



CALDA *update*

SETTING THE STANDARD...EDUCATION, ETHICS, EXCELLENCE

Message from the President

Dear Members:

Happy New Year! As of the first of the year, the changes made by our recently-sponsored legislation have now taken effect. I must tell you that I am feeling pretty good about the changes we sponsored via AB 285. CALDA continues to work tirelessly to make relationships with advocates, legislators, and other important stakeholders in the access to justice world. Our goal is simple: Improve opportunities for Legal Document Assistants while helping the public expand access to legal services.



I would also like to thank everyone who participated in the discussion regarding our required Contract. We will be submitting the contract to the Department of Consumer Affairs shortly. We will let everyone know when their process is underway so that you can monitor and participate in it.

Kind Regards,
Ian Duncan
CALDA President

CONNECT WITH CALDA

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Just click on the link above to join us on Facebook.

Can An LDA be a Divorce Mediator?

By Laura M. McGee JD, LDA

Legal Document Assistants here in California have been trail blazers by forging the right to offer legal services to the people without the formidable costs associated with the litigation model. It has been the mission of LDAs since the profession first emerged and gained formal recognition in 1998, to provide affordable access to justice.

While many divorcing couples are fearful of the irreparable emotional damage and runaway costs of a litigated divorce, most still think there only five options:

1. **Hire an Attorney and Litigate:** The litigated divorce: According to [Divorce 360](#) a litigated divorce can cost \$53,000 - \$188,000. I have had clients report to me spending far more. One woman who came to me for help shared that she was proud to say she had only spent \$375,000 on her attorneys. Why proud? Because her husband was in it for \$450,000!
2. **Mediate with an attorney or retired judge:** Attorneys and retired Judges such as [JAMS](#), offer Divorce Mediation services on an hourly fees basis. This type of experienced divorce mediator is incredibly valuable to those high stakes divorces fraught with complex legal issues, as they need a "closer style" of mediator to bring the parties to resolution. As you can well imagine the parties will pay tens of thousands of dollars to mediate their divorce. I had a client who recently reported spending just over \$35,000 on the mediation they had just completed with an attorney mediator.
3. **Use the document preparation services of an LDA:** The limited services offered by LDAs due to their scope of practice requirements means that they can offer very affordable divorce document preparation services, but they cannot help couples negotiate the terms of their Marital Settlement Agreements.

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This is very effective for couples who have struck a deal and want it documented and filed with the court on their behalf, but it's not enough for most divorcing couples whose communication and trust is eroded.

4. **Attend a Free Clinic:** The free help services are indeed free, but in most counties the lines are long, the volunteer help is limited, and all the clinic volunteers can do is help individuals fill out the right forms. They cannot help couples negotiate the terms of their Marital Settlement Agreement.
5. **By "The Book" and do your own divorce:** Get free help from Family Court Services: NoloPress and other "How To" books offer insight and help understanding what the "To Do's" and some of the "How To's" of divorce, but few individuals feel emotionally strong enough and system-savvy enough to do their own divorce.

Most couples who divorce need some help negotiating the terms of their Marital Settlement Agreement. For most there are few if any real legal issues. They may need a host of experts like: a Divorce Financial Analyst, a therapist with training in co-parenting strategies, a tax consultant, a QDRO preparer an appraiser, mortgage broker and they may even need a legal adviser to guide them, but few need the costly litigation process to dissolve their marriage.

Many LDAs are surprised to learn that The Evidence Code sections 1115 (a) and (b) make it clear that a mediator need not be an attorney. A mediator is completely aligned with the professional responsibilities and boundaries of an LDA. A mediator is neutral person who facilitates communication to assist couples in reaching a mutually acceptable agreement. The mediator does not give legal advice. He or she helps the parties to complete full discovery and then facilitates the parties' negotiation before documenting the deal they struck.

While legal expertise is not a requirement, and training as a mediator does not require certification, you can no doubt well imagine that few would hire a mediator who had nothing more to offer by way of expertise other than their own bad divorce experience. That's where you as LDAs become the sixth option.

You are trained as a scribe, seasoned at facilitating discovery, you know when to call in the experts to advise and support your client's negotiation and you can file all the necessary paperwork and draft the Marital Settlement Agreement at a fraction of the cost charged by attorney mediators. By gaining the training and experience required to mediate these often emotionally challenging negotiations you can prevent families from falling into an unnecessary and costly litigation process and truly offer a value added service to the community and your business model. I'm not suggesting that just because you are an LDA you are a mediator. I have personally invested over 200 hours in various trainings as a mediator and I have mediated hundreds of divorces, it's an acquired skill. What I am saying is, if you think you have what it takes to offer mediation to your prospective clients, if you want to offer an affordable sixth option to the vast majority of divorcing couples who need this kind of service, opportunity awaits.

Legal Access Education

By Susan Volpe'

CALDA Curriculum

Legal Access Education (LACE) is a Term-of-Art that provides a specific meaning for us in our LDA profession. Each time an LDA contracts with a client to perform a legal task they assume the role of teacher. An LDA guided by a business and profession code governing our performance assimilates the client's request to the document preparation and assistance needed. An LDA does this precisely and efficiently while informing the client through the process thereby providing Legal Access and Education to our client.

ABOUT LACE

LACE is a proposal for distance education based upon the long held educational standards of CALDA. If created, LACE will teach paralegals how to work as an LDA professional. CALDA plan for LACE programs include: Continuing Legal Education, LACE LDA Paralegal Certificate Program and a stand-alone LDA certificate program.

LACE UPDATE & TIMELINE

LACE distance education will require several steps and funding to get going. The immediate initiatives to put our programs on-line would include:

- Forming a school based non-profit corporation.
- Obtaining a working license or exemption for the school.
- Creating a web site and learning management system that is independent of propriety.

Many of you who attended conference were able to join me for my presentation and explanation of this education plan. Our response to this initiative has been well received with many interested individuals asking: "When can I start?"

CALDA's Board of Directors will begin discussing this proposal at its next regular meeting.

If anyone has specific questions, concerns or productive insight feel free to contact me by email scvolpe@gmail.com..

CHAPTER NEWS - MEET UP WITH YOUR LOCAL CHAPTER THIS MONTH

Bay Area Chapter

On Thursday, **January 21, 2016** the Bay Area Chapter of CALDA will be looking at and discussing the new Judicial Counsel Forms. We will meet from 12:00 to 1:30 pm in the basement conference room of the Southland Square Building at 24301 Southland Drive, Hayward. We plan to also discuss topics for next year's meetings, so come with ideas of topics you would like to know more about or potential speakers. Mark your calendar today so you can join us. For further information you can contact Marcel @ 510-782-6811, Debra @ 209-836-5430 or Jeri @ 650-574-2087. The date is always the 3rd Thursday of each month, except at the December meeting.



Central Coast Chapter

CALDA's Central Coast Chapter will meet on Wednesday, **January 20, 2016**, from 1-2:30 pm. January speaker will be Robert del Campo, Esq., who will be speaking on Small Estate Probate. Members are \$5 and Non-Members are \$7 to attend. The Chapter meets the third Wednesday of the month. If you plan to attend, please RSVP by emailing Tyler Gross at tylergrosslda@gmail.com.



Central Valley Chapter

The Central Valley Chapter meets on the third Thursday of the month. Our next meeting will be Thursday, **January 21, 2016** at the Yosemite Falls Café, 5123 N. Blackstone Avenue, Fresno, CA 93710. We will be electing officers and planning the speakers and topics for 2016.



The date is always the 3rd Thursday of each month, 11:30 am to 1:00 pm. For more information you can contact Robin Schumacher

robinschumacherlda@gmail.com or judy@judyslegaldocumentservice.com.

Judy Locatelli at

North Bay Chapter

Meetings are now held at the Solano Community Foundation, 744 Empire Street, Fairfield, CA 94533.

RSVP: Judy Reyes - call (800) 921-2756 - email: judy@relianceadmin.com



Topics for upcoming meetings:

February 9 - "Successful Marketing For LDAs"

Speaker: Judy Baker, Marketing Specialist
12:00pm to 1:30pm

March 8 - TBA

April 12 - Right Pricing

for your LDA Services (Cindy Elwell, LDA)

The meeting day is always the 2nd Tuesday of each month from 12:00 to 1:30pm. 1 hour CE credit will be earned for attending the chapter meeting. Dues are \$5 for CALDA Members and \$10 for non-members attending the meeting.

Los Angeles/Orange Chapter

The next Judge Juhas meeting will be held on Friday, **January 22, 2016**. The meetings are every 3rd Friday (unless noted otherwise), 111 North Hill Street, Department 64, Los Angeles, 90012. The Los Angeles/Orange Chapter meetings are held immediately after the Judge Juhas meetings on the 9th Floor Cafeteria of the courthouse. Please email Lois Isenberg at lois@divorcesos.com with your RSVPs (registration is a must - 25 attendee limit).



JOIN YOUR LOCAL CALDA CHAPTER!

Find your Local CALDA Chapter and get involved.

Do you think the closest Chapter is too far away? Get together with your local CALDA members and talk about starting your local chapter in your area...

2015 CALDA CONFERENCE





MEMBERSHIP

Welcome New Members

Carissa Alves
 Melissa Card
 Andrea Del Campo
 Laurie A. Edgar
 Donna Eichler
 Danielle Finger
 Dorothy James
 Laura Kuffler
 Ari Manes
 Toni Ochoa
 Jose N Ontiveros
 Diane Thomas
 Jessica Vargas
 Clarice Wessman
 Debra Marie Winters



Proposed LDA Contract

By Debra Hollis

Chairperson, Professional Standards Committee

Proposed LDA Contract Submitted to Department of Consumer Affairs

The Professional Standards Committee has drafted a revised Contract for Self-Help Services, and has submitted the contract to the Department of Consumer Affairs for its consideration. We feel that the proposed contract's language is much clearer and easier to read than the current contract.

We've also proposed some basic but important changes. First, we all agreed that we should change the term from "customer" to "client" in accordance with our observation of what standard LDA practice is across the state. The Code uses the term "client," so we're actually not sure where "Customer" even came from. We also have added language allowing changes to the contract to be made easily, and for

communication and cancellation to happen by more modern methods such as email. And one of the most popular desires of the membership was to break out the LDA's service fee from expenses.

Importantly, we wanted to eliminate text that was inherently negative sounding to the LDA – as an example, we felt that the phrase "If you do not receive" would be a fairer way to state the requirement regarding whether the client receives the required copy of the signed contract, instead of "If I don't give you". The former focuses on the act, whereas the latter focuses on the LDA's possible failure to perform the act. Why start things off so negatively?

We received a number of excellent suggestions from members, most of which we implemented. We did not receive a single bad idea – all the suggestions were good. If you do not see your particular suggestion in this final draft, the reason is we felt the Department of Consumer Affairs would not agree with it. Also, many commented on the venue question – unfortunately this has to be there, as it is a requirement set forth in section 6410. This was done in return for eliminating the requirement of secondary registration for merely providing services in other counties.

We have developed a good solution for including additional items in the contract such as an indemnification clause, a returned check charge, or an expiration date for the services provided under the contract. Note the text on the lines in Section C: "Any additional terms regarding services provided under this Contract are set forth below." If this contract is adopted, you are encouraged to add specific details that pertain to your particular business to the contract in those lines. You can actually already do this in an attached addendum to the contract, and many of us already do, but this text will be an improvement because then you will not need to obtain the second signature.

Thank you for your input, and we'll let you know how our draft contract is received by the Department of Consumer Affairs.

CALDA MEMBERS

Please find the proposed LDA Contract [HERE](#)

2 DAY MEDIATION TRAINING

4 POINTS SHERATON – LAX
 9750 Airport Boulevard
 Los Angeles, CA 90045

Friday April 22 through Saturday, April 23, 2016
 \$375.00 for Members
 \$425.00 for Non-Members

Register Today!

Social Media - Facebook

By Tracey Booth

Using social media, especially Facebook, to grow your business has become second nature to many small business owners. There are two ways to go about this. You may either reference your business on your personal Facebook page or you can create a separate Facebook page dedicated to your business. If you choose to use your personal Facebook page, a good rule of thumb is to have no more than 20% of your posts be business related. If you're serious about using social media to increase your business, I suggest you create a separate Facebook page for your business. Four important things help grow your business page are:

Post Something Every Day - You may not do this with your personal page, maybe you like to go on Facebook and just read everyone else's posts to keep up to date on their comings and goings. However, a

business page requires daily attention.

When you read something online that you think your current clientele would find interesting, share it via Facebook.

Content is what drives social media.

No one cares if you're stuck in traffic or if you're eating the "best bagel ever!"

They might care if there's been a change in the law that could affect

them. The content you share positions you as an expert in your field.

Graphics! - Every bit of marketing research shows that a striking graphic grabs people's attention more often than text alone. When you share an article you can choose to include the graphic related to the article. Or you can choose your own graphic.

Fill in the Blanks - Consider this an opportunity to get interactive. Turns out, when you ask a question people just can't seem to keep from answering. So go ahead, pose a serious question, or a funny one or something that's not even related to your business. Just get people to interact with you.

Follow Up - When someone comments on your Facebook feed, follow up with them. It helps build the relationships that social media is so good at. When someone comments on an article you've shared, or a question you've asked, be sure to respond. It lets them know you're a

real person and that you care what they think. Even if it's just a 'hey Thanks!' they'll appreciate it.

Finally, when you're using social media to promote your business, be sure to share what CALDA is doing. Try to like, comment, or repost what is shared by co-members, either from the CALDA page or from their business page. This allows our social media posts to reach more people and generate action. Not sure where to start? Search Laura McGee LeaveStrong on Facebook. Share her post on the upcoming Mediation Training that she will be teaching for CALDA.

AB285 Update

What has changed for LDAs effective January 1, 2016:

- ❖ Expiration date of LDA registration need not be placed in printed documents or marketing materials.
- ❖ Secondary registration is no longer necessary.
- ❖ 15 hours of Mandatory Continuing Legal Education is required before registration renewal.
- ❖ LDA numbers can be retained after a lapse in registration.

"The content you share positions you as an expert in your field"