



ACCESS

A Publication of the California Association of Legal Document Assistants

May/June 2002



PRESIDENT'S MESSAGE

Dear Members: Your board has been busy getting the word out to various entities concerning who we are and what we do. I thought you might be interested to know what the State Bar asked about and my response.

“Dear Mr. Low:

It has been two months since we last spoke and I wanted to get back to you on your request for information about our association. I reviewed the outline you sent me and have responded to the items that apply to LDA's. My response is not meant to be inclusive.

STRUCTURAL: The California Association of Legal Document Assistants (“CALDA”) is a non-profit California corporation. Since 1986, we have dealt primarily with providing educational materials and seminars to our members. Currently we have 97 voting members and about 5 non-voting members. A list of the officers is listed on the left side of this letter. Currently we have a total of 10 board members.

DELIVERY: Our members offer a wide variety of typing services to consumers. Roughly 95% of our members handle family law matters and Bankruptcy. The other 5% handle administrative appeals exempt from the LDA registration.

In a recent survey, our members indicated that they type legal paperwork in the following areas and in the order given:

Family law: Divorces, separations, OSC's, paternity, custody, visitation and changes in support

Bankruptcy: Most limit their practice to Chapter 7

Probate, guardianships, some simple probate matters, a few conservatorships

Deeds, Simple family transfers, death transfers and joint tenancy

Unlawful Detainers: Many of our members are also registered as UDA's. Some members provide typing services under the LDA definition

Wills and trusts: Simple family matters, no services are offered for estates that may be subject to estate tax

Notary: The majority of our members are also Notaries

Everyone does some kind of advertising. The Yellow Pages is the most widely used forum. Others use the newspaper or the local radio. Very few advertise on television.

Most members rely on word of mouth referrals from consumers. Other referrals are made to local attorneys when legal issues arise or if a consumer needs advice. Most members have one or two attorneys they regularly use to refer complicated issues. Many of these attorneys offer a 15-minute consultation for specific legal advice.

QUALITY: Most of our members use some kind of intake form (a sample is enclosed) and legal form preparation software. Martin Dean's Essential Forms and Legal Solutions are preferred. Case management is also part of each program. Individuals use their own system beyond that. CALDA often offers a class on how to run a successful LDA business.

CALDA publishes a wide variety of brochures for consumers. The consumer can pick the procedure they want to use and tell the LDA which forms they want. I have included a few samples.

Most members do not have a staff. Many have a receptionist, secretary or answering service.

Each CALDA member is an individual business entity. Some use surveys to obtain quality information about the services that they perform, others do not. It is up to the business owner. CALDA will handle consumer complaints for members and try to resolve any issues between the consumer and the LDA.

CALDA distributes to each new member a booklet on standards of ethical conduct. We strongly suggest that each new member read and apply its standards.

INPUT: The quality of the services performed is dependent upon the education, integrity and confidence of the business owner. All CALDA members are required to maintain 15 hours of continuing education every two years: 10 hours of general legal education and five hours of mandatory Ethics/UPL.

CALDA strives to educate its members about the importance of complying with the law and avoiding all UPL. Each year we gather together for a four-day conference to address these issues and teach our members how to operate within the statutory scheme. In the year 2002, CALDA will be putting on four workshops in various areas of the State to address UPL.

LDA's are regulated under Section 6400 et seq. of the California Business & Professions Code. Eventually we would like to see all LDA's in California become members of CALDA. However, I would have to say that unless the statute is amended to provide for mandatory continuing education, that is not going to happen any time soon.

Section 6400 has a sunset clause that will eliminate the law as of December 31, 2002. CALDA and its members are working very hard to make sure the law stays intact and does not sunset. As part of this, Dr. Kelso, a law professor is drafting a recommendation about our law. I believe he will be submitting it to the Judiciary Council very soon. I am happy to give you a copy once it is available.

Thank you for taking the time to allow us to comment on the UPL survey. Should you need any other information from us, please do not hesitate to contact me."

CALDA 2002 OFFICERS

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

Here is what you 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 by maintaining 15 hours of continuing education every two years.

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:

- (a) Diskette files or
- (b) Typed, double spaced copy.

Send, Fax or e-mail all hard copy in file

to:

Cindy Elwell
1150 Ballena Blvd. Suite100
Alameda, Ca. 94501

If sending a file on diskette: Contents should be in final form: Include a note stating Computer System used (PC) and Software with version number. A 3.5 inch diskette is required. A hard copy printout of files must accompany all material submitted on diskette.

DEADLINE: 5th of EACH MONTH

Word Processing program word wrap:

Do not use carriage returns or hyphens in words at the end of line. In paragraphs do not indent. Do not use ALL CAPS in headlines or text

Membership By Bonnie J Matthews

Hello to everyone. I would like to thank those who have referred others to inquire about our wonderful organization. I have sent out many prospective membership packages. In the last newsletter, I reminded everyone what the benefits of joining CALDA were. A big “thank you” to those who passed that information on to their friends and other LDA’s. Remember--- CALDA’S number one benefit is our “NETWORKING” ability.

Please remember when renewing your membership to provide a copy of your LDA, UDA, Immigration registration or a letter stating under “penalty of perjury” you are not required to conform to state law, and the reason why. All members, please read the application and follow the instructions as this will make my job easier and I can process your applications in a timely manner. Just a reminder, CALDA’s membership dues are \$125.00 per year. All renewing membership **MUST** update your past year’s educational information.

Should you need extra membership applications or should you want me to send any prospective membership packets to other LDA, *please fax or email me with the information.*

I can be reached at (661) 945-4660 (M-F 9-5), Fax (661) 945-5121, email- bjmatthews@csurfers.net

LEARN TO EARN CALDA’S 2002 CONFERENCE By Tamara Parker

We are well underway in planning your 2002 conference. The theme this year is **Learn to Earn**, which was suggested by Marcia Burke. Learn to Earn - it really defines what your conference is all about; learning new skills, and strengthening the ones you already have to increase your earnings as a Legal Document Assistant.

The year we plan on having a different conference – one that is interactive. You can become as involved as you want to in the classes and come away from this conference with new ideas and information to enable you to help your business grow and prosper.

The conference will be in Culver City – and we want to encourage everyone to make this a family trip. Bring your family! The Los Angeles area is a wonderful play land and we’re going to use a “Hollywood theme” for our entertainment. We’re working on arranging a trip to Sony Studios for a Red Carpet treatment for our members, a Karaoke experience at our Saturday dinner, and fun events for everyone.

Remember the dates, October 17-20 and plan to be there.

LEGISLATIVE CHAIR NEWS By June Valentine

The language for the repeal of the sunset provision of the LDA statute can be located in AB 3028 as Amended April 18, 2002. It appears at this point and time the repeal language will pass without incident.

In addition, Professor Clark Kelso of McGeorge School of Law has advised he will provide our Association with a copy of his evaluation of the LDA Statute. Once the report has been received, we will summarize the contents of the report on the talklist and next newsletter.

A meeting has been scheduled in Sacramento with the Judicial Council, the California State Bar, Professor Kelso, Richard Lubetzky and myself. Richard, in particular wants to be present at this meeting because he believes the Judicial Council and State Bar will attempt to “tweak” the bill to add provisions, especially, provisions regarding penalties and UPL.

On another subject, Bankruptcy Petition Preparers, Richard has been extremely busy representing them. He has been involved in several cases across the United States with the Trustees, Judges and preparers. All members involved in the preparation of bankruptcies should keep informed and, pass along all information to the Association.

IMMIGRATION NEWS

During the past year, Congress passed 17 private immigration bills granting permanent residency to a small number of individuals. Private bills are a rare form of relief from immigration laws and are generally reserved for the most compelling cases. In the legislative process, private bills are treated like any other law, going through the committee process to a vote by the full Congress. However, getting a private bill introduced is not easy. The immigration subcommittees in both the House of Representatives and the Senate have detailed rules on what is required for the introduction of such a bill.

The most essential step in obtaining a private bill is, of course, finding a member of Congress willing to sponsor the bill. Following the introduction of the bill, information about the person it will benefit needs to be supplied to the chair of the immigration subcommittee by the member of Congress sponsoring the bill. The procedure from there is much the same as it is with other legislation.

In the first story in this newsletter at <http://www.visalaw.com/00dec3/1dec300.html>, we told you about three clients of Siskind, Susser, Haas & Devine who benefited from private bills this year. The stories behind some of the other private bills passed this year follow:

Wei Jingsheng. Senator Spencer Abraham (R-MI) introduced a private bill to grant permanent residence in the US to of this Chinese national who spent 29 years in prison in China because of his pro-democracy activities. Authorities to seek medical treatment in the US in 1997 released Jingsheng.

Jacqueline Salinas and her children Gabriela, Alejandro and Omar. Senator Fred Thompson (R-TN) introduced a private bill to grant permanent residence to this family. They originally came to the US to seek treatment for Gabriela's cancer at the St. Jude's Children's Research Hospital in Memphis, TN. While here, the family was in a car wreck that killed Mr. Salinas and another child.

Persian Gulf Evacuees. Representative Nick Rahall (D-WV) introduced a private bill to help 54 families who were unable to obtain legal status following their evacuation from Kuwait during the Gulf War. Many of the evacuees had provided shelter to Americans caught in Iraq when the war started, actions that put them at risk of retaliation from the Iraqi government.

Guy Taylor. Senator Dianne Feinstein (D-CA) introduced a private bill to obtain permanent residence for this young man. He was born in Canada but spent most of his life in the US. His father died before he was born, and after he and his mother moved back to Canada, she died of a drug overdose. Taylor returned to live with his grandmother in California, but was unable to seek permanent residence on his own because he was under 21, and because he was over 16 his grandmother could not adopt him.

Tony Lara. Senator Dianne Feinstein (D-CA) introduced a private bill to obtain permanent residence for Tony. In 1990, Tony, along with his parents and sister, fled El Salvador during the country's civil war. His mother was deported and died trying to reenter the US. His father turned to drugs, abandoned his children and was eventually deported. A neighbor family took Tony and his sister in, and adopted his sister, but could not afford to adopt Tony. Tony was taken in by the wrestling coach at his high school, and went on to win the state wrestling championship for his class.

Jose Guadalupe Tellez Pinales. Senator Charles Grassley (R-IA) introduced a private bill to obtain permanent residence for Jose. Jose entered the US with his parents when he was three years old. After his father died, his mother left him with a great-uncle. The uncle later obtained citizenship, and mistakenly thought it would make Jose a citizen as well. By the time they realized the mistake, Jose was too old to be adopted, and without any recourse to legalize his status in the US.

Saeed Rezai. Representative Chris Cannon (R-UT) introduced a private bill to obtain permanent residence for Mrs. Rezai, an Iranian national. She entered the US in 1986 as a student, and later married a US citizen. She obtained conditional permanent residence, but was divorced before the conditions were removed. She filed a request for a waiver of the requirement that an application for removal of conditions be filed by both spouses, but it was denied, as was her application for asylum. Mrs. Rezai later married another US citizen, but the application for adjustment was denied because her spouse had previously been found to have committed marriage fraud. In the meantime, Mrs. Rezai developed multiple sclerosis.

The Congressmen who support private bills do a tremendous amount of work to ensure their passage, and without their efforts, those who benefit from the bills would most likely be forced to leave the US.

Secretary's Report

By Cara Gould

Hi. It's me again, and I promised you an update about the Healthy Start program. It went great, I was unable to attend, but the director told me that she didn't have one CALDA flyer left, and that EVERYONE seemed interested. We will be talking more in the future about Robin and I speaking to parents.

Now, on to CALDA business – Here's the condensed version of our board meeting on April 20:

Jeanne Flanders has resigned as our Treasurer, and she will be missed. The Treasurer position will be out-sourced for the rest of this year.

Education: CALDA is trying to set up workshops in various areas. Currently there are two workshops scheduled: May 21 will be in the Santa Ana area, and June 21 will be in San Jose. Commissioner Vogl is also giving five workshops through out the year. Please contact our new Education Chair, Sue Hall, for details about these workshops or about having a workshop in your area.

Public Relations: the board is putting together a press release that can be used statewide. Please forward any and all comments to any board members.

Newsletter: The ACCESS will be sent via e-mail on a trial basis. Make sure you send your comments on this to our Newsletter chairperson, Cindy Elwell.

Professional Standards: Kudos to Marcia Burke - she has actively pursued getting lists of all the LDA's registered in the state.

Technology: listing all members' names on the website is being considered. Please contact Robin Schumacher to give your opinion.

Legislative: The Judicial council has agreed to sponsor the sunset clause on the end of one of theirs; this will NOT be a new bill.

Conference: The conference theme for Culver City which was given to us by Marcia Burke, will be "Learn to Earn." The conference will be October 17-20, 2002. Information and registration packets will be sent, plan to attend. If you have any ideas for teachers or topics, contact Tamara Parker.

General: Discussion about utilizing a professional management company to take over administrative duties. Currently this is done by Bonnie Matthews, and she has continued to graciously waive her fees.

General: There was a bit of discussion regarding the yellow page directory problems. What should be done about LDA's continuing to advertise under Paralegal heading? There may be a way to list yourself under Paralegal.....if you want further information, or have any input, please contact a board member, we welcome your opinions and comments!!

Board meetings: We only have 2 board meetings left, on July 27 in Fresno, CA, and in October at the conference in Culver City. Please come join us!!

Feel free to contact me or any board member with any questions, comments, or suggestions.

California Association of Legal Document Assistants
CALDA

Presents a Workshop
**“How to provide Legal Services and
Keep from going to Jail”**

Mel Irvin
Living Trusts

Round Table Discussion & UPL Presentation by

Diana P. Wade & Tamara Parker

*Friday – June 21, 2002 ** 11 am to 2 pm*
2160 The Alameda, Conference Room
San Jose, Ca. 95126

2 blocks north of I-880 The 3rd exit south of Highway 101 towards Santa Cruz

Registration Form (Luncheon included in price of ticket)

Pre-Registration Deadline: June 5, 2002

Name: _____

Address: _____

City/State/Zip: _____

Phone/E-mail: _____

Reservation Confirmation available only by E-mail

Please include E-mail address above and check here _____ if E-mail Confirmation is required

- \$18.00 * CALDA Members*
- \$20.00 * Non-Members*
- \$25.00 * After 6/5/02*

Please make checks payable to CALDA
Mail to: Diana P. Wade, P.O. Box 2681, Lake Isabella, Ca. 93240-2681

CALDA PRODUCTS AND PUBLICATIONS

| | PRICE | QTY | TOTAL |
|--|---------|-------|----------|
| Divorce Flow chart for Divorce filing procedures | \$3.00 | _____ | \$ _____ |
| Divorce Flow chart for Divorce process | \$ 3.00 | _____ | \$ _____ |
| Disc case with CALDA Logo | \$20.00 | _____ | \$ _____ |
| Sample of Questionnaires on Disc | \$20.00 | _____ | \$ _____ |

Software: WordPerfect _____ Word/Office 97 _____

A legal document assistant may provide general published factual information that has been written or approved by an attorney such as self-help materials (books, software, etc.) published by nolo.com and other self-help publishers, as well as the public service brochures that the California Association of Legal Document Assistants (CALDA) has published on dissolution, paternity, bankruptcy, adoptions, unlawful detainer actions, etc. All of these brochures have been "approved" by an attorney in accordance by B&PC Section 6400, et seq.

BROCHURES (package of 25 each title)

| | | | |
|--|---------|-------|-------|
| Overview of Divorce Filing Procedures; Divorce and separation and summary procedures | \$10.00 | _____ | _____ |
| Overview of Paternity Filing Procedure | \$7.50 | _____ | _____ |
| Overview of Eviction Filing Procedures | \$7.50 | _____ | _____ |
| Overview of Guardianship Filing Procedures | \$7.50 | _____ | _____ |
| Landlord Responsibility in Evictions | \$7.50 | _____ | _____ |
| Overview of Independent Adoptions | \$7.50 | _____ | _____ |
| Name Change | \$7.50 | _____ | _____ |
| Overview of Grandparent Visitation | \$7.50 | _____ | _____ |
| How to Choose a Legal Document Assistant | \$10.00 | _____ | _____ |
| Social Security Disability--Questions and Answers | \$5.00 | _____ | _____ |
| Overview of CA deeds and Mobile Home Transfers | \$7.50 | _____ | _____ |
| Overview of Petition for Custody | \$7.50 | _____ | _____ |
| When You Need Orders For Support, Custody, Visitation and Other Things | \$7.50 | _____ | _____ |
| Overview of Bankruptcy (Chapter 7 & 13) | \$7.50 | _____ | _____ |
| Checklist of Probate Procedures for Estates in Excess of \$100,000 | \$7.50 | _____ | _____ |
| Checklist of Probate Procedures for Estates less than \$100,000 | \$7.50 | _____ | _____ |
| Procedures for Summary Probate (less than \$100,000) | \$7.50 | _____ | _____ |
| Overview of Wills and Trusts | \$7.50 | _____ | _____ |
| Overview of Breach of Contract | \$7.50 | _____ | _____ |
| Instructions for Lawsuite to Prohibit Harassment | \$7.50 | _____ | _____ |

| | |
|----------------------------|----------|
| MATERIALS TOTAL | \$ _____ |
| SALES TAX (your county) | \$ _____ |

SHIPPING AND HANDLING

UP TO 20.00 - \$4.95
 20.01 TO 50.00 - \$7.95
 50.01 TO 100.00 - \$9.95
 100.01 AND OVER - \$12.00

\$ _____

GRAND TOTAL \$ _____

CHECK PAYABLE TO CALDA
VISA OR MASTERCARD CREDIT CARD NUMBER (for orders in excess of \$50.00 only): _____
EXPIRATION DATE: _____
SIGNATURE: _____

PRINT YOUR NAME ADDRESS AND PHONE NUMBER FOR SHIPPING:

Name: _____
 Address: _____
 City, State, Zipcode: _____
 Daytime Phone: _____

Snail Mail or Email to:
 Diana P. Wade
 P. O. Box 2681
 Lake Isabella, Ca. 93240-2681
dpwade@lightspeed.net



KATHY RICCI REPORTS FROM ORANGE COUNTY:

Commissioner Vogel's idea is to have an information sharing session (he does not want it to be a tutorial, but more on a basis of sharing information among attorneys, LDA's, and paralegals) every 2 months on odd numbered months. The next one will be on May 8 at 12:00 and he will be explaining the dissomaster. He teaches this to lawyers and at UCI, so it should be good.

The next will be the second Wednesday in July on OSC's. They will be brown-bag "get-togethers" from 12:00 to 1:30 or so in his courtroom, C-66 in Santa Ana. He is going to send out invitations to all REGISTERED LDAs. He wants to make it an incentive for the outlaws to get registered. He also feels it could be an opportunity for us to boost our membership and I see it that way, too. The support for us between him, Judge Wieben-Stock, the clerks and supervisors, AND the 2 lawyers was amazing. They really want to help us. I'll fax over the sheet he gave each of us. I think it would be a good idea to announce each meeting on Talklist as he and the judge would like to draw in people from LA, Riverside, San Bernardino and San Diego counties as well. I don't know how that will work with a lunch hour thing, but I believe each one will be extremely valuable. We thought, too, that we (CALDA) could possibly put on a workshop of our own following each one to pass on the information and draw in members and INCOME.



PROFESSIONAL STANDARDS COMMITTEE By Marcia Burke

1. One complaint was received this quarter regarding a non-member LDA in Northern California who received \$400 cash to finish up a divorce. When the customer changed her mind, the LDA refunded \$300 with her original documents. I sent a letter acknowledging receipt and replied the Association has no authority regarding non-members, but did send a copy of the law regarding LDA's and the LDA contract required by all California LDA's, with a separate letter to the LDA.
2. At the request of the Board, I sent a letter to 58 counties requesting a list of their LDA's (names, address, phone numbers) with self-addressed stamped envelopes and a copy of the CALDA Code of Ethical Standards on March 7, 2002. A follow-up letter was sent to non-responding counties on April 2, 2002. There are currently 12 counties who have not provided their list of LDA's. The total number of LDA's registered in California (excluding the 12 missing counties) is 689. I will continue to contact the non-responding counties until I have 100% participation. Why did we want to know the numbers? This is our target number for membership in CALDA. Copies of the list were forwarded to the Membership Chairman.
3. My next project will be to contact District Attorneys in the 58 counties to remind them of the LDA registration requirements, inform them of CALDA's existence, and offer our help should they need it

I'll keep you informed!

Marcia Burke
Professional Standards Chairman

CRACKING DOWN ON LDA'S

California deputy district attorney goes after legal professionals not complying with the law.

By Judy Tremore

Now that California requires former independent paralegals working directly for the public to register as legal document assistants (LDA), one California county deputy district attorney feels encouraged to go after those misrepresenting themselves as other state defined legal professionals.

The San Luis Obispo County Consumer Protection and Environmental Crimes Prosecution Unit, under Deputy District Attorney Steven von Dohlen, sent 40 letters last fall to LDA's in the county advertising legal services. It not only informed them about requirements for bonding, registering and disclosing that information, but it also warned them his office would prosecute to assure the public that anyone offering legal services in full compliance with the law. Only eight of the 40 recipients have already registered.

Carol Zweifel, CLA, past president of the Central Coast Paralegal Association (CCPA), said CCPA members and legal assistants helped von Dohlen draft the letter and provided a list of people who advertised professional legal services.

The letter "clearly defined the LDA business and professional code and summarized and explained the legislation," she said.

The letter simply "reassures (LDA's) that we're taking steps to go after folks not in compliance," von Dohlen said.

"If they see others who are unregistered and aiding people (and then getting caught), they might think that the next time (they should register so) they won't go through the hassle," von Dohlen added.

San Luis Obispo County doesn't have a big problem, he said. Prosecutions were necessary in only a handful of cases; some, where LDA's were "clearly exceeding their authority (and involved in) the illegal, unauthorized practice of law.

Under 2001's California Assembly Bill (AB) 2810 and 1998's Senate Bill (SB) 1418, if an LDA isn't working under the supervision of an attorney, then he or she is required to post a bond in his or her principal county of practice. This allows recourse for consumers to file complaints. No one knows exactly how many LDA's have registered. Last year's tally of 500 exceeded the 200 required to keep legislation from expiring. Tracking registrations is difficult because they are filed with counties and the 54 clerks are not required to report them.

Diana P. Wade, president of California Association of Legal Document Assistants (CALDA), said she has noticed some attrition since the statutes went into effect. She speculated that people dropped out of the field because they didn't meet the registration requirements or they might not have been able to afford bonding and registration.

"I think they just went away" into different careers, she added.

The next step, according to Zweifel, will include CCPA and von Dohlen pursuing a consumer education campaign. They say this is needed because they believe the public doesn't fully understand the difference between LDA's and legal assistants. Wade disagreed.

The only problem that consumers have, she said, is they can't find legal document assistants listed in the phone directory. Therefore CALDA has asked phone companies to add new headings and cross reference listings to the publication.

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LDA's in Business

By: Robin Schumacher

If you've been in business for a length of time, you will recognize this one sided phone conversation from a customer:

"Please help me – I received a summons and its says I have 30 days to answer. I was served 28 days ago. I don't think I can afford your fee – can I make payments? I'm afraid my husband/boyfriend/wife/girlfriend is going to take the kids away from me and never let me see them again. I think I might even need a restraining order against them.....let me explain the situation – blah blah blah." (for the next 20 to 30 minutes if you let them.) Cynical as this sounds, most of you will admit that you recognize this!

This type of call always seems to come when there are 20 other projects that need to meet the same deadline. It's the worst time to listen to someone else's problems.

Customers like this call at times like this because in their minds, they have no other option. They are truly desperate – whether self inflicted by their own lack of action or by outside actions over which they have no control. We who complete family law forms have committed ourselves a form of public service. There is probably no better time to test our commitment to this job than when a customer like this calls. When this happens to me, if I absolutely cannot take the job, I refer to someone else that I feel comfortable will do his/her paperwork with integrity, or I tell them to purchase the NOLO book on Divorce at the local bookstore if the problem is not immediate. However, I usually take the job and make the deadline somehow because I, like you, am committed to helping people with the business of life.

Oftentimes when this same customer comes into my office, I hear the same story again in person. They need to repeat it. I need to listen – it's what I do besides fill in the boxes. It's being there for somebody that makes this job the particular niche that it is.

Sometimes I even venture (and presume) to make suggestions to these customers. I suggest certain books to read that have been helpful to me during personal tragedy and trial. One father who came in recently to answer a modification for child support was reduced to tears when he was explaining to me that he had not seen his son for 7 years due to the fact that the mother has kept the child living in another state along with other unhappy facts. Those are some of the saddest situations. I was able to give him an idea I found in the book, Living the 7 Habits" by Stephen R. Covey. In short, it is suggested that the father keep a journal for and about his son – writing often and telling the son how he loves and misses him, what is going on in his own life etc. Hopefully, at some point in the child's adulthood, the father will be able to give the son this journal – proving that this boy had always been in the heart and mind of the father. It's something this guy can do. He feels less like a victim.

Neither attorney or psychologist though to me, respectable and needful professions, can claim the unique space we individuals occupy as an LDA. It's a fine line to keep from crossing into practicing UPL or giving unsolicited advice and I try to be reserved in how much I give – but listening to our customers does not break any law. Admittedly, there are days when I don't feel like listening or even seeing another human but I just do the best I can on those days. Sometimes we have to take the time to recommit ourselves to the original reason we started doing this.

I have been a paralegal/LDA for 8 years. Many people have returned for other services and made referrals to me because I took the time to listen to their problems and situations. However, new and repeat customers are not my prime motivation for listening to another human being's anguish – and I believe that most of you-if not all of you will agree that our highest motivation as an LDA is simply to "help people". Listening is one of the most useful and precious gifts we can give to our fellow man or woman.

LDA's In Court **By Cindy Elwell**

Your new editor, Cindy Elwell, interviewed our renowned attorney, Richard Lubetzky, to find out what legal activities he has been up to on our behalf and what kind of advice he would like to share with us.

As June Valentine reported, Richard has been very busy representing Bankruptcy Petitioner Preparers, especially from the Riverside Office of Trustees. They have been filing motions against us for noncompliance of Section 110 of the Bankruptcy Code and UPL. They said that any violation would be pursued. Right now Richard has four cases in the Riverside office. And it is getting so bad, that Richard is going to start challenging their filings and test the jurisdiction of the Bankruptcy Courts trying to enforce UPL, which is a state law, not Federal. However, he warns all Bankruptcy Preparers to be very careful as the trustees are looking for actions to file on.

He said there was even a problem with Bankruptcy Preparers giving out the CALDA brochures and pointing to the exemptions. That is a No, No!! Richard recommends that we give our customers a packet of information that is in compliance with the LDA statute (meaning approved by attorneys) so at least use CALDA brochures and information to be safe. Tell your customers that this packet will answer a lot of their questions, and, hopefully, they will be able to find the answers about the exemptions on their own. He also said that the trustees even have a lot of helpful self-help information that you can give out and some of them have very good web sites with information, which you can just print out and give to your customers. According to Richard, this is a very fine line of helping our customers find the answers on their own, but as we all know we cannot give them legal advice.

Also, as we have been hearing on the Talklist and in all our conferences, using legal in our business name is definitely a problem, especially if you do bankruptcy. ***DO NOT DO THIS; CHANGE YOUR NAME NOW IF YOU HAVE LEGAL IN IT.*** Both the Riverside and Los Angeles Trustees, who fined her and ordered her to change her name, called in one member. The trustees are scrutinizing compliance with Section 110, so do everything you need to and stay out of trouble.

There are some interesting developments statewide. There is a new organization called, Citizens Against Unlawful Practice of Law, based in Simi Valley, and Richard thinks it's a law firm; and he's trying to find out more about it. They act as the plaintiff in lawsuits against document preparers, mostly immigration consultants, and try to put them out of business. Other than that, not too much activity in the state courts on LDA compliance.

He said it is hard to know what the State Bar is going to do. Their President favors increasing the UPL penalty from a misdemeanor to a felony, and will probably try to push this through.

As far as the pending renewal of the LDA Registration statute, a lot depends on how Professor Kelso's report reads which is coming out on May 18th. As June mentioned there is a follow up meeting with the Judicial Council, and both she and Richard will be at that meeting. Richard believes that preliminary indications are that there will be some recommendations to improve the statute, and that is never to our advantage. He will try to make sure that we are not hijacked into something that is more erroneous than we currently have.

There have been a lot of problems with some of our yellow page advertisements, where there was not a cross reference from the Paralegal section to the LDA section. Richard believes that those LDA's who are affected have a good cause of action against the phone company. He said that if enough people complain that will put us in a good bargaining position to make sure they put in a cross reference. He feels you don't necessarily have to file a lawsuit, but negotiate having them put in the cross reference, as they really do not have a legal obligation to do this.

Richard and Tamara Parker have challenged the Monterey County clerks who took the position that you could not file paperwork in their county if you were not registered. CALDA's position on that point is that you should be able to file paperwork and not register in a county as long as you do not do any business in that county, such as have an office, run advertisements, etc. Monterey is having their legal counsel (Judicial Council) review this, but in the meantime, they are accepting filing by LDA's who are not registered in Monterey and do not do any business in that county.

That's all for now folks. If you need to contact Richard for a legal situation you are in, he may be reached at: 310-407-5350.

Use of Legal Document Assistants increases Legal Access and Reduces Consumer Cost By Oliver Hardin

The increase in non-attorney filings has resulted in the consumer retaining control of his case, but has it increased legal access? The increase in non-attorney filings by the consumer has caused the Judiciary to consider alternatives to less than full attorney representation that would allow attorneys to represent the consumer on a discreet part of the case and to remove himself from the case, after the agreed upon acts were accomplished, "The Unbundling of Legal Services." The consumer brought recognition of the Judiciary to this process, because the judges wanted to receive more intelligible pleadings and the attorneys wanted to regain billable hours they had lost by consumers filing without attorney assistance. The attorneys generally priced their services higher than the average person wanted to pay, thereby restricting access. The Family Law Facilitators was introduced as a means to provide legal access to the income challenged litigant. The politics of the judicial process and the increased attorney fees has made access questionable.

How can we provide appropriate and responsible legal document service and educate the public and legal profession to the benefits of that service. In a conversation with Lyn Hall-Fore Program Coordinator for Legal Education and Paralegal Training at the University of California, San Diego UCSD Extension, we discussed that her classes are ABA sanctioned and are subject specific for certificates to be granted in certain fields, so that the person could work under attorney supervision. It was also her opinion that a paralegal graduate from her school, and most paralegal schools, would need further study in management skills, business planning, malpractice insurance, and bonding, before they should provide services to the public directly. We discussed the possibility of educational institutions such as UCSD, USD, and Community Collages providing an educational bridge that would address the issues of expanding the legal access base, while maintaining support to her ABA sponsors. I hope my comments represent our conversation well. Her number is 858-882-8008. She has expressed an interest having continuing dialogue to develop seminars, and sit on panel discussions, as her program would allow.

Currently legal precedent federal and state allows paralegal fees to be recoverable under attorney fees, with the same base of training Legal Document Services Fees are recoverable directly from the public. We have privilege to serve and to do no harm. A bridge of service and understanding must be erected between the attorney community, the consuming public and the Legal Document Assistants. Oliver Hardin, Director Public Relations CALDA, 800-780-2247 or 619-276-4517.

Letters to the Editor By Cindy Elwell

As the Chairperson of the Newsletter, I guess that also makes me the Editor of *ACCESS*.

One of the recommendations in our recent survey was that we have a Letter's to the Editor Column. So I would like to invite you to write a letter to the editor for our next Access, which will come out in July, and we will start doing this on a regular basis. If I cannot answer your letter, I will direct it to the best Board member for their response to be published in the Access.

I look forward to receiving lots of letters to the Editor. They may be e-mailed to me at: Dwdignity@aol.com.

Please let us know of any other changes you would like to see in the *ACCESS*.

Unauthorized Practice of Law and Ethics Test

(Fulfills .75 hours CE requirements for membership)

The members of CALDA voted to require five (5) mandatory continuing education hours of UPL/Ethics every two years. Satisfaction of this requirement shall be met and proved at the time of renewal for each voting member. A modified version of this class is offered once each year at the annual conference. The following test is based in part on the new statutes governing Legal Document Assistants, Unlawful Detainer Assistants and Paralegals.

You must pass by 70% or more to have this test count for the mandatory UPL/Ethics requirement. Section II – multiple choice questions – one (1) point for each correct answer.

MULTIPLE CHOICE

(Pick the most correct answer to the following questions.)

1. An LDA is registered for a period of:
 - a. One year
 - b. Two years
 - c. Four years
 - d. Five years

2. An LDA must post a bond in the amount of:
 - a. \$25,000
 - b. \$20,000
 - c. \$15,000
 - d. \$30,000

3. An LDA may supply the consumer with the following materials to provide services to consumers:
 - a. Self-help books written or approved by an attorney
 - b. California Forms of Pleading and Practice
 - c. CALDA published brochures
 - d. Internet forms written or approved by an attorney.
 - e. All of the above

4. All of the following individuals are required to register as an LDA or UDA, except:
 - a. Persons completing legal documents selected by the consumer
 - b. An employee of a non-profit corporation who assists clients for free
 - c. Persons filing legal forms and documents at the specific direction of a person who is representing him/herself in a legal matter
 - d. Persons serving legal forms and documents at the specific direction of a person who is representing him/herself in a legal matter

5. An individual may provide services in the following areas without being registered as a LDA:
 - a. Family Law, provided they are uncontested
 - b. Probate so long as the total value of the estate is less than \$20,000
 - c. Bankruptcy petition preparers who only prepare bankruptcy petitions
 - d. Small claims forms preparers

6. By law, the following individuals will be denied LDA registration by the County Clerk:
 - a. Disbarred attorneys
 - b. Paralegals
 - c. A person who has been found not guilty of committing UPL
 - d. A person charged with fraud.

7. The fee for filing, canceling, revoking or withdrawing a bond is:
- a. \$10.00
 - b. \$ 3.00
 - c. \$ 7.00
 - d. \$ 5.00
8. The LDA/UDA's name, business address, telephone number, registration number and county of registration must appear on all:
- a. Contracts
 - b. Letterhead
 - c. Checks
 - d. All of the above
9. The LDA/UDA's name, business address, telephone number, registration number and county of registration is required on:
- a. business cards
 - b. solicitations
 - c. wills
 - d. Pleadings
 - e. All of the above
10. The consumer has a right to rescind a contract within:
- a. 3 days
 - b. 24 hours
 - c. 12 hours
 - d. at any time

IMPORTANT INSTRUCTIONS

FAX or MAIL to:

Diana P. Wade

P.O. Box 2681

Lake Isabella, CA 93240

FAX 760 379 8229

Sign your name _____

Address: _____

Phone: _____

INCLUDE A SELF-ADDRESSED STAMPED ENVELOPE, AND THE GRADED TEST WILL BE RETURNED



LDA EDUCATIONAL CLASSES

By Sue Hall

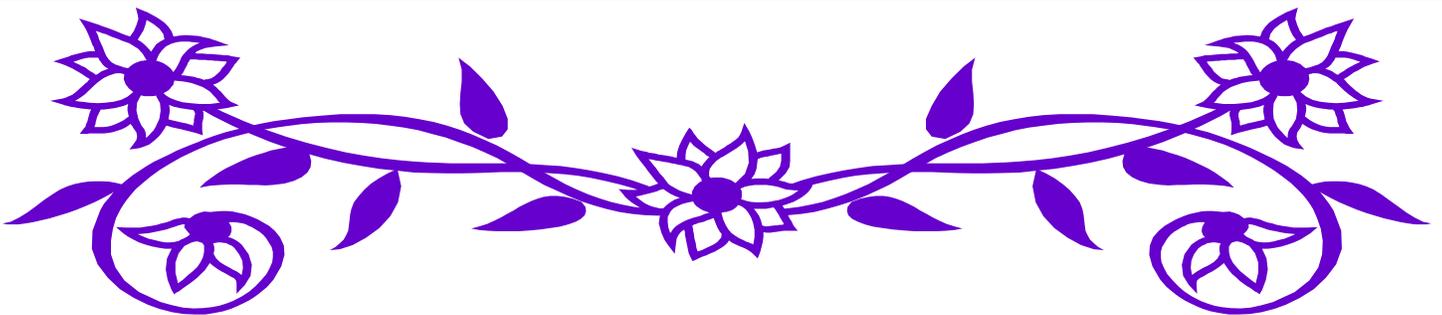
On April 25, 2002, the monthly education class was held in Bakersfield, Ca. The topic was "Providing Legal Services Without Going To Jail." Our president, Diana Wade, taught the UPL class. Kern County Clerk, Karen Houle, spoke to the group of 17 LDA's. It was a great turnout for the class.

On June 21, 2002, the education class will be held in San Jose, Ca., at the Alameda. Again, Diana Wade, along with Tamara Parker will speak on the topic of "Providing Legal Services Without Going To Jail," in addition, they will address Bankruptcy and UPL issues. The keynote speaker is Mel Irvin who will present a presentation on "Trusts." See copy of flyer for details.

On July 26, 2002, the education class will be held in Fresno, Ca. At this time a topic has not been announced and the speaker is yet to be determined. For more information, please call Robin Schumacher.

The August class is in the making! It is our hope that this class will be held in Santa Rosa, Ca. The plan, to date, is to have it on a Friday so that CALDA members from surrounding counties can attend, and perhaps enjoy the Wine County after the meeting. For more information, call me in June for exact time and place of the class.

If anyone has suggestions regarding topics or would like to have a class in your county please contact me at 707 578 1433. We look forward to your participation and look forward to seeing you at the classes.



SCHEDULE OF EVENTS

| <u>Time and Date</u> | <u>Event , Contact and Phone</u> | <u>Location</u> |
|---|--|---|
| Noon Room June 20, 2002 No. 612 Also every 3 rd Thursday of the month | Bay Area Chapter Meeting Cases from Hell Marcel Neumann Hayward | Basement Conference 24301 Southland Dr., 510-732-6811 |
| 11 a.m. – 2 p.m. June 21, 2002 | LDA Educational Class “Providing Legal Services Without Going to Jail” See flyer in Access | San Jose, CA |
| TBA July 26, 2002 | LDA Educational Class Diana Wade 760-379-8138 | TBA, Fresno, CA |
| Noon – 1:30 p.m. Courtroom July 10, 2002 And every 2 mos. thereafter | Information Sharing OSC’s Kathy Ricci 949-582-8969 | Commissioner Vogel’s C-66, Santa Ana |
| TBA probably in August 2002 | LDA Educational Class Diana Wade 760-379-8138 | TBA, but Santa Rosa |
| noon – 1:30 p.m. Room August, 2002 Justice | Quarterly Meetings with LDA’s Gary Ichikawa, Solano Law Supervising Judge | Jury Assembly County Family Hall of 600 Union Ave. Fairfield |

YELLOW PAGE ADS

By Cindy Elwell

Since the new LDA and Paralegal legislation has gone into effect, some of us are now having difficulty with placing our yellow page ads.

We discussed this in length at our last board meeting. We all understand and even Pacific Bell now understands, that we are supposed to be advertising in the LDA section of the yellow pages. The problems with this are that no one knows to look for us there as there is no automatic referral by the phone company. Ideally, we would ask that the phone company put a referral in the Paralegal heading, indicating that there is a new Legal Document Assistant heading and that is where “independent paralegals” are now listed. Well, this has not been happening. Our attorney, Richard Lubetzky, feels that those LDA’s who were listed in the LDA section and did not get a referral from the Paralegal section, feels they have a good cause to be able threaten to suit the phone for loss of business. He stated that they could then negotiate with the phone company to get a referral to the LDA section.

If the phone company will not automatically do a referral, you could pay to have your own referral, which is what I am doing. Under the paralegal heading, you could do either of the following:

1. Name of your LDA business, i. e., ***Divorce With Dignity*** is not a paralegal but a legal document assistant service. See the ad under the new Legal Document Assistant heading.
2. Name of your LDA business, i.e., ***Divorce With Dignity***; see ad under Legal Document Assistant heading.

I am using No. 2 above for my new ads. My phone representative said that the editorial department of Pacific Bell may contact me if they will not allow this, but, I am hoping that will happen.

We are very interested in your experiences related to your yellow page advertising. Please write a letter to the Editor and let us know about your situation so that we can get this figured out for all of us.

