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PRESIDENT'S MESSAGE – JANUARY 2017

Happy New Year! I hope you are all staying dry with all this rain we have been getting this year. I know we need it but I sure wish we had the ability to schedule so we could incorporate some dry days here and there.

We are winding down our 2016-2017 fiscal year as we have just 4 months remaining. We still have plans to host an 80th Anniversary Celebration Dinner sometime in April. The search for a venue has been difficult but we have some promising prospects that we are currently looking at. Once we have a date and all the details, we will be sure to share it with all members of LSI and SFLPA as quickly as possible.

Our January Membership Meeting was held at the offices of Bryan Cave, LLP in the Embarcadero. We had a fantastic presentation on 90 Days Until Trial and Beyond. I would like to thank Mr. Peter Van Zandt for taking time out of his busy schedule to speak to us. I would also like to thank Malou Sana for helping us secure the venue for our meeting.

We also co-hosted an Interclub Educational Workshop with our colleagues at Alameda County Legal Secretaries Association on Saturday, January 14, 2017. It was a 4-hour presentation on Ethics. Attendees had the option of taking the full 4-hour presentation or picking from one of the 4 one-hour topics that were available. A special thanks to Diane Mecca of Stanislaus County LPA who taught such a fantastic series on Ethics. Attendees gave great reviews and feedback to us.

The next event we have coming up is our January Brown Bag Presentation scheduled for Tuesday, January 24, 2017 at the offices of Altshuler Berzon. The topic is: Changes in the Law which will be presented by: Mary Beaudrow, CCLS, Senior Docketing Clerk at Morrison & Foerester, LLP. If you have not yet RSVP'd for the event please do so as soon as possible, as we expect this to be a popular topic. The event flyer is posted on our website and is published in our newsletter as well.

I would like to announce that we have selected our Nominations Committee for 2017. I would like to thank Frances Skaggs, Suddie Scott and Lillian Wong for graciously accepting to serve on this committee. This committee will be accepting nominations for our upcoming Officer Election which is scheduled for Tuesday, March 21, 2017. So please save the date.

Our membership will be electing the following Officers for the 2017-2018 fiscal year:

- President
- Vice President
- Secretary
- Treasurer
- Delegate for the 2017 Annual Conference
- Alternate Delegate

If you are interested in running for any of the above, please be sure to review our current bylaws to see if you meet the eligibility requirements.

The SFLPA will pay the expenses for our Delegates to attend the Annual LSI Conference in Modesto. If you have not been to an LSI Conference, this is the perfect opportunity to give it a try. As a Delegate, you will attend the Board of Governors Town Hall meeting as a Representative of the SFLPA. You will vote on all matters that will come before the group. If you would like to learn more about it, we can put you in touch with those who have served as a Delegate before.

Also, if you are interested in getting more involved with our association, we have some Committee Chair positions to fill; or you can simply serve as a member of any of our standing committees. We are looking for energetic individuals with fresh ideas to join our team. We have a great group of leaders that work wonderfully together and we like to have fun as well.

Our Nominations Committee will be accepting nominations until Wednesday, February 15, 2017. A slate of names along with their bios will be distributed to our membership as well as published in our March issue of the *Hearsay*. Nominations will also be accepted from the floor at our Election Meeting. Those nominated must be present to accept the nomination. A description of duties for each office is attached for review. We do plan to install the newly-elected officers at our 80th Anniversary Dinner in April.

Also, the SFLPA will be hosting the 'Trivia Throw Down Challenge' this year as Team SFLPA won last year. (The association that wins the challenge hosts the event the following year.) If you are interested in attending and would like to be on Team SFLPA this year, please let us know. Mark your calendars now, for Saturday, March 25, 2017, from 11 a.m. to 2 p.m. at the office of Nixon Peabody located at One Embarcadero Center Drive, Suite 1800, San Francisco, CA 94111. There will be a brunch buffet available as well as a Bloody Mary and Mimosa Station for those who fancy an adult beverage. The flyer for the event is posted on our website and published in the *Hearsay*. It's a fun event and a wonderful networking opportunity. The SFLPA will be competing against our neighboring associations for the title of 'Trivia Champion.'

On another note, our Vice President, Geoff Cohen has resigned from his position effective January 1, 2017, due to changes at his job that limits the time he would be available to serve in the Vice President capacity. I would like to thank Geoff for serving as our Vice President/Membership Chair for the past year and a half. We certainly appreciated all that he has done for the SFLPA during that time. So, if you see him at an event, please take the time to thank him as well.

Finally, LSI's Quarterly Conference is coming up February 24-26, 2017. The conference will be held at the Ramada Inn in the City of Chico, CA. We encourage our members to attend this event as you will have a great time and there are plenty of educational workshops available to further your legal skills. Flyers for the conference are posted on LSI's website and published in our *Hearsay* as well.

Have a wonderful January and we hope to see you at an upcoming event.

Larry McGrew
President 2016-2017

CALL FOR NOMINATIONS

SFLPA OFFICER
&
DELEGATE ELECTIONS

The 2017 SFLPA Annual Elections Announcement

Nominations Committee Selected

As outlined in our bylaws, the following individuals have been selected to serve on this committee for our upcoming 2017 Elections:

Frances Skaggs – elected by the Board of Directors; Suddie Scott – elected by the General Membership; and Lilian Wong – appointed by the President.

This committee shall nominate candidates for elective office as well as those interested in serving as a delegate at the 2017 Annual LSI Conference.

If you are interested or would like to nominate someone, please review the attached eligibility requirements as well as important information about the positions available and their job duties.

The Committee will present to the Board of Directors its slate of names by **February 15, 2017**. Each individual will be contacted to verify acceptance of the nomination.

The slate will then be published in the March Issue of the Hearsay. Nominations may be made from the floor on the night of the Elections. Those nominated must be present to accept the nomination.

The votes for this election will be cast by ballot. A Chairman and two tellers will be appointed to receive and tally the results. The information is given to the President to announce the results.

In the event there is a single nominee for an office, the ballots process will be dispensed and the President shall declare the nominee elected by acclamation.

We encourage and welcome anyone interested in running for office to do so. We value creative thinking and fresh ideas that will increase the dynamics of our programs for our members.

Please review the list of the positions that will be elected as well as a description of the duties of that office.



Save the Date:

Election Meeting – Tuesday, March 25, 2017 – location TBD

Elected Officers:

President
Vice President
Secretary
Treasurer

Appointed Officer:

Parliamentarian

Eligibility for Office:

Any nominee or appointee at the time of election or appointment, must be an active member in good standing.

Any nominee for an elective office shall be employed in work of a legal nature.

Any nominee for the office of President shall have served at least one (1) year as an elected officer.

Duties of officers and term of office

Each officer shall keep accurate records and at the conclusion of the term of office shall turn them over to the successor officer.

- President
- Vice President
- Secretary
- Treasurer
- Governor
- Parliamentarian
- Editor – Hearsay

NOTE: The office of Governor will not appear on the ballot this year as the term of that office is a two-year term. See information provided under ‘Term of Office’ below.

Term of Office

Officers shall be elected at the annual meeting, in the manner hereinafter provided, and shall hold office for one (1) year or until their successors are elected and qualify, except that the Governor shall be elected for a term of two (2) years. All officers elected shall take office as of May 1, 2017.

Vacancies

A vacancy in any elective office, except the office of President, shall be filled for the unexpired term by recommendation of the Board and by majority vote at the first regular meeting following the effective date of the vacancy. In the event of a vacancy in an appointive office, the President shall promptly fill the vacancy.

Election of delegates and alternates

At the Annual LSI Conference, each association is represented by having three delegates with voting power at the Annual Board of Governors Meeting. The Governor and incoming President will make two of the three delegates. The SFLPA will be electing another individual who will serve as the third Delegate as stated in the bylaws.

SFLPA will also elect an alternate who will go to the conference and be readily available, if needed, at the Board of Governors Meeting. The person with the highest total of votes will be declared the third Delegate. The person with the second highest votes will be declared the alternate.

The elected Delegates will represent this association and shall cast the vote of the Association upon any matter requiring a vote at the Conference. The results of the election shall be submitted to the Executive Secretary of LSI by certificate and will be authenticated by the President and Secretary of this association.

For those planning to run for the Delegate position, you will need to plan to attend the 83rd Annual Conference scheduled for May 18-21, 2017 at the Doubletree Hotel in Modesto, California.

The SFLPA will pay for travel, hotel and costs associated as outlined by Standing Rule 18:

The amount to be contributed to the expenses of delegates and alternates to the annual LSI Conference shall be determined by the membership at the Annual Meeting held in March. The following expenses incurred by a Delegate shall be paid when registering for the Annual Conference: scrip tickets, hotel room (one-half double

occupancy), \$25 per diem for three days, and transportation to and from the conference. If transportation is by car, the current IRS allowable rate will be paid for mileage to and from the conference.

For those who have thought about getting involved with the SFLPA and LSI, the Delegate position is the perfect position to test the waters and experience an LSI Conference.

Contact our nominations committee

If you have questions about the election process, serving as a delegate or would like to learn more about any of the elected offices, please contact our Nominations Committee.

You may nominate yourself or you may nominate a fellow SFLPA Member. Please be sure to review the eligibility requirements to make sure your nominee meets the criteria. Also, anyone nominated must accept the nomination. So, if you are thinking of nominating someone, reach out to them and have that conversation.

The deadline to submit nominations is **February 15, 2017**. However, we will be taking nominations from the floor the evening of our Election Meeting on **March 25, 2017**.

Feel free to contact any of our Board Members, we are available to answer your questions. Volunteering for a nonprofit organization is a very fulfilling experience. We hope that you will consider the opportunity to help others achieve their goals.

Committee Contact Information:

Frances Skaggs – email: francieskaggs@gmail.com

Suddie Scott – email: sscott5204@yahoo.com

Lilian Wong – email: earthqueen2001@yahoo.com

For more information about both SFLPA and LSI, please review their websites at www.sflpa.org and www.lsi.org.



The Golden State Warriors hosted the Cleveland Cavaliers on the MLK Holiday and demolished them. The Dubs got off to an early lead and never looked back. They were ahead of LeBron and the Cavs by as much as 39 points. The final score was 124 – 91.

The following day, they made headlines as they hosted a groundbreaking ceremony for their new stadium in San Francisco.

On Thursday, the G Dubs hosted the Thunder and won that game 121 – 100.

The Warriors are off to an excellent start to the season as they currently have the best record in the NBA 36-6.



The countdown to Super Bowl 51 is well underway and there are 4 teams left as they are scheduled to play the Division Championship Games on Sunday, January 22, 2017.*

- AFC: Pittsburgh Steelers vs. New England Patriots
- NFC: Green Bay Packers vs. Atlanta Falcons

The winner of each game will play in the Super Bowl. Meanwhile, the 49ers are still looking for a new Head Coach. They are waiting for Kyle Shanahan who is currently the Offensive Coordinator for the Atlanta Falcons.

* At press time, it's official, the Falcons play the Patriots in Super Bowl 51.



Governor's Report

By: Christine Flores

The November 2016 Quarterly Conference of Legal Secretaries, Incorporated (LSI) was held November 11-13, 2016 at the Hilton Palm Springs. I attended in my capacity as a member of the Publication Revisions Committee in addition to representing SFLPA as your Governor. Larry McGrew attended in his capacity as LSI Advertising Chair and member of the Marketing Committee.

For those who traveled on Thursday, there was an interassociation game night co-hosted by San Francisco LPA, San Diego LPA and Stanislaus County LPA. The event was well-attended by several LSI local associations.

The weekend opened with the traditional Friday Night Reception, which gave everyone a chance to socialize before scurrying off to workshops. San Francisco LPA participated again in the interassociation game night which again was well-attended by members throughout the state.

The meeting of the Board of Governors of Legal Secretaries, Incorporated was called to order by President Jennifer L. Page, CCLS, on Saturday, November 12, 2016 at 9:03 a.m. The Pledge of Allegiance was led by Debby Tankersley, CCLS, President of Long Beach LPA. The LSI Code of Ethics was read by Carmen Vasquez, President of Santa Maria LPA. The inspirational message was given by Donna Day, President of Alameda County LSA. We were welcomed to Palm Springs by Karen J. Sloat, President of the Desert Bar Association. President Jennifer L. Page, CCLS introduced the past presidents and honorary members in attendance. Roll was then called, and the Executive Secretary announced that a quorum was present. Kim Oreno was introduced as the timekeeper for the meeting, Taylor Carter and Alexi Moreno were introduced as pages for the morning session.

President Jennifer L. Page, CCLS announced that the Minutes of the August 2016 Quarterly Conference Board of Governors Meeting were timely distributed. There being no corrections to the Minutes, they were approved as mailed.

President Jennifer L. Page, CCLS reported orally at the morning session. The Executive Secretary presented the Resume of the Executive Committee Meeting and announced that voting on the recommendations would take place during the afternoon session. Vice President Heather Edwards reported as Chair of the Membership, Program and Marketing Committees. Treasurer Rod Cardinale, Jr. read his report, which showed that income for the current quarter was \$66,841; expenses were \$64,312 resulting in \$2,529 income over expenses. On motion duly made, the actions of the Treasurer in paying the routine bills was ratified.

The LSI President Jennifer L. Page, CCLS declared the meeting to be in recess at 10:20 a.m. for educational workshops and luncheons.

During the Governor's luncheon there was a very active discussion regarding the proposed amendments to LSI's Bylaws which would require a person serving as an LSI Officer or Committee Chair to be a resident of California. There were many good points made in the discussion, including the concern for expenses that might be incurred in having someone serving LSI while residing outside of California.

President Jennifer L. Page, CCLS called the meeting to order at 2:04 p.m. Roll was called and the Executive Secretary announced that a quorum of Governors and Governors Pro Tem were in attendance.

The President Jennifer L. Page, CCLS then asked for questions concerning the Executive Committee Resume, which were asked and responded to. On motion duly made, the recommendation of the Executive Committee that the CCLS Luncheon be renamed the Kalman S. Zemplyny II CCLS Luncheon was adopted.

A motion was made to amend the LSI Bylaws to define an active member as a person directly engaged in work of a legal nature in California. The amendment was adopted.

The Governors were then asked to consider the amendments to the Bylaws which require a person serving as an LSI officer or chairman to reside in California. After considerable discussion on each of these amendments, they were defeated.

The meeting continued with the reports of the appointed officers and committee chairs. The full reports are available on LSI's website or, if you prefer, you may request a copy from me.

There was no unfinished business to come before the meeting. There was no new business to come before the meeting.

The LSI President appointed Judy Johns of San Diego LSA to serve as Assistant Editor to the Publications Revisions Committee. She also appointed the following individuals to serve as a special committee to consider the possibility of LSI adding a student member category: Kristi L. Edwards, CCLS, LSI Parliamentarian, Chair, and committee members Cynthia Saucedo of Alameda County LSA and Mae Chester, CCLS of San Fernando Valley LSA. This special committee shall convene through the May 2017 Annual Conference at which time the Committee shall present its report and any recommendations.

The meeting was recessed at 3:39 p.m.

After the Board of Governors meeting, many members took advantage of the educational workshops available through the Legal Specialization Sections. The weekend continued with the Saturday evening Banquet.

On Sunday morning, the Members of LSI enjoyed brunch. The President called the meeting to order at 9:50 a.m. There was no unfinished business to come before the corporation. There was no new business to come before the corporation. President Jennifer Page, CCLS announced that Santa Clara County LPA, Imperial County LPA, Merced County LPA and Fresno County LPA were the recipients of free scrip tickets to the February 2017 Quarterly Conference hosted by Southern Butte County LPA in Chico, California. There being no further business to come before the Board of Governors, the meeting was adjourned at 10:05 a.m.

The next quarterly conference will be held February 24-26, 2017 at the Ramada Plaza in Chico, California. I hope that some of you will take the opportunity to attend this conference. It is an easy drive from the Bay Area and is quite affordable. There is already talk of an inter-association game night which is sure to add to the fun on Friday night. If you would like more information, please feel free to contact me.

It is always a privilege to represent the members of SFLPA at the LSI Conference. I apologize for the delay in publishing this report, but a chance encounter between my little Hyundai Sonata and a rather large Ford F-150 pickup truck took me off course in more ways than one. I'm grateful not to have been injured, but now must make a decision as to a replacement vehicle. Wish me luck!

Christine Flores

Scholarship/Career Promotion

By: Aubry Miller

Greetings Members and Friends of SFLPA!

Scholarship season is upon us! Now is the time to start spreading the word of SFLPA's scholarships that are being offered to high school, college, and career change students for the 2017-18 academic year. SFLPA will be awarding up to three scholarships. Please encourage anyone you know who is interested in pursuing a career in the legal field to apply! "Legal field" shall be interpreted and defined as: (a) legal secretary (including receptionist); (b) legal assistant (including paralegal); (c) court reporter; and/or (d) law office administrator. Scholarships are not intended for students planning to enter law school.

All applicants must be legal residents of the State of California and must be attending school within the State of California during the scholarship year. Category A applicants – high school seniors – are those students who will have successfully completed high school by the end of June and will be enrolled in the fall semester immediately following graduation in a college or business school offering a course of study in the legal field. Category B applicants – college students – are those students who will have completed at least one year of college by June and will be enrolled in the fall semester immediately following the school year. Category C applicants – re-entry/career change students – are those students who will be enrolled in the fall semester in a college or business school in a course of study in the legal field and shall be an individual who either (a) desires to re-enter the workforce after a prolonged absence but requires training or specialized education in order to qualify as a candidate for a position in the legal field; or (b) has been in the workforce for a number of years but desires to enter the legal field and wants to receive the training or specialized education needed to do so. Current members of SFLPA and/or LSI are not eligible – sorry!

In order to apply, students must submit, along with their application form, an unofficial school transcript, a biographical letter, three letters of recommendation from someone other than a family member or member of SFLPA/LSI, and a resume (Category C only.) Students should not delay in gathering the required documentation as application packets must be received no later than Friday, March 17, 2017.

Winners of SFLPA's scholarships will then be submitted to LSI for further consideration in a chance to win LSI's Eula Mae Jett scholarship. LSI will be awarding two scholarships – a first and second place winner – in each category. First place will receive \$2,000 and second place will receive \$1,000. The winners of the Eula Mae Jett scholarship will be announced at LSI's annual conference held in May.

Last year's winner of SFLPA's scholarship, Barbara Occhiogrosso, applied under the career change category. She's a mother of a college student and was self-employed as a graphic designer for over 10 years. She always had a passion for law and saw her daughter going off to college in New York as the perfect opportunity to explore the legal field. Shortly after being awarded the scholarship, Barbara enrolled in San Francisco City College's paralegal program and started working as a legal secretary/paralegal for a sole practitioner in Oakland. She just completed her first semester at City College and recently wrote in a letter to SFLPA:

I just wanted to express my heartfelt thanks to your organization for granting me a scholarship to make this possible! I am off to a good, strong start and hope to finish the program in less than two years. Then it's off to get certified!



Pictured from left to right: Aubrey Miller, SFLPA Scholarship Chair; Barbara Occhiogrosso, 2016 scholarship recipient; and Larry McGrew, SFLPA President.

For additional information on how to apply, please contact me at [alm@sommerschwartz.com](mailto:alm@sommersschwartz.com) or (415) 955-0925 (office.)

Lastly, I'd like to thank the law firm of Coblenz, Patch, Duffy, & Bass, LLP for their donation to SFLPA's scholarship program. With your support and that of local firms, our program will continue to flourish, and students will continue to receive the financial aid they deserve! If you or your firm are interested in becoming a sponsor, please email me at the address above.

Thank you and I look forward to an exciting scholarship year!

Aubrey Miller
SFLPA Scholarship Chair

ATTENTION STUDENTS!



SAN FRANCISCO LEGAL PROFESSIONALS ASSOCIATION (SFLPA) IS ACCEPTING SCHOLARSHIP APPLICATIONS FOR THE 2017-2018 ACADEMIC YEAR

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January 2017

CALIFORNIA COURTS BUDGET

No Cuts for Courts Planned in California's \$179B Budget



January 10, 2017 – Sacramento - Gov. Jerry Brown on Tuesday unveiled a \$179 billion state spending plan, amplifying his typical message of fiscal restraint with warnings about potential federal funding cuts on the horizon.

“The Legislature has to be very prudent this year,” said Brown, who presented an [annual budget](#) that generally maintains the status quo on general fund spending and puts more than \$1 billion into reserves. “There are too many uncertainties.”

For California's courts, the proposal means no direct cuts but no major spending initiatives either.

The budget includes additional money for court employees' health and retirement, \$55 million to backfill a continuing decline in fines and penalties, funds for new case management systems in nine small counties and \$5 million for previously approved increases to judges' salaries and benefits.

Additionally, Brown proposed moving four vacant judgeships from the Bay Area to Inland Empire courts to address population growth and a rise in court filings. The governor supported the efforts last year to shift a handful of judgeships, but related budget language and legislation died in the Legislature.

The state budget did not include allocations to pay for new judgeships elsewhere in the state or financial help for a court construction fund that is [running out of money](#). The governor also chose not to add funding to compensate for cuts made to the judiciary during the recession.

“Given the uncertainties in the state's budget in the coming fiscal year, Gov. Brown's proposed budget for the judicial branch is prudent,” Chief Justice Tani Cantil-Sakauye said in a prepared statement. “We will continue to press for additional trial court revenue and any other necessary changes to address the vital needs of those seeking justice in the court system.”

Judicial branch officials are also scrutinizing a budget proposal that would bar judges from suspending the driver's licenses of defendants who fail to appear in court or fail to pay a fine in traffic and certain other low-level offense cases. The governor's finance department argues there is no “strong connection” between suspending a license and persuading someone to pay a fine and that revoking driving privileges unfairly punishes the poor.

“We don't expect to lose any” money by dropping the threat of suspending drivers licenses, Finance Director Michael Cohen told reporters Tuesday, saying a growing number of fines and penalties are already going uncollected.

But the Judicial Council points to a study by the Los Angeles County Superior Court that projected the loss of a license-suspension penalty would cut its collections by about \$31 million.

The potential loss raises to \$170 million if measured across all courts, according to a 2016 memo by Judicial Council staff. The loss could prove a big hit to the judiciary, which shares the fee and penalty money with cities, counties, the state and 50 other specialized funds.

Please contact Cheryl Miller at cmiller@alm.com, or on Twitter: [@CapitalAccounts](https://twitter.com/CapitalAccounts), if you have questions or request for additional information.



CIVIL LITIGATION

New Year, New Laws for Civil Litigators



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

- ***No secrecy for the perpetrator in civil actions involving a sex offense.***
Sex offense perpetrators soon won't be able to hide behind confidentiality provisions. A new law will void any provision in a settlement agreement that prevents the disclosure of the facts underlying a civil claim for a felony sex offense, an act of childhood sexual abuse, sexual exploitation of a minor, or an act of sexual assault against an elder or dependent adult. And any attorney who demands such a provision will face professional discipline. This goes for the courts, too: They cannot order that such facts be kept confidential. But this new law does not apply to information about the victim. (Code Civ. Proc., § 1002, as amended by Stats. 2016, ch. 876, AB 1682 (effective January 1, 2017).)
- ***Producing electronically stored information isn't enough; it has to be accessible too.***
Producing information that the requesting party cannot access is not really producing it at all. Soon deponents who produce electronically stored information under a deposition notice or a subpoena will have to make it accessible by either (1) giving the requesting party a means to gain direct access to password-protected information, or (2) providing a translation of the information into a reasonably useable form. (Code Civ. Proc., § 2025.280, as amended by Stats. 2016, ch. 467, AB 2427 (effective January 1, 2017).)
- ***New deadline for expert document production.***
No more being handed a pile of an expert's materials at his or her deposition. Soon an expert served with a deposition notice requiring production of any materials, including electronically stored information, will have to produce those materials at least three business days before his/her deposition. (Code Civ. Proc., § 2034.415, added by Stats. 2016, ch. 467, AB 2427 (effective January 1, 2017).)

- ***No more dragging California employees' disputes out of California!***
A new law stops employers from requiring that employees who primarily live and work in California agree to litigate or arbitrate claims against the employer somewhere other than California or agree to apply law other than California's to their employment disputes. Any contract provision that violates this law is voidable by the employee, unless he/she negotiated the employment contract through counsel. Disputes on the contract provisions also have to be adjudicated in California under California law. And 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. (Lab. Code, § 925, added by Stats. 2016, ch. 632, SB 1241 (effective January 1, 2017).)
- ***Yes, you can use court reporters to record arbitration proceedings.***
A new law states expressly that a party to an arbitration has the right to have a certified shorthand reporter transcribe any deposition, proceeding, or hearing as the official record. The law sets out how a party requests a court reporter and, if the arbitrator refuses that request, that the party may petition the court to compel the arbitrator to grant it. (Code Civ., Proc., § 1282.5, added by Stats. 2016, ch. 626, SB 1007 (effective January 1, 2017).)
- ***E-Filing fees getting capped.*** Good news — there will not be price gouging on e-filing! The amount that private e-filing firms can charge for court filings cannot exceed the actual costs incurred for processing the payment. Wondering how anyone will know what the actual costs really are? Firms that allow payment by credit or debit card or electronic funds transfer will have to report their payment costs and then provide the Judicial Council (or its authorized representative) with access to their records. (Code Civ., Proc., § 1010.6, as amended by stats. 2016, ch. 461, AB 2244 (effective January 1, 2017).)
- ***Serving someone in a gated community will soon get easier for public investigators.***
It will not be just representatives of a county sheriff or marshal who can get access to gated communities to serve process or a subpoena. Soon public investigators employed by an office of the Attorney General, a county counsel, a city attorney, a district attorney, or a public defender will be granted the same access. (Code Civ. Proc., § 415.21, as amended by Stats. 2016, ch. 88, SB 1431 (effective January 1, 2017).)

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FAMILY LAW

New Year, New Laws for Family Law Attorneys



The California legislature has enacted several new laws that may affect your family law practice. Here is an overview of some of the key statutory changes you need to know about.

- ***Separation doesn't require living separately.***

The California Supreme Court shook things up with *Marriage of Davis* (2015) 61 Cal.4th 846, which held that an indispensable threshold requirement for parties to be “living separate and apart” (see former Fam. Code, § 771(a)), is that they live in separate residences. The Legislature, after an outcry from the family law bar, took action: It amended section 771 to take out the requirement that spouses be living separately and inserted the term “date of separation” instead. It then enacted Fam. Code, § 70, to define “date of separation” as the date that a “complete and final break in the marital relationship has occurred,” as evidenced by the spouse (1) expressing to the other spouse his/her intent to end the marriage, and (2) acting consistently with his/her intent to end the marriage. (Fam. Code, §§ 70, 771, added and amended by Stats. 2016, ch. 114, SB 1255 (effective January 1, 2017).)

- ***Post-judgment service is getting easier in bifurcated cases.***

It has long been the rule that once judgment is entered in a marital action, any later orders must be served on the party, not just on the attorney of record (subject to a limited exception). Soon this more problematic rule would not apply if the court has bifurcated one or more issues for separate trial before disposing of the case. In bifurcated cases, service will be proper if made on the attorney of record (if the parties are represented) or on the parties (if unrepresented). But the old rule still applies if no pleading has been filed in the action for six months after entry of the bifurcated judgment. (Fam. Code, § 215, as amended by Stats. 2016, ch. 67, AB 1735 (effective January 1, 2017).)

- ***“Registered domestic partner” = “spouse.”***

Since the California Domestic Partner Rights and Responsibilities Act of 2003 became fully operative in January 2005, couples registered with the Secretary of State as domestic partners have had “the same rights, protections, and benefits,” and been “subject to the same responsibilities, obligations, and duties” under California law as spouses. (Fam. Code, § 297.5(a).) A new law clarifies that “spouse” includes “registered domestic partner.” It adds or amends provisions of many other codes to conform their terminology to this definition. (Fam. Code, § 143, as added by Stats. 2016, ch. 50, SB 1005 (effective January 1, 2017).)

- ***California will soon have explicit jurisdiction to determine parentage in its surrogacy cases.***

California courts have assumed jurisdiction over actions involving assisted reproduction agreements between surrogates and intended parents, but the law never explicitly gave it such jurisdiction or clearly explained the circumstances under which such jurisdiction exists. This has affected some parties' ability to have other states give full faith and credit to their California judgments. The Legislature stepped in to clarify things: A person who enters into a surrogacy agreement in California has submitted to the jurisdiction of California courts on a parentage action with respect to a child conceived under the agreement. (See Fam. Code, § 7620, amended by Stats. 2016, ch. 385, AB 2349 (effective January 1, 2017).)

- ***Proxy marriages by service members in war zones can't be ambushed by county clerks anymore.***

Under a special exception, a military service member serving overseas in a “war or conflict” zone may appear for the licensure and solemnization of his/her marriage through an attorney in fact. This is sometimes referred to as “proxy marriage.” But some county clerks and state officials have questioned the circumstances and rejected these proxy marriages. Soon they would not be able to do that because a new law makes a service member's proper completion of the power of attorney for a proxy marriage the last word, and the clerk must accept it. (See Fam. Code, § 420(b), as amended by Stats. 2016, ch. 130, AB 2128 (effective January 1, 2017).)

- ***More types of victims will be entitled to free copies of police reports.***

As part of the Domestic Violence Prevention Act, domestic violence victims can get a free copy of the police incident report and face sheets from state or local law enforcement authorities up to five years from the date of the report's completion. Effective January 1, 2017, the ability to obtain these reports will extend to victims of sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult, but they will only have to two years from the date of the reports' completion to make their requests. "Victim" is defined to include a minor age 12 or older. (See Fam. Code, § 6228, as amended by Stats. 2016, ch. 875, AB 1678 (effective January 1, 2017).)

- ***"Omnibus" family law bill makes numerous clarifying changes and provides for a statewide child support registry.***

A new law amends a whole host of Family Code provisions, most of which just clarify existing law, but also adds the new law measures on child support enforcement. Examples of the many clarified sections include Fam. Code, §§ 306.5, 308, 360, and 500 on changes of name on marriage, validity of marriage, duplicate marriage licenses, and confidential marriages. The key provisions on child support enforcement are new Fam. Code, §§ 17390–17393, providing for the development of a Statewide Child Support Registry and amendment of related statutes to change references from the California Child Support Automation System to the California Child Support Enforcement System. Because there has not been a single statewide database with statistical data on child support orders, the "California Child Support Enforcement System may be utilized to provide a single statewide registry of all child support orders." (Fam. Code, § 17390; see Stats. 2016, ch. 474, AB 2882 (effective January 1, 2017).)

To keep up with all developments in family law, subscribe to CEB's OnLAW® [Family Law Library](#) — a virtual encyclopedia of family law full of commentary, practice advice, and sample documents.

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TRIAL CONTINUANCE

Something's Come Up: Getting a Trial Date Continuance



"[T]he dates assigned for a trial are firm. All parties and their counsel must regard the date set for trial as certain." (Cal. Rules of Ct., rule 3.1332(a).) But things come up, and attorneys sometimes need to request a continuance of the trial date. Here is how it is done.

A party seeking a continuance of a trial date must make a noticed motion or an ex parte application under Cal. Rules of Ct., rule 3.1200–3.1207, whether or not the continuance is contested or stipulated to by the parties. (Cal. Rules of Ct., rule 3.1332(b).) Because the need for a continuance is usually due to last-minute developments, there is often not enough time for a noticed motion; that is when you need to make an ex parte application.

➡ **Where do you make your motion or application?** Normally, a trial continuance motion is made in the master calendar department. When cases are assigned to one judge for all purposes under the Trial Court Delay Reduction Act of 1990 (Gov. Code, §§ 68600–68620), all motions are heard before the assigned judge.

➡ **When should you make your motion or application?** Make your motion or ex parte application “as soon as reasonably practical” after you discover the need for a continuance. (Cal. Rules of Ct., rule 3.1332(b).)

➡ **What should you include in your motion or application?** Include in the moving papers (1) a notice of motion, (2) declarations setting out facts showing due diligence and good cause for the motion (see Cal. Rules of Ct., rule 3.1332(b)), (3) a supporting memorandum, and (4) a proposed order that includes the reasons for the continuance. Make sure to include a specific time to which the court should continue the trial; that time must be reasonably related to the ground that is the basis for the request.

➡ **What showing do you have to make?**

- **Good cause.** The primary emphasis should be on the good cause for the continuance, preferably a ground listed in Cal. Rules of Ct., rule 3.1332(c). Be specific and detailed in arguing good cause. For example, if a witness is suddenly not available, show why the witness is unavailable, why the witness’ testimony is crucial for a fair trial, and when the witness will be available. Support your position with the best evidence available. For example, when illness is the good cause, obtain a physician’s declaration; do not rely on a hearsay declaration by an attorney, or even the ill person, that the person is ill.
- **Due diligence.** The court will examine whether you gave notice and made the motion or application as soon as reasonably practical. If the ground for continuance has unforeseeably arisen at the last-minute, you can probably get a continuance, but if you could have acted sooner, but waited, the court is more likely to deny it. Be specific and detailed in showing due diligence: Show both why you could not anticipate the ground for continuance and how you were diligent in bringing the matter to court as soon as you discovered the need.
- **Lack of prejudice to opposing party.** Anticipate the opposing party’s argument that it will be prejudiced; either anticipatorily refute such claims if possible or consider alternatives to alleviate the prejudice.

For more on motions to continue the trial—and how to oppose such motions—turn to CEB’s [California Trial Practice: Civil Procedure During Trial](#), §§ 6.6-6.25.

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EVIDENCE CODE

Four Tips for Finding the Right Interpreter



When a witness cannot understand or communicate in English, you need to get an interpreter. (Evid. Code, § 752(a).) It is not as simple as just finding someone who speaks the same language as your witness. But getting the right interpreter is much easier if you follow these four tips.

- 1. Check the interpreter's references.** Be sure to check references, especially with difficult or unusual languages. If possible, consult with an attorney who is fluent in the language you want interpreted. Not only is such a person likely to know of several interpreters, but he/she is also in a position from personal experience to know which ones interpret accurately and literally. Do not assume that simply because someone is a court certified interpreter, he/she will do an adequate job of contemporaneous, literal translation for the particular witness in your case.
- 2. Make sure the interpreter understands how your witness speaks.** The fact that you have a well-educated and articulate interpreter does not automatically mean that your witness will be able to converse at the same sophisticated level. A problem often arises when witnesses have difficulty expressing themselves in the native language or use slang or colloquial terms that the interpreter may misunderstand. Make sure that your interpreter understands the slang or colloquial terms, and that the interpreter will take the initiative to explain these terms.
- 3. Get an interpreter from the same nationality/region.** Give specific attention to your witness' nationality and region of origin. For example, a problem may arise if your witness is a Mexican national and you retain a Chilean interpreter, because although both speak Spanish, the same word may have entirely different meanings in each country. The same problem can arise when the witness and interpreter are from the same country, but from different regions of that country.
- 4. Find someone who interprets literally.** There are two types of interpreters: Those who interpret literally, and those who paraphrase to interpret the essence and meaning of a witness' statement. An interpreter who interprets literally is usually preferable because he/she will not miss any detail that you (in questioning) and the witness (in responding) may consider crucial. But the literally interpreted answer may sound strange to the judge or jury, and your witness may have difficulty understanding a literally interpreted question. It is best when you can find a literal interpreter who understands the state of mind of the English-speaking listener, and will take the initiative to explain an unusual-sounding translation to the judge, jury, or witness, along with the basis of the interpreter's explanation.

Once you choose an interpreter, practice both direct and cross-examination with him/her and your witness. Ask for explanations of any problems the translator is having. This is your opportunity to make sure that you have chosen the right interpreter for your witness.

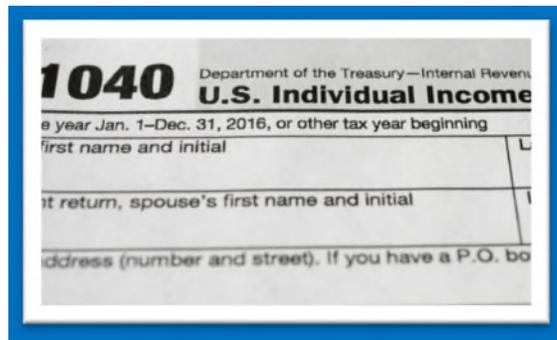
For more on using translators and interpreters, including the procedure for appointment and examination tips, turn to CEB's [California Trial Practice: Civil Procedure During Trial](#), §§ 11.28-11.43.

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INTERNAL REVENUE SERVICE (IRS)

What You Need to Know Now About the Upcoming Tax Season



January 15, 2017 — It is a new year, and time to put the last one to bed, which means filing your taxes.

The Internal Revenue Service (IRS) says to expect a few changes when the nation's individual income tax filing season opens on January 23, 2017.

Here are some of the changes you should be aware of:

NEW DATE:

Taxes are usually due on April 15, but this year that falls on a Saturday. And Emancipation Day, a holiday in Washington, D.C., will be observed on Monday, April 17.

So, that pushes the nation's deadline to file returns and pay any amount due to April 18.

Please note; however, you do not have to wait until then to meet with a tax professional or start the process though.

Below is a copy of the IRS publication (<https://www.irs.gov/irspup/uac/newsroom/irs-and-partners-look-to-start-of-2017-tax-season-encourage-use-of-irsgov-and-efile-warn-of-refund-delays>) regarding the 2017 tax season, which may address or answer some of your questions.



IRS and Partners Look to Start of 2017 Tax Season; Encourage use of IRS.gov and e-File; Warn of Refund Delays

IRS YouTube Videos

When Will I Get My Refund: [English](#) | [Spanish](#)

Claiming EITC or ACTC? Your Refund May Be Delayed: [English](#)

IR-2017-01, Jan. 5, 2017

WASHINGTON — The Internal Revenue Service (“IRS”) and partners from the states and tax industry today reminded taxpayers that the nation’s 2017 individual income tax filing season opens Jan. 23.

The IRS expects more than 153 million tax returns to be filed this year and taxpayers have until Tuesday, April 18, 2017, to file their 2016 tax returns and pay any tax due. The deadline is extended because the Emancipation Day, a holiday in Washington, D.C., will be observed on Monday, April 17, pushing the nation’s filing deadline to April 18.

“There are a number of important changes this year involving refunds and tax law changes that we encourage people to keep in mind,” said IRS Commissioner John Koskinen. “We encourage taxpayers to plan ahead and take a few minutes to review these changes. As we enter the filing season, taxpayers should know that the dedicated workforce of the IRS and the nation’s tax community stand ready to help.”

Taxpayers that are e-filing can still submit returns to their software provider before Jan. 23. They will hold the return and transmit it to the IRS when the systems open. The IRS also reminds taxpayers that they don’t have to wait until Jan. 23 to contact their tax professional.

In 2016, the IRS issued 111 million individual tax refunds and expects more than 70 percent of taxpayers to receive a refund in 2017. Also, the IRS reminds taxpayers that a new law requires the IRS to hold refunds claiming the Earned Income Tax Credit (EITC) and the Additional Child Tax Credit (ACTC) until Feb. 15.

“We encourage taxpayers to file as they normally would, including returns claiming the EITC or ACTC” Koskinen said. “The IRS and the nation’s tax community are committed to making this another smooth filing season.”

e-File and Free File

More than four out of five returns are expected to be filed electronically, with a similar proportion of refunds issued through direct deposit. The IRS encourages taxpayers to plan ahead and take advantage of the online resources available on IRS.gov.

Choosing [e-file](#) and [direct deposit](#) for refunds remains the fastest and safest way to file an accurate income tax return and receive a refund. The IRS anticipates issuing more than nine out of 10 refunds in less than 21 days from the time returns are received.

The IRS *Free File* program, available at IRS.gov, opens Friday, Jan. 13. Commercial partners of the IRS offer free brand-name software to about 100 million individuals and families with incomes of \$64,000 or less. Seventy percent of the nation’s taxpayers are eligible for IRS Free File.

All taxpayers regardless of income will again have access to free online fillable forms, which provide electronic versions of IRS paper forms to complete and file. This option is available through IRS.gov and is free.

Protecting Taxpayers from ID-Theft-Related Refund Fraud

The IRS continues to work with state tax authorities and the tax industry to address tax-related identity theft and refund fraud. As part of the [Security Summit](#), the IRS made significant inroads against fraudulent returns in 2016. While working to stop the issuance of fraudulent refunds, the IRS remains focused on releasing legitimate refunds as quickly as possible in 2017. Thus far, Summit efforts have led to a 50 percent decline in the number of new reports of stolen identities on federal tax returns.

Late last year, Summit leaders detailed new and expanded safeguards for taxpayers in the upcoming 2017 tax season. The 2017 focus revolves around “trusted customer” features that will help ensure the authenticity of the taxpayer and the tax return – before, during and after a tax return is filed. The additional protections will build on the 2016 successes that prevented fraudulent returns and protected tax refunds.

Health Care Basics

Again, this year, meeting the tax obligation of the Affordable Care Act for the vast majority of taxpayers will simply mean checking a box to verify everyone on their return has health coverage. For others, IRS.gov/aca features useful information, tips, and interactive online tools to help taxpayers with the premium tax credit, the individual shared responsibility requirement and other tax-related provisions of the ACA.

The Affordable Care Act requires that a taxpayer and each member of their family either has qualifying health coverage for each month of the year, qualifies for an exemption, or makes an individual shared responsibility payment when filing their tax returns.

Assistance Filing the Tax Return

More than 90 percent of all tax returns are prepared using tax return preparation software. This software generally includes tax law help along with reminders and prompts about tax breaks and responsibilities. The IRS reminds taxpayers that a trusted tax professional can also provide helpful information about the tax law. Information on tips about selecting a preparer and national tax professional groups are available on IRS.gov.

The IRS urges all taxpayers to make sure they have all their year-end statements in hand before they file their return. This includes Forms W-2 from employers, Forms 1099 from banks and other payers, and for those claiming the premium tax credit, Form 1095-A from the Marketplace. Doing so will help avoid refund delays and the need to file an amended return later.

Delayed Refunds

The IRS expects to issue more than nine out of 10 refunds in less than 21 days. However, the Protecting Americans from Tax Hikes (PATH) Act mandates the IRS hold refunds on tax returns claiming the EITC or the Additional Child Tax Credit (ACTC) until mid-February. The change helps ensure that taxpayers get the refund they are owed by giving the IRS more time to help detect and prevent tax fraud.

The IRS will begin releasing EITC and ACTC refunds starting Feb. 15, but cautions taxpayers that these refunds likely will not start arriving in bank accounts or on debit cards until the week of Feb. 27. The IRS wants taxpayers to know it will take additional time for their refunds to be processed and for financial institutions to accept and deposit the refunds to bank accounts. The IRS reminds taxpayers many financial institutions do not process payments on weekends or holidays, which can affect when refunds reach taxpayers. For EITC and ACTC filers, the three-day holiday weekend involving President’s Day may affect their refund timing.

Where’s My Refund? on IRS.gov and the IRS2Go phone app will be updated with projected deposit dates for early EITC and ACTC refund filers a few days after Feb. 15. Taxpayers will not see a refund date on *Where’s My Refund?* or through their software packages until then. The IRS, tax preparers and tax software will not have additional information on refund dates, so *Where’s My Refund?* remains the best way to check the status of a refund.

Expired Individual Taxpayer Identification Numbers (ITIN)

The PATH Act requires that certain ITINs expire on Jan. 1, 2017. Any ITIN not used on a tax return at least once in the past three years and any ITIN with middle digits of either 78 or 79 (9NN-78-NNNN or 9NN-79-NNNN) must be renewed before a return can be processed. Anyone filing a tax return with an expired ITIN could experience return processing and refund delay as well as denial of some tax benefits until the ITIN is renewed.

An ITIN renewal application could take as long as 11 weeks to process during tax filing season. ITINs are used by people who have tax-filing or payment obligations under U.S. law, but are not eligible for a Social Security Number.

Help for Taxpayers

The IRS reminds taxpayers they have a variety of options to get help filing and preparing their tax return on IRS.gov. Volunteer Income Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) offer free tax help to people who qualify. Go to irs.gov and enter "free tax prep" in the search box to find a nearby VITA or TCE site. The [IRS2Go Mobile App](#) can help find free tax preparation assistance, check your refund status and more!

All taxpayers should keep a copy of their tax return. Beginning in 2017, taxpayers using a software product for the first time may need their Adjusted Gross Income (AGI) amount from their prior-year tax return to verify their identity. Taxpayers can learn more about how to verify their identity and electronically sign tax returns at [Validating Your Electronically Filed Tax Return](#).

The IRS also reminds taxpayers that a trusted tax professional can provide helpful information and advice about the ever-changing tax code. [Tips for choosing a return preparer](#) and details about [national tax professional groups](#) are available on IRS.gov.



ESTATE PLANNING & TAXATION

IRS Left Holding the Bag After Investors Madoff with Millions



How much is a fictitious brokerage account worth, and what happens when it loses value? The IRS and the Tax Court have struggled with issues arising from the Bernie Madoff scandal. The answer may depend on when (and how) you ask the question.

In *Estate of Bernard Kessel*, TC Memo 2014-97, the court denied summary judgment for the IRS when the estate requested a refund of \$1.5 million of estate tax on \$4.8 million of appraised account value after the Madoff trustee denied its claim to recover the account balance. The trustee took the position that investors with negative equity would be made whole before investors with positive equity received anything. Decedent died in 2006. The estate paid the tax in 2007. Decedent and his heirs had already withdrawn more than the amount deposited.

Madoff was exposed in December 2008. So, the question is *how much was the account worth on the date of death?* The estate claimed the account had no value beyond the amount already withdrawn. The IRS argued that the account was worth the reported amount because a willing buyer and willing seller would not have reasonably know or foreseen that Madoff was operating a Ponzi scheme when Decedent died. The court found there were disputed material facts on whether Decedent had a property interest in the account and its value.

We still do not know the estate tax value of the account. It must have been worth something if the heirs were able to withdraw \$2.5 million after death. But this does not necessarily mean Decedent had a transferable property interest in the account. There were no securities. Perhaps this was taxable income to the heirs, but not an asset of the estate. The heirs also may have to return some of the money to pay off investors with negative equity. What then?

In *Estate of James Heller* (2016) 147 TC No. 11, the estate and the IRS took a different tack. Heller died in January 2008. Madoff was exposed after the estate withdrew \$11.5 million from the account, but before the estate filed the return. The estate claimed a \$5 million theft loss deduction for the difference between the reported account value and the amount withdrawn. The IRS denied the deduction on the ground that the loss did not occur during the administration. See IRC, § 2054 (estate is entitled to deductions relating to “losses incurred during the settlement of [the estate] arising . . . from theft”). The court concluded there was a sufficient nexus between the theft and the estate’s loss.

The *Heller* decision seems right, but several questions remain unanswered. What happens if the heirs have to pay back some of the money? Does this reduce the estate tax value of the account, or do the heirs just get a loss deduction on their income tax returns? What happens if the heirs get money back from the Madoff trustee? Heller’s heirs have zero basis in the worthless account, so anything they get should be fully taxable. By contrast, the heirs in *Kessel* should have a basis in any recovery if Decedent’s interest in the account had a positive estate tax value.

In unusual situations, it is not always clear how to report.

For more on losses and related estate tax deductions, check out CEB’s [California Trust Administration](#), §12.44, and [California Estate Planning](#), § 10.54. For more on valuing property interests, see [Drafting California Irrevocable Trusts](#), §§ 2.20–2.24.

And to keep up with all of the recent developments, do not miss CEB’s [Estate Planning and Administration: 2016 Year in Review](#) live in various locations and Livecast starting January 20, 2017.

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IMMIGRATION & NATURALIZATION SERVICE (INS)

Elimination of “Wet-Foot, Dry-Foot” Policy Will Have Impact on Immigration Law Firms



David Abraham, left, and Hector Chichoni, right.

January 13, 2017 – Elimination of the so-called “wet-foot, dry-foot” policy that gave Cuban immigrants an automatic path to citizenship once they reached U.S. shores will deal a heavy blow to many small and solo immigration law firms in South Florida and other places where many Cubans live.

For many immigration attorneys in South Florida, “this is an earthquake,” said David Abraham, a professor of immigration and citizenship law at the University of Miami School of Law.

“It’s going to change one of the mainstays of the local profession. It’s definitely not good for that segment of the bar, which has specialized in Cuban Adjustment,” Abraham said, referring to the law that gave Cubans the right to remain in the U.S. legally. “There’s going to be fewer [clients] and the conditions of the work are going to be much hurried and the law’s not going to lean in your favor as it has for the last 30 years.”

The policy put into place in 1995 by former President Bill Clinton during a heavy wave of Cuban rafters fleeing the island gave Cuban refugees an automatic path to asylum if they reached U.S. shores. Thursday, it was another Democratic president who brought an end to that policy, meaning that Cubans who arrive without visas will be considered illegal immigrants just like those who arrive from other countries. Undocumented Cubans will be detained at Krome Detention Center or similar sites.

“There will be probably many fewer Cuban [immigrants] because they won’t be undertaking this perilous journey absent being immediately paroled into the country,” Abraham said. “There will be many fewer clients, and many of them will be sitting in Krome, instead of in cafes on Calle Ocho.”

Calle Ocho is the street in the heart of Miami’s neighborhood known as Little Havana.

The “dry-foot” policy gave Cubans an automatic assumption of persecution and the presumption that they would be granted asylum. Without it, detainees face deportation and their chances of succeeding in staying will be far less, Abraham said. In some cases, they could be returned to Cuba within a week.

“It’s going to be very hard to prove that you are a victim of persecution in Cuba, and it’s been very hard to prove that for years and years,” Abraham said. “They are going to have to file an individual claim for asylum or they are deported. They might be filing such claims from detention centers, rather than from the comfort of Calle Ocho.”

He said Haitians, another large immigrant group in South Florida, have about a one in 50 chance of proving the need for asylum, and Cubans chances are not going to be any better.

Abraham said the change won’t affect big law as much as the small and solo firms that more often take Cuban Adjustment Act clients.

Table 1. Unauthorized Cuban Migrants Interdictions & Arrivals, FY 2010-16

Fiscal Year	"Wet-Foot" Coast Guard Interdictions	"Dry-Foot" Unauthorized Arrivals		
		Ports of Entry (POE)	Between POE	Total U.S. Arrivals
2016*	5,213	46,590*	1,930	48,520
2015	2,927	43,154	1,153	44,307
2014	2,111	24,277	1,061	25,338
2013	1,357	17,696	624	18,320
2012	1,275	12,240	606	12,846
2011	985	7,821	959	8,780
2010	422	7,487	712	8,199

*FY2016 data on Cubans arriving at a port of entry (POE) are as of July 31, 2016; other FY2016 data are for the full year.

Source: Congressional Research Service

But that's not to say there won't still be Cuban immigrants and work for their attorneys. About 25,000 immigrant visas have been issued by the U.S. to Cubans each year for several years—a large number for a country of 11 million, Abraham said.

In addition to those 25,000 visas, Cuban tourism to the U.S. has increased in recent years. Many Cuban tourists could become eligible for immigrant status once here if they were to find a spouse or skilled job here, and that would compensate for some of the lost Cuban Adjustment Act work. Immigrants can be sponsored by their families as well.

“It's going to create a whole new class of clients because Cubans have in the past have had such an easy go of it,” said Gordon Quan, founding partner at Quan Law Group in Houston, who has been practicing immigration for 40 years. “Now they are going to have to go through the same scrutiny as everybody else.”

Quan's firm has 10 attorneys, and only about three percent of the firm's work currently involves Cuban immigrants, but he thinks that's largely because it has been such a simple process that many go to charities for help or storefront law firms that don't charge as much. Now, instead of telling a Cuban client to come back in a year to file papers, he will spend time analyzing the individual's educational background, checking whether they have relatives who are potential sponsors, or if they have a valid claim for asylum. He believes having to prove the need for asylum will create more work for his firm.

“We have to show that they have a real fear of returning, and that was not required in the past,” Quan said. “More times than not, they are denied at that point.”

Yet, while immigration practitioners in South Florida are certain to feel the change, the effects could be felt by practitioners in other areas of the law as well, including Social Security and Landlord-Tenant attorneys, said Hector Chichoni, an immigration partner at Duane Morris in Miami. The stream of incoming Cubans created customers for starter apartments and other small businesses, he said.

In addition, immigration lawyers who fight removal and deportation may see an increase in work, Chichoni said.

“Removal work is hard and requires skill,” Chichoni said, adding that he expects to see important legal challenges stemming from the changes to the “wet-foot, dry-foot” policy. “Some of the most creative work in the area of U.S. immigration has been done in this area.”



Something's Come Up: Getting a Trial Date Continuance

By Wayne Pollock, *The Legal Intelligence* (January 5, 2017)



Photo: BernardaSv/iStockphoto.com

For individuals and corporate entities alike, lawsuits arise from interactions with other parties. Some of these interactions involve prominent parties. Thus, the ensuing lawsuits will attract the attention of the media. Other times, these interactions arise under interesting circumstances or involve novel applications of the law. Here too, the ensuing lawsuits will attract the attention of the media. When defending these lawsuits in a court of law, attorneys would not dream of missing an opportunity to use any and all tools available to them in the course of their defense.

But something different happens when attorneys are faced with making their clients' cases in the court of public opinion. Attorneys are notoriously gun shy when it comes to commenting publicly on lawsuits in which their clients are involved. In keeping quiet, attorneys allow opposing parties to shape the public narrative through court filings and media statements. Often, the best an attorney will do when confronted with the opportunity to make a public statement about litigation involving his client is to describe the allegations as being “without merit,” and promising to “vigorously defend” the lawsuit. Calling such a statement a “statement” is being charitable. It is really a “non-statement statement”—a close cousin of the Watergate-era “nondenial denial.”

When an attorney chooses not to comment substantively on a lawsuit against a client, the client suffers. The client damages its brand and reduces the goodwill the client and its representatives have built among their key constituencies. A damaged brand and reduced goodwill could lead to fewer customers, lower revenues, and lower profits. How, you ask, “could my ‘measured’ approach to speaking publicly about litigation against one of my clients damage its reputation and cause financial harm?” Because radio silence regarding a lawsuit means that three key constituencies of the party being sued are not hearing that party’s side of the story: current and future customers; current and future employees; and additional audiences whose perception that the party’s reputation has been damaged could affect the ability for that party to operate normally. These three groups just so happen to be the key audiences most closely tied to the ability for a party to generate revenues and profits.

Imagine one of the business services providers you rely on the most has been sued because one of its top executives allegedly discriminated against minority employees, or allegedly harassed LGBTQ employees, or refused to pay female rainmakers the same commission percentage as male rainmakers. An article about the complaint, a leaked deposition transcript, or summary judgment motion focuses, with great detail, on the alleged “very bad things” the service provider did that led to the lawsuit. You are disgusted by the conduct you have read about. It goes against the values you hold dear. In response, your service provider says something to a reporter about looking forward to its day in court. It makes no effort to defend itself in the media. No one from the provider has reached out to you to—as a valued client—to defend its conduct. In the meantime, you question whether you can continue to retain this provider's services in light of these allegations. You are well aware of the provider's competitors being able to provide services to you that are at least comparable in quality to your

current provider. You know there are two sides to the story, but you don't ever hear the provider's side of the story. And you do not have the time to track down court filings because you are too busy with keeping your head above water and running your own business. Perhaps worst of all, your friends and colleagues know you use this provider and are questioning the basis for your loyalty to this provider in the face of the allegations of the lawsuit.

Welcome to the minds of current customers of a business that has been sued. Yes, that party may be able to mitigate reputational damage by speaking directly to its customers about the litigation. That is an effective tactic, but one that is rarely recommended given the nature of attorneys to discourage their clients from speaking about pending lawsuits. Still, those current customers may be so put off by the allegations that they take their business elsewhere. As for prospective customers, they can't be reached through direct communications. They do, however, read the news, including articles about lawsuits filed against a party in which its attorney has made no effort to defend the client and protect its reputation. In the absence of any public defense of the allegations, these potential customers have no desire to associate with an entity that is alleged to have supported (or at least failed to stop) conduct that a potential customer may find repugnant.

Now, imagine this service provider is not your service provider but is instead the organization that employs you. And you are of the same ethnicity as the plaintiff alleging racial discrimination. Or you work with the employees alleged to have sexually harassed your female coworker. Or you are a newly-minted female executive, and another female executive alleges that the organization has an unjust pay gap within its management. You have questions. And yet, your employer has not taken advantage of the publicity surrounding the lawsuit to reassure you—via its statements to the media—that its mission is to create an inclusive environmental that treats all genders, ethnicities, and sexualities equally. Naturally, your friends and family have seen the allegations and have asked you, in the absence of any public defense of the allegations, how you could possibly work in such an environment. You begin looking for a position at new organization that can accommodate your values, your innovative way of conducting business, and, by the way, your book of business.

As with its current customers, this organization can easily reach out to its current employees to educate them about a suit against the organization. Most will not, but it is possible. But what about future employees (including executives) and board members? In the course of their due diligence in connection with an interview, they will surely come across articles about the lawsuit. Articles that will be devoid of any semblance of a defense against the lawsuit's allegations. These potential employees could have skills that help to increase the organization's revenues and profitability. But in the absence of any public defense of the allegations, they have no interest in joining an organization that does not appear to represent certain values they hold dear.

Finally, there are other key audiences whose perception that an organization's reputation has been damaged could affect the ability for the organization to operate normally. Politicians and government regulators looking to make an example out of that organization. Plaintiff's attorneys who smell a class action lawsuit and begin recruiting whistleblowers from within that organization. Other attorneys who think they can do a better job defending that organization, in part because they too are bound by the Pennsylvania Rules of Professional Conduct and know that Rule 3.6 (trial publicity) is not a legitimate excuse for failing to mount a public defense of a lawsuit. Business and community leaders who once picked up the phone when that organization's executives called but who now don't want to be perceived as being associated with that organization. Suppliers and vendors whose services were instrumental to the organization's growth but who, now too, do not want to be perceived as being associated the organization. The list goes on. Even a settlement of the lawsuit, without a powerful public defense, will not be enough in the minds of these audiences to wash away the taint of the lawsuit's allegations from the organization's reputation.

The fact that a lawsuit has been filed against an individual or organization, on its own, is unlikely to cause that party reputational harm and financial consequences. But when that party's attorneys fail to mount a public defense of its actions, its reputation begins to suffer. Ironically, attorneys would not dare dream of missing an

opportunity to file opposition papers or reply briefs in a court of law. And yet, when they fail to publicly defend their clients in the court of public opinion, they are missing the equivalent opportunity to do so. That means preventing clients from speaking to their current and future customers and employees, as well as other parties whose negative reactions to a lawsuit could detrimentally impact the clients' business prospects. In keeping quiet, an attorney creates a vacuum which his client's key audiences will likely fill with conjecture that does damage to the client's reputation.

With enough missed opportunities in the court of public opinion, reputational harm will become financial ruin. The attorney's client will see its customers, employees, and other key audiences take their business, skills and ideas elsewhere to avoid guilt by association. They will seek shelter with a client's competitors. As a result, the client's revenues will plummet, with profits following suit. And, of course, outside counsel will see its realization rate drop as the client's financial health has been devastated and limited funds remain with which to pay legal fees.

Attorneys would be wise to publicly defend their clients outside of a court of law and do all that they can to prevent an adverse ruling in the court of public opinion. Such an adverse ruling will turn a legal victory into a Pyrrhic victory. Just ask *Arthur Andersen in Andersen v. United States*, 544 U.S. 696 (2005), <http://advance.lexis.com/api/document/citation?cite=544%20U.S.%20696>, (unanimously overturning the accounting firm's conviction of obstruction of justice due to flawed jury instructions).

Special to the Law Weekly Wayne Pollock is the founder and managing attorney of Copo Strategies in Philadelphia, a boutique law firm that helps parties involved in legal disputes make their case in the court of public opinion.



TRAVEL – AIRPORT SECURITY

The One Thing You Should Never Do With Your Boarding Pass



You are at the gate. You have got your boarding pass. You are heading somewhere exciting, and you just cannot wait until you get there to share the news with your friends on social media. So, you snap a picture of your boarding pass and post it to Facebook. Harmless, right?

Maybe not.

Because the information printed on your boarding pass actually reveals a lot more than you think.

As explained via a recent blog post by [KrebsonSecurity \(http://krebsonsecurity.com/2015/10/whats-in-a-boarding-pass-barcode-a-lot/\)](http://krebsonsecurity.com/2015/10/whats-in-a-boarding-pass-barcode-a-lot/), there are websites that can read the barcodes on your boarding pass and provide someone else access to your travel information—your phone number, frequent flyer number, and information not only about the flight in question, but also all future flights booked through the same number.

With access to your boarding pass, someone could even change your seat on the plane, cancel any future flights, and reset your account PIN.

You may love your friends, but would you trust everyone you know on Facebook or Twitter with your private travel information? Didn't think so.

The takeaway here: Don't post pictures of your boarding pass on social media.

TRAVEL TIPS

Did the Airline Lose Your Checked Bag? Don't Give up Hope.



Your things don't automatically end up in an Alabama warehouse to be auctioned off to eager buyers. There are several steps you can take (<http://www.airfarewatchdog.com/blog/31965486/how-to-avoid-losing-luggage/>).

But, if you do end up in a foreign land with just the clothes on your back, follow this advice ASAP.

What are your rights when your bag is lost? First, take note of *two* important **regulations** that **airlines must follow**. The Montreal Convention regulates the liability that airlines undertake when transporting checked luggage on international itineraries (even if you depart on a domestic trip and connect to an international flight). At present, 120 nations of the International Civil Aviation Organization (ICAO) members follow the Montreal rules. The remainder, including places like Fiji, Honduras, the Philippines, and Sri Lanka among others, follow older rules signed under the Warsaw Convention (https://en.wikipedia.org/wiki/Warsaw_Convention).

The Montreal Convention, *valid only* for international travel and trips partially on international travel, considers baggage lost after 21 days, and it requires airlines to pay passengers a fixed sum calculated in Special Drawing Rights or "SDR" units (currently one SDR is valued at US\$1.46) per passenger while the Warsaw Convention pays based on a fixed amount per pound (approximately \$20 per kilo) of each bag lost. Even if your bag is returned to you after 21 days, you are still allowed to claim the compensation since you went three weeks without it. To determine which rules your claim fall under, the country of origin and destination must both participate in the same set of rules. Passengers flying to or from the U.S. (even if there is a connection in another country) are also eligible for rules spelled out under the Montreal Convention.

Get your money back. The U.S. Department of Transportation (DOT) mandates that airlines return the checked bag fee if someone's bag goes missing. But, the definition of lost varies depending on circumstances, and often if a bag is eventually returned, getting the fee back is more hassle than it is worth. If a bag goes completely missing (that is you don't receive it within 21 days under the Montreal Convention; the Warsaw Convention does not have a date limit), then the receipts and photos of the bag's contents that **you originally documented** will come in handy to getting compensated for lost items. Claim forms can be lengthy, and airlines will reimburse you for the value of the item at the time it went missing (essentially, the depreciated value). That means that the

pair of fancy shoes you bought four years ago are certainly worth less today (Norwegian, for example, will depreciate by 40 percent for any contents over a year old) (<http://www.airfarewatchdog.com/travel-qa/by-date/10/2016/>).

Airlines also impose restrictions *on claims for electronics and jewelry* (two of the pricier things to lose if bags go missing). One recommendation is *to keep receipts (or better yet, snap photos) of expensive things you purchase and intend to travel with at some point.*

Airlines are only liable for up to \$3,550 for domestic travel (this amount is adjusted for inflation each year). International travelers covered by the Montreal Convention are eligible to claim no more than approximately 1131 SDR. Unchecked bags (like carry-ons) carry a liability of up to \$400 on international flights.

If your bags contain items of greater value than the imposed limits, be sure to declare that upon check-in for special handling. Airlines do sell excess valuation insurance (<http://www.airfarewatchdog.com/blog/3801943/the-baggage-insurance-they-never-tell-you-about/>), but you have to ask for it. Each airline has a different policy. For example, United will only offer it on its own flights or to the point of connection if transferring to another airline. United sells it for \$1 for every \$100 of declared value and only up to \$5,000. Things like electronics, sports equipment, perishable and fragile items, and jewelry are not covered.

Not every airline agent may be familiar with excess valuation so be prepared to ask for a supervisor, especially at smaller airports. Consider excess valuation for things like haute couture clothing, which might need to be checked. Travel expert Henry Harteveltdt recommends printing out the airline's contract of carriage from its website if you are carrying expensive items and to allow additional time at the airport to process your request.

Keep in mind that an airline owes you cash (or check) compensation for missing luggage. If a carrier offers a voucher or miles, you have the option to refuse (although sometimes it can be a better deal depending upon your travel patterns).

Can I buy replacement clothes in the interim? Yes, but be sure to keep your spending spree in check. If indeed you need a business suit for an important meeting or black shoes for your tuxedo, then so be it. But, you will have to prove that those items were in the piece of luggage that was lost (that's where those photos of your bag contents come in handy). Airlines will reimburse you for reasonable purchases made at your destination (typically not if bags are lost upon returning home). Keep all receipts and documentation (including airline itineraries, luggage claim tags, and even boarding passes) as airlines will review these details before issuing compensation.

Each airline has limits on how much you can buy, but remember it is either tied to the value of what you had in your suitcase (did you keep a record?) or the flat amount permitted by each carrier determined by the length of the delay.

Should I buy travel insurance? Keep in mind travel insurance typically only covers reimbursement for essential items when bags are lost at the destination, not when returning home. Don't forget that many credit cards provide built-in travel or baggage delay/loss insurance (<http://www.airfarewatchdog.com/blog/18719017/the-travel-insurance-in-your-wallet-that-you-didn-know-you-had/>) that will cover certain expenses. Be sure to *read the fine print* as each card issuer uses different standards. Some credit card and insurance providers like Allianz actually include electronics and jewelry, which are often omitted from the fine print of an airline's duty to the passenger, with a reimbursement of up to \$500.

Do airlines have a way to back out? Yes. If the carrier can prove it took all reasonable measures to get your bag to you, then it is not liable. This generally **applies to situations like extreme weather or mechanical problems with an aircraft**. Did the airline take appropriate steps to minimize the delay (for example, finding another plane or assisting to rebook a passenger on another flight).

Keep this in mind before spending money on replacement items, but also consider applying for a refund through travel insurance either purchased separately or through your credit card company. Keep in mind that credit card reimbursement kicks in after whatever your airline pays (or in many cases, does not pay).



U.S. POSTAL SERVICE'S RATE CHANGES 2017 **[Updated] Postal Service's Rate Changes You Will See in 2017**



The U.S. Postal Service® has recently **received approval from the Postal Regulatory Commission (PRC)** to proceed with implementation of its January 2017 rate changes for First-Class Mail, Standard Mail, Periodical products, and Package Service products. The PRC also finally approved 10 of the 11 Special Service rate changes.

Following this approval, the rates will go into effect on **January 22, 2017**. However, now is a good time to get up to speed with the possible postal changes, so you can plan ahead. Here are details of the mailing and shipping rate changes come January 2017.

Which Mailing Services Rates Will Change?

MAILING RATE INCREASES:

- The price for First-Class® Mail letters (1 ounce) will increase from 47 cents to 49 cents.
- The price for First-Class Mail Flats will increase from 94 cents to 98 cents.
- First-Class Parcels (Retail) will generally increase by .624 percent, but parcels between 0 to 4 ounces will remain at \$2.67.
- Overall, Media Mail and Library Mail will both increase by 1.135 percent.
- Signature Confirmation™ will increase overall by 3.5 percent.
- Collect on Delivery will increase overall by 2.5 percent.
- Return Receipt will increase overall by 2.9 percent.
- Certificate of Mailing will increase overall by 6.1 percent.

There is a silver lining for postage meter users. While the price of stamps will increase to 49 cents, metered mail will see a reduction to 46 cents, increasing the meter discount on First-Class Mail to 6% for a 1oz letter.

First-Class Mail, Letters	Weight Not Over (in ounces)	Standard	Metered
	1	49¢	46¢
	2	70¢	67¢
	3	91¢	88¢
	3.5	\$1.12	\$1.09

MAILING RATE DECREASES:

- The First-Class Mail Parcels (Retail) additional ounce price will change from 19 cents to 18 cents.
- Currently, First-Class mailers can mail up to 2 ounces letters for the same price as a 1 ounce letter for presorted mail. The new proposal is for the 1 oz. price to be extended up to 3.5 ounces. What this means is that you will be given the opportunity to mail more at the same price as 1 ounce.

Which Shipping Services Rates Will Change?

Priority Mail Express®:

- Priority Mail Express Prices will increase 3.3 percent and will continue to be offered on zoned Retail, Commercial Base® and Commercial Plus® pricing tiers.
- Retail prices will increase to an average of 3.7 percent.
- Flat Rate envelope price will increase to \$23.75 and the Legal Flat Rate envelope will increase to \$23.95. The Padded Flat Rate envelope will increase to \$24.45.
- Commercial Base prices will increase by an average of 2.4 percent.

Priority Mail®:

- Priority Mail prices will increase by an average of 3.9 percent and will also continue to be offered on zoned Retail, Commercial Base, and Commercial Plus pricing tiers.
- Priority Mail Retail prices will cost .4 percent less than its Priority Mail Express counterpart, as it will only increase by 3.3 percent.
- The Flat-Rate Envelope price will increase to \$6.65 and the Legal Flat-Rate envelope will increase to \$6.95. The Padded Flat-Rate Envelope will increase to \$7.20. The price for the small Flat Rate box will be raised to \$7.15, the medium Flat Rate box will be increased to \$13.60 and the large Flat Rate Box will increase to \$18.85.
- Commercial Base Prices will increase by an average of 4.1 percent, which is 1.7 percent lower than its Priority Mail Express International equivalent.

Priority Mail Prices	Current	New
Small Flat-Rate Box	\$6.80	\$7.15
Medium Flat-Rate Box	\$13.45	\$13.60
Large Flat-Rate Box	\$18.75	\$18.85
Large Army/Air Post Office and Fleet Post Office Flat-Rate Box	\$16.75	\$17.35
Regular Flat-Rate Envelope	\$6.45	\$6.65
Legal Flat-Rate Envelope	\$6.45	\$6.95
Padded Flat-Rate Envelope	\$6.80	\$7.20

First-Class Package Service

- Generally, First-Class Package Service will increase by 4.1 percent.

Parcel Select:

- Parcel Select non-lightweight will increase by an average of 3.5 percent, while Parcel Select Lightweight will increase by an average of 8 percent.
- The prices for Parcel Select Ground™ will increase by an average of 2.7 percent.

USPS Retail Ground

- Overall, prices for USPS Retail Ground will increase by an average of 3.8 percent.

EXTRA SERVICES (The PRC has not given a decision on these, as yet):

Parcel Return Service

- On average, the price for Parcel Return Service has increased by an average of 5.5 percent.

Adult Signature Service:

- Adult Signature Required and Adult Signature Restricted Delivery Service prices has increased by 3.5 and 3.4 percent respectively. The price for Adult Signature Required has increased to \$5.90 and Adult Signature Restricted Delivery has increased to \$6.15.

USPS Package Intercept

- The fee for USPS Package Intercept has increased by 3.2 percent to \$12.95.

Certified Mail

- The retail rate of certified Mail is \$3.35.

Media Mail

- 1 lb single-piece Media Mail costs \$2.63

Library Mail

- 1 lb single-piece Library Mail costs \$2.50

Return Receipt

- The retail rate for Return Receipt Electronic is \$1.45 and \$2.75 for Return Receipt – Retail.



*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: January 2017

Your Name: _____ **Position held, if any:** _____

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

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

8th ANNUAL TRIVIA THROW DOWN

WHEN

**Saturday, March 25, 2017
11 a.m. – 3 p.m.**

WHERE

Offices of Nixon Peabody

One Embarcadero Center, 18th Floor, San Francisco, CA 94111
The venue is within walking distance from the Embarcadero BART Station. Parking is available within the Embarcadero Center Business Park.

Join us for the battle of the Bay Area chapters for the title of the 2017 Legal Trivia Champions!!



INVITATION IS OPEN TO ALL BAY AREA ASSOCIATIONS:

- Alameda County LSA • Contra Costa County LPA
- Mt. Diablo LPA • Santa Clara County LPA
- San Mateo County LPA

Hosted by: San Francisco LPA

Please RSVP by Friday, March 17, 2017 to:
lmcgrew@firstlegalnetwork.com



TEAM CHALLENGE

Bring your colleagues and friends to form a team of 3 or more to join in on the fun.

PRIZES AVAILABLE

To the winning team.
Compliments of:
First Legal

BRUNCH BUFFET

\$25 Per Person
includes:
Farmer's Breakfast, Fruit, Pastries, Coffee, Juice and Water.

ADULT BEVERAGES

Featuring a Bloody Mary & Mimosa Station –
Guest Bartender:
Diane Mecca



SANTA CLARA COUNTY LEGAL PROFESSIONALS ASSOCIATION



- invites you to its -

ALL YOU CAN EAT!

- Silent Auction •
- Live DJ! •
- Dancing •



7th Annual Crab Feed

Social Hour: 6:00 p.m. (No Host Beer/Wine/Soda/Water/\$15 Corkage Fee)

Crab Feast: 6:30pm– 8:30pm Fresh Cooked Crab, Garlic Bread, Pasta - featuring *Rod's Famous Pasta Sauce*, Salad & Dessert

NEW LOCATION

**Saturday,
February 11, 2017**

**QUINLAN COMMUNITY CENTER
10185 North Stelling Road
Cupertino, CA 95014**

Adults: \$45.00 - Children (4-12): \$20.00

For more information, contact Rod Cardinale, Jr. - sccolpa.crabfeed@gmail.com

Order tickets online at Eventbrite: http://sccolpa_crabfeed.eventbrite.com/

Or on the SCColPA web site: <http://www.sccolpa.org/drupal/Events>

A portion of the proceeds to benefit our local community projects



**Mt. Diablo Legal
Professionals Association**

Est. 1969

**MEMBERSHIP MEETING
February 13, 2017, 5:30 p.m.**

**MEMBERSHIP MEETING
(Guests Are Welcome)**

**February 13, 2017
5:30 p.m. to 8:00 p.m.**

**Speaker
Stuart West, Esq.**

**Topic
Intellectual Property**

**Buttercup Grill & Bar
660 Ygnacio Valley Road
Walnut Creek, CA 94596
(925) 932-2763**

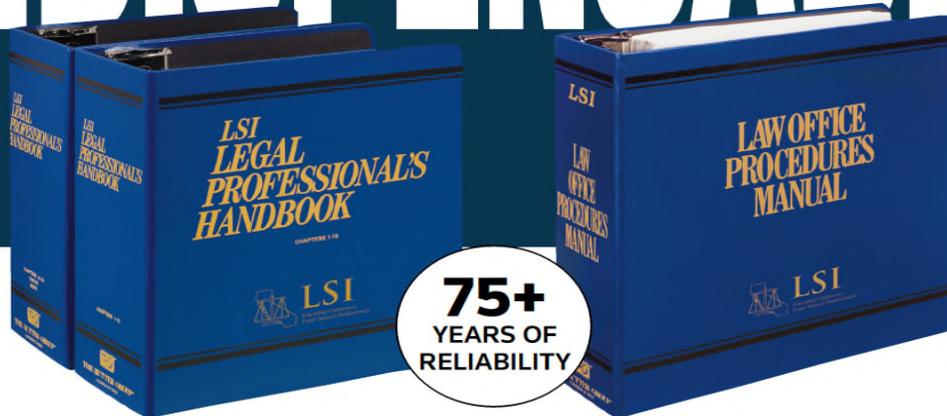
**Cost: \$25/person
(Discount for payment by cash or check - \$24/person)
RSVP by 2/10/17**

information@mtdiabloipa.info

Mt. Diablo Legal Professionals Association, a local association of Legal Secretaries, Incorporated, an approved provider [Provider No. 1114], certifies that this activity has been approved for minimum continuing legal education credit by the State Bar of California in the amount of 1.0 hour, of which 1.0 hour will apply to general law.

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Legal Secretaries, Incorporated

LEGAL SPECIALIZATION SECTIONS

CIVIL LITIGATION

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



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 New/Renewal	Non-LSI Member New/Renewal
I would like to join all six sections!		\$75	\$150
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
Total:			

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 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

YEARS OF LEGAL EXPERIENCE: _____

SPECIALTY: _____

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

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: _____ Hm Address: _____ City ST Zip: _____ Hm Ph: _____ Cell: _____ Email: _____	Your Title: _____ Employer: _____ Address: _____ City ST Zip: _____ Email: _____ Wk Ph: _____ How long? _____ Contact Preference: <input type="checkbox"/> Home <input type="checkbox"/> Business
Sponsor's Name: _____ How did you find out about SFLPA? _____ Why do you want to join SFLPA? _____ List any previous SFLPA & other memberships & dates: _____	Former Employer: _____ City, State: _____ How long? _____ Total Experience: Legal _____ Litigation: _____ Areas of Practice: _____ 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: _____



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.
- 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: <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	Where do you prefer to receive Email?:
	<input type="checkbox"/> Home	<input type="checkbox"/> Work	
Please indicate your type of membership:			
<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. 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:

- | | |
|---|--|
| <input type="checkbox"/> Administrative | <input type="checkbox"/> Criminal |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Family |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Law Office Management |
| <input type="checkbox"/> Business/Corporate | <input type="checkbox"/> Litigation |
| <input type="checkbox"/> Probate/Estate | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Taxation | <input type="checkbox"/> Other (Specify): |

Please submit to:

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

Member Benefits

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.

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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 align="center">WORKING ADVANTAGE Toll Free: (800) 565-3712 www.workingadvantage.com</p> <p>Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more.</p> <p>Member ID: Contact LSI Corporate Office, lsiorg@suddenlink.com, or LSI Vice President</p>	<p align="center">HERTZ CORPORATION Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 www.hertz.com</p>
<p align="center">FINANCIAL PROVIDERS</p>	
<p align="center">CAPITAL INVESTMENT ADVISERS Emerson J. Fersch, CFP, ChFC, CLU, CASL 5000 E. Spring Street, Suite 200 Long Beach, CA 90815 Office: (562) 420-9009 or (877) 270-9342 Fax: (562) 420-9955 www.ciadvisers.com</p> <p>Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>	<p align="center">LEGACY WEALTH MANAGEMENT Daniel R. Henderson, MBA, CFP 3478 Buskirk Avenue, Suite 300 Pleasant Hill, CA 94523 Office: (925) 296-2853 or (877) 679-9784 Fax: (925) 944-5675 E-mail: daniel@legacywealthmanagement.biz www.legacywealthmanagement.biz</p> <p>Offering discounted John Hancock Long Term Care Insurance and Life Insurance, Annuities, Retirement, Investment and Estate Planning, Mutual Funds, and 401K</p>
<p align="center">DAVID WHITE & ASSOCIATES Wealth Accumulation and Preservation 3150 Crow Canyon Place, Suite 2000 San Ramon, CA 94583 (800) 548-2671 Contact: Ryan Gonzales (ext. 2682), rgonzales@dwassociates.com, or Matt Kay (ext. 2628), mkay@dwassociates.com</p> <p>Offering Investments, Retirement Plans, Education Savings Accounts, Medical Insurance, Life Insurance, Disability Insurance, and Long Term Care Insurance</p>	<p align="center">ATHLETES BUSINESS CONSULTANTS Jory Wolf, President/Founder 350 10TH Avenue, Suite 1000 San Diego, CA 92101 Office: (858)886-9842 Cell: (510)919-9062 jory@athletesbiz.com</p> <p>California Insurance License: 0E88330 10% discount on Long Term Care, call for information on life, long term, and disability insurance, as well as commercial and residential lending</p>
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<p align="center">LA FINANCIAL FEDERAL CREDIT UNION P.O. Box 6015 Pasadena, CA 91102-6015 (800) 894-1200 www.lafinancial.org</p> <p>Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>	<p align="center">PROVIDENT CREDIT UNION 303 Twin Dolphin Drive P.O. Box 8007 Redwood City, CA 94603-0907 (800) 632-4699 - (650) 508-0300 www.providentcu.org</p> <p>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

Revised 6/12/2014

Editor's Message

By: Sally Mendez Arevalo

Dear SFLPA Family and Friends,

Happy New Years to all of you!! Sorry this newsletter is a little bit late but we had a lot of transitioning for this upcoming year. We have lots of exciting events coming up and we look forward to seeing each and everyone of you.

If you'd like to get more involved or have some free time, please feel free to contact one of our Board Members for ideas. We would love to include more of our members in our SFLPA activities and committees.

Happy Year of the Rooster!

Sally Mendez Arevalo, Editor
Judy Nakaso, Assistant Editor
HEARSAY
San Francisco Legal Professionals Association
Post Office Box 2582
San Francisco, CA 94126-2582

FIRST CLASS MAIL

LSI 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.

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