



The REAP Record

[Redwood Empire Association of Paralegals](#)

Winter 2010 Newsletter

In This Issue

CAPA Corner	2
New Members	4
SRJC Paralegal Prog.	4
Editor's Corner	5
Paralegal Mentor	6
CLE	7
Paralegal Lunches	8
REAP Member Info	8
Contact Information	9
Event Calendar	10



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

REAP's mailing address:

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

[REAP Membership Info.](#)
[Membership Application](#)

President's Message

By [Trudy McQuiddy](#) REAP President

Editor's Note: *This is Trudy's first presidential message as REAP's incoming president.*

Happy new year, REAP members! Can you believe that it is 2010 already? It seems like yesterday that many of us were scrambling to ensure our software and systems were Y2K compliant! And it seems like yesterday that Grace De La Torre came aboard as REAP's president. Under Grace's leadership, REAP grew its membership, began sponsoring MCLE courses for its members, revamped its website, improved its newsletter, created a brochure for REAP and made efforts to reach out to our members for their input as to what services and programs REAP should provide. All in all, it will be a tough act to follow! Thank you, Grace, for your service.

The incoming REAP [Board](#) is busy brainstorming on ideas for the coming year, including the programs we will offer for MCLE. REAP will again hold a "Vision Meeting," facilitated by Kathy Juarez. The Vision Meeting is tentatively scheduled for February 10, 2010, at Empire College. We will send an e-mail out to all members with the specific time and location as plans are firmed up. This is a valuable opportunity for REAP members to come and provide their ideas on how REAP can best serve its membership. The board's goals for each of the past four years have been a direct result of the input received at the Vision Meeting and has helped to make REAP a better organization. We hope you can join us!

It is time to renew your membership for the year. Here is a link to the [renewal application](#). It is important to renew your membership, so that you will stay on the REAP e-mail list to receive important upcoming event information and, of course, so that you will continue to receive the REAP newsletter. In addition, last year REAP instituted a new service for its members – if a member requests, we will e-mail their resume to the entire REAP membership to assist with job search efforts.

As always, REAP welcomes your participation. Please consider becoming involved with REAP as a committee member, or even on an "as needed" one-time basis. If you would like to become involved, please contact me at tmcquiddy@senenfflaw.com

Finally, the REAP website is always available to our members. Please check it out at www.redwoodempireparalegals.org. Again, best wishes for a happy and prosperous new year!



CAPA Corner

By [Trudy McQuiddy](#)

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

In each issue of the REAP newsletter, members are provided information on the current happenings in CAPA, the California Alliance of Paralegal Associations, of which REAP is a member. Through REAP's membership in CAPA, REAP members are entitled to many benefits, most importantly reciprocity among members. This means that a member of REAP can attend seminars put on by other CAPA member associations at the same rate as their members. REAP pays \$3.00 in dues to CAPA for each of our members.

Last year, two associations withdrew from CAPA, Los Angeles Paralegal Association and Inland Counties Association of Paralegals. As a result of these withdrawals, and in an effort to refocus its efforts on its mission, CAPA invited past presidents to the November Board meeting in San Diego to give insight into the importance and relevance of CAPA today. As part of that presentation, we took a walk down memory lane to review CAPA's accomplishments over the years, which I would like to share with you.¹

In 1976, four paralegal associations joined together to establish the California Alliance of Paralegal Associations (CAPA).² The affiliation was undertaken in order to promote communication, cooperation, and mutual assistance among the various professional organizations of paralegals and legal assistants within the state, while allowing each organization to remain individually autonomous. CAPA held its first meeting on November 20, 1976 in San Francisco. The major projects for the year were to structure CAPA into a meaningful organization and to research the issues of paralegal accreditation and certification.

Over the next 25 years, various proposals were made regarding definition, regulation, and certification of paralegals or legal assistants. CAPA representatives worked diligently over the course of this period to oppose State Bar proposals and other legislation which CAPA believed was vague, poorly drafted, and potentially damaging to the paralegal profession and the legal community if adopted.

CAPA first participated in the State Bar Convention in September 1986, presenting a computer-related workshop, which was well attended. Over the years, CAPA has built a solid relationship with the California State Bar, presenting programs at State Bar Annual Meetings and having CAPA representatives sit as members of the Executive Committee of various sections of the State Bar, including the Law Practice Management and Technology Section, the Solo and Small Firm Section, and the Public Law Section. The relationship with the LPMT is of long standing, going back to the early 1980s. Currently, CAPA has liaisons to the LPMT and Solo and Small Firm Section of the State Bar.

CAPA prepared numerous position papers over the years outlining the pros and cons of paralegal certification and worked to assist local associations in educating paralegals about certification.

¹ A full history of CAPA, highlighting its accomplishments over the past 32 years, can be found at the CAPA website, www.caparalegal.org.

² San Francisco Association of Legal Assistants (now San Francisco Paralegal Association); Los Angeles Paralegal Association; East Bay Association of Legal Assistants (Alameda County); and California Public Sector Paralegal Association. The last three associations no longer exist.

CAPA Corner *Continued from previous page*

Through the efforts of CAPA, the first “Paralegal Day” was celebrated on June 24, 1988, when CAPA received a proclamation from the Governor recognizing and honoring California paralegals. CAPA presented its first Educational Conference on June 15, 1989, hosted by LAPA. (The 20th Annual CAPA Educational Conference was held last June in Long Beach.)

In the 1990s, tension arose between “traditional” paralegals and a group seeking approval for legal technicians. The Commission on Legal Technicians considered using the name “independent paralegal” in place of “legal technician.” CAPA prepared a position paper opposing the term “independent paralegal” The CAPA Board decided that CAPA represented traditional Paralegals and that it would be proactive in pursuing the interests and goals of traditional paralegals rather than just responding to the proposals of others. These tensions and disagreements ultimately led to the withdrawal of SFALA from CAPA.

Governor Pete Wilson signed SB1418 on September 30, 1999, which authorized the title of “Legal Document Assistant,” for the self-help providers under Bus. & Prof. Code, § 6400, et. seq.

CAPA's longtime goal of obtaining a statutory definition of the paralegal/legal assistant titles and educational/experience requirements came to fruition in 2000 with the passage of AB 1761, now codified as California Business and Professions Code §§ 6450 *et seq.*

Further recognition of the importance of paralegal education can be found in the emerging area of paralegal fee recovery. For example, Bus. & Prof. Code, § 6450 has been applied in California courts in three cases, *Sanford v. GRMI, Inc. dba Red Lobster*, 04-1535 (E.D. Cal. Nov. 11, 2005), *White v. GMRI, Inc. dba Red Lobster*, 04-0620 (E.D. Cal. Jan. 19, 2006) and *Martinez v. G. Maroni Co., dba Church's Chicken #948*, S06-1399 (E.D. Cal. May 1, 2007). In each of these cases, paralegal fees were denied or disallowed because the paralegals failed to meet the requirements of §6450. (**Note:** REAP Record editor Jeff DiCello wrote an article on paralegal fee recovery that was published in CAPA's newsletter last year. This article can be read on Jeff's website [here](#).)

Although standards for paralegals have been codified in California, CAPA continues to work to ensure that these standards are met. Its Legislative Committee continues to follow case law, looking for opportunities to file amicus briefs on the issue of paralegal fee recovery, unauthorized practice of law, and other issues that affect paralegals throughout the state.

News that the Probate Code was revised to require that any fee petition submitted in a probate matter seeking recovery of paralegal fees now requires the attorney to state that the paralegal has meet the requirements of B&P §6450 demonstrates the progress paralegals in California have made, largely through the efforts of CAPA.

The next meeting of the CAPA Board of Directors will be February 7-8, 2010 in Bakersfield. The CAPA Educational Conference is scheduled for Saturday, June 26, 2010 in San Diego. As always, if you have any questions regarding CAPA benefits, you can contact me at tmcquiddy@sennefflaw.com, or Patti Tate, REAP's CAPA Primary Representative at patti.tate@azdgg.com

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



Membership Report

REAP welcomes 17 new and returning members this quarter. They are:

Amy Heil
Anne Pardini Ruprecht
Cathleen Evangelista
Cindy Walsh
Clary Elizabeth Garay
Crystal Lynn White
Lacy Ludlow
Nicole Rosachi

Donna Ciccolini
Jeff DiCello
Jennie N. Madden
Julie Moore
Kelly Thistle
Kristen Bauer
Sue Zimski
Susan E. Demers
Trudy Mcquiddy

Paralegal Studies Courses Begin at SRJC

Editor's Note: *This article, with minor revisions, was written by SRJC Paralegal Studies faculty member Joni Boucher.*

This month, Santa Rosa Junior College will offer the introductory courses in its proposed Associate Degree in Paralegal Studies Program. The proposed major is targeted for approval by Fall 2010. The college undertook the development of this program over a year ago, after Sonoma State University announced the closure of its Paralegal Program.

“Knowing that the paralegal profession ranks in the top ten fastest growing occupations in California, we understand the importance of educating a workforce to respond to the needs of the legal community. We are pleased to be able to work with the legal community to develop a Paralegal Studies Major and provide an affordable educational option for students in the North Bay Area,” said Lorraine Wilson, SRJC Dean of Career and Technical Education and Economic Development.

Students will complete substantive legal course work in such areas as Civil Procedure, Legal Research, Torts, Legal Writing, Intellectual Property and Legal Ethics, along with general education units required for an Associate in Arts degree. Students who have already completed an Associate or Bachelor's degree will have their transcripts evaluated on an individual basis to determine their particular requirements.

Classes will be held in the evenings and some Saturdays to accommodate working students and there are no special requirements to enter the program.

“Our goal is to educate students with a strong emphasis on the critical thinking, analytical ability and practical skills that are required in today's legal field,” said Peg Saragina, Business Administration Instructor and Coordinator of the Legal Secretary Program at SRJC, adding that program development will be an ongoing process, with more Paralegal Studies electives making their way into the curriculum in the near future.

For more information, please contact Peg Saragina at msaragina@santarosa.edu, or Joni Boucher at jboucher@santarosa.edu. To register for courses online, go to <http://www.santarosa.edu/>.



Editor's Corner

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

REAP News

Renewal time:

It's time to renew your REAP membership for 2010. If you want to keep receiving this newsletter and other benefits, renew now by completing this [application](#).

Scholarship Program:

REAP will be expanding its scholarship program in 2010, with spring and fall scholarships for students, and a \$500 scholarship for a voting member to attend the CAPA Educational Conference in San Diego on June 26, 2010.

Nothing is firmed up yet, but it is anticipated the student scholarships will likely be for \$250 and \$500, and each will require a separate application process.

The voting member scholarship will be selected by a random drawing; will cover the registration for the conference; and a small stipend to defray travel costs. More details to come.

2010 Seminars:

We don't have a seminar schedule yet for 2010 but are actively working on that. Suggested programs are bankruptcy, employment law, the new California e-discovery act, and ethics.

Vision Meeting:

The REAP Vision Meeting will be held on February 10, 2010, at 6:00 p.m. at Empire College.

Education Committee: We need another member to co-chair the Education Committee. If interested, contact [Trudy McQuiddy](#).

Paralegal Tips

Are You Rusty?

Attorney Julie Goren, author of [Litigation by the Numbers](#), and a featured speaker at a REAP seminar last year, has made available (for free), a list of recent changes in California civil litigation procedure.

These changes in litigation procedure deal with new judicial council forms; rules re: electronic service; changes to the rules of court; and court closures. The list is available [here](#).

Goren also offers a free, brief primer on [California Electronic Discovery](#) and a free copy of a list of [2010 California court holidays](#).

2010 Criminal Law Changes: Garick Byers, a senior attorney in the Fresno County Public Defender's Office has put together a list of changes to California criminal law that take effect in 2010. It is available [here](#).

Helpful Links

Mastering Outlook to Increase Productivity:

<http://tiny.cc/yckNx>

It May Be Incredibly Easy in the Digital Age, but Secretly Recording Conversations Is Still Illegal:

<http://www.mofo.com/news/updates/bulletins/16263.html>

Deposing Difficult Doctors: 15 Tips:

<http://www.illinoistrialpractice.com/2009/12/depositing-difficult-doctors-15-tips.html>

Judge Slashes 'Fat Cat' Bank's Bill for Subpoenaed Documents: <http://tiny.cc/e76KD>

Collection of Legal Writing Tips:

http://www.illinoistrialpractice.com/legal_writing/

<http://www.illinoistrialpractice.com/2009/12/five-more-legalwriting-tips.html>

How to Draft More Understandable Jury Instructions:

<http://tiny.cc/CNSVH>

Be Selective, Not Linear, in Legal Argument:

<http://www.sillscummis.com/newsroom/article.asp?id=746>

Be Candid, But Selective in Describing Case Holdings:

<http://www.sillscummis.com/newsroom/article.asp?id=738>

By Vicki Voisin

In response to today's rocky economy, law firms are desperately seeking ways to bring in new business. One solution they've created is to offer a 'loss leader' and it seems that price wars have broken out among large law firms.

How are firms establishing these 'loss leaders'? Apparently by offering "drastically" lower hourly rates and other fee-cutting proposals. Some firms will do all of the discovery in a case for free, and then take the case on a fee basis from there, or will charge half of their hourly rate for the first phase of the case. Some firms have said that they will do motions for free, or they will do the motion work at 30 percent, or some other drastically discounted rate like that, because they're really hungry to get work.

In other words, these firms are playing 'Fee Limbo': lowering their fees to the point where the bargains are not sustainable...and may even hurt their business in the end because consumers will become accustomed to the new fee structure and may not tolerate future increases. Clients, too, are feeling the financial crunch.

How can firms win the 'Fee Limbo' without totally destroying their bottom line? How can they do this without offering their services at hourly rates that shout, "We're not worth what you've been paying us!"?

There is a simple solution: Maximize the appropriate utilization of properly trained paralegals and include in their marketing materials that paralegals are utilized as a cost-saving benefit for the client. Give these points some thought:

- Since the hourly rates of paralegals are always much less than that of the attorneys and most associates, all of the work they do is a cost savings to the client. In fact, this is the primary reason for utilizing paralegals in the first place.
- According to the 2008 Salary Survey by the National Association of Legal Assistants ([NALA](http://www.nala.org)), paralegal hourly billing rates average \$97 per hour, depending on the expertise of

the paralegal and the geographic area of employment. This is significantly lower than the attorney's hourly rate.

- The paralegal's hourly billing rate is usually much higher his or her hourly rate of pay, often at least three times as much.
- So long as they work under the direct supervision of an attorney and the attorney assumes the responsibility for the final work product (after thorough review, of course), paralegals can do anything an attorney can do except: form the client relationship; set fees; exercise legal judgment; and appear in court

Here are six ways (and there are many more) that attorneys can tap into the strengths of paralegals that will result in reduced costs to clients:

1. Paralegals can handle much of discovery, including the drafting of interrogatories and summarizing of depositions and medical reports;
2. Paralegals can draft a majority of the required pleadings and correspondence;
3. Paralegals can conduct witness interviews and assist with preparation of witnesses for trial;
4. Paralegals can locate expert witnesses and provide them with the materials they need to assess the case;
5. Paralegals can assist with preparation of trial notebooks and jury selection; and
6. Paralegals can handle much of the communications with clients and others related to the case, including both telephone and e-mail communications.

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](http://www.paralegalmentor.com). 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.

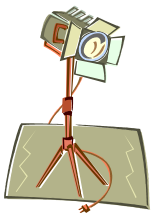
It is also sometimes difficult to find in person CLE outside of major metropolitan areas. While these concerns are understandable, they are not valid excuses.

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.

Here are some links to some online paralegal CLE providers: [National Federation of Paralegal Associations Online CLE Courses](#) and [NALA Online CLE](#).



MCLE SPOTLIGHT: There is still time to take some CLE courses at Sonoma State's Paralegal Program before it ceases operation.

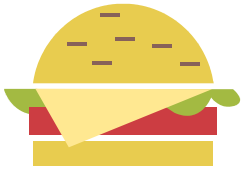
This spring, three courses are being offered at SSU for CLE. They are:

Elder Care and Nursing Home Law, Landlord Tenant Law and Torts

Here is a link to the online catalog which contains more information on these courses:

<http://www.ssuexed.com/programs.php?id=157&sem=Spring&year=2010>

The MCLE Spotlight will be checking to see whether the new SRJC Paralegal Studies program will be offering any CLE courses in the future. Stay tuned.



Monthly Paralegal Lunches

Each month paralegals working in the 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: 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.

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, paralegal educators or members of the Sonoma County Bar Association.

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.

REAP Board, Mentors & Committee Contact Info.



REAP Board Members

Name/Office	E-mail Address	Telephone
Trudy McQuiddy President	tmcquiddy@sennefflaw.com	H: 526-9509 W: 526-4250
Grace De La Torre Vice-President	gdelatorre@sbcglobal.net jjefferson@cfk.com	H: 433-8183 W: 522-8251
Monica Lehre Secretary	mlehre@empirecollege.com	546-4058 or 217-8117
Ginger Orosco Treasurer/Webmaster	gorosco@obrienlaw.com or webmaster@redwoodparalegals.org	W: 545-7010 ext. 470
Patti Tate CAPA Primary Representative	patti.tate@azdgg.com	
Trudy McQuiddy CAPA Co-Representative	tmcquiddy@sennefflaw.com	H: 526-9509 W: 526-4250

Area of Law Mentors & REAP Committees

Name/Mentor Area/Chair	E-mail Address	Telephone
Janet Anderson Probate Mentor	janet.anderson@azdgg.com	H: 527-0886 W: 545-4910
Renee Ramsey Family Law Mentor	rramsey@perrylaw.net	546-4677
Rhetta Hinton Litigation/ Discovery Mentor	rhetta@shapirogalvinlaw.com	544-5858
Joni Boucher Computer Legal Research Mentor	joni.boucher@yahoo.com	
Nicole Rosaschi Public Relations/Marketing Committee	nrosaschi@sennefflaw.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
Monica Lehre Educational Committee Chair	mlehre@empirecollege.com or	
Sharon DeBenedetti Empire Legal Students Association (ELSA) Representative to the REAP Board	Sharon@debenedettis.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 seminars, 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 the association's [website](#).

Event	Date/Time	Location
Forms and Procedures in the Civil and Probate Departments of Sonoma County Superior Court	Jan. 19, 2010/11:45 am to 1:30 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Recent Developments in Gift and Estate Tax, Probate, Trust and Conservatorship Law	Jan. 26, 2010/3:45 pm to 6:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Recent Developments in Labor and Employment Law	Jan. 28, 2010/5:00 pm to 8:30 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Land Use Update	Feb. 3, 2010/3:45 pm to 7:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Family Law New Forms and New Law for 2101	Feb. 4, 2010/3:30 pm to 6:00 pm	Fountaingrove Inn 101 Fountaingrove Pkwy. Santa Rosa
REAP Vision Meeting <i>A brainstorming session re: ideas on how REAP can best serve its membership</i>	Feb. 10, 2010/6:00 pm	Empire College 3035 Cleveland Ave. Santa Rosa
Separate Sovereigns Among Us	Feb. 10, 2010/11:45 am to 1:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Malpractice Claims and How to Avoid Them	Feb. 25, 2010/11:30 am to 1:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Civil Litigation and Trial Update	Mar. 11, 2010/3:30 pm to 7:00 pm	Fountaingrove Inn 101 Fountaingrove Pkwy. Santa Rosa
Nuts and Bolts of How to Do an Appeal	Mar. 24, 2010/11:45 am to 1:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa
Real Property Update 2010	Mar. 26, 2010/11:45 am to 1:00 pm	Sonoma Co. Bar Assoc. 37 Old Courthouse Sq. Santa Rosa