



ACCESS

A Publication of the
California Association of Legal Document Assistants
www.calda.org



January 15, 2004

PRESIDENT'S MESSAGE

By the time you receive this it will be one month since I became acting President of CALDA. Little did I know when I took on the office of Vice President that I would be in this position four months down the road. Just goes to show you, life is full of changes and challenges, somewhat like the history of CALDA. For new members, it's hard to imagine the hurdles that have been overcome to get to the place where CALDA is today.

Just to give you a very brief history: CAIP (California Association of Independent Paralegals) comprising a handful of members in 1987, organized meetings that led to State Bar hearings, television appearances, picketing in San Francisco and Nevada City, CA., all the while fighting for their right to support legal access in Sacramento until finally SB1418 was signed into law in 1998. At that time, Independent Paralegals became Legal Document Assistants and were required to be registered and bonded in the county where they performed services. In 1999, CAIP became CALDA. We can look up all the subsequent bills and legislation that has passed since January 1, 2000 on the website, but we can't find the individual and collective blood, sweat and tears that went into the birth of this organization there.

Which leads me to today. We have a talented, experienced, **HARD WORKING** board to be extremely proud of. There is not one board member who is a weak link. There are new members this year who have taken on monumental tasks and more experienced members whose expertise is an immeasurable asset. The spirit of CALDA is alive and well.

We also have our attorney, Richard Lubetzky, working on our side that keeps us honest; however, Richard can only do so much. We have to remember what our predecessors fought so hard for – they put the “legal” in LDA and we have to make sure we keep it there. It's not

as hard to follow the rules to avoid UPL as it may seem to some of us. It just takes practice. When your customers realize how important you are to them and what you *can* do, they will refer you to friends and family members.

Bankruptcy preparers have headaches, no doubt, but Richard is out there batting for you and small battles are being won. **(The recent good news is the increase in BPP's fees from \$125 to \$150 in some counties.)**

Also, since our last board meeting in April, three new chapters have started up; one in the San Jose area; one in Fresno and one in the LA area. I had to put active recruiting on hold for a while after taking on the presidency, but I will be contacting some of you soon to start a chapter in your area. My personal goal is to get ten new chapters before the year is up. Increasing membership is one of the major goals your board has set for this year. So, anyone with leadership qualities, and there are a lot of you out there, contact me and I will give you names of LDAs, who are not yet CALDA members, in your area to invite to the meeting.

Even though we have come a long way as an organization, there is still a long way to go. We need more exposure. Each of us has an obligation to do our part for the betterment of CALDA and the time to start is now.

Between your board, Richard and Diana Wade, our senior consultant, you can be sure this organization is in good hands. The work is not over and it may never be, but the outlook is definitely promising.

Jeri Blatt

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Immediate Past President
& The Administrator

ATTENTION All Board Members

ALL MEMBERS: EACH YEAR YOU MUST SUBMIT A COPY OF LDA, UD OR IMMIGRATION REGISTRATION; OR A LETTER FROM YOU STATING UNDER PENALTY OF PERJURY THAT YOU AREN'T REQUIRED TO CONFORM TO STATE LAW. EVERYONE MUST COMPLETE ALL 4 PAGES OF APPLICATION

Special Offer

CALDA offers instant messages to all voting and non-voting members. If you want to be a part of the TALKLIST and have an E-mail address (or if your address has changed), please send it to
dpwade@lightspeed.net

WHEN AN LDA ASKS "WHY SHOULD I JOIN CALDA?"

Tell them, the benefits are:

1. Increased professional knowledge and networking opportunities.
2. Awareness of events and developments pertaining to the LDA profession.
3. Subscription to the newsletter, *ACCESS*.
4. A voice in decisions affecting the profession at the local, state and national levels.
5. Discounts on educational seminars and workshops.
6. Setting a higher standard of professionalism.

The ACCESS is a publication of the California Association of Legal Document Assistants (CALDA)

The opinions expressed in ACCESS are those of the writers and are not necessarily those of CALDA. All articles are based solely on materials submitted in writing. The act of submitting editorial contributions shall constitute an express warranty by the contributor that the material is original and in no way an infringement upon the rights of others. CALDA assumes no responsibility for verification of the information submitted.

NEWSLETTER GUIDELINES

Materials may be submitted as follows: E-Mailed, 3.5 Diskette
E-Mail china@longscourtforms.com or mail to:

China Long
27780 Jefferson Ave. Suite M
Temecula, Ca. 92590
Fax: 909-694-4460

If sending on diskette: Contents should be in final form. Computer System used PC only, Software used, MS Word or Word Perfect 9 or lower ONLY.

**Do not indent or use all caps in headlines or text.
Prefer alignment to be justified**

TALKLIST REGULATIONS

1. The talklist address is calda@calda.talklist.com
2. The administrator is dpwade@lightspeed.net
3. The [talklist](#) is maintained by a private server and is **SPAM and VIRUS** free. It is not part of the Web Site or the Web Master.
4. The [talklist](#) is maintained by [CALDA](#) and should be used only for [CALDA](#) business.
5. All e-mails must have names and e-mail addresses.
6. Please do not use any wallpaper or cute headings.
7. Please do not add attachments. Any mail with attachments should be sent to individual members upon request.
8. Please no personal messages. Please respond directly to the sender. (see #5 above)
9. [CALDA](#) is a professional association, attacking/belittling other members **"flame"** will not be tolerated.
10. Use only "1" e-mail address make sure that it is the same one that is on the Web Site.

It is the administrators sole discretion if and when a member must be approached in the event of a **"flame."**

1. First the administrator will issue a personal warning.
2. In the event that does not solve the problem, the administrator, if warranted will then issue a public warning.
3. If the problem is still not resolved, then the administrator will remove the member from the [talklist](#).

Professional Standards Committee

Good news! Only one new complaint has been received in the last few months. And that complaint was about a non-member of CALDA in Madera County.

A good business tip to keep in mind:

“Keep balance in your life!”

What does this mean? It simply means:

There is more to life than just work, work, work, and more work! To be the best LDA, you need to be sure you take care of yourself – your physical health, your mental health, and your spiritual health. It is so very easy to forget to put yourself on your “to do” list.

For a number of years in the past, I was a workaholic. Yes, it is true and I admit it. But then I saw a need for change...I began to resent working six to seven days a week. I felt I had to give to almost every person who came through the door. **Some of those people suck you dry!** I was lucky if I got away for a weekend once in a while...and that was usually related to work. Anyway, when you are self-employed this is a huge trap you fall into. I finally realized I had no balance in my life; it was too lopsided on the work side. I made a decision to put balance in my life.

Some areas to change were:

1) **Work Fewer Hours!** I vowed never to work on Saturday or Sunday again. I set my deadlines far enough out so I don't have to come in and work six to eight hours on a weekend just to get the work ready for Monday morning. As a self-employed person, you are in charge of your own schedule. At first it was hard...now I take Friday, Saturday, and Sunday off every week, plus every other Monday. When I'm off, I divorce myself from my work totally. It has changed my attitude and ability to work more efficiently. The office is still open 4-1/2 days per week (thanks to Cheryl); I've not lost any business due to my schedule.

2) **Surround Yourself with Fresh Interests!** I renewed some old interests and hobbies. I also created new hobbies. Since I now had more time to think about the things I enjoy doing, I rediscovered crocheting, started quilting, am learning to kayak, running every morning with my dogs in the neighborhood, cooking more at home, and traveling to our recently completed home on the Trinity River (5-6 hour travel time).

3) **Visit with Family and Friends!** I make time to keep in touch with family members and friends, usually at lunchtime, sharing celebrations and common interests. I schedule lunch between 1 p.m. to 3 p.m. each day – this allows time to get errands done, as well as have a nice social lunch each day with family and friends. This nice long break also helps me keep my wits together. When you make time for yourself, you are able to make time for others.

“All work and no play” makes... well, you know the rest. Take care of yourself and the rest will take care of itself.

Marcia Burke

Professional Standards Chairman
510-791-2700

CONFERENCE REPORT BY HINDA LUCAS

Your Board is working on our 2004 Conference at Asilomar, to be held **November 11 to 14**. Last year's Conference was our first at Asilomar, and I know there were a few glitches (too much walking for some attendees, some problems with the tape recording of classes), but we are working on correcting these minor flaws so that the 2004 Conference will be something we can all be proud of.

As your Conference Chair, I would appreciate any feedback from the members as to what your Board can do to improve the Asilomar experience. All of us on the Board want to make the 2004 Conference as enjoyable and educational as possible for all members attending.

Call me at 661-944-6421, or e-mail me with any suggestions or comments, to:

Hinda@mindspring.com

Respectfully submitted,

Hinda

How To Improve Your Credit Rating

If you're turned down for the consolidation loan you want, take consolation from the fact that you're in good company. Many lenders have rejection rates ranging from 60% to 75% or higher.

Of course, rejection is no fun. But it does give you an opportunity to get a new, perhaps more realistic perspective on your credit situation, especially if you treat it as a learning experience. (If you're desperate for a loan right now, you may not feel that way, but hang in there. The advice that follows may help.)

Find out what the problem is. By law, lenders must give you specific reasons why you were turned down. Make sure you receive and understand them. Answers like, "you do not meet our qualifications" don't suffice. On the other hand, don't expect answers that are extremely detailed. You might be told, for example, that you have too much debt in comparison to your income. But the lender may not say exactly how much is too much. If you do not get specific, understandable reasons for why you were turned down, ask for a better explanation.

Ask for advice. Once you know the reasons you were turned down ask the loan officer what you might be able to do so you will qualify for the loan, now or in the future. If you were turned down for credit cards, it may be harder to get a clear answer from the customer service department. Still, you might try talking with a supervisor to see if you can get any helpful advice.

Read the report. If you were turned down due to information in your credit report, order a free

copy immediately to find out what it says, and to make sure there are no mistakes. Your rejection letter will tell you how to request your free copy. This is perhaps the most important thing you can do if you have been turned down. Don't overlook this step.

Go for it. If it looks like you will be able to fix some of the rejection reasons in the next year or so, consider taking a slightly higher interest rate loan for now, and refinancing it later. Warning. This strategy can be risky because rates might go up. But they may also go down. In any event, taking whatever steps you can to cut your interest rate is always better than doing nothing.

Pare the plastic. If you are turned down due to too much debt, ask if your application will be reconsidered if you close some accounts and cut up your cards. The lender might balk, knowing you could probably reactivate those cards easily, but it's certainly worth asking.

Did we say "shop"? As we've said before, try at least three lenders. But don't apply for more than one loan at a time, since multiple applications (more than four or five in the last six months) can hurt your credit rating, especially when apply for credit cards.

Do it yourself. Create your own "consolidation loan" by developing a plan for paying all your debts in a specific period of time, say five years.

Be patient. Wait six months, pay as much as you can on your debts in the meantime, then reapply. Even if you don't get the new loan, if you send in just \$25 a month more than the required amount every month on a \$10,000 credit card bill at 17%, for example, you'll save \$11,662 in interest and 33 years of payments. You can save more than you borrowed.

China

Treasurer's Report
By Cindy Elwell, CALDA Treasurer

Listed below is our Profit and Loss Report Compared to Budget through February 29, 2004. As you can see, we are considerably below budget (\$13,398), which is because we underbudgeted our costs for the conference, dues and the website. However, we have a profit to date of \$7,012, so that is the really good news.

CALDA
Profit and Loss Budget vs. Actual
April 2003 through February 2004

	<u>Apr '03 - Feb 04</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
Annual Conf. Income	23,955.04	25,400.00	-1,444.96	94.31%
Dues	11,685.00	14,040.00	-2,355.00	83.23%
Fundraising Products	4,410.69	3,050.00	1,360.69	144.61%
Interest Inc	50.50	55.00	-4.50	91.82%
Newsletter	0.00	50.00	-50.00	0.0%
Workshops	430.17	1,100.00	-669.83	39.11%
Total Income	<u>40,531.40</u>	<u>43,695.00</u>	<u>-3,163.60</u>	<u>92.76%</u>
Expense				
Administrative Assistant	2,064.12	1,100.00	964.12	187.65%
Annual Conf. Exp.	20,330.17	13,190.00	7,140.17	154.13%
Bank Charge	856.49	781.00	75.49	109.67%
Board Meetings	1,133.33	987.00	146.33	114.83%
Fund Raising Committee	471.73	913.00	-441.27	51.67%
Legal & Accounting	509.81	675.00	-165.19	75.53%
MCLE	0.00	100.00	-100.00	0.0%
Membership Committee	0.00	385.00	-385.00	0.0%
Newsletter Expense	600.00	770.00	-170.00	77.92%
Office Expense's	791.65	220.00	571.65	359.84%
Post Office	359.97	220.00	139.97	163.62%
Prepare Taxes 2001	0.00	300.00	-300.00	0.0%
Professional Standards	407.81			
Public Relations	800.00			
St. Bd. of Equalization	26.00	50.00	-24.00	52.0%
Talklist Subscription	0.00	120.00	-120.00	0.0%
Taxes	0.00	350.00	-350.00	0.0%
Telephone	89.69	374.00	-284.31	23.98%
Website	4,232.60	2,200.00	2,032.60	192.39%
Workshop	846.20	550.00	296.20	153.86%
Total Expense	<u>33,519.57</u>	<u>23,285.00</u>	<u>10,234.57</u>	<u>143.95%</u>
Net Income	<u><u>7,011.83</u></u>	<u><u>20,410.00</u></u>	<u><u>-13,398.17</u></u>	<u><u>34.36%</u></u>

Detailed below is our balance sheet compared to last year. The good news here is that we've increased our assets \$6,401 compared to last year, so it shows that we are certainly doing the right things.

Balance Sheet Previous Year Comparison
As of February 29, 2004

	<u>Feb 29, 04</u>	<u>Feb 28, 03</u>	<u>\$ Change</u>	<u>% Change</u>
Current Assets				
Checking/Savings				
CALDA Checking	25,909.33	19,399.61	6,509.72	33.56%
CALDA Savings	<u>2,529.26</u>	<u>2,529.26</u>	<u>0.00</u>	<u>0.0%</u>
Total Checking/Savings	28,438.59	21,928.87	6,509.72	29.69%
Accounts Receivable				
Accounts Receivable	<u>-108.50</u>	<u>0.00</u>	<u>-108.50</u>	<u>-100.0%</u>
Total Accounts Receivable	<u>-108.50</u>	<u>0.00</u>	<u>-108.50</u>	<u>-100.0%</u>
Total Current Assets	28,330.09	21,928.87	6,401.22	29.19%
Other Assets				
CALDA Mutal Fund	<u>3,379.47</u>	<u>3,379.47</u>	<u>0.00</u>	<u>0.0%</u>
Total Other Assets	<u>3,379.47</u>	<u>3,379.47</u>	<u>0.00</u>	<u>0.0%</u>
	<u>31,709.56</u>	<u>25,308.34</u>	<u>6,401.22</u>	<u>25.29%</u>
Liabilities				
Current Liabilities				
Accounts Payable				
Accounts Payable	<u>218.00</u>	<u>0.00</u>	<u>218.00</u>	<u>100.0%</u>
Total Accounts Payable	218.00	0.00	218.00	100.0%
Other Current Liabilities				
Conference Deposits	-1,000.00	0.00	1,000.00	-100.0%
Sales Tax Payable	<u>-1.62</u>	<u>210.71</u>	<u>-212.33</u>	<u>-100.77%</u>
Total Other Current Liabilities	<u>-1,001.62</u>	<u>210.71</u>	<u>1,212.33</u>	<u>-575.36%</u>
Total Current Liabilities	<u>-783.62</u>	<u>210.71</u>	<u>-994.33</u>	<u>-471.9%</u>
Total Liabilities	-783.62	210.71	-994.33	-471.9%
Equity				
Opening Bal Equity	23,879.05	23,619.02	260.03	1.1%
Retained Earnings	1,602.30	5.97	1,596.33	26,739.2%
Net Income	<u>7,011.83</u>	<u>1,472.64</u>	<u>5,539.19</u>	<u>376.14%</u>
Total Equity	<u>32,493.18</u>	<u>25,097.63</u>	<u>7,395.55</u>	<u>29.47%</u>
	<u>31,709.56</u>	<u>25,308.34</u>	<u>6,401.22</u>	<u>25.29%</u>

The board met in January and we put together a preliminary budget which I will be presenting in the April *ACCESS*. I am also filing for an extension on our tax returns, which I did not do, and we have hired a CPA, Paula Vaughn, to complete the tax returns for this and last

years. I hope that you are all doing well in your businesses! Please do not hesitate to contact me if you have any questions about our financials, either by e-mail, Dwdignity@aol.com, or phone: 510-523-7290.

Cindy Elwell

Do You Need a Durable Power of Attorney for Finances?

Almost everyone can benefit from a durable power of attorney for finances.

It's a good idea for almost everyone with property or an income to sign a durable power of attorney for finances. It's particularly important, however, if you fear that health problems may make it impossible for you to handle your financial matters.

Making a durable power of attorney ensures that someone you trust will be on hand to manage the many practical, financial tasks that will arise if you become incapacitated. For example, bills must be paid, bank deposits must be made and someone must handle insurance and benefits paperwork. Many other matters may need attention as well, from property repairs to managing investments or a small business. In most cases, a durable power of attorney for finances is the best way to take care of tasks like these.

Avoiding Conservatorship Proceedings

If you don't have a durable power of attorney and you become incapacitated, your relatives or other loved ones will have to ask a judge to name someone to manage your financial affairs. These proceedings are commonly known as "conservatorship" proceedings. Depending on where you live, the person appointed to manage your finances is called a conservator, guardian of the estate, committee or curator.

Conservatorship proceedings can be expensive and embarrassing. Your loved ones must ask the court to rule that you cannot take care of your own affairs -- a public airing of a very private matter. Court proceedings are matters of public record; in some places, a notice may even be published in a local newspaper. If relatives fight over who is to be the conservator, the proceedings will surely become even more disagreeable, sometimes downright nasty. And all of this causes costs to mount up, especially if lawyers must be hired. (See Conservatorship for more information.)

If You Think You Don't Need a Durable Power of Attorney

You may not think that you need a durable power of attorney for finances if you're married, or if you've put most of your property into a living trust or hold it in joint tenancy. But the truth is that

in all of these situations, a durable power of attorney can make life much easier for your family if you become incapacitated.

If You Are Married

If you are married, your spouse does have some authority over property you own together -- for example, to pay bills from a joint bank account or sell stock in a joint brokerage account. There are significant limits, however, on your spouse's right to sell property owned by both of you. For example, in most states, both spouses must agree to the sale of co-owned real estate or cars. Because an incapacitated spouse can't consent to such a sale, the other spouse's hands are tied. And when it comes to property that belongs only to you, your spouse has no legal authority without a durable power of attorney.

If You Have a Living Trust

A living trust isn't a complete substitute for a durable power of attorney for finances, but it can be helpful if you become incapable of taking care of your financial affairs. That's because the person who will distribute trust property after your death (called the successor trustee) also, in most cases, has authority to take over management of the trust property if you become incapacitated.

However, the successor trustee has no authority over property not held in the trust. Few people transfer all their property to a living trust; most transfer only assets that are expensive to probate, such as real estate and valuable securities. A durable power of attorney ensures that someone will be on hand to take care of other property, as well as day-to-day financial tasks.

If You Own Joint Tenancy Property

Joint tenancy is a way that more than one person can own property together. When one owner dies, the other owners automatically inherit the deceased person's share of the property. But if you become incapacitated, the other owners have very limited authority over your share of the joint tenancy property. For example, if you and someone else own a bank account in joint tenancy and one of you becomes incapacitated, the other owner is legally entitled to use the funds. The healthy joint tenant can take care of the financial needs of the incapacitated person simply by paying bills from the joint account. But the other account owner has no legal right to endorse checks made out to the incapacitated person. In practice, it might be possible to get an incapacitated person's checks into a joint account by stamping them "For Deposit Only," but that's not the easiest way to handle things.

Matters get even more complicated with other kinds of joint tenancy property. Real estate is a good example. If one owner becomes incapacitated, the other has no legal authority to sell or refinance the incapacitated owner's share. By contrast, with a durable power of attorney, you can give your attorney-in-fact authority over your share of joint tenancy property, including real estate and bank accounts.

When You Shouldn't Rely on a Durable Power of Attorney

The expense and intrusion of a conservatorship are rarely desirable. In a few situations, however, special concerns justify the process.

You Want Court Supervision of Your Finances

If you can't think of someone you trust enough to appoint as your attorney-in-fact, with broad authority over your property and finances, don't create a durable power of attorney. A conservatorship, with the built-in safeguard of court supervision, is worth the extra cost and trouble.

You Fear Family Fights

A durable power of attorney is a readily accepted and powerful legal document. Once you've finalized yours, anyone who wants to challenge your plans for financial management will face an uphill battle in court. But if you expect that family members will challenge your document or make continual trouble for your attorney-in-fact, a conservatorship may be preferable. Your relatives may still fight, but at least the court will be there to keep an eye on your welfare and your property.