VOLUME 85 - ISSUE 02 JUNE 2021

Hearsay

"Soar to Your Highest Potential Through Education and Community"

San Francisco Legal Professionals Association



In This Issue...

Feature Article: Celebrating Pride Month

U.S. Supreme Court on Privacy Class Actions

Community Voices: AAPI Heritage

Celebrate Our Diverse Legal Community!

By Kate Cochran, Co-Editor

Summer is here! The weather has changed, California has reopened, and many are starting to return to work in the office, even if for just a few days a week. As we see less masks and more smiling faces, we are grateful for the opportunity to once again spend time with our colleagues and friends in person (as opposed to poorly pixelated Zoom displays).

Many of us are now feeling more in the mood to celebrate...and the SFLPA, along with the Bay Area legal community, has a lot to celebrate! From members sharing about their heritage and traditions, to the SFLPA's new DEI statement, to our favorite restaurants opening back up, and to our government recognizing an important holiday, there is much to applaud and take pride in right now. As always, SFLPA will cheer our successes, be there when we most need support, and continue to bring us together to create new opportunities for all in our community.





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Cover Photo: Attendees enjoyed the 2021 Annual Conference of Legal Professionals, Incorporated.



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San Francisco Legal Professionals Association 2021-2022 Elected Officers



Frances Skaggs . President



Jenny Ha **Vice President**



Lorri Nicolini Secretary



Treasurer



Sally Mendez Christine Flores, CBA Governor

Appointed Officers, Chairs & Committee Members

Executive Advisor: May Sene - executive advisor@sflpa.org Parliamentarian: Christine Flores, CBA - governor@sflpa.org Career Promotion and Scholarship: Felicia Masters - careerscholarship@sflpa.org CCLS Program: Melissa Dallas, CCLS & Lorri Nicolini - ccls@sflpa.org Chapter Achievement: Christine Flores, CBA - governor@sflpa.org Education: Frances Skaggs, Chair & Lillian Wong - education@sflpa.org Hearsay Editors: Kate Cochran & Judy Nakaso, Co-Chairs - editor@sflpa.org Interclub: Lillian Wong, Chair - interclub@sflpa.org Legal Procedures: Leanne Ruesink, Chair - legalprocedure@sflpa.org Membership: Jenny Ha, Chair - membership@sflpa.org Professional Liaison/Day-in-Court: Lillian Wong, Chair - dayincourt@sflpa.org Programs: Terralyn Graff, Chair - program@sflpa.org Ways & Means: Lillian Wong, Chair & May Sene - waysandmeans@sflpa.org Website: Kristen Craig-Reed, Chair - website@sflpa.org

Open Positions: Social Media & Public Relations





PRESIDENT'S MESSAGE

FRANCIE SKAGGS

Dear Members:

San Francisco Legal Professionals Association is already off the ground and ready to soar! At the 87th Annual LPI Annual Conference, held on May 21 and 22, SFLPA already proved to be reaching to its highest potential by winning several awards at the Conference for the contributions it made for the 2020-21 fiscal year. That's right—the pandemic did not stop our association from soaring!

HEARSAY

I would like to send out a big congratulations to our Hearsay Editors Larry McGrew and Kate Cochran. Their hard work and dedication helped make the Hearsay reach its highest potential: first place! Both Larry and Kate wrote and gathered articles, reached out to sponsors, updated our members on legal events, and prepared them all in beautiful layouts adding nostalgic images of San Francisco and its history. This could have never been achieved without all of the members who wrote articles and/or shared pictures, which added to our publication, making its return to SFLPA extra special. Let's keep the momentum going! Kate Cochran has now stepped up as the Hearsay Editor and we will now bring it to a monthly publication. I know Kate will do a fantastic job with SFLPA member Judy Nakaso's assistance in proofreading.

EDUCATION

SFLPA just had a Brown Bag presentation on May 25, "Important Updates in E-filing" with First Legal's Don Hoefnagel and Sabrina Rodriguez. The Courts continue to change and it is imperative that legal secretaries and paralegals have access to these educational events in order to prepare for success. It is so much better to be prepared than to have obstacles and mishaps at the time of facing a filing deadline. That is why SFLPA supports all of you in the legal field and works hard to make sure to bring you educational events.

We are presently working on our July Brown Bag and will keep our members apprised of upcoming events. We recently hosted a presentation on police reform and what it actually entails. Please continue to check our website for further updates.

I would like to welcome all of our members to reach out to our Education Committee at education@sflpa.org and let us know of any topics you wish us to cover and we will work to make that happen. I have been reaching out to the San Francisco Superior Court clerks to try and arrange an event with them; however, they have been very busy since the pandemic began and the Courts were shut down for a few months back in March. I will continue to persist so we can bring the clerks to the legal community and together discuss the updates with the Courts in an educational forum.

DIVERSITY

In May, our country celebrated Asian Pacific American Heritage month, and in June, we are celebrating Pride month, as well as Juneteenth. SFLPA is committed to diversity and honors and respects each individual, no matter what race, religion, gender, gender-identity or sexual orientation they are. The rise of recent hate crimes against Asian-Americans demonstrates a very sad truth that people need to be reminded to treat one another with kindness and respect. SFLPA now has a new Diversity, Equity, and Inclusion Committee that will help SFLPA become a better association. Thanks to Jenny Ha and Kate Cochran for rising to the occasion and making us grow!



VICE PRESIDENT'S MESSAGE

JENNY HA

Hello SFLPA!

I'm excited for the arrival of Pride Month, Juneteenth, Men's Health Month, and the summer solstice this month!

A friendly reminder to renew your membership to take advantage of your membership benefits as soon as you can! Please see our updated membership page on https://www.sflpa.org/membership-application/, and please do renew online—not only does this help us with recordkeeping, but given how empty downtown still is nowadays, I think it would be safer for our colleagues if they could make fewer trips to our P.O. box.

Thank you to Hearsay Editor Kate Cochran for all her hard work, culminating in The Hearsay becoming a monthly publication! Did you know that Kate and Larry won the 2021 LPI Bulletin Contest for their outstanding work on The Hearsay this past year? Please give them a round of applause when you see them next.

I'd also like to thank Kate for collaborating with me on drafting SFLPA's Diversity, Equity, and Inclusion (DEI) statement, and special thanks to Sally Mendez, Larry McGrew, Terralyn Graff (and Lafayette!), and Kristen Craig-Reed for their input. I'm excited for SFLPA to have a public written statement of its commitment to creating a welcoming environment for all our members.

I'm also excited to announce that this month, we hosted the first of our monthly coffee hours on Zoom! Every month on a weekday evening, SFLPA will have a casual opendoor Zoom session where you can pop in to socialize and/or work on anything that's important to you. You can cook dinner, work on your debut novel, chat while crocheting, research a DIY project, get recommendations on new shows to watch, just sit and chat—whatever you'd like. I look forward to seeing you there!

If you have any questions, comments, suggestions, or requests, please feel free to email me at <u>vicepresident@sflpa.org</u>.

Take care and enjoy your June as California reopens!

Warm regards,

Jenny Ha



VICE PRESIDENT'S REPORT

JENNY HA

Please welcome our new members, Doug Bacon, Vanessa Galo, and Edith Perez!

Our current membership composition, as of May 30, 2021, is below.

	Membership Type		
Membership Class	Renewal	New	Total (per Membership Class)
Active	13	3	16
Associate	1	0	1
Student	0	0	0
Total (per Membership Type)	13	3	17 TOTAL annual members

Veep News

- We held our first SFLPA coffee hour in mid-June. Come on by next time for low-key fun and/or low-pressure productivity! Details will be circulated via LinkedIn and Constant Contact.
- Our Diversity, Equity, and Inclusion Statement will be published on our website shortly. Please email <u>vicepresident@sflpa.org</u> with any feedback.
- President Francie Skaggs, Website Chair Kristen Craig-Reed, and I are working on consolidating our different membership applications into one. We hope to have that ready in the next few months. We've already updated our different membership applications, and included a handy-dandy table of membership dues for clarity going forward.
- Keep renewing and invite your friends to SFLPA! Let's present beefy numbers to LPI when it's time for chapter achievement again, wahoo!



Our 2020-2021 Fiscal Year came to an end on April 30, 2021.

If you have not renewed membership yet, please submit your Membership Renewal (due May 1, 2021) for the 2021-2022 fiscal year.



GOVERNOR'S REPORT

CHRISTINE FLORES, CBA

GOVERNOR'S REPORT OF ANNUAL LPI CONFERENCE

The Annual Conference of Legal Professionals, Incorporated was held May 22 and 23, 2021 at the Sacramento Hilton Arden West, and virtually via Zoom. In-person attendance at the conference was limited to 50 people. Francie Skaggs and Larry McGrew attended in person as delegates. I also attended in person as a delegate and as Governor. Lillian Wong attended virtually as the alternate delegate. Sally Mendez also attended virtually.

The pre-conference activity for Friday night was a Vendor Night via Zoom which included games and prizes. A good time was had by all.

The Pre-Annual Board of Governors meeting was called to order on Saturday, May 22, 2021 at 8:30 a.m. by President Lynne Prescott, CCLS. There were 22 Governors present, constituting a quorum. President Lynne Prescott, CCLS introduced LSI/LPI Past Presidents in attendance and honorary members, the pages and LPI Administrator Kim Oreno who served as timekeeper.

The minutes from the February 2021 Virtual Quarterly Conference Board of Governors Meeting were timely distributed. On motion made by Executive Secretary Donna Day, and seconded, the minutes were approved as distributed. Questions were then taken from the floor regarding the Executive Committee Resume.

There was no unfinished business to come before the meeting. There was no new business to come before the meeting. The meeting was thereafter adjourned by President Lynne Prescott, CCLS.

The 2021 Annual Conference Hybrid Meeting was called to order at 9:45 a.m. by President Lynne Prescott, CCLS. The Pledge of Allegiance was led by member-at-large Lidia Gandevia, CCLS. The Code of Ethics dedicated to the memory of Joan M. Moore, PLS, CCLS, LSI Past President 1980 – 1982 was read. Deanna L. Pepe, PLS, CCLS, LSI Past President 1996-1998, gave the memorial address, including a reading of the poem "I Heard Your Voice in the Wind Today." The inspirational message was given by Ana Fatima Costa.

Kristi L. Edwards, CCLS introduced the members of the LPI Executive Committee, comparing their offices to the positions on a baseball team.

Jennifer L. Page, CCLS then did the honor of presenting immediate Past President Heather Edwards with the Past President's Pin.

The Registrar of Delegates reported that there were 48 delegates present at the meeting constituting a quorum.

Governor's Report Cont'd.

On motions duly made and seconded, the 2021 Hybrid Annual Conference Standing Rules, the 2021 Hybrid Annual Conference Election Rules and the 2021 Official Program were adopted.

Nominations and Elections Chair reported that the following individuals have been nominated for office:

President: Lynne Prescott, CCLS Vice President: Rodney Cardinale, Jr.

Executive Secretary: Donna Day

Treasurer: Bettina Jacobson

President Lynne Prescott, CCLS then called for nominations for each of the elective offices. There being but one nominee for each office, President Lynne Prescott, CCLS declared that each of the nominees was elected by acclamation. The meeting continued with the reports of the elected officers. President Lynne Prescott, CCLS emphasized the need for each LPI member to renew a commitment to LPI and their local association.

Vice President Rod Cardinale, Jr. reported on the marketing efforts being made, including new LPI brand merchandise available through the website. The results of the Membership Gain contest were also announced. Desert Palm LPA and Beverly Hills-Century City LPA received the awards in their respective categories. Most local associations did not see a gain in membership, but it is nice to see that two associations did.

Executive Secretary Donna Day reported on Programs, and reminded everyone to send any MCLE documentation to Dawn Forgeur, CCLS. Treasurer Bettina Jacobson presented the Treasurer's report. On motion duly made by the Treasurer, and seconded, the actions of the Treasurer in paying routine bills during the fourth quarter were ratified. The meeting then continued with the reports of the appointed officers and chairmen. Copies of the written reports are available through the LPI website. Feel free to contact me if you need help locating any of the reports.

The Publications Revisions Committee reported total royalties in the amount of \$19,600.08 for their publications, including online sales.

Barbara Barregar, editor of The Legal Professional magazine, announced the awards for the bulletin contest. It was with a great deal of pride that Francie, Larry and I received the news that The Hearsay was given a first place award! Well done, Larry McGrew and Kate Cochran!

Although there were not as many applications for the Eula Mae Jett Scholarship, there were scholarships awarded to four future legal professionals.

Following the reports of the officers and chairs, the meeting was adjourned.

Governor's Report Cont'd.

On Sunday morning, the general session was called to order at 9:00 a.m. Heather Edwards was the installing officer for the installation of the LPI Officers. President Lynne Prescott, CCLS reminded us all to Elevate! President Lynne presented several awards—including the leadership team award, the Elevate award, the rising star award, and the President's Award. Among the recipients of these awards were Francie Skaggs and Larry McGrew for their role on the LPI team. Congratulations to you both—well done!

Vice President Rod Cardinale, Jr. then announced the winners of the Chapter Achievement contest. As you all know, this contest is an accumulation of points throughout the year based on the activity of the local association. I was very proud to submit our entry of 32,500 points —but even prouder when Rod announced that San Francisco LPA had won in the category for similarly-sized associations. Thank you all for making it easy for me to compile the points. Thank you all for participating in our activities and in the activities of our neighboring local associations. While I was the one who had the honor of accepting the award, this award belongs to the members of SFLPA! Well done to you all!

The 2021 Annual Conference Meeting of LPI was thereafter adjourned.

The Post-Annual Board of Governors Meeting was held after the conclusion of the Annual Conference Meeting. Treasurer Bettina Jacobsen presented the proposed Budget for the 2021/2022 fiscal year. On motion duly made and seconded, the proposed Budget was adopted.

President Lynne Prescott, CCLS announced that Santa Clara County LPA submitted a bid to host the August 2021 quarterly conference. The bid was accepted by the Executive Committee of LPI. It was announced that this conference will be an in-person conference, since it is expected that the current COVID-related mandates will be lifted by August. It will be held at the Marriott the weekend of August 27-29. While participants will be expected to attend in person, it is possible that a live stream will be available. Details have not been finalized for that option, and more information should follow. It was explained that the current bylaws and standing rules of LPI provide that virtual meetings are permitted when there is no other option. Assuming the mandates are lifted as expected, there will be no reason for the meeting to be conducted virtually or even in a hybrid format.

There being no further business to come before the corporation, the meeting was thereafter adjourned.

It is my hope that several of you will find it possible to attend even for part of the August conference. Santa Clara is an easy drive from any part of the Bay Area. I will keep you all informed as the plans are revealed.

LPI Annual Conference Photos



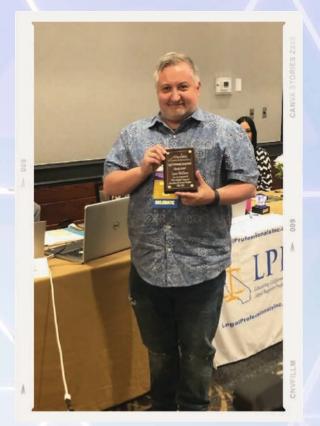


LPI Annual Conference Photos Cont'd.





LPI Annual Conference Photos Cont'd.











THE TIME IS NOW!

JOIN THE SFLPA FOR ANOTHER FITNESS

CHALLENGE!

AS THINGS START TO OPEN UP LET'S GET TOGETHER TO TO LOSE THE "COVID-15"!

DATE: JUNE 14TH TO JULY 11TH
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MEMBERSHIP

Established in 1934, Legal Professionals Inc., also known as "LPI," is a nonprofit, mutual benefit corporation organized for the purposes of providing educational, professional, and personal development programs to its members.

Membership is open to anyone within the legal profession. In addition to legal support professionals, the membership includes court clerks, court reporters, paralegals, legal assistants, legal administrators, banking/trust department personnel, legal support vendors, and attorneys.

Local associations, located throughout the state, offer monthly educational and professional programs. Many sponsor lunchtime learning, evening, and weekend long-term educational workshops.

Advantages of LPI Membership:

- · Continuing education and professional development
- Local association educational meetings
- · Networking with other legal professionals
- · The Legal Secretary magazine (published quarterly)
- Benefits available to members on an individual basis:
 - · Discounts on LPI's Rutter Group publications
 - Financial consulting
 - Disability income plan
 - · Long-term care plan
 - Medical plan
 - Credit union memberships
 - Rental car discounts

LPI Conferences:

Conferences are held May, August, November, and February at various locations throughout California. Continuing educational seminars and workshops are offered at each conference, conducted by respected attorneys, judges, and educators. Updated materials are provided for each workshop.

Membership-At-Large:

There are over thirty associations within the State of California. Legal professionals may join LPI as a Member-at-Large if a local association is not within a reasonable distance. Members-at-Large are eligible for all of the benefits of membership, but joining LPI through a local association provides instant access to the benefits of the local association as well as LPI.

LPI Publications:

Legal Professional's Handbook – This best-selling, two-volume publication sets out procedures and forms in most areas of law in a clear, concise manner.

Law Office Procedures Manual – This publication, an excellent training tool, contains completed Judicial Council forms, procedural guidelines and a glossary formulated for legal procedure.

Legal Secretary's Reference Guide – The essential, handy desk reference guide for busy legal professionals.

The Legal Secretary – This quarterly magazine, published by LPI and distributed to all members, contains educational and professional development articles from LPI officers, chairmen, members, and guests.

LPI Programs:

<u>California Certified Legal Secretary</u> – Become more valuable in your office, maintain and increase your skills, gain more confidence, earn more respect, and achieve greater financial security by achieving certification through the CCLS program. Online study courses are offered.

Legal Specialization Sections – Further your legal education by joining one or all of the Legal Specialization Sections: Civil Litigation, Criminal/Family Law, Law Office Administration, Probate/Estate Planning, Federal Law, and Specialty Law. Classes are offered free to members at each LPI conference, as well as online. Members receive a statewide roster of counterparts and quarterly newsletters.

<u>Legal Secretary Training</u> – Online classes are offered, including Beginning Legal Secretary and Advanced Discovery. Classes are work-at-your-own-pace, and are designed for legal staff at all levels.

For more information about membership or an association near you, contact LPI's Corporate Office: Kim Oreno, kim@legalprofessionalsinc.org; www.legalprofessionalsinc.org. Find us on Facebook, Instagram, LinkedIn & Twitter!

Take a step in the right direction. Advance your legal career, improve your professional and personal skills.

BECOME A MEMBER OF LPI TODAY.



What have we been up to?

Recent Events

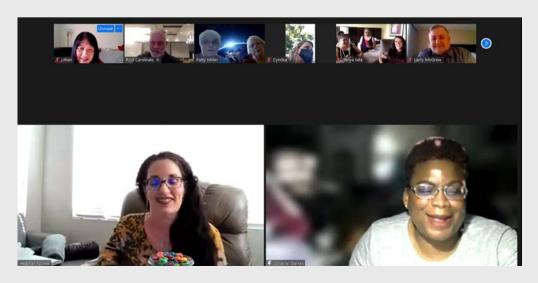
A vendor partner sharing a product demo.

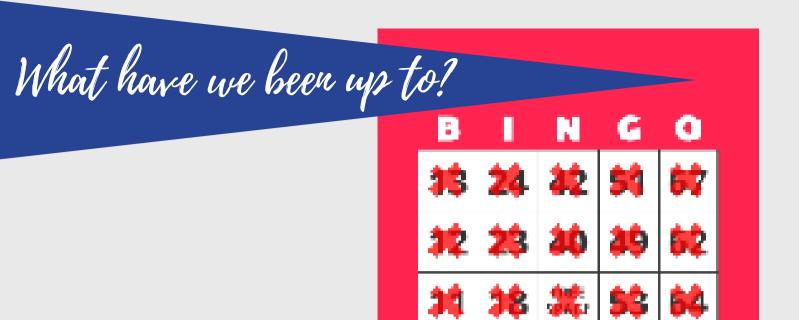
Friday Night Virtual Vendor Party

By Kate Cochran, Co-Editor

Before the LPI Annual Conference, many of us got together on a Friday night, May 21, for some virtual fun with our vendor partners. This was quite the party filled with games, music, contests, and fun prizes. Vendor partners all got a chance to share about their products and services with their LPI friends. We all chatted, laughed a lot, and had a great time trying to guess how many M&M's were in the jar. Vonnie Gaines was the winner--congratulations, Vonnie! Vonnie won a gift card for her efforts...but didn't get any of the M&M's. (Now that would have been a really good prize!)

Although California is reopening, it is still so much fun to catch up with everyone virtually. We hope to see you all at future events, whether on screen or face-to-face!

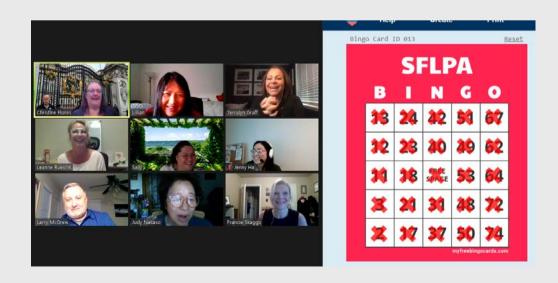




Special Meeting: Bylaws & Bingo

By Kate Cochran, Co-Editor

SFLPA hosted a special membership meeting on Tuesday, May 18, so our members could vote on our revised Bylaws. Woohoo. To sweeten the deal, Programs Chair Terralyn Graff organized a fun night of virtual Bingo to take place immediately after the Bylaws vote was complete. There was a great turnout with many members attending and voting to approve our new Bylaws, which will be posted to the members-only section of SFLPA's website. Those who lasted through the Bylaws vote enjoyed a few energetic rounds of Bingo filled with many hijinks and much laughter as usual. (Those of us with hyperactive children in tow just called it a night.) Bingo with our SFLPA friends is always a blast!



SFLPA Coffee Hour

Come to our virtual Zoom café to decompress, mingle, and/or work on a personal project

COMING SOON!

Check SFLPA Website Calendar for updates: https://www.sflpa.org/events-calendar/



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VIRTUAL EVENT CALENDAR

Educational & Networking Opportunities

June

6/1 - SFLPA Board of Directors Meeting

6/1 - LPI Training: Microsoft Word

6/3 - LSS: Legal Ethics: Recent Developments

6/8 - LPI Webinar: Table Contents/Authorities

6/14 - SFLPA Fitness Challenge Begins

6/16 - SFLPA Virtual Coffee Hour

6/16 - LPI Training: Microsoft Word

6/17 - LSS: Competitive Intelligence

6/19 - SFLPA Holiday: Juneteenth

6/22 - LPI Beginning Legal Secretary Training

6/22 - LPI CA Discovery Overview

6/22 - LPI Trial Preparation

6/23 - LPI Webinar: Expert Discovery

6/24 - LSS: Immigration Matters & Divorce

6/29 - SFLPA Brown Bag: Police Reform

July

7/4 - SFLPA Holiday: Independence Day

7/6 - SFLPA Board of Directors Meeting

7/6 - LPI Training: Excel in Excel

7/11 - SFLPA Fitness Challenge Ends

7/15 - LSS: Service By Publication

7/16 - LPI Webinar: Remove Cases Fed. Court

7/20 - SFLPA Membership/Back to the Office

7/21 - LPI Training: Excel in Excel

7/23 - LPI Webinar: Filing Unlawful Detainer

7/27 - SFLPA Brown Bag: Cybersecurity

August

8/3 - SFLPA Board of Directors Meeting

8/5 - LPI: Returning Workplace/Personalities

8/19 - LSS: Real Estate 101

8/26 - LSS: Buckle Up for Safety

All SFLPA events are posted on our website. You will also find some of the flyers published in this issue. Please visit us at www.sflpa.org and click on the Events tab.

We also encourage you to visit LPI's website at <u>www.legalprofessionalsinc.org</u> to keep up with all the educational webinars, other local association events, and information on upcoming LPI Conferences.



Renew Your Membership

VISIT SFLPA.ORG

The sooner you renew, the sooner you can receive benefits of SFLPA and LPI membership.

*Renew today!

Contact <u>vicepresident@sflpa.org</u> with any questions









LPI's Continuing Education Council presents:

RETURNING TO THE WORKPLACE MEANS RETURNING TO DIFFERENT PERSONALITIES (LET'S GET READY!)



SCAN ME

Presented by Diane Camacho, CLM



August 5, 2021 12:00 pm to 1:00 pm

This Webinar is Free to all Legal Professionals!

Online registration is available at https://www.legalprofessionalsinc.org/events/ or scan the QR Code above

Legal Professionals, Inc. is an approved provider, and certifies that this seminar has been approved for one minimum continuing education credit in the amount of 1.0 hour by the State Bar of California.





PRESENTED BY:

NextGen Legal

July Webinars

JULY 16
12:00-1:00 PM
REMOVING CASES TO FEDERAL COURT
MEMBER NON-MEMBER

\$25 \$ \$45

DEADLINE TO REGISTER JULY 16

JULY 23
12:00-1:00 PM

FILING AN UNLAWFUL DETAINER
MEMBER NON-MEMBER

S25 S45

DEADLINE TO REGISTER JULY 22

CLE/MCLE CREDIT AVAILABLE FOR SOME OF THESE WEBINARS

Online Registration and Payment
(via check or credit card)
Available at: https://www.legalprofessionalsine.org/events/
For group registration, please email
Cyndee Sauceda, CCLS at lptchair@legalprofessionalsine.org

NO CANCELLATIONS OR REFUNDS ARE PROVIDED AFTER THE WEBINAR; HOWEVER, SHOULD A CANCELLATION OCCUR AT LEAST 48 HOURS BEFORE THE LIVE WEBINAR, LPI WILL ISSUE A FULL REFUND.



LIST OF EVENTS

JULY 16 12:00-1:00 PM Removing Cases to Federal Court

State cases are removed to federal court for various reasons. There are deadlines to be calendared and procedures to follow in order to successfully remove a state case to federal court. This presentation will dive into topics such as who can remove, timing and the procedures for removal to federal court and more.

JULY 23 12:00-1:00 PM Filing an Unlawful Detainer

If you are not familiar with the process of filing an unlawful detainer, this webinar will help you to understand that process, the necessary forms and steps that must be taken. This presentation will also go over the discovery process in an unlawful detainer matter.

NEXTGEN IS AN AFFILIATE OF LEGAL PROFESSIONALS, INCORPORATED, AN APPROVED PROVIDER, AND CERTIFIES THAT THIS ACTIVITY IS APPROVED FOR 1.0 HOURS OF CCLS CREDIT.



Celebrating Pride Month

A History of the Fight Over Marriage Equality in the United States

June is Pride Month, celebrating LGBTQI+ identity and culture. The fight for dignity and equality is ongoing. Nowhere is that clearer than in the history of the battle over marriage equality.

Same-sex couples have long been in relationships that functioned informally as marriages. Society formally woke up to it only in the 1970s. In 1972, the U.S. Supreme Court declined to consider *Baker v. Nelson*, "for want of a substantial federal question," a dark spot in marriage equality litigation.

LGBTQI+ legal advocates organized challenges to restrictions on marriage rights, mostly in the courts but also in legislatures and referendums.

In *Baehr v. Miike*, the Hawaii Supreme Court in 1993 remanded a case to consider whether denying marriage rights "furthers compelling state interests and is narrowly drawn to avoid unnecessary abridgments of constitutional rights." Congress, in response, passed the Defense of Marriage Act (DOMA), denying federal recognition of same-sex marriages. Dozens of states began banning same-sex marriage in the intervening years between the passage of DOMA and the legalization of same-sex marriage in 2015.

In 2003, the Massachusetts Supreme Judicial Court ruled in *Goodridge v. Department of Public Health* for marriage equality as a right provided under the Massachusetts Constitution, becoming the first United States jurisdiction to recognize same-sex marriages.

In February and March 2004, city officials in San Francisco issued marriage licenses before being ordered to stop by the California Supreme Court. Similar public actions were taken in 4 other localities that year.

In 2008, the Supreme Court of California legalized same-sex marriage in California, but opponents placed a state constitutional amendment on the ballot known as Proposition 8.It passed in November 2008, ending same-sex marriages.

Advocates were not deterred.

Between 2008 and 2009, Connecticut and Iowa recognized same-sex marriage in the Courts.

Celebrating Pride Month Cont'd.

Marriage equality advocates did not limit their work to the Courts. They also had success in state legislatures and voter referendums. Between 2009 and 2013, legislatures in 4 states and the District of Columbia enacted legislation legalizing samesex marriage. In 2012, voters approved the legalization of same-sex marriage in 4 states.

The fight for marriage equality got a major and first boost from the United States Supreme Court in 2013. In its landmark ruling in *United States v. Windsor*, the Court ruled Section 3 of DOMA was unconstitutional "as a deprivation of the equal liberty ... protected by the Fifth Amendment."

Unfortunately, the Supreme Court also dismissed *Perry v. Schwarzenegger*, which ruled that California's Proposition 8 was unconstitutional, for lack of standing in 2013.

Between 2013 and 2015, 14 courts recognized same-sex marriage and 5 states passed legislation doing so.

In 2014, the U.S. Supreme Court declined to take action on five cases from the Fourth, Seventh, and Tenth Circuits, allowing the circuit court decisions striking down marriage bans to stand. In doing so, it did not make a major ruling on the substance of the marriage equality issue.

While some cases were distinct wins for marriage equality activists, opponents did have some successes. The court in Louisiana ruled against same-sex couples in *Robicheaux v. Caldwell*, upholding Louisiana's ban on same-sex marriage—the first decision of a federal court since the U.S. Supreme Court ruling in *Windsor* to uphold the constitutionality of a state ban on same-sex marriage.

In 2014, the Court of Appeals for the Sixth Circuit upheld the same-sex marriage bans in 4 states. The same-sex couples in all these cases asked the U.S. Supreme Court to review them, which the Supreme Court did. The cases were: Obergefell v. Hodges (Ohio), Tanco v. Haslam (Tennessee), DeBoer v. Snyder (Michigan), and Bourke v. Beshear (Kentucky).

The Court decided the case on June 26, 2015 in a 5-4 decision. *Obergefell* requires all states to recognize same-sex marriage. The Supreme Court ruled that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

Celebrating Pride Month Cont'd.

The Court listed four distinct reasons why the fundamental right to marry applies to same-sex couples. First, "the right to personal choice regarding marriage is inherent in the concept of individual autonomy." Second, "the right to marry is fundamental because it supports a two-person union unlike any other in its importance to the committed individuals." Third, the fundamental right to marry "safeguards children and families and thus draws meaning from related rights of childrearing, procreation, and education." Fourth, and lastly, "marriage is a keystone of our social order," and "[t]here is no difference between same- and opposite-sex couples with respect to this principle."

The fight for marriage equality has been long and hard fought. Litigation still persists on the fringes over religious liberty objections to recognizing same-sex marriage and placing children on the birth certificates of married same-sex couples, among other issues. What is clear is that we have a lot to be proud of as we take stock this Pride Month.

Jane Migachyov is a founding attorney of the Law Offices of Jane Migachyov, which provides family law services to the Northern California community. Jane has also served our community through pro bono work at local legal clinics. Reach Jane at <u>jane@sfareafamilylaw.com</u> and visit Jane's website for more information: <u>www.jlmfamilylaw.com/</u>.







Happy Juneteenth!
May we reflect on our past,
celebrate the present, and
help build a brighter future

Click below to:

<u>Learn more about Juneteenth</u>

Support Local Black-Owned Businesses

<u>Support Local Black-Led Nonprofits</u>

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SFLPA CELEBRATES JUNETEENTHI

There was much cause for celebration when President Biden made Juneteenth a national holiday on June 17, 2021. Juneteenth, or June 19, is a significant day in our nation's history. On June 19, 1865, General Gordon Granger of the Union army traveled to Galveston, Texas and declared, "The People of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free." To commemorate the day the Emancipation Proclamation changed that Texas community and our nation forever, former slaves began to celebrate Juneteenth in Texas the next year, in 1866, and spread their new tradition as they moved across the U.S.

The SFLPA is proud to celebrate Juneteenth for the first time as a federal holiday in 2021. The flag featured in our flyer includes a white star surrounded by a starburst design, on a background of red and blue. The colors of the traditional American flag signify that the former slaves were all Americans. The flag symbolizes new freedom for all enslaved peoples and the hope that we will someday truly achieve our goal of liberty and justice for all. As Senate Majority Leader Chuck Schumer said: "Making Juneteenth a federal holiday is a major step forward to recognizing the wrongs of the past – but we must continue to work to ensure equal justice and fulfill the promise of the Emancipation Proclamation and our Constitution."

Learn More + Support Black Business!

- https://nmaahc.si.edu/blog-post/why-juneteenth-important
- https://bayareablackmarket.com/
- https://www.ebcf.org/blocommunity/





AAPI HERITAGE

What My Asian Heritage Means to Me by May Sene

My Asian heritage means the world to me and is part of my genetic makeup! My Asian heritage has provided me with an exceptionally large family with two older sisters, two older brothers, and three younger brothers. The eldest and the youngest child in the family have an age spread of 25 years. Also, my youngest brother is only one month older than my nephew! My mom was a seamstress and took care of the children with the help of my paternal grandmother (Ah Mah). Dad worked as a barber right out of the living room of our two-bedroom apartment in San Francisco's Chinatown. Although our family was poor, my parents were able to provide all of us a very stable and loving home.

My Asian heritage also gave me an opportunity to be bilingual in English and Cantonese, both in verbal and written form. I will always be grateful to my parents for making me attend Chinese school for two hours every day after I attended American school. Those hours at Chinese school came in really handy in my legal career years later! As a probate paralegal, I was able to use my bilingual skills to assist those in the Chinese community in the S.F. Bay Area. This experience has provided me with great satisfaction, pride, and pleasure in being Asian!

My Asian heritage has helped to shape the person that I am today. My Asian heritage has taught me important values such as having pride in my heritage, the importance of the Asian family bond and the bond of the Chinese community, being kind and good to others, helping others in need, being generous, humble, and respectful of others.

Last but not least, my Asian heritage has taught me to appreciate our beloved food culture. I remember when we were growing up, our family would get together for festive occasions such as the Chinese Lunar New Year, the Dragon Boat Festival, as well as the Mid-Autumn Festival. The entire family would gather for a banquet-style meal with my mom and grandmother cooking many delicious and traditional Chinese dishes for us to enjoy. One of the most memorable foods is when they made Chinese tamales with delicious fillings comprised of fatty pork, Chinese sausages, salted egg yolks, and chestnuts. The tamales require a lot of skill and time to prepare and are very labor intensive. However, this did not seem to bother my mom or grandmother! They would tirelessly wash and rinse the leaves used to make the tamales. They would then meticulously shape the leaves into a tight pocket to hold all the wonderful fillings in such a way that they don't fall out. This is definitely not an easy feat! The tamales are then held together by wrapping strings all over it. They are then put in boiling water for hours to cook them.

AAPI HERITAGE CONT'D.

My mom would make plenty of tamales not only for the family but for friends as well. It is fortunate that we do not need to attempt to make these delicious tamales ourselves. The tamales, which come fully cooked, are now readily available for sale in Chinese shops everywhere and costs anywhere from \$2.00 to \$5.00 each. Please be sure to pick some up on your next trip to your favorite Chinese shop and enjoy! Below are some of my favorite dim sum and Chinese restaurants.

May's Favorite Chinese Restaurants

San Francisco:

- 1. Xiao Long Bao (Taiwanese dim sum) 625 Clement Street, S.F., CA
- 2. Gourmet Dim Sum & Café 651 Clement Street, S.F., CA
- 3. Good Luck Dim Sum 736 Clement Street, S.F., CA
- 4. Taiwan Restaurant 445 Clement Street, S.F., CA

North Bay:

- 1. Hang Ah Dim Sum 2130 Armory Drive, Santa Rosa, CA
- 2. China Village 8501 Gravenstein Hwy, Cotati, CA
- 3. Mai's Vietnamese 8492 Gravenstein Hwy, Cotati, CA
- 4. Lynn's Thai 8492 Gravenstein Hwy, Cotati, CA

Each of the above restaurants offers delicious authentic Asian Cuisine. Bon Appetit, everyone!





AAPI HERITAGE

Japanese American Heritage by Judy Nakaso

I think of myself as a Japanese American foodie, which is to say that I'm a blend of both Japanese and American food cultures. My foodie roots started from my Obachan (grandmother), who came from Hiroshima to America as a picture bride. She spoke no English, but operated a grocery store and did catering in Alameda, California. My aunt said my Obachan could roll 60 sushi rolls an hour. Wow! From Obachan, my father learned to be a very good cook and I grew up eating many traditional Japanese foods like sukiyaki, sushi, mochi sweet rice, and sticky rice with pickled vegetables.

My parents were Nisei (meaning the second generation to live in America) and the acculturation to America began as my family adopted many "American" dinner favorites such as hamburgers with French fries and macaroni and cheese with crumbled potato chips. My mother was born in Fresno so she loved to make tacos, and I craved Taco Bell crispy tacos and bean burritos as a kid. I was fortunate that my mother was a diverse cook and our family grew to be very gourmet with dinners of liver and onions, corned beef and cabbage, chow mein, chili, lasagna, spaghetti and meatballs, squid and tofu, and lots of Betty Crocker recipes. I can eat with chopsticks as quickly as I can eat with a fork, but I always eat pizza with my hands like I do when eating sushi because it is more fun. A fun fact is that I like eating salad with chopsticks. I can pick up the tiniest pieces of vegetables like peas or croutons with ease.

My favorite holiday is cooking traditional Japanese dishes for New Year's Day and visiting with friends on January 1st. I learned how to make New Year foods from my Obachan who would carefully prepare the ingredients in advance. I had no idea it was so labor intensive with chopping, cooking and seasoning the many ingredients that go into preparing ozoni (Japanese New Year's chicken soup), nori maki (rolled sushi), inarizushi (stuffed tofu pouches), and teriyaki chicken, among other dishes. Obachan laughed when I asked to bring some girlfriends over on a Saturday to learn how to cook the New Year foods—she said it took three days to make New Year foods! Thereafter, I appreciated how hard she worked to make the beautiful New Year's feast for the family. Her delicious meals were infused with care and love and I saw firsthand how proud she was to serve her beautifully-arranged meals to the family. I learned that enjoying a savory meal in the comfort of family and friends can be one of the happiest times we spend together. I believe that one can still add joy and excitement to any meal with a chair or two for family and friends. Let's celebrate gastronomical diversity!

AAPI HERITAGE CONT'D.

Judy's Favorite Restaurants

Here are some of my favorite restaurants in the S.F. - East Bay:

- 1. Sens Embarcadero Center 4, podium level, SF 415-362-0645 Mediterranean cuisine
- 2. Osha Thai Embarcadero Center 4, street level, SF 415-788-6742, Thai cuisine, oshathai.com
- 3. North Beach Pizza 1462 Grant Ave., SF 415-433-2444
- 4. Yo Sushi 1107 San Pablo Avenue near Marin, Albany 510-558-9500 Japanese cuisine
- 5. Sumo Restaurant 977 San Pablo Avenue, near Marin, Albany Japanese cuisine, sumosushica.com
- 6. Rendez-Vous Café and Bistro 1111 Solano Avenue near San Pablo, Albany 510-527-4111, Paris-inspired cuisine, rendezvouscafebistro.com
- 7. Anchalee Thai -1096 Dwight Way near San Pablo Ave., Berkeley 510-848-4015, Thai cuisine





AAPI HERITAGE

A Reckoning by Tsui-Ming Chen

Growing up Chinese-American in sheltered, middle class San Mateo has certainly insulated me from the abuse and vitriol of overt racism. I would say all the way through high school, I was too young and naïve to understand systemic, institutionalized racism. In college, I was surrounded by "enlightened" students and faculty, so I suppose I am fortunate to not have encountered any ugly episodes of racism for most of my life.

But recent incidences of racial violence against the AAPI community have led to a painful awareness and recalibration of those past years and I'm realizing that it wasn't always so rosy. There is a tension, albeit deeply buried and never verbally expressed, about my heritage and my place in America.

My siblings and I never learned to speak Chinese because our father wanted us to assimilate. Yet our names are distinctly Chinese. At school I was always having to explain that it is a Chinese name and pronounce it for my teachers and substitutes. I never hated my name, but I always hated how everyone laughed at the mispronunciations. I just wanted to blend in and disappear. Very few people could actually pronounce my name the Chinese way, so it was Anglicized to "Sue."

I remember my third grade teacher had adopted a Korean child and her and another teacher were discussing and comparing my face to that of her adopted child, pointing out the differences and similarities. Was that racism? She was a nice enough lady.

And because my siblings and I all grew up in California (or was it because we were trying too hard to blend in?), we really couldn't stomach "real" Chinese food. My mom would have to tone down the dishes and take out the "weird" stuff we wouldn't touch, like chicken feet, sea cucumbers, elephant ear fungus, etc. I will say that my mom could give Panda Express a run for their money! And certain Chinese restaurants were out of the question because they were too "Chinese" and I couldn't eat that stuff. I remember going to Hong Kong with my dad when I was in high school, and I lost about 20lbs. Yet now, Chinese and Asian fusion cuisine is all the rage. There's nothing to be ashamed about now.

AAPI HERITAGE CONT'D.

Our government's new push to discover the origins of the COVID-19 virus is another source of some anxiety for me. The two hypotheses of its origin are: it escaped from a Chinese lab or it jumped from animals to humans via the wet markets in China. My mom used to joke that if it moved, Chinese people would cook it and eat it. But it's not funny anymore. Whatever the results of the investigation, I just see renewed violence against Asian-Americans. Needless to say, I'm very interested to see how they word it.

I wouldn't say we (my siblings and I) were in denial about our heritage, but we (or I) certainly didn't emphasize it. It didn't seem advantageous to stress the difference because I always thought that others would secretly harbor some kind of negative thoughts and beliefs about Chinese people and I didn't want to confront that uncomfortable reality.

It is unfortunate that it took violent incidences of racism to bring these realizations to the surface for me. I didn't know that May was AAPI Heritage Month, but I'm grateful for the people who are bringing it to the forefront of discourse. I'm slowly working through the surprisingly complex relationship of my heritage and my place in this multifaceted society.





AAPI HERITAGE

Korean American Heritage by Jenny Ha

In an Actors on Actors interview, Constance Wu told Mindy Kaling about "rep sweats" which is when, as a member of a marginalized community, "you're sweatin' 'cause you have to rep, but you're just one story. There's no possible way that you can rep every single person who looks kind of like you, but because you're the only one, other people may do that [to you]." On the aptly named *Asian Enough* podcast, author Min Jin Lee said she wondered throughout her 30-year writing process whether she was "Korean enough" to tell the stories she wanted to.

When I try to think about "what makes me Korean?" these parts of my childhood come to mind: how my family celebrated both the solar and lunar new year; how I grew up sleeping on the floor with my halmoni (grandmother) while my umma (mother) and oppa (older brother) slept on the bed; how the four of us lived in a small one-bedroom apartment; how I'd get traditional seaweed soup every year for my birthday; how I grew up familiar with the concept of "Korean age," where you're one year older since the day you're born counts as your first birthday; how my umma would speak to me in Korean and I'd reply in a mix of mediocre Korean and fluent English; how I bowed to Korean elders as a greeting; how as a sign of respect, I waited for my halmoni and umma to begin eating before I could touch my utensils at meals; how we'd always bring a box of fruit as a gift when visiting other Korean households; how we went to a Korean video store every other week to borrow tapes of Korean dramas that weren't airing in the U.S.; and how my brother and I helped our umma make kimchi every few months.

But I don't know much Korean history, language, and schools of thought, and when it comes to the Korean-ness of my own upbringing, I'm not always sure which parts are very Korean vs. a quirk of my own family vs. common to immigrant households in the U.S. vs. typical of lower socioeconomic status households, and so on. This is why I get the rep sweats.

At the 2018 Emmys, Sandra Oh said, "it's an honor just to be Asian." In an interview with NBC Asian America, actor Steven Yeun said being Korean American and Asian American means being part of a third culture, and that being Asian American is "really just a confidence in our own existence." It's a struggle for me to feel that confidence as an Asian American, especially nowadays when I'm more aware of not only anti-Asian hate crimes, but the damage systemic racism has done and continues to do to all people of color, especially Black and Indigenous people; but I strive to remember Oh and Yeun's words.

AAPI HERITAGE CONT'D.

I strive to be comfortable with accepting myself as the Korean American I am, instead of judging myself in all the ways I may not be Korean enough. I strive to find my voice and develop the courage to speak and believe what I say matters, instead of constantly censoring or doubting myself. I strive to see myself as someone who can and will help solve problems, instead of worrying about how I may not make a difference or am not the perfect candidate.





REFLECTIONS ON

PRIDE MONTH

What Pride Means To Me by Kate Cochran

As I walk down Market Street in downtown San Francisco, rippling rainbows of color catch my eye. Billowing and swirling as they sashay like dancers in majestic pairs toward the Ferry Building, they are a potent reminder of how fortunate we are to live and work in the City of Love in the 21st century.

I was not always so fortunate. I grew up in Salinas and Greenfield, Central California towns with a long and rich history of migrant work and agriculture. While our neighbors were as friendly as typical Californians could be, I was raised in a fundamentalist community. I first learned to hide who I was at four years old, when an innocent crush was declared *Evil and of the Devil* by a horrified church "sister." By five, I had improvised a school-age version of the beard—penciled love notes to a lively dark-haired kid in my kindergarten class who conveniently was the opposite sex.

I hid in the closet for years. We weren't allowed to talk about, or to, people like me in that church...unless of course it was to witness to them, i.e. attempt to convince them to repent from their sin, become celibate, and go to conversion therapy. I will never forget how my 13-year-old cousin who kissed a classmate was declared possessed, and taken to the elders to be "prayed over" for weeks, or maybe months, to...exorcise the demon, I guess. Last I checked, the demon is living happily in Portland.

I was 11 years old, with 5 younger siblings, when my parents finally left the church. It was then that I found the courage to come out to two of my siblings. I didn't tell my parents until I was 15. Their reaction was mixed, to say the least. I heard words that sounded suspiciously like love and acceptance, but also the police were called on me. Looking back, it's clear they had no idea how to respond, and that the environment in which I was raised harmed my parents just as much as me and my siblings.

I got skewered the first day of high school for a rainbow pin on my backpack—meticulously crafted from beads bought with my hard-earned allowance—and naively didn't even intend to out myself. I just liked rainbows. That was my story, and I stuck to it and stayed in the closet again for a while after that. I came out my junior year, at a different school, for selfish reasons: I grew tired of constant teenage boy attention, and thought it was a solution to getting hit on at school. Of course, said teenage boys then made it their mission to "convert" me. Perhaps they had spent some time with fundamentalists too?

REFLECTIONS ON

PRIDE MONTH CONT'D.

I arrived at the old Transbay Terminal at Mission and 2nd on a dark, wet night in August 2006, a skinny homeless 18-year-old with little more than \$2 in my pocket and the clothes on my back. All I cared about was survival—identity was little more than a thought in my back pocket. I put my head down and worked, and worked, and months later saved up just enough to the cent to sign a lease on a small backroom studio in the Tendernob. I married a beautiful, wonderful man on a Monday morning at the same courthouse where my community was married with Gavin's blessing just a few years before in 2004. I was late to work and got a warning, and eventually told my parents two months later. I put my head down again and worked, and worked, and worked my way up in the legal field from a contract worker drone who took home office lunch leftovers to a well-paid legal secretary with a 2-bedroom 15 minutes from work, a growing family, and a chatty old cat.

As a pan-female who married a cis-dude, I had the privilege of being a largely invisible member of the queer community for years. I was content to live with privilege, suffering no more as an adult than the occasional you're-not-straight-enough from religious relatives or a rare you're-not-queer-enough from out and proud friends. I rationalized and internalized and went about daily life without real consideration for my peers who can't live quite as invisibly. All that came crashing down last year.

My brilliant, hyperactive 4-year-old was bouncing off the walls again...literally. My knees weren't working so the park was not an option. "Mooom, I wanna see germs on YouTube! I wanna see coronavirus and e. coli and salmonella and listeria and draw them and..." Out came the phone and down I plopped on an armchair, anticipating an afternoon of browsing the wonderful world of the internet for more COVID-19-related fun. "Mooom, no, actually I wanna see Moana and Maui and Frozen!" Rather than spend another afternoon with Elsa and Anna, I decided it was time for the wonderful world of real musicals, and searched for The Sound of Music.

This child who couldn't even finish half a cup of Fruit Loops without distraction sat enthralled by Maria spinning merrily around the Austrian hills. "Mooom, who is that?!?" "That's Julie Andrews, you know her, right? She's the same lady who teaches your puppet friends to sing on Netflix." "Mooom, I love Julie Andrews and want to marry her! Can I marry her?" "Yeah, she's really nice, so do a lot of other people." I worked hard to feign a normal parent reaction as I heard that familiar shocked voice in my head whisper *Evil and of the Devil*.

REFLECTIONS ON

PRIDE MONTH CONT'D.

Suddenly, it hit me like a brick wall that this tiny human was the same age I was when I learned to hide who I loved. This mini-me might just be more like me than I ever imagined. I could no longer afford to sit on the sidelines and be invisi-gay and just donate to the Human Rights Campaign...maybe for selfish reasons, and it shows my privilege in a pretty harsh light, but I can't and won't accept a world that tells a kid they can't love Julie Andrews.

Pride feels somehow less celebratory and more urgent this year. We spent much of the last few years fighting battles we thought we had already won, and fighting new battles as fundamentalists continue to wage war on our existence. Pride is freedom—but freedom bought with too high a price to measure, paid with the blood of our grandfathers on the sands of Normandy and our sons on the sands of Kabul and with Matthew Shepard's last breath. We owe it to all of them, ALL of them, to do better for our kids than we did for ourselves. We honor their sacrifice when we speak out and stand up for the most visible and vulnerable in our community.

So put that filter on your social media post. Add that rainbow flag to your Amazon cart. Get your kid that Pride shirt at Target they bugged you about for 8 months. Sure, it's corporatized Pride. Absolutely, you will offend relatives somewhere, and you'll be lucky to just get the side-eye from cholos by the laundromat, but it means everything to a five-year-old who still sees the world through rainbow-colored glasses and hasn't been told they are less than...yet.





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The California Certified Legal Secretary (CCLS®) program offers you the opportunity to take a major step forward in your career now! As a CCLS®, you become increasingly valuable to the California legal community. CCLS® is a program of Legal Professionals Incorporated, a non-profit mutual benefit corporation providing educational programs and professional development. When you become a CCLS®, you may:



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Requirements:

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 - Exam locations both Northern and Southern California.
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APPLICATION TO TAKE CCLS® EXAM

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Deadline: Applications must be received.			ptember 10, 2021					
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On Time Registration Fee	\$ 25.00	On Time Registration Fee	\$ 75.00					
Examination Fee*	100.00	Examination Fee*	100.00					
Late Fee (if applicable)	45.00	Late Fee (if applicable)	45.00					
TOTAL DUE w/o Late Fee:	\$125.00	TOTAL DUE w/o Late Fee:	\$175.00					
by	Personal	Information						
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Position: Dates of Employment:								
Employer:								
(name and address)								
Supervisor:	Sı	upervisor's Phone:						
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Summary of Duties:								
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Legal Procedures

California Court Chatter

Let's all give a warm welcome to Leanne Ruesink, who has joined the SFLPA as the new Legal Procedures Chair! Leanne, thank you for being part of Team SFLPA!

* * *

SENATE BILL 241 - 2021 CALIFORNIA COURT EFFICIENCY ACT PUBLISHED JUNE 10, 2021

SB 241 would allow companies that are not considered "shorthand reporting corporations" under state law to offer court reporting services between July 1, 2022, and Jan. 1, 2024. The bill would also allow witnesses to give testimony by telephone or videoconference during the same period.

SENATE BILL 241 – CIVIL ACTIONS

The "2021 California Court Efficiency Act" introduced by Senator Thomas Umberg was published June 10, 2021.

- Sponsored by the California Defense Council and Consumer Attorneys of California.
- Supported by: Court Reporters Board of California, Deposition Reporters Association of California, and the National Court Reporters Association.
- Opposed by: California Court Reporters Association, SEIU California, Protect Your Record Project, and three individuals.
- Amends and adds Business and Professions Code, section 8050.
- Adds Business and Professions Code, section 8051.
- Amends Code of Civil Procedure, section 1010.6.
- Adds Code of Civil Procedure, section 367.8.
- Adds Probate Code, section 3505.

SB 241 Primary Effects:

- 1. Permits out-of-state entities to register with and be governed by the Court Reporters Board (CRB), and must designate a board-certified reporter-in-charge; and
- 2. Permits witnesses to testify in court remotely via audiovisual technology, but only under certain circumstances.

Legal Procedures

California Court Chatter Cont'd.

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SB 241 Highlights:

- Increase efficiency in courts due to COVID-19.
- Expand CRB's authority regarding certification and regulation of out-of-state court reporters.
- CRB will provide a directory of registered entities on its website.
- Witnesses will be allowed to appear and give testimony by remote electronic means like Webex and Zoom.
- Witnesses may appear remotely for trials or hearings on motions.
- Court authorization required.
- Factors considered for remote appearances by witnesses are:
 - Is it critical or necessary?
 - Would it materially prejudice one or more parties?
 - Does the witness reside more than 100 miles from the venue?
 - If required to appear in person, would that make it impossible, difficult, or pose a risk to the witness's health or safety?

For more in-depth information on this bill, go to: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB241.





California Court Chatter Cont'd.

CALIFORNIA RULES OF COURT - DID YOU KNOW?

California Rules of Court provide the rules for formatting legal documents.

- Rule 1.43 states legal forms must be legible.
- Rule 2.104 states the font must not be smaller than 12 points.
- Rule 2.105 states font should be equivalent to Courier, Times New Roman, or Arial.
- Rule 2.107 sets forth the margin requirements.
- Rule 2.108 sets forth the spacing and numbering of lines requirements.
- Rule 2.109 sets forth page numbering requirements.
- Rule 2.110 sets forth the location, content, and font size for footers.
- Rule 2.111 sets forth how to format the first page.

For additional information, go to: https://www.courts.ca.gov/rules.htm.



Founded in 1969 Pathways Personnel uses its strong regional network of legal and corporate professionals built from our stable and continuous presence in the bay area employment industry for over 50 years to find the highest quality candidates for our clients. All Pathways recruiters are legal and corporate industry veterans. Our experience lets us better understand the challenges that our clients and candidates face working in and running a law firm or corporate legal department.



REAL ESTATE 101



Presented by Paul DeAngelis, Esq.

August 19, 2021 12:00 - 1:00 pm



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Buckle Up for Safety:

THE LAW FIRM'S GUIDE TO HANDLING CATASTROPHIC PERSONAL INJURY LITIGATION

Presented by Scott Herndon, Esq.

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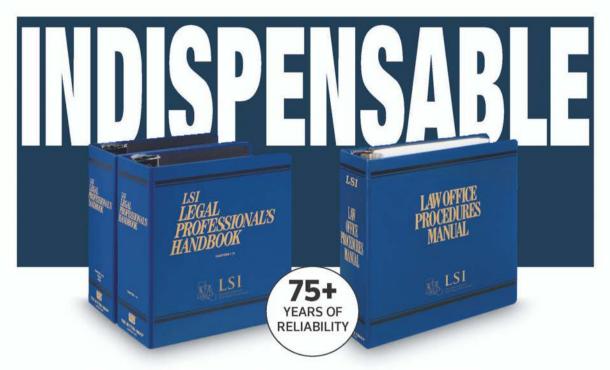
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HEARSAY | ISSUE 02





Back to the Office! What Now?

Please join the SFLPA for our next Membership
Meeting where we will hear from Jeanine
DeBacker on what we can expect as we return
to work.

Date: July 20, 2021 via zoom

Time: 6:00 PM

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CYBERSECURITY: HOW TO PROTECT YOURSELF FROM TODAY'S PREDATOR

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Ryan Conlan

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About the Presenter

Ryan is the National Practice Director for the All Covered Legal Practice and is responsible for the marketing, sales, and direction of the legal practice. As a former IT services consultant and network engineer Ryan has over 20 years of IT experience. The legal practice responsibilities include the direction of the legal vertical portfolio and key clientele relationships and the vendor relationships for a myriad of best-in-class legal applications.

In the past Ryan has led sales & support teams from a startup to large organizations and currently manages a portfolio that ranges from IT Services, various legal technologies, VoIP, legal DMS sales and integration as well as cybersecurity for law firms. Ryan holds various industry certifications, including Microsoft, VMware, Dell, VoIP, and is a thought leader in cloud technology. Ryan is a regular speaker for legal industry of the past of the past regular speaker for legal industry of the



HEARSAY | ISSUE 02



By Natalie Prescott, Esq. Certified Information Privacy Professional (CIPP/US)

The U.S. Supreme Court Raises the Bar on Standing in Privacy and Data Breach Class Actions

On Friday, a sharply divided U.S. Supreme Court issued a ruling, which significantly impacts the plaintiffs' ability to pursue privacy and data breach class actions in federal courts. In *TransUnion LLC v. Ramirez*, Case No. <u>20-297</u>, the Court opined that most of the plaintiffs failed to show a "concrete" injury and thus had no standing to pursue their claims because they did not suffer real, personal harm. Reaching beyond the specific facts of the case, this opinion bolstered the companies' legal defense in federal privacy class actions. Despite curtailing the plaintiffs' ability to pursue their claims in a federal court, however, this ruling does not entirely preclude such lawsuits. Rather, the plaintiffs must now carefully evaluate their likelihood of success in a federal forum before filing their case, or risk facing a heavy motion practice and ultimate dismissal on standing grounds.

The facts of the *Ramirez* case are as interesting as the ruling itself. In *Ramirez*, the plaintiffs sued TransUnion after it mislabeled them as possible terrorists in credit reports, which prevented the lead plaintiff from buying a car. The plaintiffs with a terrorist watchlist designation sued and—following a lengthy legal battle and a rare jury verdict—ultimately won a \$40 million award, which the company then appealed all the way to the Supreme Court. In its June 25, 2021 opinion, the Court decided that the vast majority of the plaintiffs suffered no cognizable injury when it ruled that only some plaintiffs had standing. Specifically, only the plaintiffs whose credit reports were actually disseminated to third parties could sue, while the rest did not suffer a "concrete" harm and thus had no standing.

This case was closely watched by the plaintiffs' lawyers and the privacy defense bar because privacy harms are notoriously difficult to establish, and

Supreme Court Raises the Bar Cont'd.

there was little guidance from the Court to date on the meaning of a "concrete harm." As we previously reported, the Supreme Court had issued a key ruling on this topic in *Spokeo v. Robins* in May 2016, holding that the plaintiffs must allege a concrete injury in order to have standing to sue for a statutory violation. In simple terms, this meant that mere procedural violations would not suffice to assert statutory privacy claims, and that tangible losses had to be alleged. After *Spokeo*, however, the courts have grappled with the precise meaning of the "concrete" injury.

Spokeo required the courts to analyze whether the claimed injuries were sufficient to support the alleged violations of various federal and state consumer privacy statutes such as the Federal Credit Reporting Act, Telephone Consumer Protection Act, and Biometric Information Privacy Act, to name a few. It also impacted standing in data breach class actions. Yet, Spokeo did not give sufficient guidance on this issue. Ultimately, this led to inconsistent rulings across the nation and to significant forum shopping by consumer attorneys. Last Friday, the Ramirez majority finally shed light on the intended meaning of Spokeo—this time making it abundantly clear that the harm is concrete only if the plaintiffs can adequately plead that they have been personally harmed by the alleged conduct.

Ramirez resulted in a partial victory for some plaintiffs. The opinion made it clear that the "Court has no trouble concluding that the 1,853 class members suffered a concrete harm that qualifies as an injury in fact." In a sharp contrast, however, despite the fact that the "credit files of the remaining 6,332 class members also contained misleading OFAC alerts," the "mere existence of inaccurate information, absent dissemination, traditionally has not provided the basis for a lawsuit in American courts," and those "plaintiffs cannot demonstrate that the misleading information in the internal credit files itself constitutes a concrete harm."

It remains unclear how the lower courts will apply *Ramirez* in the context of data breach class actions. In those actions, the plaintiffs typically allege that their personal information was exposed as a result of a breach or a ransomware attack. They do not always assert, however, that the data was actually misused. Thus companies facing data breach class actions in a federal court may now have a stronger argument for dismissal under *Ramirez*.

Supreme Court Raises the Bar Cont'd.

Ultimately, however, even if this argument is successful, it simply leads to the re-filing on the case in a state court. For this very reason, the dissenting opinion in Ramirez dabbed the ruling "a pyrrhic victory," explaining that it "does not prohibit Congress from creating statutory rights for consumers; it simply holds that federal courts lack jurisdiction to hear some of these cases," potentially leaving state courts "as the sole forum for such cases, with defendants unable to seek removal to federal court."

There are often significant advantages for both sides to litigating data breach class actions and other privacy actions in a federal court. They include, for example, greater efficiency, expediency, predictability, preservation or resources, and potentially even reduced litigation costs. Thus companies facing such lawsuits may want to think twice before invoking *Ramirez* as a defense. Depending on the specifics of their case and the jurisdiction that governs it, defendants in a federal privacy class action should work closely with their defense lawyers to analyze and pursue the most optimal strategy. Our privacy litigation team continues to assist clients in data breach and other types of privacy class actions, and we are available to answer questions about the impact of *Ramirez* on your case.

Natalie A. Prescott is a Mintz attorney and Certified Information Privacy Professional. She defends clients in high-stakes business litigation matters, privacy class actions, UCL § 17200 cases, mass torts, and consumer class actions. She assists with issues relating to the CCPA, data breaches, biometrics, and privacy policies. Mintz article reprinted: https://www.mintz.com/insights-center/viewpoints/2826/2021-06-29-us-supreme-court-raises-bar-standing-privacy-and-data





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Our application forms are also available to download. Applications and payments can be received by mail. Address information as well as who to make checks payable to are also provided on the forms.

If you have questions and would like to speak to someone, please send an email to our Vice President/Membership Chair: Jenny Ha. Send your email to: membership@sflpa.org.

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Note: This list is maintained for use by members of Legal Professionals, 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. For information, call these representatives directly. For questions and concerns regarding Member Benefits, please contact the LPI Vice President at vicepresident@legalprofessionalsinc.org.

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Presented by Don Fritsch President of Investigations at First Legal

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Message From Co-Editors Kate Cochran & Judy Nakaso



What a year to celebrate so far! First, we are pleased to welcome Judy Nakaso, proofreader extraordinaire, as the new Co-Editor of the Hearsay. We are also grateful to outgoing Editor Larry McGrew for his dedication and excellent service over the past fiscal year—which resulted in the Hearsay winning first place in its category at the LPI Conference. Congratulations, Larry, and go Team SFLPA!

We are excited to return to face-to-face gatherings with our SFLPA and LPI friends. Everyone who attended Conference in person this year had a wonderful time, and we hope you can all join us at the next Conference. We encourage all of our fully vaccinated members to get together with each other, whether at the office, a café, or at a park, and send us photos of your adventures.

We also encourage vaccinated members to think about planning a day to work at the office or a lunch meeting with colleagues soon. While there are certainly benefits to working remotely, working in a shared space provides unique growth, team bonding, and career opportunities which we may not experience in a remote environment. If you have successfully made a post-COVID trip downtown by foot, train, or ferry, and are still working remotely today, congratulations! You have taken the first step towards the new, new normal—a flexible, hybrid work schedule that may ultimately help Bay Area commuters achieve what seemed an unattainable goal before—a true work/life balance.

Join the SFLPA, its amazing Board, and our valuable members as we celebrate our diversity with pride this month!

San Francisco Legal Professionals Association Diversity, Equity + Inclusion Statement

Members of the San Francisco Legal Professionals Association shall respect everyone, and shall not discriminate against anyone on the basis of that person's actual or perceived race, ethnicity, age, gender, religion, sexual orientation, gender identity, gender expression, disability, body size, educational background, nationality, immigration status, economic status and/or other diverse backgrounds.

Members shall contribute to a safe, professional, and collegial environment in SFLPA and LPI. This includes all SFLPA and LPI events, and all situations in which a member interacts or communicates with another member, regardless of whether the interaction occurs at or outside SFLPA or LPI events.

Members understand that people may belong to different communities and backgrounds of which the member is not aware. Members will be mindful of their potential biases, and respectful as they interact with others.

Members understand that disclosure of a person's diverse background can lead to unintended negative consequences. Therefore, members shall exercise utmost discretion in respecting others' privacy when diversity-related information is disclosed to or obtained by a member.

Members are encouraged to examine and take advantage of the privileges they have to support others within our association, their own communities, and beyond.

LPI Code of Ethics

Members of LPI adhere to the LPI Code of Ethics which is dedicated to an LPI Past President, Joan M. Moore, PLS, CCLS, and reads as follows:

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