY short notice, Shay was able to do an online Beginning Legal Secretarial Training course in July for 25 students and 19 students signed up for the class which started September 12, 2016. And if that wasn't enough, the Overview of California State Court Discovery is set to start October 24, 2016, and registrations are coming in for that class as well.

Terrie Quinton, CCLS's online CCLS study groups continue to be popular. In an effort to market the CCLS program, Terrie will be moderating 30 minute webinars throughout the year to promote the program. These will be informational in nature and free of charge. This will allow Terrie to put together CCLS workshops at conferences that will focus on specific areas of the program and be an additional study tool for those wanting to take the exam or learn more.

PRESIDENT'S MESSAGE

Desert Palm LPA is in full swing getting ready for the 2nd Quarterly Conference which will be held at the Hilton Hotel in Palm Springs. Please see their article in this issue – you won't want to miss this conference which looks to be both educational and fun! I look forward to seeing many of you there.

Speaking of November Conference – we will once again have six excellent section workshops with the following topics: E-Filing in State Courts; Practical Guide to Commercial Leases; Special Needs Considerations for Estate Planning and Estate and Trust Administration; HIPAA, HITECH and How They Affect Discovery;

Trademark Infringement; and Family Law: Divorce, Custody Issues and Support. The topic of the CEC workshop is The Unauthorized Practice of Law with speaker David Majchrzak. The CCLS Workshop will focus on California Legal Procedure Part 1 – Civil. We will also have time to socialize as Don Lee returns to host the Hospitality Suite. Please make your plans to attend.

LS



LEGAL SECRETARIES, INCORPORATED CALIFORNIA CERTIFIED LEGAL SECRETARY **WORKSHOP REGISTRATION FORM**

“California Legal Procedure Part 1 - Civil”

Second Quarterly Conference, November 11-13, 2016
Hilton Palm Springs

Saturday, November 12, 2016, 7:30-8:30 a.m.

Cost: \$5.00 for LSI members/\$10.00 for non-LSI members

The California Legal Procedure section of the CCLS exam covers five areas of law – Civil, Probate, Family, Corporate, and Real Estate. In this workshop – Part 1 of 2 – we will be covering the Civil portion. Come to this workshop to get an overview of civil litigation (which includes discovery and unlawful detainer), along with things to look for while studying.

REGISTRATION DEADLINE: November 4, 2016

Name: _____ Email: _____

Address/City/State: _____

Phone (Work): _____ Local Assn.: _____ LPA/LSA

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

CCLS CREDIT WILL NOT BE GIVEN FOR THIS WORKSHOP



TRAVIS FLOYD has been with the Law Offices of Ronald Bass since July 6, 2015, as the receptionist. Travis is determined to help as much as he can within his realm. He likes to spend time with his family, including his 14-month old son, Asher. Travis also enjoys the outdoors snowboarding and wakeboarding, and he likes to play poker.

Mr. Floyd's Adventure Through the Legal Field

BY TRAVIS FLOYD – SUBMITTED BY MT. DIABLO LPA

Going from homeless at the age of 18 to holding a position in a law firm was a dramatic change and completely unexpected by my peers, family and me. After wasting a couple of valuable years of my life and finishing my unsuccessful journey of independent living, I realized I was being foolish – no education, virtually no work experience and I had set the wrong goals for myself. Fortunately I have loving parents who instilled good morals deep into my roots and helped me turn my life around.

To initiate my life-changing turn-around, I tried going to a junior college but dropped out after the first day of class. I then obtained a painting job and was laid off after a few months of painting. I obtained a position as a supervising security guard, which made me feel like I was slowly making progress towards a career; then, after several months of security guarding, I applied for a receptionist position at the Law Offices of Ronald Bass.

The interview process was intense. Before meeting with the owner, Ron Bass, I had to take a test and meet with all of his staff, individually. Then, I had to meet with Ron and we reviewed my test scores. I didn't ace the test, but I correctly answered some of the toughest questions that others before me had answered incorrectly. This made me happy, but it made Ron think I cheated on the test. The intensity of the situation grew and filled the room with static energy. Ron's eyes were firing at me, relentlessly searching for deceit, but only truthfulness was found. Ron saw who I was; honest, hungry and more than willing to help. Though I lacked experience and knowledge, I was hired.

On July 6, 2015, I began the first step of being the receptionist. Ron's support staff taught me how to perform my basic office duties and showed me where things were located throughout the office. I learned how to answer the telephone – apparently I was horrible, at first. I learned how to generate the daily mail log, I learned how to order supplies and I learned that the office was very cluttered – piles of old, dusty documents that hadn't been touched in five years were lurking in the corners of the office, as well as computer accessories, floppy disks and

dictation machines that were in chaotic disarray, neglected and left with tangled cords. So, I took advantage of the opportunity and set a goal to organize the office in aim of expansion and growth.

I separated the junk from the useful items and recycled the old electronics, such as old computers, after I removed the hard drives, computer mice that had old Ps2 ports (none of our functioning computers in the office have the Ps2 port), old telephones and much more prehistoric technology that I had never seen.

Another opportunity arose: The estate planning attorney asked me to inventory and record over 200 estate planning files, the majority of which were opened before the year 2000, and convert them to Portable Document Format (PDF). I was given this task without the expectation of completing the task. Completing the task within a few weeks showed my superiors that I was determined to make a change in the office and help as much as I could.

Our office became busier and busier each day, and my eagerness to help led me to the Executive Assistant. The Executive Assistant was very busy with her regular duties and, in addition, she had to manage sending out all of the client invoices. I offered to help lighten the load. First, I started folding the invoices, putting them into envelopes, and adding postage; then I started making corrections to the invoices and eventually took over the responsibility of the entire process. Shortly after proving my competence, I was handed more administrative responsibilities: writing checks to pay the bills, reviewing credit card statements,

and reconciling bank statements. Now, I balance the client trust account, write checks out of the client trust account, and deposit checks into the business accounts.

In learning new tasks I discovered that there were procedures and guidelines in place for each task. For example, there were more than five procedures, each written by a different individual that described how to complete the client billing process on a monthly basis. This was not the only task that had multiple procedures and checklists- there were several. So, to help future employees, like myself, I am creating an official office procedures manual so that someone like me can begin a legal career in this office and easily learn how to complete tasks like client billing, paralegal tasks, and even how to setup a new computer in the office.

Soon after being handed administrative responsibilities, a year had passed and it was time for my annual review. My review went well: I received a 25% raise, many

compliments, and we discussed enhancing my education - another opportunity to take advantage of. As I begin to learn more, there will be more expected of me, so I plan to exceed expectations!

My goals have expanded. First, I wanted to organize the office in aim of growth and expansion. Now I have incorporated a new goal into my overall vision: Enhance myself as a professional and as a leader so I can help everyone around me. This goal will take commitment, time, and perseverance to accomplish. I am determined to help develop an efficient office.

After all of my learning, my receptionist voice is superb - it only took a year. When one door closes, many more are opened. Take advantage of your opportunities and don't hesitate to do your best. After all, you reap what you sow.

Until my next adventure.

LS

LSI ANNOUNCES ITS 2016-2017 STATE-WIDE MEMBERSHIP DRIVE!

Legal Secretaries, Incorporated ("LSI") is launching its 2016-2017 state-wide membership drive. This contest is separate and apart from our annual "membership gain" contest. Our membership drive slogan is: **LSI – WE ARE LEGAL ROCK STARS!** We are excited and enthused about this new member campaign. We know that once legal professionals "ROCK" 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, 2016, through January 31, 2017. The 2016-2017 state-wide membership drive provides that each new member brought in to a local association during the membership drive will earn the local association an opportunity to win our 2016-2017 state-wide membership drive contest. All per capita tax transmittals must be submitted to the LSI Treasurer and postmarked no later than **January 31, 2017** to qualify for the contest. The LSI Treasurer will forward this information to the LSI Vice President. The winners will be announced at LSI's February 2017 Quarterly Conference in Chico, California. Cash prizes

for first, second, and third place will be awarded regardless of the size of the local association. Every new member counts!

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 become an **LSI ROCK STAR!**

For more information, contact LSI Vice President, Heather Edwards at heatheredwardslsi@aol.com.



AUGUST, 2016 | RANCHO CORDOVA

First Quarterly Conference







HEATHER EDWARDS is LSI's current Vice President and is a member of San Fernando Valley Legal Secretaries Association since 1991, the same year she joined the legal field. She obtained her Bachelor's Degree from California State University Northridge. She has been working for Alpert, Barr & Grant, APLC in Encino for over 16 years. In May 2006, LSI President Mary S. Rocca presented Heather with the President's Award. Heather resides in Northridge, California with her husband of 25 years Ernie, and their 4 children, Kennedy, Koree, Kaden and Kamden.

Going Back to Golda – the Golda J. Cooper Chapter Achievement Contest!

BY HEATHER EDWARDS, LSI VICE PRESIDENT

The Chapter Achievement Contest was established in 1972, during Ivey Person's term as LSI President. The purpose of the contest was and continues to be to encourage local association participation at the local and state levels.

The contest is returning to its original name and will be called The Golda J. Cooper Chapter Achievement Contest. Golda J. Cooper was an honorary member of LSI. However, "she attended conferences, board of governors meetings and installations as if she were a voting member. She was an ardent supporter and she made genuine friends with the membership. She loved to party and have fun. She never lacked enthusiasm and was active into her 80's. Golda loved to correspond and never forgot to write a thank you note. Those of you who received her letters know that reading them was like having her in the room with you. They were alive." (Excerpt from *The History of Legal Secretaries, Incorporated* (rev. 09/2014).)

The prize money was originally funded by Stuart F. Cooper to honor Golda's dedication to LSI. Currently LSI funds the prize money for this contest. However, the spirit of the contest and the spirit of Golda J. Cooper lives on. Local Associations and their members are encouraged to participate in a variety of ways both through their own association and in support of neighboring local associations. While the points counted are for a member's own association, it is important to visit neighboring associations, to network and support them in their endeavors.

How does the contest work? Tallying of points typically falls to a local associations Governor who can obtain the

contest form via LSI's website. Many associations have taken the form and customized it to meet their level of activity. The customized form is then distributed to the members for tracking purposes. Some associations even include the tracking form in their newsletters.

The current contest tracks activity from April 1, 2016 through March 31, 2017. The fully completed original Chapter Achievement Contest form is to be submitted to the LSI Vice President postmarked bearing a date no later than April 20, 2017.

At the August 2016 Quarterly Conference the following additions were added to the current contest. They are as follows:

- Centerpiece Contest (August 2016 Quarterly Conference) - Association participated in centerpiece contest – 50 points.
- Centerpiece Contest (August 2016 Quarterly Conference) - Association was first place winner in centerpiece contest – 50 points.

At Annual Conference in May 2017, I will have the pleasure of announcing the winners and presenting them with prize money and a certificate recognizing their efforts.

So, continue participating and remember to tally those points!





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DAWN R. FORGEUR, CCLS, is a litigation secretary with Stoel Rives, LLP and her area of expertise is civil litigation. She is currently LSI's Legal Specialization Sections Coordinator. She was President of Sacramento Legal Secretaries Association from 2011-2013 and has also previously served as SLISA's Governor from 2010-2011. She was LSI's Civil Litigation Section Leader from 2012-2014 and from 2009-2010 served as LSI's Legal Secretarial Training/Seminar chair. She passed the California Certified Legal Secretary examination in 2008

Legal Specialization Sections – Changing With the Times

BY DAWN R. FORGEUR, CCLS, LSI LEGAL SPECIALIZATION SECTIONS COORDINATOR

The past few years have brought quite a few changes to the Legal Specialization Sections, but first a quick review of the past! (See *History of Legal Secretaries, Incorporated*, Rev. 02/2015.)



In February 1987, five legal specialization sections were formed to offer specialization for legal secretaries similar to that offered by the State Bar of California.

- 1987 - Family Law, Law Office Administration, Litigation, Probate/Estate Planning, and Real Estate
- 1989 - The Criminal Law Section was added
- 1990 - The Corporate/Business Law Section was added
- 1995 - The Transactional Law Section was created by combining the Real Estate and Corporate/Business Law Sections
- 2016 - The Criminal Law and Family Law Sections are combined into one Section

In 1989, the Sections began offering “regionals.” Regionals were classes offered by the Section Leaders on different dates in Northern California and Southern California, that were not during conferences. This provided more opportunities for legal professionals to get continuing legal education. Unfortunately, the Regionals were discontinued during the 2009-2010 fiscal year for several reasons, including lack of attendance and the ongoing financial crisis happening in the U.S. at the time.

The Legal Specialization Sections are changing to keep up with technology and its membership. In 2012, the registration process was changed from sending in a separate registration form and payment for each seminar you wanted to attend to each Section Leader to sending only one registration form and payment in to the Coordinator directly.

This evolved into one of the best changes (in my opinion) made in the recent years which is the ability to register and pay online via credit card for any of the in-person seminars or webinars. This makes it that much more convenient for attendees to register for a seminar and not worry about having to mail in a registration form and payment before the deadline!

In March 2014, the Legal Specialization Sections held its first ever webinar on the Affordable Care Act/Covered California, which was the beginning of a new way for legal secretaries, paralegals, and staff to obtain continuing legal education conveniently, from their desk at work. These webinars, like the in-person seminars, are available for anyone to attend, with discounts for Section members. The next step is making available any recorded webinars online. In February 2016, LSI Standing Rule 11.4 was added regarding making these webinars available at only \$25 per recording. The Legal Specialization Sections is actively working with the LSI Administrator to make this happen, so if you missed one of the webinars, you will be able to listen to it at your convenience and still earn your CLE or CCLS credits.

I don't know what's next for the Sections, but trust that the Legal Specialization Sections Coordinator and Section Leaders will be working to make it happen!



LEGAL SPECIALIZATION SECTIONS SEMINARS

November 11 and 12, 2016

Palm Springs Hilton

400 E. Tahquitz Canyon Way, Palm Springs, CA 92262

The deadline to register without a late fee is Tuesday, November 1, 2016.

LSS MEMBER Free with Advanced Reservations \$5 at the Door/After Deadline -- Handout Only: \$5	NON-LSS MEMBER \$15 with Advanced Reservation \$20 at the Door/After Deadline -- Handout Only: \$15
Friday, November 11, 2016 – 7:30 p.m. to 9:00 p.m.	
<u>Civil Litigation</u> E-Filing in State Courts Lilibeth Daniel One Legal LLC <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER	<u>Transactional Law</u> Practical Guide to Commercial Leases Ini Ghidirmic, Esq. Slovak Baron Empey Murphy & Pinkney LLP <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER
Saturday, November 12, 2016 – 10:30 a.m. to 12:00 p.m.	
<u>Probate/Estate Planning</u> Special Needs Considerations for Estate Planning and Estate and Trust Administration Valerie A. Powers Smith, Esq. Slovak Baron Empey Murphy & Pinkney, LLP <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER	<u>Law Office Administration</u> HIPAA, HITECH and How They Affect Discovery Heather L. Hughes, J.D. US Legal Support <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER
Saturday, November 12, 2016 – 4:00 p.m. to 5:30 p.m.	
<u>Federal Law</u> Trademark Infringement Shaun Murphy, Esq. Slovak Baron Empey Murphy & Pinkney LLP <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER	<u>Criminal and Family Law</u> Family Law: Divorce, Custody Issues and Support. Carolyn Holt Martino, Esq. Law Office of Carolyn Holt Martino, APC <input type="checkbox"/> I WILL ATTEND OR <input type="checkbox"/> HANDOUT ONLY <input type="checkbox"/> SECTION MEMBER - <input type="checkbox"/> NON-SECTION MEMBER

Name: _____ ☐ CCLS ☐ Paralegal ☐ PLS

E-mail: _____

Local LSI Association (if applicable): _____

PAYMENT: CREDIT CARD & PAYPAL AVAILABLE AT WWW.LSI.ORG

☐ CHECK MADE PAYABLE TO **LSI**

REGISTER AND PAY ONLINE OR SEND COMPLETED FORM AND PAYMENT TO:

C/O DAWN R. FORGEUR, CCLS, LSS COORDINATOR
 500 CAPITOL MALL, SUITE 1600, SACRAMENTO, CA 95814
 QUESTIONS? EMAIL: DAWN.FORGEUR@STOEL.COM

The Legal Specialization Sections are a program of Legal Secretaries, Incorporated, an approved provider, and certify that these seminars have been approved for minimum MCLE/CLE credit of 1.5 hours each, by the State Bar of California. California Certified Legal Secretary credit offered is 1.5 hours.

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



Southern Butte County Legal Professionals Association

Invites you to celebrate with us

“ROARING TWENTIES”

February 24-26, 2017

LSI Quarterly Conference

RAMADA PLAZA

Chico, California

** CONFERENCE REGISTRATION FORM **

NAME (TO BE USED ON BADGE): _____
 MAILING ADDRESS: _____
 CITY/STATE/ZIP: _____
 HOME TELEPHONE: _____ Work Telephone: _____
 E-MAIL ADDRESS: _____ Fax Telephone: _____
 LOCAL ASSOCIATION: _____ LSA/LPA

(Spell out)

INDICATE IF YOUR ARE:	Title	INDICATE IF YOU ARE:	Title
_____ State Officer	_____	_____ Governor	_____
_____ State Chairman	_____	_____ PLS/CCLS	_____

SCRIP (includes Registration, Welcome Reception, Banquet & Brunch):

POSTMARKED <u>on or before</u> February 14, 2017	\$123.00	\$ _____
POSTMARKED <u>after</u> February 14, 2017 (no exceptions)	\$133.00	\$ _____

SINGLE TICKETS: FRIDAY NIGHT

_____ Registration PRIOR to February 14, 2017	\$ 25.00	\$ _____
_____ Registration AFTER to February 14, 2017	\$ 30.00	\$ _____
_____ Welcome Reception (Friday)	\$ 20.00	\$ _____

_____ SATURDAY NIGHT BANQUET:	\$ 53.00	\$ _____
Circle One: <u>Grilled Chicken Dinner</u> <u>Pasta Primavera</u>		

LUNCHEONS:

	Circle One: <u>Sourdough Bleu Cheddar Burger</u>	<u>Veggie Wedge Wrap</u>
_____ Presidents Luncheon (Saturday)	\$33.00	\$ _____
_____ Governors Luncheon (Saturday)	\$33.00	\$ _____
_____ Membership Luncheon (Saturday)	\$33.00	\$ _____

_____ SUNDAY BRUNCH:	\$40.00	\$ _____
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TOTAL AMOUNT ENCLOSED \$ _____

SPECIAL DIETARY CONSIDERATIONS: (please list, if any, including VEGETARIAN):

NO REFUNDS AFTER FEBRUARY 10, 2017

MAKE CHECKS PAYABLE TO: **SBCLPA CONFERENCE FUND**

MAIL TO: **Elizabeth Fleischer, LDA**, 236-A W. East Ave, #124, Chico, CA 95973

(530)774-6751

Email: alegalbridge@hotmail.com



Southern Butte County Legal Professionals Association

Invites you to celebrate with us and
“ROARING TWENTIES”

February 24-26, 2017

LSI Quarterly Conference
RAMADA PLAZA
Chico, California

**** HOTEL REGISTRATION FORM ****

NAME (TO BE USED ON BADGE): _____
MAILING ADDRESS: _____
CITY/STATE/ZIP: _____
HOME TELEPHONE: _____ Work Telephone: _____
E-MAIL ADDRESS: _____ Fax Telephone: _____
LOCAL ASSOCIATION: _____ LSA/LPA
(Spell out)
Arrival Date _____ Departure Date _____

Accommodations: (Plus applicable taxes and fees)

☐ SINGLE/DOUBLE (Standard) \$ 89.00 per night

☐ TRIPLE (Deluxe) \$119.00 per night

All *cancellations* must be made by 4 pm **two weeks** prior to the arrival date. (Feb. 10, 2017)

No Smoking in rooms. Designated Smoking Area outside

Check In/Out: (Late arrivals or departures **MUST** be arranged with hotel)

Check In Time: 3:00 p.m.

Check Out Time: 11:00 a.m.

Parking: FREE

Airport: Sacramento International Airport (SMF) - approx. 85 miles from Chico

Please call RAMADA PLAZA for reservations, directly:

(530)345-2491

Use Code “**LSI**” to identify yourself as being a part of LSI to get the group rate.

GENERAL INFORMATION, CONTACT:

JUDITH WILLIAMS, Conference Chair

STACEY HUBBARD, Co-Chair

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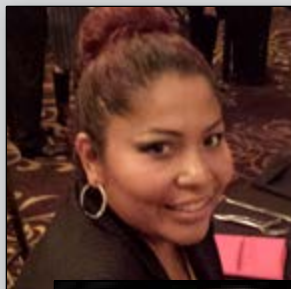


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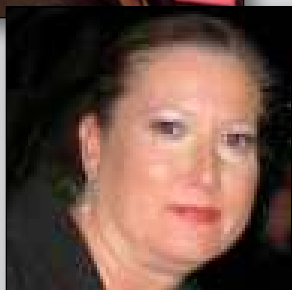
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ERIKA GARDUÑO is a single mother of two (Alexis & Kira). In addition to the family, she adopted/rescued Gidget (Yorkie) & Athena (GSD). Erika initiated her experience in Los Angeles County in 1995 and transferred to the Coachella Valley in 2007. Erika's knowledge and experience varies from personal injury, manufacturing defects, governmental agencies, and Tribal defense, among others. Since her arrival to the Coachella Valley, she has been employed with the law firm of Slovak Baron Empey Murphy & Pinkney LLP in Palm Springs.



KATHLEEN GORHAM is originally from the San Fernando Valley in Southern California, has lived in Palm Springs since 1990 and has served in the legal profession for 29 years. Kathleen is a past member of the San Fernando Valley Legal Secretaries Association and a current member of the Desert Palm Legal Professionals Association. Kathleen is also a certified paralegal and works in the Probate Department at the law firm of Slovak Baron Empey Murphy & Pinkney LLP in Palm Springs.

Join Desert Palm LPA at our Palm Springs Pink Party!

BY ERIKA GARDUÑO AND KATHLEEN GORHAM
– SUBMITTED BY DESERT PALM LPA

Desert Palm LPA is honored to host LSI's 2nd Quarterly Conference November 11-13, 2016 at the beautiful Hilton Hotel in Palm Springs. Conference Chairs, Erika Garduño and Kathleen Gorham are at it again and hard at work creating a fun weekend for all.



The theme is simple...all things pink, pretty, fun, sparkly, glamorous and diva-esque! From the Pink Palm Lounge (aka hospitality!) to the Pink Party Saturday night, we hope to bring about new friendships, feel-good laughs and much appreciation to all of our legal professionals.

There are two added bonuses this conference weekend, thanks to the wonderful City of Palm Springs! The first is, if you are coming Thursday, you can enjoy the Palm Springs Street Fair taking place on Palm Canyon just two short blocks from the hotel. The Street Fair runs until

10:00 p.m. The second is the Palm Spring's Veteran's Day Parade on Palm Canyon, again just two short blocks from the hotel, featuring the Coachella Valley's school bands and groups, floats and; of course, our veterans. The parade will commence at 3:00 p.m. to 5:00 p.m. on Friday, November 11th. We hope that you will have a chance to enjoy these events along with the nearby shops, restaurants, and casino!

We are excited and look forward to seeing you in November!

LSI



MARCI FRAZIER is a Chicago native who migrated to California in April 2015. She is a legal secretary at the firm Downey Brand LLP in Sacramento. She will reach her 30-year milestone as a legal professional in 2017. Besides enjoying the indescribable pleasure of preparing pleadings and other legal documents for a living, Marci enjoys reading and writing poetry, and is the broker/owner of a real estate company she founded in 2002.

LSI Conference – the Good, the Better and the Best

BY MARCI FRAZIER – SUBMITTED BY SACRAMENTO LSA

I grew up in Chicago, Illinois. I moved to California in April of 2015. My migration to California was the fulfillment of a lifelong desire to live on the West Coast.

The year 2017 will mark my 30-year milestone working as a legal professional. Yet, it was not until I became a member of Sacramento Legal Secretaries Association (SLSA) that I experienced the benefits that come with being a member of an organization that focuses on the educational, professional and personal development of its members. In fact, no such professional organization exists in Illinois.

While I knew that my professional litigation knowledge and skills were transferable within virtually any legal community, my transition from Illinois to California litigation was not without its challenges. Understanding the intricacies of California rules and procedures as they vary from county to county has been my primary focus, and being a member of SLSA with its many resources has been of monumental support to me.

Between SLSA's educational monthly meetings, the professional development classes, and association with a wide network of other legal professionals, I have been able to enhance my extant skills and abilities to include the nuances and subtleties of California litigation. Here is where my attendance at LSI's 2016 First Quarterly Conference was so refreshingly worthwhile.

Through vendor networking sessions, I was able to interact with representatives from various companies that provide legal support to law firms in areas such as e-discovery, deposition support and language translation. The interchange of information provided during the vendor networking will prove to be invaluable as I share it with my co-workers.

I also attended an extremely informative and educational class entitled "Social Media and Mobile Data Discovery,"



conducted by U.S. Legal Support. The class focused on global social media, addressing both the virtues and imperfections of social media platforms. The educational focus directed attention to security concerns inherent in social media and mobile devices and how they impact the legal community, particularly as it relates to obtaining discovery during litigation.

Refreshing highlights to the conference were the Friday Night Reception at which I practically overdosed at the amazing mashed potato sundae bar, the Saturday Evening Banquet where we enjoyed a superb fashion show production, and the Sunday Brunch where we heard a compelling discourse on the Twelve Secrets to Success.

To round off the excitement, I discovered that I was the recipient of one of the raffle prizes, a \$50 gift card to Nordstrom. So, after leaving all of the excitement of the Conference, I made a beeline to Nordstrom Rack at Palladio Mall. A perfect ending to a perfect weekend!

I thoroughly enjoyed my time at LSI's 2016 First Quarterly Conference, and I would encourage everyone to make arrangements to attend the next event in November 2016.

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The Continuing Education Council

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David Majchrzak, Esq.
KLINEDINST PC

THE UNAUTHORIZED PRACTICE OF LAW

Nonlawyers are generally prohibited from practicing law. But what constitutes the practice of law in a forum is an ever-evolving standard. To address clients' needs, lawyers sometimes test state boundaries where they are not licensed. And nonlawyers have tried to recreate the success of LegalZoom to provide low-cost legal documents online. This program addressing the evolving definitions and approaches to the unauthorized practice of law.

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ALAN LIPKIN holds a BA in History from CCNY, and an MA and Ph.M. in Geography from Columbia University. He has been an Office Manager for Hartford Insurance, a former Professor of Physical Geography at Columbia University, University of Pittsburgh, Sonoma State University and various other California colleges. Mr. Lipkin became a stamp collector at the age of six, and is a member of various national and specialized collecting organizations. He became a stamp dealer in 1982, and has worked for Regency Superior, one of the largest collectibles auction houses in the world, since 1993 as an auction lot describer, appraiser and as their Senior Vice President. Though currently semi-retired, he still runs Regency's West Coast office. Mr. Lipkin has also been married to Conejo Valley Legal Professional's Governor, Shirley Lipkin for over 40 years, and they have two adult daughters.

Appraising Collectibles for Probate

BY ALAN LIPKIN - SUBMITTED BY CONEJO VALLEY LPA

Probate attorneys, paralegals and legal secretaries occasionally need to find out whether or not collectibles in an estate are valuable and, if so, how much are they worth? They should contact a professional. Beware of helpful collectors who offer to do the work for only a few items of their choosing. Frequently, most of the value of a collection is in only a small percentage of the items. See if you can initially get a "ballpark" figure for free, to know if it is worth getting a formal written appraisal, but be prepared to spend between \$100 to \$300 per hour for an extensive written appraisal. I have had estate departments of banks insist upon formal appraisals costing in the thousands of dollars for collections which were barely worth hundreds.

An appraisal sometimes must be done for insurance purposes at replacement (basically retail) value. More often, fair market value, the price that would be paid by a knowledgeable buyer to a knowledgeable seller, is needed (especially by the IRS) to determine value.

Collectibles appraisals differ from the more common appraisals that the legal profession faces on a regular basis such as real estate, personal effects, jewelry, vehicles or art. Many probate attorneys frequently contact specialized appraisers in other areas to get an estimate on value in less common collecting areas. It helps to have a basic knowledge to avoid some of the possible pitfalls of over or under estimating values.

Stamp collecting, for example, is an aging hobby that may have a significant value in a collection or have very little due to various factors. Age, volume, condition and subject matter all play a part in value.

Age: I have been told many times that a collection is "very old," and therefore is valuable. This may or may not be true in every case. "Very old" is subjective with age of collector or owner or perspective of age by the owner of the material, creating a bias. World War II is not "old" to stamp collectors. In fact, most United States and foreign stamps since the 1940's sell for less than face value at auction or even at retail. Many stamp dealers can supply U.S. Stamps at 50% to 80% of face value to potential customers for use as postage. This has little to do with the collector value of an individual stamp to a collector.



Volume: In stamp collecting, most collectors want a "one of each" collection. If he has what he considers being a satisfactory copy of a stamp, there is no need for a second one. Catalogues may list a minimum value for a stamp of 20 cents, but one can find thousands of copies of more common stamps (or millions, in fact!). If every stamp was worth 20 cents or more, all stamp collectors and dealers would be worth millions!

Condition: Apparently identical stamp prices may vary greatly, depending on the appearance. Unused (not cancelled by the post office) is usually, not always, worth more than used. Even the gum on the back of the stamp is very important. Hinges used to mount stamps in albums,

and even fingerprints on the backs of stamps can change the value greatly.

Subject Matter: In the mid-twentieth century, large numbers of collectors began to specialize by accumulating by theme or topic instead of buying "one of everything," creating collections of trains, cars, maps, legal subjects, medical themes, and so on, all illustrated on stamps. A popular topic sells better than an unpopular one. Similar comments apply to other collectibles. A Space memorabilia item that has flown in space is much more desirable than an identical item that has never left earth. An autograph on a blank piece of paper is worth less than that same autograph on a photograph, document or letter. In the nineteenth century hollowed out bird eggs and feathers were popular collectibles. These collections were often given to charities and museums by estates and wealthy individuals.

Who should do an appraisal? When the item is part of a large estate, such as houses, businesses, vehicles, furniture, or even some art or antiques, the court will nominate a probate referee. There are well known auction houses, companies and individuals who advertise and are

listed in professional journals. Sotheby's and Christie's are known for art and antique auctions, and some real estate. When it comes to small, specialized collections, it may come down to smaller professional organizations, or one of the most important sources, "word of mouth."

What to look for in a collectibles appraiser: Experience and knowledge in the field are important. An experienced stamp appraiser may know much about antiques and *vice versa*. Large respected auction firms such as Sotheby's and Christie's often will refer stamp collections or aviation and space Memorabilia to my firm, Regency Superior, and we refer fine art collections to them because we each have our own specialties.

Beware of changes in value in recent years in both directions. Some collectibles have gone up (Chinese stamps) and some have gone down (U.N. and Israeli Stamps). Sports memorabilia has gone down because of large numbers of forgeries and truly rare items with outstanding pedigrees have gone up in almost all areas.

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KATIE PATTERSON is an associate attorney at Cota Cole LLP specializing in employment litigation with an emphasis on FEHA and Title VII claims. Ms. Patterson has drafted dispositive motions, including motions for summary judgment and demurrers, conducted workplace investigations regarding all manner of employment issues, and responded to EEOC charges and complaints filed with DFEH. Ms. Patterson has significant experience in employment-related defense litigation, managing cases from inception through trial.

Telecommuting as a Reasonable Accommodation

BY KATIE PATTERSON – SUBMITTED BY PLACER COUNTY LPA

Background

When an employee experiences a disability, navigating the legal requirements of the Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA) can be difficult, to say the least. This article focuses on providing a reasonable accommodation to a disabled employee; but keep in mind an employer may have other obligations, such as granting leave under the Family Medical Leave Act.

As a foundational matter, not every physical malady is a “disability”; generally the impairment must substantially limit one or more major life activities. If an employee has a disability, that employee may be entitled to a reasonable accommodation meaning it enables that employee to perform the “essential functions” of the position. To determine if a function is “essential,” courts look to the employer’s written job description, the business judgment of the employer, the amount of time spent performing that function, and the actual requirements of the position, particularly if those requirements conflict with the written job description.

How do the employee and employer determine what “reasonable accommodation” to provide? The parties are required to engage in “the interactive process” to determine whether a reasonable accommodation is appropriate and what accommodation to implement. The interactive process is designed to be just that - interactive. Both sides are required to engage with the other side to come up with a workable solution. If one possible solution fails, the parties should continue to have a dialogue until either an accommodation is implemented or it is clear that no accommodation will allow the employee to perform the essential functions of the position.



Telecommuting

As the availability of teleconferencing, remote desktops and other technological advances becomes almost ubiquitous, many employers have adopted policies allowing their employees to telecommute. Studies have demonstrated that telecommuting comes with real benefits; telecommuters are 14% more productive, work 9.5% fewer hours (by eliminating the commute and decreasing sick leave), and actually save the employer money by eliminating the need to maintain an on-site workspace. (<http://www.nytimes.com/roomfordebate/2013/02/27/the-costs-and-benefits-of-telecommuting/> telecommuters are more productive)

Though there can be real benefits to telecommuting, many positions may always require some level of in-person interaction that cannot be solved by Skype. *Samper v. Providence St. Vincent Medical Center* is a prime example. The employee was a Neo-Natal Intensive Care Unit (NICU) nurse and suffered from fibromyalgia, which limited her sleep and caused her chronic pain. The employer only allowed 5 unplanned absences per year, and she exceeded that amount for several consecutive years. The employer eventually terminated her; unplanned absences made it difficult to find replacement staff and resulted in substandard patient care. The Court agreed and held that regular attendance was an essential function of the position of a NICU nurse.

Though it may be obvious that a NICU nurse must be present at the workplace, clerical and office jobs present a less clear-cut case, discussed below.

Telecommuting not a Reasonable Accommodation

Even some office positions may still require face-to-face interactions with clients and other employees. And the most “telecommuter friendly” employer often requires some minimum level of performance before it allows the employee to be outside the view of her supervisor. In *E.E.O.C. v. Ford Motor Co.*, the employee was a resale buyer who suffered from irritable bowel syndrome (IBS) (which caused fecal incontinence while she was at work). That employee also had received consistently poor performance reviews.

The employee requested the ability to telecommute 4 days per week; Ford denied the request. Though Ford allowed its resale buyers to telecommute, it only allowed them to do so one day per week, and the employee was required to demonstrate they were a “strong performer.” The employee satisfied neither of these criteria. Ford instead offered to move her work space closer to the restroom or to look for another job that was better suited to telecommuting. The employee rejected both offers, but did not offer any other solution.

The Court ruled in the employer’s favor: Ford had presented evidence demonstrating that the employee was required to perform on-site visits, that interactive meetings at work were an essential function of the position, and that she was not a “strong performer.” It is important to note that the employee did nothing to further the interactive process after Ford presented alternatives to a 4 day a week telecommute. Had the employee provided an alternative, such as telecommuting 3 days a week subject to a three-month performance review, the Court may have reached a different conclusion.

Telecommuting a Reasonable Accommodation

Many jobs require very little to no human interaction. Enter *Humphrey v. Memorial Hospital Ass’n*. There, a medical transcriptionist was diagnosed with Obsessive Compulsive Disorder (OCD). She was often late to work because she would engage in a series of obsessive rituals - preparing her hair could take up to three hours. Once she realized she was late for work, she would panic and become embarrassed, which in turn worsened the OCD. Outside of her attendance issues, she was a model employee and consistently had excellent performance reviews. Her doctor suggested that time off from work might help resolve the OCD.

Her employer offered a flexible start time as a reasonable accommodation, but she continued to have attendance problems. The employee then asked whether she could

telecommute; the employer summarily denied her request and did not suggest an alternative accommodation. The employee was absent two more times, and the employer fired her.

The Court held that physical attendance at the workplace was not an essential function of the position; many of the employer’s medical transcriptionists worked from home. The employer argued that she had several negative performance reviews; the Court rejected this argument because the poor performance (tardiness and absenteeism) was exclusively tied to her disability.

The employer was also liable because it failed to explore other possible accommodations, particularly when the employee’s doctor had suggested that a leave of absence might result in improved performance. As with *Ford Motor Co.*, the outcome of this case may have been very different had the employer offered other possible solutions rather than summarily terminating the employee when one accommodation did not solve the problem.

Conclusion

The above examples illustrate the difficulty of navigating this legal minefield. For employers with significant clerical and office staff, these considerations apply with particular force. Employers should ensure that job descriptions accurately reflect the job’s actual requirements and those activities an employee performs on a daily basis. Of course, the case against allowing telecommuting is strongest when an employer articulates clear, legitimate reasons for an employee’s presence, and when the nature of the work truly requires it.

If the employer allows its workforce to telecommute, it should ensure that it has a telecommuting policy in place that establishes clear expectations about employee performance when working outside the office. A clear policy will allow an employer to establish baseline expectations and hold the disabled employee to those expectations.

Finally, even if an employee with a disability requests telecommuting as a reasonable accommodation, the employer does not necessarily need to grant the request. The above illustrations demonstrate that many accommodations may work, including alternative work hours or modifications to the work environment. And if the employer does allow the employee to telecommute as a reasonable accommodation, the employer can still hold that employee to the same attendance, scheduling and performance standards. Any deviation should be discussed in the context of the interactive process and as a reasonable accommodation.

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BEGINNING LEGAL SECRETARIAL TRAINING CLASS

LSI will be offering its Beginning Legal Secretarial Training Class online. This class will be an eight-week, work-at-your-own-pace online session commencing January 9 and ending March 6, 2017. During the classes, the following topics will be covered:

Introduction to the Law Office
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Basic Grammar Skills

Transcription and Proofreading Techniques
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CLASS SESSION OPENS ON MONDAY, JANUARY 9, 2017

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

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

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Email registration form NO LATER THAN January 2, 2017, to LSI Legal Secretarial Training/ Seminar Chair, training@lsi.org or mail to LSI, 2520 Venture Oaks Way, Suite 150, Sacramento, CA 95833. Registration will also be offered online at www.lsi.org with PayPal. Keep in mind books will not be mailed until registration is processed. For further information or inquiries, email training@lsi.org. No refunds after January 9, 2017. CCLS credit has been approved under Section 1e of the Standards for Recertification re self-study.

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LSI Vendor Recognition

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

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JENNIFER SAWDAY is a partner with TLD Law and practices out of the firm's Long Beach office. Jennifer handles estate planning, probate, conservatorships and related death administration matters for the firm's clients. Jennifer is the outgoing President of the Estate Planning and Trust Council of Long Beach and served two separate years as the President of Women Lawyers of Long Beach. Jennifer is rated a 10.0 on AVVO and is happy to assist paralegals with estate planning matters. You may email her at jsawday@tldlaw.com.

Planning for a Special Needs Child: Conservatorships and Trusts

BY JENNIFER N. SAWDAY – SUBMITTED BY LONG BEACH LPA

This article will focus on estate planning strategies for clients who have children, whether minors or adults, with a developmental disability, or other special needs, and also for the special needs person themselves.

What is a Developmental Disability?

First, the court considers a person who has a developmental disability as someone who has severe and chronic disabilities because of a mental or physical impairment that often existed at birth or arose in early childhood development. For example, a common developmental disability is autism. Often a child with a developmental disability will receive services from a local regional center, which is a community center that provides a variety of support services to the developmentally disabled child and their family during their childhood, and often provides continued support to the same child as they turn age 18.

If a child does not have a developmental disability and does not receive services from a regional center, then the child's doctor would have to provide a diagnosis to state whether the child or now adult has a disability.

When the Child Turns 18, Now What?

When a child reaches the age of 18, they are no longer a minor and the parents cannot automatically make all medical and financial decisions for their now adult child. Of course, certain doctors and other professionals may still yield to the parents, but legally, that adult child must make their own medical and financial decisions.

Many adults with developmental disabilities have sufficient capacity to meet with an attorney and express their desires as to whom should continue to make medical and financial decisions for them during their adult lives. These adults with capacity can execute a Durable Power



of Attorney, to select their parents or other responsible adult to make financial decisions for them and also execute an Advance Health Care Directive to name their parents or other responsible adult to make medical decisions for them. A doctor could also issue a letter stating that the disabled adult has sufficient capacity to execute their own documents. An experienced estate planning attorney could conduct an intake interview with the adult to determine if there exists enough capacity to discuss their planning needs with the attorney in a private conference.

If the disabled adult has sufficient capacity, then executing their own Durable Power of Attorney and Advance Health Care Directive is advisable. The disabled adult may also need to execute a Will and/or a Trust, if they have significant financial assets in their name.

The Conservatorship Trigger

If that now adult child cannot make their own medical and financial decisions and lacks capacity to execute documents on their own (this is often obvious to everyone), then the parent should file for a Limited Conservatorship in the probate court in the county where they live to obtain Orders and Letters of Conservatorship, so they can legally continue to make all medical and financial decisions for their now disabled adult child.

A Limited Conservatorship is a proceeding where the judge appoints a person (called a conservator) to assist an adult with developmental disabilities (called a conservatee), who is unable to provide for her/his personal and/or financial needs.

There are two kinds of Limited Conservatorships:

A Limited Conservatorship of the Person is a court arrangement, where a conservator cares for and protects a developmentally disabled adult; provides for the conservatee's needs associated with daily life and makes medical decisions for the conservatee often subject to some general limitations as ordered by the Court.

A Limited Conservatorship of the Estate is a court arrangement where a conservator handles the conservatee's financial matters, like paying bills and collecting the conservatee's income, if the conservatee is employed.

According to the court's self-help brochure: "A limited conservator's duty is to help the limited conservatee develop maximum self-reliance and independence. Because developmentally disabled adults can usually do many things on their own, the judge will only give the limited conservator power to do things the conservatee cannot do without help."

A Limited Conservatorship is often easy to obtain, though burdensome to the family. There are filing fees, court investigator fees, annual or bi-annual court investigator visits and other reporting requirements may also exist. Obtaining a Limited Conservatorship where the parents and another adult, a generation younger than the parents, can all be named as co-conservators and allows for continuity of care for the disabled adult as they age and as the parents later pass away. The remaining co-conservator, if things happen in the right order, would be the person that is a generation younger and can continue to help the disabled adult with their medical and financial decisions for their lifetime, under the court's supervision, without disruption when the parents do pass on. This is a general overview of a Limited Conservatorship and does not actually detail the forms or the process of obtaining one, but the court's self-help webpages in this area actually make preparing the forms and assisting clients in this area easy. The court does not desire to make this process difficult for the members of our society that have developmental disabilities, and tries very hard to help those who file for a Limited Conservatorship in pro per.

Note that a Limited Conservatorship is one kind of a conservatorship (there are three types) and is applicable only for an adult with a developmental disability. An easy way to remember what is a developmental disability, is to

go back to Lady Gaga's song "Born This Way." If the child was born this way, chances are that this type of proceeding is appropriate where the now adult child lacks capacity to execute their own Durable Power of Attorney and Advance Health Care Directive and needs to have a responsible adult put in charge of making decisions on behalf of the disabled person.

Segue Into Trusts

We have discussed above, the adult child's own need for planning, either by executing their own documents or having a responsible adult file for a Limited Conservatorship. But what happens when a parent or other loved one wants to leave money for the benefit of a disabled person?

In general, Special Needs Trusts are an important part of planning for a child that has a disability, an adult that has a disability, or an adult that is on a needs based benefits, like Section 8, Medi-Cal, Social Security Supplemental Income for the child's parents.

Here, a parent who desires to leave money, a house, or other assets to a child with a disability (whether a minor or an adult) can do so and allow the child to continue to receive all services due to their disability or needs based benefits, while having the inheritance sheltered in a trust called a Special Needs Trust.

A Special Needs Trust can be created as a stand-alone trust and is referred to as a first-party Special Needs Trust or a third-party Special Needs Trust. A first-party Special Needs Trust is one created by the person with the disability and has a Medi-Cal payback. This means that when the person passes away, the trust assets must pay back or reimburse Medi-Cal and possibly other governmental agencies for funds expended for the care of the person with the disability. A third-party Special Needs Trust means it is created by someone other than the person with a disability and there is often no pay back requirement. This means that a parent or other loved one can create a Special Needs Trust for the disabled person and allow the funds to be kept safe, not considered by the government in determining eligibility for benefits and there would be no payback to the government when the disabled person dies. The remaining funds left in this type of Special Needs Trust would then go to a contingent beneficiary as designated by the trust creator.

A third-party Special Needs Trust is often created within an estate plan of the parents or other family members for the benefit of a disabled person as explained below.

CONTINUED ON PAGE 26

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The Special Needs Trust has many rules and provisions to ensure proper administration. The Trustee of a Special Needs Trust must be aware of these rules, as any improper distributions or management of the trust may cause the disabled person to become disqualified for benefits in the course of the trust administration.

In most cases, a Special Needs Trust is created or carved out in a Revocable Living Trust of a person. The easiest example is this: mom and dad have a disabled child among five of their children. They can state in their Revocable Living Trust that when mom and dad die, their house and rental property are to be sold and divided into five equal shares, with one share for each of their then living children and the share for the disabled child shall be held in a

Special Needs Trust to be administered by a Special Needs Trustee. This means that a Special Needs Trust is created the moment both mom and dad die, and the share for this disabled child is now sheltered, but the child will receive the share of the inheritance that mom and dad desired.

Special Needs Trust planning can be tricky, but it does not need to be costly. A good estate planning attorney with experience can help with this kind of planning and also obtain a Limited Conservatorship as well for the disabled person.

LS

Dates to Remember in 2016-17

November 1, 2016 Registration deadline for Legal Specialization Sections Seminars at November Conference

November 4, 2016 Registration deadline for CCLS Workshop at November Conference
California Legal Procedure Part 1 - Civil

November 11-13, 2016 LSI's 2nd Quarterly Conference
Palm Springs Hilton, Hosted by Desert Palm LPA

December 1, 2016 Last day to submit articles for February issue of The Legal Secretary

January 2, 2017 Registration due for Beginning Legal Secretarial Training Class

January 9, 2017 Beginning Legal Secretarial Training Class begins

January 18, 2017 Last day to submit CCLS Exam Application to CCLS Certifying Board

February 14, 2017 LSI 3rd Quarterly Conference registration due

February 18, 2017 Last day to submit CCLS Exam Application to the CCLS Certifying Board with payment of late fee

March 13, 2017 Registration due for Overview of California State Court Discovery

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

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

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

Position: _____ Dates of Employment: _____

Employer: _____
(name and address)

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

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Rev. April 2016

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“Trekking on Over to Trek Winery” for Incoming Celebration Luncheon for Jennifer L. Page, CCLS

BY BRYANA SCHRODER, CCLS, LSI HISTORIAN

On Saturday, June 18, 2016, on a lovely, warm afternoon, about 28 LSI members from several local associations attended the celebration luncheon for incoming LSI President Jennifer L. Page, CCLS, hosted by Kristi L. Edwards, CCLS, LSI Parliamentarian and member of Marin County LPA. I am including with this article several photos taken at the event, held at the Trek Winery in Historic Downtown Novato. For this event, being held only a couple of weeks after the LSI Officers Installation in May, Kristi decided to continue with the Audrey Hepburn "Breakfast at Tiffany's" and "Tribute to Hollywood" annual conference themes. For a photo op, each attendee posed in front of Audrey's photos and donned a replica of Audrey's famous black and white hat. LSI Past Presidents who attended were: Patricia E. Miller, PLS, CCLS; Yvonne Waldron-Robinson, CCLS; Mary S. Rocca, CCLS; and Mary J. Beaudrow, CCLS. Lynne Prescott, CCLS, LSI Secretary-Treasurer, also attended from Sacramento.

President Jennifer welcomed attendees and thanked them for “Trekking on over to Trek Winery.” She presented awards to a few of her local association members, thanking them for their assistance to her. Outgoing LSI President Mary J. Beaudrow commented that she was personally grateful that Jennifer would be following her as President, that she knew LSI was in good hands with Jennifer, and wished Jennifer well during her term. Kristi read some notes sent by LSI members who unfortunately could not attend, including a very special one from LSI Past President Dee Eastman: “Thank you for the invitation. Maybe someday I can be there again in May. Please tell Jennifer that her tenure will be the best ever in her life, and that it will be the most rewarding and fun, too. You are all always in my thoughts of my LSI years.”

And fun is something Jennifer is certainly experiencing as she evidently thoroughly enjoyed her celebration luncheon, as you can see from the photos. Thank you, Kristi, for making this a very special day for Jennifer.

LS





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

	✓	LSI Member New/Renewal	Non-LSI Member New/Renewal
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CCLS QUIZ:

CALIFORNIA LEGAL PROCEDURE - CIVIL

DIRECTIONS: DETERMINE THE CORRECT ANSWER FOR EACH QUESTION BELOW.

1. Substituted service of a complaint is allowed at any time, on any person located at the residence. True / False
2. If a lease has ended and the tenant does not vacate, which of the following notices would you serve?
 - (a) 3 Day Notice to Quit
 - (b) 30 Day Notice of Termination
 - (c) 60 Day Notice of Termination
 - (d) No notice is required
3. The party who originally propounded written discovery requests maintains the original request, response, and verification in their file. True / False
4. Because a subpoena has all information regarding the deposition (deponent, date, time, location), it is not necessary to prepare a separate notice of deposition. True / False
5. Which of the following is required when filing an ex parte application?
 - (a) Declaration re notice of the hearing
 - (b) Notice of Motion
 - (c) 24 hour notice
 - (d) None of the above
6. Prior to filing a demurrer, the parties must meet and confer. True / False
7. Moving and opposition papers for summary judgment motions are limited to how many pages?
 - (a) 10 pages
 - (b) 15 pages
 - (c) 20 pages
 - (d) Unlimited
8. All default judgments may be "judgment by clerk" if the parties so stipulate. True / False
9. Service of a 3 Day Notice to Pay Rent or Quit does not require that the notice be handed to a person. True / False
10. In order to ensure that an action cannot be reopened or brought again, a dismissal (a) with / (b) without prejudice should be filed.

CCLS QUIZ ANSWERS ON PAGE 32

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Looking to Contribute an Article?

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

If you are interested, please contact:
Editor, *The Legal Secretary*
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ANSWER KEY TO P. 33 QUIZ

1. False
2. (d)
3. True
4. False
5. (a)
6. True
7. (c)
8. False
9. True
10. (a)

Quarterly Assignments

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

- **AUGUST ISSUE (to be submitted no later than **June 1st**):**
Alameda County, Beverly Hills/Century City, Conejo Valley, Contra Costa County, Desert Palm, El Dorado County, Fresno County, Humboldt County, Imperial County
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- **FEBRUARY ISSUE (to be submitted no later than **December 1st**):**
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- **MAY ISSUE (to be submitted no later than **March 1st**):**
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OVERVIEW OF CALIFORNIA STATE COURT DISCOVERY

LSI will be offering an online class on an Overview of California State Court Discovery. This class will be a six-week, work-at-your-own-pace online session commencing March 13 and ending April 24, 2017. During the classes, the following topics will be covered:

Interrogatories
Demand for Production of Documents
Requests for Admissions
Depositions

Demand for Physical Examinations
Deposition Subpoenas
Discovery Timelines and Service
Verifications

CLASS SESSION OPENS MONDAY, MARCH 13, 2017

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

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

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

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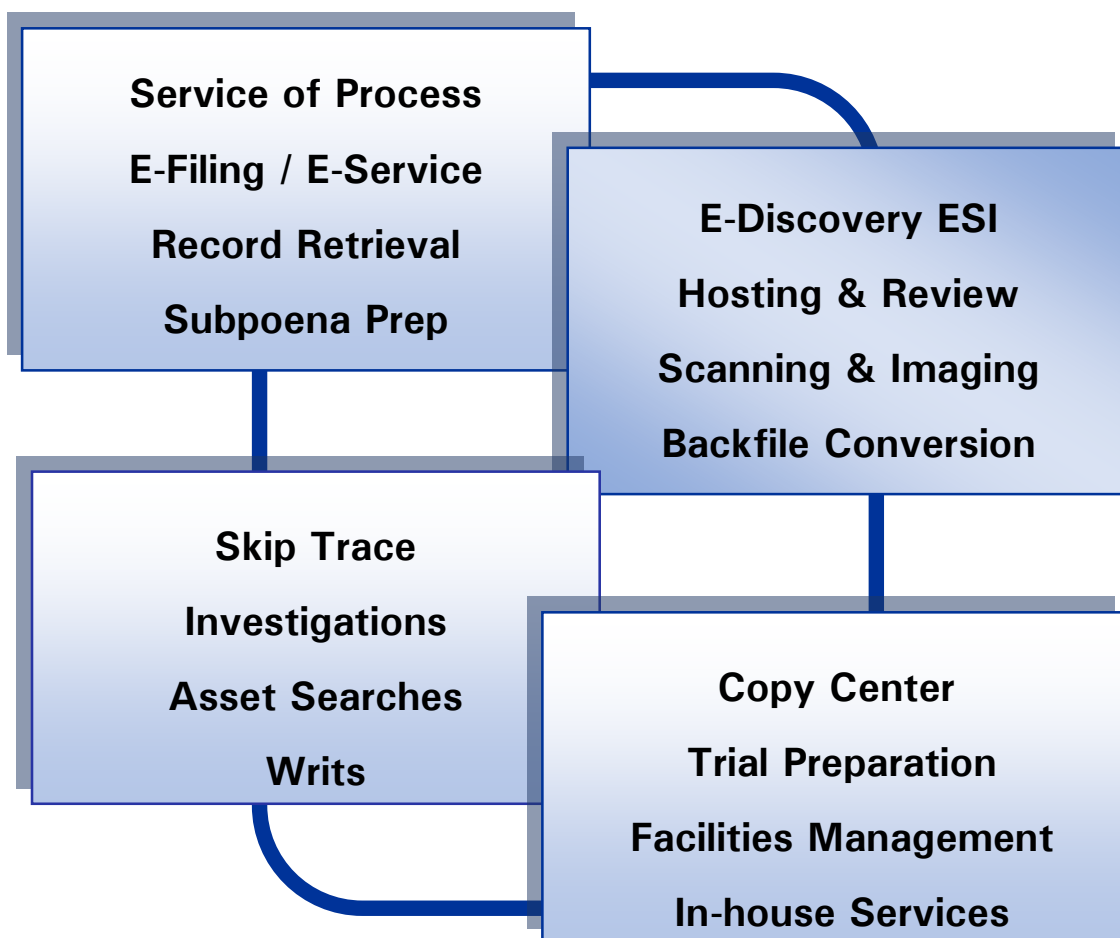
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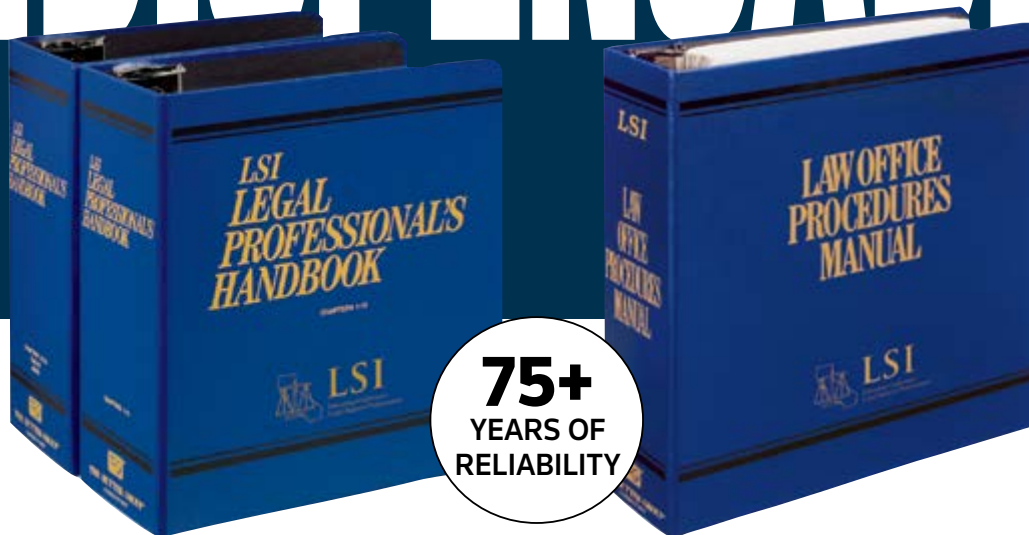
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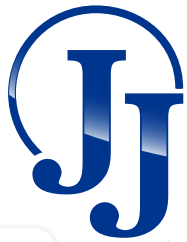
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