



# The REAP Record

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



## A Message from REAP's President

By Grace De La Torre

I hope everyone got their taxes in on time or at least filed their extensions.

Have you checked out REAP's new website at <http://www.redwoodparalegals.org>? If you are looking for details on upcoming seminars, the [calendar](#) page is the place to go.

Also, in case you haven't noticed, our Educational Committee is trying to offer at least one half unit of ethics credit at each of our seminars. Monica Lehre, chair of the Educational Committee doing a fantastic job in this regard.

This year, there are two, big CAPA events right here in our own backyard. The first is the [CAPA Educational Conference](#) on June 21, 2008, in Santa Clara (flyer enclosed on page 11). Then, in early November, REAP is hosting the CAPA Board Meeting. In order to make the CAPA Board Meeting successful we will need to form a committee to assist in the organization of this event. If you are interested in supporting our association by joining this committee, please contact me at [gdelatorre@sbcglobal.net](mailto:gdelatorre@sbcglobal.net).

Did you know that June 20, 2008, is Paralegal Day? If not, you do now. Please see page 8 for Governor Schwarzenegger's 's pronouncement.) On a related note, please come celebrate with the newly minted graduates of SSU and Empire College's paralegal programs our "Congratulations Graduates" meeting on Thursday, June 19, 2008, at the Bar Association. More about this event are available on the REAP website.

Also in this issue, please take the time to enter our legal research contest on page 2. There will be prizes awarded to the winners and the contest is open to REAP members as well as students in SSU and Empire College's paralegal programs.

We also have another feature called Tools of the Trade that will make its debut in the July issue. In Tools of the Trade, REAP member Kimberly Reed will be reporting on results of her interviews with paralegals concerning their favorite job related resources. In the next several weeks if you are contacted by Kimberly, please take a few minutes to share your tools of the trade with her.

Thanks for all your support of REAP.

# Legal Research Contest: *Win Fabulous Prizes!*

By [Jeff DiCello](#)

The legal research contest will test your legal research skills while competing for fabulous prizes. We will publish the names and scores of the three winners in the July issue of the REAP Record.



## The Rules

The contest is open to current REAP members and to paralegal and legal office administration students at Sonoma State and Empire College only. REAP board members are not eligible to enter.

E-mail your answers to REAP Record editor Jeff DiCello at [jeffdicello@comcast.net](mailto:jeffdicello@comcast.net). E-mailed answers must be received no later than July 1, 2008. Results will be published in the July issue of the REAP Record. Entries will be judged by REAP Record editor Jeff DiCello and REAP President Grace DeLaTorre. By entering you give permission for REAP to publish your name and score if you win.

## The Scoring

Ten points will be given for each correct answer for a total possible point count of 100. To constitute a correct answer you must correctly answer both the question posed **and** supply a brief explanation using case law or statutes to support your correct answer.

### The Prizes

1<sup>st</sup> place (90 to 100 points) \$30.00 VISA Gift Card  
2<sup>nd</sup> place (80-89 points) \$25.00 Barnes & Noble gift card  
3<sup>rd</sup> place (70-79 points) \$15.00 iTunes Gift Card

### A Word About the Questions

The questions are designed to be fun and of easy to medium difficulty. They will test your ability to uncover basic statutes and case law governing various legal topics. Specialized knowledge in the particular areas of law that the questions cover is not required.

Here are the questions. Good luck!

## Civil Procedure

1. The Acme Anvil Corp. is being sued by the Road Runner for breach of contract. Can a corporation, like Acme Anvil, appear in an action (e.g. file an answer to a complaint) in *propria persona*? Is there any case law that addresses this question?

## Family Law

2. Paula Parent has an ungrateful daughter named Penelope. Penelope just turned 18 and is still in high school, has no job and spends most of her free time typing text messages with her thumbs. Paula would like to throw her out. Are there any circumstances under which Paula can be required to continue to support her daughter Penelope?

## Landlord Tenant Law

3. Lola Landlord rents a room in her house to lodger Freddie Freeloader. Freddie has stopped paying rent and won't leave. Is there anyway Lola can throw Freddie out without going through the formal eviction process? [See page 4](#)



## Supreme Court to Decide Paralegal Fee Case

Case affords high court with opportunity to extend *Missouri v. Jenkins*

By [Jeff DiCello](#)

Last month, the U.S. Supreme Court heard oral arguments on whether prevailing parties in actions brought against the United States under the Equal Access to Justice Act are entitled to receive reimbursement for paralegal services at their market value, or only at the cost to legal counsel for whom the services were provided.

The issue arose in a case involving a private security company (Richlin Security Service Co.) that entered into two contracts with the Immigration and Naturalization Service to provide security guard services for detainees being held at the Los Angeles International Airport. Because of a mutual mistake, the security company's employees were misclassified in the contracts, which resulted in their underpayment.

Richlin litigated this case four times before the Department of Transportation Contract Appeals Board, which awarded Richlin payment for worker's compensation premiums, payroll taxes, and wages. Richlin then applied pursuant to the Equal Access to Justice Act for reimbursement of attorney fees, expenses and costs associated with the underlying litigation. Although Richlin was fully compensated for attorney's fees, the Board only awarded Richlin reimbursement of paralegal services at cost rather than the amount billed, resulting in a \$40,000 deficiency in recovery.

Richlin appealed the decision to the United States Court of Appeals for the Federal Circuit, which affirmed the Board's decision. Richlin argues that paralegal services should be reimbursed under "attorney's fees" because paralegals perform substantive work which contributes to attorney work product. The United States contends that Congress intended for paralegal services to be considered "expenses" under the EAJA, which are reimbursed at cost.

*One side argues that paralegal fees should be reimbursed at market rates; the other argues that fees should be reimbursed at cost.*

This case turns on whether paralegal services should be classified as "fees" or "expenses." Richlin argues that the Court's definition of the term "reasonable attorney's fee" in [Missouri v. Jenkins, 491 U.S. 274 \(1989\)](#), which held that under the fee shifting

scheme in certain civil rights cases, paralegal fees could be recovered at the market rate, should control in the instant case in the interest of consistency.

The government's briefs argue that if the fee-shifting statutes were read in their full statutory context, it would result paralegal services being classified as separate litigation costs, not attorney fees. The National Association of Legal Assistants has filed an *amicus curie* brief in the case, urging that the high court adopt the market rate standard.

The Supreme Court's decision should be announced by the end of June.

## Legal Research Contest from p. 2

### Contract Law

4. Romeo Rogers and Juliet Jones got engaged on Valentine's Day. Romeo proposed to Juliet and gave Juliet a three carat diamond engagement ring. Three weeks later, Juliet ran off with Verona's most eligible bachelor, told Romeo the engagement was off and that she was keeping the ring. Romeo wants Juliet to return the ring to her, but Juliet refuses. Does Juliet have to return the ring? Is there any statute that addresses this?

### Estate Planning/Probate

5. Jim E. Hoffa has not been seen or heard from by his family for two years. His ungrateful children want to have him declared legally dead so they can inherit his bottle cap collection. How long do they have to wait until they can have dear old Dad declared dead? Is there a statute that answers this question?

### Personal Injury

6. Crash Morgan cracked up his 1980 AMC Pacer last week. He rear ended Lil O'Lady, a sweet, 75 year old Irish lady. Lil was stopped at a stop sign and the police said Crash was completely at fault. Lil suffered a bad case of whiplash and wants to sue Crash for her medical bills as well as pain and suffering. Lil let her car insurance lapse last month. Can she recover for pain and suffering? Is there a law that addresses this?

### Criminal Law

7. Barry Burglar was hungry. He was walking down the street when he noticed that Bonnie Baker's kitchen window was open. On the window sill, Bonnie had placed a freshly baked apple pie to cool. Billy went up to the window, reached his hand into the window, snatched the pie and ran away.

Barry is arrested and charged with burglary, which is defined as entry into a structure with the intent to commit theft or any felony. Barry protests, saying he did not enter Bonnie Baker's house. Does the prosecutor have a case? Is there any case law on this?

### Dog Bite Law

8. Paris Hilton's Chihuahua Tinkerbelle bit a fan who reached toward the dog to pet it. Sensing a potential windfall, the fan sues Paris under California's dog bite statute, California Civil Code section 3342(a), which states "[t]he owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place or lawfully in a private place, including the property of the owner of the dog, regardless of the former viciousness of the dog or the owner's knowledge of such viciousness."

Paris wants to argue that the fan contributed to her own injury by reaching out toward the dog. Is there any case law that could support or undermine Paris' position?

### Neighbor Law

9. Gladys Kravitz is having a dispute with her neighbors, Samantha and Darrin Stephens, over who owns a tree. The roots of the tree are encroaching onto Sam and Darrin's property. The trunk of the tree, however, is entirely on Gladys' side of the fence. Who owns the tree and what statute supports your answer?

### Employment Law

10. Homer Simpson got in trouble at the nuclear power plant after he spilled beer on the reactor control panel. Homer's boss said his personnel file is getting pretty thick with violations and he may have to fire him. Homer's friends down at Moe's Tavern told him, after a few mugs of Duff beer, that he should demand to see his personnel file. Does Homer's boss have to let him see his personnel file? Do any statutes deal with this?

## REAP Welcomes New Members

REAP welcomes the following new members: **Sandra Benson, Kelsi Pena, Tracey Ruiz & Lisa Trumbly**

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## Empire College Paralegal Program Instructor Needed

[Empire College's](#) paralegal program is seeking a part-time paralegal instructor for its evening paralegal program.

The ideal candidate must have 5+ years paralegal experience, a B.A., a paralegal certificate from a paralegal program, and enthusiasm for teaching.

Teaching experience is a plus.

Please submit resume and cover letter to: Mickey Fernandez, Dept. Head - Paralegal Program, Empire College. Mickey's e-mail address is: [mfernandez@empirecollege.com](mailto:mfernandez@empirecollege.com)

## 2007 Paralegal Salary Survey Results



*The highest reported full-time salary was \$120,000; the lowest was \$18,000*

By [Jeff DiCello](#)  
[Legal Assistant Today](#) magazine is out with its annual paralegal salary survey. According to the survey, paralegal salaries rose 3.7 percent in 2007.

The average reported salary was \$52,979. Corporate paralegals led the way, making an average of \$61,764, followed by law firm paralegals at \$51,686 and government paralegals at \$51,028.

Paralegal salaries in the western region of the U.S. exceeded the national average. Although the average salary for a paralegal in the west was \$54,036, that figure is actually down 3.3 percent from 2006.

The northeast region of the U.S. once again leads the pack with the highest average paralegal salary at \$61,620.

One surprising statistic was that in most areas of the country, respondent paralegals with just a high school education actually earned on average more than paralegals with some college or associate's degrees. Only paralegals that had bachelor's degrees or higher, reported higher salaries than those with only a high school diploma.

There was a wide range of billable hour rates reported in the survey. The largest chunk of respondents, 20%, reported that their time was billed to clients at between \$86 and \$95 per hour. Other rates ranged from a low of \$15 per hour, to a high of \$156 per hour.

The survey results were based on surveys sent to 2,031 *Legal Assistant Today* magazine subscribers. Error margin +/- 6.47%.

## 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 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.

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## 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 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](#)

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.

## REAP/Legal Community Event Calendar

Below is a list of upcoming events in the local legal community

Blue links are active



Event Information	Date/Time	Location
<p><b><u><a href="#">Wage and Hour Compliance</a></u></b></p> <ul style="list-style-type: none"> <li>○ 1.0 MCLE unit</li> <li>○ \$40.00 SCBA members</li> <li>○ \$50 Non-members &amp; at the door</li> </ul>	<p>Thurs. April 24, 2008 11:45 a.m. (registration) Noon to 1:00 p.m. (program)</p>	<p>Sonoma County Bar Assoc. 37 Old Courthouse Sq. Santa Rosa</p>
<p><b><u><a href="#">Employment Discrimination</a></u></b></p> <ul style="list-style-type: none"> <li>○ 1.0 MCLE unit</li> <li>○ \$40.00 SCBA members</li> <li>○ \$50 Non-members &amp; at the door</li> </ul>	<p>Thurs. May 1, 2008 11:45 a.m. (registration) Noon to 1:00 p.m. (program)</p>	<p>Sonoma County Bar Assoc. 37 Old Courthouse Sq. Santa Rosa</p>
<p><b><u><a href="#">When You Become 18</a></u></b> <i>Addresses a number of issues important to young adults, including laws related to alcohol, banking, contracts, credit, employment, hate crimes, jury duty, military service, voting, etc.</i></p>	<p>Thurs. May 1, 2008 Time TBD</p>	<p>Chops Teen Center 509 Adams St., Santa Rosa (The old Lena's restaurant)</p>
<p><b><u><a href="#">Employee Privacy</a></u></b></p> <ul style="list-style-type: none"> <li>○ 1.0 MCLE unit</li> <li>○ \$40.00 SCBA members</li> <li>○ \$50 Non-members &amp; at the door</li> </ul>	<p>Thurs. May 8, 2008 11:45 a.m. (registration) Noon to 1:00 p.m. (program)</p>	<p>Sonoma County Bar Assoc. 37 Old Courthouse Sq. Santa Rosa</p>
<p><b><u><a href="#">Wrongful Termination</a></u></b></p> <ul style="list-style-type: none"> <li>○ 1.0 MCLE unit</li> <li>○ \$40.00 SCBA members</li> <li>○ \$50 Non-members &amp; at the door</li> </ul>	<p>Thurs. May 22, 2008 11:45 a.m. (registration) Noon to 1:00 p.m. (program)</p>	<p>Sonoma County Bar Assoc. 37 Old Courthouse Sq. Santa Rosa</p>
<p><b><u><a href="#">Congratulations Graduates</a></u></b> <i>Congratulate grads of SSU and Empire College's paralegal programs</i></p>	<p>Thursday, June 19, 2008 Time TBA (see REAP website)</p>	<p>Sonoma County Bar Assoc. 37 Old Courthouse Sq. Santa Rosa</p>

## Calif. Paralegal Day is June 20<sup>th</sup>

### *Gov. Schwarzenegger Lauds Paralegals in Official Pronouncement*

The California legislature and Gov. Schwarzenegger have declared June 20, 2008 as California Paralegal Day. The governor's official pronouncement concerning this special day reads as follows:

*"I applaud your outstanding efforts to uphold the ideals and standards of your profession. Your hard work translates into paralegals who are better equipped to assist their colleagues and tackle the many challenges that cross their desks each day. Thank you for your service to our nation's justice system and the legal community. Your outstanding dedication to your members and your commitment to excellence are strengthening our Golden State. On behalf of all Californians, I extend my best wishes for a memorable celebration and every continued success."*

## Sonoma State Paralegal Program Summer 2008 Courses

Course Name	Day of Week	Course Times	Course Dates	Units
Law Office Management: How the Law Office Really Works*	Thu.	6 to 9 pm	6-5 to 8-14 (no class 7-30)	2
Legal Calendaring*	Sat.	9 am to 5 pm	6-21 & 6-28	1
Operating a Successful Paralegal/LDA Business	Sat.	9 am to 5 pm	8-9 & 8-16	1
Personal Injury Law*	Sat.	9 am to 5 pm	6-7 & 6-14	1
The American Jury System	Sat.	9 am to 5 pm	7-26 & 8-2	1
Practical Case Analysis	Mon.	6-9 pm	6-2 to 8-4	2
Internship: Work Experience	Tue.	6-9 pm	6-10, 7-8, 7-29 & 8-12	2
Civil Procedure: Discovery	Wed.	6-9:30pm		3

\*MCLE available

For more information, go to:

<http://www.ssuexed.com/programs.php?id=45&sem=Summer&year=2008#courses>



## Contact REAP Board Members & Mentors

### Board Members

Name/Office	E-mail Address	Telephone
Grace De La Torre President	<a href="mailto:gdelatorre@sbcglobal.net">gdelatorre@sbcglobal.net</a>	H: 433-8183 W: 522-8251
Janet Anderson Vice-President	<a href="mailto:janet.anderson@azdgg.com">janet.anderson@azdgg.com</a>	H: 527-0886 W: 545-4910
Antonia E. Garza Secretary	<a href="mailto:antoniaegarza@att.net">antoniaegarza@att.net</a>	542-1400
Colleen M. Butler Treasurer	<a href="mailto:cbsoontobe@comcast.net">cbsoontobe@comcast.net</a>	521-6574
Trudy McQuiddy CAPA Primary	<a href="mailto:tmcquiddy@senneffflaw.com">tmcquiddy@senneffflaw.com</a>	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	<a href="mailto:janet.anderson@azdgg.com">janet.anderson@azdgg.com</a>	H: 527-0886 W: 545-4910
Renee Ramsey Family Law	<a href="mailto:rramsey@perrylaw.net">rramsey@perrylaw.net</a>	546-4677
Rhetta Hinton Litigation/ Discovery	<a href="mailto:rhetta@shapirogalvinlaw.com">rhetta@shapirogalvinlaw.com</a>	544-5858
Gayle Detillion Transactional Law/Securities	<a href="mailto:gdetillion@lanahan.com">gdetillion@lanahan.com</a>	524-4234
Joni Boucher Computer Legal Research	<a href="mailto:jboucher@sonoma.edu">jboucher@sonoma.edu</a>	W: 664-2394
Grace De La Torre CLA Exam	<a href="mailto:gdelatorre@sbcglobal.net">gdelatorre@sbcglobal.net</a>	433-8138
Jeff DiCello Criminal Law	<a href="mailto:jeffdicello@comcast.net">jeffdicello@comcast.net</a>	537-0475

CALIFORNIA ALLIANCE  
OF PARALEGAL  
ASSOCIATIONS (CAPA)  
PRESENTS

**Strength  
Through Alliance -  
EXPAND  
YOUR HORIZONS**

**CAPA'S 20TH ANNUAL  
EDUCATIONAL CONFERENCE**

**Saturday, June 21, 2008**  
Hilton Santa Clara, Santa Clara, CA

**HOSTED BY  
THE PARALEGAL ASSOCIATION  
OF SANTA CLARA COUNTY (PASCCO)**

*The California Alliance of Paralegal Associations is a  
State Bar of California Approved MCLE Provider*

For more info. about the CAPA conference & to register online, [click here](#).