



# RECAP

California Alliance of Paralegal Associations

THE OFFICIAL PUBLICATION OF THE CALIFORNIA ALLIANCE OF PARALEGAL ASSOCIATIONS

**Fixing B&P \$6450**

**Top 10 New Years Resolutions for Paralegals**

**BLACK + WHITE = GRAY**

**A Lesson In Ethics**

**CAPA CONFERENCE TRACKS ANNOUNCED**

**CREDIT DAMAGE**

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SPRING/MARCH 2015 | CAPARALEGAL.ORG



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# PRESIDENT'S MESSAGE...

## "LET'S MAKE A DENT IN THE UNIVERSE." STEVE JOBS

**A**s we close the first quarter of the year and enter into Spring, change abounds. With a new executive team installed, CAPA leads 2015 with innovation at the forefront of its vision to advance the paralegal profession. What a great honor it is for me to lead this trailblazing organization in a year of change. The executive team including Vice President of Policy, Sara Lutz, CP, Vice President of Administration, Makala E. Reha, ACP, Treasurer, Jacqueline James, JD, Secretary, Marcia McClain, and Board Advisor, Trudy McQuiddy, CP, strategized at our retreat on January 10-11, 2015, in advance of our first Board meeting of the year.

CAPA representatives from all of our 11 member associations joined together on February 7-8, 2015, at our Board meeting to share, discuss and plan for the upcoming months leading up to our annual education conference and beyond. The ideas, excitement and energy in the room were spectacular. I would also like to extend my sincerest gratitude on behalf of Team CAPA to Team REAP for all of the hard work in hosting our Board meeting in Windsor, California. We were treated by Team REAP and Board Advisor, Trudy McQuiddy, CP, along with Trudy's husband, Chef Mike, to a delicious and fun crab feed. It was truly a wonderful event!

Some of CAPA's goals on the state level include participating at the State Bar Board of Trustees' meetings to continue monitoring the limited license legal technician discussion as well as the issue of unauthorized practice of law. We also continue to explore ways to support state specific voluntary competency examination. CAPA will continue to participate and engage in discussions at the national level by attending the annual conferences of the National Federation of Paralegal Associations (NFPA) and National Association of Legal Assistants (NALA) as well as the regional conference of the American Association for Paralegal Educators (AAFPE). CAPA strives to promote excellence in both preparatory and continuing paralegal education. We also seek to develop dynamic leaders.

As great leaders, we aspire to innovate, integrate and motivate. This is the very theme of CAPA's 27th Annual Education Conference which will be held on Saturday, June 27, in San Jose. Please visit [www.caparalegal.org](http://www.caparalegal.org) for more conference details. We hope to see you there.

In the interim, please be sure to keep updated with CAPA events posted on our social media sites including LinkedIn and Facebook. You should also be receiving our emails from time to time called CAPA Connection which includes information on CAPA events as well as our member association events.

Please be sure to join us for our exciting lunchtime webinars through CAPA's GOAL program. We aspire to Grow Our Association Leaders by providing leadership development training to our members by industry leaders. McKenna Long Aldrige's Director of Paralegal Services, Tara Eberhart, will be presenting on 5 Ways to Be a Great Leader on March 19th. Robbin Paggi will be presenting on 7 Ways to Engage/Motivate Your Team on May 19th. And our final webinar will be presented by Jillian Sherman, ACP on the Top 10 Tips for Association Management on September 22nd. The webinar login information is available by contacting your CAPA representatives.

I look forward to seeing you all in June! And in the words of the infamous leader of one of the most innovative companies of all time, Apple's Steve Jobs, let's make a dent in the universe as we dive into the great unknown.

Warmly,

*Kristine M. Custodio*

Kristine M. Custodio, ACP  
President



# IN THE neighborhood...

A collection of activities and updates from the statewide paralegal associations within the Alliance

## SFPA - San Francisco Paralegal Association



2015 is shaping up to be a busy and productive year for the SFPA. We are currently working on coordinating a Concordance seminar for students and working paralegals to take place in April. Our May 2, 2015 Paralegal day this year returns to San Francisco State University with a two-track/student and professional schedule of CLEs, job search assistance and paralegal panel discussions. Our Litigation practice section has been resurrected with lunchtime CLEs scheduled to start in late spring, and our Trusts & Estates practice section continues to draw many dozens of paralegals and attorneys to monthly lunch and learn CLE events.

SFPA's pro-bono committee continues to offer our membership wonderful opportunities to share their skills and donate their time to our Bay Area communities, most recently collaborating with the Bayview/Hunters Point Community Legal program here in San Francisco.

We look forward to seeing everyone in June in San Jose! ☺ <http://www.sfpa.com/>

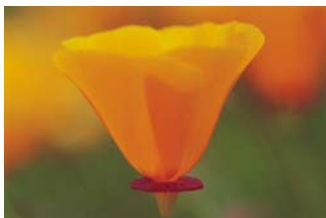
## PASCCO - Paralegal Association of Santa Clara County



PASCCO closed out 2014 with a networking, holiday celebration on December 18, 2014. In addition to the tasty hors d'oeuvres, the group was treated to a presentation entitled "Legal Ethics-the Hollywood Perspective" by, Laura M. Franco, Esquire of Winston & Strawn LLP

The New Year ushered in a new PASCCO board of directors including: President, Margaret Chirchill; First Vice President, Melody Cooper-Gross; Secretary and NALA Liaison, Gloria Torres, CP; Treasurer, Angela Yess, ACP; and CAPA Primary, Nancy A. Logue, ACP.

PASCCO provides MCLE through its monthly general meetings as well as various section meetings. In November, it also hosted a paralegal exam review course. PASCCO welcomes CAPA's June conference to San Jose on June 27, 2015. The board is also excitedly working on plans for its own annual educational conference scheduled for October 17, 2015 as well as other events during the year. ☺ <http://www.pascco.org/>





# IN THE neighborhood...

## SPA - Sequoia Paralegal Association

2014 was a year of growth and education at the Sequoia Paralegal Association. With the emphasis on quality MCLE presentations, membership grew from 13 to 87 by the close of the year. In 2014 SPA had 4 ethics presentations, legal research by Lexis/Nexis, and a session on the elimination of bias. In November SPA awarded its Paralegal of the Year Award to President Nancy Woods. These presentations were followed by a Christmas ornament exchange in December and the announcement of SPA's new Board of Directors: President: Nancy L. Woods; Vice President: Jennifer Black; Secretary: Angela Martinez-Verissimo; Treasurer: Janie Anderson, CAPA Primary: Nancy Woods; CAPA Secondary: Kari Martin-Higgins, ACP; and College of the Sequoias Liaison: Jennifer Black.

Sequoia



Paralegal Association

SPA started 2015 with MCLE presentations on The Role of the Public Administrator, and Application of Marsy's Law in the Civil Setting. Upcoming MCLE presentations are scheduled to be: March: Demystifying Medical Terminology; April: Avoiding Conflicts of Interest (Ethics); June: Practicing in the Fifth District Court of Appeals; July: Securing Support Orders by DCSS; and August: Practical Paralegal (tips and suggestions from seasoned paralegals).

SPA will host its Attorney Appreciation Luncheon in May with an ethics presentation from an Assistant U.S. Attorney. SPA will also be working closely with the director of the paralegal program at College of the Sequoias to award two scholarships to second year students. SPA has upgraded its website and has an active Facebook page. SPA expects to have over 100 members in 2015. ☞ <http://www.sequoiaparalegals.org/>

### CAPA 2014 EXECUTIVE BOARD

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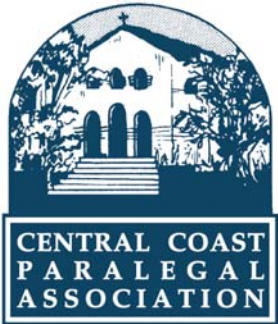
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# IN THE neighborhood...

## CCPA - Central Coast Paralegal Association



2015 is off to a great start for the Central Coast Paralegal Association (“CCPA”). With the elections over, a dynamic new board has been put in place to lead CCPA into the future: Helen Anderson as President; Michelle Hays as Vice President/Membership Chair; Steve Hill as Treasurer; Michele Perrin as Newsbrief Editor; Marilyn Morris as Secretary; and Mathew Sagum and Christina Saunders as CAPA Directors (collectively “the Board”). 2014 was a successful year for CCPA. To highlight a few stand-out points:

1. 2nd Annual half-day educational conference held at La Perla del Mar in Shell Beach was a huge hit. We had attendees from not all across SLO County but from Bakersfield and Santa Barbara as well.
2. Annual Holiday Party was held on December 10, 2014 at King David’s Lodge in San Luis Obispo. This was an exciting and fun social event for CCPA members.
3. CCPA offered charitable donations to many local organizations including the SLO Law Library, SLO Women’s Shelter and the Children’s Resource Network.

The Board is excited about several changes occurring within the CCPA. It is the Board’s goal to have fully transitioned CCPA to a 501(c)(3) status as a Non-Profit Organization. Our Bylaws are being amended and it is our hope that we will be able to finalize these by or before our annual Social Mixer in the fall.

The current schedule of MCLE events is as follows:

- February 23, 2015 – ‘An Introduction to California Water Law – Water Law Literacy’ by Michael R. Jencks, Esq.
- April 8, 2015 – ‘Service of Process Laws’ by Gretchen Lichtenberger
- June 10, 2015 - ‘Faux Paus of the Rich and Famous Part 2’ by Janet Wallace and Matthew O’Leary ☞

<http://www.ccpaslo.com/>

## FPA - Fresno Paralegal Association



The Fresno Paralegal Association continues to offer exceptional continuing education for its members. We recently had a seminar on Computer Forensics and Electronic Evidence which was presented by expert, Trenton L. Walton. FPA has several other seminars in the works, to be offered, including HIPPA compliance, Criminal law update, bankruptcy law/ethics and working up your case with an accident reconstruction expert. FPA’s main goals

are to offer worthwhile MCLE, reach out to paralegal students and focus on membership. Additionally, FPA is working on several social activities to encourage networking and camaraderie among fellow paralegals. We are excited and looking forward to a productive and purposeful year! ☞ <http://www.fresnoparalegal.org/>

# IN THE neighborhood...

## KCPA - Kern County Paralegal Association

As always seems to be the case, the Kern County Paralegal Association (herein "KCPA") has been very busy and has a great spring line up planned for all our members and any non-members who would like to attend our monthly luncheons for MCLE credits. Last December, KCPA co-hosted the Christmas luncheon with the Kern County Bar Association. During this luncheon, KCPA raised over \$1,000 in opportunity drawing ticket sales, which donation was given to Christmas for Seniors, a charity who supports the senior community in Kern County. In January, Jerry Pearson, Esquire, of the law firm of Young Wooldridge spoke to our association regarding new employment laws. The attendance at this luncheon was outstanding and the information Mr. Pearson provided to our members was invaluable. During the January luncheon, KCPA hosted a book drive for the SPCA.



Each month KCPA supports a different charitable organization in the Kern County. If you would like to recommend a charity for KCPA to support during one of our luncheons, please e-mail our Community Affairs director through the KCPA website at [www.kcpaonline.org](http://www.kcpaonline.org). Going into the spring and summer months, in addition to holding the monthly MCLE luncheons, KCPA will be taking nominations for the Kern County Paralegal of the year award and for next year's KCPA Board of Directors, both of which take place at our June luncheon. ↪ <http://kcpaonline.org/>

## SDPA - San Diego Paralegal Association

The San Diego Paralegal Association (SDPA), dedicated to educating, promoting, and strengthening the paralegal community, started 2015 off by hosting an Ethics CLE, presented by Kathy Konzen, Esq., relating to ESI and e-discovery. With approximately 21 in attendance, a good time was had by all, particularly those that walked away with Stone Brewery and Off Beat Growler raffle items!



In February, SDPA will be hosting its second CLE of the year – Appeals "How To" & Why CLE, presented by Martin Buchanan, Esq. Additionally, SDPA will be kicking off a "New Member Mixer", with an objective to encourage active membership. It will be an evening where attendees will have the opportunity to meet the 2015 Board of Directors and be informed of upcoming events within the legal community.

SDPA encourages paralegals to take an active role in their profession by committing to self-improvement and fostering collegiality among their peers. As SDPA promotes activism, many of its members will be volunteering their time/effort at either the annual San Diego High School Mock Trial Competition, or the annual Woman's Resource Fair. Some members are graciously donating their time/effort to both causes.

The planning of SDPA's signature event, Bridging the Gap (BTG) – an educational event where working professionals and student paralegals gather to gain insightful knowledge – will occur April 18, 2015. The overall theme, "dream big", will include breakout sessions on topics ranging from litigation, ADR, and Family Law. Attendees will also have the opportunity to speak to legal recruiters and paralegals whom work in non-traditional settings.

For more information or to attend or events for free please visit [www.sdparalegals.org](http://www.sdparalegals.org) ↪

# IN THE neighborhood...

## SVPA - Sacramento Valley Paralegal Association



SVPA is off to a great start for 2015. We have hosted 2 fantastic MCLE luncheons this year and the next several months' luncheons are booked: March 3rd Criminal Law for the Civil Litigator April 14th e-Discovery Ethics and Predictive Coding May 6th Practical Guide to Ethical Computer Security.

SVPA will host its annual Weekend Gala on May 16th. Topics will include Ethics of the Cloud and Social Media. For more information or to register visit SVPA's website Cal-

endar of Events page.

SVPA continues its commitment to supporting the Sacramento area colleges. We have already secured a location to host our Pay it Forward event, which will be hosted by American River College on November 14, 2015. SVPA will be announcing the recipients of scholarship awards at this event.

SVPA presented to the American River College Legal Assisting students and staff on February 10, 2015 and will be at MTI College on February 17-18, 2015. SVPA is now in the process of placing student members into sites for the PASS (Paralegal and Student Shadowing) Program.

Mary McGlauglin, SVPA's NFPA Primary Representative is starting to work with members and non members of SVPA to ramp up Pro Bono efforts. NFPA hosted a Webinar on February 18, 2015 on The Ethics of Pro Bono. Contact Mary with your thoughts or if you are working on Pro Bono project or know of one that SVPA could get involved in. [notarymary@frontier.com](mailto:notarymary@frontier.com). For more information contact [svpacollegeconnection@gmail.com](mailto:svpacollegeconnection@gmail.com).

## REAP - Redwood Empire Association of Paralegals

**Redwood Empire**  
Association of Paralegals



REAP elected a new board at our November meeting: Cenaida Guzman, president; Nancy Clark, vice president; Debra Winters came forward and was elected as our treasurer; Peggy LaPlante as secretary, and Shafiq Spanos as CAPA primary. Unfortunately, Peggy has had to step down for

health concerns but we have a new secretary appointed by the board, Miranda Mendoza. Debra Cain, last year's president, will be our liaison to the Sonoma County Bar Association. We are looking forward to a year with a steady board (several board members left mid-year last year, causing some turmoil).

REAP hosted the most recent CAPA board meeting here in Windsor at the Hampton Inn Suites. The staff were very accommodating even is the weather wasn't (drenching rain on Friday while everyone was travelling) with many people arriving late in the evening. Shafiq Spanos, REAP primary, called on his catering background and provided food for a lovely reception on Friday night with donations of wine and champagne from Korbel. Saturday night our most recent past president, the fabulous and inimitable Trudy McQuiddy (assisted by her long suffering husband), put together a true Sonoma County special, a crab feed with all the fixings. Wine was donated by Beringer Vineyards and the cost of the feed was underwritten by REAP. It was a great time and all the attendees came to dinner. It allowed for social interactions and an opportunity for the board, many of whom are new this year (including FOUR men), to get to know one another. It was a thoroughly enjoyable time.

REAP continues with the monthly luncheons at a downtown Santa Rosa restaurant, an opportunity for paralegals to meet and socialize. Other upcoming events include our first MCLE which will be an all day preparation class for the CLA exam (watch for the flyer). We continue to work on our website and search for ways to enlarge our membership. We are also eagerly awaiting CAPA's revised bylaws to help us in a review and update of our own bylaws. <http://www.redwoodparalegals.org/>



# IN THE neighborhood...

## ICAP - Inland Counties Association of Paralegals

Inland Counties Association of Paralegals (ICAP) began 2015 with its new President, Gina Maple. The 2015 ICAP Board of Directors is as follows:

Gina Maple - President; Veronica Goedhart - Vice President; Dana Fischel - Secretary; Brenda Price - Treasurer; Dawn M. DuRocher, ACP - Parliamentarian/NALA Liaison; Jacqueline D. James, J.D. - Director/Advisor; Connie S. Johnson - Director/Advisor



ICAP January – April 2015 events are as follows:

Kim Pegis & Sylvia Chernick – Riverside Superior Court 2015 Updates

21 Jan 2015 – Riverside County Bar Association, 4129 Main Street, 3rd Floor, Riverside, CA 92501

Edward Saucerman – The Titan Group - child abuse reporting PPT –

18 Feb 2015 5:30 PM - Riverside County Bar Association, 4129 Main Street, 3rd Floor, Riverside, CA 92501

Farrell's Ice Cream Parlour Restaurants Fundraiser

23 Feb 2015 @ 4:00 pm – 10:00 pm

Farrell's Ice Cream Parlour Restaurants, 3610 Park Sierra Drive, Riverside, CA 92505

Farrell's will give back 15% of all purchases generated by the Night Out Event.

Lena Tariske. Damsel in Defense – (no MCLE) safety awareness)

25 Feb 2015 6:00 PM • Lewis Brisbois Bisgaard & Smith LLP, 650 E. Hospitality Lane, #600, San Bernardino, CA 92408 -Damsel in Defense is designed to Educate, Equip, and Empower women (or anyone else) on awareness of their surroundings.

Gina D. Ralph - Discovery Law

18 Mar 2015 5:30 PM • Riverside County Bar Association, 4129 Main Street, 3rd Floor, Riverside, CA 92501

ICAP Fundraiser at Chili's Grill & Bar Restaurant

25 Mar 2015 11:00 AM • Chili's Grill & Bar Restaurant, 475 E Hospitality Ln, San Bernardino, CA 92408

Arthur K. Cunningham - Pushing the Envelope, til the Envelope Pushes Back - The Limits of Proper Closing Arguments

15 Apr 2015 5:30 PM • Lewis Brisbois Bisgaard & Smith LLP, 650 E. Hospitality Lane, #600, San Bernardino, CA 92408

Please note if anyone is in the Inland Empire, Riverside and or San Bernardino and needs assistance, please do not hesitate to contact ICAP members at [icaponline.org](http://icaponline.org). ☺

**CAPA Mission** - Strength through statewide alliance -  
providing a voice of leadership in promoting education, voluntary  
certification and advancement of the paralegal profession.

# CALIFORNIA ALLIANCE OF PARALEGAL ASSOCIATIONS

27th Annual Educational Seminar

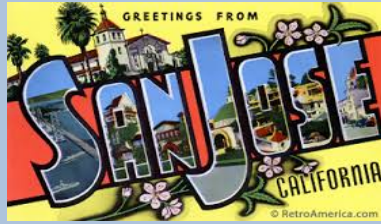
June 27, 2015

Doubletree Hotel

San Jose, California

#CAPA2015

#IIM



## BRIDGE TO THE FUTURE

### PROGRAM

#### REGISTRATION, BREAKFAST, & MEET EXHIBITORS

8:00 am - 9:00 am

Welcome & Introduction

Keynote Speaker

#### MORNING SESSION PART 1

9:15 am - 10:15 am

- TRACK 1: Overview of Planning for Persons with Disabilities: Public Benefits and Special Needs Trusts
- TRACK 2: Joining Pension Plans and Life Insurance Policies Into a Family Law Action
- TRACK 3: Forensic Document Examination, Pt. 1
- TRACK 4: IP Litigation and Arbitration
- TRACK 5: The Digital Wild West: Copyright Law & The Internet

#### MORNING BREAK

10:15 am - 10:45 am AM Break & Visit with Exhibitors

#### MORNING SESSION PART 2

10:45 am - 11:45 am

- TRACK 1: Human and Financial Issues in the Legal Process: Disability, Special Needs and Elderly Clients
- TRACK 2: Outshrinking the Shrink
- TRACK 3: Forensic Document Examination, Pt. 2
- TRACK 4: Hot Issues in Copyright Law
- TRACK 5: Patent Prosecution

#### LUNCHEON

12:00 pm - 1:45 pm

Lunch, Keynote Address and Exhibitor Drawings

Keynote Speaker

#### AFTERNOON SESSION PART 1

2:00 pm - 3:00 pm

- TRACK 1: Trusts, Conservatorships and Probate: Limiting Liability
- TRACK 2: Tiptoeing Through Minefields: Ten things to do and no do during discovery
- TRACK 3: Forensic Document Examination, Pt. 3
- TRACK 4: Trademark Practice
- TRACK 5: IP Compliance

#### AFTERNOON BREAK

3:00 pm - 3:15 pm

#### AFTERNOON ETHICS SESSION

3:15 pm - 4:15 pm

- TRACK 1: Ethics Jeopardy!
- TRACK 2: Ethical Issues in Family Law
- TRACK 3: Forensic Document Examination Ethics
- TRACK 4 & 5: General IP Ethics

#### RECEPTION & RAFFLE

4:30 pm - 6:30 pm

Reception and Member Association Raffles

### REGISTRATION FEES

#### Early-Bird by 5/15/15

CAPA Members: \$120.00

Non-Members: \$135.00

Students: \$90.00

#### 5/16/15 - At the Door

CAPA Members: \$135.00 - \$155.00

Non-Members: \$160.00 - \$180.00

Students: \$100.00 - \$125.00

Continental Breakfast and Lunch Included - Sorry No Refunds

Register Online at:

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



# Top 10 New Year's Resolutions for Paralegals

By Tonya Pierce, paralegal  
Reprinted with permission from AgileLaw.com

**A**s paralegals we are focused on taking care of others and making sure that everything operates efficiently and effectively for the client's benefit. However, in order to be the best paralegal that we can be, it is also important that we take the time to reflect upon what we can do for ourselves to make our professional and personal lives better. As we approach the New Year, it is a good time to reflect on the past year as well as the coming year to make resolutions that will help you succeed in reaching both your professional and personal goals.

Just remember, the key is to create resolutions that are both practical and realistic. Otherwise, your resolutions will fall short of your expectations for a great New Year. Below are examples of successful resolutions that you may want to consider for 2015.

## 1. Join a Paralegal Association

If you are not a member of your local paralegal association, make joining a priority in 2015. In addition, you need to join a national paralegal association too (even better, join several). Paralegal associations are great ways to network with other paralegals. They also provide workshops and CLEs that will help you advance in your career.

## 2. Get Certified

Becoming a certified paralegal is not required; however, it can open many more doors for you to advance in your career. Several paralegal associations offer certification programs. Probably the most well-known and widely accepted program is through the NALA. NALA also offers specialization exams where certified paralegals can take the next step to become certified in a specific area of law.

## 3. Attend More CLEs and Workshops

CLEs and paralegal workshops offer you the chance to learn new skills, expand your knowledge and network with other

professionals. Make time during 2015 to attend as many of these classes as possible.

## 4. Find a Better Work-Life Balance

It is tempting to give all of your time to your career as you are trying to grow, learn and advance in the paralegal profession. However, if you neglect your personal life, you will burn out much faster. If you are spending 10 to 12 hours a day at the office, take a long look at your priorities to find a better work-life balance. You need time away from the office to relax and enjoy your family and friends. It will make you a better paralegal if you learn to balance your work with the rest of your life.

## 5. Take on a Leadership Role

Get involved with your local paralegal association by accepting a leadership role. It is an exciting and rewarding experience that teaches valuable qualities and skills that help you in both your professional and personal lives. It also looks great on your resume since employers look for paralegals who have leadership experience and skills.

## 6. Adopt a Healthier Lifestyle

This is a good resolution for anyone to adopt. Exercising, eating a healthy diet and getting plenty of rest are things that we should all strive to do in 2015. Consider joining a gym, enrolling in exercise classes or taking a healthy cooking class. Investing in your health is even more important than investing in your career.

## 7. Invest in Your Retirement

If you are not contributing to a retirement account, make retirement planning a priority in 2015. Planning for your future is important. Take advantage of your employer's retirement benefits. If your employer does not offer retirement benefits, meet with a financial planner. At the very least, open an Individual Retirement Account and contribute part of each paycheck to your IRA.

## 8. Find a New Job

If you are unhappy in your current position, make 2015 the year that you find a new job. There are many opportunities for paralegals in the workforce other than at a law firm. Banks, commercial companies and education institutions are just a few examples of employers that use paralegals in various roles. If you are unsure where to begin, start with your local and national paralegal association. They have many resources for those searching for paralegal jobs. Here's some pointers I wrote previously on polishing up your resume!



(Continued on page 12)

(Continued from page 11)

### 9. Increase Networking

In many cases, we never think of the importance of networking until we are job hunting. However, networking is beneficial in many other ways. Having a strong network provides you with resources when you have questions with a case. You can use your network to find solutions to problems. Make it a priority to attend paralegal functions and reach out to others during 2015 to expand and build your network. Technology (i.e. social media, texting, email, etc.) makes it very easy to stay in touch with those in your network as well as meet new people to add to your network. Consider joining LinkedIn this year – it is a great way to build your network. In a previous post, I gave 5 Networking Tips for Paralegals...be sure to check it if you'd like more details.

### 10. Have a Positive Attitude

It is easy to become negative and cynical when you are working in the legal field, especially if you are dealing with sensitive and emotional issues. Make 2015 more positive

by replacing negative thoughts with positive affirmations. We all slip into a negative frame of mind some days – the key is to force ourselves to look for something positive to concentrate on rather than wallowing in a negative muck.

### Bonus Resolution!

Subscribe to this blog for frequent tips and pointers tailored to paralegals, covering topics such as your career, technology, lessons learned, and more! icon smile Top 10 New Years Resolutions for Paralegals

Good luck in 2015! We hope that the New Year brings you many opportunities and much success. ☺

### ABOUT THE AUTHOR

Tonya Pierce is a paralegal with over 24 years experience in several areas of the legal field (17 years as a bankruptcy paralegal and trustee paralegal). She regularly writes advice columns for AgileLaw, the industry leading provider of paperless depositions.

## TREASURER'S REPORT: March 2015

By Marcia McClain, CAPA Treasurer

**THE** 2014 Financial Records were reviewed by Sara Lutz of SDPA and Michelle Pfeiffer of ICAP and monitored by the EC on Jan. 10, 2015.

All reimbursement requests and checks were present. There were several invoices from Citrix (gotomeeting) missing - Board Advisor, Trudy McQuiddy will work with Marcia to obtain the statements for presentation at the June Board Meeting - or mail them to Marcia prior to then.

The actual original statements from Bank of America were missing for September, November, and December. Marcia obtained copies of the statements online. Marcia was able to reconcile all of 2014. It took a great deal of time, as there were several outstanding affiliate dues not paid for 2014 and these amounts had to be calculated correctly based on the information provided in Certifications for 2014. Marcia went back and reviewed Certifications for all Affiliates back to 2010 to resolve any discrepancies with affiliates having varying dues payment dates/fiscal calendars different than CAPA. From what I am able to ascertain, there is no need to have different dues payment dates for any of the affiliates. From as far back as 2010, all affiliates have paid according to the same schedule (First payment Feb, 2nd payment June, 3rd payment Nov.). I have reconciled all affiliate dues and outstanding lunches/board meeting room reim-

bursments, etc. to date- including closing out 2014 and invoicing for Feb 2015. I have reached out and obtained all contact info for all Primaries, Secondaries and Treasurers of all affiliates. I will be sending them their updated Invoices after the next Executive Committee Meeting. I anticipate some questions, and I am prepared to address each affiliate and work together to make sure we agree on the figures presented, including how I came up with the totals if there are questions about those. The accounting for the remainder of the year should not be so time consuming now that I have caught up to this point. **In June affiliates will only be paying dues for the number of new voting and student members they've added since February's reporting.** I plan to have a training at the June Board meeting for all Primary and Secondary Reps of each affiliate. In that training I will go over how to complete Certifications correctly and how to calculate the dues correctly as well as answer any questions they may have.

I will be working on entering all the expenses into QuickBooks now. I could not start this process until I got a handle on finalizing 2014. I ordered new checks and should have enough to carry us through 2015 and into 2016. I have a number of deposits to make and will do this as soon as I am finished entering all expenses to date so that I can report a more accurate balance.

Until then, CAPA's funds remain strong. ☺

See your career and leadership opportunities

blossom



NFPA Joint Conference  
Standard Insurance Center  
Portland, Oregon  
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May 1–3, 2015

Register now at [www.paralegals.org](http://www.paralegals.org)



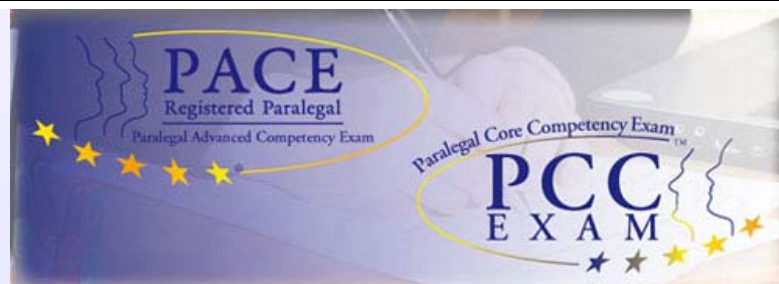
Hosted by the Oregon Paralegal Association

The National Federation of Paralegal Associations (NFPA®) and the Advanced Paralegal Institute (API, a.k.a. Advanced Institute for Paralegal Studies or AIPS) are pleased to offer an online review course for the Paralegal Advanced Competency Exam (PACE®).

The course runs for seven weeks, plus a brief pre-course orientation to familiarize students with the software used by API. API courses are taught through computer-mediated distance learning. Students may communicate with instructors or classmates around the clock from their home or office computer.

The review course will help paralegals prepare to take PACE by covering the five domains: administration of client legal matters, development of client legal matters, factual and legal research, factual and legal writing, and office administration. Ethics questions are found in each domain. The textbook will be the PACE Study Manual and a mock PACE exam will be administered at the conclusion of the course.

**Start Dates: January 12, 2015; February 16; March 16; April 20; June 1; July 13; August 17; September 14; October 12; and November 16**



Additional courses may be added if sufficient interest is expressed.

Tuition for the PACE Review Course is \$395. Please note there is no refund once the course begins. If you wish to withdraw or drop the class after it begins, you may take it again within one year at 1/2 the current tuition cost. The PACE Study Manual must be purchased by the student prior to the start of the class.

Registration for this Review Course does not automatically register you to take PACE. You must submit a separate application to take PACE.

Questions? Contact Renee Sova, the Director of the Advanced Paralegal Institute by phone at 678-777-9655, via fax at 1-419-791-7802 or via e-mail at [renee.сова@advancedparalegalinstitute.com](mailto:renee.сова@advancedparalegalinstitute.com).

## NFPA's Joint Conference

NFPA would like to invite you to attend NFPA's Joint Conference on May 1-3, 2015, in Portland, Oregon. This year's conference is hosted by The Oregon Paralegal Association.

NFPA Members can learn and network at the Regulation, Certification, and Leadership Conferences. Non-members may attend the Regulation Conference on May 1st. We have lots of exciting new topics and speakers in store for you, along with two terrific networking events on Friday and Saturday night.

### Friday, May 1 – Regulation Conference

Regulation updates, The Legal Technician concept, Washington's LLLT Program and Developing a Regulation Program are the main topics that will be discussed at this year's regulation conference. The west coast is on the forefront of legal technician legislation and this conference will bring paralegals from across the country to learn how to begin a program in their area.

### Saturday, May 2 – Certification Conference

NFPA is very excited about the valuable day of sessions they're putting together for the 2015 Certification Conference. There will be new topics, new speakers, and fresh ideas for attendees. Whether you're a Certification Ambassador yourself or someone interested in taking the PACE or PCCE exam, there will be information you need! Are you a brand new Certification Ambassador wondering how to be the best ambassador possible? They've got a session for that! Are you wishing you had a good plan to put together an effective PACE® or PCCE™ study group? They've got a session for that, too. They'll combine new information with refreshers on the basics to make this one Certification Conference you won't want to miss!

### Sunday, May 3 – Leadership Conference

Teamwork, open communication, working smart, assessing the needs of your Association Board, and having ethical conversations about race are some of the topics that will be presented at the 2015 NFPA Leadership Conference by NFPA Board members and 3 non-NFPA speakers. You don't want to miss this exciting line-up of speakers and diversity of topics to strengthen and re-tool your leadership skills to benefit your local association.

Each conference is \$35 for NFPA Members. Non-members may attend the Regulation conference for \$75. Information about the conference agendas and social events can be found at [www.paralegals.org](http://www.paralegals.org). Register today!



### Portland Fun

May is a wonderful time in Portland. There are a variety of events, festivals, and other activities to entertain visitors. The weather in May averages a mild 67 degrees.

It's easy to find limitless recreation, transportation, fabulous food and drink, and a flourishing local culture. With no sales tax, Portland is a haven for shoppers. You will find a variety of retailers large and small, international and indie, within easy reach of downtown hotels. Be sure to give yourself plenty of time to visit our great city and state. We look forward to seeing you in May for the Joint Conference!

# BLACK + WHITE = GRAY, a Lesson in Ethics

By: Nancy L. Woods, American Bar Association Certificated Paralegal,  
President/CAPA Primary of the Sequoia Paralegal Association

**E**thics seem cut and dry, very black and white when you're sitting in a classroom of a paralegal program. It's only after you find yourself embroiled in real life situations that ethics become more complicated. In your role as a paralegal one can find their self in the same place as one would in real life... in a fog of uncertainty. The trick is to remember that black and white make gray. This article is meant to assist you in recognizing situations and responding as our profession would dictate.

We all have that "little voice" that tells us something is not appropriate. We all appreciate that "wait a minute" feeling. It's often been said "if it looks like a duck, walks like a duck, quacks like a duck...it's a duck." But sometimes the situations we find ourselves in as paralegals are not as clear as the duck analogy. This is where we should think before making the next move.

When we become paralegals we all learn the same paralegal ethical trilogy:

- ⇒ We cannot enter into an attorney/client relationship with client;
- ⇒ We cannot represent clients in court; and
- ⇒ We cannot give legal advice.

But what about the other cannots? What do you do when you face the other paralegal "grays?"

While paralegals can be used by attorneys to render more cost effective representation to clients, paralegals cannot take the place of or responsibilities of an attorney. All bad attorney jokes aside, ethics and professionalism are an integral part of the legal profession. Ethics and professionalism go hand in hand. While components of our profession are the law, legal research, writing, trials, etc., ethics and professionalism are at the very core of our profession. Without ethics and professionalism, the practice of law for attorneys and paralegals is like Dodge City without a Sheriff.

As paralegals we are charged with maintaining a high standard of professional conduct. We are to refrain from engaging in any conduct that offends the dignity and decorum of the proceedings before a court or other adjudicatory body. We must be respectful of all rules and procedures; avoid impropriety and the appearance of impropriety; steer clear of engaging in any conduct that

would adversely affect our fitness to practice; not engage in violence; be honest; not interfere with the administration of justice; refrain from abuse of our professional position or participate in the abuse of a public office; serve the public interest by contributing to the improvement of the legal system and delivery of quality legal services; and be sensitive to the legal needs of the public. Along with our attorney supervisors, we are tasked with supporting the efforts to improve the legal system and access thereto.

Because clients are less intimidated by paralegals they tend to be more comfortable with us than with attorneys. We cannot agree to their requests to "keep this between you and me" when sensitive issues and information arise.

Other ethical considerations we must constantly adhere to are: not engaging in the use of confidential information to the disadvantage of the client; keeping those individuals responsible for the legal representation of a client fully informed of any confidential information the paralegal may have pertaining to that client; avoiding conflicts of interest and disclosure of any possible conflict to the attorney who will then advise the client. This disclosure includes advising a potential employer. It is a paralegal's duty to act within the bounds of the law, solely for the benefit of the client. We must be free of compromising influences and loyalties.

While we cannot disburse legal advice, not everything we know is legal advice. You can communicate an attorney's legal advice to a client so long as you do not interpret or expand on that advice. But there is a fine line that paralegals can get lost in. To avoid errors paralegals must constantly ask: Is the question requesting legal advice or common sense? Is the question legal advice or a court procedure? Is the question legal advice or how the last 500 cases just like this one have gone? It is the answer to those types of questions that can trip a paralegal.

Consider the following ethical dilemmas and ask yourself how you should respond:

- (1) It's Friday afternoon (it's always Friday afternoon), the attorney is out of the office, and you are holding a pleading that has to be filed. Do you sign the attorney's

*(Continued on page 16)*

name and file it?

(2) Its Friday afternoon, the attorney is out of the office, the client has a question that has to be answered. You've been a paralegal 10 years; you know the answer. Do you tell the client the answer?

(3) Your attorney shows you a document the client signed that has to be notarized. The attorney saw the client sign it. Your attorney asks: can't you just notarize it for me? If you don't, what will the attorney think? Will he/she think you're not a team player; Will the attorney fire you because you wouldn't notarize it; will the attorney think you don't trust him/her?

(4) You're working on a family law case, representing the husband. Its another Friday afternoon scenario and despite the fact that wife has an attorney, she calls your office to say husband is telling her he is not going to turn the kids over at 6:00 p.m. per the Court's orders. Wife is upset because its her birthday and he's keeping the kids. Do you talk to wife?

(5) You got busy and forgot to log all of your billing. Efforts to recreate your time are unsuccessful because you can't remember everything you worked on. What do you do about your billing? Do you guess and charge accounts you "think" you

worked on?

(6) The attorney practices family law, bankruptcy and several other areas of law. The attorney was held up in court and didn't make the initial appointment in a bankruptcy case. You prepare all of the bankruptcy forms, but your attorney starts a 2 week trial and doesn't review the documents but tells you "go ahead and file them."

In these situations you can waffle.....you can hesitate.....you can buckle, or you don't. In any event, you shouldn't be placed in any of these positions or a billion other unethical situations, but it happens every day, every where, in every office. Its how you respond with the dilemma that will say what kind of paralegal you are.

A paralegal should use caution so they never make impromptu decisions that can only be made by an attorney. A paralegal should take steps so it doesn't look like they are establishing the attorney-client relationship. This doesn't mean a paralegal can't refer clients to the attorney. A paralegal should not take responsibility for establishing the amount of fee to be charged for legal services. A paralegal should not take responsibility for a legal opinion rendered to a client.

Although an attorney may delegate tasks to a paralegal, the attorney

must always assume ultimate responsibility for the delegated task and exercise independent professional judgment with respect to all aspects of representation of a client. The attorney must maintain a direct relationship with the client. Attorneys should be monitoring the progress of any project a paralegal works on. They should review the final product. If this is not occurring, speak to your attorney about the situation.

A paralegal is not relieved from their independent obligation to refrain from illegal conduct and to work directly under an attorney's supervision just because an attorney fails to fulfill his/her responsibilities. I don't know, I'm sorry and ignorance are not legitimate excuses.

Paralegals must follow the same code of ethics as attorneys. We have a personal and professional obligation to become familiar with the Code of Ethics that apply to us as paralegals. CAPA has an outstanding Code of Ethics to follow as do the California and American Bar Associations. The bottom line is no matter what is asked of you, don't do anything unethical! We all know it takes years to build a reputation and moments to destroy a good one. As stated by a gentleman named Tom Peters: "There's no such thing as a minor lapse in integrity." ❧

## CAPA AFFILIATE ASSOCIATIONS



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# FIXING B&P §6450

By: Shafiq Spanos, Paralegal, REAP CAPA Primary



**W**e all know that Business and Professions Code, section 6450 et seq. (“6540”) is flawed. There are ambiguities and other issues that need to be addressed and corrected. At the CAPA board meeting in February, we set six goals for the year. One of those goals is to produce a white paper on 6450 and work on getting those changes enacted. The task was given to the Legislative Committee. During our break-out committee meetings, we met and discussed 6450, among other issues, and identified a number of suggested corrections and revisions to the law. This is my take on what we discussed.

## WHERE TO TURN

One source of guidance is the State Bar, which in the course of creating and running the MCLE program, has encountered a number of similar issues and has comparable rules upon which we can draw to draft suggested changes to 6450. The difference, of course, is that regulation of paralegals is codified whereas the State Bar rules are put forth under the authority of the California Supreme Court and Business and Professions Code, section 6070. Section 6070 authorized the Supreme Court to give the State Bar the authority to regulate continuing education for attorneys. The Bar is allowed to adopt and change rules to enforce this mandate without requiring changes in the code. In order to enact any changes for paralegals, it will require an act of the state legislature.

## ENACTING CHANGES

This may not be as daunting as it might seem. The various committees of the legislature, by law, every year or two enact omnibus bills to “maintain the codes” and “to effectuate the recommendations by the Legislative Counsel” which address non-controversial changes or amendments to prior bills, often clarifying language. While the Judiciary Committee does not propose such a bill annually, it is the easiest avenue through which to approach making the needed changes in the code section. The CAPA Legislative Committee will explore this approach and if this should not prove to be a viable venue, then we will identify legislators and/or lobbyists to assist in passing the requisite changes.

## CHANGES: DEFINING THE MCLE COMPLIANCE PERIOD

Probably the most glaring correction is the need to define the two-year reporting period for MCLE clearly. The

law currently reads “Every two years, commencing January 1, 2007, any person that is working as a paralegal shall be required to certify completion...” What is unclear here is exactly how to calculate the two year period. What would seem to make sense is that it begins when a paralegal receives their certificate and runs for the next two years. But this is not so. Looking at the legislative history, it becomes clear that the legislature intended that it be a standardized two year period (similar to the State Bar rules for attorney MCLE) that begins on January 1 of the odd years and ends December 31 of the even years. Hence the first reporting period would have been January 1, 2007 through December 31, 2008.

I also found an interesting piece of language in an Invitation to Comment (W10-07) regarding the California Rules of Court. This was an invitation to comment on the amendment to the Rules of Court Rule 7.703 in the Probate Division regarding paralegals. The Invitation refers to 6450(d) and paraphrases it as “during every two year period beginning January 1, 2007,” another indication that this was the intent of the law and a much clearer statement of the intent. Language needs to be inserted into the Code to clarify this. Perhaps drawing directly from this Invitation and restating the code as “During every two year period commencing January 1, 2007, ...” with perhaps additional language “This two year period will begin on January 1 of odd numbered years and conclude on December 31 of even numbered years.”

As an interesting side note, the definition of MCLE is referred to in different places as either Mandatory Continuing Legal Education (as stated in 6450) or Minimum Continuing Legal Education (on the State Bar website).

## ONE PROBLEM SOLVED, BUT CREATING MORE

While that solves the initial problem, it leads to several other issues. What happens regarding MCLE when a paralegal receives their certificate? Do they need to complete their MCLE classes by the end of the current, standardized, reporting period? This would be very problematical for anyone graduating in the fall of an even year requiring completion of all eight hours of MCLE before the end of the year, which would be extremely difficult, especially for gathering the ethics credits. Turning again to the State Bar rules, attorneys are only required to obtain MCLE hours on a pro-rata basis for the time since they graduated, and there is no requirement for

*(Continued on page 18)*

MCLE with an attorney on active status for fewer than four months. Paralegals should have similar language in 6450 to clarify this and to permit a pro-rated requirement for new graduates.

Another issue is what happens if a paralegal did not complete enough MCLE for a particular compliance period? Looking to the State Bar rules, basically an attorney is not eligible to practice until MCLE requirements are completed. They are allowed to resume practice once they certify that they have completed the required MCLE (and paid fees) to the Bar. Attorneys are allowed “good cause” extensions to complete MCLE requirements but these are decided on a case by case basis and require a special application. However, if the attorney can complete the MCLE requirements by June 30 of the reporting year, they do not have to apply for an extension but do have to pay a late fee. Similar language needs to be inserted into 6450 allowing a non-compliant paralegal time during the current reporting period to complete the necessary classes and become compliant. A reminder: the MCLE reporting period makes one compliant for the following two year period. A paralegal who obtains MCLE in this fashion to become compliant in the current cycle should not be able to use those same credits for the current cycle for compliance in the following two year period. Perhaps something along the lines of:

“Any paralegal who is not compliant based on the prior reporting period may become compliant by completing the requisite number of missing hours of MCLE credit. The paralegal will have six (6) months in which to complete these missing credits and shall still be considered compliant with the law during those six (6) months. MCLE obtained after the reporting period to become compliant for that reporting period may not be used for compliance in the current reporting period in which the MCLE classes were taken.”

This would also address the issue of a paralegal who was not actively working for some reason and did not keep up with the MCLE requirements (although in my personal view, the requirements are not that onerous that one shouldn't be able to keep up with them).

#### **CHANGES: WORKING AS A PARALEGAL**

Other than these issues that arise from the clarification of the two year reporting cycle, another issue that was raised is that, as the code reads, in order to be a paralegal you have to be contracted with or employed by a legal professional. Subsection (a) of 6450 reads thus (*italics added*):

“(a) “Paralegal” means a person who holds himself or herself out to be a paralegal, who is qualified ..., who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantial legal work under the direction and supervision of an active member of the State Bar of California, as defined in Section 6060, or an attorney practicing law in the federal courts of this state, that has been specifically delegated by the attorney to him or her.”

On the surface, this is reasonable. The intent of the law is clearly, in all sections referring to paralegals, that a paralegal must be supervised by an attorney or other qualified legal professional. As the law is written, however, unless you are actually contracted with or working for an attorney, you are not a paralegal. While this may seem like splitting hairs, it would mean, for example, that if you were a contract paralegal between contracts, you were not actually a paralegal at that time. Interestingly enough, however, there is ambiguity in the following code sections. Business and Professions Code, section 6452, says that anyone who comports to the requirements of section 6450(c) (the educational requirements) may call themselves a paralegal on a business card or letterhead. From that, the intent of the law is merely to have paralegals supervised, not to require them to be working or contracted to work.

This phrase is not necessary in this section of the code because section 6451 states explicitly that a paralegal must have legal supervision and can provide services to a consumer under guidance or as allowed by law or regulation. That whole phrase should just be stricken from the code or, if necessary, be replaced by “and who adheres to section 6452” which says the same thing, requiring supervision, but removes the problematic language.

One further reason for clarifying or deleting this language is that the CAPA bylaws (and perhaps the bylaws of some of the member associations) require “Each Primary and Secondary Representative of a Voting Member shall be a paralegal as defined in B&P Code section 6450 et seq.” (Current version of the CAPA bylaws, currently under revision.) Thus, if a director is a contract paralegal or currently unemployed, according to 6450 they are technically not a paralegal and hence unable to serve on the board.

Thus far, we have identified the clarification of the two year reporting period, the clarification of when paralegals need to obtain their MCLE credits and what to do when the paralegal is out of compliance because of the lack of proper MCLE, the need for a pro-rata system of MCLE requirements that mimics the State Bar, and changing the wording to remove the requirement that a paralegal be working as goals for CAPA to pursue this year. The Legislative Committee will work on moving these issues forward this year. This review is my personal take on what needs to be done, based on preliminary discussions, and not the work of the committee itself. ↩

I invite any comments or suggestions of further changes or issues regarding 6450. You can reach me at [reap1@caparalegal.org](mailto:reap1@caparalegal.org).

The Legislative Committee this year is chaired by Sara Lutz, CP (San Diego Paralegal Association) and consists of Christopher Zavrel (San Francisco Paralegal Association), Matthew Sagum (Central Coast Paralegal Association), Nancy Woods (Sequoia Paralegal Association), and Shafiq Spanos (Redwood Empire Association of Paralegals). We are working with attorneys Kevin Murphy, Esq. of Murphy Jones LLP, and Lisa Holder, Esq. of Klein DeNatale Goldner to assist in this process.

# SAVE the DATE

The Ventura County Paralegal Association

## *Nineteenth Annual Wine and Beer Tasting & Silent Auction/Live Auction*

On Thursday, May 7, 2015, 6:00 p.m. to 8:00 p.m. at Sterling Hills Golf Club

901 Sterling Hills Drive, Camarillo

Tickets are \$35 Advance Purchase/\$45 at the door.

Each ticket purchased includes a commemorative wine glass, beer pilsner and hors d'oeuvres. Many unique items and valuable services have been donated by local businesses for the Silent/Live Auction.

A portion of the proceeds from this event will benefit the VCBA's Volunteer Lawyers Services Program. The primary purpose of this program is for attorneys to volunteer legal services to individuals who cannot afford legal representation. Also, a portion of the proceeds from this event will fund VCPA's Scholarship Program. VCPA offers one Student Scholarship and one Advanced Paralegal Certification Examination Scholarship (CLA/CP or CAS).

If you have any questions, would like to become a **Sponsor** (\$175.00) or if you'd like to be a **Contributor** (donate an auction item), please e-mail Heather Lindquist at [VCPA.WineTasting@gmail.com](mailto:VCPA.WineTasting@gmail.com) or call (805) 445-9751.

Please complete and return this portion with a check made payable to VCPA – Wine Tasting and return to P.O. Box 24229, Ventura, CA 93002. Envelopes must be postmarked by **April 24, 2015** to ensure receipt. If you have any questions, would like to be a Sponsor or donate an auction item, please e-mail Heather Lindquist at [VCPA.WineTasting@gmail.com](mailto:VCPA.WineTasting@gmail.com)

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Sara M. Lutz, CP - VP Policy;  
Makala E. Reha, ACP - VP Admin;  
Marcia McClain - Treasurer;  
Jacqueline James, J.D. - Secretary;



**CAPA Board & Representative (L to R):** SDPA: Julie Schwartz, Sara Lutz, CP, Kristine Custodio, ACP; ICAP: Jacqueline James, J.D.; REAP: Trudy McQuiddy; SPA: Nancy Woods, \_; KCAP: Makala Reha, ACP, Bobbie Miller, ACP; SFPA: Christopher Zavrel; FPA: \_\_, \_\_; PASCCO: \_\_; VCPA: \_\_, Danish Kazi; CCPA: \_\_\_\_; REAP: Shafiq Spanos; SVPA: Marcia McClain

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**Fresno Paralegal Association (FPA)**  
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**Inland Counties Association of Paralegals (ICAP)**  
Post Office Box 143  
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**Kern County Paralegal Association (KCPA)**  
P.O. Box 2673  
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**Paralegal Association of Santa Clara County (PASCCO)**  
1275 Franklin Mall, PMB 192  
Santa Clara, CA 95050  
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**Redwood Empire Association of Paralegals (REAP)**

**Ventura County Paralegal Association (VCPA)**  
Post Office Box 24229  
Ventura, California 93002  
[WWW.VCPARALEGAL.ORG](http://WWW.VCPARALEGAL.ORG)

Post Office Box 143  
Santa Rosa, California 95402  
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**Sacramento Valley Paralegal Association (SVPA)**  
Post Office Box 453  
Sacramento, California 95812-0453  
[WWW.SVPA.ORG](http://WWW.SVPA.ORG)

**San Diego Paralegal Association (SDPA)**  
501 W. Broadway, Ste. A-220  
San Diego, California 92101  
[WWW.SDPARALEGALS.ORG](http://WWW.SDPARALEGALS.ORG)

**San Francisco Paralegal Association (SFPA)**  
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# CREDIT DAMAGE IT REALLY CAN BE MEASURED FOR FAIRER CASE VALUE

by Georg Finder, Credit Damage Expert Plaintiff and Defense



**D**amages to credit-worthiness due to a third party are now a measurable and compensable form of "special" injury. This financial damage can be quantified with the Credit Damage Measurement (CDM) Report developed by an expert witness on credit damage prepared by an Independent Credit Evaluator (ICE). This expertise is different from that of an economist, banker, lender/broker, or accountant. "All of us have had clients who said their credit is ruined," says litigator Thomas George Key who has used this service, "With an expert who has a method of liquidating the damages, it is no longer speculative."

Damages to creditworthiness alone can often reach six figures on what may otherwise be a small claim. Credit damage has proven collectable in several cases even where credit was the only damage. Credit damage measurement does NOT require that the client have perfect credit prior to the damage. All that is required is for there to be a measurable loss of capacity, or increased out of pocket costs, or loss of expectancy. In many cases, two of the types of damages may be compensated.

Credit damage compensation can yield some significant benefits:

2006 - Reputation Damage (Plaintiff Service) due to Defendants failure to file Satisfaction of Judgment- San Bernardino County (CA) Superior Court - Appeal in Action Court found in favor of Plaintiff in the amount of \$172,000.00 regarding increased out-of-pocket damages.

2005 – Fraud / Identity Theft - (Plaintiff service) – Orange County Superior Court loss of assets and increased

out of pocket costs of \$42,000 + \$70,000 in damages. 2004 - Fraud - Debt Collection - (Plaintiff service) action resulted in an \$870,000 verdict in favor of Plaintiff in Orange County Superior Court that started with a \$4,000 disputed bill.

2004 – Credit Report Remarks - (Defense service) credit damage claim reduced to zero in San Francisco Superior Court, based on the credit damage measurement report that established that the basis of credit denial and claimed damage was self inflicted by the plaintiff.

2003 - Privacy Violation - (Plaintiff service) case resulting in a \$930,000 ruling in favor of the plaintiff against Home Depot, shows the growing importance of credit reputation in our daily lives. The ruling was upheld in 2005 published Court of Appeals decision.

2002 - Breach of Contract – (Defense service) a \$200,000 credit damage claim against a realtor in a breach of contract case, was successfully defended in Orange County Superior Court, reducing the award to \$22,000.

2001 - Credit Report Misreporting – (Plaintiff service) real estate investor received \$142,000.00 settlement for misreporting of a 90 day late mortgage payment, plus correction of the credit report.

2001 - Fraud / identity theft (Plaintiff), Orange County Superior Court ruled in favor of Plaintiff: \$40,000 settlement offer increased to \$170,000 bench ruling.

The first expert witness testimony in 1995 caused a

*(Continued on page 24)*

\$33,000.00 award instead of a \$6500.00 settlement due to real estate fraud based on the testimony of the expert witness, an Independent Credit Evaluator(ICE). Credit damage was recognized by the courts as early as 1912 in Missouri in Bell v May Co.

There is a powerful effect to having an established credit damage expert provide a damage measurement report for court or arbitration. The compensation for damages is often more fair to all parties because the damage claim is based on a measurement, not on speculation or a guess. A properly crafter credit damage measurement report is useful in guiding a judge or a jury in arriving at a 'fair' compensation dollar value.

Improved awareness has led to in-

creased inclusion of credit damage as a compensable damage in a variety of cases. Victims of credit damage can specify this measured damage under general damages or a special damages for a fairer compensation demand value for fraud cases, creditor negligence cases, Fair Debt Collection Practices violations cases, breach of contract or bad faith cases, wrongful dismissal cases, major personal injury/medical malpractice, divorcing couples, and other causes of civil action.

Credit damage measurement is a unique area of expertise, requiring a specialist. Economists are not trained for this, neither is a Certified Public Accountant, bankers rarely are qualified – but loan underwriters often are suitable for only one aspect of the many aspects of credit damage.

Overlooking credit damage can be a

missed opportunity for lawyers, who in a few minutes can understand the theory and its' practical application. According to attorney Key, "Credit damages have been mentioned in appellate cases and awards given over speculative objections. Loss of creditworthiness can be quantified to a number. As attorneys, we have an obligation to present these damages."

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## ACCREDITED

### Certified Paralegal Program Receives Accreditation from the National Commission for Certifying Agencies (NCCA)

On April 30, 2014, The National Commission for Certifying Agencies (NCCA) granted accreditation to the NALA Certified Paralegal program for demonstrating compliance with the NCCA Standards for the Accreditation of Certification Programs.

NCCA is the accrediting body of the Institute for Credentialing Excellence. The NCCA Standards were created to ensure certification programs adhere to modern standards of practice for the certification industry.

The NALA Certified Paralegal program joins an elite group of more than 120 organizations representing over 270 certification programs that have received and maintained NCCA accreditation.

More information on the NCCA is available online at [www.credentialingexcellence.org/NCCA](http://www.credentialingexcellence.org/NCCA).

Information describing the Certified Paralegal program is available at [www.nala.org/certification.aspx](http://www.nala.org/certification.aspx).



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# February Board Meeting

Reported By: Jacqueline James, JD, CAPA Secretary

CAPA's 2015 Board Meeting was held on February 7th and 8th 2015 in Sonoma County, CA. At the February 7, 2015 meeting the 2015 Officers were introduced as follows:

- Kristine M. Custodio, ACP, President
- Sara M. Lutz, CP, VP Policy
- Makala E. Reha, ACP, VP Admin
- Marcia McLain, Treasurer
- Jacqueline James, JD, Secretary
- Trudy McQuiddy, CP, Board Advisor

CAPA bylaws and policies will be reviewed by Civitas Advisors at a reasonable rate.

CAPA will continue to discuss and monitor the status of the Limited Licensed Legal Technician (LLLT). Thus, CAPA elected two CAPA Liaisons to represent its interests and attend the California State Bar Board of Trustee meetings, which are alternatively held in Los Angeles or San Francisco; namely, Nancy Woods, SPA and Mathew Sagum, CCPA.

CAPA continues to monitor and represent the interests and educational needs of the California Paralegal profession and has several strategic goals for 2015 as follows:

1. Implementation of CAS General Testing by June 2016;
2. White Paper completed by November 2015;
3. Bylaws and Policy Manual completed by June 2015;
4. Apply for a seat for the Judicial council for small and civil committee by the March 2015 deadline;
5. Have an amendment proposal for the changes in the Civil and Family rules of court section mirror the Probate Rules of court 7.703 by November 2015.
6. Determine the feasibility of an MCLE electronic repository by November 2015 for the June 2016 conference.

Please remember that Amazon online shoppers are still able to access their Amazon accounts on CAPA's website. Just go to [www.caparalegal.org](http://www.caparalegal.org) scroll down the front page and click onto the Amazon link. When you make your Amazon purchases through the CAPA website, Amazon.com will return a percentage of the purchase price to the California Alliance of Paralegal Associations to further its work in helping paralegals enhance their careers.

In closing, if you are looking to give back to the paralegal profession or to utilize your professional paralegal skills, consider joining your local paralegal association and also becoming involved in CAPA. ♡

## ... CAPA OUT & ABOUT ...



L-R: Sara Lutz, Michele Pfeiffer, Jacqueline James, Trudy McQuiddy, Kristine Custodio



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# California State Bar Meeting - CAPA Update

Reported By Nancy Woods, CAPA State Bar Liaison

The January 23-24, 2015 Board of Trustees meeting was held in Sonoma, CA. This was the Bar Association's strategic planning and work session led by VP Heather Rosing. Those in attendance were the officers, the Trustees, and State Bar staff. The primary focus of the Bar remains protection of the public.

The morning topic was Unregulated Space? An Interplay of Technology, Legal Services, and Access to Justice. The panel consisted of: Charley Moore, Founder of Rocket Lawyer; Dan Pinnington, Lawyers' Professional Indemnity Co.; and Professor Gillian Hadfield, University of So VA Gould School of Law. The discussion consisted primarily of the huge untapped demand for legal help all over the world and how they're being served by sites such as Rocket Lawyer and Legal Zoom. There was much discussion about the Cloud and how it plays in the legal arena. Attorneys are even using these sources. Use of internet sources doesn't stifle innovation. The problems were identified primarily as the differences in jurisdictions, national/international, and state-to-state. Consideration was given as to models in Europe and Canada. Protection of the public was emphasized as well. Technology is replacing a lot of areas traditionally staffed by humans, including handwriting analysis. Rocket Lawyer is being taught in law schools. Technology is also being used in conflict resolution/ADR. Examples: settlement agreements (mediators resolve the dispute then the parties get an agreement on their own); payment dispute resolution (as used by e-bay and Amazon). The panel discussion was that something in our legal system has to change. The problem with IT legal services is there are no jurisdictional lines. How do you protect the public? The State Bar's stated mission is to protect the public (B&P 6001.1). There was discussion about having national regulation of the IT legal providers but you can't



prevent those outside of CA from giving advice to someone in CA; in fact, you can't prevent someone from outside the US from advising someone in CA. There's no malpractice coverage in these situations.

Next the Bar had facilitators/consultants work with them through identifying their top 11 objectives for the year.

There was discussion on categories and assignments for their upcoming year as follows: Regulation of the Profession; Stakeholder Relations; What is the Board's Role in Stewardship of the Agency (Lines of Authority); Board Governance; and Access to Justice and Diversity and Inclusion. After the planning meeting they held their Board of Trustee Meeting which consisted primarily of their budget (how its created, how its funded, how its spent). I was very encouraged by the leadership of President Craig Holden and the commitment I saw from each Trustee.

The next Bar Trustee meetings are March 12-13 in Sacramento, and May 7-8 in San Francisco.

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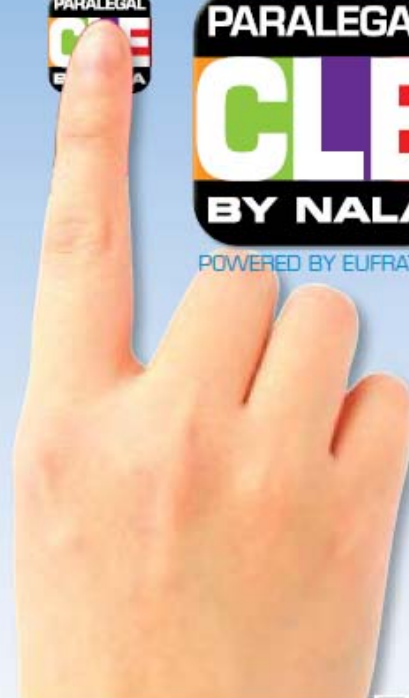
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# CAPA MEMBER BENEFITS

In a never-ending search to provide the greatest benefits, CAPA's Board of Directors is pleased to announce the opportunity to purchase a variety of insurance products including health, dental, vision, auto, home and more for CAPA members! This is a fantastic benefit and let me tell you why...

## I. PUBLICATIONS

1. **CAPA'S RECAP** is a quarterly newsletter. RECAP provides comprehensive informative legal news of interest to paralegals. RECAP has practical articles of interest to paralegals and their career. As a member of CAPA you receive an electronic copy at no charge.

2. **NEWSLETTERS** – CAPA Affiliates each exchange their monthly or bi-monthly newsletters. As a member of CAPA you are able to access each association's newsletter.

3. **PARALEGAL TODAY MAGAZINE** - CAPA provides a discounted rate of \$2 for members when purchasing the magazine *Paralegal Today*. Your subscription to *Paralegal Today* includes both the print edition and the online edition. **Use Promo Code X2CCPA.** To obtain your member discount visit: [www.paralegaltoday.com](http://www.paralegaltoday.com) or call toll free: 1-877-202-5196.

4. **THE CALIFORNIA PARALEGAL** by William P. Statsky and Sharon Sandburg - CAPA members can save 25% on this resource guide. This reference book provides an introduction to the career, Code of Professional Responsibility, unauthorized practice of law, employment rights of paralegals, among other topics of interest to paralegals. CAPA members can order by calling 1-800-347-7707 and reference promo **code FPAR-FEO028.**

5. **CAPA'S GUIDEBOOK ON THE UTILIZATION OF PARALEGALS** is a guidebook to provide members with updates on pending legislation and new cases regarding paralegal fees, usage of paralegals, general job descriptions in various practice areas and more. The guidebook is currently available to members for \$10 plus postage. If you would like to obtain a copy, please contact your CAPA Representatives or Vice President of Administration.

6. **CAPA'S RESOURCE MANUAL** is updated yearly and is a comprehensive listing of known legal service vendors and other useful legal contacts located throughout California

7. **CEB** offers CAPA members a 10% discount on CEB Books and Action Guides, 10% discount on OnLAW (CEB's online legal content), 25% discount on CEB Passports (for CLE programs) and 10% discount on SmartJCFORMS (Judicial Council Forms management app). For more details, go to [www.ceb.com/capa](http://www.ceb.com/capa). **The source code is 6419A.**

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(Continued on page 34)

# CAPA MEMBER BENEFITS CONTINUED

(Continued from page 33)

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**2. LEGISLATION UPDATE**, CAPA's Legislation Committee reviews and reports on pending legislation of interest to paralegals and disseminates and shares reports and information with each affiliate association.

**3. STATE BAR LEVEL REPRESENTATIVES**, CAPA provides representatives at the State Bar level. CAPA members sit as board members for sections of the State Bar of California. These members are promoting the paralegal profession to attorneys and other legal professionals. The members also provide seminars on the value and utilization of paralegals, fee recovery, as well as other topics.

**4. ANNUAL CALIFORNIA STATE BAR CONFERENCE**, This conference is covered by numerous CAPA members who are there representing our profession. The members respond to inquiries from attorneys and other legal professionals, providing attorneys with information on Business & Professions code, and the usage and profitability of paralegals.

**5. INFORMATION POWERHOUSE THROUGH THE ALLIANCE**, As a member of CAPA you have connections with other affiliates throughout California which provides a sharing of information on how they run and improve their organizations. There is an exchange of information on how to put on successful seminars, increase membership, help out your community, provide seminars and advice to association members, vendor referrals, local court information, filing questions, exchange of resources and information, and much more. To learn more, please contact your local association's representatives or contact the CAPA board.

**6. CAPA EVENT DISCOUNTS**, CAPA members receive discounted rates to attend CAPA's Educational Conference and the Bi-Annual Leadership Conference. The conferences provide attendees with quality educational courses given by leaders in their field. The conferences also are a way to provide quality education to smaller associations. Attending the conferences provides leadership mentoring, education and the necessary skills to guide your members' paralegal careers and help build your own local association. ☺

## RECAP ADVERTISING GUIDELINES & RATES

Publication of advertisement does not imply endorsement of the products and/or services offered. Advertising deadline is the 15th of the month prior to publication. See below. Any late or incomplete submissions may not be included in the next issue. All submissions for advertisement are subject to approval by CAPA Executive Committee. Please follow outlined size guidelines and submit all advertisements in .jpg format.

CAPA reserves the right to modify ads that do not adhere to these guidelines and is not responsible for any loss of integrity that results. For advertising inquiries, please contact the RECAP Editor at: [RECAP@caparalegal.org](mailto:RECAP@caparalegal.org)

Size Length	Business Card (2" x 3.5")	1/4 Page (4.25" x 5.5")	1/2 Page (5.5" x 8.5")	Full Page (8.5" x 11")
1 time	\$120	\$200	\$340	\$540
1 year (4x)	\$360	\$600	\$1,020	\$1,620

### DEADLINES FOR SUBMISSIONS TO RECAP

Please note: If your submission is not received by the date indicated, it may not be published in the next issue. (Including advertisements and event announcements)

**SUMMER/JUNE 2015 Issue:**  
May 15, 2015

**FALL/SEPTEMBER 2015 Issue:**  
August 15, 2015

**WINTER/DECEMBER 2015 Issue:**  
November 15, 2015