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ACCESS

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California Association of Legal Document Assistants
www.calda.org

President's Message

I am sure we have all felt at one time or another that we are overwhelmed and feel we are running around in circles and getting nothing done. I have felt this many times during my life, now being one of them. With our annual conference fast approaching in October and facing the new bankruptcy changes, I am sure October will be stressful and crazy to say the least, but also will bring new and exciting things before each of us. How ironic it is that stress and excitement often go hand in hand.

Being President of CALDA over this past year has been both challenging and rewarding. We have accomplished many things, including a new look for CALDA with our new logo and we are in the process of revamping our Bylaws which will be presented to the membership for approval. (Be sure to review the article by Connie Crockett in this month's newsletter for a brief review of the proposed changes.) I think one of the things I have enjoyed the most as President is speaking with individuals who are looking to change their career to become an LDA. Talking with people has not only enabled me to share information about one of the most rewarding professions I know; but has also allowed me the opportunity to promote the benefits of being a member of our great organization. Often when I am with clients, people comment how much I appear to enjoy what I do and so it is easy for me to share that positive experience and encourage others who are thinking about being LDAs.

OUR ANNUAL CONFERENCE

Our annual conference will take place Friday, October 21st thru Sunday, October 23rd. It is the one time that CALDA members can get to know other members, tone our skills, eat good food and have fun...all at the same time! I want to personally thank Connette Blalock and Tamara Parker for their combined efforts of hours and hours of planning (including blood, sweat and tears) that have gone into organizing a terrific platform of exciting classes intermixed with mixers and other fun activities for each of us to enjoy. If you have not already signed up to participate in our conference, don't hesitate any longer. Your registration can be processed online thru the Calda website at www.calda.org. Sign up today!!!

BOARD OF DIRECTOR ELECTIONS

We are also gearing up for the election process for next year's board members. Elections will take place at our annual meeting held on Saturday. Nomination forms have gone out to each member and nominations can also be made on the floor at the annual meeting itself. Our members are the heartbeat of our organization. Each board position acts like a valve to the heart of our organization, intricately different than each other and each pumping in new ideas and energy to sustain the organization as a whole. Sadly, each year it seems we struggle to find members who are willing contribute their energy and

participate on our board. As a member, you are missing out if you have never taken the opportunity at least once to sit on the Board of Directors. Sitting on the board of directors “connects” you to the organization in a uniquely different way. You become part of the action rather than just sitting on the sidelines watching it. I also believe that as a member, each of us has a duty to give back something to the organization. None of us are experts in the duties we have taken on as board members. Taking over the role of President was daunting to say the least. During the year mistakes were made, lessons learned, progress was achieved, exciting things took place, and it was a rewarding experience. Although I chosen not to re-run for the office of President, I am still hoping to remain on the board in a new role, and look forward to give someone else the opportunity to bring new ideas, vision and direction to our organization. I would encourage each of you to consider the rewards of running for one of our open board positions. You won’t regret it!

BANKRUPTCY CHANGES

We all know the new bankruptcy laws shall go into effect on October 17th. The changes are voluminous and many of our members have shared concerns about how the new laws will affect what we do as document preparers. One of the projects that has remained near and dear to my heart are the CALDA brochures. No longer having the role of President next year will enable me to continue to effort in expanding our current brochure list. I will be revamping the bankruptcy brochure to cover the new bankruptcy laws and procedures for our CALDA members to use. I hope to be able to have the bankruptcy brochure rewritten and approved by Steve Elias, Esq. by October 17th when the new laws become in effect. You should also be aware that Steve Elias has authored the new Nolo book on bankruptcy and he will be at our annual conference with the new book available for view and pre-order by our members. There will also be a class on the new bankruptcy laws at the conference. With these three things, I am confident that our members will have everything thing they need and enough information to continue to prepare bankruptcy documents under the new laws with confidence.

FINAL WORDS

I want to express my personal thanks for giving me this opportunity over the past year to serve on the Board of Directors as your President. Each board member has kept me on my toes and made serving in this role a wonderful experience. I look forward to seeing each of you in Asilomar in October!

Sandy McCarthy
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

**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

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 Conference Chair
Connette Blalock

Only one month left before the 18th Annual Conference to be held October 21-23, 2005 at Asilomar in Monterey, CA!

Don't miss the chance to network with others, share trade secrets and sneak in a weekend of fun.

There are new classes to choose from this year, but also a lot of those instructors you have enjoyed in the past. Come for a refresher course, or to build on those skills you already possess.

Here at CALDA, we do not believe in all work and no play.

On Friday night we will have the Hawaiian Mixer, with prizes, surprises and drawings for door prizes. One lucky individual will receive the Member of the Year award.

Saturday night will be the annual bonfire. Bring your voices, especially if you can sing, we need all the help we can get!

On Sunday we will be treated to our annual class on UPL, This is not a dull class. You will enjoy it while learning how to stay out of trouble!

MARK YOUR CALENDARS, GET OUT YOUR UKULELES, AND COME TO THE CALDA "GROW YOUR KNOWLEDGE" CONFERENCE. YOU WILL BE GLAD YOU DID!

Connette Blalock
Conference



Words from our Membership Chair
Robin Schumacher

NEW CALDA MEMBERS

Odine Limanski, LDA	Orange County
Kathleen Mountjoy	Lincoln, CA *
Daylyn Presley	Valley Village, CA*
Clifford Wiens – Pennbrook Insurance	San Francisco, CA*
Susan Chester, LDA	Orange County
Damien Robbins, LDA	Riverside County
Michael Conzelman, LDA	Riverside County
Suzanne Gere	San Benito County
Susan Osborne	Burney, CA*
Barbara Mowcomber, LDA	San Bernardino County
Jeri Jarvis, LDA	San Diego County
Sergio Chacon	Toluca Lake, CA*
Renita Byrd, LDA	Los Angeles County
Marc Komer, LDA	Mendocino County
Debra Hollis	Tracy, CA*
Denis Jester, LDA	San Diego County
Stella Rea, LDA	Orange County
Virginia Corona, LDA	Riverside County
Staci Nichols	Redlands, CA*
Robert Pascua	Palm Springs, CA*
Mary Schaaf, LDA	Contra Costa County
Beth Williams, LDA	Contra Costa County
Paul Ammon	Shasta County
Margaret de Faymoreau	Santa Cruz, CA*
Olga Dimova, LDA	Alameda County
Michael Fisher	Irvine, CA*
Eileen Obrien-Scott	Fairfield, CA*
Nicholas Day, LDA	San Joaquin County
Antonia Garza	Forestville, CA*
Diane Hepler, LDA	Shasta County
Randy Jones	Torrance, CA*
Ann Malane	Chino Hills, CA*
Molly Pena, LDA	Los Angeles County
Joel Smith	Riverside, CA*
Stacy Umano-Leos	Hesperia, CA*

If these new members are in your area, please give them a call and welcome them to CALDA.

*exempt from registration

Our Annual Meeting

Our annual meeting is held every year at the end of our conference on Sunday. This is the one opportunity that individual members can take the floor and seize the opportunity to share their issues and concerns with the board and all other members in attendance. As a group, we can discuss the status of the organization, the vision of the board and other goals.

This annual meeting will have two very important issues brought before the membership at large. The first issue will be discussing some of the anticipated revisions of our Bylaws. It came to the attention of the Board that since the birth of our organization, our Bylaws required revision to be consistent with the operations of the organization. We sought out expert consult who gave the board suggestions followed by advice from counsel experienced in these types of matters. The final draft of the Bylaws will be mailed out to the membership with proxy votes after the new Board approves the Bylaw revisions. This will take place sometime after the conference. Bylaw revisions must be voted on by the membership which will take place by mail.

The second issue to be brought before the membership has to do with whether or not the old Talklist should be reinstated. This issue has been a hotly contested concern by members since the Talklist was shut down at the new CALDA forums reinstated. Due to many problems that the old Talklist had, the majority of the board had concurred that it would be in the best interest to terminate the talklist and go to a more professional venue for our membership to utilize as a support system – thus the implementation of the CALDA forums as they are now. As with all things, members who liked the old Talklist strongly voiced opposition to the change. On the contrary, the members who were glad to see the Talklist finally GO shouted “Hurray”. The bottom line now is that over the 7 months the CALDA forums have been up and running we have had over 1200 issue specific postings/responses and over 120 registered users! In all fairness to those who voiced their opposition, however, and in order to bring this issue to a final conclusion, it was decided to bring the matter before the membership for discussion at our annual meeting. At that time, based on the consensus of the members, we will determine whether or not the Talklist should be reinstated or shall be forever banned to the CALDA archives on behalf of progress.

Words from our Education Chair *Betty Cole*

A big thank-you and hands up to Jeanne Wierson, committee chair for Education; her Seminar in Southern California was a GREAT SUCCESS! Seventeen CALDA members and seventeen non-CALDA members, of which three were paralegals from San Diego County law firms, attended the seminar. All ten of the membership application packets laid out were taken by nonmembers interested in joining CALDA. Everyone was pleased with all the speakers according to the MCLE evaluation forms turned in. New CALDA member from Temecula/Murrieta area, Danielle Magdych, was the M.C. and did an excellent job announcing the speakers. Pictures took that day will be posted on our web site shortly.

I have been working on a seminar in the Northern region, however I ran into some difficulties in trying to find a room to have the seminar. After many doors were shut because of costs to rent a room, I have decided to put the Northern seminar off until January. I know how important these seminars are for all CALDA members and promise to start early in January to set one in the Northern and Central regions.

I have been working on the Binders and looking forward to another Great conference in October. Everyone has worked so hard getting the last details ready and I am excited to be a part of CALDA.

See you all at the conference in October

If any member is willing to assist in helping with any of these seminars please let me know. You can email me at education@calda.org.

Betty Cole
Education

Words from Public Relations

Moira Boyle

Getting the word of CALDA out to members of the general public has been a pleasure. Although I have primarily put the word out through public speaking at paralegal colleges and universities, it barely scratches the surface. The UCI Extension Marketing Director contacted me and is interested in adding a course their paralegal program, which will be a class on how to be an LDA. It goes to show that this profession needs CALDA in the same manner as attorneys who belong to their local bar association.

One of the common questions asked are "What is an LDA" or "Why aren't you called a paralegal"? This has had the public in confusion for quite some time. In fact the difference is still confusing, which leads me to believe that somehow we need bigger fish to define the profession.

It's time to get endorsements for CALDA from someone who is very familiar with AB1761 Brewer Bill. This is the bill that defines the difference between Paralegals and LDA's. I know Marilyn Brewer because I was her son's paralegal. Currently she is running for Congress and has a weekly television program in which I hope to see CALDA's new logo on one day. In the PR world it isn't what you know it is who you know and I really think someone who will support CALDA in the public eye should be on our agenda.

One of our biggest complaints against non-LDAs is those using the name paralegal, soliciting the public and not having the legal repercussions for violation of the law. This was Ms. Brewer's bill and having public awareness in the open will help our organization for those who are in need of legal document preparation.

I see good things for CALDA's public future, each one of us as members can continue to promote our organization by adding our new logo to our website, brochures and anything else in the public eye.

Moira Boyle
Public Relations

Words from Nominations & Elections

Jeri Blatt

ELECTIONS ARE COMING UP!

We're gearing up for another conference and another changing of the guard. Several members were nominated for officers and directors from the recent ballots that were mailed and, of course, there will be another opportunity to nominate at the conference on Saturday, October 22, 2005. To familiarize you with the members who are running for new positions or retaining their existing positions on the board, bios are being provided for those individuals who will either be completing the second term of their position or individuals who have already been nominated.

For those of you not attending the conference (and, hopefully, there won't be many), please return the proxy ballots when you receive them. They'll be in the mail shortly. Exercise your right to voteplease.....CALDA is depending on you because CALDA is you!

Don't be reluctant to vote for yourself either. The experience of serving on a board with like minded professionals is truly rewarding. I would be lying if I said it's easy and everything will run smoothly. That's never the case on any board, especially when the members are bright, creative, hard working and have strong opinions. If that describes you (do I hear "that's me"), then let this be the year you decide to give back to CALDA what you feel you've gained from the organization.

Think about what you would be missing if you weren't a member – instant answers to your questions via

the Forum, quality brochures and products to help make your job easier, available monthly chapter meetings and educational seminars to stimulate your mind and, perhaps, introduce you to new ways of serving the public.

If you haven't already signed up for the conference, you will be missing out on a wonderful experience – just ask someone who's attended in the past. It's great to put faces to the names we see on the Forum and interact educationally and socially. Looking forward to seeing you at Asilomar!

Get to know who is running for the board and who will be staying on the board for the 2nd year of their term. Remember - additional nominations for board vacancies can be made from the floor at the annual meeting. If you are not attending conference, please be sure to get in your proxy ballot!

PRESIDENT NOMINEE – CAROL LUDLOW: Carol Ludlow has been a member of CALDA since June 2001. From 1993 to 1999 Carol operated CRL Office Services and provided bookkeeping services to small companies. In December 2001 she graduated from De Anza College with AA Degree in Paralegal Studies and transferred to San Jose State University to pursue a Bachelor of Science in Criminal Justice. Carol became a Registered LDA in January 2002, a Registered UDA in December 2003 and a Registered Process Server in December 2004. In addition to working as an LDA Carol provides independent Paralegal services to attorneys. Since October 2005, she has served as Secretary of CALDA.

VICE-PRESIDENT NOMINEE – CONNETTE BLALOCK: Connette Blalock has been a member of CALDA for 4 years, and is currently holding the position of Conference Chair. She is also the current President of the Inland Empire Chapter of CALDA, which she organized earlier this year. She has been self-employed as The Affordable Group since 1995, and is active on the Calda Forums. In 1994 she interned for Judge Robert Alberts of the U. S. Bankruptcy Court in San Bernardino, CA. Prior to this for 13 years she was employed by the Department of Justice, State Attorney General's Office in San Diego.

TREASURER NOMINEE – CINDY ELWELL: Elwell joined CALDA around 1996 when she first opened her business, Divorce with Dignity. She has served the organization in various capacities including newsletter chair, vice president and treasurer for the past couple of years. When she took over the treasurer position, she spent a lot of time cleaning up the records, putting the books on QuickBooks and presenting clear, understandable financial reports to the board and membership, and helping the organization become profitable. At the time she took over that position, CALDA was hosting conferences, seminars and other functions which were losing money, and the organization is now running much more efficiently. She has a B.S. degree in Accounting from San Francisco State University and has taken Paralegal courses at San Francisco State University. In her former life (preLDA), she was controller and business manager for small businesses and nonprofits.

SECRETARY NOMINEE – Open for nomination

BOARD MEMBERS SERVING 2ND YEAR TERMS

BETTY COLE: Betty Cole will be serving the second year of her two year term and is currently Education Chair. Betty joined CALDA in April 2003 and has been active with the organization since 2004. She attended her first CALDA conference in 2004 and was so impressed with the professionalism of the organization that when asked to be a board member, she accepted. Betty has worked in the legal field since 1995 and has operated her own LDA business since 2002. Previously she worked in the Superior court in El Dorado County. Before that she worked as a senior court clerk in Dover, Delaware, where she was the Judge's clerk. Betty earned her B.S. in Paralegal Studies, from Wesley College, graduating Magna Cum Laude.

NANCY NEWLIN: Nancy Newlin will be serving the second year of her two year term and is currently Newsletter Chair. She joined CALDA in 2001 and has been an LDA in Colusa County since then as well. She is active in her community and recently helped facilitate the first "Business Women In Colusa County Making A Positive Difference." She became the Newsletter Chair in 2004.

MARCEL NEUMANN: Marcel Neumann will be serving the second year of his two year term and is currently Technology Chair

CONNIE CROCKETT: Connie Crockett will be serving the second year of her two year term and is currently Fundraising Chair. She has been a member for almost two years and prior to this, a few years back Connie belonged to CAIP. She joined the board last year and will be serving her second year as the CALDA Fundraising Chair. She received her paralegal certificate from Chico State in the mid 80's and worked with family law attorneys for close to 10 years prior to opening up her LDA business in 1994. She was the Nevada County Small Claims advisor for 8 years during the 90's and a member of Legal Secretaries Inc. from 1984 until her chapter dissolved, in the late 90's (Connie was our local chapter president several times and a state chairperson for two years). Her She works with her husband in her business and is also currently under contract with Nevada County and Sierra County to perform paralegal services as needed.

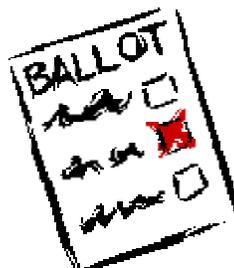
BOARD NOMINEES FOR NEW TERMS

SANDY MCCARTHY: Sandy McCarthy joined CALDA in early 2003 and has been active with our organization every since. She is the current CALDA President. She also previously served both on the Committee and as Chair of fundraising during which time she focused on the revamping of the CALDA brochures. She has worked exclusively in the legal field since 1976 and has operated her own self-help document service since the early 1980's. She officially became a registered LDA when the LDA statute was enacted in January 2000. During her former career as a paralegal, she obtained a Paralegal Certificate from the University of California. During her 30 years in the legal field, she has also worked as a free-lance paralegal, law office manager and paralegal studies teacher at the Learning Tree University in Thousand Oaks, California.

MOIRA BOYLE: Moira Boyle began her CALDA membership shortly after she became a registered LDA in the County of Orange in 2004. At the close of her first year of membership, she was nominated to fill an interim vacancy as Public Relations Chair on her one-year anniversary. Moira has a Bachelor of Science in Paralegal Studies from The University of LaVerne, and received her ABA Certificate from University of LaVerne's College of Law. She also has a certificate from the University of Irvine in Conflict Management and the Use of Alternative Dispute Resolution, and has received her Mediation training from UCI. She is a volunteer mediator for the Superior Court of California, small claims division. Moira is currently a first-year law student and is active with the Orange County Bar Association Family Law Section.

JEANNIE WIERSON: Jeanne Wierson, a nominee, has been a CALDA member of good standing since February 2004 and has devoted numerous hours each year to our association. In 2004, she helped with revamping one of the Probate brochures which is still pending publication upon the completion of the probate brochure series. In August 2005, she chaired the all day Educational Seminar in Southern California as well as wrote for the current standing Professional Standards Chair a form letter for streamlining service announcement letters to non-conforming LDAs. Jeanne Wierson is a certified paralegal and a registered legal document assistant in Southern California. She is a former Riverside County Probate Examiner and has worked with premier attorneys, specialized in the probate and estate planning field in addition to litigation and family law attorneys.

Jeri Blatt
Nominations and Elections



Words from the Secretary *Carol Ludlow*

How time flies. Another year has almost gone and it is time again for our Annual Conference. It seems as if each CALDA conference that I have attended has marked a drastic change in my life.

In 2003 the class on Beginning Family Law, given by Helen Bellamy, provided me with such valuable education in an area that prior to the 2003 conference I had avoided. Today this is the largest area of my business. At that time I operated my business out of my home and during Cindy Elwell's class on "operating your LDA business" there was much discussion regarding a home run business versus one operated out of an office. I had looked at office space but always been afraid to make the move. As I drove home I reflected on the speakers and the classes I had attended but I kept thinking about one of the statements that Cindy had made during her class, "for those of you who are afraid to venture out into your own office - take that step - the work is out there". In November 2003 I took that step and rented an office in Cupertino. It was a little scary but Cindy was right - the work is out there. I won't say it is easy. It takes a lot of hard work and determination to succeed. Here I am, 2 years later and I am getting ready to renew my lease for the second time.

The 2004 conference marked yet another change in my life. Prior to the conference I had been nominated to serve on the Board of Directors. At the beginning of the Annual General Meeting I remember thinking - am I capable of doing what CALDA expects of me? At the end of the meeting I had accepted the position of Secretary - now I was really nervous! I was taking over from, Cara Gould, who had served as Secretary, very successfully, for quite a few years. These were big boots to fill. As I drove home this time going through my head was - what have I done....

Our first Board Meeting was in Fresno. I knew that I was expected to take down the minutes but other than that I had no idea what was expected of me. As I packed up my laptop at the end of the day I remember thinking - wow - that was a really great day! It was exciting to realize that my participation could promote the organization that has given me so much.

Here we are coming up to our 2005 Conference and I am hoping to serve yet another year on the Board. For those of you who are undecided as to whether or not to attend this year's conference - don't miss out on what could be a valuable experience. To those who are unsure as to whether or not to serve on the Board - let your thoughts and ideas contribute to CALDA. Your participation could make a change to the association and to your business as an LDA.

See you all next month.

Carol Ludlow
Secretary

Words about the Bylaw Revisions

Connie Crockett

The CALDA by-laws have been in the "revision" process since early April of this year. I prepared a first draft which was reviewed by the board members in April and again in July. As required, the current draft has been reviewed by an attorney and prior to this, was substantially restructured by Melodye Serino, who is very knowledgeable in this area. Melodye has previously offered us her parliamentary expertise and she did a great job creating a very cohesive document with helpful input. All revisions are in the process of final review by the board. Once all revisions are made, a second draft will be sent to each member for full review and voted on before these changes are implemented.

While waiting for your final draft, the following is a summary of some of the by-law revisions the board is considering. Now is a good time to read through your existing by-laws so you can participate in discussion at the annual meeting.

One of the purposes for review of our by-laws was to open the door for newer members to seek nomination for executive-type positions. The proposed revisions eliminate the prerequisite that a nominee for either Secretary or Chief Financial Officer first serve one year on a standing committee. However, this Board felt this requirement should remain in place for the office of President and Vice-President.

Article I revisions include more specific organizational information. Article III will provide further clarification of Board meetings and language throughout to include transmission of information using electronic and facsimile means as well as requirements for posting information on the CALDA website.

Article X will include a new section entitled "Executive Committee" which is added in place of "Executive Board" under the former Article VI, section 3. The new language further defines the extent of the authority this committee has. Also under this Article, a Publications Revisions Committee has been added for purposes of updating the brochures and any other publications our organization might create in the future.

The term "Governing Board" has been reduced to "Board" or "Directors" throughout this document. When you receive the new draft, please note the former Article #'s have been added next to the new Article #'s to assist you when comparing the old by-laws against the new draft. I have also used the strikeout and underline method referring to language to be deleted and added for easy review.

These by-laws are not often revised and the next revision may be long in coming so if you have any input, please don't hesitate to put this in front of the Board. This is YOUR organization.

Connie Crockett

Other News
**Local Social Security Disability Advocate Qualifies for
Demonstration Project**

Lake Isabella, CA – Diana P. Wade, a long-standing member of CALDA and a disability advocate was notified by the Social Security Administration that effective July 28, 2005 she would qualify for entry into the five year national demonstration project for non-attorney representatives as delineated in the Social Security Protection Act signed by President Bush in 2004.

Fewer than 250 persons throughout the country have qualified for this project. Diana had to pass a stringent examination, which tested her knowledge of the Social Security Administration's rules and regulations concerning their Disability Insurance and Supplemental Security Income (SSI) Disability benefit programs, as well as the most recent developments in Social Security Administration and court decisions. Prior to taking the examination she was required to possess specifically delineated professional qualifications (experience and education), pass a criminal background check, and submit proof of current liability insurance. The project also requires participation in continuing education about Social Security Administration claimant representation, rules, regulations and policies. Until this project, the Social Security Administration had never previously offered any type of criteria that would allow members of the general public to be satisfied that a representative has requisite skills and was knowledgeable of the process.

Diana is a charter member of The National Association of Disability Representatives (NADR - www.nadr.org). NADR is a national not-for-profit professional organization that serves both the needs of its members as well as disabled persons in the community by providing ongoing education and communication amongst its members so they can provide the highest quality of disability representation. NADR also provides a referral service where persons with disabilities can be connected with knowledgeable representatives. NADR was founded in St. Louis, MO in March of 2000 by a group of about 30 non-attorney representatives from throughout the United States who felt that such a group could provide superior representation to persons with significant impairments. Members of NADR include retired Social Security employees, Nurses, Lawyers, Paralegals, Vocational Experts, Social Workers, Physical Therapists, Insurance Company Claims people, and other professionals. Looking to the future, NADR is continuing to work directly with the Social Security Administration in the improvement of the disability process for impaired persons as well as to encourage its members to attain the highest standards.

Diana has been providing advocacy services since 1995. Located in Lake Isabella, CA she offers Social Security assistance in throughout Kern County, Inyo and Mono Counties, and the Central Coast and prides herself in the provision of caring assistance for people with significant physical or mental impairments. Fees for her service are regulated and approved by the Social Security Administration.

As a Disability Advocate with more than 10 years experience who has now qualified to participate in this national demonstration project, Diana believes her clientele can be comfortable knowing that she has met the standards set by the Social Security Administration. For more information or to contact Diana Wade:

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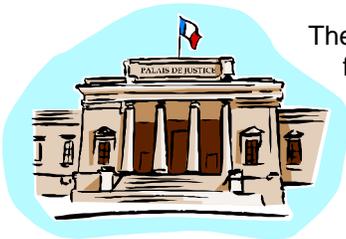
Special Article From *Connie Crockett*

When I first began my career as an Independent paralegal, I prepared a large number of restraining orders. I've had various experiences with our local law enforcement attempting to enforce restraining orders. There was one instance in which the father took an unsigned temporary restraining order containing temporary custody orders, to the police department and the police removed the children from the mother, gave them to the father, who immediately left the county with the children. The mother immediately called me as we had been in the process of preparing our own motion for an ex parte hearing. I contacted the court to verify there had been no orders issued. I then called the police and ended up speaking to the chief of police who agreed his officer erred. They quickly found the children in Sacramento County and returned them to the mother. The following article discusses a recent U.S. Supreme Court case in which the court found that victims may not sue municipalities or law enforcement agencies under federal law for failing to enforce protective orders. I thought this was an interesting article. The recent ruling does nothing to help victims of domestic violence. This is a "heads up" to those who work in family law and prepare restraining orders or try to have them enforced. It very much reinforces the need to make sure your orders are very clear and enforceable.

PROTECTIVE ORDERS' POWER IN STATE'S HANDS

Castle Rock Ruling Leaves Advocates Looking Toward Home

BY MARGARET GRAHAM TEBBO



The U.S. Supreme Court's decision in *Town of Castle Rock v. Gonzales* may send a frightening message to domestic violence victims, but as a practical matter, it changes virtually nothing, according to lawyers who have followed the case closely.

In a 7-2 decision, the court ruled that state court-issued protective restraining orders do not provide abuse victims with a 14th Amendment due process property interest. As a result, the court said, victims may not sue municipalities or law enforcement agencies under federal law for failing to enforce protective orders.

The opinion, written by Justice Antonin Scalia, found that statutory language stating that police officers "shall" make an arrest when an order is violated does not negate officers' traditional discretion regarding enforcement. *Town of Castle Rock v. Gonzales*, No. 04-278 (June 27).

"As a practical matter, much of the progress advocates can make on enforcement is local. We will have to work very hard to encourage policies to enforce the terms of protective orders," says Margaret B. Drew, chair of the ABA Commission on Domestic Violence.

But George Washington University clinical law professor Joan Meier is more critical.

"Scalia's opinion is a huge setback for domestic violence victims. The message is: 'Mandatory arrest statutes don't mean what they say,'" says Meier, who is also executive director of the Domestic Violence Legal Empowerment and Appeals Project. "I think he's wrong."

State and local officials feared a decision for *Gonzales* would leave them open to thousands of lawsuits over the handling of protective orders.

The case arose when Jessica Gonzales' estranged husband took their three daughters from in front of their home on June 22, 1999. According to her lawsuit, she had an initial protective order prohibiting her husband, who had been abusive toward her, from "molesting or disturbing the peace of Gonzales or any child" and requiring him to stay at least 100 yards from the family home.

Gonzales alleged she contacted the Castle Rock, Colo., police at least four times in the next eight hours, each time noting the protective order and asking the police to retrieve the children from her husband and return them to her. Each time, according to allegations cited in the opinion, she was rebuffed and told

there was little officers could do.

At about 3 the next morning, Gonzales' husband drove to the police station and began firing a gun at officers, who returned fire and killed him. Inside his truck, police found the bodies of Rebecca, Katheryn and Leslie Gonzales.

Meier says that one ironic problem in Colorado is that the state courts often issue mutual restraining orders against parties in divorce proceedings as a matter of course. The result, she says, is that police often fail to see calls reporting violations as urgent because technical violations occur all the time.

Drew agrees that local law enforcement agencies cannot guarantee enforcement of every order, but she would like to see changes in situations where officers have the ability to respond and choose not to.

"This is not an isolated case. We hear frequently from victims that failure to enforce is a problem," says Drew, who will direct the domestic violence clinic at the University of Cincinnati College of Law beginning this fall.

The key, Meier says, is training officers to understand that a protective order issued as a result of previous domestic violence always warrants immediate follow-up. Several police organizations have issued policy recommendations calling for more thorough training of officers and departmental policies requiring officers to make arrests whenever protective orders are violated.

In addition to officers, judges should be trained to understand important factors in domestic violence cases, says Judge James M. Riehl of the Kitsap County, Wash., district court. Riehl's docket includes criminal assault cases related to domestic violence, civil protective orders and family law.

Riehl says judges have made great strides in understanding some of the dynamics of domestic violence, but pervasive cultural attitudes about parents' rights to see children, even when domestic violence has been an issue, persist. He says judges should pay attention to the enforceability of the orders they sign, and should make an effort to be aware of the impact such orders have on the parties. Ensuring the safety of victims and children must be the top priority, he says.

In the opinion, Scalia cited the ABA Criminal Justice Standards in support of the court's finding that not all statutes that purport to provide for mandatory enforcement can be read as absolute. A comment to the 1980 standards says in part, "In each and every state there are long-standing statutes that, by their terms, seem to preclude nonenforcement by the police. However, for a number of reasons, including their legislative history, insufficient resources and sheer physical impossibility it has been recognized that such statutes cannot be interpreted literally."

But Rory K. Little, co-chair of the ABA Criminal Justice Section's Amicus Curiae Briefs Committee, says the court's reliance on a single paragraph of commentary written more than 25 years ago may not accurately reflect the current-day views of the ABA. Little notes the comment was accompanied by statements that advocated enforcement through administrative discipline of police who do not follow "full enforcement" mandatory arrest statutes.

"The standards are intended to be read contextually, as a whole, and reliance on a single paragraph of commentary may fail to capture an accurate picture," says Little, a professor at the University of California Hastings College of the Law in San Francisco.

More recent ABA policies on domestic violence include recommendations that:

- Call on states to allow domestic violence victims to opt out of court-mandated mediation in divorce cases.
- Ask states to enact legislation to minimize the safety risks posed to victims and children during visitation exchanges.
- Encourage members of the legal profession to adopt workplace policies to assist employees who are domestic violence victims.

In August, the Commission on Domestic Violence will offer a resolution to the ABA House of Delegates asking states to ensure enforcement of laws that provide for arrests for violations of both civil and criminal protective orders. The resolution says states should ensure that police officers respond to all domestic violence calls, conduct full investigations and file written reports.

Drew and Meier say state law remedies still hold the key to providing better protection for domestic violence victims and their children.

"Advocates will still continue to advocate with police. Police don't want the bad publicity that comes with a case like Gonzales, and they do want to protect children," Meier says. "Progress, as always, is made at the local level."

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