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# HEARSAY

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San Francisco Legal Professionals Association

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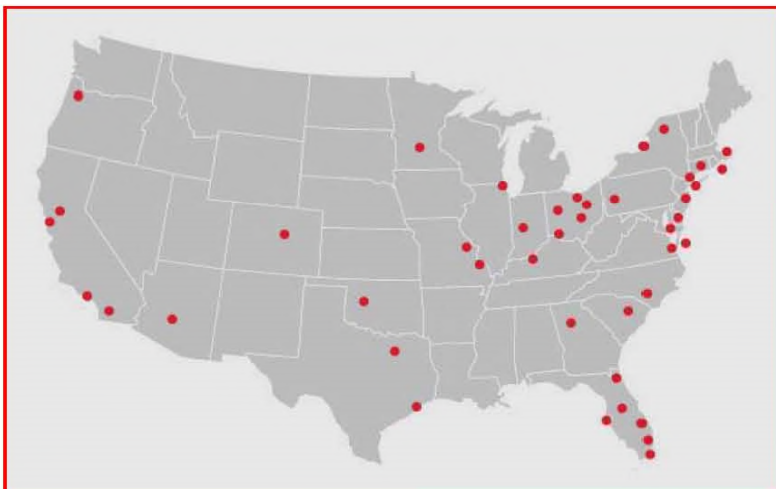
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## President's Message

### *December President's Message*

**By: Larry McGrew**

#### **Greetings SFLPA Members:**

As the holiday season is rapidly coming to a close, we prepare to bid farewell to 2016 and welcome a New Year. It has been a whirlwind of a year, with some very positive outcomes to carry-over and some events we wish to leave behind and never look back.

It's uncertain what 2017 will bring -- for many, there are concerns of what the future holds. Although I share in those concerns, I think it is important to have faith and to focus on what I can control rather than what I cannot. Thus, I plan to focus on celebrating our 80<sup>th</sup> Anniversary at our Gala Event in April.

As this will be my last article for 2016, I wish everyone the very best of the holiday season in hopes it bring you all warmth and happiness. As for the past, so far it has been a good year for the SFLPA. We have accomplished many goals to shape our future. The new calendar year is a reminder that we are entering the final phase of our fiscal year.

November was a relatively calm month as we typically focus on family during the holidays. I attended the LSI Quarterly Conference held on November 10-13, 2016 at the Hilton Hotel in Palm Springs. It was a very interesting conference as there was a lot of attention on bylaw amendments presented to the Board of Governors.

Although the amendments ultimately did not pass, it was a very positive meeting as it brought up very good discussions as the group looks to shape the future of LSI. I won't go into too much detail but I encourage you to review our Governor's Report for additional information.

Other SFLPA members who attended the conference with me were Carol Romo and Christine Flores. The theme was 'Pink Party' and our association co-hosted a Game Night event that was well attended and lots of fun.

So stay tuned for my next article which will be in January of 2017. We have lots to look forward to as we get set to elect our Nominations Committee for our upcoming elections. The Board elected Frances Skaggs to serve on the Nominations Committee to represent the Board of Directors. We will be electing someone to serve from our Membership Meeting scheduled in January. I will appoint the third individual to complete the Nominations Committee of three.

If anyone is interested in being on this Committee, please be sure to attend our upcoming Membership Meeting scheduled for Tuesday,



#### **Upcoming Events:**

##### **Holiday Happy Hour**

Tuesday, December 20, 2016 –  
5-7pm at the Patriot House  
2 Embarcadero Center  
San Francisco, CA 94111

##### **Ethics Workshop**

Saturday, January 14, 2017  
Co-hosted with Alameda County LSA  
10 a.m. – 3:15 p.m.  
4 – One Hour Workshops Available  
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##### **Membership Meeting**

Tuesday, January 17, 2017  
Guest Speaker: Peter Van Zandt, Esq.  
Topic: 90 Days Before Trial and Beyond  
Hosted at Bryan Cave LLP  
3 Embarcadero Center, 7<sup>th</sup> Floor  
San Francisco, CA 94111

##### **Brown Bag Presentation**

Tuesday, January 24, 2017  
Topic: Changes in the Law  
Presented by: Mary Beaudrow, CCLS  
National Docketing Association  
Hosted at: Altshuler Berzon  
170 Post Street, Suite 300  
San Francisco, CA 94108

Contact me for more info:

[lmcgrew@firstlegalnetwork.com](mailto:lmcgrew@firstlegalnetwork.com)

(See event flyers for additional information on the above listed SFLPA programs)

January 17, 2017. This Committee will be tasked with submitting a slate of officers for our upcoming elections in March.

We encourage all of our members to be involved in the Association. If anyone is interested in running for an Officer position or would like to serve as our Delegate at the upcoming Annual Conference in May which will be held at the Doubletree Hotel in Modesto, please be sure to express your desire to run or you can nominate someone as well.

We will be electing a Delegate and an alternate to attend the May Conference. Expenses will be paid by the SFLPA. If you have ever thought about attending a conference, this would be a good one to get your feet wet. It is a very enlightening experience. If you would like to learn more about this, please contact one of the officers or a member of Board.

For a list of our upcoming events, please review our website as well as the attached flyers within our newsletter. I have attached a list within this article as well. I hope you are all receiving the flyers via email since we have started using a new email marketing software program called Constant Contact. If not, please let me know.

And finally, if you are interested in helping us with our 80<sup>th</sup> Anniversary Gala or if you are thinking about serving the SFLPA in a more official capacity for the upcoming year, I encourage you to contact a member of our board for more information. We will provide a list of the available positions in an upcoming issue of the newsletter. There is a list of our Committees in every newsletter for your handy reference, as well. From personal experience, I can say that it is a very rewarding experience. We would love to have some new energy as well as some fresh ideas for the future.

Hopefully, we will see you soon at our December Holiday party. If not, have a wonderful holiday and a safe and Happy New Year. Here's wishing you all the best for 2017.

Respectfully,  
Larry McGrew  
SFLPA President

## EMPLOYMENT LAW

### FEDERAL RULES OF CIVIL & APPELLATE PROCEDURE

#### USCIS Unveils New Form I-9 and Allows Time for Employers to Transition

#### *December 2016 Changes to Federal Rules of Civil and Appellate Procedure: Electronic Service and Word Counts*

December 1 is an important day for federal litigators and for tax practitioners with cases pending in federal district and appellate courts. It brings with it changes to the rules governing their day-to-day practices. This year, those changes are few and simple but important.

*First*, electronic service no longer entitles litigants to three extra days to respond to something. Items not served personally have historically triggered what many practitioners referred to as a “mailbox rule” of three extra days to respond to the item, and the concept appears in Federal Rule of Civil Procedure 6(d) and Federal Rule of Appellate Procedure 26(c). For many years, items served *electronically* were inexplicably treated (contrary to fact) as if they were not delivered immediately. That is no longer the case. The rules have caught up to technology, and in district court and the courts of appeals serving an item by email or using the electronic case filing (ECF) system’s notice function will not give one’s adversary additional time to respond unless a local rule preserves the status quo, as Eastern District of Texas Rule of Civil Procedure 6 does.

*Second*, the courts of appeals have moved almost entirely to word-count limits for papers. For many years now, litigants did not have to comply with page limits for *briefs* if their papers complied with certain word-count limits. Other papers, however, such as motions and petitions had only page-count limits. Several applicable appellate rules (21 [*mandamus* petitions], 27 [motions], 29 [*amicus* briefs], 35 [rehearing en banc petitions], and 41 [rehearing petitions]) have been amended to include word-count limits. In addition, the word counts for briefs have been *reduced* from 14,000 to 13,000 for opening, response, and cross-appeal response-and-reply briefs; 16,500 to 15,300 for cross-appeal opening-and-response briefs; 7,000 to 6,500 for reply briefs. These reductions were controversial when proposed and many circuits have opted out of them, as indicated in their local rules. E.g., 7<sup>th</sup> Cir. R. App. P. 32(c).

Finally, appellate practitioners need to determine *how* courts are implementing the changes. Some courts are applying the old rules to appeals docketed before December 1, 2016, and the new rules to ones docketed on or after December 1, 2016. Others are using the setting of the briefing schedule as the line of demarcation, and some appear willing to modify the rules in the middle of a briefing schedule.

Practice Note: Considering these changes, now is a good time to review the local rules of the federal courts where your cases are pending or where you typically practice to ensure you are not dropping any deadlines or failing to meet your word counts.

By: Joshua D. Rogaczew, Esq.  
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## U.S. CITIZENSHIP AND IMMIGRATION SERVICES

### *USCIS Unveils New Form I-9 and Allows Time for Employers to Transition*

November 15, 2016 – On November 14, 2016, U.S. Citizenship and Immigration Services (USCIS) published a new Employment Eligibility Verification form (<https://www.uscis.gov/news/news-releases/uscis-revises-form-i-9-used-all-new-hires-us>) commonly referenced as Form I-9. The new form, which employers must use to establish the employment authorization of employees they hire, features a number of upgrades intended to help reduce errors and facilitate greater efficiency and accuracy in the completion of the form. It is important to note that, while the new Form I-9 (<https://www.uscis.gov/sites/default/files/files/form/i-9.pdf>), dated “11/14/2016 N” in the document’s lower left corner, is now available for use and can be downloaded from the USCIS website (<https://www.uscis.gov/i-9>), employers can continue to use the old version, dated “03/08/2013 N,” through January 21, 2017. As of January 22, 2017, all employers must have made the switch over to the new form.

The advent of this new Form I-9 (<http://www.ogletreedeakins.com/shared-content/content/blog/2016/october/new-smart-i-9-form-becomes-mandatory-on-january-22-2017>) is generally being welcomed as a development that may ease some of the compliance burdens and risk of technical errors historically associated with the old form. Among the enhancements included in the new Form I-9 are online prompts (e.g., hover text or drop-down menus for certain fields), automatic generation of a quick-response (QR) code that can be used during audits, and real-time error notifications to help ensure that all required fields have been completed and that the information provided is consistent with compliance requirements. Employers should note; however, that these gains do not alleviate the employer’s responsibility to review proper documentation from the employee, and to abide by anti-discrimination provisions. Nor should employers consider the new Form I-9 to be an “electronic I-9,” as defined by U.S. Department of Homeland Security regulations. Although employers can access and complete the new Form I-9 on USCIS’s website, they must still print the completed form, obtain handwritten signatures, store the hard copy securely, and follow the same re-verification practices they have followed when working with the old, paper version of the form.

Additional information on the new Form I-9’s specific smart features and content-based changes (<http://www.ogletreedeakins.com/shared-content/content/blog/2016/october/new-smart-i-9-form-becomes-mandatory-on-january-22-2017>) may help employers prepare for the transition and equip them to take full advantage of the form’s improvements so they minimize the risk of errors which could lead to fines.



Lowell Sachs

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#### About the Author:

Mr. Sachs is a Practice Support Manager with the firm’s Client Services department. In this role, he works with attorneys across the firm and with other client services professionals to advance strategic marketing, communication, branding and business development efforts with a particular focus on support for the Immigration and Government Affairs practice groups.

Before joining Ogletree Deakins, Mr. Sachs served in senior strategic communication roles with organizations in both the private and public sectors, including the North Carolina Sustainable Energy Association and BCS, Inc., a management consulting firm providing professional services to the U.S. government. Through his work as Deputy Vice President for Communication and Outreach at BCS, Mr. Sachs supported the U.S. Department of Energy as a lead on-site contractor tying policy analysis and communication planning activities together with high-impact partnership development and media engagement initiatives.

## Do California Employers Have to Give Bereavement Leave?



When a death occurs in an employee's family, does a California employer have to provide paid time off? The answer: it depends.

For private employers, California law does not require that they provide bereavement leave.

But many private employers choose to provide bereavement leave as a matter of policy. These policies typically provide that the employer provides for paid bereavement leave, or allows employees to use accrued vacation, sick leave, or PTO for this purpose.

The policy may offer extended bereavement leave for the death of a family member outside California or in cases in which the employee will serve as the executor of the decedent's estate. It is also common for these policies to require documentation of the relationship and the death (e.g., a copy of the obituary, a memorial card from a funeral home, or a death certificate).

For example, a bereavement leave policy might state:

- If there is a death in your immediate family, specifically, a spouse, domestic partner, parent, grandparent, child, sister, brother, or blood relative living with you, you will be given three working days' leave with pay.
- A one-day leave with pay will be given in the event of the death of other relatives, including aunt, uncle, in-law, parent of domestic partner, niece, nephew, or cousin.
- Floating holidays may be used in other instances of bereavement.

Of course, employers have complete discretion to set the terms and conditions of any voluntary bereavement leave they choose to provide, as long as they do so in a way that does not unlawfully discriminate.

In contrast to the private sector, bereavement leave is mandatory for some employees in the public sector. Those employees qualify for paid bereavement leave of up to three days when a death occurs in an employee's family or household. The following requirements apply. (Govt. Code, § 19859.3(a)–(b).):

- The leave must be granted for the "death of a person related by blood, adoption, or marriage, or any person residing in the immediate household of the employee at the time of death";
- The employee must provide an advance notice of the need for leave to his/her immediate supervisor;
- The employee must provide documentation confirming the death; and
- The employee may take an additional two days (without pay or by accrued sick leave) if the death occurred outside California.

If the employee needs additional bereavement leave, he/she may use accrued vacation or compensating time off, or take an authorized leave without pay, subject to approval. (Govt. Code, § 19859.3(c).).

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## New Year, New Laws for Year 2017



Were you able to keep track of the new legislative changes that will affect California employers and employment lawyers? Do not worry, we did and here is an overview of some of the key statutory changes you need to know about.

- ***In a historic move, California extends overtime protections to farmworkers.***  
Farmworkers in the nation's largest agricultural state can finally look forward to the same overtime protections most other hourly workers enjoy. The new law, which will be phased in over four years beginning in 2019, is the first of its kind in the nation, and will end the 80-year-old practice of applying separate labor rules to agricultural workers. (See Lab. Code, §§ 857, 554(a), added and as amended by Stats. 2016, ch. 313, AB 1066 (effective January 1, 2017).
- ***Equal pay for equal work, update: Prior salary cannot alone justify compensation disparity.***  
When employers make salary decisions during the hiring process based on prospective employees' prior salaries or require women to disclose their prior salaries during salary negotiations, women often end up at a sharp disadvantage, especially if they are returning to the workplace following extended time off. The result: Historical disparities in pay between men and women get perpetuated. An amendment to the Fair Pay Act addresses this issue by not allowing employers to use prior salary, by itself, to justify disparity in compensation. (See Lab. Code, § 1197.5, as amended by Stats. 2016, ch. 856, AB 1676 (effective January 1, 2017).
- ***Equal pay for equal work, part 2: Now reaching pay disparity based on race and ethnicity.***  
The Legislature took the next logical step toward the goal of equal pay for equal work with another amendment to the Fair Pay Act. The law will prohibit employers from paying their employees for substantially similar work at wage rates less than those paid to employees who are of another race or ethnicity. (See Lab. Code, § 1197.5, as amended by Stats. 2016, ch. 866, SB 1063 (effective January 1, 2017).
- ***Verifying immigration documents can cross the line to being unlawful.***  
A clear message was sent to employers: Do not push it when verifying immigration documentation. Starting January 1, 2017, employers cannot request more or different documents than required under federal law to verify employment eligibility. They also cannot refuse to honor documents that on their face reasonably appear to be genuine or reinvestigate or reverify an incumbent employee's authorization to work. The penalty for violating these provisions can be



up to a hefty \$10,000. (Lab. Code, § 1019.1, added by Stats. 2016, ch. 782, SB 1001 (effective January 1, 2017)).

- ***Personal attendant protections are here to stay.***

In 2014, the Domestic Worker Bill of Rights made changes to regulate the work hours and provide the overtime compensation rate for domestic employees who are personal attendants. This law was set to expire on January 1, 2017, but in a good turn for these workers, the expiration clause is gone and the changes are permanent. (Lab. Code, § 1453, repealed by Stats. 2016, ch. 315, SB 1015 (effective January 1, 2017)).

- ***Juvenile criminals will get a clean slate on the job market.***

Soon a job applicant's juvenile criminal history won't come back to haunt him or her. Starting January 1, 2017, employers cannot ask job applicants for information on juvenile criminal history or use that history as a factor in determining any condition of employment. (See Lab. Code, § 432.7, as amended by Stats. 2016, ch. 686, AB 1843 (effective January 1, 2017)).

- ***Minimum wage is adjusting up and up.***

The statewide minimum wage is going up over the next couple of years: Starting January 1, 2017, it will be increased to \$10.50 per hour for employers with 25 or more employees; starting January 1, 2018, it goes up to \$11 per hour for those employers. Employers with fewer than 25 employees will get these increases a year later, i.e., \$10.50 per hour in 2018, and \$11 per hour in 2019. (See Lab. Code, §§ 245.5, 246, 1182.12, as amended by Stats. 2016, ch. 4, SB 3 (effective January 1, 2017)).

- ***PAGA got some tinkering.***

Effective January 1, 2017, the Legislature has made a few modifications to the Private Attorneys General Act of 2004 (PAGA), the law that deputizes employees suffering Labor Code violations in the workplace to act on behalf of other employees and the State of California. Among those changes: (1) mandatory online filing of notices and other court documents with the Labor and Workforce Development Agency (LWDA); (2) a new \$75 filing fee; (3) more time for the LWDA to respond; and (4) all PAGA settlements will be subject to court approval. (See Lab. Code, § 2699.3, as amended by Stats. 2016, ch. 31, SB 836 (effective January 1, 2017)).

- ***What happens in California, stays in California.***

One contract area where the employee has been at the mercy of the employer is choice of law and forum. But soon employers will not be able to hold this over employees anymore. A new law prohibits employers from requiring employees who primarily reside and work in California to agree to adjudicate claims against the employer somewhere other than California, or to agree to apply law other than California's to their employment disputes. A contract provision that violates this law is voidable by the employee, unless he/she negotiated the contract through counsel. Adding some teeth to it, employees enforcing rights under this new law are entitled to reasonable attorney fees, in addition to injunctive relief and any other available remedies. (See Lab. Code, § 925, added by Stats. 2016, ch. 632, SB 1241 (effective January 1, 2017)).

- ***Don't smoke 'em if you got 'em.***

Smoking has been illegal in enclosed workplaces in California since 1997, with a few minor exceptions. Most of those exceptions are now gone like the proverbial puff of smoke. The smoking ban now extends to owner-operated businesses, hotel lobbies, banquet rooms, warehouse facilities, and employee break rooms. (See Lab. Code, § 6404.5, as amended by Stats. 2016, 2d Ex Sess. ch. 7, AB 7 (operative June 9, 2016)).

Get more details on all of these statutory developments, as well as others in the featured article of the November issue of CEB's [California Business Law Reporter](#). To keep up with all developments in employment law, subscribe to CEB's [OnLAW® Employment Law Library](#) — a virtual encyclopedia of employment law. And do

not miss CEB's upcoming live program [Employment Law Practice: 2016 Year in Review](#) in various locations (and Livecast) starting on January 20, 2017.

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## **CAREER ADVICE**

### **How to Deal with a Boss Who Behaves Unpredictably**



*I would like to share with our group the following article, which was written by Carolyn O'Hara, a writer and editor based in New York City. She has worked at The Week, PBS NewsHour, and Foreign Policy. You may follow her on Twitter at [@carolynohara1](#). I hope you will find it useful if you happen to be caught in this type of situation.*

You cannot figure out your boss. Sometimes he/she is chummy and personable; other times he/she belittles you in front of the team. How do you handle a manager who acts like Jekyll and Hyde?<sup>1</sup> Should you address the situation with him, especially if you think it will bring out the bully? Do you enlist others to figure out what is going on?

#### **What the Experts Say**

“What makes Jekyll-and-Hyde bosses more challenging is that you never know which boss is going to show up,” says Nancy Rothbard, the David Pottruck Professor of Management at the Wharton School, University of Pennsylvania. “It could be the friend or the bully. And when you are dealing with an emotional roller coaster kind of person, it often makes your challenges at work infinitely greater.” When you are the target of some of the boss's outbursts, “it can be very difficult not to blame yourself, at least at some level,” says Nathanael Fast, assistant professor of management at the Marshall School of Business, at the University of Southern California. But chances are, it has nothing to do with you. What it does **mean**, however, is that “**you have to pick your battles a little more carefully.**” Here is how to cope with a moody manager.

#### **1. Do not take it personally.**

When a boss known for frequent outbursts starts yelling at you, the most constructive thing you can do, says Rothbard, is not take it personally. “These mood swings are usually linked to a larger issue,” she says. “It is not

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<sup>1</sup> *Strange Case of Dr. Jekyll and Mr. Hyde* is a novella by the Scottish author Robert Louis Stevenson first published in 1886. The work is commonly known today as *The Strange Case of Dr. Jekyll and Mr. Hyde*, *Dr. Jekyll and Mr. Hyde*, or simply *Jekyll & Hyde*. It is about a London lawyer named Gabriel John Utterson who investigates strange occurrences between his old friend, Dr. Henry Jekyll, and the evil Edward Hyde. The novella's impact is such that it has become a part of the language, with the very phrase “Jekyll and Hyde” coming to **mean a person who is vastly different in moral character from one situation to the next.** [Emphasis added.]

that you annoy the person. Usually it is that you have said something that has triggered a larger issue for them.” What is crucial, but particularly difficult, says Fast, is to see where your boss is coming from. “Saying your manager is just an idiot or a jerk—that is ultimately not helpful,” says Fast. “Try to look beyond the yelling and understand the situation. If it is a scenario that can be changed, or if this a situational factor, what can be done about it?” Try to listen to what they are saying, not how they are saying it.

## **2. Look for triggers and patterns.**

“The more you can understand what’s causing your boss’s mood swings, the better,” says Fast. It could be something as simple as low blood sugar. Does your boss come into the office every morning with a dark cloud over his/her head? Is he/she most upbeat after lunch? Or perhaps his/her outbursts accompany particularly stressful situations. “There might be a monthly meeting with the board that is extremely stressful that causes a total change in behavior,” says Fast. Or his/her volatile moods could be a personality trait, the result of what Fast calls “ego-defensiveness.” Such a person might be hyper-sensitive to threats, real or imagined. “When an emotionally reactive person feels like there is either an external or an internal threat, that is when they may turn into Mr. Hyde,” says Rothbard. Looking for clues and patterns that might reveal the cause of your boss’s temperament changes will help you develop strategies for handling his/her temper.

## **3. Be thoughtful about your timing.**

Once you understand the underlying causes of the outbursts, you can use that information to thoughtfully plan your interactions with your manager. “You want to have really good situational awareness,” says Rothbard. Perhaps you want to lay low until he/she has had his/her morning coffee. In other instances, unless you have an immediate deadline, it may not be the best idea to ask him/her about a not-pressing project immediately after he/she has come out of a tense client meeting. In those cases, ask instead if you can assist him/her in any way to defuse some of his/her stress. “Communicating that you are there to help allows your manager to feel supported, and signals that you are there to help the team,” says Fast. Such efforts tend to be mood lifters.

## **4. Stay calm.**

If your boss starts screaming or belittling you for reasons you cannot fathom, it is critical that you “do not respond in kind,” says Rothbard. That will only aggravate the situation, and likely further inflame his/her anger. You also do not want to say something in the heat of the moment that you regret later. If you feel close to your own outburst, “excuse yourself from the room,” says Fast. Take a walk around the block, or find a quiet space where you can gather your own emotions. Bring it up with your manager later in private setting. “Especially if your boss is a reactive person, to publicly push back on him/her in front of others could make him/her really fly off the handle,” says Rothbard. Try to do it one-on-one after his/her temper has cooled.

## **5. Offer some strategic gratitude.**

If your boss’s outbursts seem personality-based, deploying some well-timed gratitude can go a long way toward neutralizing his/her fury and perceived sense of grievance, says Fast. When you can see he/she is close to losing it, “try to send an email that says, *‘I’m grateful for your help in this particular matter,’*” he says. “That calms the ego a little bit, reduces their perceived threat, and communicates that you are appreciative of what they are doing.” Rothbard agrees and says the same advice can extend to “strategic apologies.” She says offering a genuine apology for having approached them at a difficult time, or for committing your own mistake, however minor, “can really defuse people. It shows you recognize and acknowledge that they are under some pressure.”

## **6. Know when to get help and when to move on.**

Your boss may not fully grasp the effect that his/her outbursts have on the team, and he/she may ultimately be grateful for help with his/her management skills. “People who are like this do sometimes want to change,” says



Rothbard. But it can be difficult to initiate that conversation as a direct report. Your best bet, says Rothbard, is to bring up the outbursts in a 360-performance appraisal setting, or report it privately to the HR department. “Often the result is that any help he/she gets in managing his/her moods becomes part of his/her coaching from somewhere else in the organization,” Rothbard says. That does not mean you should put up with truly harmful bullying at work. “When it gets to the point where it is ongoing and affecting your health or your performance at work, those are important signs that this is something that needs to be dealt with” either by HR or through you leaving for friendlier pastures, says Fast.

### **Principles to Remember**

#### **Do:**

- Make a note of any patterns in your manager’s outbursts. Finding common causes can help you develop strategies for coping.
- Be situationally aware. Understand what kind of mood your boss might be in before approaching her with requests.
- Defuse a tense situation with some well-timed gratitude.

#### **Don’t:**

- Take it personally. The boss is probably lashing out at something that has nothing to do with you.
- Swing back. Responding with an outburst of your own will only inflame the situation.
- Suffer in silence. If a bullying boss is affecting your work, bring it up with HR.

### **Case Study #1: Listen to the boss’s words, not his/her tone.**

When Marilyn Paige came to work at a small marketing agency, there were days when her boss was so mercurial that she wondered if he had a drinking problem or was bipolar. “He would adopt this combative tone of voice out of the blue, and talk down to employees like they were 12 years old,” she says. “There were more than a few times I nearly walked out.”

Instead, she began to listen more to what he was saying rather than how he said it. “I realized that nothing he was asking for or asserting was wrong,” she says. “It was actually quite smart. The way he did it was not nice, but he was leaning on me and other staff members because he needed certain results for demanding clients.”

She also secretly recorded one of his outbursts to prove to a disbelieving friend what an unbearable jerk he was. But listening back to the recording, “I was appalled more by myself,” she says. “I could not stand how I was talking and behaving. I was defensive and trying to deflect blame elsewhere.” It made her more aware of her own responses, and how they might aggravate her boss’s moods and outbursts in the moment.

Marilyn says she has learned to cope with her boss’s volatile moods over time by empathizing with him, and not taking his insults personally. “Today, we get along great,” she says. “He still has the occasional outburst, generally after he has been chewed out by a client. But now I try to listen to the context and ask myself what he needs.”

### **Case Study #2: Find a calm space for brief retreats.**

Marissa Peretz vividly remembers a boss at a Silicon Valley tech firm where she was consulting in HR who could never seem to control his emotions in the office. The manager was friendly and complimentary one moment, and condescending and berating the next. “We never knew which mood we were going to encounter when we came in each morning,” she says.

Marissa’s primary strategy of coping with the boss’s mood swings was to remove herself from the situation so as not to let her own emotions grow too heated and make the outburst worse. “I always made sure to retreat to a

quiet space to compose myself,” she says. She sometimes had a quick walk outside to clear her head, or retreated to a bathroom stall for a few minutes with a meditation app. These techniques helped her stay calm in the moment.

Marissa, who today is cofounder of recruiting-and-consulting firm, Silicon Beach Talent, learned the value of a well-timed apology. If part of your boss’s frustration stems from your own performance, even if his/her approach is wrong-headed, “you need to own your mistake,” Marissa says. “Saying sorry and taking responsibility really helps bring calm to the situation.”

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## How to Manage a Micromanaging Boss



Every morning when I arrived at my office, I used to find a to-do list printed out and neatly laid on my keyboard, courtesy of my boss. But this wasn’t a typical bulleted list—it was a long (upwards of three pages), drawn-out document, where each bullet point was accompanied by paragraphs of elaboration, laying out to the very smallest of details exactly how I should accomplish the task.

And as I stared at this book (er, document), wondering if it would somehow look less menacing after my morning coffee, I couldn’t help but think, *Wouldn’t it have taken her less time to just complete the things on the list?* And the micromanaging didn’t stop there—she constantly asked for updates on my progress, added to and modified the list, and ultimately refused to let me do my job on my terms.

For a while, I thought it was impossible to change my boss’s overbearing ways without completely offending her (and risking my job!). But over time, I did. And luckily, there are several ways you can show your boss that you’re in control—and loosen her grip a little bit, too.

- **Eliminate Any Possibility That He/She Needs to Micromanage.**

Once I’d experienced my boss’ micromanaging for a few weeks, I assumed there wasn’t anything I could do but succumb to it. Since I knew she was going to remind me about my deadlines and check on my progress multiple times a day, I figured there was no reason for me to duplicate her efforts. And while my work was still getting done on time (I couldn’t really ignore all those emails titled “Urgent!”), I was probably sending her the message that I couldn’t manage my workload without her so-called “help.”

So, first things first: Take a hard look at your recent attitude, productivity, and track record to make sure that you aren’t doing anything to solicit such nitpicking. Are you unintentionally (or intentionally) letting your work slip through the cracks? Do you show up late? Miss deadlines? In this case, of course she’s going to try to manage every detail—because she’s worried that you can’t.

- **Anticipate What He/She Wants—and Act.**

A lot of the tasks my boss assigned me (and constantly reminded me about) were tasks I knew I was supposed to do—she just wanted to make *extra* sure that I had them on my radar. It was incredibly frustrating when he/she'd walk into my office to say, "Hey, I just wanted to remind you that we need to get the weekly schedule emailed out today," when I was already well aware of the assignment. (Seriously, I did it every week.)

So, a great start to halting micromanagement in its tracks is to anticipate the tasks that your manager expects and get them done well ahead of time. If you reply, "I actually already left a draft of the schedule on your desk for your review," enough times, you'll minimize the need for her reminders. She'll realize that you have your responsibilities on track—and that she doesn't need to watch your every move.

- **Provide Updates Proactively.**

Micromanagers want to be in control—that's why they frequently ask for updates, tell you how to complete tasks, and check in incessantly to make sure that things are going according to schedule. Since they cannot actually complete every project themselves (that is why they hired you, after all), micromanaging helps them stay as involved as possible.

To head this off, try proactively sending your manager regular updates, before she has a chance to ask for them. Every morning, pull together an email outlining what you accomplished the day before, what you plan on accomplishing that day, and if you have any questions or need any input.

This will serve multiple purposes:

First, your boss will know exactly where your current workload stands, staving off her constant questioning.

Second, with a quick glance, she'll be able to address your questions, provide input, or suggest ideas in one direct reply—which will help her feel involved, yet prevent her multiple mid-day check-ins. And third, she'll eventually realize that you're organized and detail-oriented and that you can manage your responsibilities without her constant intervention—so she'll feel comfortable pulling back and giving up the reins.

- **Use Your Words.**

When it comes to bosses and their management styles, confrontation does not usually seem like a viable option. But in my case, I was working for a friend at a small start-up. He always encouraged his employees to bring up issues they were experiencing—even if they concerned the way he ran the business.

So during one of our one-on-one conversations, I carefully explained that I felt like he did not trust me with my work. He admitted that he had a hard time delegating, and was used to doing everything himself. In short, he could not "let go." But he realized the effect it was having on my productivity and happiness, and he promised to make a better effort to step back and let me accomplish my work the way I wanted to.

Obviously, this will not work in every situation. At my current (and much more corporate) job, I will not feel nearly as comfortable confronting my boss about such an issue. However, there are small—and respectful—ways you can express your opinion. For example, ask your boss for the opportunity to complete a small project on your own from start to finish, with the understanding that afterward, you will discuss what you did well and what you can improve upon next time. Pose it this way: It will be a great learning opportunity and a chance for your boss to evaluate your work methods. And if you knock it out of the park, you will instantly convey that you can work independently of your manager's constant input.



And as you notice differences in your manager's behavior, let him know how much you appreciate the hands-off approach: *"Thank you for trusting me with this project—having to create the plan and find the right resources on my own really helped me polish my project management skills. I'd love the opportunity to take on something even bigger!"*

Shifting your boss's management style will not be easy, and it certainly will not be immediate. But if you can show him that you are trustworthy, thorough, and ultimately, on top of your work, you will be able to inspire that change over time.



## ***TRAVEL TIPS – IN-FLIGHT EXPERIENCE***

### **21 Things Flight Attendants Hate About You**

As in any walk of life, among travelers, there are good guys and bad guys. Naturally, you and I fall squarely in the good-guy category; here, we are all above average. Still, it is worth considering what makes a bad actor, travel-wise, and reality-checking our own habits. You know, just in case.

As comprehensive a list of objectionable travel behaviors as you will find anywhere was just published by **Business Insider** (<http://www.businessinsider.com/things-flight-attendants-wish-passengers-would-stop-doing-2016-9>) reflecting interviews with more than 60 working flight attendants.

Of course, the fact that something rankles a flight attendant does not make it wrong. But flight attendants have a heightened sense of onboard propriety, and if something irritates them, it probably has a similar effect on others. And really, it is always a good idea to avoid biting the hand that feeds you.

So, what do flight attendants find most annoying about their charges? In no particular order:

1. Hogging the overhead bins;
2. Not saying "hello" to the crew when boarding;
3. Giving the attendant trash while they're serving meals;
4. Putting their feet on walls or other passengers' seats;
5. Asking "What do you have?" (there is a menu);
6. Ignoring the safety announcement;
7. Not specifying how you take your coffee;
8. Not taking responsibility for your belongings;
9. Occupying the lavatory when the plane has begun its descent;
10. Wearing headphones when speaking to the attendant;
11. Ringing the call button unnecessarily;
12. Poking attendants to get their attention;
13. Going to the lavatory when the seatbelt sign is on;
14. Overreacting when a meal choice is unavailable;
15. Acting entitled;
16. Going barefoot (especially when visiting the lavatory);
17. Asking to borrow the attendant's pen;
18. Snapping your fingers to get attention;
19. Using the galley area to stretch;
20. Blaming attendants for mishaps beyond their control; and
21. Expecting attendants to be as informed as the captain.

Comparing the list of gripes to my normal travel habits, I came away with a clean bill of behavior—almost. On long flights, when seated in coach, I do make it a habit to hover in the galley or around the lavatories, to relieve the pressure on my backside and stimulate circulation in my extremities. I do my best to stay out of the way of crewmembers attending to their duties, but I can understand that they had probably prefer to have the area clear of pesky passengers. To which I would respond: Give me a more comfortable seat, and I will happily stay in it. But I will not say it out loud; flight attendants are not responsible for the design of coach-class seats, or for layout of the cabin.

Far be it from me to bite the hand that feeds me.

### Reader Reality Check

How many ways are you annoying your flight attendant?



## ***ECONOMICS & SOCIETY***

### **How to Pay for Health Care**



The United States stands at a crossroads as it struggles with how to pay for health care. The fee-for-service system, the dominant payment model in the U.S. and many other countries, is now widely recognized as perhaps the single biggest obstacle to improving health care delivery.

#### **Fixing Health Care**



*Editor's Note: The United States is about to radically change how it pays for health care. Experts agree that the prevailing method—fee for service—fuels waste and does not promote high-quality care. The big question is: What should replace it?*

*In our Fixing Health Care package, we look at the two leading models. In this article, Michael E. Porter and Robert S. Kaplan argue for bundled payments, which they believe generates the kind of competition among providers that improves the value of health care. In the accompanying piece, [Brent C. James and Gregory P. Poulsen make the case for capitated payment.](#) They say that approach is the only one that would encourage health care providers to attack all types of waste.*

Fee for service rewards the quantity, but not the quality or efficiency of medical care. The most common alternative payment system today—fixed annual budgets for providers—is not much better, since the budgets are

disconnected from the actual patient needs that arise during the year. Fixed budgets inevitably lead to long waits for nonemergency care, and create pressure to increase budgets each year.

We need a better way to pay for health care, one that rewards providers for delivering superior value to patients: that is, for achieving better health outcomes at lower cost. The move toward “value-based reimbursement” is accelerating, which is an encouraging trend. And the Centers for Medicare & Medicaid Services (CMS), to its credit, is leading the charge in the United States.

That does not mean; however, that health care is converging on a solution. The broad phrase “value-based reimbursement” encompasses two radically different payment approaches: capitation and bundled payments. In capitation, the health care organization receives a fixed payment per year per covered life, and must meet all the needs of a broad patient population. In a bundled payment system, by contrast, providers are paid for the care of a patient’s medical condition across the entire care cycle—that is, all the services, procedures, tests, drugs, and devices used to treat a patient with, say, heart failure, an arthritic hip that needs replacement, or diabetes. If this sounds familiar, it is because it is the way we usually pay for other products and services we purchase.

We need a way to pay for health care that fosters the delivery of superior value to patients.

A battle is raging, largely unbeknownst to the general public, between advocates of these two approaches. The stakes are high, and the outcome will define the shape of the health care system for many years to come, for better or for worse. While we recognize that capitation can achieve modest savings in the short run, we believe that it is not the right solution. It threatens patient choice and competition, and will fail to fundamentally change the trajectory of a broken system. A bundled payment system; however, would truly transform the way we deliver care and finally put health care on the right path.

### **The Small Step: Capitation**

Capitation, or population-based payment, is not a new idea. It was introduced in the United States with some fanfare in the 1990s, but quickly ran into widespread criticism and was scaled back significantly. Today, several transitional approaches, including accountable care organizations (ACOs), shared savings plans, and alternative quality contracts, have been introduced as steps toward capitation. In the ACO model, the care organization earns bonuses or penalties based on how the total fee-for-service charges for all the population’s treatments during the year compare with historical charges. In full capitation, the care organization absorbs the difference between the sum of capitation payments and its actual cost.

Under capitation, unlike in the FFS model, the payer (insurer) no longer reimburses various providers for each service delivered. Rather, it makes a single payment for each subscriber (usually per patient per month) to a single delivery organization. The approach rewards providers for lowering the overall cost of treating the population, which is a step forward. However, under this system cost reduction gravitates toward population-level approaches targeting generic high-cost areas, such as limiting the use of expensive tests and drugs, reducing readmissions, shortening lengths of stay, and discharging patients to their homes rather than to higher-cost rehabilitation facilities. As a response to the failed experience with capitation in the 1990s, current capitation approaches include some provider accountability for quality. However, “quality” is measured by broad population-level metrics, such as patient satisfaction, process compliance, and overall outcomes such as complication and readmission rates.

This all seems good at first blush. The trouble is that, like the failed FFS payment system, capitation creates competition at the wrong level and on the wrong things, rather than on what matters to patients and to the health care system overall.

### **Providers are not accountable for patient-level value.**



Capitation and its variants reward improvement at the population level, but patients do not care about population outcomes such as overall infection rates; they care about the treatments they receive to address their needs. Outcomes that matter to breast cancer patients are different from those that are important to patients with heart failure. Even for primary and preventive care, which the concept of population health rightly emphasizes, appropriate care depends heavily on each patient's circumstances—health status, comorbidities, disability, and so on. And managing the overall health of a diverse population with high turnover (as ACOs do) is extremely difficult.



Michael E. Porter

Bishop William Lawrence Professor

#### **About the Author:**

Michael Porter is an economist, researcher, author, advisor, speaker and teacher. Throughout his career at Harvard Business School, he has brought economic theory and strategy concepts to bear on many of the most challenging problems facing corporations, economies and societies, including market competition and company strategy, economic development, the environment, and health care. His extensive research is widely recognized in governments, corporations, NGOs, and academic circles around the globe. His research has received numerous awards, and he is the most cited scholar today in economics and business. While Dr. Porter is, at the core, a scholar, his work has also achieved remarkable acceptance by practitioners across multiple fields. He chairs Harvard Business School's program dedicated for newly appointed CEOs of very large corporations. He has also authored 18 books and numerous articles, accumulating six McKinsey Awards for the best *Harvard Business Review* article of the year. Professor Porter is also the most cited author in business and economics.



### ***IMPORTANT ANNOUNCEMENT***

#### **President-Elect Trump Announces the New Secretary of Labor**

December 8, 2016 – Today, President-elect Donald Trump announced Andrew Franklin (Andy) Puzder, 66, chief executive officer of CKE Restaurants, as his choice for Secretary of the U.S. Department of Labor.

In 2016, Puzder was a Trump presidential trustee, the campaign's victory finance chair for California, and a spokesman and senior economic advisor for the Trump campaign. He was a delegate at the Republican National Convention and was chairman of the Republican National Committee's Restoring the American Dream subcommittee on the economy, job creation, and debt. Previously, in 2012, Puzder served in a similar role for Republican presidential candidate Mitt Romney.

CKE Restaurants owns over 3,700 restaurants in the United States and 40 countries around the world, generates \$1.5 billion in annual revenues, and employs over 75,000 people in the United States. In 1997, CKE purchased Hardee's Food Systems, a distressed brand, and was burdened with \$700 million in debt as a result of the purchase. At the time, Puzder was CKE's executive vice president and general counsel. Puzder was promoted to president and chief executive officer of both Hardee's and CKE and is credited with restoring Hardee's and CKE to financial stability and growth.

Puzder is a prolific author and frequent speaker on economic issues and is a critic of government overregulation, which, in his view, increases labor costs and impedes job creation.

He is a prominent member of numerous business groups from which he has received numerous awards, such as distinguished alumni awards from Washington University School of Law—where he was editor of the school's

law review—and Cleveland State University, where he earned his undergraduate degree. He is on the International Franchise Association Board of Directors and is national council co-chair of the American Enterprise Institute. He also was the recipient of the Golden Chain Award from Nation's Restaurant News for his contributions to the multi-unit restaurant industry.

### **What to Expect**

As with many businesses, CKE and its franchisees have had run-ins with federal government agencies, including the Wage and Hour Division of the U.S. Department of Labor. No doubt, Puzder will be questioned about that during Senate confirmation hearings.

Puzder is an outspoken critic of the federal minimum wage as a means of raising income levels without destroying job opportunities, and there is no reason to believe this would change. He has stated that the new overtime regulations that double the salary level required for exemption from overtime need to be withdrawn. He has also been critical of the Affordable Care Act (Obamacare), which he credits with increasing labor costs.

Puzder also can be expected to oppose tighter “joint employer” standards linking franchisers and franchisees to each other's labor and employment practices. Puzder will likely be a staunch defender of the franchise business model that has made him and millions of other entrepreneurs so successful.



Harold P. Coxson (Washington D.C.)

#### **Additional information about Mr. Coxson:**

Hal Coxson is a nationally recognized lawyer with over 35 years experience in all aspects of labor and employment law in Washington, D.C. He is highly respected for his experience and expertise in government relations and as an advocate on behalf of business clients before Congress, the Executive Branch and independent federal regulatory agencies. He chairs the Firm's Government Relations Practice Group and is a Principal in Ogletree Governmental Affairs, Inc., the Firm's wholly-owned company.



### ***TIPS & TRICKS***

#### **Seven Tips for Getting More Responses to Your Emails (with Data!)**

Over the past year, customers asked a major company to remind them if they did not get a response to over 40 million emails. Writing emails that get responses is an incredibly valuable skill – and what makes an email likely to get a response is hard to determine.

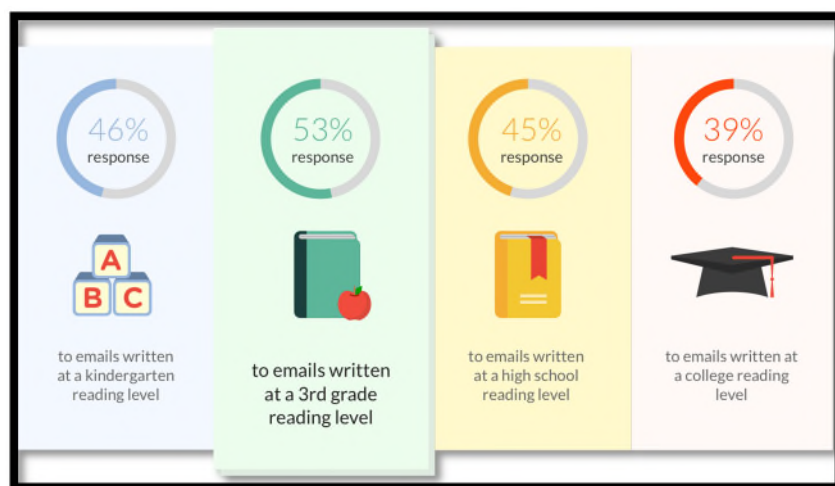
There is a lot of advice about how to write a good email on the web, from general writing advice to full sets of pre-written email templates. But almost none of that advice shows the data behind it (usually because there is not any), and a lot of it is contradictory.

So, when we set out to send out a year-in-review email (yes, this was supposed to go out early in January, but we hit the lunar new year instead – happy Year of the Monkey!) to all users, we decided to make that email different from a typical startup year-in-review email. Instead of focusing how much we have grown – or showing off our swanky new logo, – we decided to figure out what factors really matter when you want to get a response to your messages and send that instead.

The results were so interesting that we decided to share them here as well.

If you find this information helps you send better emails, we certainly appreciate it if you give it a try in return. You can send emails at optimal times and get notified if your message does not receive a response, so you remember to follow up. You can also include a read receipt, so you know if your message got lost in the pile.

### Write like a 3rd Grader



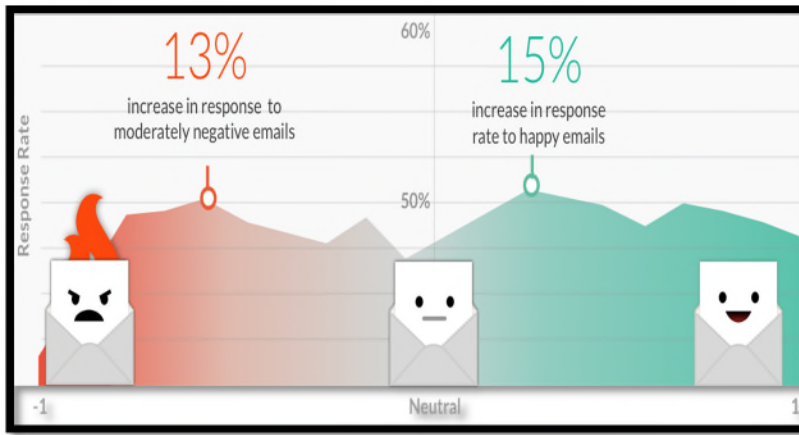
Our most surprising finding was that the reading grade level of your emails has a dramatic impact on response rates. **Emails written at a 3rd grade reading level were optimal.** They provided a whopping 36% lift over emails written at a college reading level and a 17% higher response rate than emails written even at a high school reading level. As someone who’s been described as a “pedantic rambler,” this one hits me right in the fingers. But rather than decry the state of English language education, I will just try to roll with it and use shorter words in shorter sentences.

Of course, the context of your email matters a lot. If you are sending an email discussing the finer points of your Ph.D. thesis to the professor who is evaluating you for a postdoctoral fellowship, you probably need every syllable you can get! On the other hand, if you are emailing football trash talk to an Auburn graduate, do not use words with more than four letters if you want them to understand what you are saying – Roll Tide! If you do not have any reason to adjust the writing level, though, third grade is a good default.

The main parts of your reading grade level score are the number of syllables in your words, and the number of words in your sentences. So, try simpler words and fewer words per sentence than you normally would. You can check your content’s reading grade level in the Word Count tool in most word processors. Or search for “Flesch Kincaid grade level” (<https://www.google.com/#q=%22Flesch+Kincaid+grade+level%22>) to find plenty of online tools that can calculate it for you.

### Write with Emotion





Another significant factor in determining response rates is how positive (words like *great, wonderful, delighted, pleased*) or negative (words like *bad, hate, furious, terrible*) the words in the message are. **Emails that were slightly to moderately positive OR slightly to moderately negative elicited 10-15% more responses than emails that were completely neutral.**

Flattery works, but excessive flattery does not. Response rates for positive emails peaked about 15% higher than neutral for emails with a slightly warm tone. After that, response rates declined as the amount of positive language exceeded what would look “normal” in an email.

Sentiment analyzers output a “sentiment score” that ranges from -1 (for piss and vinegar) to 1 (for saccharine), with 0 representing a completely neutral email. To give you some context, here’s what some positive emails look like:

- *Hey, I was thinking about you earlier. Do you want to get pizza?* 0.0, true neutral. A little positivity would boost the response rate.
- *Hey, I’d definitely like to get together next week. Do you want to get pizza?* 0.35 positive sentiment. Perfect! It is easy to add positive sentiment to an email – this is all it takes.
- *Hey, it would be really great to see you and catch up. Do you want to get pizza?* Positive 0.55 sentiment. This will also work better than a neutral email, even if not quite as well as the version above.
- *Hey! It would be absolutely wonderful to see you! Do you want to get pizza? I’m so excited!* Over 0.9 positive sentiment. This email would be about as effective as a neutral email – not bad, really, but not optimal.

It is also suggested not to advise penning day-ruining screeds. Poisonously negative emails were the least likely to get a response. However, a moderately negative email is your best bet for a complaint, working 13% better than similar content expressed in a neutral tone.

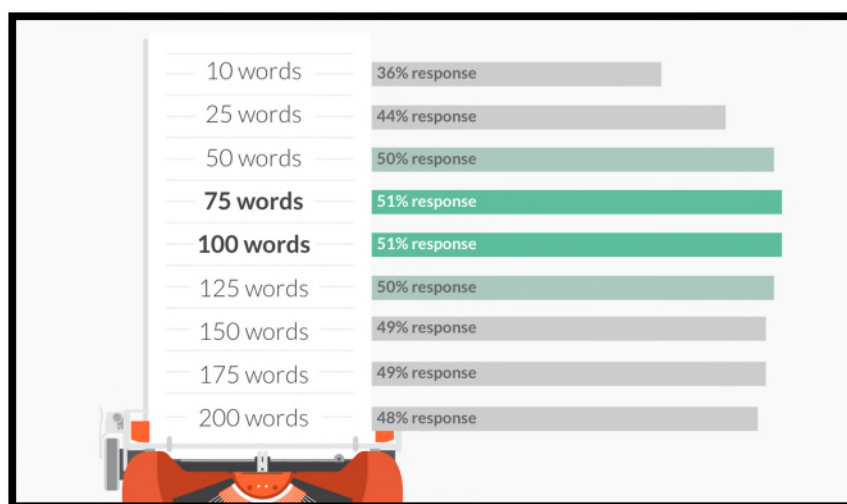
- *I had a less than optimal experience in your store today. The clerk wasn’t very nice. Could you please consider my feedback?* Negative 0.1 sentiment. Almost neutral – not negative enough.
- *I had an awful experience at your store today. The clerk was very rude. Please do something to make it right.* Negative 0.35 sentiment. A perfectly moderated amount of negativity.
- *I had the worst experience at your store earlier today. The clerk was rude and patronizing. I will never come back.* Negative 0.55 sentiment. Still OK, but a little too negative to be optimal.
- *Your store experience sucks. Your clerk is a douchebag. Piss off and I hope you die in agony.* Over 0.9 negative sentiment. Way too negative, significantly reduced response rates.

Testing the sentiment of your emails takes more work than calculating the reading grade level. Most word processors do not support sentiment analysis yet, and online tools report wildly varying results for the same content.

The reason is that most sentiment analyzers work by using machine learning techniques to train algorithms, which words are positive or negative, based on whatever training data their authors could track down. The training data matters a lot – one common source is movie reviews, since they come with a numerical score that can be used as a proxy for how positive the review is likely to be. This data is all noisy, and because machine learning generates incredibly complicated algorithms, it is hard to calibrate after the fact.

As a result, while we trust the outputs enough for aggregate data with a large sample size, your best bet for evaluating the sentiment of an individual email is still your own judgment.

### **Write short (but not too short!) emails**



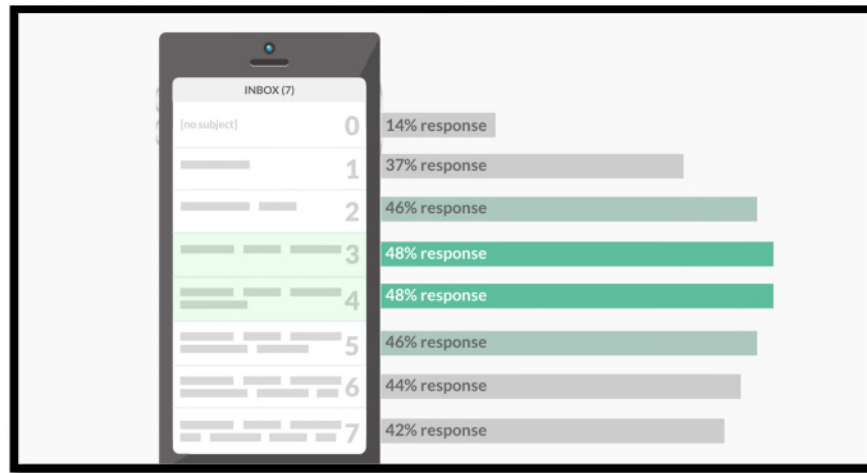
**The sweet spot for email length is between 50-125 words**, all of which yielded response rates above 50%.

Response rates declined slowly from 50% for 125-word messages to about 44% for 500-word messages. After that, it stayed flat until about 2000 words, then declined precipitously. So, while the optimal length for an email is under 125 words, you should not worry too much if you need a few extra. Go ahead and include everything you need for the message to be complete, but do not add too much extra. Above 2,500 words, response rates tumbled to below 35%, so if you need to send War and Peace, you should consider sending it as an attachment!

On the other hand, emails under 50 words showed a much steeper decline in response rates. A 25-word email works about as well as a 2000-word one, with only a 44% chance of getting a response. While average emails from Jeb and Hillary (<http://blog.boomerangapp.com/2016/01/hillary-vs-jeb-in-their-own-words-and-inboxes/>) clock in at 10 and 9 words respectively, unless you are running for President, sending emails that short mean you will sacrifice about 30% of your responses. Messages with subjects only performed worst of all – only 11% of messages that contained nothing in the body received a response.

A word count tool like the one included in most word processors can show you exactly how many words are in your email, but a quick glance will get you in the vicinity. A 50-word email looks like two short paragraphs. A 125-word email is roughly two normal paragraphs plus a short one.

### **Use short (very short) subject lines**

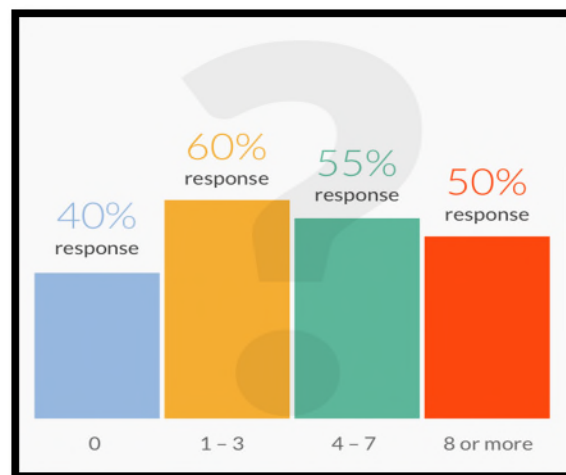


Email marketing veterans know that testing subject lines is a critical step in designing an email campaign that will have a high open rate. Likewise, the length of your subject line impacts response rates, and the optimal length is shorter than we expected. Subject lines with only three to four words (excluding email conventions like Re: and Fwd:) received the most responses. Once again, though, the response rates dropped slowly as more words were added. So, if an extra subject line word will add a lot of clarity, go ahead and include it. Including some sort of subject line is critical – only 14% of messages without any subject line at all received a response!

### — Questions —

The number of questions you ask in an email has a sweet spot, just like the number of words you write. **We found that emails that asked 1-3 questions are 50% more likely to get a response than emails asking no questions.**

But a bombardment of questions will not help you either – an email with three questions is 20% more likely to get a response than an email with eight or more!

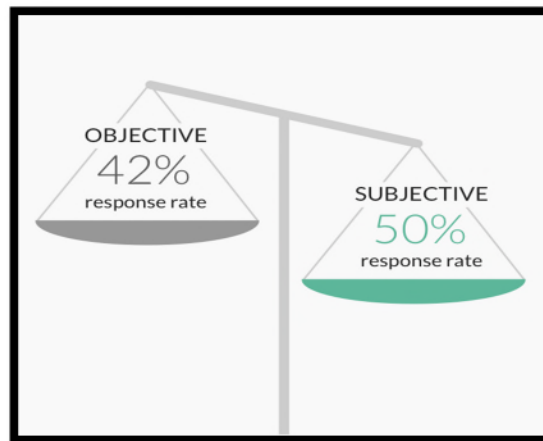


### — Subjectivity —

If your natural writing style has a “just the facts, ma’am” bias, you should consider including more opinions and more subjectivity into your messages!

The more opinionated the content of the email, the higher the response rate climbed. One caveat – we have no idea if those subjective emails generated positive responses or declarations of war, so caveat writer!





Before we wrap up, a couple of years ago, we put together an infographic with a bunch more information about writing effective emails, including which words to use and which words to avoid in your subject lines.

One of the takeaways from that study was that sending emails early in the mornings and during lunch yields a higher response rate than sending emails mid-morning or in the afternoon. You can send your messages at optimal times, regardless of when you are writing them. And even the most-optimized emails will not get a 100% response rate.

Thanks for reading! If you found this post helpful, please share it! Finally, here is a digestible summary of everything we learned. Have a great Year of the Monkey, filled with brilliantly-written emails!

**Get a response!**

Here's a summary of our best practices for making your emails more likely to get a response:

1. Use shorter sentences with simpler words. 3rd grade reading level works best.
2. Include 1-3 questions in your email.
3. Make sure you include a subject line! Aim for 3-4 words.
4. Use a slightly positive or slightly negative tone. Both outperform a completely neutral tone.
5. Take a stand! Opinionated messages see higher response rates than objective ones.
6. Write enough, but not too much. Try to keep messages between 50-125 words.



## ***YEAR-END TAX TIPS FOR 2016***

*By: Rande Spiegelman, CPA, CFP®, Vice President of Financial Planning,  
Schwab Center for Financial Research, November 28, 2016*



### **(a) Key Points**

- These tax tips for 2016 address key areas of your financial life: portfolio planning, retirement, education planning and charitable giving.
- It never hurts to consult with a tax professional about your unique tax situation.
- Be aware of changes to cost-basis reporting rules and how they affect different securities you may own.

If tax time brings you stress, read on. First, take heart that you can act before the end of the year to help minimize the pain of April 15 (April 18 in 2017). Then, consider the tax tips below affecting key areas of your financial life—from your portfolio to your retirement and more.

Whether you do your own taxes or rely on a tax professional, these tried-and-true strategies may help you keep more of your hard-earned income and boost your after-tax returns. After all, it's what you keep that counts.

### **(b) Get started: Six simple steps**

Use last year's tax return as a starting point, and begin by updating some of the key inputs: your salary and other income, deductions and the dependents you will claim. You can use tax preparation software to see where you stand, or ask your accountant for an estimate. If the initial estimate seems high, don't panic. Instead, get going on your taxes by taking these six simple steps.

1. **Double-check your withholding.** You want to pay the IRS its due but not a penny more. So make sure you're not having too much (or too little) taken out of each paycheck. The same holds if you make quarterly estimated tax payments.
2. **Consolidate debt.** Consider replacing credit card debt, which generally has a higher interest rate, with a lower-rate, tax-deductible home equity loan or line of credit (HELOC).
3. **Account for refinancings.** If you lowered your mortgage interest rate in the past year, you may now have a lower-interest deduction. Also, if you used any of the proceeds for something other than physical improvements to your home, that amount may be subject to the alternative minimum tax (AMT). Remember that points paid in prior refinancings that you haven't already deducted can be deducted the year you refinance again.
4. **Prepay quarterly estimated state tax payments.** Consider paying your fourth-quarter 2016 estimated state income taxes and any outstanding balance by December 31. Your payments will be tax deductible for the 2016 tax year if you're not subject to the AMT.
5. **Prepay property taxes.** Many counties bill taxpayers twice, in November and February. If you pay your February installment by December 31, you can take it as a deduction on your 2016 return. Again, watch out for the AMT, which disallows these deductions.
6. **Avoid the AMT if you can.** More taxpayers are facing the AMT, particularly dual-income homeowners who have children and live in high-tax states. If you're one of these taxpayers, try to defer payment of state and local taxes and accelerate income to the point where you're no longer subject to the AMT. Also, multiyear planning is a must, so talk to a tax professional.

### **(c) Portfolio planning: Three tax-smart rebalancing strategies**

Year-end is a great time to give your portfolio a checkup. Consider these tax-smart strategies to help boost your after-tax returns.

1. **Harvest losses.** No one likes a losing investment but at tax time, they can be blessings in disguise. You can use capital losses to offset taxable capital gains, plus up to \$3,000 in ordinary income (\$1,500 for married couples filing separately). Look in your taxable accounts for investments with relatively large losses where you don't expect a comeback. Remember, any losses you can't use to offset gains this year can be carried over into future tax years. One word of caution: Watch out for the wash sale rule, which prohibits taxpayers from recognizing losses on sales of securities that are repurchased within 30 days.

**Note:** High earners stand to benefit the most from harvesting losses, given the increased capital gains tax rates for taxpayers in the top bracket and the 3.8% surtax on net investment income over the

modified adjusted gross income (MAGI) threshold of \$200,000 for single filers and \$250,000 for married filers. When the surtax is included, long-term capital gains for most sales are taxed at a top rate of 23.8% and short-term gains are taxed at a top rate of 43.4%.

2. **Make the most of tax-advantaged accounts.** You may be able to bring your asset allocation back in line without incurring taxes by rebalancing tax-deferred retirement accounts like IRAs or 401(k)s.
3. **Consider cash flow.** If you're living off your portfolio in retirement, remember to set aside any cash you might need for the next 12 months as you rebalance. For example, if your portfolio is overweighted to stocks, you could take out what you need to live on from that overweight portion and then reinvest the rest in bonds until you're back on target.

#### (d) Cost basis reporting

Financial institutions are required to report gain/loss details to you and the IRS for certain investments you sell. These include:

- Equities acquired on or after January 1, 2011.
- Mutual funds, ETFs and dividend reinvestment plans acquired on or after January 1, 2012.
- Other specified securities, including most fixed income and options acquired on or after January 1, 2014.

We recommend saving your purchase and sale documentation, including records of any automatic reinvestments, to make sure it matches the information financial institutions will report to the IRS. You should also make sure your financial provider is using the accounting method of your choice. Even though FIFO (first in, first out) is the IRS default method for both individual securities and mutual funds, most institutions (including Schwab) will report individual securities using the FIFO default method and report mutual funds using the average cost single-category method.

#### (e) Retirement: Four tax-savvy planning ideas

1. **Take full advantage of your employee retirement plan,** at least to the point of any employer match. And if you're 50 or older, make a catch-up contribution (see table below). If you expect to be in a higher tax bracket down the road (for example, if you're a younger worker who has yet to reach peak earning years) and your employer offers the Roth 401(k), consider it. You won't get any up-front tax benefits, but after you retire, qualified distributions will be tax-free.

#### (f) 2016 federal limits for retirement accounts

| Account                                       | Contribution limit   | Catch-up contribution |
|---|--|-----------------------|
| 401(k), 403(b) and 457*                       | \$18,000   | \$6,000               |
| SIMPLE IRA*                                   | \$12,500   | \$3,000               |
| Qualified Retirement Plans/Keogh and SEP-IRA* | 20% of net self-employment income (or 25% of compensation), up to \$53,000               | None                  |
| Individual 401(k)**                           | 20% of net self-employment income (or 25% of compensation) plus \$18,000, up to \$53,000 | \$6,000               |

| Account                         | Contribution limit | Catch-up contribution |
|---------------------------------|--------------------|-----------------------|
| Traditional IRA and Roth IRA*** | \$5,500            | \$1,000               |

\* Source: <http://www.irs.gov/Retirement-Plans/COLA-Increases-for-Dollar-Limitations-on-Benefits-and-Contributions>

\*\* Source: [http://www.irs.gov/Retirement-Plans/One-Participant-401\(k\)-Plans](http://www.irs.gov/Retirement-Plans/One-Participant-401(k)-Plans).

\*\*\* Source: <http://www.irs.gov/Retirement-Plans/Plan-Participant,-Employee/Retirement-Topics-IRA-Contribution-Limits>.

2. **If you're self-employed**, consider a small business retirement account such as a SEP-IRA, SIMPLE IRA, Individual 401(k) or other qualified retirement plan. Contributions are tax-deductible and grow tax-deferred. If you open a qualified retirement account by December 31, you have until the day you file next year, including extensions, to make this year's contribution.
3. **Be sure to make your annual IRA contribution.** Even though you have until next April 15 to make your 2016 contribution (April 18 in 2017), early contributions will give your money more time to benefit from potential long-term compound growth. So, consider making your 2016 *and* your 2017 contribution early next year. If you're eligible, a Roth IRA might be a good option as well, especially if you're not eligible for a deductible traditional IRA contribution.
4. **If you're age 70½ or older** and have to take required minimum distributions (RMDs) from your retirement accounts, you need to do so before year-end. If you just turned 70½ this year, you have until April 1 to take your first RMD (April 3 in 2017). However, if you wait until next year to start, you will have two distributions in the same year—which might bump you into a higher marginal tax bracket.

#### (g) Education: Two tax-preferred savings plans

1. **Coverdell Education Savings Accounts.** If you're eligible, for 2016 you can contribute up to \$2,000 to a Coverdell account on behalf of a child. Contributions grow tax-free and qualified K-12 and higher-education-related withdrawals are also tax-free. You have until next April 15 to contribute for income-tax purposes (April 18 in 2017), but if you make the contribution by December 31, it will count as a gift for this year instead of the next for gift-tax purposes.
2. **State-sponsored 529 plans.** Anyone, regardless of income, can contribute up to \$70,000 (or \$140,000 for married couples) to a 529 plan in 2016 without incurring gift taxes—but only if they have the gift treated as though it were made over five years. Because you don't have to invest in your own state's plan, we recommend that you shop around—especially if you live in a state with no deduction (such as California) or one with no state income tax. If your state offers an income tax deduction on in-state 529 plan contributions, make your contribution by December 31. However, if you invest in an out-of-state plan, you may lose tax benefits offered by your state's plan.

#### (h) Giving: Four tax-smart tips

1. **Act before year-end.** For 2016, you can give up to \$14,000 each to as many individuals as you wish and pay no gift tax. Spouses can "split" gifts for a total of \$28,000 per beneficiary, per year. Gifts beyond that are taxable, but only if they exceed the lifetime gift tax exemption of \$5.45 million over a donor's life. As for the lucky recipient, they'll owe no gift or income tax and don't even have to report the gift unless it comes from outside the United States.



2. **Pay someone's education or medical bills.** You can also make unlimited payments directly to medical providers or educational institutions on behalf of others without incurring a taxable gift or dipping into your \$5.45 million lifetime gift-tax exemption.
3. **Shift income to tax-advantaged children.** Consider gifting appreciated securities and stocks whose dividends are taxed at low long-term capital gains rates to children, at least to the extent that the “kiddie tax” will not apply.<sup>1</sup>
4. **Give appreciated securities to charities.** Consider donating appreciated securities that you've held for more than a year for a full fair market value deduction and no capital gains tax. On the other hand, if you're holding securities at a loss, sell them first and then donate the cash. That way, you can claim the capital loss on your tax return.

#### (i) Get prepared

Whether some or all of these suggestions fit your situation, we are only scratching the surface here. Get advice from a qualified tax professional if you need it.

After you decide what to do this year, resolve to make financial planning a year-round exercise going forward. That way, it'll be easier to check your progress, update your plan and, if necessary, take action long before the ball falls in Times Square on New Year's Eve.

I hope this enhanced your understanding of year-end tax strategies. I welcome your feedback—clicking on the thumbs up or thumbs down icons at the bottom of the page will allow you to contribute your thoughts. (If you are logged into Schwab.com, you can include comments in the Editor's Feedback box.)

<sup>1</sup> The so-called kiddie tax applies to children under 19. In addition, full-time college students under the age of 24 will also be taxed at their parents' rate on unearned income in excess of \$2,100 unless the students' earned income is greater than one-half of their support.



*By: Rande Spiegelman, CPA, CFP®, Vice President of Financial Planning,  
Schwab Center for Financial Research, November 28, 2016*



*For recent court updates, please visit our website at <http://www.sflpa.org>.  
Thank you for your continuing support of our local association.*

# SAN FRANCISCO LEGAL PROFESSIONALS ASSOCIATION

## CHAPTER ACHIEVEMENTS

(Please submit this form each month.)

Month: December 2016

Your Name: \_\_\_\_\_ Position held, if any: \_\_\_\_\_

|    | Category - Description   |  |
|----|--|--|
| 1. | <b>ATTENDANCE - LSI Conference</b> ( <i>Circle all that apply</i> )<br><div style="display: flex; justify-content: space-around;"> <span>Quarterly</span> <span>Annual</span> </div>   | _____  |
| 2. | <b>BENEFITS - Belong through LSI sponsored</b> ( <i>Circle all that apply</i> )<br>Credit Union ..... _____<br>Insurance ..... _____<br>Hertz ..... _____<br>Retirement Plans ..... _____  | _____<br>_____<br>_____<br>_____                   |
| 3. | <b>CALIFORNIA CERTIFIED LEGAL SECRETARY (CCLS)</b> ( <i>Circle all that apply</i> )<br>Participated in a CCLS Study Group ..... _____<br>Participated in a CCLS Mini Mock Exam ..... _____<br>Took CCLS Exam ..... _____<br>Passed CCLS Exam ..... _____<br>Submitted questions to Continuing Education Council ..... _____<br>Recertification ..... _____           | _____<br>_____<br>_____<br>_____<br>_____<br>_____ |
| 4. | <b>COMMUNITY/CHARITABLE PROJECTS</b> ( <i>Circle all that apply</i> )<br>Volunteer/help at Legal Aid and/or charitable organizations in the community ....   | _____  |
| 5. | <b>INTERCLUB</b><br>Attend another association's meeting, installation, or other function ..... _____<br>Attend Local Bar Association's meeting ..... _____  | _____<br>_____                                     |
| 6. | <b>EDUCATION</b><br>Attend seminar/workshop sponsored by SFLPA ..... _____<br>Attend seminar/workshop sponsored by other association ..... _____<br>Attend seminar/workshop sponsored by a Forum, CEB or Rutter ..... _____<br>( <i>Check all that apply</i> )   | _____<br>_____<br>_____                            |
| 7. | <b>LEGAL SPECIALIZATION SECTIONS</b><br>Enrolled in at least one section ..... _____<br>Enrolled in all six sections ..... _____<br>Attend a Legal Specialization Section meeting at LSI Conference ..... _____<br>Attend Legal Specialization Section Regional Seminar ..... _____<br>Submit article for use in Legal Specialization Section Newsletter ..... _____ | _____<br>_____<br>_____<br>_____<br>_____          |
| 8. | <b>PUBLICATIONS</b><br>Purchased LSI Legal Professional's Handbook ..... _____<br>Purchased Updates to LSI Legal Professional's Handbook ..... _____<br>Purchased Law Office Procedures Manual ..... _____<br>Purchased Updates to Law Office Procedures Manual ..... _____  | _____<br>_____<br>_____<br>_____                   |

Please return completed form to the Chapter Achievement Chairperson or the Governor. Thank You.



# SFLPA Holiday Celebration!!

We decided to celebrate the holidays a little differently this year. Let's enjoy our day with good company, great food, and holiday cheer!

*Let's eat, skate and be merry!!*

**Saturday, December 10, 2016**

Ice Skating at Yerba Buena Ice Rink  
750 Folsom Center, San Francisco, CA  
Public Skating Time: 12:30 - 2pm  
General Admission: \$12 - Skate Rental: \$4

Drinks and Appetizers immediately following our skating adventure. The location: TBD  
There are multiple restaurants in the area within walking distance. We are unable to make reservations at this time because we don't know how many people will be attending.

If you can please send in your RSVPs to: [sflpa.event.reservations@gmail.com](mailto:sflpa.event.reservations@gmail.com) by Monday, December 5<sup>th</sup>. Once we have an idea on the number of attendees, we can finalize the space and forward the information prior to the event.

Feel free to attend one, the other or both events.







# LSI

*Educating California's  
Legal Support Professionals*

## 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  
Duties of the Legal Secretary  
Effective Telephone Skills  
Effective Oral Communication Skills  
Effective Written Communication Skills  
Calendaring and Timetables  
Basic Grammar Skills

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

### CLASS SESSION OPENS ON MONDAY, 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.

### BEGINNING LEGAL SECRETARIAL TRAINING CLASS REGISTRATION

(Please type or print clearly)

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

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

City/Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

\$150 LSI Member \_\_\_\_\_ Association: \_\_\_\_\_ LSA/LPA

\$200 Non-LSI Member \_\_\_\_\_

Payment: Check # \_\_\_\_\_ (made payable to LSI)  
(Note: Checks must clear before books will be mailed and may cause a delay in access to the class.)

Name on Card: \_\_\_\_\_

Visa/MC Credit Card # \_\_\_\_\_

Exp. Date: \_\_\_\_\_ 3-digit CVV No.: \_\_\_\_\_ Zip Code: \_\_\_\_\_

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

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





## *San Francisco Legal Professionals Association*

P.O. Box 2582, San Francisco, CA 94126

[www.sflpa.org](http://www.sflpa.org)

### **MEMBERS QUARTERLY DINNER MEETING**

**(NON-MEMBERS WELCOME)**

**Date:** January 17, 2017

**Time:** 5:30 to 7:30 p.m.

**Place:** Bryan Cave

Three Embarcadero Center, 7<sup>th</sup> Floor San Francisco, CA

**Speaker:** Peter J. Van Zandt  
Attorney

**Topic:** "90 Days Until Trial & Beyond"

**Dinner Menu:** Taco bar, dessert, soft drinks, coffee, beer and wine.

**Cost:** \$25.00 Members / \$30.00 for Non-Members

Pre-pay using Venmo or by mail to address above or bring your check with you to the meeting.

**Please RSVP:** By Friday, January 13, 2017: to [sflpa.event.reservations@gmail.com](mailto:sflpa.event.reservations@gmail.com)

PLEASE NOTE: 24-hr cancellation required to avoid being charged for meals.

No-shows will be charged for their meal.

#### [About Our Guest Speaker](#)

**Peter J. Van Zandt** - For more than 25 years, Mr. Van Zandt has represented businesses and individuals in the defense of litigation brought against them. He has tried more than 40 civil cases to verdict both in state and federal courts and has successfully resolved more than 2,300 cases. Mr. Van Zandt's abundant experience has informed his own brand of common sense case handling, emphasizing the client's business interests and respect for the process, the parties and counsel.



Alameda County Legal Secretaries Association  
&  
San Francisco Legal Professionals Association  
*Members of Legal Secretaries, Incorporated*

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The Basics and Beyond

Saturday – January 14, 2017

10:00 a.m. to 3:15 p.m.

Get all four hours of Ethics or Pick and Choose what you need

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**10:00 am -11:00 am** Keeping the ENTIRE staff out of Hot Water!

**11:15 am -12:15 pm** Lawyers on the Rocks

**1:00 pm-2:00 pm** Social Networking vs. Ethics and Professional  
Responsibility

**2:15 pm -3:15 pm** Successful Time Management Strategies

**INSTRUCTOR: DIANE MECCA**  
(Certified Paralegal Instructor at Abrams College)

### **COST:**

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Please RSVP to [csauceda@meyersnave.com](mailto:csauceda@meyersnave.com) or [lmcgrew@firstlegallnetwork.com](mailto:lmcgrew@firstlegallnetwork.com)

ACLSA and SFLPA, local associations of Legal Secretaries, Incorporated, an approved provider, certify that this activity has been approved for minimum continuing legal education credit by the State Bar of California and Certified Legal Secretary credit in the amount of at least 4 hours.





*Celebrating 80 Years of Excellence....*

**San Francisco Legal Professionals Association**

## **January Brown Bag Seminar**

**Topic: Changes in the Law**

**Presented by: Mary Beaudrow, CCLS – National  
Docketing Association**

**Tuesday, January 24, 2017**

**Venue: Altshuler Berzon**

**170 Post Street, Suite 300**

**San Francisco, CA 94108**

**12:30 – 1:30 pm**

**About our Speaker:**

Mary J. Beaudrow, CCLS, is a Senior Docket Coordinator at Morrison & Foerster LLP.

Ms. Beaudrow has been employed in the legal field for over thirty years, spending much of that time working in the attorney service business.

Mary is the immediate past president of Legal Secretaries, Incorporated, and she is currently serving as its Executive Advisor. Mary is also a past president of California Association of Legal Support Professionals. She is serving as the Treasurer of the National Docketing Association.

She is a member of Mt. Diablo Legal Professionals Association. She has lectured at a number of forums including San Francisco Legal Professionals Association, Livermore-Amador Legal Professionals Association, the Bay Area Legal Forum, and the San Francisco Association for Docket Calendar & Court Services.

**There is no charge for this presentation. Everyone is encouraged to bring their lunch and learn about the upcoming changes for 2017. Please share this announcement with your colleagues and friends.**

Make a reservation by e-mailing Larry McGrew at: [lmcgrew@firstlegalnetwork.com](mailto:lmcgrew@firstlegalnetwork.com). Please RSVP by Friday, January 20, 2017. \***MCLE Credit available.** SFLPA, a local association of Legal Secretaries Incorporated, an approved provider, certifies that this activity has been approved for a minimum of 1 hour of continuing legal education credit by the State Bar of California.

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# Legal Secretaries, Incorporated

## LEGAL SPECIALIZATION SECTIONS

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CRIMINAL LAW

FAMILY LAW

LAW OFFICE ADMINISTRATION

PROBATE/ESTATE PLANNING

TRANSACTIONAL LAW



### *ARE YOU A MEMBER OF THE LEGAL SPECIALIZATION SECTIONS?*

#### **IF NOT, HERE ARE TEN GREAT REASONS WHY YOU SHOULD BECOME A SECTION MEMBER:**

- Reasonable annual dues. (\$20.00 per section; \$75.00 for all six!)
- Continuing Education in all areas of the law.
- Quarterly educational programs—Free to Section Members.
- Spring Regional Seminar (So. California) and Fall Regional (Northern California) offering a discount on registration fees to section members.
- Quarterly newsletters containing up-to-date information, including changes in the law, new forms, and legal articles.
- Statewide roster of all members in all sections, for easy access to local procedural information in other counties.
- California Certified Legal Secretary®/MCLE/Paralegal CEU credits.
- Networking provides a forum for the exchange of information.
- Respect from employer when you pass on valuable information obtained at workshops and seminars.
- Professional and personal excellence.

*For more information, contact Dawn R. Forgeur, CCLS, Legal Specialization Sections Coordinator, 500 Capitol Mall, Suite 1600, Sacramento, CA 95814, email: [drforgeur@stoel.com](mailto:drforgeur@stoel.com)*



# LSI

Educating California's  
Legal Support Professionals

## LEGAL SPECIALIZATION SECTIONS

### 2015-2016 MEMBERSHIP APPLICATION AND ANNUAL RENEWAL FORM

August 1, 2015 – July 31, 2016

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<br>New/Renewal | Non-LSI Member<br>New/Renewal |
|---|---|---------------------------|-------------------------------|
| <b>I would like to join all six sections!</b> |   | <b>\$75</b>               | <b>\$150</b>                  |
| Civil Litigation                              |   | \$20                      | \$40                          |
| Criminal Law                                  |   | \$20                      | \$40                          |
| Family Law                                    |   | \$20                      | \$40                          |
| Law Office Administration                     |   | \$20                      | \$40                          |
| Probate/Estate Planning                       |   | \$20                      | \$40                          |
| Transactional Law                             |   | \$20                      | \$40                          |
| <b>Total:</b>                                 |   |                           |                               |

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

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

*(Please note that newsletters, rosters, and other communications will be sent via email unless regular mail is requested.)*

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

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

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

Local Association or Member at Large: \_\_\_\_\_

Phone: \_\_\_\_\_ *I prefer communication via USPS* ☐

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

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

**Send to:** Dawn R. Forgeur, CCLS, Legal Specialization Sections Coordinator  
c/o Stoel Rives LLP

500 Capitol Mall, Ste. 1600, Sacramento, CA 95814

[dawn.forgeur@stoel.com](mailto:dawn.forgeur@stoel.com)

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

SPECIALTY: \_\_\_\_\_

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

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# **INTRODUCTION TO THE SAN FRANCISCO LEGAL PROFESSIONALS ASSOCIATION ("SFLPA")**

A Professional Association for Legal Secretaries and Other Law Office Professionals  
(Formerly San Francisco Legal Secretaries Association ("SFLSA"))

Established 1936

Member Legal Secretaries, Incorporated,  
A California Nonprofit Corporation  
Established 1934

## **SFLPA Objectives**

- ◆ The objectives of SFLPA are to provide its members with educational programs, personal benefits, networking and the promotion of professionalism.

## **Membership Information**

- ◆ SFLSA has been in existence since 1936, and in October 2003 changed its corporate name to San Francisco Legal Professionals Association. It is a nonprofit corporation. SFLPA is one of nearly 60 local chapters affiliated with Legal Secretaries, Incorporated ("LSI"), a California nonprofit corporation.

## **Membership Eligibility**

- ◆ Membership is available to anyone with a minimum of one year's experience in a law office or engaged in work of a legal nature; permanent employment in the legal field at the time of application; attendance to two SFLPA sponsored functions; and sponsorship by an active member. Associate Membership is available to individuals with less than one year's experience.

## **Membership Benefits**

- ◆ CLE-Approved Educational Programs each month
- ◆ Multi-Week Legal Secretaries Training Course
- ◆ Major Medical Insurance
- ◆ Cancer and Intensive Care Policy
- ◆ Individual Retirement Account
- ◆ Network (local/statewide)
- ◆ Provident Central Credit Union
- ◆ Automatic membership with LSI
- ◆ Employment Listing Service
- ◆ Subscription to "*The Hearsay*" a monthly SFLPA newsletter
- ◆ Members are eligible to join the Provident Central Credit Union throughout California.
- ◆ LSI Legal Specialization Section:
  - ◆ Criminal Law
  - ◆ Family Law
  - ◆ Law Office Administration
  - ◆ Civil Litigation
  - ◆ Probate/Estate Planning
  - ◆ Transactional Law (Corporate/Business, Real Estate)
- ◆ Each Section includes timely newsletters, a statewide membership roster for the section, periodic regional seminars and workshops at LSI's quarterly conferences.
- ◆ Employment listing services available to members and attorneys at no charge.
- ◆ California Certified Legal Secretary ("CCLS")
  - ◆ SFLPA supports the California Certified Legal Secretary certification program. A study course is available for those who wish to sit for the one-day examination, which is given semi-annually. The CCLS examination tests California legal procedure, terminology, ethics, administrative, bookkeeping, communication, and performance skills.



## San Francisco Legal Professionals Association (SFLPA)

P.O. Box 2582, San Francisco, CA 94126 www.sflpa.org

### APPLICATION FOR ACTIVE MEMBERSHIP

Please fill out this application completely, sign it and give to your sponsor or mail it to the post office box listed above, along with a check for \$55.00 made payable to SFLPA. This payment covers a one-time SFLPA initiation fee and your first year\* of annual membership dues for both the SFLPA and Legal Secretaries, Incorporated (LSI).\*\* Use a copy of your completed form as a receipt if needed.

| PERSONAL:  | BUSINESS:  |
|--|--|
| NAME: _____  | Your Title: _____  |
| Hm Address: _____  | Employer: _____  |
| _____  | Address: _____   |
| City ST Zip: _____   | City ST Zip: _____   |
| _____  | Email: _____   |
| Hm Ph: _____   | Wk Ph: _____ How long? _____   |
| Cell: _____  | Contact Preference: <input type="checkbox"/> Home <input type="checkbox"/> Business  |
| Email: _____   | _____  |
|  |  |
| Sponsor's Name: _____  | Former Employer: _____   |
| How did you find out about SFLPA? _____  | City, State: _____   |
| _____  | How long? _____  |
| Why do you want to join SFLPA? _____   | Total Experience: Legal _____ Litigation: _____  |
| _____  | Areas of Practice: _____   |
| List any previous SFLPA & other memberships & dates: _____   | _____  |
| _____  | Have you completed or are you currently enrolled in an SFLPA Civil Litigation course? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|  |  |
| List at least one SFLPA-Sponsored function that you attended as your pre-requisite for membership and include date(s): _____ | 1. _____ Mo. _____ Yr: _____   |
| _____  | 2. _____ Mo. _____ Yr: _____   |

#### **MEMBERSHIP OATH** - BY SIGNING BELOW YOU DECLARE THAT THE INFORMATION ABOVE IS ACCURATE AND YOU SWEAR AS FOLLOWS:

IF I AM ACCEPTED AS A MEMBER, I AGREE TO BE BOUND BY THE BYLAWS AND STANDING RULES OF LEGAL SECRETARIES, INCORPORATED AND THE SAN FRANCISCO LEGAL PROFESSIONALS ASSOCIATION TO WHICH I AM APPLYING FOR MEMBERSHIP, INCLUDING THE FOLLOWING CODE OF ETHICS:

*"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."*

APPLICANT'S SIGNATURE: \_\_\_\_\_ DATED: \_\_\_\_\_

\* For fiscal year beginning the previous May 1st through April 30. Applications accepted after March 1 will have dues pro-rated.

\*\* Accompanying membership in LSI, a California non-profit mutual benefit association, includes subscription to *The Legal Secretary* magazine published quarterly, discounted prices on LSI publications such as *The Legal Professional's Handbook* and *The Law Office Procedures Manual* and more. Visit <http://lsi.org/> for more details.

To be completed by SFLPA Officer: \_\_\_\_\_

Approved by Board on: \_\_\_\_\_

Initials: \_\_\_\_\_

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

Revised 05/2013





## San Francisco Legal Professionals Association

### MEMBERSHIP RENEWAL FORM

For The Fiscal Year Of May 1 Through April 30

IT'S THAT TIME AGAIN! Please fill out the renewal form below and mail a hard copy along with your check for \$45.00 made payable to SFLPA to:

SFLPA Treasurer, P.O. Box 2582, San Francisco, CA 94126

For Active Members, your annual dues consist of \$25.00 for your SFLPA annual membership renewal and \$20.00 for your Legal Secretaries, Inc. membership renewal for the fiscal year beginning May 1st of this year. Checks must be received by June 1st or members will be charged an additional \$5.00 late fee for their membership renewal.

Please:

- Complete the entire form even if your contact information has not changed over the past year. You can also fill out and print this form at [www.sflpa.org](http://www.sflpa.org).
- Do not indicate "same" or "no change" for any of your answers.
- List your name as you would like it to appear on the SFLPA Roster and on your Membership Card.
- Life Members should complete and return this form also.

| MEMBER INFORMATION   |  |   |                               |
|--|--|---|-------------------------------|
| NAME:  |  | Check as applicable:<br><input type="checkbox"/> CCLS <input type="checkbox"/> PLS <input type="checkbox"/> CLA |                               |
| Where do you prefer to receive postal mail?  |  | <input type="checkbox"/> Home   | <input type="checkbox"/> Work |
| Email?:  |  | <input type="checkbox"/> Home   | <input type="checkbox"/> Work |
| Please indicate your type of membership:<br><input type="checkbox"/> Active \$45.00 <input type="checkbox"/> Associate \$25.00 <input type="checkbox"/> Life \$500.00 <input type="checkbox"/> Honorary (Board Approved) |  |   |                               |
| DATE SUBMITTED:  |  | AMOUNT ENCLOSED: \$   |                               |
| E-Mail Addresses: (Office)   |  | (Home - optional)   |                               |
| BUSINESS   |  |   |                               |
| Employer:  |  | Title:  |                               |
| Areas of Practice:   |  |   |                               |
| Office Address:  |  |   |                               |
| City:  |  | State:  | ZIP Code:                     |
| Phone:   |  | Is this information different from last year? <input type="checkbox"/> Yes <input type="checkbox"/> No          |                               |
| PERSONAL   |  |   |                               |
| Home Address or P.O. Box:  |  |   |                               |
| City:  |  | State:  | ZIP Code:                     |
| Telephone Numbers  |  | Home:   | Cell:                         |
| Is this information different from last year? <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |   |                               |
| OTHER  |  |   |                               |
| Would you consider becoming a committee member? <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |   |                               |
| If yes, list committees you would be interested in serving:  |  |   |                               |

Note: Your contact information above will not be distributed outside SFLPA without your consent. Upon receipt of your complete application and your accompanying check, a current membership card will be sent to the address you listed above as your mailing reference. If you have any questions regarding your renewal of membership with the SFLPA, please contact any of the current officers listed on our website at [www.sflpa.org](http://www.sflpa.org). Thank you for your continued support as a member of the San Francisco Legal Professionals Association.



## CHANGE OF ADDRESS FORM

Member Name \_\_\_\_\_

New Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

\_\_\_\_\_  
New Home Telephone

\_\_\_\_\_  
New Office Telephone

\_\_\_\_\_  
New Personal Email Address

\_\_\_\_\_  
New Work E-Mail Address

\_\_\_\_\_  
New Employer Name

New Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**Please indicate preferred contact method:**      ☐      **Home**      ☐      **Work**

### YOUR SPECIALTY:

- ☐ Administrative
- ☐ Appeal
- ☐ Arbitration
- ☐ Business/Corporate
- ☐ Probate/Estate
- ☐ Taxation

- ☐ Criminal
- ☐ Family
- ☐ Law Office Management
- ☐ Litigation
- ☐ Real Estate
- ☐ Other (Specify):

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

### **Please submit to:**

SFLPA

P.O. Box 2582

San Francisco, CA 94126-2582

# Member Benefits

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## Advantages of Membership

LSI® provides educational, professional, and personal development information to legal support staff throughout the state of California. Many educational opportunities are available to members (and non-members, for a nominal fee) throughout California.

- Monthly educational programs and newsletters are provided by local associations
- General educational programs are offered at each LSI conference free to anyone wishing to attend. Topics vary among specialized areas of law, ethics, law office products and management, and personal development. Click on LSI Events for more information about upcoming LSI Events.
- Members (and non-members) are given the opportunity to join one or all six Legal Specialization Sections. Each specialization section offers seminars and newsletters on specific areas of law. Seminars are presented at each LSI quarterly and annual conference free to LSI section members and at a reduced cost to non-section members. For more information, click on “Legal Specialization Sections.”
- Many local associations offer study groups for members interested in preparing to take the California Certified Legal Secretary (CCLS®) examination. Information on the CCLS examination can be found by clicking on “California Certified Legal Secretary.”

These programs are designed to provide current material and educational tools to enable law office support staff to remain current with the changes in general law, as well as in their respective areas of practice.

## **MAKE A CAREER CHOICE – BECOME A LEGAL PROFESSIONAL**

### Why Become a Legal Professional?

- Competitive salaries and benefits
- Knowledge and skills allow the freedom to work anywhere
- Competent legal professionals are well respected in the legal community
- Legal professionals fulfill a vital and meaningful role for law firms and attorneys
- Continuing education enhances legal professionals, making them an asset to every employer

### Why Join Legal Secretaries, Incorporated?

- Become one of the 2000 elite legal professionals in California
- Build a network of knowledge by meeting other legal professionals
- Continuing education is the main focus of Legal Secretaries, Incorporated
- Our motto: Excellence through Education
- Expand your personal and professional development and skills through a multitude of educational opportunities offered statewide
- Enjoy discounted educational benefits through the Continuing Education of the Bar
- Become a California Certified Legal Secretary (CCLS®) through a course of study and a comprehensive examination
- Easily maintain your CCLS credits and your MCLE credits through workshops and seminars sponsored by the Legal Specialization Sections of Legal Secretaries, Incorporated

### How You Can Become a Legal Professional:

- Learn basic secretarial and computer skills
- Enroll in a legal secretarial or paralegal course through business schools and college courses
- Enroll in a training course offered by a Legal Secretaries, Incorporated, association in your area
- Legal Secretaries, Incorporated, offers scholarships to non-members interested in pursuing a career in the legal field

## Discounts for LSI Members

In addition to the many educational and networking opportunities, LSI members may receive discounts for certain educational seminars and publications offered through Continuing Education of the Bar (CEB). Agents for insurance and financial providers are available as resources when members inquire about benefits in an effort to obtain the best coverage for each member’s individual needs and location. Access to credit unions and rental cars are also available.

## LEGAL SECRETARIES INCORPORATED (LSI) - BENEFITS

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

|  |   |
|--|---|
| <p><b>WORKING ADVANTAGE</b><br/>Toll Free: (800) 565-3712<br/><a href="http://www.workingadvantage.com">www.workingadvantage.com</a><br/>Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more.<br/>Member ID: Contact LSI Corporate Office, <a href="mailto:lsiorg@suddenlink.com">lsiorg@suddenlink.com</a>, or LSI Vice President</p>   | <p><b>HERTZ CORPORATION</b><br/>Effective Date: June 1, 1996<br/>CDP Card #447698<br/>(800) 654-3131<br/><a href="http://www.hertz.com">www.hertz.com</a></p>   |
| <p><b>FINANCIAL PROVIDERS</b></p>  |   |
| <p><b>CAPITAL INVESTMENT ADVISERS</b><br/><b>Emerson J. Fersch, CFP, ChFC, CLU, CASL</b><br/>5000 E. Spring Street, Suite 200<br/>Long Beach, CA 90815<br/>Office: (562) 420-9009 or (877) 270-9342<br/>Fax: (562) 420-9955<br/><a href="http://www.ciadvisers.com">www.ciadvisers.com</a><br/>Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>  | <p><b>LEGACY WEALTH MANAGEMENT</b><br/><b>Daniel R. Henderson, MBA, CFP</b><br/>3478 Buskirk Avenue, Suite 300<br/>Pleasant Hill, CA 94523<br/>Office: (925) 296-2853 or (877) 679-9784<br/>Fax: (925) 944-5675<br/>E-mail: <a href="mailto:daniel@legacywealthmanagement.biz">daniel@legacywealthmanagement.biz</a><br/><a href="http://www.legacywealthmanagement.biz">www.legacywealthmanagement.biz</a><br/>Offering discounted John Hancock Long Term Care Insurance and Life Insurance, Annuities, Retirement, Investment and Estate Planning, Mutual Funds, and 401K</p> |
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| <p><b>CREDIT UNIONS</b></p>  |   |
| <p><b>LA FINANCIAL FEDERAL CREDIT UNION</b><br/>P.O. Box 6015<br/>Pasadena, CA 91102-6015<br/>(800) 894-1200<br/><a href="http://www.lafinancial.org">www.lafinancial.org</a><br/>Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>   | <p><b>PROVIDENT CREDIT UNION</b><br/>303 Twin Dolphin Drive<br/>P.O. Box 8007<br/>Redwood City, CA 94603-0907<br/>(800) 632-4699 - (650) 508-0300<br/><a href="http://www.providentcu.org">www.providentcu.org</a><br/>All LSI members are eligible to join.</p>  |

### QUESTIONS AND CONCERNS CONTACT:

Jennifer L. Page, CCLS, LSI Vice President  
LSI Marketing Committee Coordinator  
PO Box 150427, San Rafael, CA 94915  
Home - (415) 989-1010  
Cell - (415) 710-3402  
[jlpage@ix.netcom.com](mailto:jlpage@ix.netcom.com)

Revised 6/12/2014



# SFLPA Online Holiday Fundraiser



## SO EASY FOR YOU TO HELP! YOU NEVER EVEN TOUCH THE PRODUCTS!

You can support our fundraising efforts by purchasing beautiful Holiday Evergreen Products. Expand our fundraising reach by referring your family and friends to use the site as well. Be sure to pass along the COUPON CODE! Perfect gift for everyone on your list!

### EASY WAYS TO SPREAD THE WORD:

(Direct potential buyers to [www.MickmanHolidayGifts.com](http://www.MickmanHolidayGifts.com) with the COUPON CODE below)

- Email • Facebook Post • Share the site and COUPON CODE with your coworkers

Our Organization: *San Francisco Legal Professionals Association (SFLPA)*

Raising Money For: *To fund our educational and social programs.*

### 3 EASY STEPS!

**1** Shop for evergreen gifts at:  
[www.MickmanHolidayGifts.com](http://www.MickmanHolidayGifts.com)

**2** This is the most important step!!!  
**ENTER COUPON CODE:**

**SANFRACA001**

You will save \$3 and \$5 will go to us!

**3** Gifts are shipped directly to the gift recipient from the manufacturer.



So easy to order **ONLINE**  
or even from your **PHONE!**



## *Editor's Message*

By: Sally Mendez Arevalo

*Happy Holidays  
and  
Happy New Year!*

*Best Wishes from us to you!*

Sally Mendez Arevalo, Editor  
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**FIRST CLASS MAIL**

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Dedicated in Memory of  
Joan M. Moore, PLS, CCLS  
LSI President 1980-1982