



The REAP Record

Fall 2011 Newsletter

[Redwood Empire Association of Paralegals](#)

Published Quarterly

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.

Mailing Address

REAP
P.O. Box 143
Santa Rosa, CA 95402

Membership

[Membership Information](#)
[Membership Application](#)

General Membership Meeting/Dinner & Election of REAP Officers

When: Nov. 9, 2011

Time: 6:00 PM

Where:

Union Hotel Restaurant
280 Mission Blvd.
Santa Rosa (Rincon
Valley)

Cost: No charge

RSVP: Please RSVP to
Trudy McQuiddy at
tmcquiddy@sbcglobal.net
no later than Friday Nov.
4, 2011

President's Message

By [Trudy McQuiddy](#) REAP President

I hope all of you are enjoying the beautiful autumn weather . . . the trees are starting to change color, the air is crisp and cool, and change is in the air! Your REAP board is ready to change too -- we have elections of officers coming up on November 9 at the annual general meeting. This year the meeting will be held at the Union Hotel on Mission Boulevard in Santa Rosa. If you are unable to attend and vote in person, please complete the ballot that was e-mailed to you and return it no later than November 1 by mail to P.O. Box 143, Santa Rosa, CA 95402.

REAP will be hosting the CAPA Leadership Conference on November 5, and the CAPA Board of Directors meeting on November 6. If you are a member of a non-profit board, the conference is a great opportunity to hone your non-profit skills. Topics include corporate compliance for non-profits, conflict resolution among board members, and public speaking. These are skills that can benefit you in many aspects of your personal and professional life, so please consider attending. There is a link to the [conference brochure](#) on the REAP website.

I would like to take this opportunity to thank the REAP board and committee members who have worked so diligently this year to make our programs successful, but who have decided not to return next year: Grace De La Torre, Vice President; Duane Ledward, CAPA Primary; and Nicole Rosaschi, Marketing & Publicity. We are grateful for your service, and wish you the best in your future endeavors!

I would also like to thank the other board and committee members who have done so much for REAP: Jeff DiCello, Newsletter, Membership and Facebook Wrangler; Kim Davis, Secretary; Monica Lehre, ELSA Liaison; Ginger Orosco, Treasurer; Patti Tate, Special Projects; Suzanne Murphy, Education Committee and Joni Boucher, SCBA Liaison. Each of these individuals gives countless hours of his or her time to ensure that REAP members are provided with relevant continuing education programs and information about the paralegal profession. Without them, REAP would not survive, and I am so grateful for their help and support!



The Many Benefits of Your CAPA Membership

By [Trudy McQuiddy](#)

Trudy, a litigation paralegal at [Senneff, Freeman & Bluestone, LLP](#), is REAP's President and CAPA Co-Representative.

MEMBER BENEFITS: Did you know that REAP is a member of the California Association of Paralegal Associations? If you are member of REAP, you are a member of CAPA. CAPA provides numerous benefits to you as a member:

- CAPA provides a discounted rate for members when purchasing the magazine *Paralegal Today*.
- CAPA provides discounted rates for members 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 qualities to guide your members' paralegal careers and build your association.
- Reciprocal membership rates to REAP members who attend *any* of CAPA's Affiliate Associations events/seminars/conferences.
- CEB offers CAPA members a 10% discount on CEB Books and Action Guides, 10% discount on OnLAW (CEB's online legal content), and 25% discount on CEB passports.
- CAPA offers a 15% discount on [1-800-flowers.com](#).
- Membership in Working Advantage – Working Advantage provides reduced rates for movies, sporting, concerts, restaurants, theme park admissions, Verizon Wireless, computers, flowers, gifts, on-line shopping at numerous websites, etc. Check out the offerings at [www.workingadvantage.com](#). Login and password information is available through your CAPA representatives.
- CAPA provides its members access to purchase numerous types of Insurance (Medical, Dental, Vision, Home, Auto) available through United Insurance Partners ([www.go2uip.com](#).) In addition, CAPA is currently negotiating with Aflac to provide the opportunity for CAPA members to purchase supplemental insurance coverage.
- 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.
- Exchange of all affiliate associations monthly (and bi-monthly) newsletters.
- RECAP - CAPA's quarterly newsletter. RECAP provides comprehensive, informative legal news of interest to paralegals. RECAP has practical articles of interest to paralegals and their careers.
- CAPA's website – CAPA recently launched its revamped website.

- CAPA's Resource Manual is a comprehensive listing of known legal service vendors and other useful legal contacts located throughout California. CAPA provides this manual to each association and asks that it be posted to each association's website.
- *Guidebook on the Utilization of Paralegals* – the guidebook committee continues to provide updates on pending legislation and new cases regarding paralegal fees, usage of paralegals, etc. The guidebook is available to members for \$10.

In addition, 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.

I hope this will pique your interest in CAPA. Your CAPA representatives can answer any questions you may have about CAPA and bring your suggestions to the CAPA board. Please visit CAPA's new website at www.caparalegal.org for details on the benefits listed above.

As always, if you have any questions regarding CAPA benefits, you can contact me at tmcquiddy@sennefflaw.com, or Duane Ledard, REAP's CAPA Primary Representative at duane.ledward@gmail.com

In addition, please feel free to peruse the [CAPA website](#).

Announcements

Ethics Seminar October 19

As of press time, there were only 2 more spots left for the ethics seminar on October 19th. Register ASAP before all the space is gone. Link to registration flyer:

<http://www.redwoodparalegals.org/images/Ethics%20Flyer.pdf>

CAPA Leadership Conference November 5

The California Alliance of Paralegal Association's (CAPA) 8th bi-annual leadership conference which is being held this year at Empire College in Santa Rosa on Nov. 5th.

This is a unique opportunity to attend this important event. Often the event is held hundreds of miles away but this year it is in our own back yard. Link to registration flyer:

<http://www.redwoodparalegals.org/images/CAPAOnlineBrochure.pdf>

Students: Update Your E-mail Address

If you registered with REAP using a student e-mail address please remember to provide us with an updated, non-student e-mail address once you cease to be a student at your former school.

Many schools delete your school e-mail account once you leave school. We have been getting a few e-mails bounced back because of this. Send updated e-mail addresses to Jeff DiCello at

newsletter@redwoodparalegals.org



Motions 101

This is the third in an occasional series of articles on drafting motions for paralegals.

By [Jeff DiCello](#)
REAP Record Editor

In the July issue of the REAP Record I noted that a motion contains six components: (1) a notice of motion; (2) the motion itself; (3) a statement of facts; (4) a procedural history; (5) a memorandum of points and authorities; and (6) a conclusion.

The Notice of Motion

A notice of motion can be a separate document or can be the first page of a motion containing all six of the above motion components. The notice is usually addressed to opposing counsel or the opposing party if not represented by counsel. Some attorneys also include the court clerk and the judge, but this is a stylistic thing.

The text of a notice of motion should appear below the case caption and often looks something like this:

TO THE DISTRICT ATTORNEY OF PLEASANTVILLE COUNTY AND TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that on September 9, 2009 at 8:30 am in Dept. 3 of the Pleasantville County Superior Court, or as soon thereafter as counsel may be heard, the defendant will move to suppress pursuant to Penal Code, § 1538.5 evidence seized from him on April 1, 2009 by the Pleasantville Police Department

The Motion

The motion must contain the following: (1) **identity of the party or parties bringing the motion**; (2) **identity of the parties to whom it is addressed**; (3) **a brief statement of the basis for the motion and the relief sought**; and (4) if a pleading is challenged, the specific portion challenged. (Cal. Rules of Court, rule 3.1112(d).)

Below is a very simplified example of the text of a motion. Notice how the colors match up with 1-3, above.

The defendant, John Doe, hereby moves **the above court** to **permit him to withdraw his plea of guilty** entered on April 2, 2009 on the ground that **the court failed to specify the direct consequences of the plea**.

In the next issue I will discuss how to write a persuasive statement of facts.



Special Education Law: A Paralegal's Perspective

By Patricia Lawrence Dietz

Today every child in the United States is entitled to a free and appropriate public education (FAPE). This has not always been the case. Prior to 1975, American schools educated only one out of five children with disabilities. Special education programs were made mandatory when the United States Congress passed the Education for All Handicapped Children Act (EHA) Public Law 94-142, establishing the right of children with disabilities to receive a FAPE. This act also provided funds to enable state and local education agencies to comply with the new requirements.

The EHA was augmented in 1997 by a major piece of federal legislation entitled the Individuals with Disabilities Education Act (IDEA). IDEA states that all children with disabilities from ages 3 to 21 are entitled to receive special education services through the local school district. Children who qualify may be hard of hearing, deaf, mentally impaired, speech or language impaired, blind, visually impaired, seriously emotionally disturbed, orthopedically impaired, autistic, other health-impaired, learning disabled, or suffer from traumatic brain injury. As a result they are in need of special education and related services.

IDEA requires that children with disabilities be educated in the least restrictive environment (LRE) in which progress can be made. If possible, they should be educated with children who are not disabled. The LRE requirement is based on Congress' finding that students with disabilities tend to have more success when they remain or have access to peers. The regulations list a range of acceptable environments from a regular classroom with support service all the way to

home schooling or instruction in hospitals or residential institutions.

Significant among other major federal laws used to achieve equality of education for the disabled are the 1973 Rehabilitation Act (Section 504) and the Americans with Disabilities Act of 1990 (ADA). Section 504 is a civil rights law. Its purpose is to ensure that individuals with disabilities have the same access to education as individuals without disabilities. The definition of a disability is much broader under Section 504 than under IDEA. A Section 504 Plan provides accommodations based on the child's disability, but it does not require academic improvements. The ADA is a civil rights law that prohibits discrimination based on disability. Disability is defined as a physical or mental impairment that substantially limits a major life activity. The original intent of the law was to create permanent civil rights law protections for disabled people.

In the United States, Special Education Programs are governed by both state and federal law. In California, Education Code sections 56000-59144 cover special education regulations. Section 56026 defines the child with disabilities, Section 56320-56331 addresses assessment issues, and Section 56340-56347 discusses the IEP.

How does a child become identified as one needing special education services? Typically it is the student's parents who suspect that their child has a problem making adequate school progress. Their first step should be to request an evaluation from their local school district. The law then requires a comprehensive and nondiscriminatory school evaluation involving all areas of suspected disability. School districts have Individual Education Plan (IEP) teams responsible for

deciding whether a child is qualified under the IDEA for services and for designing appropriate least restrictive placement. Teachers use tests such as DIBELS, DRA or the WIAT to evaluate the student and determine if the student is at grade level or below.

An IEP meeting takes place after this testing. Parents must be notified of an IEP meeting in writing. This meeting should be scheduled to accommodate the needs of the family. The IEP team should include the parents of the child, at least one regular education teacher, at least one special education teacher, and a district representative qualified to supervise specially designed instruction to meet the unique needs of the child. The IEP team creates a program for the child specifying annual goals and objectives, including all special education–related services. Students on an IEP are assigned a case manager who ensures the IEP is being followed.

The IEP must include a statement of the child's present levels of educational performance and a statement of annual goals including short-term objectives. Goals should describe what the student is expected to accomplish in a 12-month period. Short-term objectives must describe the steps required to achieve the goals. Goals and objectives must be specific in all areas in which the student is receiving special education services. The child's IEP plan must be reviewed annually and reevaluation must take place every three years. Following the IEP meeting the parents must be given written notice of exactly where and how the services will be provided to their student.

Any time parents are given notice of an IEP meeting, they must also be furnished with a copy of their rights and methods of Alternative Dispute Resolution (ADR). The IDEA provides two methods of resolving disputes between parents and a school district. These include Mediation, which may be a viable means to review small disagreements with the IEP, and Impartial Hearing, a formal proceeding that allows the

parents to challenge the district's individual education plan.

Behavior can sometimes be an issue with special education children. Poor self-control or low self-esteem can cause problems. Students with disabilities may be punished for inappropriate behavior. If the negative behavior is not related to the disability then the student can be punished exactly like any non-disabled student. But if the offending behavior is a manifestation of the disability, standard disciplinary procedures will not be applied to the student. The IEP team must develop a plan to address the behavior or alter the existing plan. A Behavior Support Plan (BSP) must be developed by the IEP team. California Education Code sections 56520-56525 addresses the specifics of the BSP.

The United States Supreme Court has heard a few cases that directly involve special education. Two cases stand out. One is *Honig v. Doe* (1988) 484 U.S.305. The question in this case was whether state or local school authorities may exclude disabled children from the classroom for dangerous or disruptive conduct growing from their disability. The Supreme Court responded by clarifying procedural issues having to do with discipline and expulsion. They explained that indefinite expulsions constitute a change of placement. But school officials can temporarily suspend dangerous students up to ten days. They must initiate a review of their IEP and work with parents to agree on an interim placement. A second noteworthy case is *Forest Grove v. T.D.* (2009) 129 S. Ct. 987 08-305 [109 LRP 13476].) This case had to do with payment of a disabled child's private special education services. Here the Supreme Court held that the IDEA authorizes reimbursement for private special education services when a public school fails to provide FAPE and the private school placement is appropriate.

Recent data on special education programs is positive. Studies show considerable benefit from student inclusion in the least restrictive

environment. There will always be challenges when educating children with disabilities. A key to the successful education of the disabled student is the participation of all parties. Parents must be involved. General education teachers must make accommodations. Special education teachers must follow prescribed procedures. The child should be encouraged to participate as fully as

possible in a free and appropriate public education in the least restricted environment.

About the author: Patricia Lawrence-Dietz is a graduate of the Sonoma State University paralegal program and works as a Special Education Instruction Assistant with the Santa Rosa City School District.

REAP Membership Report

REAP welcomes the following new and returning members this quarter. In no particular order, they are:

| | | | |
|---|----------------------------------|-----------------------------|-------------------------------------|
| Adele Sonnessa Kelly McGrath Dorothy Shaw | Mariella Valdivia Brian Lantz | Ashley Groves Amber Ross | Marcia H. Kossman Erick C. Beall |
|---|----------------------------------|-----------------------------|-------------------------------------|

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 until Dec. 31 of the year following sign up.

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.

MEETING NOTICE

Don't miss the general membership meeting/dinner and election of officers.

When: Wednesday, Nov. 9, 2011 **Time:** 6:00

PMWhere: Union Hotel Restaurant, 280 Mission Blvd., Santa Rosa (Rincon Valley)

Cost: No charge

RSVP: Please RSVP to Trudy McQuiddy at tmcquiddy@sbcglobal.net no later than Nov. 4. All members can attend. Only voting members may vote. You may vote by mail. A mail-in ballot was e-mailed to all members earlier this month.



Paralegal Resumes 101: How to Stand Out from the Competition

By Vicki Voisin

Is your resume up to par?

Will it rise to the top in a stack of other paralegals' applications?

Be sure to listen to the podcast entitled "[Paralegal Resumes 101: How to Stand Out from the Competition](#)" where [Lynne DeVenny](#) and I present a 101 course about paralegal resumes.

We share our own experiences preparing and reviewing resumes, offer suggestions for handling the "no experience" issue for newcomers to the field, discuss the recommended formats for paralegal resumes, and provide tips to distinguish yourself from the pack of competitors for every job.

Also in this episode:

- Golden Rules for resumes
- The hosts' resume pet peeves
- Resume resources
- LinkedIn tips
- Vicki's practice tip and Lynne's social media tip

Link to Paralegal resumes 101 podcast:

<http://legaltalknetwork.com/podcasts/paralegal-voice/2011/09/paralegal-resume-101-how-to-stand-out-from-the-competition/>

MP3 Link:

http://legaltalkmedia.com/LTN/PLV/PLV_092011_Resume.mp3

Internet resources and links mentioned during the podcast:

LinkedIn, <http://www.linkedin.com/>

Job Search Blueprint (The Paralegal Mentor), <http://paralegalmentor.com/job-search-blueprint/>

[Introduction to and Expectations for Resumes](#)

(Purdue Online Writing Lab)

Are you reactive or proactive?

Reactive people have a tendency to respond to things that happen, rather than making them happen. Their responses are hasty. Another term that applies to their responses is "knee jerk".

Proactive people, on the other hand, are always looking ahead. They look at future activities, projects and events and then anticipate needs, problems and possible outcomes.

It is, of course, much better to be proactive than reactive.

Today I provide 5 weapons you can use to handle almost any situation proactively. [Follow this link](#) to listen

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

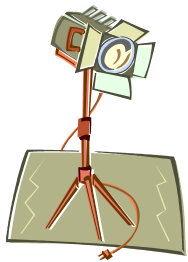
By [Jeff DiCello](#), REAP Record Editor

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. The [Sonoma County Bar Association](#) sponsors several CLE seminars each year. For more information on these upcoming seminars, see our [calendar](#).



Spotlight on Local MCLE & Other Educational Opportunities

| Title | Date/Time | Location |
|--|-------------------------------------|---|
| Legal Ethics Review with Vince Avellino, J.D. (2.0 units ethics CLE) | Oct. 19, 2011 5:30 PM to 8:00 PM | Finley Center, Cypress Room 2060 West College Ave. Santa Rosa |

Judicial Council Forms Hold Clues To California Procedural Questions

by **Julie A. Goren, Esq.**

When a California state court procedural question arises, the answer, or at a minimum, a direct path to the answer, may be found in the text of a Judicial Council form. Available for free on the California courts website (<http://www.courts.ca.gov/>), Judicial Council forms are either adopted for mandatory use or approved for optional use. Either way, they provide convenient references to the applicable codes and rules – the governing authority is located on the lower right-hand corner of the form. In addition, they may contain

specific answers to key questions, provide helpful hints, and even serve as procedural checklists. This article highlights two of those forms: the Civil Case Cover Sheet and the Proof of Service of Summons.

Civil Case Cover Sheet

As a general rule, a Civil Case Cover Sheet (mandatory [Judicial Council form CM-010](#)) must be filed with the complaint in all California Superior Court cases. The few exceptions to that rule are

conveniently listed in the Notice box at the bottom of the Civil Case Cover Sheet itself – they are not to be filed in Small Claims cases or cases under the Probate, Family, or Welfare and Institutions codes.

The second entry in the Notice box advises that the form must be filed “in addition to any cover sheet required by local court rule.” This language, taken from C.R.C., Rule 3.220, is presumably intended to clarify that filing a local form would not satisfy the requirement of filing form CM-010. However, it gives the filer an important hint – to check applicable local rules for any such requirement. By way of example, Alameda County and Los Angeles County have mandatory local forms called “Civil Case Cover Sheet Addendum,” and Ventura County requires a “Declaration of Court Assignment.”

Another question purportedly answered in the Civil Case Cover Sheet is the type of case in which the Civil Case Cover Sheet must be *served*. The same Notice box advises that it must be served in complex cases. Although this is true, the statement is outdated, and thus misleading. C.R.C., 3.220 was amended effective January 1, 2009, to provide: “If the plaintiff indicates on the cover sheet that the case is complex under rule 3.400 et seq. or a collections case under rule 3.740, the plaintiff must serve a copy of the cover sheet with the complaint.” The language in the Notice box of the Civil Case Cover Sheet should have been concurrently revised to reflect that change, but it has not been revised since July 1, 2007. (Effective/revision dates are printed on the bottom left hand corner of each form.)

Proof of Service of Summons

There are various methods by which a defendant may be served with process. Each method has its own very specific requirements; failure to dot the “I’s” and cross the “T’s” may result in defective service. The Proof of Service of Summons form (mandatory Judicial Council form POS-010),

which is prepared and filed *after* service is completed, provides important clues with respect to those service requirements. Essentially a declaration stating what was done to effect service, the form can serve as a guide *before* attempting service.

Substituted service, found at #5b of the form, is a good example. The text of the form makes clear that the summons and complaint may be left with the person apparently in charge at the office or usual place of business of the person to be served, or with a competent member of the household at the residence of the person to be served, etc. After leaving the documents, however, an additional step must be taken to complete substituted service. Although this requirement appears at #5b(4) of the form, it is not obviously mandatory as it follows a checkbox (leaving the implication that it may or may not apply). Fortunately, the form references C.C.P. § 415.20 in the same sentence. A review of that statute reveals that a copy must be mailed to the person to be served at the place where the copies were left.

There is one more checkbox under the substituted service section of the form, this one stating that a “declaration of diligence” is attached. Again, C.C.P. § 415.20, cited in the form, explains what that is and when it is required – a declaration of diligence stating actions taken to attempt personal service is required where the person being served is an individual. A review of this portion of the form prior to effecting service on an individual by this method would serve as a reminder that reasonably diligent attempts to personally serve must first be made. Reviewing the text of the form before filing it would serve as a reminder to attach this essential declaration. The reference to C.C.P. § 415.20 is extremely helpful for yet another reason. It provides that substituted service is deemed complete on the 10th day after mailing. Without that key information, defendant’s response deadline cannot be calculated accurately.

Another service method authorized in California is service by mail via Notice and Acknowledgment of Receipt. This method only works if the defendant signs and returns the [Acknowledgment of Receipt form \(POS-015\)](#). The Proof of Service of Summons form addresses service by this method at #5c. A review of that portion of the form prior to attempting service would serve as a reminder that the documents to be served must be mailed with two copies of the Notice and Acknowledgment of Receipt form and a postage-prepaid return envelope. This is particularly helpful because there is no such warning on the POS-015 itself.

[Form POS-010](#) points to another key requirement for properly establishing service by this method – the completed Notice and Acknowledgment of Receipt form must be attached to Form POS-010. Without it, proof of service is not established. Again, the form references the code section governing this method of service. In that regard, C.C.P. § 415.30 provides that service is deemed complete on the day the defendant signs the Acknowledgment section of the Notice and Acknowledgment of Receipt form.

There is no question that the text of the Judicial Council forms can be quite helpful, and the embedded citations to applicable codes and rules save the time it would take to look them up. A thorough and up-to-date procedural guide, like [Litigation By The Numbers-Fourth Edition](#) (updated every six months), can save even more valuable time, and help avoid costly errors. For example:

- The January 2009 Update revised the section on Civil Case Cover Sheets to add that they must be served in collections cases.
- There are warnings in at least two places to check for a local equivalent to the Civil Case Cover Sheet, and the Alameda, Los Angeles, and Ventura county forms are specifically mentioned.
- The section on substituted service makes clear that a copy of the documents must always be mailed, and that a declaration of diligence is required where service is on an individual.
- The step-by-step instructions for service by mail with Notice and Acknowledgment of Receipt specify that two copies of the Notice and Acknowledgment must be mailed along with a self-addressed stamped envelope. That section also recommends calendaring a tickler so that if the Acknowledgment of Receipt is not returned timely, the documents can be sent out for personal service.
- For each method of service of process, the deemed effective date is provided, so that the defendant's response deadline can be calculated accurately.



About the Author: Julie A. Goren, Esq. is the author of *Litigation by the Numbers-Fourth Edition*, a loose leaf updated every January and July with over 440 pages devoted solely to the intricacies of California civil litigation procedure.

She frequently lectures and writes about California state court calendaring, and changes to rules, forms, and codes. For more information about her publications, go to *Litigation By The Numbers-Fourth Edition*, go to www.litigationbythenumbers.com



Helpful Legal Links & Articles

Links collected by Celia C. Elwell, RP

About Celia Elwell: *Celia C. Elwell is an Adjunct Professor of Legal Assistant Education at the University of Oklahoma Law Center. Ms. Elwell is co-author of [Practical Legal Writing for Legal Assistants](#).*

Jury Awards \$900 Thousand In Age Discrimination Case, by Ellen Simon, **Employee's Rights Post Blog**
<http://bit.ly/r7kUkO>

Third Circuit Okays Collection of DNA from Criminal Suspects, by Nathan Koppel, **Wall Street Journal Law Blog**
<http://on.wsj.com/mQC5sq>

Preparing Americans for Death Lets Hospices Neglect End of Life, by Peter Waldman, **Bloomberg**
<http://bloom.bg/qL6P6N>

LegalZoom Sued by Alabama Bar Group for Unauthorized Practice, by Stephanie Rabiner, **Strategist, The Findlaw Law Firm Business Blog**
<http://bit.ly/nBb9LF>

The Grey Area of Unauthorized Legal Practice, **Law Librarian Blog**
<http://bit.ly/oDq22g>

Handle Loaded E-Discovery Tools With Care, by Sean Doherty, **Law Technology News**
<http://bit.ly/pVg1KW>

Are Student Cell Phone Records Discoverable?, by Joshua A. Engel, **Law Technology News**
<http://bit.ly/pk7clJ>

Writing to Persuade, **Legal Writing Prof Blog**
<http://bit.ly/n3mhTR>

So Your Screwed up That Research Memo to the Partner, Now What?, **Legal Skills Professor Blog**
<http://bit.ly/oansmQ>

Typography for Lawyers - the book, by Raymond Ward, **the (new) legal writer**
<http://bit.ly/etBTsq>

The Importance of Printing it Out, by Raymond Ward, **the (new) legal writer**
<http://bit.ly/p33PeT>

5 Tips for Selecting PPC Keywords, by Jason Tabeling, **Search Engine Watch**
<http://bit.ly/mUz34k>

Gmail's New Features: A First Look, by Eric Mack, **PC World**
<http://bit.ly/oaX2kP>

REAP Board, Mentors & Committee Contact Info

REAP Board Members

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

Area of Law Mentors & REAP Committees

| Name/Mentor Area/Chair | E-mail Address | Telephone |
|--|--|----------------------------|
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| Kim Davis Family Law Mentor | davis@perrylaw.net | 525-8800 |
| Rhetta Hinton Litigation/ Discovery Mentor | rhetta@shapirogalvinlaw.com | 544-5858 |
| Joni Boucher Computer Legal Research Mentor Sonoma County bar Assoc. Liaison | joni.boucher@yahoo.com | 569-6144 |
| Nicole Rosaschi Public Relations/Marketing Committee | nrosaschi@yahoo.com or pr@redwoodparalegals.org | 526-4250 |
| Grace De La Torre CLA Exam Mentor | gdelatorre@sbcglobal.net | 433-8138 |
| Jeff DiCello Membership Communication Criminal Law Mentor Newsletter Chair | jeffdicello@comcast.net newsletter@redwoodparalegals.org membership@redwoodparalegals.org | 537-0475 |
| Suzanne Murphy Co-chair, Education Committee | amorejazzpurr@yahoo.com | |
| Char Mendoza Co-chair, Education Committee | char.mendoza@yahoo.com | |
| Wendy Keeler Education Committee | keelerw92@gmail.com | |
| Monica Lehre Student and Education Committee Advisor | mlehre@empirecollege.com or | 217-8117 |
| Deborah Cain Empire Legal Students Association (ELSA) Rep. to the REAP Board | caindeborah@hotmail.com | |

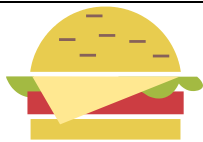


REAP/Legal Community Event Calendar

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 REAP's educational committee [Monica Lehre](#). For information on REAP and SCBA seminars, you can refer to our legal event calendar, below. 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 |
|--|---------------------------------------|--|
| Legal Ethics Review with Vince Avellino, J.D. (2.0 units ethics CLE) | Oct. 19, 2011/5:30 PM to 8:00 PM | Finley Center, Cypress Room 2060 West College Ave. Santa Rosa |
| Mental Health resources Available to the Legal Community | Oct. 17, 2011/11:45 AM to 1:15 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| What You Need to Know About the Marin County Courts | Nov. 1, 2011/11:45 AM to 1:30 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| Financial Elder Abuse | Nov. 9, 2011/2:45 PM to 5:00 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| Until Further Order of the Court? Spousal Support for a New Generation | Nov. 10, 2011/3:45 PM to 7:00 PM | The Glaser Center 547 Mendocino Ave. Santa Rosa |
| Criminal Law Do's and Don't's | November 15, 2011/11:45 AM to 1:00 PM | Sonoma County Sheriff's Training Room 2796 Ventura Ave. Santa Rosa |
| Special Issues in Custody Matters and Representing Minors Part III | Dec. 3, 2011/8:15 AM to 12:15 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| Electronic Office Management: How to Make Your Office a Paperless One! | Dec. 6, 2011/11:45 AM to 1:00 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| New Laws and Forms for 2012 | Jan. 18, 2012/11:45 AM to 1:30 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. Santa Rosa |
| Stress, Depression and Substance Abuse - Coping with the Challenges Often Associated with Legal Practice | Jan. 31, 2011/11:45 AM to 1:00 PM | Sonoma Co. Bar Association 37 Old Courthouse Sq. 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 location are sent to REAP members a few days before the event. Information is also posted on the [REAP Facebook page](#).

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