



ACCESS

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



January 15, 2004

PRESIDENT'S MESSAGE

On May 8th Richard Lubetzky, our attorney, held his first seminar in the Northern California area to 22 LDAs. If we had any doubt about what constitutes UPL before we attended, we left with a very clear perception after four hours of explanation and discussion. This is one of the most comprehensive and informative sessions you will probably ever attend on the subject and I highly recommend that those of you in the Southern California area do everything possible to attend in June.

There is a misconception that before legislation, as independent paralegals, we had more "freedom" to run our businesses without all the restrictions which we now have to live with. That is wrong. The difference is that now the restrictions are spelled out clearly in the legislation, as before they weren't. It was easier to bend, and often break, the rules without clearly defined parameters. There was interesting discussion about this at the seminar.

As CALDA members, we should be the shining examples of how LDAs should run their businesses. We should set the examples so that all the non CALDA LDAs out there will eventually get the message that to be a CALDA member is to belong to an elite and prestigious organization. That means we have to adhere to "Setting the Standard" and, in fact, to a higher standard. Whenever you are tempted to do something you know is stepping over the UPL line, remember you are a member of CALDA and a reflection of all of us.

In November, we will hold our annual conference. There are many members out there that have a lot to say and a lot to offer our organization. There will also be several board positions open for

nominations. I urge you to consider becoming a member of the board and contribute to the betterment of CALDA by actually making a difference. We need dedicated people to bring forth constructive ideas that will benefit all of us.

WE NEED YOU!

Also, we still need volunteers for the Choices List. We have volunteers to work on Family Law, Deeds and Probate lists, which is a great start, however we need more volunteers for all the many other services we provide. These lists would be very useful for all LDAs, new and experienced, to help get us out of sticky situations. The more attorney-sanctioned material we have, the better. Think of how many grateful LDAs you would be helping!

Lastly, in your spare time, be thinking about how **YOU** can *really* be a part of CALDA. What can **YOU** do to contribute besides just paying dues? Not to minimize the dues part, but how can you help CALDA be bigger and better? For starters, find non CALDA LDAs in your area and convince them to become members. Make it a mission. There is strength in numbers and it begins with **YOU**.



CALDA OFFICERS 2004

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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@longcourtforms.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

There have been no new complaints regarding CALDA members. If you need a Complaint form you can obtain it from the Association’s web site, www.CALDA.org.

Keep up the good work!

Marcia Burke

Professional Standards Chairman
510-791-2700

CONFERENCE

Your Board has been working very hard to make the 2004 Conference at Asilomar a huge success. We already have many classes planned, including a Q & A with Commissioner Vogl from Orange County family court. Anyone with questions on judgments or any other aspect of family law should post those questions on the Calda Talklist and we will submit them to Comm. Vogl prior to the conference.

We will be having a bon fire Saturday night and ask that anyone with musical talent bring your guitar, harmonica, whatever, and entertain the rest of us who have no such

talent! There will be wine, s'mores, and who knows what else. Should be a nice relaxing diversion after all the knowledge we put into our heads at the various classes.

I look forward to seeing everyone at Asilomar in November. I especially enjoy meeting the people who have posted messages on the Talklist - always fun to match faces with names.

Respectfully submitted,
Hinda Lucas
hinda@mindspring.com

To all CALDA members doing family law:

Re: All **MSA's** in California. There was a recent code change requiring the below verbiage. All MSA's should have this verbiage in them if children are involved or your Judgment will most likely be rejected.

The parties agree that this court has jurisdiction over the issue of child custody as California is the home state of the child(ren), that they personally executed this agreement and understand their custodial rights and waive any further hearing on this issue, and agree that the United States is the country of habitual residence of the child(ren). They acknowledge that they are aware that a violation of this custodial order may result in civil or criminal penalties.

[Family Code Section 3048].

IMPORTANT TO SET GOALS

The one purpose of goal-setting is to help you accomplish what you want to accomplish in all areas of life. Setting, planning and working toward clear, specific goals will lead you to the winner's circle, if you never never give up.

You may compete against someone more talented than you, but never allow yourself to compete against someone more prepared!

THE NORTHERN CALIFORNIAN MEDIATION CENTER is offering informal brown bag luncheons on alternating months for people interested in learning about the mediation field, the types of training available, opportunities for employment and practice, and other questions about becoming a mediator. This group opportunity to talk about mediation for those newly interested in the field is in response to the many individual requests for such information.

The meetings are held on the first Wednesday of alternate months (January, March, May, July, September and November), from 12:15 to 1:30 p.m., and are hosted by Nancy Foster, J.D., at the Northern California Mediation Center in Greenbrae, California.

A DONATION OF \$10 per participant is suggested for support of low-income mediation services of the Center.

Call (415) 461-6392 for information and directions. Space is limited so please let them know if you wish to attend.

Topics covered include, but are not limited to:

NBI/IPE will be offering the following classes:

Estate Planning and Probate for the Paralegal/Legal Assistant in California – June 2, 2004 in San Francisco

The Probate Process for California Paralegals: From Start to Finish – June 7, 2004 in Sacramento and August 3, 2004 in Pasadena

Registration Fee

\$229 first registrant

\$199 each additional registrant

Times

Registration: 8:30-9:00 a.m.

Start: 9:00 a.m.

Lunch: 12:00-1:00 p.m. (lunch on your own)

Stop: 4:30 p.m.

Call 1-800-793-5274, Monday-Friday, 7 AM - 5 PM central time; or visit their website at www.nbi-sems.com

Watch the Talklist for more information on the date/location of Richard Lubetsky’s upcoming workshop/class.

AND, don’t forget to let your Education Chair know which courses you’d like to see offered at the November CALDA conference, since we need to make our schedule and line up the instructors.

Robin Wilson

Education Chair

CALDA MEMBERSHIP

Robin Schumacher – Membership Chairperson

Please join me in welcoming the newest members of CALDA:

Michael Mendenhall	Monterey County
Tina Sandoval	Fresno County
Melinda Snipstad	Los Angeles County
Betty Cleveland	Alameda County
Charles Gilmore	Los Angeles County
Susan McGann	Murrieta, CA (Student Member)
Steven Di Memmo	Riverside County
Deanna Melendez	San Joaquin County
D. A. Batten	Shasta County
Diana Bozarth	Las Vegas, NV (Sustaining Member)

WELCOME TO CALDA!

Treasurer's Report

By Cindy Elwell, CALDA Treasurer

Listed below is our Profit and Loss Report Compared to Budget for our last fiscal year through March 31, 2004. As you can see, we are considerably below budget (\$13,017), which is because we under budgeted our costs for the conference, dues and the website. However, we have a profit to date of \$7,934, so that is the really good news.

CALDA

Profit and Loss Budget vs. Actual FY Ending 3/31/04

	<u>Apr '03 - Mar 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	12,905.00	15,305.00	-2,400.00	84.32%
Fundraising Products	4,663.11	3,200.00	1,463.11	145.72%
Interest Inc	53.79	60.00	-6.21	89.65%
Newsletter	0.00	60.00	-60.00	0.0%
Workshops	430.17	1,200.00	-769.83	35.85%
Total Income	42,007.11	45,225.00	-3,217.89	92.89%
Expense				
Administrative Assistant	2,314.12	1,200.00	1,114.12	192.84%
Annual Conf. Exp.	20,330.17	13,190.00	7,140.17	154.13%
Bank Charge	888.36	852.00	36.36	104.27%
Board Meetings	1,133.33	1,004.00	129.33	112.88%
Fund Raising Committee	879.54	996.00	-116.46	88.31%
Legal & Accounting	509.81	1,000.00	-490.19	50.98%
MCLE	0.00	300.00	-300.00	0.0%
Membership Committee	251.76	420.00	-168.24	59.94%
Newsletter Expense	600.00	924.00	-324.00	64.94%
Office Expense's	791.65	240.00	551.65	329.85%
Post Office	359.97	220.00	139.97	163.62%
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	20.00	350.00	-330.00	5.71%
Telephone	89.69	408.00	-318.31	21.98%
Website	4,232.60	2,400.00	1,832.60	176.36%
Workshop	846.20	600.00	246.20	141.03%
Total Expense	34,073.20	24,274.00	9,799.20	140.37%
Net Income	7,933.91	20,951.00	-13,017.09	37.87%

Detailed below is our balance sheet compared to the previous fiscal year, which shows an increase of \$7,258.

Balance Sheet Previous Year Comparison
As of March 31, 2004

	<u>Mar 31, 04</u>	<u>Mar 31, 03</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
Checking/Savings				
CALDA Checking	26,632.04	20,018.86	6,613.18	33.04%
CALDA Savings	<u>2,529.26</u>	<u>2,529.26</u>	<u>0.00</u>	<u>0.0%</u>
Total Checking/Savings	29,161.30	22,548.12	6,613.18	29.33%
Accounts Receivable				
Accounts Receivable	<u>-43.50</u>	<u>0.00</u>	<u>-43.50</u>	<u>-100.0%</u>
Total Accounts Receivable	-43.50	0.00	-43.50	-100.0%
Other Current Assets				
Undeposited Funds	<u>0.00</u>	<u>-688.00</u>	<u>688.00</u>	<u>100.0%</u>
Total Other Current Assets	<u>0.00</u>	<u>-688.00</u>	<u>688.00</u>	<u>100.0%</u>
Total Current Assets	29,117.80	21,860.12	7,257.68	33.2%
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>
TOTAL ASSETS	<u><u>32,497.27</u></u>	<u><u>25,239.59</u></u>	<u><u>7,257.68</u></u>	<u><u>28.76%</u></u>
LIABILITIES & EQUITY				
Liabilities				
Current Liabilities				
Other Current Liabilities				
Conference Deposits	-1,000.00	-201.00	-799.00	397.51%
Sales Tax Payable	<u>17.01</u>	<u>219.27</u>	<u>-202.26</u>	<u>-92.24%</u>
Total Other Current Liabilities	<u>-982.99</u>	<u>18.27</u>	<u>1,001.26</u>	<u>5,480.35%</u>
Total Current Liabilities	<u>-982.99</u>	<u>18.27</u>	<u>1,001.26</u>	<u>5,480.35%</u>
Total Liabilities	-982.99	18.27	1,001.26	5,480.35%
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>7,998.91</u>	<u>1,596.33</u>	<u>6,402.58</u>	<u>401.08%</u>
Total Equity	<u>33,480.26</u>	<u>25,221.32</u>	<u>8,258.94</u>	<u>32.75%</u>
TOTAL LIABILITIES & EQUITY	<u><u>32,497.27</u></u>	<u><u>25,239.59</u></u>	<u><u>7,257.68</u></u>	<u><u>28.76%</u></u>

Below is our new budget for the current fiscal year ending March 31, 2005; I believe this is a very conservative budget and hope that we do better in fundraising and the conference than in the budget.

	<u>Apr '04 - Mar 05</u>
Income	
Annual Conf. Income	27,000.00
Dues	15,000.00
Fundraising Products	5,000.00
Interest Inc	48.00
Workshops	800.00
Total Income	<u>47,848.00</u>
Expense	
Administrative Assistant	3,000.00
Annual Conf. Exp.	25,000.00
Bank Charge	803.00
Board Meetings	1,370.00
Education	504.00
Fund Raising Committee	1,992.00
Legal & Accounting	1,296.00
Membership Committee	300.00
Newsletter Expense	600.00
Office Expense's	600.00
Post Office	400.00
Public Relations	996.00
Taxes	100.00
Website	4,375.00
Workshop	600.00
Total Expense	<u>41,936.00</u>
Net Income	<u><u>5,912.00</u></u>

You will soon be receiving information on the upcoming conference, so start sending in your deposits and we will then invoice you for the outstanding balance. A deposit of at least \$100 can secure a spot for you at the conference; we will then send you an invoice for the balance which has to be paid prior to the conference.

I hope that everyone is doing well in their business. 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



POWER OF ATTORNEY

The basic of the law concerning powers of attorney are fairly simple. By signing a power of attorney you are giving another person the authority to act on your behalf. Your power of attorney can give your agent broad powers, or it can limit him or her to specific actions.

The law provides that other people may rely on your power of attorney in doing business with your agent, so you will be bound by what your agent does through the power of attorney. This means that you had better have a great deal of trust in the person you select as your agent.

Mental Capacity Necessary to Execute A Power of Attorney

Under California law, a person must have “capacity to contract” in order to execute a power of attorney as the

principal. For most people there has never been determination as to whether they have the capacity to contract or not. However, a determination that a principal or agent did not have the capacity to contract will invalidate the power of attorney. By law, some persons do not have the capacity to contract, e.g., minors and some conservatees for some types of contracts (a conservatee is a person for whom the court has appointed another to handle financial matters.) If there is any question whether the principle or agent has capacity to contract, then:

A written medical opinion as to that issue at the time of the execution of the power of attorney may come in handy if the issue of capacity is subsequently raised; and,

You should consult with an attorney before the execution of the power of attorney.

There is a presumption of capacity of the principal in health care issues.

CUSTOMER AND YOUR ATTITUDE

If you work with the public, a positive mental attitude is essential for success. Think of the doctors you have been too. Although all probably have been highly qualified and skilled, chances are the ones you felt most confident and comfortable with were the ones with the positive, upbeat personalities.

The same is true in any customer-service job. In dealing with customers, put yourself in their shoes. Whom are you more likely to respond to: a salesperson with a smile who says, “May I help you?” or one who greets you with a frown?

If you are in a high-contact, customer-service position you may want to take a serious look at your job if you notice the following symptoms

Apathy, Withdrawal, Fatigue, Indifference, Irritability, Hostility:

If you experience these symptoms on a regular basis, you may suffer from what some psychologists term contract-overload syndrome. According to this theory, while some people have little or no problem dealing with customers on a daily basis, others find the experience uncomfortable and emotionally draining.

Recognizing you have difficulty dealing with customers is the first step in alleviating the problem. Here are some other suggestions:

TAKE BREAKS

Getting away from customers, even for five minutes, can be refreshing.

STAY IN CONTROL

If a customer becomes angry with you, concentrate your efforts on finding a solution to the problem and avoid reacting to his or her anger.

ASK FOR HELP

If you find yourself in a situation where you feel you are losing control, if you have someone working with you, ask them to take over for you.