# The REAP Record

Fall 2010 Newsletter
Redwood Empire Association of Paralegals
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**About REAP**

REAP was established in 1981 under the name Redwood Empire Legal Assistants (RELA) as a professional and educational organization for legal assistants and paralegals.

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**Membership**

Membership Information
Membership Application



## President's Message

By Trudy McQuiddy REAP President

Well, I hope everyone who attended last month's Annual General Meeting enjoyed spelunking with our special guest, Melisa Frick, ACP, President of the California Alliance of Paralegal Associations! Describing her journey from novice paralegal, fumbling along a little lost in a dark cavern, to the present where, with the assistance of fellow paralegal professionals reaching out and shedding light to help her on her path, she enjoys a successful career, Melisa's comments highlighted (pardon the pun) the importance of reaching out to other paralegals for support. CAPA's motto, "strength through alliance" applies as much to the paralegals involved in the local associations as it does to the alliance of the associations that comprise CAPA.

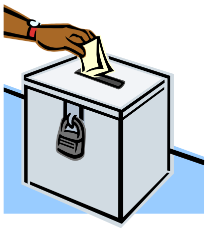
REAP members run the gamut from students and newly minted paralegals to seasoned veterans with experience in many areas of law. If you need assistance in a particular area, reach out to your fellow members. Many are willing to share their expertise or lend an ear to talk about the issues confronting paralegals in today's work environment. If you are working on a matter outside your area of expertise and need advice, feel free to contact one of the mentors listed at the back of this newsletter, or contact me and I will try to find someone to help.

If you need assistance with a court outside of our local jurisdiction, through the friendships and contacts developed as a member of CAPA, we can put you in touch with paralegals around the state to get answers to questions on local rules and procedural issues.

Finally, if you have a particular area of expertise and are willing to share your knowledge with other paralegals, please let me know and we will add your name to our mentor list.

Your suggestions and ideas for REAP events or services are always welcome. Please feel free to get in touch with me either via email or phone.

Thanks for your support!



# Election Results/Board Information

By Trudy McQuiddy REAP President

I would like to extend a big "thank you" to all who returned their proxy votes for the election of board members. The members of the 2011 REAP Board of Directors are:

- Trudy McQuiddy, President
- Grace DeLa Torre, Vice President
- Kim Davis, Secretary
- Ginger Orosoco, Treasurer
- Duane Ledward, CAPA Primary Representative
- Patti Tate, CAPA Secondary Representative

Several people have stepped forward to assist on various REAP committees in 2011, including:

- Jeff DiCello, Newsletter Editor and Membership Chair
- Joni Boucher, Liaison to Sonoma County Bar Association
- Monica Lehre, Student and Education Committee Advisor
- Suzanne Murphy, Co-chair, Education Committee
- Char Mendoza, Co-chair, Education Committee
- Wendy Keeler, Education Committee
- Nicole Rosaschi, Marketing and Public Relations

In addition, Kelly Thistle and Janice Ashley will continue to coordinate the monthly Downtown Paralegal Lunch, held the second Tuesday of each month at a different restaurant, with each attendee paying for his or her own lunch.

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# Coming Soon: Certainty in Calculating CA Hearing-Related Deadlines

**By Julie A. Goren, Esq.**

Effective January 1, 2011, Section 12c will be added to the California Code of Civil Procedure. A result of State Bar-sponsored legislation (AB 2119 (Tran)), Section 12c finally eliminates an ambiguity which has long-plagued those charged with calculating the last day to serve hearing-related documents. All practitioners will need to calendar in accordance with the new section. In jurisdictions where hearing dates are available on short notice, however, practitioners must be particularly careful to avoid a rather dangerous pitfall which could lead to malpractice. This article explains the ambiguity and the Section 12c solution, warns about the pitfall, and suggests ways to avoid its consequences.

**The Ambiguity**

Calculating the last day to serve notice of motion and supporting papers often requires counting a combination of *calendar* days and *court* days. For example, under Section 1005(b) (all references are to the Code of Civil Procedure), if served by hand, notice of motion and supporting papers must be served at least 16 *court* days before the hearing. That period is extended if service is by any other means -- another five *calendar* days for mail service within California, or two *calendar* days for fax service or overnight delivery. Thus, service by mail requires counting a combination of 16 *court* days and five *calendar* days. Section 437c, governing deadlines for motions for summary judgment and summary adjudication, requires 75 *calendar* days' notice, adding two *court* days for fax service and overnight delivery.

Quite often, the result of a deadline calculation will be affected by: (1) the *direction* in which the days are counted (forward from the service date versus backward from the hearing date), and/or (2) the *order* in which the two distinct sets of days are counted (first calendar days, then court days versus first court days, then calendar days). Generally, the calculations will differ when a weekend (consisting of non-court days) immediately precedes the hearing date or immediately follows the service date. Thus, calculations relating to hearings scheduled on Mondays, Tuesdays following Monday holidays, or Fridays will vary depending on the counting method.

This is best explained by example. Assume you have a September 7, 2010, hearing date (a Tuesday following the Labor Day holiday) for a motion to compel discovery responses, which you intend to serve by mail. If you calculate the last day to serve notice by counting backward from the hearing date 16 court days plus five calendar days, you will land on August 6. If you switch the order, and instead count backward from the hearing date five calendar days plus 16 court days, you will land on August 11 -- a five-day difference. If you were to count forward from August 11, 16 court days, and then five calendar days, you would land right on the hearing date; if you counted forward from August 6, 16 court days, and then five calendar days, you would land on the Saturday preceding the hearing. Here lies the ambiguity -- which method of counting is correct, or put another way, what is the last day to serve the notice?

**The Section 12c Solution**

As of January 1, 2011, the correct method will be to count backward from the hearing date the number of days specified in the applicable code, e.g., 16 court days or 75 calendar days, and then to continue counting backward to add the extra days. Section 12c provides:

> *(a) Where any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the day of the hearing as provided by Section 12.*
>
> *(b) Any additional days added to the specified number of days because of a particular method of service shall be computed by counting backward from the day determined in accordance with subdivision (a).*

Section 12c unquestionably brings much-needed certainty to this particular issue. *Once a hearing date is set*, and the moving papers are served by a particular method, it will be easy for the parties and the court to determine whether notice was timely. This method of counting makes sense -- *once a hearing date is set*, it is logical to count backward from the hearing date and to add the extra days at the end. But, what about selecting the hearing date in the first place?

**The Lingering Pitfall**

In some courts, the litigant selects the hearing date (e.g., Los Angeles, San Mateo, Sacramento); in others, the court assigns the hearing date. In either case, the moving party will select, or request that the court assign, *what they believe* is the earliest possible hearing date. How does the moving party determine that date? By counting *forward* from the service date.

For example, assume it is Monday, January 10, 2011, and you have just put the finishing touches on your motion. The only tasks remaining are to select the earliest possible hearing date, add it to your moving papers, and mail them. So, you count forward from January 10, 2011, 16 court days and five calendar days, landing on February 7, 2011. If February 7 is available, you will select it as your hearing date, and mail your papers on January 10, 2011.

Unfortunately, you will not have given sufficient notice. Under Section 12c, moving papers for a Monday, February 7, 2011, hearing would have had to be mailed on or before Friday, January 7, 2011 -- three days before the motion was even ready!

The problem is that the factors necessitating Section 12c still linger. Selecting a hearing date by counting forward from a Monday or a Tuesday service date will always result in inadequate notice under the Section 12c counting methodology when service is by mail. Other methods of service on other days of the week can also be problematic. For example, if you count forward from Thursday, September 15, 2011, to determine the first available hearing date after service by overnight delivery (16 court days plus two calendar days), you would select an October 11, 2011 hearing date. But, if you count backward from October 11, 16 court days plus two calendar days, you would find that service would have had to be made one day earlier, on Wednesday, September 14.

So, how can you avoid this pitfall? Here are a few options:

1. After you count forward to pick a hearing date, always count backward to make sure you have time to serve by the method you selected. If there is insufficient time, move the hearing date out a day or two, and then count backward again to see if that works, adjust again as necessary, etc. Unfortunately, this may be rather time-consuming.

2. In applying the first option, as soon as you discover that you are unable to serve by the method you selected, switch to a method which takes less time, e.g., instead of serving by mail, serve by fax or electronic service (if you have the requisite agreements) or by overnight delivery. But, you still must count backward again to make sure that the alternate service method works.

3. Always build in a safety cushion by moving your hearing date out by a given number of days. But how much is enough? How much is too much? Could an unnecessary delay in obtaining the requested relief adversely affect your client's interests?

4. Avoid the issue entirely by serving motions only by hand. But, this would not only waste money, it would often be impractical or simply impossible.

The best solution does not yet exist, but is hopefully in the works -- an automated rules-based calendaring program with a “Select My Hearing Date” feature. Ideally, the end user would simply need to enter the proposed service date and the source of the deadline (e.g., Section 1005(b) or Section 437c), and the program would instantly generate an *accurate* list identifying the first available hearing date for each service method. The user would then select the hearing date, and serve the papers by the method which ensures adequate notice.

Now that’s certainty.

**About the author**: Julie A. Goren, a Los Angeles attorney, wrote the first edition of *Litigation By The Numbers*® back in 1982, a few years after she had become a self-taught legal secretary. Having searched in vain for a book which would have taken the mystery out of California civil litigation and straightened out the steep learning curve, she decided to fill the need herself.

After self-publishing the first edition, Julie attended **Loyola Law School**, graduating with honors in 1987. She later held associate positions at the law firms of **Gibson, Dunn & Crutcher** and **Buchalter, Nemer, Fields & Younger** in Los Angeles. During this period, West Publishing, and then, Matthew Bender, published her book with the title *California Litigation By The Numbers: The Court Rules Companion.*

# Paralegal Job Forecast: Dreary with a Chance of Improvement


**By Mary A. Leo**

It's no secret that the market is tight for paralegals who are just entering the field. In fact, for many of us, just finding employment is a full-time job. Because of that, I did some research that may shed some light on which sectors of the Paralegal field are more in demand than others.

I spoke with Monica Tobin, Northern California's Regional Vice President for Robert Half Legal. Tobin has noticed a slightly slower market in the North Bay, however, she is seeing smaller to mid-sized law firms requesting more secretarial/paralegal 'hybrids.' “Much of it depends on the size of firm and area of practice...but I am seeing an increased need for paralegals in the fields of family law, insurance defense, estate planning, civil litigation, and employment law.” She also said temporary and temp-to-hire opportunities are a bit more prevalent than permanent positions.

According to Robert Half Legal's hiring index (www.roberthalflegal.us/per), the entire legal field, attorneys, paralegals, clerks, etc., is expected to see a twenty-three percent increase in hiring in the fourth quarter of this year. Of this, twenty-six percent of jobs are anticipated to be in the paralegal field. Charles Volkert, executive director of Robert Half Legal, is quoted as saying that lawyers may be anticipating new business opportunities which are tied to the economy and government regulation.  Bankruptcy and foreclosure, fueled by recession-related filings and corporate restructuring, is the area of law expected to experience the most growth.

Bradford J. DeMeo, an estate attorney and partner at DeMeo DeMeo & West, agrees.  "The areas of bankruptcy and foreclosure law are hot right now, but may subside when the economy recovers...Death is a certainty," he said, "so estate work is steady and will always be there.  It, however, is not as lucrative as trial work and there is a lot of competition for estate work."

Although independent paralegal Jeff DiCello has noticed his workload is about equal to this time last year, he expects his business, which is comprised of approximately 80% criminal defense work and 20% civil litigation, to see a slight increase in billings over last year.

***Writer Mary Leo, a proofreading and editing specialist, is a Sonoma County-based freelance writer.  She holds a bachelor's degree in Broadcasting from Southern Illinois University-Carbondale and has earned a certificate of completion from the highly regarded paralegal program at Sonoma State University.  In addition to writing for REAP, she is a contributing writer for the Sonoma County Bar Association's publication,*** **The Bar Journal*.***

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# Preservation Law in a Nutshell

**By Patricia J. Lawrence-Dietz**

When I was in the final semester of the Sonoma State University Paralegal program my instructor asked all of us:  "In what field of law do you hope to be employed?"  When I replied, "Preservation Law", my fellow classmates met me with blank faces. It occurred to me that to many this is an unfamiliar area. I decided that it might be helpful to describe this little known niche of the law to my associates.

I am passionate about **Historic Preservation**. Having lived on the West Coast, the East Coast, and in the "Old West," I have been lucky enough to walk across the halls and landscapes of America's glorious past. I have walked through Boston's Faneuil Hall, the Old North Church, over the bridge at Concord and the battlefield at Gettysburg.  I have been enchanted by the plantations at Arlington and Mount Vernon and amazed by the factories at Lowell. In the West I have enjoyed our somber Missions, colorful bay-windowed Victorians, dusty gold mines, slumbering ghost towns, and rustic railroad museums. When we preserve historic sites, structures, and buildings we have an actual physical reminder of our past. They each help us understand where we came from, and what was important to our ancestors

The idea of historic preservation in the United States began in the 1800s with a group of ladies who were concerned about the future of **Mount Vernon**. After Washington's death in 1799 the ownership of this plantation passed through a series of relatives who lacked the means to maintain the property. In 1858 the Mount Vernon Ladies' Association of the Union acquired the mansion, rescuing it from a state of disrepair and neglect.  Today it is a National Historic Landmark.

**The Antiquities Act of 1906** was the first law to give the president the power to proclaim national monuments. There was no federal policy for the identification, administration and interpretation of historic sites until the 1930s. In 1933 the Park Service established the **Historic American Buildings Survey** **(HABS)**. This was founded as a make-work program for architects, draftsmen and photographers left jobless by the Great Depression. The first HABS recorders were charged with documenting a representative sampling of America's architectural heritage.

**The Historic Sites Act of 1935** authorized the National Park Service to identify sites of national significance. It provided for a national survey of historic sites and buildings to be used to assist a new advisory board in the selection and administration of historic sites.

In 1960 the Secretary of the Interior began designating selected building and sites as **National Historic Landmarks**.

**The National Historic Preservation Act** was passed in 1966. This act called for programs in all of the states with the idea that a true national survey could only be carried out on the state level under federal guidelines. The act created the National Register of Historic Places, which is a list of National Historic Landmarks, and the State Historic Preservation Offices. Since 1966 the National Historic Preservation Act has been bolstered by the **National Environmental Policy Act** of 1969, the **National Transportation Act** of 1969, and **Executive Order 1159**3 of 1971. Since 1969 the Interior Department has granted more than $275 million to help states survey their historic resources, develop state plans, and aid in the restoration of individual properties.

**The National Historic Preservation Act** provides for the expansion and maintenance of the **National Register of Historic Places**, the nation's official list of districts, sites, buildings, structures, and objects worthy of preservation, overseen by the National Park Service. It also establishes a process, referred to as the **Section 106 Review Process**, which requires federal agencies to consider the effect of their actions on sites listed on, or eligible for listing on, the National Register of Historic Places.

Other important statues governing federal agency actions affecting historic properties include the **National Environmental Policy Act** **(NEPA)** and **Section 4(f)** of the Department of Transportation Act. **NEPA** requires federal agencies to undergo an environmental review process when a major federal action significantly affects the quality of the human environment, which includes historic resources. **Section 4(f)** provides that the Department of Transportation cannot use historic sites unless (1) there is "no prudent and feasible alternative to the project," and (2) the project includes "all possible planning to minimize harm."

Historic Preservation's most important legal precedent is the 1978 United States Supreme Court decision: ***Penn Central Transportation Co. v. the City of New York (1978)*** 438 U.S. 104, 138 [98 S. Ct. 2646, 57 L. Ed. 2nd 631]. This case is significant because it deals with the right of an owner to develop a property versus the right of a city to review and regulate the development of a designated historic property. In this case the owners of the Grand Central Terminal wanted to build a high-rise office tower on top of the station. New York City's Landmarks Preservation Commission refused to allow them to do so. The case went to the New York Court of Appeals where it was ruled that there was no taking. The case went on to the United States Supreme Court. In a six-to-three decision the Court held that New York City's Landmarks Preservation Act did not constitute a "taking" of Penn Central's property under the Fifth Amendment and was a reasonable use of government land-use regulatory power.

At the state level there are a number of significant preservation policies. The most important is the **California Environmental Quality Act (CEQA)** passed in 1970.The **CEQA** statute, California Public Resources Code § 21000 et seq., requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if possible. CEQA applies to discretionary actions of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined as a "project." Most proposals for physical development in California are subject to the provisions of CEQA. To comply with CEQA, a lead agency must prepare an initial study to assess whether a project will have no environmental impacts, less than significant impacts, less than significant impacts if mitigated, or potentially significant impacts. If the lead agency determines the project may have significant environmental impacts, the lead agency must prepare an **Environmental Impact Report**. The CEQA Guidelines explain and interpret this law. They are found in the California Code of Regulations, in Chapter 3 of Title 14. The Guidelines provide objectives, criteria and procedures for the evaluation of projects. Public agencies are entrusted with compliance of CEQA. Enforcement comes from the public through litigation.

California also has a **California Historic Building Code (CHBC)**. The California Historic Building Code is one of the most effective tools for preserving historic buildings in California. The intent of the CHBS is to protect California's architectural heritage by offering an alternative code to address the unique construction problems inherent in historic environments.

Locally, Santa Rosa has recognized the value of its historic resources. Santa Rosa has a **Cultural Heritage Board**, and in 1988 adopted a **Preservation Ordinance.** (←Navigate to Title 17, § 17-22.) The City recognizes most buildings over 50 years old as historic. There are advantages to property owners who have properties designated as landmarks or as part of a preservation district. These advantages include: the California Historic Building Code, Housing Rehabilitation Assistance, Federal Income Tax Credits, Technical Assistance, and Incentives for Adaptive Reuse. The Cultural Heritage Board members collectively have decades of expertise in rehabilitating historic buildings and are available for consultation.

Finally, and sadly, each year the **National Trust for Historic Preservation** highlights threatened sites across the country. This year a structure in California made their list. It is the **Juana Briones House** in Palo Alto. Juana Briones y Tapia de Miranda (1802-1889) was the owner of a 4,400-acre ranch. Her house now stands vacant and is in a deteriorating condition. The current owners of the house applied for a demolition permit in 1998, and again in 2007. The City of Palo Alto finally issued the requested permit, though failed to conduct an environmental review, thus triggering a lawsuit that is currently in the appellate court.

**The Briones' House**

As a California paralegal, it would be critically important to understand the history of preservation law if seeking to be hired by a law firm that advises clients on land use and development. At the very least, a general understanding of CEQA is essential.

Looking at the bigger picture, why should we care about historic preservation? We care about historic preservation because we want to know about earlier times. We care about how our ancestors lived. We want to preserve buildings and sites associated with significant people and events. These physical memories enable us to remember what we value and hold dear, where we came from and what we have achieved so far.

# Johana's Job Search

**By Deborah Cain, Paralegal Student, Empire College**

Johana McGuigan is a recent graduate from the paralegal program at Empire College. She finished last May and it only took her three months to find a job. I emphasize "only" because many people in this current economy have searched longer. She feels she is "one of the lucky ones." I hope this article will give job seekers some hope and advice to help them during these trying times.

Throughout Johana's job search there were many job opportunities. However, many jobs required at least 3-5 years of experience. The only experience she had was classroom experience, volunteer experience with the Family Law Facilitator's Office, and a month's internship in a law office. She applied for these jobs requiring 3-5 years of experience anyway because some employers may not really know what they're looking for until they start the interviewing process. Johana gave it a shot because she had nothing to lose.

To her surprise, she was called in for an interview for a job that required 5-7 years of experience. Even though she did not get the job, the employers liked what they saw in her resume and wanted to meet her. During that interview, it became clear to her that the company was not willing to do any training and that this might not be a good fit.

Even with that experience, she found that there are attorneys who look forward to hiring someone fresh out of school because they, and their staff, are willing to teach and to train individuals to perform tasks the way they want them to be completed. She was fortunate to be hired by one.

Throughout the job search process, she learned to keep a positive attitude. She always reminded herself to stay true to herself and to not convey unrealistic expectations to her future employers because she knew that once she was working in an office, she would need to demonstrate the skills and abilities that were discussed during the interview.

Johana explained that it is important to be who you are and sell yourself to the best of your ability, even if you lack years of experience. You need to show the law firm that you are uniquely suited to the position they are filling.

The following questions were asked in each of Johana's interviews:

- Tell me about yourself.
- What could you bring to the law firm?
- Where do you see yourself in 5-10 years?
- What are your salary requirements?

In preparing for her interviews, Johana asked many different people for advice, such as her professor, the career services director at Empire, colleagues at the Family Law Facilitator's Office, and the lawyer who she worked for during her internship. She practiced her responses by trying to be more creative and by perfecting her wording for each new interview.

There were moments of frustration and she had to regroup. She went through several different versions of her resume. She showed it to different people and made any little change that could make it better. The point was to help her remain diligent and focused on the ultimate goal: getting a job.

Another important aspect in searching for a job is networking. Johana met many attorneys during her internship because the attorney she was interning with recommended that she accompany him to court and take notes on her observations. The attorneys she met may not have remembered her name at first, but they remembered her face.

In fact, it was someone she met who referred her to the attorney she works for today. After spending months sending out resumes and interviewing at different law firms, she received a call from an attorney because a fellow colleague told him she was would be an excellent candidate for the open position at his office. The job was not even posted to the public. Networking was the key.

Lastly, she provided the following tips for individuals who are about to graduate or who are looking for a job:

- Make your mark.
- Sell yourself.
- Learn from your experiences.
- Choose your professional and personal references wisely because your future employers will check them.
- Don't burn your bridges even if, for instance, the opposing attorney's legal secretary does not treat you with respect.
- Be patient.
- Always, always research the firm, in-depth, before your interview. Be aware of its history and know who the attorneys are, what law they practice, and how they are involved in the community.

Good luck to all who are looking for a job; I hope this success story will provide you with encouragement and determination during your search!


# Membership Report

No new members this quarter.

## *REAP Membership Information*

**1. Voting Member** (dues: $42.00 per year). Voting members are defined as qualified paralegals by education or valid declaration. REAP membership application: Click Here

**2. Associate/Non-Voting Member** (dues: $30.00 per year). Associate/non-voting members are defined as attorneys or paralegal educators.

**3. Student Member/Non-Voting Member** (dues: $20.00 per year). Student/non-voting members are defined as current paralegal students.

**4. Sustaining/Non-Voting Member (**dues $50.00 per year). Sustaining/non-voting members are defined as individuals, law firms and companies that endorse and promote the paralegal profession.

**Membership Period:** REAP's bylaws provide that the REAP membership period is from Jan. 1 to Dec. 31 of each year. **Full Amt. Due**: The full amount of dues must be paid when joining REAP, regardless of date of application. First time (new) members joining after Sept. 1 retain their membership for 16 months (until Dec. 31 two years after they join).

**Due Date**: Renewal memberships are due Jan. 1 and become delinquent on April 1, at which time membership is terminated. If past members reinstate after April 1, they are not treated as new members under this agreement.

**Voting Eligibility:** Only active members in good standing 45 days before the annual or special meeting shall have been called to order shall be qualified to vote at membership meetings or upon other matters coming to the members for action.

**Who Cannot Vote**: No active member who is delinquent in the payment of any dues or other assessments shall be qualified to vote. In no event shall student, sustaining or associate members vote.

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# Perry Scholarship Update

In 1990, RELA, the forerunner of REAP, established a scholarship for paralegal students at Sonoma State University (SSU).

The Susan I. Perry Scholarship was established in memory of Susan Perry, a four-time president of the Redwood Empire Legal Assistants Association (now Redwood Empire Association of Paralegals). Susan, who helped to found the paralegal association in the Redwood Empire in the 1980s, was also active at the state level as a representative to the California Alliance of Paralegal Associations. Employed at Anderson, Zeigler, Disharoon, Gallagher & Gray (AZDG), Susan worked for many years as a legal assistant specializing in corporations. Susan also taught in the paralegal program at Sonoma State University. She was extremely hard working, and loved seeking recognition for outstanding paralegals and the paralegal profession.

When the SSU paralegal program ceased operation, SSU officials informed REAP that the terms of the contract between the university and REAP required that the monies remaining in the scholarship fund would be retained by the university and designated for another scholarship, rather than be returned to REAP. Approximately $5,500 remains in the fund. AZDG hopes to be involved in determining the future direction of the monies remaining in the scholarship fund.


# The Curse of the Eternally Urgent

**By Vicki Voisin**

**Once upon a time, a long, long time ago, an evil person placed a curse on every lawyer and law firm in the land.** The curse extended to all who worked for the lawyer, especially paralegals.

**No one knows who did this dreadful deed.** Perhaps it was Shakespeare when he reportedly said 'The first thing we do, let's kill all the lawyers'. Perhaps it happened when the first yellow legal pad was produced or maybe it was bred among stacks of red rope files. Whatever its origin, this curse will forever plague attorneys and paralegals.

It is called ***The Curse of the Eternally Urgent***.

**What is *The Curse of the Eternally Urgent*?** It is a malicious jinx that gives everything in the law firm critical status --- critical deadlines, critical documents, critical meetings, critical issues. Everything has to be done at once.

**No one can escape *The Curse of the Eternally Urgent*!** It infects everyone in the law office, especially paralegals who are not only cursed themselves but also have to deal with cursed attorneys. It causes stress, anxiety, tension, pressure and overwhelm. It renders everyone senseless, causing them to spin their wheels, getting nothing finished. Or if they do finish something, another even more time critical issue or deadline raises its ugly head. Add to that the feeling that everything must be done perfectly and you're doomed!

**The Curse of the Eternally Urgent may also result in the failure to meet ethical responsibilities.** The ABA's Model Rules of Professional Conduct (at Rule 1.1 and 1.3) state that attorneys owe their clients the duty of competence and diligence. This requires possession of the legal knowledge and skill necessary for representation, as well as acting with reasonable promptness and thoroughness while representing a client. This, of course, includes meeting deadlines.

**There are dire consequences associated with *The Curse of the Eternally Urgent*!** Missed deadlines may result in cases being dismissed, placing the client in an undesirable position, and a terrible reputation for the firm. There is also the possibility of disciplinary proceedings for the attorney, ranging from a reprimand to suspension to disbarment. There may be civil law suits brought against the attorney, as well as the paralegal. Paralegals risk losing their hard-earned professional certifications.

**Why does *The Curse of the Eternally Urgent* continue?** That's totally due to the lack of perspective and planning, by procrastination and perfectionism.

**Can the cycle of *The Curse of the Eternally Urgent* be broken?** Yes! Just take the following steps:

**Change your perspective.** Instead of continuing the bad habit of always putting out fires, adopt the habit of looking at the deadline and what has to be done to meet it. Also, recognize when something is really time critical -- when it absolutely has to be done right that minute -- and when you can safely save it for another day.

**Meeting deadlines is only the end goal.** Acting competently and diligently on the client's behalf doesn't mean meeting deadlines by flying by the seat of your pants at trial, dropping off a brief at the Clerk's office at 4:55 pm on the day it's due, or frantically completing an answer to a complaint at the very last minute to avoid being defaulted.

Instead, competence and diligence on the client's behalf means planning for the deadline by determining steps necessary to complete the work by the deadline...taking the time to do the job that is required instead of throwing something together willy nilly just to get by.

**Break your work into chunks.** Once you determine what has to be done to meet the deadline, you have broken your work down into chunks. Looking at the main deadline (such as 'complete discovery') can be overwhelming. This overwhelm may stop you from even starting the work.

Taken one step at a time, knowing when each one will be finished, will allow you to meet your goal of finishing the entire project by the due date. You must take further, though, and determine when each step should be taken. Each step is then put on your calendar as an appointment. Each time you have an 'appointment' to get something done, you focus on that step until completion. You will reach your deadline before it becomes time critical.

**Forget perfectionism.** Quality work should always be your goal...just remember that done is good enough. You can make endless revisions but is that really a good use of your time? Do what is absolutely necessary and do it well (notice I didn't say 'do it perfectly') but stop when the product is good enough to get the job done. Never do work just to be doing work. That's a total waste of time. Instead, do only what really has to be done to finish the project.

**Determine who will do the work.** Never think you are absolutely the only one in the office who can do a job. Look at the individual steps that must be taken to reach a deadline and decide who is best suited to do it. This may be the attorney, the paralegal, the secretary...each person has specific skills so be sure to utilize those skills.

**Your challenge:** Don't let ***The Curse of the Eternally Urgent*** rule your life. Break the curse by getting your work in perspective. Ask yourself if it is really time critical. Then follow up with planning what has to be done and when, setting up 'appointments' with yourself to do the work, and delegating whenever possible. Last, do quality work but only to the point where what you've done is good enough...avoid perfectionism.

***About the Author:***

*Vicki Voisin, "The Paralegal Mentor," delivers simple strategies for paralegals and other professionals to create success and satisfaction by achieving goals and determining the direction they will take their careers.*

*Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She publishes a bi-weekly e-zine titled [Strategies for Paralegals Seeking Excellence].*

*Visit Vicki's website at: http://www.paralegalmentor.com*

# Continuing Legal Education

By Jeff DiCello, REAP Record Editor

As most paralegals know, Bus. & Prof. Code sec. 6470(d) requires that paralegals complete mandatory continuing legal education to maintain their status as paralegals.

Specifically, every two years, paralegals must complete four hours of ethics and four hours in general or specialized law. Paralegals must certify completion of these educational requirements to their supervising attorney, and are responsible for maintaining their own records in this regard.

It is not always easy to maintain these educational requirements. Many paralegals lament that their employers do not pay for these required courses. It is also sometimes difficult to find un-person CLE outside of major metropolitan areas. While these concerns are understandable, they are not valid excuses.

Employers can help in this regard by paying for paralegal CLE. The emergence of online CLE can make it easier to acquire one's CLE credits. To keep track of your CLE, use this log. The log can also be used to certify to your employer that you are in compliance with CLE requirements. REAP and the Sonoma County Bar Association sponsors several CLE seminars each year. For more information on these upcoming seminars, see our legal event calendar.

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SANTA ROSA JUNIOR COLLEGE

**SRJC PARALGEAL STUDIES MAJOR APPROVED**

The Business Administration Department at Santa Rosa Junior College (SRJC) announces that the associate in arts degree major in paralegal studies has been approved by the California Community Colleges Chancellor's Office. Development of the new paralegal program was initiated two years ago after Sonoma State University closed its paralegal program.

Initial paralegal courses were offered in the spring 2010 semester and have continued into the fall 2010 semester with high student enrollment. With the program's approval, students enrolled may now seek financial assistance.

"We are very pleased that the major was approved," says program coordinator Peg Saragina. Advanced course offerings will be planned as the budget permits and as more students complete the initial paralegal courses.

**Program Contacts**

Peg Saragina
msaragina@santarosa.edu
Joni Boucher
jboucher@santarosa.edu

It is recommended students meet with a counselor to develop an educational plan. Call 527-4451 for an appointment.

# REAP Board, Mentors & Committee Contact Info

## REAP Board Members

| Name/Office | E-mail Address | Telephone |
|---|---|---|
| **Trudy McQuiddy**<br>President | tmcquiddy@senneffflaw.com | H: 526-9509<br>W: 526-4250 |
| **Grace De La Torre**<br>Vice-President | gdelatorre@sbcglobal.net | H: 433-8183<br>W: 522-8251 |
| **Kim Davis**<br>Secretary | Davis@perrylaw.net | |
| **Ginger Orosco**<br>Treasurer/Webmaster | gorosco@obrienlaw.com or<br>webmaster@redwoodparalegals.org | W: 545-7010 ext. 470 |
| **Duane Ledward**<br>CAPA Primary Representative | | |
| **Patti Tate**<br>CAPA Secondary Representative | patti1068@sbcglobal.net | |

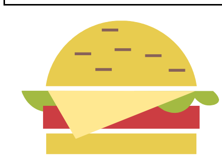
## Area of Law Mentors & REAP Committees

| Name/Mentor Area/Chair | E-mail Address | Telephone |
|---|---|---|
| **Janet Anderson**<br>Probate Mentor | janet.anderson@azdgg.com | H: 527-0886<br>W: 545-4910 |
| **Renee Ramsey**<br>Family Law Mentor | rramsey@perrylaw.net | 546-4677 |
| **Rhetta Hinton**<br>Litigation/ Discovery Mentor | rhetta@shapirogalvinlaw.com | 544-5858 |
| **Joni Boucher**<br>Computer Legal Research Mentor<br>Sonoma County bar Assoc. Liaison | joni.boucher@yahoo.com | 569-6144 |
| **Nicole Rosaschi**<br>Public Relations/Marketing Committee | nrosaschi@senneflaw.com or<br>pr@redwoodparalegals.org | 526-4250 |
| **Grace De La Torre**<br>CLA Exam Mentor | gdelatorre@sbcglobal.net | 433-8138 |
| **Jeff DiCello**<br>Membership Communication<br>Criminal Law Mentor<br>Newsletter Chair | jeffdicello@comcast.net<br>newsletter@redwoodparalegals.org<br>membership@redwoodparalegals.org | 537-0475 |
| **Suzanne Murphy**<br>Co-chair, Education Committee | amorejazzpurr@yahoo.com | |
| **Char Mendoza**<br>Co-chair, Education Committee | char.mendoza@yahoo.com | |
| **Wendy Keeler**<br>Education Committee | keelerw92@gmail.com | |
| **Monica Lehre**<br>Student and Education Committee Advisor | mlehre@empirecollege.com or | 217-8117 |
| **Debra Cain**<br>Empire Legal Students Association (ELSA)<br>Representative to the REAP Board | philoteach@aol.com | |

# REAP/Legal Community Event Calendar

*REAP encourages its members to attend its own educational seminars and those sponsored by the Sonoma County Bar Association (SCBA). For more information on upcoming REAP events (in red below), contact a member of REAP's educational committee (see above).* For more information about any event held at or sponsored by the Sonoma County Bar Association, please call 542-1190 or visit their website.

| Event | Date/Time | Location |
|---|---|---|
| REAP Seminar:<br>Damages Discovery in Civil Litigation w/Nicholas Briscoe | October 21, 2010, 5:30 pm to 8:00 pm<br>Dinner included | Empire College<br>3035 Cleveland Ave., Rm. 102<br>Santa Rosa |
| Elder Care Seminar | October 26, 2010, 12:00 pm to 1:30 pm<br>(check-in 11:45 am)<br>Lunch included | Sonoma Co. Bar Association<br>37 Old Courthouse Sq. Santa Rosa |
| REAP Ethics Seminar (2.0 units) | Nov. 10, 2009, 5:30 pm to 8:00 pm<br>Dinner included | Finley Center<br>2060 W. College Ave.<br>Santa Rosa |
| Fraud and Foreclosure: The New "F" Words | Nov. 12, 2010, 12:00 pm to 1:30 pm<br>(check-in 11:45 am)<br>Lunch included | Fountaingrove Inn<br>101 Fountaingrove Pkwy.<br>Santa Rosa |
| Collaborative Law Tips for Civil Litigators | Nov. 15, 2010, 12:00 pm to 1:30 pm<br>(check-in 11:45 am)<br>Lunch included | Fountaingrove Inn<br>101 Fountaingrove Pkwy.<br>Santa Rosa |
| CEQU Update | Dec. 15, 2010, 12:00 pm to 1:30 pm<br>(check-in 11:45 am)<br>Lunch included | Sonoma Co. Bar Association<br>37 Old Courthouse Sq. Santa Rosa |
| Mechanic's Liens and Stop Notices; How to Make Sure Your Contractor Gets Paid | Jan. 12, 2011, 4:45 pm to 7:00 pm | Sonoma Co. Bar Association<br>37 Old Courthouse Sq. Santa Rosa |
| Family Law New Forms & New Law for 2011 | Feb. 3, 2011, 3:30 pm to 6;00 pm | Fountaingrove Inn<br>101 Fountaingrove Pkwy.<br>Santa Rosa |
| REAP Seminar:<br>Enforcing Judgments w/ Steve Beckwith | Feb. 16, 2011/Time TBA | Finley Community Center<br>2060 W. College Ave.<br>Santa Rosa |



## Monthly Paralegal Lunches

Each month paralegals working in or near downtown Santa Rosa area meet informally for lunch. You do not have to be a REAP member to attend. These informal lunches are a great way to meet other members who work near you.

**When**: Normally the second Tuesday of each month.

**Time**: Noon to 1:00 PM. We are in and out in one hour so you can get back to work on time.

**Where**: At a restaurant in the downtown Santa Rosa area. E-mail reminders with the exact location are sent out a few days before the event.

**How Much Does It Cost?** There's no fixed cost; each member pays his/her own check and decides what to order and spend.