



ACCESS

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



October 15, 2004

PRESIDENT'S MESSAGE

The year is rapidly coming to an end. Summer is officially over, except for the California Indian Summer heat wave and, before we know it, the annual conference at **Asilomar** will be here. If you haven't already signed up for the conference, now is the time to do it. This year will be one of the more exciting, and informative conferences ever. In addition, you'll have time to relax, hike or stroll and network with your fellow **LDAs** in a beautiful, crisp, wooded environment overlooking the magnificent Pacific Ocean.

These would be only a few of the reasons to attend – as if that weren't enough. The other big reason is that your board has been working for MONTHS to make sure every detail is attended to.....for you. Hours, upon hours have been spent, lining up instructors, volunteers, rooms, topics for classes, assembling class materials, scheduling – the list is long and, even though this is a labor of love, they are pooped! To show them how much you appreciate all they have done, **sign up now**. There would be no better way to say thank you than to acknowledge the event with your presence. In case you forgot – **November 12-14**. Whatever it takes, train, plane, bus, car, or bike, don't miss it. It won't be the same without you!

As you know, I've been harping about starting chapters in your area. Just to give you an idea of how productive they are, at our July meeting we invited an attorney to speak about unbundling. Unbundling is a service contracted by an attorney to perform specific, limited work for a client without taking on the responsibility of the entire case. Which means, after we do the necessary paperwork for a pro per in, say, child support issues and the client finds out the other party will have an attorney in court (or not), they can hire an attorney to represent them in court for a limited time period – generally just for the day. Also, there is assisted pro per representation, whereby a lawyer helps an individual prepare to go to court on his or her own behalf. This is a great service that six states have adopted so far, California being one of them. I found much more on the web by going to [California pro se unbundling](#). This is one more tool to help provide **legal access** to all and one more piece of valuable information we learned at, where else? Our chapter meeting!

After November, I have volunteered to pick up where I left off in the recruitment of members to start local chapters in their areas. Be warned – I'll be calling YOU!

See you at the conference.

Jeri

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& The Administrator

ATTENTION All Board Members

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

Special Offer

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

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

Tell them, the benefits are:

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

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

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

NEWSLETTER GUIDELINES

Materials may be submitted as follows: E-Mailed, 3.5 Diskette
E-Mail china@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**

Technology defined:

a : the practical application of knowledge especially in a particular area :

b : a capability given by the practical application of knowledge

c : a manner of accomplishing a task especially using technical processes, methods, or knowledge

If there were a few particular characteristics most of my friends would acknowledge about me, it would be that I am 1) very organized and 2) very technically inclined. I suppose that always being good in math was the result of being born with an analytical mind which sometimes, I must admit, does get in my way a bit...but all-in-all, has served me well over the course of my life.

As an LDA, the effective use of technology offers us the ability to accomplish our tasks more accurately with greater efficiency and more effectively within the framework of the California statutes that govern us. Technology is never static. What was a technological advancement a year ago is most likely passé today. In fact, in today's world, technology is changing so fast it is near impossible for the average person to keep up. The good news is that as newer technology is implemented, older technology becomes more affordable and accessible, even if "older" really isn't that old at all.

What are common aspects of running a business that LDA's, face? Every LDA certainly needs a place to work from. Some may choose an office; some may work from home. What equipment will you need to effectively do your work...a telephone? fax machine? photocopier? computer? typewriter? cell phone? answering machine? These basic items may sound like simple, standard necessities in and of themselves; but could a more effective use of technology offer you other options that are not only less costly, but offer you more flexibility and efficiency? Does technology offer you other choices that you perhaps never realized were available?

LDA's create documents and forms – that's basically the service we offer our customers. What are the technological choices available to us to do our job? Must we purchase expensive software or are there other options available to us utilizing technological advancements that may be less expensive while enabling us to be more productive?

LDA's can avail themselves to technology to enhance and improve their business in a variety of ways:

1. Communicating with clients and others
2. Organizing our day
3. Keeping track of tasks and file activities
4. Expanding our exposure to potentially new clients
5. Completing forms and other documents
6. Obtaining blank forms
7. Complying with LDA regulations
8. Finding help
9. Research
10. Accepting payments from our customers

In the upcoming newsletters, I hope to provide some insight as to how I personally use technology in my ongoing LDA business in the hopes that some of my ideas might be helpful for those "less technologically inclined." I would encourage everyone to email me directly at smccarthy@dock.net with questions, issues and concerns regarding your business that you would like addressed in upcoming articles. You don't have to be a technical guru to use technology to your advantage in your business, so stay tuned and learn how you can give your business a technological "tune up"!

Sandy McCarthy
Board Member

CALDA MEMBERSHIP

By Robin Schumacher

Please join me in welcoming the newest members of CALDA:

Aramburo, Mercedes	Los Angeles County
Boyle, Moira	Orange County
Chaparian, Abe	Los Angeles County
Conde, Josefina	* San Leandro, CA
Conley, John	San Francisco County
Contreras, Wynter	Kern County
Foley, Linda	Orange County
Garcia, Richard	Sustaining Member – Chula Vista
Graves, Dannette	Placer County
Hargis, Barbara	San Joaquin County
Hayman, William	Alameda County
Herring, Bernard	Alameda County
Hughes, John	Los Angeles County
Jordan, Rena	Orange & San Bernardino County
Joslin, Roberta	San Luis Obispo County
Leonard, Kyra	Contra Costa County
Lesch, Jeri	Monterey County
Mangiafridda, John	Sonoma County
Matthews, Evangeline	Orange County
Matthews, Robert	Orange County
McRae, Barbara	Placer County
Milovanovich, Marie	Contra Costa County
Mitchell, Mignon	Sustaining Member – Orange, CA
Montes, Lourdes	Santa Clara County
Morchon, Marie	Los Angeles County
Oseguera, Adolfo	Los Angeles County
Ramirez, Teresa	Student – Temple City, CA
Richardson, Harry	Alameda County
Robinson, Michael	San Francisco County
Santamaria, Ernie	Santa Clara County
Scriviano, Bob	Sacramento County
Severson, Cynthia	Student – North Hollywood, CA
Stornetta, Marilyn	Student – Windsor, CA
Thibault, Mabelle	San Bernardino County
Wilson, Cheryl	Kern County
Zumbrum, Nila	Sutter & Yuba Counties

If one of these new CALDA Members is in your area, give them a call and welcome them!

*** LDA Registration not required**

Report of Hinda Lucas **“Asilomar Conference”**

Calda Members: Our conference is coming up soon. Hope all of you have registered!

The classes this year are:

Friday, Nov. 12:

Operating an LDA Business,
by Cindy Elwell

Deeds, by Diana Wade

Beginning Family Law,
by Tamara Parker

Business Entities, by attorney
Vern Goins

Name Change, by Cathy Ricci

Stepparent Adoption, by Helen Bellamy

Paternity, by Marcia Burke.

Saturday, Nov.13:

Family Law Q & A, by
Commissioner Vogl of Orange County

Wills & Trusts, by attorney
Al Bernal and LDA China Long

Advanced Family Law, by attorney Mike
Bailey,
and LDA Robin Schumacher

Bankruptcy, by attorney Steve Elias and LDA
Sandy McCarthy

Unlawful Detainer by attorney Jim McCarthy
and LDA Debbie Driver

Sunday is the UPL session

In addition to our classes, we will have a bonfire, roundtable discussion, vendors and elections.

Your Board has worked very hard to make this year's Conference an educational and social success. It is our hope that we have a lot of CALDA members attend and that everyone is happy with the Conference. I personally look forward to meeting new people, and matching the names on the Calda Talklist with the faces.

Hope to see you all at Asilomar.

Hinda Lucas
Conference Chair



Presidential Campaign Statement of Sandy McCarthy

I have worked exclusively in the legal field since 1976, and have operated my own self-help document service since the early 1980's, I became a Registered Legal Document Assistant in January, 2000, when the LDA statute was enacted.

During my former career as a paralegal, I obtained a paralegal Certificate from the University of California, Santa Barbara. During my 28 years in the legal field, I have also worked as a free-lance paralegal, law office manager and Paralegal studies teacher at the Learning Tree University in Thousand Oaks, California.

I have been a member of CALDA since April, 2003 At my first CALDA conference, jumping right in as usual, I agreed to serve on the fundraising committee of which I later became Committee Chairman and a member of Board of Directors. During my term, I dedicated myself to heading up the CALDA brochures and questionnaire project that I personally feel is one of the most important tools CALDA has recently been able to offer its membership. During my term on the Board, I also worked closely with CALDA's attorney to achieve a policy change in Ventura County that was

imposing unfair requirements for LDA customers, contrary to California statute. I cannot explain what a great feeling it is to see the efforts of hard work, which, of course, was only achieved because of CALDA's existence.

I strongly believe in the importance of having an organization like CALDA to offer legal support, progressive influence, education, and camaraderie to each of us working as Registered Legal Document Assistants in California. It is for this reason that I have been willing, and continue to be willing, to dedicate time and energy to our organization.

I recently came across an article, which so simply set forth seven basic traits of a leader: 1) Focused 2) Passionate 3) Accepts Responsibility 4) Respectful 5) Has learned how to listen 6) Ability to think BIG and 7) Really and truly CARES. There have been many great leaders who have served wholeheartedly before me and many of who will serve wholeheartedly after this coming year. As President nominee for the 2004 conference, I am willing and believe I have the tools to take on a leadership role in CALDA with the support and efforts of the other elected board members over the following 12 months. If elected as your President, I can't promise you that I will be perfect or guarantee to please everyone. I do promise, however, if elected, to utilize all my available skills, enthusiasm, stamina and passion for the betterment of this organization, during my time of service.

Thank you for your consideration.

Sandy McCarthy, Reg. LDA

**Campaign Statement of
Tamara Parker**

I am running for Vice President. I have served on the Board for approximately the past 6 years, as both a board member and officer, and I have a deep commitment to seeing CALDA continue to grow as an organization and offer more benefits to it's members.

For the coming year, I would like to see CALDA work more on retaining current members, having an aggressive outreach to non-members, and providing more education during the year.

Thank you for your consideration
Tamara Parker, Registered LDA

**IMPORTANT NOTICE.
Presented by China Long**

The California Supreme Court has granted review of the case Butler v. Harris where the Court of Appeal held that grandparents could obtain visitation over the objection of a fit parent if they could prove by clear and convincing evidence that the parent's refusal to allow visitation would be detrimental to the child.

The typical vision brought to mind when hearing these lyrics is of an intact family, mom, dad and children, singing on their way to grandmothers for holiday dinner. Children of divorce may not have such traditional memories. Perhaps they are trotted off to visit both sets of grandparents, or even to a third set of grandparents if mom or dad has remarried. Perhaps they do not see Grandma at all-- unless she's gone to court.

Today, all states have statues authorizing a court to award visitation to a grandparent under certain circumstances.

California allows a grandparent to request visitation in a custody proceeding. Family Code § 3101 (a). Here the grandparent is joined as a party into the action. Another procedure for a grandparent seeking a court-ordered visitation right is for the grandparent

to submit an independent petition. Family Code § 3104.

California requires two prerequisite findings before granting visitation rights to a grandparent. First, there must be a preexisting relationship and bond between the grandparent and the grandchild and second, the requested visitation must be in the best interest of the child. If the prerequisites are found, the court must also balance the interest of the child in having visitation with the grandparent against the right of the parents to exercise their parental authority. Family Code § 3103 (a) (2).

These visitation orders cannot interfere with a nonparty birth parent's visitation rights. Family Code § 3104 (g).

California does not allow the grandparent to petition if the family is still intact and the parents simply refuse to allow visitation. Exceptions to this rule, however, can be found when the child's parents are married but are currently living separate and apart on a permanent basis Family Code § 3104 (b) (1); or one of the parents has been absent for more than one month without the other spouse knowing the absent parent's whereabouts Family Code § 3104 (b) (2); or one of the parents joins in the grandparent visitation petition Family Code § 3104 (b) (3); or the child is not residing with either parent. Family Code § 3104 (b) (4).

Report from your Secretary CARA GOULD

This will be my last ACCESS article coming to you as your Secretary. I have enjoyed representing you in this capacity, but feel it is time to step down and let someone else take over. We had our last board meeting before our conference, on July 24 in San Luis Obispo, and here are the highlights:

- 133 Members
- Conference discussion: teachers, keynote speaker, Monterey head clerk speaking, fund raising items, recording classes or videotaping the UPL class, and a salary survey.
- We adopted a Conference theme:
**SETTING THE STANDARD
EDUCATION – ETHICS – EXCELLENCE**
- AND it was voted on that this theme become CALDA's permanent logo.
- Generally, the conference schedule will be as follows:

Thursday, Nov. 1:	4:00 pm.	Board Meeting
Friday, Nov. 12:	4:00 to 6:00	Roundtable Discussion
	6:00 to 7:00	Dinner
	7:00 to 8:00	President's Reception
Saturday, Nov. 13:	4:00 to 6:00	Elections
	8:00 to 10:00	Bonfire/beach party
Sunday, Nov. 14:	TBA	UPL
	1:00 to 2:30	Board Meeting
- We also discussed dual registrations, last year's election mishap, CALDA's "Good Housekeeping Seal of Approval," an advertising guide and promoting new chapters.
- We discussed Richard's 2 workshops, there were 44 attendees total at the Northern and Southern CA workshops.
- And then, we received a report from Tamara Parker. What started out to be a contentious situation when Richard Lubetsky and Tamara Parker met with the Monterey County Family Law Judge and head clerk turned out positive, in which the clerk agreed to speak at our conference. She said she couldn't understand why ALL LDA's are not CALDA members.
Isn't that great? KUDOS to Tamara and Richard!!

So, after looking this over, if you have any questions or would be interested in being on the new board or helping by being on a committee, please contact any board member and let them know. And don't use the excuse that you don't know how, because all it takes is willingness to take on the responsibility and the ability to help or be helped.

Thank you all for the opportunity and support I have received.

NOW IT'S YOUR TURN TO TAKE AN ACTIVE ROLE IN CALDA.

PLEASE CONSIDER IT.



Treasurer's Report By Cindy Elwell

To date, we have almost reached our goal of number of participants for the Conference; we still need 7 more registrations, so get your reservation in if you have not yet done so; there's still time. Anyway, this is our time to get together and learn and network with and from each other, so please join us at Asilomar; I know you will be glad you did and it will help you increase the bottom line of your own business.

I have sent out invoices for the balance due for everyone, and these payments should be received by November 1st. so we can finalize everything. If you owe money for the conference and have not received an invoice, please e-mail me at Dwdignity@aol.com.

A special invitation to my class, which is being offered in two parts on Friday morning: *How to Operate a Successful LDA Business*. In this class, we will review how to set up your LDA business and concentrate on the things to do and not to do; review client files, tickler systems, start working on your business plans, look at some marketing ideas, and help you price your business so that you enjoy a nice (huge???) profit. So I hope you will sign up for the class, I promise you'll will learn something new and increase your profitability. Because there's no reason, we all cannot be successful in this business if we operate an efficient business. If you are thinking that you cannot afford to attend the conference, and this is your primary business, that's an indication that you need to attend more than ever and find out how to be successful, so beg, borrow or charge to attend the conference and learn how to be successful and profitable. It took me a long time (six years) to really understand the business and believe that I could be successful. I now know that I could have cut that time in half, if I had devoted more energy and resources to building *Divorce With Dignity*, rather than running around trying to do too much to "get by." We are professionals and we deserve to earn a decent living and invest in ourselves for our future growth.

Below is our latest Profit and Loss Actuals Compared to Budget. As you can see, we are way over budget mostly in memberships and fundraising. So keep up the good work.

CALDA Profit and Loss--Actuals Compared to Budget

	Apr - Sep 04	Budget	\$ Over Budget	% of Budget
Income				
_DivInc	10.92			
Annual Conf. Income	1,902.28			

Dues	12,462.50	7,125.00	5,337.50	174.91%
Fundraising Products	4,333.97	640.00	3,693.97	677.18%
Interest Inc	31.02	24.00	7.02	129.25%
Workshops	0.00	400.00	-400.00	0.0%
Total Income	<u>18,740.69</u>	<u>8,189.00</u>	<u>10,551.69</u>	<u>228.85%</u>
Expense				
Administrative Assistant	2,000.00	1,500.00	500.00	133.33%
Annual Conf. Exp.	498.77			
Bank Charge	658.03	279.00	379.03	235.85%
Board Meetings	361.21	560.00	-198.79	64.5%
Education	323.52	252.00	71.52	128.38%
Fund Raising Committee	109.54	996.00	-886.46	11.0%
Legal & Accounting	233.50	948.00	-714.50	24.63%
Membership Committee	2,055.35	150.00	1,905.35	1,370.23%
Newsletter Expense	300.00	300.00	0.00	100.0%
Office Expense's	0.00	300.00	-300.00	0.0%
Post Office	216.00	360.00	-144.00	60.0%
Public Relations	0.00	498.00	-498.00	0.0%
Website	1,975.40	750.00	1,225.40	263.39%
Workshop	0.00	300.00	-300.00	0.0%
Total Expense	<u>8,731.32</u>	<u>7,193.00</u>	<u>1,538.32</u>	<u>121.39%</u>
Net Income	<u><u>10,009.37</u></u>	<u><u>996.00</u></u>	<u><u>9,013.37</u></u>	<u><u>1,004.96%</u></u>

Hope to see you at Asilomar!!

MEDIATION BROWN BAG QUESTIONS AND ANSWERS ABOUT BECOMING A MEDIATOR

THE NORTHERN CALIFORNIAN MEDIATION CENTER offers an informal brown bag luncheon 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 us know if you wish to attend.

FREQUENTLY ASKED QUESTIONS (FAQ'S):

WHAT TRAINING, DEGREES OR CERTIFICATES ARE NEEDED TO BECOME A MEDIATOR?

In the State of California, no degrees, certificates, trainings or other legal specifications are required to call oneself a mediator. However, professional mediation organizations, and most responsible and experienced mediators recommend that every mediator have specific mediation training. A 40-hour intensive introductory course is minimal and should be supplemented by other skill-based and knowledge-based courses as needed.

The majority of mediators have a profession of origin like law or counseling. Other mediators have backgrounds in business, education, religion or government. Although an advanced degree and/or experience in another profession are not necessary, they often give a mediator added credibility in the market place.

Training is needed because a good mediator requires a unique blend of both communication and analytic skills. For example, although lawyers may do a lot of negotiation, they tend to deal with conflict in a more ritualized way. Lawyers need to learn how to handle raw conflict when people are fighting in front of them. Therapists, on the other hand, may be experienced in dealing directly with conflict and strong feelings, but need skills in negotiating, analyzing and staying task-focused.

Training is available through The Northern California Mediation Center. Other trainings may be found at www.mediate.com

ARE THERE JOBS IN THE FIELD OF MEDIATION?

Most mediators have their own practices. They often build a practice by adding mediation as an additional service to what they are already doing. There are few jobs in the field, but some jobs do exist. There are administrative positions in court-based programs, community mediation centers and private group practices. More courts and governmental agencies are beginning to hire in-house

mediators instead of using a panel of outside mediators.

In California, each county hires or contracts with mediators to provide mandatory custody mediation when parents request a court hearing to resolve a custody dispute. Such mediators are required to have, among other things, a mental health degree and five years of experience working with families.

THE MAJOR MEDIATION ORGANIZATIONS ARE:

Association for Conflict Resolution (ACR)
1527 New Hampshire Avenue, N.W.
3rd Floor
Washington, D.C. 20036
(202) 667-9700

Northern California Mediation Association (NCMA)
P.O. Box 544
Corte Madera, CA 94976-0544
(650) 745-3842

California Dispute Resolution Council (CDRC)
760 Market Street, Suite 516
San Francisco, CA 94102-2406
(866) 285-6500

American Bar Association, Standing Committee on Dispute Resolution
1800 M Street, N.W.
Washington, D.C. 20036
(202) 662-1000

***&.....DON'T FORGET TO REGISTER FOR THE 2004 CALDA
CONFERENCE AT ASILOMAR, TAKING PLACE
NOVEMBER 12 – 14, 2004 – HOPE TO SEE YOU THERE !***

Robin Wilson, Education Chair