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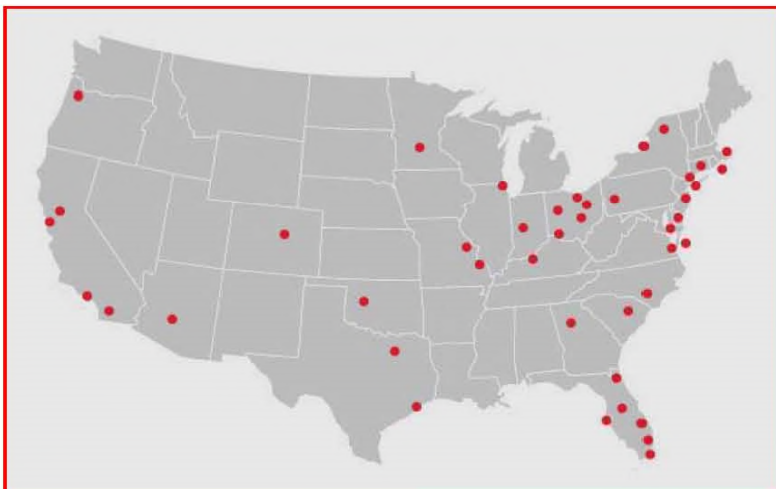
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The Bar Association of San Francisco

President's Message

By: Larry McGrew

October 2017 President's Message

Greetings SFLPA Members & Friends,



The recent months have been devastating to many across the U.S. As we move into October, Californians are experiencing their own devastation, especially our neighbors in the North Bay. My thoughts and prayers go out to those who have lost their homes in those dangerous wildfires. I hope that your families were not affected but if they were, I hope they are safe and sound. We are still waiting to hear word on members of our own LSI family in Santa Rosa.

During this terrible time, it is important that we do what we can to help those in need. In last month's article I asked everyone to support the local Red Cross. But now more than ever, we should do all that we can to donate either time, volunteer to help or donate items that would be of good use to those directly affected by the wildfires. A little goes a long way.

Our next Membership Meeting is scheduled for Tuesday, October 17, 2017. It will be hosted at the offices of Ogletree Deakins which is located at One Market Plaza, Suite 1300, San Francisco, CA 94105. Our guest speaker is: Michael Thomas, an Associate at Ogletree. He will be speaking on the "Laws Impacting Diversity and Inclusion." We hope to you there.

Also, we have our "Humpty Dumpty Mock Trial" that is being hosted at UC Hastings Law School. The Honorable Carlos Bea of the Ninth Circuit Court of Appeals will be presiding over this mock proceedings. If you can join us, that would be fantastic. The event will be Thursday, October 19, 2017. The address of UC Hastings is 200 McAllister Street, San Francisco, CA 94102. Be sure to RSVP. See the event flyer for details.

Later this month, we have our Halloween Bingo Night. If you have not attended our Bingo Events in the past, you want to make sure you attend this event. There is music, finger foods and lots of ghoulish fun. The event will be hosted at the offices of Barkley Court Reporting, 200 California Street, Suite 375, San Francisco, CA 94111. See the event flyer for RSVP information as well as more event details.

Be sure to update your calendar for these upcoming events. Also, coming in January or February of 2018, a multi-week Legal Secretarial Training Program that will focus on civil litigation. The program is still in development so we don't have any details to release at this time. We hope to begin registration in early to mid-November. So stay tuned for more details.

Other programs/events that may be of interest to you:

LSI Conferences:

- Quarterly Conference – November 10-12, 2017 at the Lions Gate Hotel & Conference Center in Sacramento
- Quarterly Conference – February 23-25, 2018 at Knott's Berry Farm in Buena Park
- 84th Annual Conference – May 17-20, 2018 at the Beverly Garland Hotel in North Hollywood

LSI Online Training Program:

- Overview of California State Court Discovery – 6-Week Course that starts on November 6 thru December 18, 2017. Registration deadline is November 3, 2017. For more information, please visit the LSI Website: www.lsi.org – click on the ‘Online Classes’ tab.

Also, “Save the Date” for some important future events:

October 26, 2017 – Halloween Bingo Fundraiser

December 7, 2017 – SFLPA Holiday Party

January 16, 2018 – General Membership Meeting

February 18, 2018 – SFLPA Crab Feed
Fundraiser

March 20, 2018 – Elections Meeting

April 28, 2018 – 82nd Officer Installation

Just a reminder, we are looking for a “Marketing Chairman.” If you are great at Social Media, this is your calling. If you know of someone who works in the legal industry that would be a suitable fit to this position, please let us know.

If you have any suggestions or would like to provide us some feedback, please feel free to contact me at: lmcgrew@firstlegal.com. We welcome any and all information or suggestions to help us provide you with the resources you need to be successful.

Enjoy the rest of your month and we hope to see you at an upcoming event.

Respectfully,
Larry McGrew
President 2017-2018

Vice President's Message



By: Carol Romo

From the Veep . . .

Open House was held on September 13, 2017. There were 62 RSVPs, 50 who attended (includes everybody), and 22 who were non-members employed by law firms in San Francisco. We also had five members of the Association for Legal Administrators present which was a special treat for me personally as I have always wanted our Association to have a relationship with those responsible for hiring us.

I wish to take this opportunity to thank the Membership Committee for their hard work in planning this membership drive event. Malou Sana and Lillian Wong devoted many hours of their time doing behind-the-scenes legwork like contacting retailers, obtaining donations for door prizes, creating and placing the signs, researching advertising costs, coordinating vendor participation, taking photographs for our website and scrapbook, decorating tables, etc. I am fortunate to have Malou and Lillian on the Membership Committee and appreciate the ideas and suggestions they come up with that help our Association to thrive.

Another special thank-you goes to Judy Nakaso and several of her co-workers at Sheppard Mullin Ritcher & Hampton LLP who allowed us to host this event in their lovely reception area and main conference room and assisted with setup and cleanup as well. Judy lent a hand through the entire process and donated the wine for this event. Her firm provided soft drinks and beer. Judy and her firm's staff went above and beyond their duty including assisting Lillian with the technical aspects of this event.

I also want to thank Mary Beaudrow, CCLS, past president of Legal Secretaries Incorporated (LSI) and former president of our then San Francisco Legal Secretaries Association. Mary gave an informative slide show introducing many of the guests for the first time to LSI. In her presentation, Mary explained why LSI was started, the value of being a member of the Law Section groups, what annual and quarterly conferences were, and the roles that make up LSI. It was with great pleasure that I introduced Mary that evening to the non-member attendees.

Finally, special thanks to our Association's Committee Chairs who came and manned Committee Information Tables, answering questions and giving out information verbally and in print, about their Committees to guests visiting the tables. I appreciate your time and support in making this an eventful and informative occasion for the guests and for working together that evening to hopefully peak the interests of prospective members and get the word out about who we are and what we have to offer legal secretaries and law firm support staff in the region. (I understand there were guests who came from Marin and the East Bay to attend our Open House.)

Finally, one last special thanks to our Parliamentarian, May Sene, who worked the Welcome Table the entire evening and did it so well!

My next Membership Drive Event is called "First Contact" and involves acquiring permission to give private presentations to the support staff at law firms in San Francisco that we do not have members from. San Francisco is a rich source of world renown private law firms that I can hardly wait to tap into. It will be a marketing challenge that I am looking forward to. More on that soon.

Sincerely, your Veep and Membership Chairman
Carol Romo



Open House

took place on September 13, 2017 at the law offices of Sheppard Mullin Richter & Hampton, LLP with 50 people in attendance, 22 of which were non-member legal secretaries and four other guests were from the Association of Legal Administrators which was especially nice. The membership drive was presented in a largest conference room we could find with tables assembled in kiosk fashion, each representing a specific committee or local retailer. This enabled guests to move from table to table and learn about our Association or get free gifts including a cell phone wallet with our Association's logo on it. Our dedicated committee chairmen were posted at each table to answer any questions the guests may have and give out handouts with information about what the Association has to offer our members.



Green Bar catered this event bringing in an array of tasty finger foods that everybody seemed to like including a pineapple skewered with shrimp from top to bottom. We also had beer and wine for our guests courtesy of Judy Nakaso, an employee at Sheppard Mullin and the member responsible for procuring the site of this event. Thank you, Judy.



At 6:45 p.m. LSI past president and former SFLPA president, Mary Beaudrow, CCLS, gave a brief yet informative slide presentation about Legal Secretaries Incorporated, explaining about conferences and the section training offered at the conference. This was followed by another brief slide show presentation by yours truly, in which I explained the operations of our Association, its history and about the committees and the role the Board of Directors play.

There were three retailers that set up tables and gave away small gifts to all the attendees. Notably, Sephora set up a cosmetic table where guests could have their make-up touched up while receiving tips on the subject. Sephora also brought beautiful cosmetic bags with product samples inside that were well received by everyone. Also present was 24 hour Fitness and Lucy.

Two grand door prizes were drawn, one for guests and one for members. Edwards Travel donated a \$350 value luggage tote which was won by Odaya Buta, a new member of our Association. And Frances Skaggs won the members' door prize which was a three month membership to Fitness SF. Woo-hoo! More names were drawn for other smaller prizes donated by local retailers, thanks to Membership Committee member Malou Sana. Good job, Malou! (And Judy Nakaso helped too.)

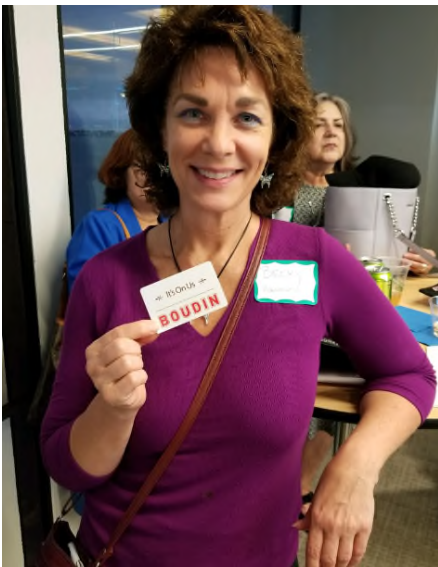


Pictures of members arriving with their guests were taken by Committee member Lillian Wong who was also responsible for the technical aspect including a projection of various photos of our members attending past events running during the entire Open House event that evening.

Without a doubt, we attracted legal secretaries and legal office administrators who until then may not have known about the worthwhile programs and events our Association and LSI have to offer its members. I noted that there was a lot of networking going on and people seemed to be having a good time while they were there. I think this event served its purpose by educating legal secretaries and office managers about the advantage of joining and hopefully the word was taken back to the law firms these individuals came from.

I hope this will be an annual membership drive staple for San Francisco Legal Professionals drawing in larger non-member legal secretaries with each passing year. A small book of guidelines on hosting Open House has been written to help other Membership Chairman in Legal Professional Associations and Legal Secretary Associations throughout the state to hold their own Open House membership drive events. Coming up next this membership drive campaign is “First Contact.” Another means for drawing the attention of the rich resource of law firms in San Francisco.

Cheers!



Governor's Report

By: Christine Flores

The August 2017 Conference of Legal Secretaries, Incorporated was held the weekend of August 18 – 20, 2017 at the Stockton Hilton Hotel in Stockton, California. As was to be expected, Stockton-San Joaquin County LPA planned an outstanding conference.

The weekend began with the Friday Night Welcome Reception, followed by Legal Specialization Workshops for some, and networking/socializing for others.

The meeting of the Board of Governors of LSI was called to order by President Jennifer L. Page, CCLS on Saturday, August 19 at 9:02 a.m. The Pledge of Allegiance was led by Kristina Rubianes, President of Stockton-San Joaquin County LPA, the LSI Code of Ethics was read by Rita Burnett, CCLS, President of Los Angeles LSA and the inspirational message was given by Sylvia Marsh, President of Orange County LSA. President Jennifer asked for a moment of silence in memory of those who have passed, experienced loss or who were experiencing difficulties. We were then welcomed to the City of Stockton by Mayor Michael Tubbs.

The Past Presidents and other special guests were introduced by President Jennifer. Roll was taken by the Executive Secretary, Lynne Prescott, CCLS and it was announced that there were 29 Governors and Governors Pro Tem in attendance, which constituted a quorum.

LSI Administrator Kim Oreno was introduced as the timekeeper for the meeting, and Olivia Beardsley was introduced as the Page.

The Minutes of the May 2017 Pre-Annual Conference Board of Governors Meeting were approved as e-mailed. The President announced that there was one correction to the May 2017 Post-Annual Conference Board of Governors Meeting. There were no other corrections, and the Minutes were approved as corrected.

The Executive Secretary read correspondence from Linda Lane, CCLS thanking the members of LSI for

their condolences on the passing of her father, and correspondence from Tammy L. Hunt, CCLS thanking the members for their condolences on the passing of her husband.

The meeting continued with the oral reports of the elected Officers and the reading of the Resume of the Executive Committee meeting. Treasurer Rod Cardinale, Jr. read the Treasurer's report. On motion made and seconded, the actions of the Treasurer in paying the routine bills were ratified.

The meeting was then recessed for educational workshops, followed by luncheons. I attended the Governor's lunch where the Executive Resume was discussed. Most of the time was spent discussing the need for raising the LSI per capita tax, and how to increase the value to the members in return for such an increase. A raise in per capita tax, which is the amount of our dues paid to LSI, would require SFLPA to raise the dues paid annually. One idea being considered is to raise the per capita tax by \$5, and in return to include a free membership in an LSI Specialization Section of the member's choice. The second idea being considered is to raise the per capita tax by \$20, which would include membership in all LSI Specialization Sections. It was pointed out by a few of us that membership in the Sections does not benefit those who do not attend conference as the workshops are only held at conference. This may be something that LSI will consider. Other Governors mentioned the struggle to recruit and retain members, and it was felt by some that any dues increase could threaten the viability of some of the smaller chapters. I would like to hear your opinions regarding a dues increase, as this will be discussed in November at the quarterly conference.

The Board of Governors meeting was reconvened at 2:00 p.m. Roll was taken and the Executive Secretary announced that 29 Governors and Governors Pro Tem were present, constituting a quorum.

The Executive Committee Resume was discussed. The following Executive Committee Recommendations were adopted:

- The Charter of El Dorado County Legal Professionals Association was revoked for failure to pay Per Capita Taxes. Unfortunately despite several attempts to reach out to El Dorado County, the chapter could not remain viable.
- The Charter of Antelope Valley Legal Professionals Association was revoked for failure to pay Per Capita Taxes. Again, attempts to help the chapter remain viable were not successful.\

The Proposed Bylaw Amendments were then considered, and the following amendments were adopted:

- LSI Bylaw Article XV, Section 2(a) was amended to require that per capita taxes of the Local Association be paid, and that the Local Association comply with annual reporting requirements of the Internal Revenue Service and Franchise Tax Board in order to send delegates to the Annual Conference.
- Section 2 was added to Article V. Membership to provide that a person qualifying for student membership in a local association may become a Student Member of LSI upon payment of one-half per capita tax.
- Section 3 was added to Article V. Membership to provide that a person qualifying for associate membership in a local association may become an Associate Member of LSI.
- Article XIII, Local Association Organization was amended to add subsection (f) which provides that a Local Association may offer Student and/or Associate Memberships to qualified persons, but a charter will not be denied if the Local Association does not offer these categories of membership.

The meeting continued with the reports of the Officers and Chairmen of LSI. The written reports can be obtained from LSI's website, or by requesting a copy from me.

Scholarship Chairman Sylvia Marsh presented the Plan of Administration for the Eula Mae Jett Scholarship fund for the 2018-2019 year. On motion made and seconded, the Plan was adopted.

The meeting was recessed at 3:56 p.m. The day continued with Legal Specialization Section workshops, and continued networking.

The Saturday Night Banquet provided ample opportunity for visiting friends and enjoying each other's company. LSI President Jennifer L. Page, CCLS, presented the President's Rising Star Award to Erika Garduno of Desert Palm LPA. Erika is certainly to be commended for having served as Conference Chair and currently serving as Social Media Chair for LSI.

The Conference continued with Sunday morning brunch. Janet Smith, San Joaquin County Deputy District Attorney, Homicide Division was the keynote speaker for the morning. There was no business to be discussed at this meeting. The LSI President was given a gift from Stockton-San Joaquin County LPA. President Jennifer announced that Santa Barbara LPA, Desert Palm LPA, Santa Clara County LPA and Conejo Valley LPA will receive a free scrip ticket to the November 2017 Quarterly Conference in Sacramento.

The meeting was adjourned at 10:18 a.m.

The next quarterly conference is scheduled for Veterans Day Weekend – November 10, 11 and 12, 2017 and is a Tribute to our Military. I'm expecting great opportunities for networking, education, business and fun with Placer County LPA hosting this conference. Room rates are an affordable \$115 per night plus taxes. Parking is free, and it is an easy drive from anywhere in the Bay Area. Conferences are a great opportunity for education and meeting fellow professionals from all over the State. Some of my best friends are those I met through LSI. If you would like to plan to attend, there is still time to do so. Please contact me if you need further information.

It is always a pleasure and a privilege to represent SFLPA as your Governor. Please reach out if you have any questions about anything in this report.

By: Ryan Halog

October 2017

WORKFORCE AND EMPLOYMENT

These Are the Skills You Should Learn that Will Pay Off Forever!



Carol Dweck's research indicates that to reach our full potential, we should never stop learning.

The further along you are in your career, the easier it is to fall back on the mistaken assumption that you've made it and have all the skills you need to succeed. The tendency is to focus all your energy on getting the job done, if the rest will take care of itself. Big mistake.

New research from Stanford tells the story. Carol Dweck and her colleagues conducted a study with people who were struggling with their performance. One group was taught to perform better on a task that they performed poorly in. The other group received a completely different intervention: for the task that they performed badly in, they were taught that they were not stuck and that improving their performance was a choice. They discovered that learning produces physiological changes in the brain, just like exercise changes muscles. All they had to do was believe in themselves and make it happen.

When the groups' performance was reassessed a few months later, the group that was taught to perform the task better did even worse. The group that was taught that they had the power to change their brains and improve their performance themselves improved dramatically.

The primary takeaway from Dweck's research is that we should never stop learning. The moment we think that we are who we are is the moment we give away our unrealized potential.

Have you read?

- 3 ways to build trust in your business
- 3 ways to unleash your creativity
- The real reasons you procrastinate – and how to stop.

The act of learning is every bit as important as what you learn. Believing that you can improve yourself and do things in the future that are beyond your current possibilities is exciting and fulfilling.

Still, your time is finite, and you should dedicate yourself to learning skills that will yield the greatest benefit. There are nine skills that I believe fit the bill because they never stop paying dividends. These are the skills that deliver the biggest payoff, both in terms of what they teach you and their tendency to keep the learning alive.

1. Emotional Intelligence (EQ)

EQ is the “something” in each of us that is a bit intangible. It affects how we manage behavior, navigate social complexities, and make personal decisions that achieve positive results. EQ is your ability to recognize and understand emotions in yourself and others and your ability to use this awareness to manage your behavior and relationships. Decades of research now point to EQ as the critical factor that sets star performers apart from the rest of the pack. It’s a powerful way to focus your energy in one direction, with tremendous results.

[TalentSmart](#) tested EQ alongside 33 other important workplace skills and found that EQ is the strongest predictor of performance, explaining a full 58% of success in all types of jobs. Of all the people we have studied at work, we have found that 90% of top performers are also high in EQ. On the flip side, just 20% of bottom performers are high in EQ. You can be a top performer without EQ, but the chances are slim. Naturally, people with a high degree of EQ make more money, an average of \$29,000 more per year than people with a low degree of emotional intelligence. The link between EQ and earnings is so direct that every point increase in EQ adds \$1,300 to an annual salary. Increasing your EQ won’t just pad your bank account, it will make you happier and less stressed as well.

2. Time Management

One of the biggest things that gets in the way of effective time management is the “tyranny of the urgent.” This refers to the tendency of little things that must be done right now to get in the way of what really matters. When you succumb to it, you spend so much time putting out fires that you never get any real work done. How many times have you left work at the end of the day, only to realize that you did not move the important things along even one inch? Learning to manage your time effectively frees you up to perform at your absolute highest level, and it does so every single day of your life.

3. Listening

This one should be easy. If we are not talking, we are listening, right? Well, not exactly. A lot of times, we think we are listening, but we are planning what we are going to say next. True listening means focusing solely on what the other person is saying. It is about understanding, not rebuttal or input. Learning how to suspend judgment and focus on understanding the other person’s input is one of the most important skills you can develop.

Listening is a bit like intelligence – most everyone thinks they are above average (even though that is impossible). A study at Wright State University surveyed more than 8,000 people from different verticals, and almost all rated themselves as listening as well as or better than their co-workers. We know intuitively that many of them were wrong.

There is so much talking happening at work that opportunities to listen abound. We talk to provide feedback, explain instructions, and communicate deadlines. Beyond the spoken words, there is invaluable information to be deciphered through tone of voice, body language, and what is not said. In other words, failing to keep your ears (and eyes) open could leave you out of the game.

4. Saying No

Research conducted at the University of California, San Francisco, showed that the more difficulty that you have saying no, the more likely you are to experience stress, burnout, and even depression. Saying no is indeed a major challenge for many people. No is a powerful word that you should not be afraid to wield. When it is time to say no, avoid phrases such as “*I do not think I can*” or “*I am not certain.*” Saying no to a new commitment honors your existing commitments and gives you the opportunity to successfully fulfill them. When you learn to

say no, you free yourself from unnecessary constraints and free up your time and energy for the important things in life.

5. Asking for Help

It might seem counterintuitive to suggest that asking for help is a skill, but it is. It takes a tremendous amount of confidence and humility to admit that you need assistance. This skill is critical because the last thing a leader wants are employees who keep on trucking down the wrong path because they are too embarrassed or proud to admit that they do not know what they are doing. The ability to recognize when you need help, summon up the courage to ask for it, and follow through on that help is an extremely valuable skill.

6. Getting High-Quality Sleep

We have always known that quality sleep is good for your brain, but recent research from the University of Rochester demonstrated exactly how so. The study found that when you sleep, your brain removes toxic proteins, which are by-products of neural activity when you are awake, from its neurons. The catch here is that your brain can only adequately remove these toxic proteins when you have sufficient quality sleep. When you do not get high-quality deep sleep, the toxic proteins remain in your brain cells, wreaking havoc and ultimately impairing your ability to think – something no amount of caffeine can fix. This slows your ability to process information and solve problems, kills your creativity, and increases your emotional reactivity. Learning to get high-quality sleep on a regular basis is a difficult skill to master, but it pays massive dividends the next day.

7. Knowing When to Shut Up

Sure, it can feel so good to unload on somebody and let them know what you really think, but that good feeling is temporary. What happens the next day, the next week, or the next year? It is human nature to want to prove that you are right, but it is rarely effective. In conflict, unchecked emotion makes you dig your heels in and fight the kind of battle that can leave you and the relationship severely damaged. When you react and respond to your emotions, you can choose your battles wisely and only stand your ground when the time is right. Most of the time, that means biting your tongue.

8. Taking Initiative

Initiative is a skill that will take you far in life. In theory, initiative is easy – the desire to act is always there – but in the real world, other things get in the way. There is a big difference between knowing what to do, and being too scared or lazy to do it. That requires initiative. You must take risks and push yourself out of your comfort zone, until taking initiative is second nature.

9. Staying Positive

We have all received the well-meaning advice to “stay positive.” The greater the challenge, the more this glass-half-full wisdom can come across as Pollyannaish and unrealistic. It is hard to find the motivation to focus on the positive when positivity seems like nothing more than wishful thinking. The real obstacle to positivity is that our brains are hard-wired to look for and focus on threats. This survival mechanism served humankind well, back when we were hunters and gatherers and living each day with the very real threat of being killed by someone or something in our immediate surroundings.

10. That was Eons Ago

Today, this mechanism breeds pessimism and negativity through the mind’s tendency to wander until it finds a threat. These “threats” magnify the perceived likelihood that things are going – and/or are going to go – poorly. When the threat is real and lurking in the bushes down the path, this mechanism serves you well. When the threat is imagined and you spend two months convinced that the project you are working on is going to flop, this mechanism leaves you with a soured view of reality that wreaks havoc in your life. Maintaining positivity is a

daily challenge that requires focus and attention. You must be intentional about staying positive if you are going to overcome the brain's tendency to focus on threats.

Bringing It All Together

Research shows that lifelong learning pays dividends beyond the skills you acquire. Never stop learning.

About the Author

*Dr. Travis Bradberry is the award-winning co-author of the #1 bestselling book, **Emotional Intelligence 2.0**, and the cofounder of TalentSmart, the world's leading provider of emotional intelligence tests and training, serving more than 75% of Fortune 500 companies. His bestselling books have been translated into 25 languages and are available in more than 150 countries. Dr. Bradberry has written for, or been covered by, Newsweek, BusinessWeek, Fortune, Forbes, Fast Company, Inc., USA Today, The Wall Street Journal, The Washington Post, and The Harvard Business Review.*



TECHNOLOGY

How to Protect Your Information Online

September 7, 2017



There are more reasons than ever to understand how to protect your personal information, as [major website breaches](#) become ever more frequent. On Thursday, Equifax, one of the three main credit reporting agencies, said that identifying information for 143 million customers [had potentially been compromised](#).

- **How do I know if my personal information has been taken?**

Unfortunately, you may want to assume that it was. Cyberattacks happen all the time.

As for this most recent Equifax breach, the company is directing consumers to [its website](#) to see whether their information had been stolen, though as of Thursday night, Equifax declined to comment beyond what it had already posted on its website.

- **What if I am certain my data has been stolen from Equifax?**

Set yourself up with fraud alerts in case someone tries to apply for credit in your name. To be safe, do this at all three credit reporting agencies, [Equifax](#), [Experian](#), and [TransUnion](#).

Then, consider spending a few dollars to set up security freezes at [Equifax](#), [Experian](#) and [TransUnion](#). This will lock down your credit files permanently, so that only companies that you currently do business with can see them. That way, if a thief applies for credit in your name, the company getting the application will not be able to access your credit file. No file means no new account. You will be able to temporarily open them each time you want to apply for new credit.

- **Should I change my passwords?**

Regardless of the type of breach or the company involved, it is always a **safe** bet to **change passwords** for sites that contain sensitive information like financial, health, or credit card data. Do not use the same password across multiple sites, and do not use your Social Security number as a username or password, especially in the wake of the recent Equifax breach.

And if you were not doing so already, you will have to treat everything you receive online with an abundance of suspicion, in case hackers are trying to trick you out of even more information.



- **How do I create stronger passwords?**

Try a password manager like [1Password](#) or [LastPass](#).

These sites create a unique password for each website you visit and store them in a database protected by a master password that you create. Password managers reduce the risk of reused passwords or those that are easy to decode.

The Wirecutter, a product recommendations site owned by The New York Times, provides [a helpful explanation](#) of why password managers are so essential. They also maintain an updated guide to what it considers to be [the best password managers](#).

If you must create your own passwords, try creating long, complex passwords consisting of nonsensical phrases or one-sentence summaries of strange life events and add numbers and special characters.

**My favorite number is Green4782#
The cat ate the CoTTon candy 224%**

Or, if you're extra paranoid, consider mimicking this setup. Take the sentence:

One time in class I ate some glue

And convert it into this:

**1TiC!AsG
One time in class I ate some glue → 1TiC!AsG**

In general, create the strongest passwords for the sites that contain the most sensitive information and do not reuse them anywhere.

- **Are passwords enough?**

Passwords are not enough. **If a site offers additional security features, like secondary or two-factor authentication, enable them.** Then, when you enter your password, you will receive a message (usually a text) with a one-time code that you must enter before you can log in.

(Here is a link to [turn on two-factor authentication for Gmail accounts](#). Here is [one for Yahoo accounts](#), and here is one [for Outlook accounts](#).)

Many bank sites and major sites like Google and Apple offer two-factor authentication. In some cases, the second authentication is required only if you are logging in from a new computer.



- **Will security questions protect my data?**

Sites will often use common security questions to recover a user's account if the password is forgotten. These questions are problematic because the internet has made public record searches simple and the answers are usually easy to guess.

In a study, security researchers at Google found that with a single guess, an attacker would have a 19.7 percent chance of duplicating an English-speaking user's answer to the question, "*What is your favorite food?*" (*It was pizza.*)

With 10 tries, an attacker would have a 39 percent chance of guessing a Korean-speaking user's answer to the question, "*What is your city of birth?*" and a 43 percent chance of guessing the favorite food.



CIVIL LITIGATION – DISCOVERY

Do You Know When to Use a Subpoena?

A "subpoena" is a writ or an order that compels a witness to either show up and testify or produce something. (Code Civ. Proc., § 1985(a).) You can use a subpoena in discovery or in a civil trial or hearing. Here is a look at which type of subpoena to use in common situations.

When to use a subpoena during discovery:

- **To depose a nonparty.** Use a Deposition Subpoena for Personal Appearance (Judicial Council Form SUBP-015) to compel *nonparty witness* attendance and testimony at a deposition. (Code Civ. Proc., § 2020.310.)



Example: Eyewitness to car accident appears at deposition and answers questions about what she saw.

- **To depose and get documents from a nonparty.** Use a Deposition Subpoena for Personal Appearance and Production of Documents and Things (Judicial Council Form SUBP-020) to compel *nonparty witness* attendance, testimony, and production of records and things at a deposition. (Code Civ. Proc., § 2020.510.)

Example: Eyewitness to car accident appears at deposition, produces photographs she took of the accident, and answers questions.

- **To get nonparty's business records.** Use a Deposition Subpoena for Production of Business Records (Judicial Council Form SUBP-010) to compel production of *nonparty* business records produced for copying only, by custodian of records who need not attend or testify. (Code Civ. Proc., § 2020.410.) A notice to consumer may also be required because, under Code Civ. Proc., § 1985.3(a)(2), a consumer is an individual who has transacted business with, or has used the services of, the witness or for whom the witness has acted as agent or fiduciary. Make sure to give the custodian a Certificate of Custodian of Records or similar affidavit to be signed under penalty of perjury by the affiant to authenticate the records produced and provide relevant details related to their production at the time of their production.

Example: A hospital produces for copying medical records of person injured in a car accident.

When to use a subpoena at trial:

- **To get a witness to testify at trial.** Use a Civil Subpoena for Personal Appearance at Trial or Hearing (Judicial Council Form SUBP-001) to compel either a *party or nonparty* witness to attend and testify at trial or other non-deposition proceeding. (Code Civ. Proc., §§ 1985, 1985.1, 1985.2.)

Example: An eyewitness testifies at trial.

- **To get a witness to testify and bring documents to the trial.** Use a Civil Subpoena (Duces Tecum) for Personal Appearance and Production of Documents, Electronically Stored Information, and Things at Trial or Hearing and Declaration (Judicial Council Form SUBP-002) to compel either a *party or nonparty* witness to attend and testify at trial or other non-deposition proceeding and to produce records and things (subpoena duces tecum) at the hearing or trial. (Code Civ. Proc., § 1985.) Keep in mind that a civil subpoena duces tecum requires an affidavit to be served along with it, including, but not limited to, a showing of “good cause” for the items requested to be produced, as well as of the “materiality” of the items to the issues in the case. (See Code Civ. Proc., § 1985(b).) A declaration consisting of the full requirements of the affidavit is currently part of the Judicial Council form. A separate affidavit or declaration may also be attached to the civil subpoena duces tecum.

Example: An eyewitness testifies at trial and produces photographs of the accident.

- **To get a witness's records for trial.** Under a Records Production Only (Subpoena Duces Tecum), the custodian of records or other qualified witness, who need not attend or testify, must produce records and things at trial or other non-deposition proceeding. (Code Civ. Proc., § 1987.3; Evid. Code, §§ 1560-1566.) A notice to consumer may also be required because, under Code Civ. Proc., § 1985.3(a)(2), a consumer is an individual who has transacted business with, or has used the services of, the witness or for whom the witness has acted as agent or fiduciary. Keep in mind that, to be admissible at trial over a hearsay objection, the documents must qualify as business records under Evid. Code, § 1271. To qualify the records as business records, without the testimony of the custodian, you must get a stipulation from opposing counsel or prepare an affidavit that complies with Evid. Code, §§ 1560, 1561, 1562, and 1271. (See Judicial Council Form SUBP-002, item 3.b.)

Example: A hospital produces plaintiff's billing records for use at trial, but no one from the hospital is required to appear and testify.

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Timing Your Interrogatories



Interrogatories can be a very powerful discovery tool. With interrogatories, you get to ask questions of adverse parties and then use their answers against them at trial. Do not miss out on this opportunity by bungling the timing of your interrogatories.

Here are the key interrogatory timing limits to keep in mind:

- **Service timing:**
 - **Plaintiff must wait to serve until 10 days after defendant's service or appearance.** Plaintiff's first chance to serve interrogatories generally comes 10 days after service of summons on or appearance by the party to be served. (Code Civ. Proc., § 2030.020(b)–(c).) The appearance may be general or special, but if it is special, the scope of interrogatories must be limited. (*1880 Corp. v. Superior Court* (1962) 57 Cal.2d 840.) Plaintiff can serve sooner, but only with a court order; this may be a good idea when expedited discovery is necessitated by, e.g., possible destruction of evidence or a party's terminal illness.
 - **Defendants can start serving whatever they want.** Defendant may serve interrogatories on a party without leave of court at any time. (Code Civ. Proc., § 2030.020(a).)
 - **Last set should be served by 90 days of trial.** All parties should plan to serve the last set of interrogatories by mail no later than 90 days before the trial date. This is not the absolute deadline, but allows leeway for each stage of the procedure to compel responses or further responses. This leeway may be necessary when key time periods end on a Sunday or holiday, or when a court cannot schedule a hearing (e.g., on a motion to compel) on the date you want.
- **Response timing:** A party generally has 30 days from the date of service to respond to interrogatories, and motions about discovery generally must be heard at least 15 days before the initial trial date. (Code Civ. Proc., § 2024.020(a).)

- **Supplementing timing:** There is no duty to supplement your own interrogatory responses based on additional or new information, but that does not mean you should not ask the other side to do it! You can propound a supplemental or “cleanup” interrogatory to require that the other side update its responses based on any later-acquired information. (Code Civ. Proc., § 2030.070(a).) Supplemental interrogatories are in addition to the unlimited number of form interrogatories and the 35 special interrogatories permitted under Code Civ. Proc., §§ 2030.030–2030.040. There are, however, limits to the number of times you can request supplemental interrogatories: You can propound them (Code Civ. Proc., § 2030.070(b)):
 - twice before the initial setting of the trial date, and
 - once after setting of the trial date, subject to the time limits of Code Civ. Proc., §§ 2024.010–2024.060.

Note that the time limits for serving and responding to interrogatories are much shorter in unlawful detainer actions.

CALENDARING

It's Time to Review Your Calendar System



Missed deadlines caused by failure to properly calendar matters are the most significant cause of malpractice claims against attorneys. Without a good docket control system, even the most knowledgeable practitioner may miss a deadline or not have enough time to properly prepare. Is your system up to the task?

A basic calendar and docket control system should have these three components:

1. **A master calendar.** All activity associated with client matters is entered on the master calendar that includes all deadlines, court appearances, and other dates associated with litigation, such as statute of limitations filing deadlines (entered in red or another bright color); due dates for filing pleadings or other documents; discovery deadlines and due dates; and expiration dates for judgments requiring renewal. There should be only one master calendar for the entire office. It is very important that a specific individual be designated to calendar matters in the master calendar. Each attorney should also review dates calendared, and add any necessary additional dates.
2. **Secondary calendars.** Each attorney should have a secondary calendar that he/she reviews daily and updates with his/her matters that have been added to the master calendar. The attorney may also include appointments and other professional matters requiring attention. As the name implies, a secondary calendar serves as a backup to the master calendar, and allows the individual attorney to focus on matters for which he/she is responsible.
3. **A “tickler” system.** There should also be a “tickler” system that is tied to the master calendar that gives those responsible for specific tasks adequate time to perform them. It should also be

designed to ensure that files are reviewed on a regular basis so that no file or required task is overlooked. Some law offices also use the tickler system to remind the attorney responsible to report regularly to clients on the progress of the case.

Not only is a good docket control system important to avoiding serious losses to your clients, but it will give you substantial peace of mind. You can get even more peace of mind by following the guidance on many other office procedures in CEB's [California Civil Procedure Before Trial](#), ch. 1.

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MOTION FOR SUMMARY JUDGMENT

Checklist: What to Do if Summary Judgment is Denied



You moved for summary judgment, but your motion was denied. Here is a checklist of four things to ask yourself.

1. Are there any new or different facts, circumstances, or law that could not have been presented originally and would justify a motion for reconsideration under Code of Civil Procedure, § 1008(a), in the trial court? Note that you only have 10 days after notice of the order was served on you to make this motion.
2. If they do not exist now, can new facts be developed to fill gaps in your evidence so the motion may be renewed later under Code of Civil Procedure, § 1008(b)? The moving party may renew a summary judgment motion or a motion for summary adjudication in the trial court at any time not prohibited by the statute on a showing of different facts. As a new summary judgment motion, it must comply with the requirements of Code of Civil Procedure, § 437c, including the requirement that the motion provide 75 days' notice.
3. Is there a basis for a writ to review the order denying summary judgment or summary adjudication? Keep in mind that writ review on the merits is not easy to get. Consider the following:
 - Does the order identify at least one triable issue of fact?
 - Does the order refer to the evidence showing that the fact identified is disputed?
 - Does the order identify any other basis for the denial (e.g., inability to obtain controverting evidence)?
4. Should you consider appealing the order denying the motion after final judgment is entered in the case? Note that most orders granting summary judgment and summary adjudication do not fare well on appeal and are often reversed. In *Hawkins v. Wilton* (2006) 144 Cal.App.4th 936, 949, the court explained that Code of Civil Procedure, § 437c, is “complicated,” with “little flexibility in [its] procedural imperatives,” and the issues raised by summary judgment and adjudication motions are purely legal; thus, “failure to comply with any one of its myriad requirements is likely to be fatal to the offending party.”

Comments:

- *I'd advise citing some caselaw on how Code of Civil Procedure, § 1008, plays into the new motion. Opposing counsel will oppose strongly based on that section. Sit down and read Code of Civil Procedure, § 1008, beginning to end – it tells you how to draft the new motion and things you need to include. Seen plenty of new motions denied because the moving party didn't properly comply with Code of Civil Procedure, § 1008.*

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APPELLATE LAW

Brief-Writing, Issue Selection Advice from The Superior Court



Howard J. Bashman/The Intelligence

The following article was written by Howard J. Bashman, who operates his own appellate litigation boutique in Willow Grove, Pennsylvania, and can be reached at 1-215-830-1458 and via email at hjb@hjbashman.com. You can access his appellate web log at <http://howappealing.abovethelaw.com/> and via Twitter [@howappealing](https://twitter.com/howappealing).

Upon Further Review

This summer, while your attention may have been understandably focused elsewhere, the Superior Court of Pennsylvania issued two noteworthy decisions offering brief-writing and issue selection advice. Because helping lawyers improve the quality of their appellate advocacy is a regular focus of this column, and because the appellate advocacy aspects of these two recent decisions is warranted.

In *James v. Albert Einstein Medical Center*, No. 1723 EDA 2016 (Pa. Super. Ct. September 12), Senior Judge William H. Platt, writing for a unanimous three-judge panel, considered a case in which the appellant's opening brief was 78 pages long.

Many years ago, before the Pennsylvania Rules of Appellate Procedure were amended to replace the page limit for briefs with a word limit, those rules imposed a maximum 70-page limit on a party's principal brief on appeal. The rules currently contain a 14,000-word limit on a party's principal brief on appeal, and that word limit—which was patterned on the identical word limit then (but no longer) applicable to principal briefs in federal court appeals—was understood to represent a decrease in the size of a party's principal brief on appeal below the previously applicable 70-page limit.

Thus, a 78-page opening brief on appeal to the Pennsylvania Superior Court would on its face seem to trigger all the applicable bells and whistles to signify a possible violation of the applicable 14,000-word limit, unless the font in which the brief was prepared was unusually large.

The Pennsylvania Superior Court's opinion in *James* explains that counsel for the appellant was aware of the 14,000-word limit and included the necessary word-count certificate certifying that the brief contained 13,971 words, 29 words shy of the applicable limit. Unfortunately, for the appellant's counsel, however, the third paragraph of the Pennsylvania Superior Court's opinion in *James* observes: "On independent examination, we

confirm a count of 18,519 words, –making the brief about a third longer than the maximum permissible length, without permission. It appears that counsel, or his word processor, misstated the count by over 4,500 words (4,548, to be precise), failing to comply with the requirements of Pa. R.A.P. 2135.”

Here is hoping that the Pennsylvania Superior Court could perform this word recount electronically, instead of having the task -performed manually by a law clerk or -summer intern.

Fortunately, for the lawyers and -parties in the case, aside from calling out the appellant’s counsel for this rather egregious violation of the word limit applicable to an opening brief, the Superior Court did not view it as necessary or appropriate to -require another round of appellate briefing, this time in compliance with the applicable word limits. As the opinion explains, “While the brief is excessively rambling and could have benefited from more careful editing, nothing in the available record suggests that reworking the existing materials would furnish any proper basis to disturb the jury’s verdict.” As that quote suggests, the appellant with the improperly long brief did not prevail on appeal in this case. And experienced appellate advocates would agree that any amount of rambling in an appellate brief is too much.

A bit earlier this summer, the Superior Court issued its ruling in a case captioned *Wilson v. U.S. Security Associates*, No. 12 EDA 2016 (Pa. Super. Ct. July 18). The substance of this ruling has attracted much attention, because the Superior Court held that it would impermissibly violate the applicable statute of limitations for plaintiffs to be allowed to recover on a punitive damage claim that had previously been withdrawn by stipulation. Because of that holding, a unanimous three-judge Superior Court panel overturned a \$38.5 million punitive damages award that a jury had returned in favor of the plaintiffs.

The *Wilson* decision is currently the subject of an application for re-argument that the plaintiffs’ counsel has filed, and it is quite possible that the case could obtain Pennsylvania Supreme Court review if the Superior Court’s ruling on the merits fails to achieve en banc (full-court) review. But the substance of that decision is not the subject of my focus. Rather, the *Wilson* decision is noteworthy for present purposes because it contains issue selection advice.

As coincidence would have it, Judge Platt was also the author of the Superior Court’s opinion in *Wilson*. In that appeal, the opposing parties were both represented by experienced appellate attorneys. The case involved a cross-appeal, meaning that both the defendants and the plaintiffs had appealed. Defendant U.S. Security was the appellant, and the plaintiffs were the cross-appellants.

The Superior Court’s opinion notes that U.S. Security raised six issues in its appellate brief. A lengthy footnote to the opinion, however, states that U.S. Security’s appellate brief in fact raised 22, if not 29, “claims, subsidiary questions and various other inter-related issues.” The footnote proceeds to explain that “The arguments made are often unduly repetitive, in a meandering sequence, which sometimes tracks the six questions presented and sometimes does not. Some of the 22 arguments are ‘fairly suggested’ by the six nominal questions; some are not.” Before concluding, the footnote reminded counsel that “zealous representation does not require, or even benefit from, such all-inclusive ‘kitchen sink’ advocacy.”

The plaintiffs, as cross-appellants, sought to raise only two additional issues for appeal, but not even the plaintiffs’ appellate counsel could escape the Superior Court’s scorn, as the opinion contained a footnote criticizing the plaintiffs’ appellate brief for listing 11 issues on appeal, even though nine of those issues merely sought to restate the issues the defendant was raising in its appeal.

Ordinarily, when an appellate opinion criticizes an appellant for raising too many issues on appeal, it is in the context of observing that an unnecessary proliferation of appellate issues only serves to underscore the fact that none of the issues being raised has any merit. Although the *Wilson* opinion in fact contains such an observation in the lengthy footnote I quoted from above, the defendant notwithstanding its pursuit of some 22 or 29 different issues on appeal in fact achieved a very noteworthy victory on the merits of the case by overturning the -jury’s

\$38.5 million punitive damages award. No doubt that remarkable result helped soften the blow from the opinion's criticism of the defendant's issue selection on appeal.

When an appellate court offers appellate advocacy advice, lawyers should notice and pay attention. The recent advice that the Superior Court offered seems rather obvious and self-evident: do not violate the rules governing brief word-count limits; and do not raise too many issues on appeal, lest you signify that none of those issues has any merit. Although the Superior Court was especially forgiving of these transgressions this time, next time it may not be.



TRAVEL TIPS – AIRPORT

Should You Gate Check Your Bag for Free?

Been on a full flight lately? Then you may have heard an announcement or seen an appeal posted on the monitor at the gate asking for passenger volunteers to check their bags at the gate for free.

Asking for volunteers to check their bags at the gate is the airline's response to two things. First, they know that there is likely going to be more carry-on bags than there is overhead bin space, an issue that leads to unhappy passengers and significantly slower boarding times. Second, it can also often be a sign that there's a lot of room in the under-plane baggage area, which can contribute to weight distribution issues on the plane.

There's no right or wrong answer to the question of whether you should check your bag at the gate. Sometimes, it can be a great opportunity; other times, it might slow you down. Here's a quick guide to deciding if you should check your bag at the gate:

1. Are you in a later boarding group? If so, you might arrive on the plane to find your overhead bins already full, and it could reduce stress to know you don't have to fight to find a home for your baggage.

Answer: Consider checking.

2. Are you going to be in a rush when you arrive at your destination? Unlike true "gate check" items like strollers that you can grab on the jetway as you exit the aircraft, the bag you check at the gate under these circumstances will most likely be routed to the baggage carousel at your destination airport. If you do not have time to stand around and wait for your suitcase to reappear, keep it with you as a carry-on.

Answer: Do not check.

3. Do you have a connecting flight? If you do, verify with the gate agent that the bag will be able to make the connection. If that is the case, you should consider checking the bag unless you will need it during your layover, since it is a lot easier to make a tight connection—and less burdensome to wait out a longer layover—without a suitcase to drag behind you.

Answer: Consider checking.

4. Are you traveling with young kids? If you are trying to wrangle little ones *and* pull carry-ons (say, because you want to avoid checked bag fees for the whole family), free bag check at the gate can be like a golden ticket. But, make sure you have got everything you need in the bags you will carry on with you before turning over your suitcases—you do not want to find yourself without extra diapers or the only stuffed animal that will make your kid stop crying midflight.

Answer: Consider checking.

AIRPORT SECURITY

Is It Possible to Bring More Than 3.4 Ounces of a Liquid Through Airport Security?

When can you take more than 3.4 ounces (100 milliliters) of a liquid through airport security? When that liquid is a solid—a *frozen* solid, that is.

Many travelers are familiar with two exemptions to the TSA's liquid limits: medications and children's nourishments (such as breast milk, formula, and juice). But it turns out there is a tiny loophole in the 3-1-1 rule that allows you to take a frozen liquid onto the plane. With a lot of caveats, naturally.

The TSA does *allow frozen liquids* if they *are frozen solid when you go through security*, but it is more of a challenge than you might think.

1. Frozen Alcohol

Let us start with the example of getting alcohol through airport security. The first caveat is that the freezing point of an 80-proof beverage is somewhere around -17 degrees F or -27 degrees C. Stronger stuff freezes at still lower temperatures. Those freezing points are well below the typical temperatures in household freezers, which means you would have to go to such extreme measures as dry ice or liquid nitrogen to get the stuff cold enough to freeze solid. Obviously, that is not going to work.

The next problem would be keeping it cold enough not to melt at all. A liquid frozen at, say, -20 degrees does not stay at -20 degrees very long when it is carried around at room temperature, and even a little bit of melting would trigger the liquids rules. Also, you do not find dry ice or liquid nitrogen at most airport retailers.

The third problem is possible alteration in taste. And here I have no evidence at all—it is just that a freezing-melting cycle could well alter the fine balance of flavor components.

2. Frozen Water

It is at least a bit more practical to freeze a bottle of drinking water and bring *that* through airport security. It freezes at a more reasonable temperature, and has the potential to stay frozen longer in the proper container. Presumably if you catch the airport security line at a time when there are minimal waits, you might be able to get your frozen water through security and drink it on the plane. Chilled, naturally.

Of course, that is an awful lot of effort to go through just to game the system.

Suggestion: Suck it up and shell out the airport's rip-off price for a drink. Just because you theoretically *can* do something does not mean it is worth the effort.



TECHNOLOGY

Think Your Email's a Nightmare? This Firm's System Got a Court Ruling



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The following article was contributed by Samantha Joseph of ALM (formerly American Lawyer Media, a media company with its main offices located in New York City, and is a provider of specialized business news and information, focused primarily on the legal, insurance, and commercial real estate sectors), and published on September 26, 2017. If you have questions, please contact Samantha Joseph at sjoseph@alm.com; and on Twitter [@SjosephWriter](https://twitter.com/SjosephWriter).

A law firm's spam filter got it widespread negative attention after a [state appellate court decision](#) revealed it knowingly kept a faulty email configuration to save \$700 to \$1,200 a year.

Odom & Barlow's email was the subject of a five-page appellate decision that did not end well for the firm—or its client, now [on the hook to pay nearly \\$394,000 in attorney fees](#) to the opposing side.

Name partners Bradley S. Odom and Richard D. Barlow were counsel in an eminent domain case in which a judge issued an order assessing attorney fees. They said they did not receive the document and asked the trial court for a new order that would reset the clock on the appeal deadline.

The request should have been a fleeting issue on the motion calendar, in which the judge would determine whether there were grounds to vacate the original order and issue a new one.

But instead of a minutes-long hearing, what resulted was a cautionary tale.

In the end, the law firm was on the defensive, as consultant after consultant described a defective system that designated messages as spam and then automatically deleted them without human review.

Most damning for the firm: One consultant testified he identified the flaw, but said Barlow rejected his proposal for a superior email management system to save money.

"It should grab your attention," read a [Florida Bar Real Property Probate and Trust Law Section](#) email alerting members to the case. "Is your firm's email system and the firm's docket monitoring procedures a trap for your clients and you?"

The case came from Escambia Circuit Court and Florida's First District Court of Appeal, but the ruling reached attorneys across the state. "This decision may raise a duty to determine what type of email system you have, at least if you are receiving court docs, and whether the system has basics safeguards to avoid lost mail," said [Michael Gelfand](#), the bar committee member who helped put attorneys on alert. "Most lawyers have no idea how

their email system works—whether there are rejection detectors, logs, whether it is automatically turned to junk mail. Most attorneys just turn on their computer.”

Court records show the motion for relief from judgment ballooned into a full-blown event with at least five witnesses. It brought in expert witnesses who testified about email platform configuration. A third party examined the law firm’s workstations for evidence of deletion, and scored the system for error messages, retries, and bounce backs. The Clerk of Court’s IT director confirmed that the court’s email server handed off the message to the correct recipient server. And multiple consultants found the law firm relied on a system with no logs, archives or backups.

An eventual challenge before a state appellate court hinged on the assertion the trial judge abused his discretion in refusing to vacate and re-enter the order.

The litigation pitted Pensacola-based beer distributor Bear Marcus Pointe LLC against Emerald Coast Utilities Authority in a dispute over the public use of a spot of land on Bear Marcus’ driveway.

Escambia Circuit Judge Gary Bergosh issued the order March 18, 2014, granting attorney fees to Bear Marcus, starting the clock on a 30-day window for appeal.

Emerald missed the deadline, but filed a motion for relief on May 12, 2014. It cited Florida Rule of Civil Procedure 1.540(b), which gives courts discretion to set aside final judgments in cases with “mistake, inadvertence, surprise, or excusable neglect.”

In this case, it appeared Emerald relied on a longtime practice in which judges considered resetting deadlines for firms that had not received mail sent via letter carrier. But this time, the court took a different approach, engaging in detailed fact-finding to trace the missing electronic message.

The Clerk of Court’s IT director retrieved logs showing the date and time the message reached primary and secondary email addresses for Odom & Barlow. One witness, Stephen Reyes from accounting and consulting firm Saltmarsh Cleaveland & Gund, confirmed the clerk’s office report, but also examined the law firm’s computers and found no evidence Odom & Barlow had destroyed the emails.

Reyes conceded that it was fairly unusual for a company to configure their system to not create any email logs,” according to the First DCA ruling. “If the server had been configured differently, he could have had complete logs from the period in question to determine whether the server had received the emails from the clerk’s server.”

Another expert, Odom & Barlow’s IT consultant, testified he’d advised the firm in 2015 to get an online backup system, but administrators rejected the proposal.

In the end, the picture that emerged of Odom & Barlow was not sympathetic. The firm did not respond to requests for comment. It appeared to suffer another blow when opposing counsel at Fixel & Willis described a protocol that seemed designed, unlike Odom & Barlow’s, to cover any email loopholes. Fixel & Willis assigned a paralegal to check the court’s website every three weeks—building in enough time to respond to any orders posted there.

“You need to have excusable neglect to get a do-over,” commented Gelfand, who was not involved in the litigation.

Like the trial judge, the appellate court found none in Odom & Barlow’s case.

“We’re pleased with the panel’s decision,” said Bear Marcus’ appellate attorney Erik M. Figlio of Ausley & McMullen in Tallahassee. “We think it was correctly decided.”



CLIENT COMMUNICATION – EMAILS

Have You Looked at Your Email Disclaimer Lately?



It has become routine for attorneys to include a disclaimer in their emails. But like anything else that becomes routine, some attorneys have lost track of the purpose of the disclaimer and could benefit from a little thought on improving its language and placement. If that is you, look at your disclaimer and compare it to our sample.

Attorneys use email disclaimers for two main reasons:

- To reinforce the confidential nature of an attorney-client communication when sending an email to a client; and
- To guard against the creation of an attorney-client relationship with a potential client or other individual based on the information communicated in the email.

The purpose for using the disclaimer will determine the language to include. Review this sample disclaimer language and consider how it compares to what you are using:

***“THIS ELECTRONIC COMMUNICATION IS PRIVILEGED AND CONFIDENTIAL
IMPORTANT NOTICE TO EMAIL RECIPIENTS:***

- 1. DO NOT read, copy, or disseminate this communication unless you are the intended addressee. This email communication contains confidential and/or privileged information intended only for the addressee. Anyone who receives this email by error should treat it as confidential, and is asked to call (collect) [name of law firm] at [phone number] or reply by email: [law firm’s email address]; or by fax: [law firm’s fax no.].*
- 2. This email transmission may not be secure and may be illegally intercepted. Do not forward or disseminate this email to any third party. Unauthorized interception of this email is a violation of federal law.*
- 3. Any reliance on the information contained in this correspondence by someone who has not entered into a fee agreement with [name of law firm] is taken at the reader’s own risk.*
- 4. The attorneys of [name of law firm] are licensed to practice law ONLY in California, and do not intend to give advice to anyone on any legal matter not involving California law.”*

Where you place the disclaimer in your email can make all the difference as to whether it is read. Many attorneys place it at the end of their emails, but this may not be ideal because the reader may not see it or may just stop reading once they have got the substance of your message. By contrast, inserting a disclaimer at the beginning of an email is often more effective because it precedes the content and alerts the reader that confidential information may follow and should be treated accordingly.

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BUSINESS PRACTICE – CONCLUSION OF REPRESENTATION

What to Tell Clients About Their Files at the End of the Case

Case files routinely contain documents (and sometimes other property) that clients have provided. The California Rules of Professional Conduct require that an attorney return these items, at a client's request, when the attorney's "employment has terminated" (subject to "any protective order or nondisclosure agreement"). (Cal. Rules of Prof. Cond., rule 3-700(D)(1).) Here is sample language that you can use in a letter to a client at the end of the case.



The following sample language assumes that none of the client's "papers and property" (see Cal. Rules of Prof. Cond., rule 3-700(D)(1)), that were in the file have been returned to the client:

"This letter is to advise you regarding how my office handles client files on completion of a case. As you know, my work on your case was completed as of [date]. I normally maintain files for cases such as yours for a period of [specify period, e.g., 10] years following the completion of a case, after which the files are shredded and securely disposed of. I will be retaining your file for at least that period.

My file regarding your case contains certain items that you provided me along with other documents and materials that, at your request, I would be happy to return to you or have you received at my office at a mutually convenient time. These include the following: [list items subject to distribution to client under Cal. Rules of Prof. Cond., rule 3-700(D), on request, e.g., specific pleadings, correspondence, expert reports deposition transcripts, exhibits]. Please contact me within [specify period, e.g., 30] days of receipt of this letter if you wish to receive any of the above items from the file."

If some or all those items previously have been returned to the client, consider the following sample language after the first paragraph:

"I have already returned to you [some/all] of the documents or other items that you personally provided me regarding your case, namely, [list specific items previously returned to client, e.g., deed to client's home].

[Add, if appropriate]

"In addition, I sent you copies of [list items previously sent, e.g., specific pleadings, correspondence, and expert reports] as your case developed."

[Add, if appropriate]

"I also have in my file the following items that, at your request, you may receive at my office at a mutually convenient time, namely, [list items not sent, but subject to distribution to client under Cal. Rules of Prof. Cond., rule 3-700(D), on request, e.g., specific deposition transcripts and exhibits]. Please contact me within [specify period, e.g., 30] days of the receipt of this letter if you wish to receive any of the above items from the file."

Did you find this sample language useful? It was from the CEB's [California Client Communications Manual: Sample Letters and Forms](#), where you will find 65 sample letters and forms to help you effectively communicate with your client from initial contact and retention to the conclusion of a case. For a review of what to include in your file retention policy, see [When the Party's Over: What to Do with Client Files?](#)

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JUDGMENT

Do You Have Time to Take a Judgment Enforcement Case?



Judgment enforcement actions have two major timing issues: they need to be handled immediately and may take a long time to complete. Before you decide to represent a judgment creditor in an enforcement case, consider whether you really have the time.

The first consideration is whether you have enough time to devote *immediately* to enforcement (e.g., to find assets first and properly complete the levy or other enforcement procedure).

For example, if a debtor's business is in financial difficulty, and the debtor has not been able to pay his/her bills for several months, you will have to move quickly (i.e., start looking for assets today) to levy before debtor's position gets worse.

And if the judgment is approaching the 10-year mark since entry (or since last renewal), be prepared to either renew the judgment before its expiration or defend yourself against a malpractice action.

All too often creditor clients look for representation just days before judgment expiration. If after consulting with a prospective client you decide not to represent him/her, protect yourself from liability by sending a timely written rejection *explicitly* detailing the renewal problem (or other circumstance that requires fast action) and providing multiple referral sources.

Moving quickly has its benefits: the first creditor to make a claim against a debtor is often the most successful, and the creditor who creates a lien or levies first has priority.

Once you determine that you currently have time to act, then consider how long enforcement will take and whether you will have the time for that. Certain enforcement methods can take a great deal of time. For example, a levy on real property that contains a dwelling requires you to set and attend at least one noticed hearing and prepare several documents all in a short period of time (e.g., 20-45 days). Overall, a real property levy will take approximately five to nine months before sale is completed.

If you obtain a wage garnishment, you will have to monitor it for months or years, and if the debtor changes jobs, you will have to start over again and obtain another wage garnishment.

If you have considered the time involved and decide to represent a judgment creditor who wants to collect money awarded in a California state court judgment or a federal judgment in California, get step-by-step guidance in CEB's [Enforcing Civil Money Judgments](#) (Action Guide). And get an understanding of the traps, tricks, and regulations of collections practice in CEB's [Debt Collection Practice in California](#).

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OFFICE PROCEDURES – BILLING

Getting Paid: Your Billing Statement



You likely did not learn anything about billing statements in law school, but you cannot run a law practice without getting paid. Here are some basic considerations for your billing statements and sample language to put in your fee agreement so that your client knows what to expect.

- 1. All statements must clearly state the basis for charges.** Statements for attorney fees must include the amount, rate, basis for calculation, or other method of determination. Statements for costs must clearly identify the costs and amounts. (Bus. & Prof. Code, § 6148(b).)
- 2. You do not have to send them every month.** In most fee agreements, attorneys state that they will send monthly statements. But this may not be a good idea for you. You can manage client expectations and avoid disputes simply because you forgot to send a bill every month by changing the language from “monthly” to “periodically”; this gives you flexibility in sending invoices to your clients.
- 3. You can charge interest on late payments.** An attorney may charge interest on past-due receivables. (See California State Bar Formal Opinion No. 1980-53. Under Cal. Const. art. XV, § 1, 10 percent simple interest per year is the maximum that can be charged for “any loan or forbearance of any money.” An interest charge for the late payment of an amount due from a client for the attorney’s services is neither a loan nor a forbearance of money and, thus, might be exempt from the usury law. But it would still be subject to the prohibition on unconscionable fees in Cal. Rules of Prof. Cond., rule 4-200, and whether an interest charge of more than 10 percent would be considered unconscionable has not been decided. It does appear that an interest charge complying with the 10 percent simple interest provision would be permissible. And interest and principal can be compounded annually without running afoul of Cal. Const., art. XV, § 1. (*Heald v Friis-Hansen* (1959) 52 Cal.2d 834, 839.)

4. **Interest charges could make you subject to the consumer protection statutes.** Before you include interest payments in your fee agreement, consider the possibility that this will make the agreement subject to consumer protection laws. (See Jensen, *Fee Agreements: The Untold Story*, 8 Cal. Law 71 (June 1988).) The State Bar Committee on Mandatory Fee Arbitration, in its Sample Written Fee Agreement Forms, notes that if interest is charged, it must be reasonable, and it must be simple interest. (Instructions and Comments, V Additional Provisions (3) (amended effective Nov. 20, 2010).) The committee adds: “If the Agreement uses the terms ‘finance charges,’ ‘late fees,’ ‘penalty payment,’ or anything other than simple interest, this may create problems with the Federal Truth in Lending Law and the California Unruh Act.”

Thinking about your billing statement begins when you prepare your fee agreement. Consider this sample language to use in your fee agreement:

“Attorney will send Client periodic statements indicating [attorney fees and costs/costs] incurred and their basis [, any amounts applied from the deposit(s),] and any current balance owed. [If no [attorney fees or costs/costs] are incurred for a month, or if they are minimal, the statement may be held and combined with that for the following month unless a statement is requested by Client.] Any balance will be paid in full within [number, e.g., 30] days after the statement is mailed.”

[If applicable, add]

“Thereafter, interest will be payable on the unpaid principal balance, i.e., fees and costs. Interest will be calculated by multiplying the unpaid principal balance by the periodic rate of [specify fraction, e.g., 0.83] percent per month ([number, e.g., 10] percent per annum) until the principal balance is paid.”

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DISCOVERY – MOTION TO COMPEL

Deadlines for Motions to Compel



The timing of a motion to compel depends largely on whether responses have been served. Here is a review of the timing in common situations and a handy chart with the time limits.

- **If no responses served.** If the responding party fails to serve any responses at all, there's no time limit on when the propounding party may file a motion to compel responses. (See, e.g., Code Civ. Proc., § 2030.290(b)–(c).)

- **When responses inadequate.** When inadequate responses have been served, a motion to compel further responses must be filed and served within 45 days of service of the responses or any supplemental responses, or on or before any date to which the parties agree in writing. Failure to do so waives the party's ability to move for further responses. (See, e.g., Code Civ. Proc., § 2030.300(c).)
- **When deponent serves objections to business record subpoena.** If the deponent serves objections to a subpoena to produce business records, the 60-day period during which a motion to compel must be filed begins to run when the deponent serves objections on the party that issued the subpoena. (*Rutledge v. Hewlett-Packard Co.* (2015) 238 Cal.App.4th 1164, 1192.)
- **When deponent fails to appear or produce documents.** If a deponent fails to appear or proceed with a deposition or produce things described in the deposition notice, there is no time limit on when the party noticing the deposition may move to compel. (Code Civ. Proc., § 2025.450(a).)
- **When deponent fails to answer questions.** A motion to compel answers at a deposition must be made within 60 days after the completion of the record of the deposition. (Code Civ. Proc., § 2025.480(b).)
- **When party refuses to submit to physical or mental examination.** There is no time limit on when a party may bring a motion to compel compliance with a demand for a physical or mental examination. (Code Civ. Proc., § 2032.410.)

And here is a handy chart of time limits to use as a reference:

CCP Section	Type of Motion	Time Limits
2025.480(b)	Motion to compel answers or production of documents at deposition	Motion must be made no later than 60 days after the completion of the record of the deposition.
2025.450	Motion to compel attendance at deposition (party fails to appear)	No time limit.
2031.300	Motion to compel response to inspection demand (no response served)	No time limit.
2031.310	Motion to compel further response to inspection demand	Motion must be made within 45 days of the service of the response, or any supplemental response, unless the parties agree in writing to a specific later date.
2032.410	Motion to compel party to submit to physical and mental examination	No time limit.
2033.280	Failure to timely respond to request for admission (no response served)	No time limit.
2033.290(c)	Motion to compel further response to request for admission	Motion must be made within 45 days of the service of the verified response, or any verified supplemental response, unless the parties agree in writing to a specific later date.

Keep in mind that all discovery motions must be heard at least **15 days before** the date initially set for trial. (Code Civ. Proc., § 2024.020(a).)

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To Meet and Confer, You Need to Talk



If you have a “dispute concerning discovery,” the law requires that you try to resolve it informally by conferring with the opposing side. This meet-and-confer requirement can be met in person, by telephone, or by letter. But a letter or email alone generally will not cut it; to **really meet and confer**, you **need to talk to opposing counsel**. The best practice is to meet in person or by telephone, and make a concerted effort to resolve matters that are truly in dispute.

When the dispute concerns substantive issues that will take a significant amount of court time, try to meet and confer in person. The Court will be less inclined to resolve these complex issues if the parties gave only passing attention to the matter during the meet-and-confer process.

In fact, in many instances, the Court will order the parties during the hearing to meet and confer in an empty jury room or the hallway and return when they have tried to resolve their differences.

A clip is available for viewing from the CEB’s program [Meet and Confer for the New Millennium: Conduct Expected in Discovery Disputes](#), attorney [Sigrid Irias](#) explains the benefits of a phone call or in-person meet and confer.

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FILING SYSTEM – TIPS AND TRICKS

A Client Shouldn't Be Just a Number to You, Except in Your Filing System



You have started a law practice and the clients are beginning to arrive. How will you organize your client files? Your first thought may be to use an alphabetical system by client name. Big mistake. Instead, stick to numbers.

Although many attorneys initially use an alphabetical filing system for their client's files, the system invariably fails when the office accumulates many cases.

Files can easily be misfiled and become difficult to locate. Serious problems also develop when an alphabetical system becomes decentralized, and more than one attorney begins sharing the same 26 letters of the alphabet.

A numerical filing system is clearly preferable to an alphabetical one. When the numbers are re-used, a numerical filing system provides a quick check for missing files. And because billing and client information systems are usually based on client numbers, a numerical system facilitates a highly computerized office. In fact, a computer billing system may require that a particular type of numerical system be used.

Here is an example of a simple numerical system: Each client matter is assigned a four-digit number that follows the year in which the file was opened, e.g., the first case opened in 2013 would be assigned 13-0001 as a file number, the second 13-0002, and so on.

This system can be modified when there is more than one attorney in the office. Each attorney sharing the system may be assigned an interval of numbers. For example, Attorney A might have numbers 1000 through 1999, Attorney B 2,000 through 2999, and Attorney C 3,000 through 3999.

If you have additional files for a single client matter, you can identify them by adding a letter following the number. So, if the first case opened in 2013, eventually requires three files, they might be numbered 13-0001, 13-0001A, and 13-0001B.

Alternatively, when you are handling several matters for a single client, the client may be assigned a number, to ensure that all matters relating to the same client are filed in the same location. Subsequent matters handled for the same client are then added in sequence to the client number. For example, client 1500 may have matters numbered 1500-11, 1500-2, and so on. This approach is also helpful for the person responsible for billing, in producing a single client statement for all matters being handled.

Of course, remembering numbers will not be as easy as names, but you can find the number for any file by referring to the client directory file, which should contain a list of each open case file you are handling with, at a minimum, each client's name, the matter being handled, and the open case file number.

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*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: October 2017

Your Name: _____ Position held, if any: _____

	Category - Description	
1.	ATTENDANCE - LSI Conference <i>(Circle all that apply)</i> Quarterly Annual	____
2.	BENEFITS - Belong through LSI sponsored <i>(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.

Upcoming Events



San Francisco Legal Professionals Association

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

www.sflpa.org

MEMBERS QUARTERLY DINNER MEETING

(NON-MEMBERS WELCOME)

Date: Tuesday, October 17, 2017

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

Place: Ogletree, Deakins, Nash, Smoak & Stewart
One Market Plaza, Suite 1300, San Francisco

Speaker: Michael Thomas, Esq., Associate at Ogletree

Topic: "Laws Impacting Diversity and Inclusion"

Dinner Menu: Bucca di Beppo, dessert, soft drinks, coffee, beer and wine.

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

You can also pre-pay using Venmo, by mail (to the address above) or bring a check/cash with you to the meeting.

Please RSVP: By Friday, October 13, 2017 to sflpa.event.reservations@gmail.com

PLEASE NOTE: 24-hr cancellation required to avoid being charged for meals. No-shows will be charged for their meal.

½ Hour MCLE & CCLS Continuous Education Certificates Available

About Our Guest Speaker

Michael Thomas – Mr. Thomas' practice focuses on representation of employers in wage and hour class actions and PAGA claims. Michael also advises and defends employers on all aspects of labor and employment matters, including wrongful termination, discrimination, and whistleblower retaliation. Michael also represents employers in traditional labor law matters. He advises and represents employers before the National Labor Relations Board, including in unfair labor practices and representation hearings. In addition, he represents employers in discharge and contract interpretation arbitrations. Michael also speaks regularly on issues of diversity and unconscious bias.

The SFLPA is an accredited MCLE Provider through Legal Secretaries, Incorporated. For more information about the programs offered through the SFLPA, visit our website at: www.SFLPA.org



San Francisco Legal Professionals Association

Presents

Mock Trial: “Humpty Dumpty and The King”



**Featuring U.S. Court of Appeals, Ninth Circuit Judge Carlos T. Bea
Presiding Justice for the evening.**

Date: October 19, 2017, at 6:00 PM

Volunteer Actors Needed for this Mock Trial:

Location: UC Hastings School of Law
198 McAllister Street
San Francisco, CA 94102

Cost: \$5 member / \$10 non-member

- Clerk
- Plaintiff's Counsel
- Defendant's Counsel
- Humpty
- Dr. E.
- Old Man H
- King
- Fanmoth
- Warthead
- Foreperson

Please RSVP as indicated below and bring your checks with you payable to:
San Francisco Legal Professionals Association

Please RSVP by October 16, 2017

to Lillian Wong at lwong@jonesday.com
(and indicate if you would like to be a participant.)

MCLE & CCLS Credit – SFLPA, a local association of Legal Secretaries, Incorporated, an approved provider, 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 hours.

San Francisco Legal Professional Association
P.O. Box 2582, San Francisco, California 94126

San Francisco Legal Professionals Association



October 4, 2017 Brown Bag Presentation

Citations and Table of Authorities Presented by Cyndee Saucedo, CCLS

The SFLPA has received many inquiries about presenting a Table of Authorities and Citations class. We are happy to announce that Cyndee Saucedo will be presenting a class to show us how to generate and format authorities such as cases, statutes and rules. Please join us on October 24, 2017 at Coblentz Patch Duffy & Bass.

Tuesday, October 24, 2017

12:30 – 1:30 p.m.

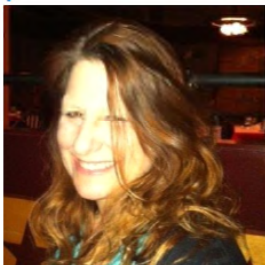
Coblentz Patch Duffy & Bass LLP

**One Montgomery Tower (Enter through 120 Kearney St.), Suite 3000,
San Francisco, CA 94104**

RSVP to: Francie Skaggs – francieskaggs@gmail.com - by: Friday, June 23, 2017

One Hour MCLE Credit & CCLS Continuous Education Certificates Available. This event is open to anyone in the legal industry. Feel free to share with your colleagues and friends. Attendees are encouraged to bring your lunch and enjoy the presentation.

About the Speaker:



Cyndee Saucedo, CCLS is a Legal Assistant Coordinator at Meyers Nave and is the Governor of the Alameda Legal Secretaries Association.

The SFLPA is an accredited MCLE Provider through Legal Secretaries, Incorporated. For more information about the programs offered through the SFLPA, visit our website at: www.SFLPA.org.



SFLPA



Halloween Bingo

Thursday, October 26, 2017

6:00 -7:30 pm

at Barkley Court Reporters

201 California Street # 375

San Francisco, CA 94111

Join us for a fun filled ghoulish evening of Bingo as we raise funds for our programs for the 2017-2018 fiscal year.

There will be prizes for the winners and gift certificates for the runner ups. We will have refreshments and light snacks available for those in attendance. Wear your scary costume and win a prize.

**Playing cards are \$20 for the first card-
\$5 for each additional**

RSVP to: sflpa.event.reservations@gmail.com by Friday, October 20, 2017

Feel free to invite your colleagues, family and friends. If you have not attended our Bingo Night in the past, please join us this year as we always have a great time with wonderful company.

Let's have a scary fright night of fun, prizes and wonderful memories.





Legal Professional Training Course

Three Consecutive Saturdays:

January 27, 2018, February 3, 2018 and February 10, 2018**

San Francisco State Downtown Campus, 835 Market Street

The SFLPA and the SFSU Paralegal Program is proud to co-host a multi-week educational seminar that will provide 24 hours of classroom training. Instruction will cover a variety of topics pertaining to the specific duties of attorney support staff in the law office.

Topics include:

Ethics in the Law Office	Court Structure
Court Filings (Manual and Electronic)	Civil Litigation Process
Business Writing	Corporations
Calendaring	Discovery

Our committee is in the process of designing the curriculum for this course. Once the course materials and the panel of instructors have been finalized, more information will become available.

If you are interested and would like to put on our pre-registration list, please contact our Education Chair: Francie Skaggs – francie.skaggs@gmail.com.

****Meals, drinks and snacks will be provided****





California Certified Legal Secretary
A Program of LSI®



APPLICATION TO TAKE CCLS® EXAM

Mail Application, copy of LSI Membership Card (if applicable), and fees to:
April K. Ignaitis, CCLS, CCLS Certifying Board, P.O. Box 2879, Cupertino, CA 95015

(Select one) ☐ **Northern California** (Select one) ☐ **Saturday, September 16, 2017**
☐ **Southern California** ☐ **Saturday, March 17, 2018**

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

EXAMINATION FEES (Select Payment Type)		Check <input type="checkbox"/> Payable to "LSI" Mail to above address	PayPal <input type="checkbox"/> Email exam application to CCLSCertifyingBoard@gmail.com . Payment link will be provided upon confirmation of eligibility to sit for exam.
LSI Members <input type="checkbox"/>		Non-LSI Members <input type="checkbox"/>	
On Time Registration Fee	\$ 25.00	On Time Registration Fee	\$ 75.00
Examination Fee*	100.00	Examination Fee*	100.00
Late Fee (if applicable)	30.00	Late Fee (if applicable)	30.00
TOTAL DUE w/o Late Fee:	\$125.00	TOTAL DUE w/o Late Fee:	\$175.00

Personal Information

Name: _____
Mailing Address: _____
Last 4 digits of SSN: _____ Email: _____
Phone (Day): _____ Phone (Evening): _____
LSI Member: ☐ Yes (enclose copy of LSI Membership Card) ☐ No
Name of Local LSI Association: _____

Employment Information

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

Position: _____ Dates of Employment: _____
Employer: _____
(name and address)
Supervisor: _____ Supervisor's Phone: _____
Supervisor's Email: _____
Summary of Duties: _____

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

Date: _____

Applicant Signature _____

*Fees subject to change without notice.
Rev. February 2017

INDISPENSABLE



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LSI Members-Only Price.....\$164.50
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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

LEGAL SPECIALIZATION SECTIONS

2017-2018 Membership Form

MAY 1, 2017 - APRIL 30, 2018

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. The Legal Specialization Sections (through LSI) offer continuing legal education credit for California Certified Legal Secretaries and MCLE for paralegals and attorneys.

JOIN OR RENEW AT WWW.LSI.ORG

PAY VIA CREDIT CARD OR PAYPAL

SECTIONS

(circle which sections you are joining)

- Civil Litigation
- Criminal/Family Law
- Federal Law
- Law Office Administration
- Probate/Estate Planning
- Transactional Law

LSI Member Rates:

Individual Section: \$20

All Six Sections: \$75

Non-LSI Member Rates:

Individual Section: \$40

All Six Sections: \$150

If paying by check, make payable to "LSI" and mail to the LSS Coordinator. This information is distributed to all members of the Legal Specialization Sections.

Name: _____

Email Address: _____

LSI Member, Local Association/MAL: _____

Legal Specialty(ies): _____

Counties/Courts: _____

Newsletters are emailed to members, if you would like to opt out, please email the LSS Coordinator.

Dawn R. Forgeur, CCLS
LSS Coordinator

c/o Stoel Rives LLP
500 Capitol Mall, Ste. 1600
Sacramento, CA 95814

E-mail: dawn.forgeur@stoel.com
www.lsi.org



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 read the definition of an Active Membership given on the reverse side of this application. If you have any questions regarding your application for Active Membership, please ask your sponsor or any of the officers of this Association as listed on our website at www.sflpa.gov

Please fill out this application, sign it and submit it to your sponsor along with a check for \$55.00 made payable to SFLPA.¹ **This payment covers a one-time initiation fee and your first year² of annual membership dues for Legal Secretaries, Incorporated (LSI).**³ A copy of this completed form is your receipt for your annual dues. Upon becoming a member, this information will be included in the Membership Roster which is shared with current members only. You will receive a membership card for the current fiscal year by U.S. Mail.

PERSONAL:	BUSINESS:
NAME: _____	Your Title: _____
Hm Address: _____	Employer: _____
City ST Zip: _____	Address: _____
Hm Ph: _____ Cell: _____	City ST Zip: _____
Email: _____	Email: _____
[Note: Your contact information will not be distributed outside SFLPA or LSI without your consent.]	Wk Ph: _____ How long? _____
	Contact Preference: <input type="checkbox"/> Home <input type="checkbox"/> Business
SPONSORSHIP:	FORMER EMPLOYMENT
Sponsor's Name: _____	Former Employer: _____
How did you find out about SFLPA? _____	City, State: _____
_____	How long? _____
Why do you want to join SFLPA? _____	Total Experience: Legal _____ Litigation: _____
_____	Areas of Practice: _____
Have you ever been a member of this Association or any others in the past? If so, when? _____	_____
_____	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:

(CONTINUED NEXT PAGE)

¹ Payment can also be made by U.S. mail to the post office box listed above or by using an app called Venmo
² For fiscal year beginning the previous May 1st through April 30. Applications accepted after March 1 will have dues pro-rated.
³ 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.

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:** _____

To be completed by an SFLPA Officer:

Approved by Board on: _____ Initials: _____ Initiation Date: _____

An **Active Member** shall be a person who is licensed to practice law in this state, or who has been actively engaged for a period of not less than one year in any one, or a combination, of the following-named occupations: secretary (whether staff, freelance, or employed fulltime by an employment agency regularly employed to provide legal secretarial support or law office support staff), legal assistant, office administrator, stenographer, typist, clerk or reporter in any law office or court, or in work of a legal nature in a trust department of a bank or trust company, any business which provides legal support services, including legal placement, copying or document processing, process serving, or, the legal department of any public or private institutions, including governmental offices.

Active membership in this Association for a period of not less than one (1) year shall entitle an individual who is no longer engaged in work of a legal nature to continue as such member with all rights, privileges and obligations of an active member except eligibility for elective office.

Application for Active Membership. An application for active membership may be presented to the Membership Chair only after a prospective member has attended one function of this Association, or a seminar or workshop presented by LSI or the Bay Area Legal Forum. The application shall be presented in writing on the form prescribed by Legal Secretaries Incorporated (LSI) and endorsed by a member in good standing. Such application shall be accompanied by the first year's dues, this Association's current initiation fee, the current initiation fee of LSI, if any, and satisfactory proof that the applicant is currently employed in an occupation described in Section 1(A) of this Article II. Membership is contingent upon approval by a majority vote of the members of the Board of Directors present at the meeting at which such application is considered.



San Francisco Legal Professionals Association

MEMBERSHIP RENEWAL FORM

For The Fiscal Year of May 1st Through April 30th

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 preference. 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:

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

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

Please submit to:

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

Member Benefits

Advantages of Membership

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

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

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

MAKE A CAREER CHOICE – BECOME A LEGAL PROFESSIONAL

Why Become a Legal Professional?

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

Why Join Legal Secretaries, Incorporated?

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

How You Can Become a Legal Professional:

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

Discounts for LSI Members

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

LEGAL SECRETARIES INCORPORATED (LSI) - BENEFITS

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

<p>*NEW BENEFIT: LEGALSHIELD/IDSHIELD Contact: Courtney Coats, Independent Associate (925) 580-6446; coats8@legalshieldassociate.com LegalShield offers legal, identity theft protection, along with a massive Perks Program where you will have significant savings to over 500 local and national companies.</p>	<p>QUESTIONS AND CONCERNS CONTACT: Heather Edwards, LSI Vice President LSI Marketing Committee Coordinator (818) 482-7040 heatheredwardslsi@aol.com</p>
<p>WORKING ADVANTAGE Toll Free: (800) 565-3712 www.workingadvantage.com Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more. Member ID: Contact LSI Corporate Office, info@lsi.org, or LSI Vice President</p>	<p>HERTZ CORPORATION Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 www.hertz.com</p>
<p>FINANCIAL PROVIDERS</p>	
<p>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 Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>	<p>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 Offering discounted John Hancock Long Term Care Insurance & Life Insurance, Annuities, Retirement, Investment & Estate Planning, Mutual Funds, & 401K</p>
<p>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 Offering Investments, Retirement Plans, Education Savings Accounts, Medical Insurance, Life Insurance, Disability Insurance, and Long Term Care Insurance</p>	<p>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 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>
<p>CREDIT UNIONS</p>	
<p>LA FINANCIAL FEDERAL CREDIT UNION P.O. Box 6015 Pasadena, CA 91102-6015 (800) 894-1200 www.lafinancial.org Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>	<p>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 All LSI members are eligible to join.</p>

Revised 03/2017

Sally Mendez, 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