



The REAP Record

The Official Publication of
Redwood Empire Association of Paralegals
Fall 2008 Newsletter



From the Desk of The President

By Grace De La Torre, CP
REAP President

Ever wondered who are the representatives of the California Alliance of Paralegal Associations (CAPA)? Well, here is an opportunity to meet them. This year the REAP Board is hosting the annual 2008 CAPA Board Meeting in Healdsburg. An invitation to the President's Reception is included in this newsletter; please RSVP by November 3, 2008 to gdelatorre@sbcglobal.net. This is a great opportunity to network with paralegals outside of Sonoma County. There will be representatives from 14 different paralegal associations within California at this event. The REAP Board hopes that our membership will take advantage of this opportunity.

Also, included in this newsletter is a flyer with information for donations to sponsor this event. REAP welcomes donations from your law firms to assist with the expense of this event and will recognize their contribution.

Also in this issue is information on REAP Board elections. All positions are open, but we are also looking for a nominee for REAP Treasurer for 2009. If you are good with numbers and looking for an opportunity to support REAP, this may be the position for you. The REAP Board meets once a month - currently the first Monday of the month - but this is flexible. Come and be a part of our team and make a difference. There are also other great volunteer opportunities available and . These are also listed in this newsletter.

Hope everyone enjoys the upcoming holiday season.

Please do not forget to check out our website at <http://www.redwoodparalegals.org/>.

Thank you for your support.



Vote: REAP Needs Your Help!

Last month REAP held its annual general meeting and conducted elections of directors for the coming year.

Unfortunately, we did not have enough participation from our voting members for the election to be valid under our bylaws. As such, we must again hold elections for the board of directors of REAP for 2009.

PLEASE review the list of candidates and their biographies below. NEXT, complete your [Proxy Ballot](#) (located at end of newsletter) and return it to REAP at P.O. Box 143, Santa Rosa, CA 95402. YOU MUST WRITE "PROXY" ON THE BACK OF THE ENVELOPE AND SIGN THE ENVELOPE FOR YOUR VOTE TO BE COUNTED.

Ballots must be returned by December 1, 2008.

Candidate Bios

Grace K. De La Torre, CP is currently employed at Anderson, Zeigler, Disharoon, Gallagher & Gray. She graduated from the Sonoma State University, Attorney Assistant Program in 1999, and has been a Certified Paralegal since 2001. She is an instructor in the Sonoma State University, Attorney Assistant Program and taught the Advanced Paralegal Workshop in spring 2003 and 2005. She has a B.S. in Public Administration from the University of San Francisco. She has served on the Education Committee for REAP for the past six years, secretary for the year 2002, and President for 2003 through 2008.

Janet Jefferson has been employed at Clement, Fitzpatrick & Kenworthy for almost 24 years. She has been working in the legal field for 40 years (she still has a hard time believing this). She graduated from Empire REAP Record – Fall 2008

College's Secretarial Program, and after working as a legal secretary for 22 years, she attended Sonoma State's Paralegal Program graduating in 1994. She worked for Clay Clement for 10 years and added to her secretarial duties the paralegal work for the firm. Currently, she primarily works for the four litigation attorneys in the firm, Clay Clement, Pete De Golia, Jeff Lyons and Tony Cohen, and one of the land use attorneys, Kathleen Winter. She is the only full-time paralegal in her office. Janet has served as REAP President, Treasurer, Secretary CAPA Primary and Secondary.

Monica Lehre, CP is the head of the paralegal program at Empire College as well as a full time instructor for that program. Before recently becoming the head of the paralegal program, she worked for McOmber Law as a litigation paralegal specializing in real property law. She also has experience in personal injury law and probate. She continues to work in the field as a contract paralegal. She has a BA in History from Sonoma State University and a paralegal certificate from Sonoma State University's Paralegal Program. She is the current Chair of the REAP Education Committee.

Trudy McQuiddy is litigation paralegal with 14 years experience in the legal field. She holds a B.A. from Sonoma State University where she also graduated from the paralegal program. She previously served as secretary on the Board of Redwood Empire Association of Paralegals (REAP) and in 2008 served as REAP's primary representative to CAPA. While specializing in civil litigation, Ms. McQuiddy is also experienced in general business transactions, real property transactions, estate planning and probate. Actively involved in the community, Ms. McQuiddy is a past board member of Schools Plus and the Santa Rosa Youth Soccer League.



Paralegal Fee Recovery

Paralegal's declaration is a key element of any paralegal fee recovery motion

By [Jeff DiCello](#)
REAP Record Editor

Recently I had the opportunity to help one of my attorney clients attempt to recover paralegal fees he paid to me for freelance work I performed for him. I thought I would discuss the steps I took in that regard in case you ever have occasion to seek recovery of paralegal fees for your attorney employer.

As you probably know, in California, attorney's fees and paralegal fee awards are usually only authorized when there is a statutory or contractual provision providing for such an award. As an example, most residential leases contain an attorney's fees provision. The website, [California Attorney's Fees](#), has collected a list of most of the California statutes that permit attorney's fees awards. Here's a [link](#). The site also links to summaries of case law on a couple dozen categories of legal issues for which California permits attorney's fees awards. Here's a [link](#).

As we reported in the summer newsletter, this past June, the [U.S. Supreme Court](#) issued an important decision dealing with paralegal fee recovery. In [Richlin Security Service Co. v. Chertoff](#), the court held that in cases litigated against the government under the [Equal Access to Justice Act](#), a prevailing party may recover paralegal fees from the government at prevailing market rates. *Richlin* further solidified the concept of paralegal fee recovery first addressed in a meaningful way by [Missouri v. Jenkins \(1989\) 491 U.S. 274](#), the precedent-setting 1989 decision in which the REAP Record – Fall 2008

court found paralegal time may be included in attorney fee awards under the [Civil Rights Act of 1964](#).

In addition to *Richlin* and *Missouri*, there are a number of other federal and California cases that stand for the proposition that paralegal fees are recoverable. [CAPA](#) has a nice collection of California and federal cases involving paralegal fee recovery on its website. Here's a [link](#).

The recent case in which I assisted with an attorney's fees/paralegal fees recovery motion involved a petition for a writ of mandate seeking to overturn a DMV driver's license suspension. Below I have included a link to a version of the points and authorities and paralegal fee declaration that I drafted and that we used in this petition. This example can be used as a guide in preparing any attorney's fees/paralegal fees recovery motion. You will note that I begin by outlining the applicable law that authorizes attorney's fees in the particular case. I follow this up by explaining the case law on paralegal fee recovery. In a separate document, I drafted a paralegal declaration. Make sure your declaration mentions that the tasks you performed were substantive in nature, in other words, that they were tasks that a lawyer ordinarily would undertake. It may also be advisable to have the attorney file a declaration as well, affirming the substantive nature of your work and affirming that he or she supervised your work.

Here's a [link](#) to the sample points and authorities and declaration. Remember to check the citations before using any of the cases/statutes in the sample or in links in this article. Be sure to have your supervising attorney review any work product created using these cases/statutes. If you have any questions, feel free to [e-mail](#) me.



Paralegal Networking Lunches

Each month, paralegals working in the downtown Santa Rosa area and in Healdsburg meet informally for a networking lunch at a restaurant in their respective cities. These lunches informal and are a great way to meet other members who work near you. Specific information concerning the date, time and location of each lunch is e-mailed to members a few days before the event.

REAP Membership Information

REAP membership dues are listed below. In addition, the definitions of the various membership categories have been modified. The new rates and definitions are as follows:

- 1. Voting Member** (dues: \$42.00 per year). Voting members are defined as qualified paralegals by education or valid declaration.
- 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

Membership Info (Continued)
members are defined as individuals, law firms and companies that endorse and promote the paralegal profession.

To print out a REAP membership application, [Click Here](#) and scroll down.

The link takes you to the REAP website. The application is in the lower right.

REAP Membership Period/Voting Privileges

REAP's bylaws provide that the REAP membership period is from Jan. 1 to Dec. 31 of each year.

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).

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.

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.

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.

SSU Suspends Paralegal Program

By [Jeff DiCello](#)

REAP Record Editor

Sonoma State University has announced that it has suspended its paralegal program and will accept no new students. Citing primarily financial difficulties, the program suspension was announced by the program's director to the faculty in a letter last September.

In the letter, a copy of which was obtained by the REAP Record, program manager Carol Tremmel said recent economic conditions played a role in the decision to suspend the program. According to Tremmel, the School of Extended Education, under whose umbrella the paralegal program operates, does not receive any state funding. As a result, all extended education programs must be able to support themselves exclusively through the fees charged to students. "Unfortunately, the Paralegal Program has been running a deficit the past few years," Tremmel's letter said. After conducting a financial review of the program, extended education staff found no viable options for retaining the program.

Nevertheless, Tremmel said, the program, which began in 1970 and has graduated hundreds of paralegals, will remain in operation for the next two years so that all students currently enrolled may complete the program.

"I'm very sad to hear about the termination of the program. I won't be able to finish (it) at my leisure, but at least they are giving us two years to complete it," said SSU student Mary Leo, currently in her second semester in the program.

I am "sorry to see the demise of the SSU program," said Monica Lehre, Empire College's REAP Record – Fall 2008

paralegal program director. Lehre said that SSU's program "offered a quality paralegal education, which helped create a healthy competitive market for the paralegal students in Northern California."

The shuttering of SSU's programs leaves aspiring paralegals with two local educational options: Empire College and Santa Rosa Junior College (SRJC). Empire offers three career programs: a specialized Associate Paralegal degree, a legal office administration program and a legal secretary program. SRJC offers a legal office support and a legal secretary certificate program.

Empire's Lehre said her college has no specific plans to adjust its paralegal program in response to the SSU closure. "We are always working to create positive change and add new curriculum as part of our commitment to providing a quality education to our students," she said.

Over at SRJC, Peg Saragina, who runs the JC's legal office/secretary programs, said "as a community college, our mission is to help meet the needs of our local community. SRJC will be discussing this issue and analyzing the feasibility of developing a paralegal program at our college."

Meanwhile, the demand for paralegals continues unabated. According to California's Employment Development Department, In Sonoma County, the paralegal profession is expected to be one of the fastest-growing job categories through 2014.

Contact REAP Board Members & Mentors

Board Members

Name/Office	E-mail Address	Telephone
Grace De La Torre President	gdelatorre@sbcglobal.net	H: 433-8183 W: 522-8251
Janet Anderson Vice-President	janet.anderson@azdgg.com	H: 527-0886 W: 545-4910
Antonia E. Garza Secretary	antoniaegarza@att.net	542-1400
Colleen M. Butler Treasurer	cbsoontobe@comcast.net	521-6574
Trudy McQuiddy CAPA Primary	tmcquiddy@sennefflaw.com	H: 526-9509 W: 526-4250

Mentors

Have a question for a paralegal about a particular area of law? Ask a mentor.

Name/Area	E-mail Address	Telephone
Janet Anderson Probate	janet.anderson@azdgg.com	H: 527-0886 W: 545-4910
Renee Ramsey Family Law	rramsey@perrylaw.net	546-4677
Rhetta Hinton Litigation/ Discovery	rhetta@shapirogalvinlaw.com	544-5858
Gayle Detillion Transactional Law/Securities	gdetillion@lanahan.com	524-4234
Joni Boucher Computer Legal Research	joni.boucher@yahoo.com	
Grace De La Torre CLA Exam	gdelatorre@sbcglobal.net	433-8138
Jeff DiCello Criminal Law	jeffdicello@comcast.net	537-0475



REAP/Legal Community Event Calendar

A listing of upcoming events in the local legal community

Event	Date/Time	Location
Real Property Practice Series - Part 3 - Affordable Housing Registration Info	10-16-08/11:45 am to 1 pm	Sonoma County Bar Assoc.
The Do's & Dont's of Criminal Law Trial & Motion Practice Registration Info	10-20-08/11:30 am to 2 pm	Sonoma County Bar Assoc.
Real Property Practice Series - Part 4 - Public & Private Partnerships Registration Info	10-23-08/11:45 am to 1 pm	Sonoma County Bar Assoc.
Focus on the Child Through the Lens of the Parents Registration Info.	11-1- 2008/8:30 am - 4:00 pm	Empire College
Real Property Practice Series - Part 5 Clean Water & Storm Water Regulations Registration Info.	11-6-2008/11:45 am - 1:00 pm	Sonoma County Bar Assoc.
Real Property Practice Series - Part 6 CEQA Soup to Nuts: From Development Applications to Appeal Registration Info.	12-3-2008/2:00 pm - 5:30 pm	Sonoma County Bar Assoc.



REAP Board Election & Volunteer Opportunities

As you can see from the proxy ballot below, we have only four individuals running; however, we have five board positions available.

We need YOU to volunteer NOW!

We need fresh, innovative ideas to make REAP a better tool for local paralegals.

Please contact [Grace DeLaTorre](#) to express your interest in being part of the board of directors.

WHY SHOULD YOU VOLUNTEER?

- Boost your career options;
- Introduce yourself to new friends;
- Build your confidence; and
- Have a voice in the kind of organization you'd like to be a part of

OPEN VOLUNTEER OPPORTUNITIES WITH REAP:

- **REAP Board**- Currently we need a nominee for the position of Treasurer for 2009;
- **Educational Committee** - Setting up and assisting with educational seminars;
- **Newsletter Committee**- Writing articles and assisting newsletter chairman;
- **Public Relations Committee** - Promoting the paralegal profession to outside organizations,
- **Database Coordinator** - Collecting & posting job opportunities on the REAP website; &
- **Volunteer Coordinator**

To vote in the REAP BOARD election, please print out and complete the PROXY BALLOT below.

Be sure to mail it in no later than 12-1-2008.

**PROXY BALLOT
REDWOOD EMPIRE ASSOCIATION OF PARALEGALS**

The Redwood Empire Association of Paralegals bylaws allow for voting by proxy for the 2009 Board of Directors.

If you are unable to attend the general membership meeting and choose to vote by proxy, your ballot needs to be post marked by **MONDAY, DECEMBER 1, 2008**.

Mail your ballot to:

**Redwood Empire Association of Paralegals
P. O. Box 143
Santa Rosa, California, 95402**

Write "vote by proxy" on the back of the envelope and sign your name.

VOTE BY PROXY

I cast my written vote for the 2008 REAP Board of Directors election as follows:

Vote for five:

- () **Monica Lehre, CP**
- () **Grace K. De La Torre, CP**
- () **Janet Jefferson**
- () **Trudy McQuiddy**
- () _____ **(write in)**
- () _____ **(write in)**

**Redwood Empire Association of Paralegals
(REAP)
Is hosting the 2008 California Alliance of Paralegal
Associations (CAPA) President's Reception
at the
Best Western, Dry Creek Inn in Healdsburg
on
November 7, 2008, Tuscan Room
from
6:00 p.m. to 8:00 p.m.**

**Please join us -- RSVP to gdelatorre@sbcglobal.net
The REAP Board is asking Sonoma County Law Firms
and Businesses to support this event.**

Our wish list includes the following:

Wine & assistance with the expense of the Tuscan Room
and hors d' oeuvres

Please help support the paralegals that support you!
Thank you!

REAP 2008 Board

Grace K. De La Torre, CP, Anderson, Zeigler, Disharoon, Gallagher & Gray –
President

Janet Jefferson, Clement, Fitzpatrick & Kenworthy - Vice President

Colleen Butler, Sonoma County Courts - Treasurer

Trudy McQuiddy, Senneff, Freeman & Bluestone – CAPA Primary

Kathy Juarez, Law Offices of William Cutler - CAPA Secondary

Your donation is tax deductible. Please contact Grace K. De La Torre
at gdelatorre@sbcglobal.com or 292-7946 to pledge your support.