

23rd ANNUAL CONFERENCE  
 ASILOMAR, OCTOBER 1-3, 2010

Access Newsletter – September 2010 Conference Issue

President's Year End Report

This has been an exciting year for CALDA! We have made significant progress in creating the groundwork toward a strong and successful future. Each Board Chair will detail and elaborate on their own progress, but here are some highlights:

We started the year actively participating in the Elkins Family Law Task Force. This Task Force was created to conduct a comprehensive review of family proceedings and used their findings to recommend proposals to the Judicial Council of California asking for increased access to justice for all family law litigants. Our Board members and volunteers presented CALDA's recommendations to the Task Force in San Francisco and Los Angeles.

Corin Walson, from Walson Communications Multicultural PR and Marketing Company, was contracted to promote CALDA by distributing e-newsletters, creating and updating our Facebook and LinkedIn pages, Facebook blog, sending out e-blasts and press releases and assisting us with our letters and website.

The Bay Area Chapter, in conjunction with the Board, created our CALDA Referral Brochure with the objective of educating the public and legal organizations on the LDA profession, promoting the Legal Document Assistant, and giving the self-represented consumer another alternative for their self-help legal needs. This Brochure has been distributed on a regular basis to several legal organizations and courts.

The Bay Area Chapter also worked with the Board and the Alameda County Law Library to implement the "LDA in the Library" program, designed to educate the public on the usage of LDAs, and providing patrons with published, attorney-approved factual information on legal procedures, rights and obligations and patron referrals to CALDA and ACBA Legal Referral Service and community service organizations in the Alameda County Legal Services Directory.

We are committed to continuing the work we've begun this year, and laying new groundwork for programs which will benefit our customers, our businesses and our association. It truly is an exciting time to be an LDA and a member of CALDA!

Sincerely, *Marcel A. Neumann* CALDA President

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Board Member Updates

This has been a busy and eventful year for CALDA's board members. Several new members were appointed and began contributing to the organization immediately.

Galen Hammond was appointed to Technology Chair in February 2010. He has worked on the CALDA administrative site and the forums to perform as many functions as possible without having to ask the webmaster, thereby saving the Association money. He was added as the CALDA Forum moderator to assist members with forum-related issues. He made changes to the CALDA website and performed maintenance to the website. Galen also has

several other projects lined up, including creating links to various sources such as court websites, and creating a member's only "Sample Document" page. In addition to his duties as technology chair, Galen corresponded with attorney Richard Lubetzky regarding proposed CALDA by-laws and amendments.

Elias DeHerrera was appointed to the Fundraising Chair and has already contributed by successfully rounding up sponsors for the Conference as well as financial donors to CALDA's general and scholarship funds.

Camelia DeHerrera was appointed to the Professional Standards chair recently

vacated by Robin Wilson. She has begun reviewing the standards guidelines and has started the process of assuring that CALDA's members are in compliance with organization ethics and the Business and Professions Code.

Gail Erickson, the membership chair, has implemented several procedures to keep and update the membership roster with accurate information. She has several good ideas for growing CALDA membership as well.

The Board welcomes each new member and looks forward to a successful year for the organization with their able contributions.

## SCHOLARSHIP NAMED AFTER LAGUNA NIGUEL LDA

By PETER SCHELDEN - THE ORANGE COUNTY REGISTER (reprint)

Laguna Niguel legal document expert Kathy Ricci, who died May 15, is remembered for her passion, hard work and kind disposition. And now a new generation of legal document assistants will remember her with a scholarship to help them attend professional conferences.

Remembered for her passion and hard work, the late Kathy Ricci of Laguna Niguel is being honored with a scholarship in her name. The scholarship is being named by the California Association of Legal Document Assistants, a nonprofit organization Document Assistants, a nonprofit organization Ricci once headed.

CALDA founder, Lois Isenberg, said Ricci was considering a pay cut to begin helping those less fortunate find their way through legal paperwork for transactions like divorces. "She had a lot of integrity," Isenberg said. "She took her position seriously, she liked what she did. I think it's fitting for her to have it named after her."

Ricci was once president of the nonprofit CALDA, the organization that named the scholarship after her. The scholarship will help pay for one LDA to attend a CALDA conference each year. A second scholarship was named after the late Thomas F. Manning, Jr. of Granada Hills.

Isenberg said LDAs make legal work affordable. She said the profession has grown since the 1970s, though attorneys have accused LDAs of practicing law without a license.

We were trying to give the public access to the court system, to the legal system, especially in family law," Isenberg said. "At one point if you didn't have an attorney you couldn't get a divorce. It's for people that aren't really at each other's throats; it's for people who just want to do an amicable divorce."

Ricci was married to husband Larry Ricci for 16 years. He said his wife, who was also a yoga teacher, was generous, passionate about CALDA and saw it as her mission to help people who could not afford a lawyer. Her husband is pleased to have a scholarship named in his wife's

honor. "I thought it was wonderful," he said. "I thought, 'What a nice honor for her memory. Someone else can gain knowledge about how to go about this and to help people.'"



***Kathy Ricci "took her position seriously, she liked what she did". It is "fitting" for her to have the CALDA scholarship named after her.***

## CALDA POSTER IN SACRAMENTO COURTHOUSE

The William Ridgeway Family Relations Courthouse in Sacramento is now displaying the poster created by CALDA (California Association of Legal Document Assistants) which distinguishes the difference between Paralegals and Legal Document Assistants (LDAs).

***"It is evident that the California Association of Legal Document Assistants and the Sacramento Family Law Division share the same goal in educating the public in legal matters"***  
***Angie Walters***

For several years, the Sacramento family law courthouse has been faced with the ever increasing problem of inaccurately prepared paperwork which gets rejected. This rejected paperwork clogs the courthouse system because it needs to be corrected and then re-filed again. The court found that there have been individuals posing as paralegals who have been assisting the public with legal documents inside the courthouse. The court also found that these individuals were not registered Legal Document Assistants.

In an effort to resolve this problem and educate the public, Sacramento County Family Law Facilitator, Lollie Roberts, found it essential to display CALDA's poster in the lobby and clerk areas of the courthouse.

Earlier this year, Ms. Roberts also approved the CALDA brochure to be displayed and handed out in the self-help center of this court. Ms. Roberts explained, "If the public chooses to have someone other than an attorney assist with their legal forms the court encourages them to use a registered and bonded legal document assistant rather than a paralegal or someone posing to be a paralegal."

"It is evident that the California Association of Legal Document Assistants and the Sacramento Family Law Division share the same goal in educating the public in legal matters," said Angie Walters, CALDA Legislative Chair. "CALDA especially commends Ms. Roberts for her important role to assist the self-represented litigant."

***Sacramento, CA, by Angie Walters,  
CALDA Legislative Chair***

## NEW MEMBERS

|                         |                              |                            |                               |
|-------------------------|------------------------------|----------------------------|-------------------------------|
| <b>Stephen Adams</b>    | San Bernardino               | <b>Linda Lapeyrollerie</b> | Lemoore                       |
| <b>Bruce Bowman</b>     | Oakland, CA (Student Member) | <b>Henry Lienen</b>        | Monterey                      |
| <b>Barbara Campbell</b> | San Diego                    | <b>Renne Loureiro</b>      | Stanislaus                    |
| <b>Elly Carrara</b>     | Shasta                       | <b>Catherine Mullins</b>   | Los Angeles                   |
| <b>Anthony Chen</b>     | Orange                       | <b>Ellie Partovi</b>       | Irvine (Student Member)       |
| <b>Ken Chow</b>         | Los Angeles                  | <b>Patrick Plummer</b>     | San Diego (Sustaining Member) |
| <b>Kathy Davis</b>      | Orange                       | <b>Damien Robbins</b>      | Riverside                     |
| <b>Sarah Elder</b>      | San Diego                    | <b>Robert Van Steen</b>    | San Jose (Student Member)     |
| <b>Jeana Esposito</b>   | San Bernardino               | <b>Michelle Wehrli</b>     | Orange                        |
| <b>Loyda Ferreria</b>   | San Bernardino               | <b>Rodney Wooley</b>       | Alameda                       |
| <b>Heung Hong</b>       | Orange                       | <b>Carlos Zuniga</b>       | Riverside                     |

## WELCOME TO ALL NEW CALDA MEMBERS!

If you are interested in participating on a committee and helping CALDA with its mission, please call (559) 485-5445 or send an e-mail to [membership@CALDA.org](mailto:membership@CALDA.org). I will make sure you will get connected with the right person.

**Committees available:** \* Public Relations \* Education \* Membership \* Technology  
\* Conference \* Newsletter \* Professional Standards \* Legislation  
\* Fund Raising \* Nominations and Elections

**Gail Erickson, Membership Chair**

## PROPOSAL TO AMEND CALDA BY-LAWS AT THIS YEAR'S CONFERENCE

In March, 2010 the CALDA Board agreed to propose to the CALDA membership that the following language is added to Article III, under the Membership section of the By-laws. At the annual meeting on October 2, 2010 you will be asked to vote on whether or not you would like to adopt this amendment. The following amendment is proposed for the CALDA by-laws:

This vote is whether or not to add the underlined language at the end of the following paragraph.

Article III, Membership (page 2)

Section 2 Voting Membership Definition And Eligibility

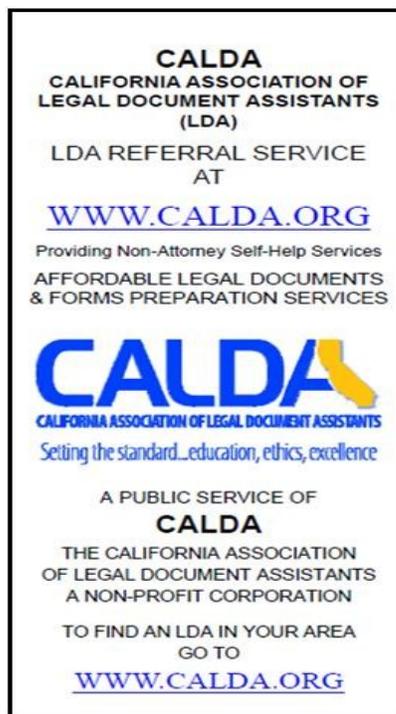
Voting Member. A voting member must be a self-help legal access provider (AKA Unlawful Detainer Assistant, Legal Document Assistant), defined as: Anyone who is domiciled in California and is currently providing self-help legal services directly to the public without the supervision of a lawyer subject to the registration requirements of California Business and Professions Code Section 6400 *et seq.* effective January 1, 2000. THESE RULES WILL NOT APPLY IF THE ONLY SERVICE PROVIDED IS ADMINISTRATIVE, INCLUDING, BUT NOT LIMITED TO, SOCIAL SECURITY DISABILITY APPEALS AND BANKRUPTCY PETITIONS. THE BOARD RESERVES THE RIGHT TO DENY OR REFUSE MEMBERSHIP OF ANY PERSON OR ENTITY.

## REMINDER - CALDA REFERRAL BROCHURE AVAILABLE FOR MEMBER USE

The CALDA Brochure is intended for distribution to all legal organizations, with special emphasis on the Law Libraries (County, Law Schools, Public Libraries, etc.), Self-Help Legal Centers, and the Court's Clerks.

The Brochures are available at CALDA's member website, [www.CALDA.org](http://www.CALDA.org), and CALDA members are encouraged to print their own Brochures when possible. Members may also contact Marcel Neumann for a supply of printed Brochures. After receiving approval to place or distribute the Brochures with any organization, members need to provide the Board with the name, address, county, and telephone number of the person and legal organization that has accepted and is providing copies of the Brochure to the public. It is recommended that members help each other in groups by County to print and distribute the Brochures. Members shall keep these organizations supplied with Brochures and inform the Board if they are unable to do so.

The CALDA Brochure may not be modified in any way without the consent of the Board, and members are instructed to inform the Board of any situations that arise due to the distribution of the Brochures.



### CALDA REFERRAL BROCHURE

Educate the Public and Legal Organizations about the LDA Profession

Promote the Legal Document Assistant Profession

Inform the Self-Represented Consumer of Alternatives for Their Self-Help Legal Needs

## MORE CALDA NEWS

### CONTRA COSTA COUNTY WORKSHOP

On November 1, 2010, the Administrative offices of the Contra Costa County Superior Court will present a training class for individuals who want to learn more about filling out legal forms. Although this class is intended for those interested in legal self-help, Mary Anne Devine of the Clerk's Office, has invited CALDA members to attend as well. The topic will be Family Law Judgments.

CALDA member and former Professional Standards chair, Robin Wilson, developed a good working relationship with the clerks in Contra Costa through her years as an LDA in Martinez. As a result, CALDA is now known in the Contra Costa County courts as another source of self-help assistance.

The class will be held at the Spinetta Family Law Center, 751 Pine Street, Martinez, CA in the upstairs conference room from 3:00 to 5:00 pm. To register, send an e-mail to Jody Irons at [jirons@berkwood.com](mailto:jirons@berkwood.com).

### CALDA MEMBER OF THE YEAR

At this year's conference at Asilomar, the board will name a "Member of the Year". This is a new program for CALDA that was instituted to recognize outstanding members who contribute their time and expertise to CALDA, as well as running their LDA business in compliance with CALDA principles. A "Member of the Year" will be named by the board after considering criteria such as overall contributions to CALDA, how he or she promotes and represents CALDA in their community, and their participation in CALDA events, local chapter meetings and other CALDA functions. The "Member of the Year" will be given an award and recognition in CALDA publications.

### SPONSORS DONATE TO CONFERENCE

The conference will have raffle items and gift baskets with goods and services donated by area businesses. A list of sponsors will be published in the conference e-blasts.

## CONFERENCE AGENDA

| Day           | Time             | Event                         | Instructor   | Topic   |
|---------------|------------------|-------------------------------|--|---|
| Fri.<br>10/1  | 1:00 p           | Registration                  |  |   |
|               | 3:00 – 5:30 p    | CLASS #1                      | Cindy Elwell<br>Robin Fairbairn, Esq.<br>Teresa Thomae | How to Successfully Operate Your LDA Business   |
|               | 6:00 – 7:00 p    | Dinner                        |  |   |
|               | 7:30 – 9:00 p    | Friday night social           |  |   |
| Sat.<br>10/2  | 7:30 – 8:30 a    | Breakfast                     |  |   |
|               | 8:00 a.          | Registration                  |  |   |
|               | 8:30 – 10:00     | CLASS #2                      | David Stein, Esq.                                      | MEDIATION   |
|               |                  | CLASS #3                      | Steve Elias, Esq.                                      | UNLAWFUL DETAINERS  |
|               | 10:00 – 10:20    | Break                         |  |   |
|               | 10: 20 – 11:50 a | CLASS #4                      | Suzanne Hunsinger, Esq                                 | QDROs   |
|               |                  | CLASS #5                      | Steve Elias, Esq.                                      | BANKRUPTCY  |
|               | 12:00 – 1:00 p   | Lunch                         |  |   |
|               | 1:10 – 2:40 p.   | CLASS #6                      | Terri McCracken, Esq.                                  | GATHERING EVIDENCE & COURT-ROOM ETIQUETTE 101   |
|               |                  | CLASS #7                      | P. Ryan Bowen  | PROBATE REVIEW  |
|               | 2:40 – 3:00 p.   | Break                         |  |   |
|               | 3:00 - 4:30 p    | CLASS #8                      | Jason Braxton  | Summons, Complaint, Service of Process, Default Judgment, Writ of Execution, Abstract of Judgment and what not to do as an LDA. |
|               |                  | CLASS #9                      | Edward Lai, Esq.                                       | LEGAL WRITING & RESEARCH WITH WESTLAW   |
| 6:00 – 7:00 p | Dinner           |                               |  |   |
| 7:30 - 9:00 p | General Meeting  |                               |  |   |
| Sun.<br>10/3  | 7:30 – 8:30 a    | Breakfast                     |  |   |
|               | 8:40 – 10:00 a   | CLASS #10                     | Laura Biewer   | NOTARY REVIEW   |
|               | 10:00 – 10:20    | Break                         |  |   |
|               | 10:20 – 11:50    | CLASS #11                     | Richard Lubetzky                                       | UPL   |
|               | 12:00 – 1:00     | Lunch                         |  |   |
|               | 1:00 – 2:00      | Post Conference Board Meeting |  |   |

## 23RD ANNUAL CALDA CONFERENCE ASILOMAR OCTOBER 1-3, 2010

# CONFERENCE TOPIC LIST

*This year's conference promises to be an interesting and beneficial event. The topics for this year were selected with the understanding of the needs CALDA members are facing in the current business and economic environment .*

## **TOPIC #1: [How to Successfully Operate Your LDA Business](#)**

by *Cindy Elwell, Robin Fairbairn Esq., Teresa Thomae*

This class will cover the basic concepts of operating a successful LDA business, and will be facilitated by Cindy Elwell, the founder of Divorce With Dignity Network, who specializes in helping LDAs operate a successful business. With an accounting degree and many years experience working for small businesses, Cindy will focus on what success means and how to achieve it.

Helping Cindy are two other speakers, including Robin Fairbairn, an attorney in the Paso Robles area, who will discuss the evolution of the legal field from attorney only, to today's hybrid of attorneys/LDAs including the impact the LDA profession is having on law firms in this economy. He will also discuss why it's a good market and a good time to be in this profession. Joining Cindy and Robin is Teresa Thomae, the Central Coast Director of the Small Business Development Center. Teresa will discuss business plans, small business loan information, and LLCs and Corporations for the small business owner.

## **TOPIC #2: [Introduction to the process of "Marital Reorganization"](#) by *David Stein, Esq.***

Summary: Overview of basic California Family Law Procedure; What Happens in Mediation; Marital Settlement Agreement; Q&A

## **TOPIC #3: [Unlawful Detainers](#) by *Stephen Elias***

The effect of foreclosures on leases and rental agreements; Required notice to tenants living on foreclosed property; Status of old homeowner after foreclosure sale; Cash for keys (trends); Lease back programs; UD defenses in foreclosure context; How bankruptcy affects eviction actions in California; What happens to deposit?

## **TOPIC #4: [Qualified Domestic Relations Orders](#) by *Susan Hunsinger, Esq.***

Why do we need QDROS; when do we need them; different types of plans and the orders for each; joinders; preferable Judgment language; Separate interest? Information essential for QDROS; Beware of... [Note, this class is not intended to teach anyone how to prepare a QDRO, that would require far more time.]

## **TOPIC #5: [Bankruptcy](#) by *Stephen Elias, Esq***

Bankruptcy and foreclosures (Chapters 7 and 13); Overall Effect of 2005 changes in bankruptcy law; Specific means test issues; Fighting motions to lift stay (ownership issues); Timing bankruptcy filing (means test, foreclosures, mortgage modifications, recent credit card use, transfers, previous filing, previous dismissal); How and when to reopen a closed case; Lien stripping in Chapter 7 and Chapter 13; Reaffirmation of car note (how it works, when you have to do it); Re-establishing credit in the time of recession

## **TOPIC #6: [Gathering Evidence and Court Room Etiquette 101](#) by *Terri McCracken, Esq.***

How to instruct your customer to gather documents and evidence in preparation for hearing; Basic court room etiquette 101.

## **TOPIC #7: [Probate](#) by *P. Ryan Bowen, Esq.***

A review of common procedural hurdles in Probate Court cases, with an overview of leading research materials used by attorneys and the court. The following will be touched on in class: Estate cases: Notice, service & publication; Proof of will; Bond & waivers; Accounts & final distribution; Spousal property and small estate petitions; Trusts. Conservatorship & guardianship cases: *Ex parte* petitions; Notice & service; Accountings; Research material.

## **CLASS #8: [Civil Litigation and Collections](#) by *Jason Braxton, Esq.***

Summons, Complaint, Service of Process, Default Judgment, Writ of Execution, Abstract of Judgment and what not to do as an LDA. A review of civil litigation and collections and how the economy has affected these areas of law.

## **TOPIC #9: [Legal Writing and Research With Westlaw](#) by *Edward Lai, Esq.***

This class will emphasize writing in the legal profession with a review of legal research using Westlaw.

## **TOPIC #10: [Update your Notary Knowledge](#) by *Laura Biewer***

Laura will provide updated information on e-notaries and security issues. Additional topics will include the future for notaries, and how to expand your notary business.

## **TOPIC#11: [Unlawful Practice of Law \(UPL\)](#) by *Richard Lubetzky, Esq***

What the practice of law is; What the practice of law is not; What a Legal Document Assistant is; The law regulating Legal Document Assistants; How to avoid the unauthorized practice of law; Questions from attendees.

**CALDA ANNUAL ELECTION**  
**Pacific Grove, CA - Asilomar**  
**October 2, 2010**

OFFICERS

|                |                                |   |
|----------------|--------------------------------|---|
| PRESIDENT      | ___ Marcel Neumann             | No nomination required.<br>Serving 2 <sup>nd</sup> year of a 2 year term. |
| VICE PRESIDENT | ___ Carl Knoll<br>(Incumbent)  | _____<br>(write-in)   |
| SECRETARY      | ___ Jenny Barei<br>(Incumbent) | _____<br>(write-in)   |
| TREASURER      | ___ Carol Ludlow               | No nomination required.<br>Serving 2 <sup>nd</sup> year of a 2 year term. |

BOARD MEMBERS

Vote for No More than FIVE (5): Choose from the slate, or write in a candidate of choice:

|                                |            |
|--------------------------------|------------|
| ___ Vanessa Watson (Incumbent) | _____      |
|                                | (Write-in) |
| ___ Angie Walters (Incumbent)  | _____      |
|                                | (Write-in) |
| ___ Camelia DeHerrera          | _____      |
|                                | (Write-in) |
| ___ Galen Hammond (Incumbent)  | _____      |
|                                | (Write-in) |

1. Pursuant to Art. IX Section 2: Only a voting member who has been an officer or director of one of the Standing Committees for at least one year (12 consecutive months) with no lapse in membership, shall be eligible for election as Vice President.
2. Recently appointed.