



## President's Message

March 2006

Thank you all for patiently waiting for this edition of Access and I truly apologize for the delay in getting it to you. We have finally completed our revision of the Bylaws and sometime in the early part of April proxy votes will be sent out to you. As a reminder, however, you have until April 6, 2006, to make any comments or suggestions on these revisions.

Another reason that I delayed this edition yet another week is so that I could tell you about my trip to Chicago last weekend. I was invited by the National Association of Legal Document Preparers to attend a conference for State Presidents.

The meeting opened at 3 pm on Sunday with a general discussion about the Legal Document Assistant profession. Present were State Presidents from Arizona, New York, Oklahoma, Idaho, Colorado and Maryland. Arizona is the only other State besides California that has a LDA law, however, the difference is that in Arizona Legal Document Preparers are certified by the Supreme Court. Allen Merrill, a Past President of the Arizona Association of Independent Paralegals is going to write an article for our next edition describing the process that they went through to be recognized as Legal Document Preparers. Following the general session, which lasted for 3 hours we were treated to a fabulous dinner at Gibson's Steak house.

Monday morning opened with a talk by Jason Searns, General Council and Executive Vice President of We The People and a great advocate of our profession. Before joining We The People, Jason served as an Assistant District Attorney in Buffalo, NY on the Organized Crime Task Force. He has served on the Board of Directors of the Denver Paralegal Institute, written as a columnist for Legal Assistant Today magazine and authored a book on Civil Rights for West Publishing. He spoke at great length about possible future legislation particularly in the area of fees that Bankruptcy Petition Preparers can charge. Jason lives in Denver, Colorado and he has offered to fly to California and talk to us. I am hoping that he will come to our conference in October.

Richard Granat, Director of the Legal Technician Training Institute, an organization dedicated to developing and training a new class of legal information specialists, spoke about the history of the Legal Document Preparation industry going back as far as 1967. Richard was previously President and Dean of the Philadelphia Institute for Paralegal Training, the nation's first paralegal school, where he was responsible for education and graduating more than 10,000 paralegals over a period of ten years. Richard is a member of the Maryland and District of Columbia Bar and was chair of the Law Practice Management Section of the Maryland Bar Association.

Jay Saddler, President of Capitol Consulting Group Illinois, gave an update on the pending Illinois legislation on Legal Document Preparers, which seems to have been put on hold until next year. Jay's company is an intergovernmental relations and lobbying firm with

experience relating to both house of the U.S. Congress, the executive branch, and state and local levels.

Robert R. Hoopes, Jr. President of Hoopes Strategies, a veteran of three Senate offices spoke about various media strategies. Robert has worked on local, state and national political campaigns and provides political commentary for Fox News, NPR, MSNBC, News Channel 8, Fox, BBC World News Radio and Television and the Armstrong William's Show.

The lunchtime speaker was Jim Turner, Executive Director of HALT, an organization of Americans for Legal Reform, which is a 50,000 member national, non-profit public interest group. He spoke about his agenda, which is improving accountability and accessibility in the civil justice system through coordinated advocacy efforts in judicial test cases, state legislatures, ABA proceedings, and numerous print and non-print media pieces. He has served as Senior Policy Analyst and Counsel to President Clinton's Advisory Committee on Gulf War Veterans' Illnesses, and Staff Director and Chief Counsel to the Legislation and National Security Subcommittee of the U.S. House of Representatives. He is a member of the District of Columbia Bar and numerous federal bars.

Brent Gilroy, Public Affairs Communications Counselor for NALDP, spoke about increasing membership in State Associations. Brent has extensive experience in public relations and has worked in fields such as transportation, national defense, aerospace, international trade, high technology, biotechnology and the environment. In addition to this has served as administrative assistant and press secretary for U.S. Rep. George Darden of Georgia.

Lizanne Saddler, Director of NALDP, spoke about grassroots lobbying, an area in which she has nearly twenty years of experience. Lizanne has served in several grassroots and fundraising positions for candidates and party committees in Washington, DC and California. Lizanne is responsible for promoting the profession and goals of legal document preparers across the nation.

This conference was not only beneficial to CALDA but also to me as a Legal Document Assistant. I came away with so many new ideas and dreams for CALDA. We in California are leading the way for the Legal Document Assistant in other States. Our profession is going to grow and we as an organization will grow with it.

*Carol Ludlow*  
*President*



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### **ATTENTION 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 a member community environment and forum participation for all voting members. This service enables our members to help and be supportive to each other. If you have not received your forum access, contact the administrator at [forums@calda.org](mailto:forums@calda.org)

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

- ✓ Increased professional knowledge and networking opportunities.
- ✓ Awareness of events and developments pertaining to the LDA profession.
- ✓ Subscription to the newsletter, ACCESS.
- ✓ A voice in decisions affecting the profession at the local, state and national levels.
- ✓ Discounts on educational seminars and workshops.
- ✓ 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-Mail to: [newsletter@calda.org](mailto:newsletter@calda.org)**

**Computer System used PC only, Software used, MS Word or Word Perfect 12 or lower ONLY.**

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

**Words from our Vice President**  
*Connette Blalock*

We have been very busy since the last newsletter getting used to a new board, hashing out the Revisions to the By-Laws, and of course, preparing for the 20<sup>th</sup> Anniversary of CALDA, which promises to be the biggest and best conference ever.

We have secured a shuttle to take our members from the airport in Palm Springs, CA to the conference center, at Highland Springs Resort in Cherry Valley, and are working on securing group rate airfare.

We are asking for volunteers to teach classes this year. One class that is being offered this year is Estate Planning, being taught by Craig Wilson of Fullerton, Lemann, Schaefer and Dominick. I have invited Commissioner Vogl and am awaiting his reply. We hope to bring new classes in this year, as we will have teachers from the Southern California area as well as some of our regulars. Vendors will be available as always.

You will be able to pay in installments beginning soon. Look for further details next month.

Connette Blalock  
Vice-President

**Words from the Treasurer**  
*Betty Cole*

I have prepared a Balance Sheet, Revenue and Expense Statement Report and Proposed Budget. See the separate Financials March pdf.

Betty Cole  
Treasurer

**Words from our Membership Chair**  
*Robin Schumacher*

## NEW CALDA MEMBERS

Please join me in welcoming our newest members:

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Rosa Urbina*<br/>W. Henry Younger Jr., LDA<br/>Reynaldo Rodriguez, LDA<br/>M J Robinson, LDA<br/>Jean Couderc, LDA<br/>Debra Shea, LDA<br/>Toshie Ozaki, LDA<br/>Yanira Flores, LDA<br/>Harriet Piercy, LDA<br/>Russell Simpson, LDA<br/>Carl Sweatman, LDA<br/>Patricia Speer, LDA<br/>Victoria Ring*<br/>Omar Del Rio, LDA<br/>Jeffrey Katz *<br/>Dawn Flick*<br/>Eszter Freeman, LDA<br/>Fran Parker, LDA<br/>Sung Lee, LDA<br/>Michele Ballard, LDA<br/>James Woll*</p> | <p>Palmdale, CA<br/>Solano County<br/>Los Angeles County<br/>San Francisco County<br/>Marin County<br/>Los Angeles County<br/>San Diego County<br/>Los Angeles County<br/>Riverside County<br/>Calaveras County<br/>Contra Costa County<br/>San Joaquin County<br/>Columbus, OH<br/>Orange County<br/>American Canyon, CA<br/>San Jose, CA<br/>Sonoma County<br/>Fresno County<br/>Orange County<br/>Sacramento County<br/>Student Member</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

\*Not a registered LDA

Newbies – WE WANT YOU! If you are interested in participating on a committee and helping CALDA with its mission, please give me a call at (559) 485-5445. I will make sure you get hooked up with the right person. Committees available:

- |                                                                                                                                                                  |                                                                                                            |                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>- Public Relations</li> <li>- Technolog</li> <li>- Professional Standards</li> <li>- Nominations and Elections</li> </ul> | <ul style="list-style-type: none"> <li>- Education</li> <li>- Conference</li> <li>- Legislation</li> </ul> | <ul style="list-style-type: none"> <li>- Membership</li> <li>- Newsletter</li> <li>- Fund Raising</li> </ul> |
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Robin Schumacher  
Membership

## Words from our Education Chair

*Robin Wilson*

I have been researching available options for teleconferencing of online workshops/courses, and have come across [www.gotomeeting.com](http://www.gotomeeting.com). Some of the key benefits of the Corporate Plan include:

- \*Delivers the easiest, fastest and most secure way to have online meetings;
- \*Provides an "All You Can Meet" approach to online meetings -- meet as often as you like, and as long as you like, for one convenient flat fee;
- \*Maximizes your ROI through an easy to use interface that encourages frequent use;
- \*Allows continued use of meetings through recording options;
- \*Provides a faster and greater return on investment than other online meeting solutions; and
- \* GoToMeeting transforms the way online meetings are conducted through its unique approach to functionality and cost.

Some of the other features this format offers are:

- You can schedule meetings through Outlook;
- Meetings can be recorded through either MS Video or their system;
- The Corporate Plan is available for a yearly flat fee of \$3,835 for up to 5 organizers, offering unlimited meetings to 25 attendees/meeting;
- With 10 organizers (double the \$3,835 price tag), you can have up to 200 attendees per meeting (organizers are the people who host the meeting);
- The Corporate Plan offers phone bridge to 70 attendees;
- Their Personal Plan allows to 10 attendees/meeting and is either \$49/month or \$39/month, but lacks reporting function and has no central billing;
- It has security, as it is 128 AS Encrypted (I don't understand this but maybe some of you "technies" do); and
- They offer a 15-day trial of the Corporate Plan.

I have received the State Bar MCLE division's approval to offer such format.

What we would like to know is:

1. What are your thoughts on this type of program; in other words, how many of you feel you would want to utilize this service, since if we went with the Corporate Plan, we would spend either \$3,835/year or twice that? We of course would have to charge members for online courses offered in this manner in order to offset the cost.
2. How would you like to see it administered?
3. What would you be willing to pay for an online class?
4. What types of classes would you like to see offered?
5. How frequently would you like to see classes offered?
6. Do any of you have any information on alternatives we might want to pursue as an organization?

We welcome any and all of your input into the making of such a decision, as we are only a committee of three (3) and a board with 13 Directors. You as members should have the final say I believe, as this is YOUR organization, so it is as good as you are willing to contribute your thoughts, input and time.

Thank you in advance. We look forward to receiving your input and suggestions!

Robin Wilson  
Education

Committee:  
Socorro Vizcaino-Arce and Jolene Dashut



Where does the Legal Document Assistant Fit in?

There are two extremes in the area of Family Law, one being the belief that an attorney must fill out all legal paperwork to be filed with the court, and the other extreme is the relatively new phenomena of the online dissolution. The public has only so much information to rely on, that being the media. The public awareness of the Legal Document Assistant profession is still in a fog, we are in their eyes " A Paralegal".

The extremes are seen just about every day in the lives and times of the LDA. Thursday the 16th of March, The Orange County Register published an article in the business section, titled "Point, Click, Untie the Knot", Do it yourself Divorces are becoming a popular option for thousands of couples hoping to save thousands in legal fees. No mention of course of the Legal Document Assistant, just the cost comparison of using a lawyer for a relatively simple dissolution.

I'm sure all the LDA's in their business practice will have had one client come forth, requesting assistance to finish up a dissolution that was started online. Let's face it, the initial filing is the easy part, in fact log onto [www.ezlegalfile.org](http://www.ezlegalfile.org) and see just how EZ it is. Do the do-it-yourself clients want to work with a computer or a real live human? So we are limited to what we can do as far as avoiding UPL. The next extreme is the retaining of the lawyer, someone who they can get the legal advice from and get their paperwork filed and served.

Last Wednesday, I had the pleasure of meeting one of the 50 Female Super Lawyers in California, Stacy D. Phillips. My curiosity got the best of me, as I wanted to see up close and personal just what a "Super Lawyer" consisted of. I was personally introduced to Ms. Phillips as, Moira, the Legal Document Assistant. Super Lawyer asked "What is a Legal Document Assistant"? Ahhh, the infamous question asked by nearly all attorneys I been introduced to, even super lawyers who are Certified Family Law Specialists. Switch into PR mode, Moira, splain Lucy, splain. "Well Ms. Phillips, this is a profession defined in the B&P code, 6400". She shrugs, then polls her audience of Beverly Hills Lawyer friends who came to listen to her book promotion, "Have you guys heard of this profession"? "No", as they all had puzzled looks on their faces, mumbled how many years they been in practice, and yet never heard of the BP code defining this profession. Out came the LDA registration card, this is what usually satisfies the delicate attorney ego, as the card starts with the "This Person is NOT a Lawyer". The Family Law Appellate lawyer, who held on my credentials a bit too long, probably eyeballing some watermark from the Orange County Recorder, making sure I didn't create this ID from Photoshop. His comments were typical, but true. "You guys handle the clients we don't want".

Bingo!! We are not a threat, because they handle the clients we don't want--as if Denise Richards and Charlie Sheen want to seek the assistance of an LDA. Appellate Esq. wished me luck in my PR campaign of spreading the word of the LDA profession to the whole State of California. Hey, what the heck even high priced attorneys who bill at \$650.00 an hour learned something new (plus Super Lawyer offered me a paralegal job with her firm, graciously I declined, but she did say if I do know of anyone in LA who is interested in working for a celebrity divorce attorney to send out a resume).

Lifting the fog in our profession is not as simple as blowing a fog horn on a fishing boat. How is this being accomplished? Baby steps, and hopefully with the assistance of the support CALDA is getting here in Orange County with the Court thanks to Commissioner Vogl, the County Recorder's Office, the OC District Attorney, and next step the OC Bar association, we can have the first seminar by clearing the air to the legal profession of "Just what is an LDA, and how different are they from a Paralegal".

We are a legitimate profession, and as Commissioner Vogl said; "Your profession is much like the very early days of the chiropractor". In a way that makes logical sense, as the chiropractors fought off the powerful AMA. The chiropractor is a recognized profession by the physicians, and not a threat to their practice. It took years for that recognition, but mainly do to those who used the chiropractor and swear by their healing nature.

Our profession does fit in between the lawyer an the online document assistance. The actually Attorney has the cha ching meter running at the law firm, and the other extreme being the "point, click, and now what"?? Every time when we tell prospective clients, "I am not an attorney" have we heard, "Good, I don't want one"? It is up to us, as LDA's from CALDA to get those needing assistance with paperwork through the system, by saving money and by making it as painless as possible.

On a personal note, I don't feel threatened by the online resources. When I call for customer service, I don't want electronic vocal prompts I want a real person. Going

through the legal process is much like that, many people want a real person. We cannot give legal advice, but we can track down the dissolution in the court and find out what the status is, we can personally file it in court, and we are in compliance with the law in our state. Who wants to have legal paperwork prepared by someone who is breaking the law?

The fog is gradually lifting through public awareness, and each LDA who assists yet another pro per successfully through the legal system. Every time one of our members gets positive client feedback, would be like a ray of sunshine that will lift the fog.

Moira Boyle  
Public Relations



By now, it's no secret that with the advent of Section 6126.3, which was added on to SB894, the State Bar has all the authority it needs to take court action against non bar members, such as legal document assistants, for unlawful practice of law (UPL). Section 6126.3, as outlined below, is designed to target all persons that are involved with form preparations or any other public self-help activities for profit and clearly spells out the consequences and/or penalties if a nonmember of the State Bar is found guilty of UPL.

#### BRIEF OUTLINE OF SECTION 6126.3 OF SENATE BILL 894

- I. As of September 22, 2005, Section 6126.3 was added to Senate Bill 894, Business and Professions Code, for the purpose of deterring the unlawful practice of law (UPL) by persons who are not members of the State Bar of California.

Section 6126.3 (a) states as follows:

"In addition to any criminal penalties pursuant to Section 6126 or to any contempt proceedings pursuant to Section 6127, the courts of the state shall have the jurisdiction provided in this section when a person advertises or holds himself or herself out as a practicing or entitled to practice law, or other wise practices law, without being an active member of the State Bar or otherwise authorized pursuant to statute or court rule to practice law in this state at the time of doing so."

- II. Section 6126.3(e) indicates as follows:

"If the court finds that the facts set forth in subdivision (a) of Section 6126.3 have occurred and that the interests of a client or an interested person or entity will be prejudiced in the proceeding provided herein is not maintained, the court may make an order assuming jurisdiction over the person's practice pursuant to this section." This could include the following:

- (1) Examine files and records of the practice and obtain information as to any pending matters that may require attention.
- (2) Notify a person's clients whose action is before the court to seek other counsel.
- (3) File any notices, motions or pleadings necessary as may be appropriate.
- (4) Arrange for the surrender or delivery of clients' papers or property.
- (5) Arrange for the appointment of a receiver, where applicable, to take and control of any and all bank accounts relating to the affected person's practice.
- (6) Do any other acts that the court may direct to carry out the purposes of this section.

### III. Court Jurisdiction

"The court shall have jurisdiction over the files and records and over the practice of the affected person for the limited purposes of this section, and may make all orders necessary or appropriate to exercise this jurisdiction."

Although it appears that SB 894 is primarily addressed to persons who willfully practice law without being a member of the Bar, disbarred individuals or individuals not in good standing with the State Bar of California, it is definitely applicable to anyone who is bound by the Business and Professions Code and found guilty of UPL as specified in Section 6126.3. I believe we are at a juncture where we either police ourselves or we allow the District Attorney's office or other law enforcement agencies to do it for us. The latter to me would be unsavory and should be a last resort.

Section 6126.3 re-emphasizes the strict guidelines that we as LDAs need to take seriously so as to conduct our normal course of business. The warnings clearly outline that if a client should make application to the courts with a complaint against a person engaging in what could be interpreted as UPL, there could be serious legal consequences, including seizing of bank accounts and a person's entire business practice.

Now, more than ever, we are highly scrutinized and need to adhere to strict compliance to the laws governing our profession. How LDAs conduct business is a reflection on what our profession stands for and clearly should send a message that our main focus is to help others help themselves.. We at all times, must be mindful of the client's rights in helping them with their legal problem by simply completing whatever forms they direct us to complete in accordance to the information they provide. As a matter of fact, pursuant to the Business and Professions Code 6410.5(b), we are to inform clients in a statement that we "cannot select forms for you" before we can enter into a contract for services.

Education is certainly one of the keys to a successful business. Adherence to the laws governing our profession, again, is a must if we expect our profession to flourish and earn respect as professionals. We need to always be mindful of our responsibility to client rights and practice compliance with laws governing our profession.

Rita R. Capello, LDA/Notary  
Professional Standards Committee Member

**Words from our Legislation Chair**  
*Andrew Voller*

I hope to establish a new section in the CALDA newsletter and perhaps submit an on-going report to be posted on the CALDA website or forum of newly chaptered assembly and senate bills that might be of interest to our members.

I have begun this process by going through the first 250 assembly bills chaptered during the 2005-2006 session. To save space, I have deleted the applicable code sections as this information can be easily accessed as described below.

For those of you who are notaries, pay attention to the language in AB361. For those who work in family law, there are some new laws pertaining to the length of restraining orders and evidence code changes pertaining to child abuse and people with a history of domestic violence.

For those of you who prepare deeds and other title documents, AB 12 is an interesting bill that could come to fruition next year. It will change the world of trust work. There are also changes in disclosure laws regarding real property.

AB 496 contains important information regarding service of process and only a portion of this bill has been reprinted in this article. I would suggest all of you review this bill in its entirety.

You may also access this information for more detail and legislative history on each bill by going to [www.leginfo.com](http://www.leginfo.com). If you are not familiar with this website, you must immediately add it to your chest of tools, it is an invaluable resource and very accessible.

Any comments and/or suggestions for this new column would be most welcome. Please respond to Andrew Voller, CALDA Legislative Chair at [Legislative@Calda.org](mailto:Legislative@Calda.org).

**Assembly Bill No. 12**

AB 12, DeVore. Nonprobate transfers: property conveyances upon death.

This bill would require the California Law Revision Commission to study the effect of California's nonprobate transfer provisions and to study statutes in other states that establish beneficiary deeds as a means of conveying real property through nonprobate transfers. The objective of the study would be to determine whether legislation establishing beneficiary deeds should be enacted in California. The bill would require the commission to report its findings to the Legislature on or before January 1, 2007. The bill would also require the commission, if it recommends that the Legislature adopt a statutory scheme establishing beneficiary deeds, to also recommend the content of the proposed statute.

**Assembly Bill No. 14**

AB 14, Harman. Property tax: subdivisions: separate assessments and valuations.

The bill would prohibit an assessor from assigning parcel numbers or preparing a separate assessment or separate valuation to divide any existing residential structure into a subdivision, as defined, until a subdivision final map or parcel map, as specified, has been recorded as required by law.

Assembly Bill No. 68

AB 68, Montanez. Motor vehicle sale contracts: Car Buyer's Bill of Rights.

This bill, operative July 1, 2006, would enact the Car Buyer's Bill of Rights. The bill would require a conditional sale contract for a motor vehicle to include a specified notice to inform the buyer of a used vehicle with a purchase price of less than \$40,000 of his or her right to obtain a contract cancellation option agreement.

Assembly Bill No. 99

AB 99, Cohn. Protective orders: expiration.

Under existing law, in the discretion of the court, the personal conduct, stay-away, and residence exclusion orders contained in a court order issued after notice and a hearing may have a duration of not more than 3 years, subject to termination or modification by further order of the court, as specified. These orders may be renewed either for 3 years or permanently. This bill would provide that these protective orders may have a duration of not more than 5 years, in the discretion of the court, and may be renewed either for 5 years or permanently. The bill would make an additional conforming change.

Assembly Bill No. 112

An act to amend Section 136.2 of the Penal Code, relating to protective orders.

AB 112, Cohn. Protective orders: enforcement priority.

This bill would provide that the provisions of an emergency protective order issued under specified provisions and meeting specified requirements shall have precedence in enforcement over the provisions of any other restraining or protective order, only with respect to those provisions of the emergency protective order that are more restrictive in relation to the restrained party.

Assembly Bill No. 114

AB 114, Cohn. Child abuse.

This bill would provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of child abuse may be admitted to prove the defendant's conduct, except as specified and subject to an evidentiary hearing. The bill would also define "child abuse" for purposes of that provision and would make other nonsubstantive changes.

Assembly Bill No. 118

AB 118, Cohn. Protective orders: minor children.

This bill would require that if a criminal protective order has been issued, as specified, a visitation order or a specified custody and visitation order shall make reference to, and acknowledge the precedence of enforcement of, any appropriate criminal protective order. The bill would require the Judicial Council to modify criminal and civil court forms consistent with this provision, on or before July 1, 2006. This bill would incorporate additional changes in Section 136.2 of the Penal Code proposed by AB 112, AB 1288, and SB 720, to become operative only if any or all of those bills and this bill are chaptered and become effective January 1, 2006, and this bill is chaptered last.

Assembly Bill No. 145

AB 145, Committee on Budget. Budget Act of 2005: Court fees.

(1) Existing law establishes various court fees to be collected for services provided in conjunction with the operation of the courts, as specified.

This bill would enact the Uniform Civil Fees and Standard Fee Schedule Act of 2005, which would, as of January 1, 2006, establish a uniform schedule of filing fees and other civil fees for the superior courts....The bill would provide that none of these civil fees may be changed before January 1, 2008, except as specified....The bill would further revise and recast provisions relating to the distribution of the above-described fees, affecting, among other things, dispute resolution programs, court reporter services, small claims advisory services, and law library funds, and would make specified findings and declarations with regard to the above-described provisions.

Assembly Bill No. 204

AB 204, Harman. Decedents' estates: posthumously conceived children.

Assembly Bill No. 361

AB 361, Sharon Runner. Notaries public.

Existing law generally sets forth the procedures for proof and acknowledgment of instruments executed before notaries public and prescribes administrative penalties and civil fines for violation of provisions that govern notaries public. This bill would make it a misdemeanor for a notary public to willfully fail to perform the required duties of a notary public or to willfully fail to keep the seal of the notary under his or her direct and exclusive control. The bill would require a court to revoke the commission of a notary public, upon conviction of any offense related to his or her duties, or of any felony and would require surrender to the court of the seal of the notary public, which would then be forwarded to the Secretary of State. The bill would make other related changes. By creating new crimes, this bill would impose a state-mandated local program.

The people of the State of California do enact as follows:

SECTION 1. Section 1189 of the Civil Code is amended to read:

1189. (a) Any certificate of acknowledgment taken within this state shall be in the following form:

State of California

County of \_\_\_\_\_

On \_\_\_\_\_ before me,

(here insert name and title of the officer), personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

Assembly Bill No. 415

An act to amend Section 1282.4 of the Code of Civil Procedure, relating to arbitration, and declaring the urgency thereof, to take effect immediately.

AB 415, Harman. Arbitration: legal representation.

Existing law, effective until January 1, 2006, permits persons admitted to the bar of any other state to represent a party in an arbitration proceeding in this state, or to render legal services in this state in connection with an arbitration proceeding in another state. Existing law requires out-of-state attorneys representing a party in a California arbitration proceeding to serve upon the arbitrator, the State Bar of California, the parties, and counsel, a certificate containing specified information prior to the first scheduled hearing in the arbitration. Existing law also permits any party to an arbitration arising under certain collective bargaining agreements to be represented by any person.

This bill would extend the operation of those provisions until January 1, 2007.

This bill would declare that it is to take effect immediately as an urgency statute.

AMENDED IN ASSEMBLY JANUARY 26, 2006

AMENDED IN ASSEMBLY MARCH 30, 2005

ASSEMBLY BILL No. 425

Introduced by Assembly Member Negrete McLeod

February 15, 2005

An act to amend Section 22443 of the Business and Professions Code, relating to immigration consultants. legislative counsel's digest

AB 425, as amended, Negrete McLeod. Immigration consultants.

Under existing law, the Department of Consumer Affairs regulates persons engaged in the business or acting in the capacity of an immigration consultant. A violation of these provisions is a crime. Existing law requires a person engaged in the business or acting in the capacity of an immigration consultant to provide clients with a copy of each document or form completed on behalf of the client. Existing law requires that each document and form include the name and address of the immigration consultant. This bill would require immigration consultants to include additional information on all forms, documents, petitions, and correspondence. Because a violation of the bill would be a crime, it would impose a state-mandated local program.

Assembly Bill No. 429

AB 429, Chu. Temporary restraining orders and protective orders.

(1) Existing law requires a court to order the plaintiff or his or her attorney to deliver a copy of each temporary restraining order or injunction with respect to workplace violence to the law enforcement agencies within the court's discretion as are requested by the plaintiff. This bill would further provide that, at the request of the plaintiff, such an order shall be served on the defendant, regardless of whether the defendant has been taken into custody, by any law enforcement officer who is present at the scene of reported unlawful violence or a credible threat of violence involving the parties to the proceedings. The bill would also provide that the plaintiff shall provide the officer with an endorsed copy of the order and proof of service that the officer shall complete and send to the issuing court. The bill would provide that upon receiving information at the scene of an incident of unlawful violence or a credible threat of violence that a protective order has been issued under this provision, or that a person who has been taken into custody is the subject of an order, if the plaintiff or the protected person cannot produce an endorsed copy of the order, a law enforcement officer shall immediately attempt to verify the existence of

the order. The bill would provide that if the law enforcement officer determines that a protective order has been issued, but not served, the officer shall immediately notify the defendant of the terms of the order, obtain the defendant's address, and enforce the order, as specified. The bill would also provide that the law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and sufficient legal notice, as specified. The bill would also require the plaintiff to mail an endorsed copy of the order to the defendant's mailing address provided to the law enforcement officer within one business day of the reported incident of unlawful violence or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

#### Assembly Bill No. 459

An act to amend Section 11010 of the Business and Professions Code, and to add Section 1102.6c to the Civil Code, relating to transfer of real property.

AB 459, Oropeza. Transfer of real property: disclosure of supplemental property taxes.

This bill would make it the sole responsibility of the seller of residential property, or his or her agent, in addition to any other disclosures required, to deliver to the prospective purchaser a disclosure notice containing specified information about supplemental property tax assessments. The bill would further require that notice be included in the notice of intention that is filed with the Department of Real Estate by a person who intends to offer subdivided lands for sale or lease. The bill would incorporate additional changes in Section 11010 of the Business and Professions Code proposed by SB 655, to be operative only if SB 655 and this bill are both chaptered and become effective on or before January 1, 2006, and this bill is chaptered last.

#### Assembly Bill No. 496

AB 496, Aghazarian. Service of process.

This is a lengthy bill that would benefit you to review . To save space, I have posted only a portion herein.

(1) Existing law requires every person who makes service of process in this state for compensation more than 10 times a year to register as a process server with the county clerk, with specified exceptions, including attorneys and their employees. This bill would limit the latter exceptions to persons when serving process related to cases for which the attorney is providing legal services.

(2) Existing law provides that a plaintiff may have the clerk issue one or more summons for any defendant. This bill would require the clerk, in that connection, to keep each original summons in the court records and provide a copy of each summons issued to the plaintiff who requested issuance of the summons.

(3) Existing law requires a summons to be returned to the court together with its proof of service, and provides specified procedures for a summons that is lost after service.

This bill would delete the requirement that the summons be returned, and would delete those procedures for lost summons. The bill would also make conforming changes to a related provision.

#### Assembly Bill No. 519

AB 519, Leno. Parental rights.

Existing law provides that children may become dependent children of the juvenile court on the basis of abuse or neglect. Existing law specifies that any order of the court permanently terminating parental rights is conclusive and binding on the child, subject to specified notice provisions, and gives the juvenile court no power to set

aside, change, or modify that order, except that the order may be appealed. This bill would create an exception to this provision to permit a child who has not been adopted after the passage of at least 3 years from termination of parental rights and for whom the court has determined that adoption is no longer the permanent plan, or is no longer likely to be adopted, as specified, to petition the juvenile court for reinstatement of parental rights, pursuant to specified procedures.

Assembly Bill No. 541

AB 541, Harman. Guardians.

(1) Existing law, until January 1, 2008, authorizes a court to require any parent who is seeking custody of, or visitation with, a child who is the subject of a custody proceeding, to undergo testing for the illegal use of controlled substances and the use of alcohol under specified circumstances. Existing law requires the court to order the least intrusive method of testing. Existing law requires that testing be in conformity with certain federal procedures, provides that the results of this testing shall be confidential and maintained as a sealed record, and permits a parent or legal custodian who is tested to contest the test results at a hearing. This bill would also authorize a court to require any person who is seeking custody of, or visitation with, a child who is the subject of a guardianship proceeding, to undergo drug testing pursuant to the above-described procedures.

