



# CALDA *update*

SETTING THE STANDARD...EDUCATION, ETHICS, EXCELLENCE

## Mandatory Continuing Legal Education (MCLE)

Dear CALDA Members:

My name is Vanessa Watson, and I am pleased to be CALDA's Educational Chairperson. CALDA is a certified provider of Mandatory Continuing Legal Education (MCLE), and it is my job to keep our certification current with the State Bar. I have supervised the quality of our Association's educational offerings for over ten years. I love my job and I consider it an honor and a privilege to provide you CALDA's high quality LDA education.



CALDA's main ways of offering CLE to you are as follows:

**MONTHLY TELECLASSES:** We hold monthly telephone trainings on various legal subjects. In January, Judge Juhas led an update on family law forms and procedures, and in February CALDA's president Ian Duncan led a training on the new Transfer-on-Death Deed procedure. These classes are an excellent way of keeping both your skills and your MCLE units up to date, and are free with your membership.

**CHAPTER MEETINGS:** Many of you live near a CALDA Chapter. You can attend the monthly chapter meeting to obtain and maintain your MCLE, and also to get to know your fellow LDAs. Monthly chapter meetings are held in Los Angeles, Hayward (near Oakland), Fresno, Santa Maria (near Santa Barbara), and Fairfield (between Oakland and Sacramento).

**REGIONAL SEMINARS:** Regional seminars are a very affordable and easy way to obtain CLE. Usually there are eight credits available, and these seminars are usually less than \$100 to attend. This year, we

are holding two regional seminars: (1) May 21, 2016, Foster City (near San Francisco), and (2) July TBD, Los Angeles.

**ANNUAL CONFERENCE:** Every October, CALDA holds its two-day annual conference where usually 14 credits of CLE are available. The conference is a large event at a hotel, and it alternates each year between Northern California to Southern California.

**SPECIAL EVENTS:** On April 22-23, CALDA will be holding a two-day mediation seminar focusing especially on mediation in an LDA practice. 13 units of MCLE is available.

Registration for the events usually opens on CALDA's website several months before the event.

Please feel free to reach out to me directly if you have any questions about MCLE requirements. You may contact me at [education@calda.org](mailto:education@calda.org).

Vanessa Watson,  
Education Chairperson

### 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!**

# Just Added - Two Live Mediation Sessions

By Laura M. McGee JD, LDA

Two live mediation sessions have just been added to the CALDA's upcoming mediation training seminar. April 22<sup>nd</sup> and 23<sup>rd</sup> you will have the chance to earn 13 hours of MCLE and learn how to help your clients mediate through their legal issues. Here's what will be included:

## FRIDAY

8:00 – 9:00

### Registration Open Networking

9:00 - 10:00 am

### Who Can Be a Mediator In California as Defined by the Evidence Code?

- Yes! You can

### The Role of the Mediator as an Independent Neutral

- Do's, don'ts, should, won'ts

### How to Set the Ground Rules with Clients for a Successful Mediation

- What should be in your Contract for your mediation services (Review of sample "Agreement to Mediate")

10:00 - 10:30 am

### Simulated Client Discovery Interview with "Clients "

- Getting hired and setting expectations of your role as mediator
- Getting paid for the value you provide
- Rules for client communication with the mediator
- Guidance for client communication with one another during mediation

Morning Break

10:30 – 10:45 am

- Educate your clients about the three steps to making a proposal
- Educating your clients about how to respond to proposals
- How to set the standards of disclosure
- Who is responsible for disclosure?
- Missed asset claims: can you be held liable?
- When should the negotiations begin?
- Your role in identifying when and what kinds of experts may be needed
- Tracking the negotiations as they progress

12:00 – 1:00 pm Break for lunch

1:00 – 2:45 pm

### How to Help Your Clients Build a Comprehensive Parenting Plan

- How to educate your clients about the value of mediating comprehensive parenting plan
- Where is the line between information and advice?
- How to determine if your clients need a parenting coach
- Age appropriate considerations to share with your clients
- Can clients plan for college age children?
- When to run the guideline support calculations
- What child support add-ons can be negotiated
- After divorce mediation of requested changes to a child-sharing plan, move-away request and or blended family complications

### Mastering the Art and Science of Mediating High Conflict Personalities

- Who can mediate?
- Balancing the power so clients feel competent to negotiate
- How to manage your clients when emotions dominate thinking
- Educating your clients about BIFF
- Strategies to moderate the pace and volatility of the mediation
- Avoiding the "Why". "Always" and "Never"
- Setting limits and boundaries when before the lid blows off
- Helping negotiations along with a reframe
- Getting past impasses
- Setting the rules for conduct outside the mediation during the mediation process and beyond

Break 2:45 – 3:00 pm

3:00 – 4:30 pm

### Simulated Mediation of Parenting Plan

4:30 – 5:00 pm

#### Debrief the simulated mediation:

- What worked,
- What could be done better?

## SATURDAY

8:00 - 9:00 am

### Helping Your Clients Navigate the Uncertainty of Long Term Spousal Support

- Tools to help you inform your clients about Family Code s. 4320 so they can negotiate long term support
- Sharing the approach used by the Bench to support your client's negotiations
- What to do if you expect coercion, capitulation or undue duress in spousal support negotiations

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9:00 – 10:00 am

### Helping Your Clients Divide and Allocate Assets

- How to help your clients decide if they have a claim to separate property
- What to do if there is a dispute over separate property
- How to raise the red flags without giving advice
- When to press for clients to use a financial independent to facilitate accurate disclosure of the net value of assets and property allocation
- What about the pets?
- When should you have clients do final disclosures

Break 10:00 – 10:15

10:15 – noon

### Simulated Mediation of Long Term Spousal Support and Allocation of Assets

12:00 – 1:00 pm Break for lunch

1:00 – 2:30 pm

### The Role of the Mediator as Scribe

- When is the mediation over?
- Ensuring you have captured your client's negotiated Agreement
- Review of sample MSA's that will be included in your materials
- How and when to explain the "boilerplate"
- How to anticipate enforcement concerns when drafting your client's MSA
- Can you be called to testify at any future proceeding as the scribe?

Break 2:30 – 2:45

2:45 – 3:45 pm

### Mediator as a Business Model for an LDA

- How can I market myself as a Mediator and an LDA?
- Unbundling your services v. flat fee approach: The pros and pros
- Tools for marketing your new business model
- Professional Liability Insurance: What do I need?

3:45 – 4:00 pm

### Evaluations, Q & A

# Legal Access Education

## STANDARDS AND PRACTICE FOR SEMINARS AND CONFERENCES

By Susan Volpe'  
Legal Access Education

### CALDA Curriculum

Legal Access Education is CALDA's design for their MCLE MEMBER programs. The current curriculum team is working hard to develop, fine tune and schedule exceptional programs. LACE programs are designed to give the CALDA MEMBER LDA consistent easy to follow instruction. With singular observed formats. CALDA LACE education, provide MEMBERS with resources to add to and complete the buffet of services you offer. Or to fine tune what you already do. And to update you on ever changing law while giving you the MCLE credits you are required to have.

CALDA MEMBERS become distinguished by the quality of service we offer our public while staying within the authority of Business & Professions Code that Guides us.

We have recently developed Standards and Practice for Seminars and Conferences. And Standards and Practice for Mediation Programs in Family Law. These standards are already in place utilized by our regional Education Directors and Planners. We are streamlining performance.

Our next phase in development include a design for instructional standards. For our current teachers and anyone interested in becoming part of this team effort. If you have a class specialty you would like to share, don't hesitate to reach out to Susan Volpé, Curriculum Management [scvolpe@gmail.com](mailto:scvolpe@gmail.com) or Board Member & Education Director, Vanessa Watson [vwatson@bizielaide.com](mailto:vwatson@bizielaide.com).

## CHAPTER NEWS - MEET UP WITH YOUR LOCAL CHAPTER THIS MONTH

## Bay Area Chapter



This month, the Bay Area Chapter will be meeting on **Thursday, April 21st**. However we will be meeting earlier than usual. That day, we will be going on a "field trip" to sit in on cases in the Family Law division of the Alameda County Superior Court.

If you would like to carpool there, please be in the parking lot at the Southland Square Building @ 24301 Southland Drive, Hayward, no later than 8:15 am. Or if you prefer, you can go directly to the Courthouse and look for us there.

We will sit in on cases for a period of time, then have a short meeting in the lobby/waiting area. There will be no meeting in the conference room this month. 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 Valley Chapter

The Central Valley Chapter meets on the third Thursday of the month at the Yosemite Falls Café, 5123 N. Blackstone Avenue, Fresno, CA 93710. Our next meeting on **April 21<sup>st</sup>** will cover Business Formations.



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 Locatelli at [judy@judyslegaldocumentservice.com](mailto:judy@judyslegaldocumentservice.com).

## Los Angeles/Orange Chapter

Los Angeles/Orange Chapter 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](mailto:lois@divorcesos.com) with your RSVPs (registration is a must - 25 attendee limit.)



## North Bay Chapter



Meetings are normally held at the Solano Community Foundation, 744 Empire Street, Fairfield, CA 94533 from 12:00 to 1:30 pm, unless otherwise noted.  
RSVP: Judy Reyes - call (800) 921-2756 - email: [judy@relianceadmin.com](mailto:judy@relianceadmin.com)

Topics for upcoming meetings:

**April 12** - Regular chapter meeting in Fairfield  
"Unlawful Detainer"

Jo Biel, UDA  
Conference Room, 2nd floor  
744 Empire Street, Fairfield, CA

**May 10** - Special chapter meeting in Marin  
"Right Pricing for LDA Services"  
Cindy Elwell, LDA  
7 Mt. Lassen Drive, Suite A-110, San Rafael, CA 94903

**May 11** - Special Meeting for Solano County LDAs  
Conference Room, 2nd floor  
744 Empire Street, Fairfield, CA

**June 14** - Regular chapter meeting in Fairfield  
"Setting Up A Non Profit"  
Carlo Perez, LDA  
Conference Room, 2nd floor  
744 Empire Street, Fairfield, CA

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

## 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...

Areas that may wish to start their own chapter – Sacramento/Yolo/Foothills and the San Diego Area.

## MEMBERSHIP

## Welcome New Members

Rochelle A'Hearn  
 Giancarlo Arce  
 Steven C. Bernier  
 Marie Brown  
 Rebecca Chau  
 Stephanie Chu  
 Ola Cook  
 Cynthia A Davis-Medel  
 Betsy Elliott  
 Mark Ellis  
 William Filice  
 Yanira Flores  
 Antonia Garza  
 Mayte Ivie  
 Do Young Kim  
 Peggy Laplante  
 Omar Lopez  
 Sheila McBride  
 Joe McKenna  
 Loy Muller  
 Tammy Newcomb  
 Sarah Osterhaus  
 Thomas W Patston, J.D  
 Kimberly Blancas Rangel, CP  
 Marisela Reyes  
 Karen Rosales  
 Robert D. Shelton  
 Christine Silva  
 Sung Soo Lee  
 B Aida Torres  
 Elyse Trainer  
 Sharon Ward  
 Annamarie Williams  
 Evelyn E. Williams



# Letter from the President

Dear CALDA Members:

I would especially like to reach out to the new members who have recently joined CALDA – Hello! Many of you have joined recently because of the new requirement that we must have 15 hours of CLE in order to re-register as LDAs. We are very happy to have you in the CALDA family, and we think that you'll find that our offerings will not only meet the legal requirements; you will also find fellowship and mentoring through your CALDA Membership.



Many new members may have questions about their membership, member benefits, and how to operate as an LDA in general. Please direct your questions to our New Member Outreach Team, which consists of:

Galen Hammond, Los Angeles, Membership Chairperson  
[galen@grhdocs.com](mailto:galen@grhdocs.com)

Carl Knoll, Bakersfield, Past President, current Vice President;  
[carl@wehelpyoulegal.com](mailto:carl@wehelpyoulegal.com)

Vanessa Watson, Los Angeles, Education Chairperson;  
[education@calda.org](mailto:education@calda.org)

Marcel Neumann, Bay Area, Past President and 20+ Year Member;  
[NmMarcel@aol.com](mailto:NmMarcel@aol.com)

Helen Bellamy, Bay Area, Past President and 20+ Year Member;  
[jshclegal@aol.com](mailto:jshclegal@aol.com)

Carlo Perez, Farifield, Newsletter Chair; [carlo@a1documenthelp.com](mailto:carlo@a1documenthelp.com)

Tyler Gross, Santa Barbara; [tylergrosslda@gmail.com](mailto:tylergrosslda@gmail.com)

Robin Schumacher, Fresno, 20+ Year Member;  
[robinschumacherlda@gmail.com](mailto:robinschumacherlda@gmail.com)

These members are involved in their local chapters, are all awaiting your questions, and will be happy to respond. You can always reach me at [president@calda.org](mailto:president@calda.org).

Ian Duncan  
 CALDA President



# Bifurcation

Edited by Carlo Perez, based on an article by Stan Burman (Legal Docs Pro)

As an LDA, I sometimes find myself in a "document stalemate." My clients' case are not progressing because of the "irreconcilable differences" that the parties continue to have, they could not stipulate and agree on anything, and thus, they cannot move on with their lives.

It can take many months, even several years, for a contested divorce to wind its way through the courts. Faced with this fact, many spouses want to terminate the marriage quickly, even if the other issues in the case have not been settled. There might also be situations in which it makes sense to have a separate trial of a particular issue. In both of those situations, the court can order that the trial is to be "bifurcated." This means either that the marital status is terminated and the parties are restored to their single status or a separate trial is to be held concerning a specific issue.

Stan Burman, of Legal Docs Pro, wrote an article giving an overview of the bifurcation process as it applies to California dissolution (divorce) proceedings in September 2015. In his article, he explained that Bifurcations are generally requested because one or both of the spouses want to remarry. They are also sought because one or both of them want to file their tax returns for the current year as a "single" taxpayer. The information provided in this article is from Stan Burman and is provided for informational purposes only, and should not be interpreted as legal advice.

The tax laws state that a person can file as a "single" person as long as his or her marital status was terminated before the end of the year. Thus, even if the marital status terminates on December 31st, the taxpayer can file as a "single" person for the entire year.

This can be significant, particularly for the person who is paying spousal or "family" support. Payments of spousal and family support are 100% deductible for the person who is ordered to make those payments. Conversely, spousal and family support payments must be reported as income by the person receiving them. Income tax laws provide that these support payments are not deductible if the spouses file a joint tax return.

Burman explained that the court can also bifurcate the trial of certain issues. For example, where there is a family business that was owned before the marriage, the spouses might disagree as to whether it is community property or the separate property and what it is worth. If the business is ultimately found to be the separate property of the spouse who started it, the value of the business would be irrelevant. In such a case, the judge might order that there will be a bifurcated trial to first determine if the business is community property or separate property. If the result of that trial is a finding that the business is community property, then there would be a trial on the value to be placed on it.

The law provides that the marital status can be terminated not less than six months from when the respondent was served with the petition for divorce. So, only cases in which the respondent was served no later than June 30th can be bifurcated during that year. According to Burman, most courts require the filing of a motion for bifurcation, although some courts allow it to be done simply by filing a

written stipulation. If a motion is required, the appropriate court papers must be prepared, which must then be filed with copies mailed to the spouse or his/her attorney. Approximately 4-8 weeks after the motion is filed, the requesting spouse and his/her attorney if they have one have to appear before the judge, who will almost always grant the request.

California law favors bifurcation in the absence of particularized, compelling reasons to the contrary. Under this approach, bifurcation will be granted for almost any reason, such as possible tax advantages, fewer constraints in social and financial matters, or the fact that the property issues will require more time to allow for discovery and a more lengthy trial.

For example, the California Court of Appeal has ruled in a published case that a request for bifurcation does not have to be justified by a compelling showing of need, and that on the contrary a spouse opposing bifurcation must present compelling reasons for denial. Reviewing California case law, the court found that bifurcation was a favored procedure because it implemented the policy underlying no-fault divorce.

While the granting of a request for bifurcation of the marital status is considered close to automatic, there are some prerequisites and conditions that must be followed by the requesting party. The party requesting bifurcation must serve his or her preliminary declaration of disclosure on the other spouse before the request for bifurcation is filed. The judge will usually impose certain "conditions" on the granting of a bifurcation which are outlined in Family Code section 2337.

As discussed above, a person can file as a "single" taxpayer for the entire year, as long as the marital status was terminated sometime in that year, even as late as December 31st. This is why there is usually a flood of bifurcation motions filed at the end of the year. To be assured that the clerk places a bifurcation motion on the court's calendar before the end of the year, the motion should be filed no later than October 1st and may need to be filed earlier in certain counties.

When presented with this information, my clients usually ask me to prepare a request for order to bifurcate and obtain a status only judgment, while reserving jurisdiction on all other issues. This allows them to move on with their lives, and pretty soon all the other issues that are impossible to resolve will eventually fall in the right places.

CONNECT WITH CALDA

CALDA is on Facebook



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

# Benefits of CALDA Membership for Legal Document Assistants

By Galen R. Hammond, LDA  
Chairperson, Membership Committee

As a Legal Document Assistant (LDA) in California, we are empowered to assist self-represented clients with their legal document preparation needs. In essence, we help people help themselves when they do not want (or need!) an attorney to accomplish a legal goal.

However, at some point every LDA also needs help. It could be a client request for paperwork that an LDA is not familiar with. A new LDA could be lost and not sure where to start (brochures, questionnaires, contracts, oh my!). Or it could simply be that an LDA would like to extend his or her network of professional contacts.

CALDA has something to offer all LDA's in each of these situations.

## Mandatory Continuing Legal Education (MCLE)

As of January 1, 2016, AB-285 became law. In part, it added California Business and Professions Code Section 6402.2, which states: "To be eligible to renew registration under this chapter, the registrant shall complete 15 hours of continuing legal education courses, which meet the requirements of Section 6070, during the two-year period preceding renewal."

Therefore, all LDA's must now have 15 hours of MCLE credit in order to register or renew registration. CALDA is a State Bar approved MCLE provider pursuant to Section 6070, and offers approved MCLE courses at the following events hosted or sponsored year-round:

1. CALDA's Annual Conference held each October.
2. A Spring Seminar hosted by the Bay Area Chapter in Northern California.
3. A Summer Seminar hosted by the Los Angeles Chapter in Southern California.



4. Various local Chapter Workshops (scheduling varies).
5. Tele-Classes for one hour MCLE credit.
6. Access to quizzes that earn MCLE credit hours if passed (only for CALDA voting members).

Of course, CALDA members receive discounted member-only pricing for all of the above MCLE activities.

## CALDA Website "Members Only" Section

On CALDA's website ([www.calda.org](http://www.calda.org)) there is information for the general public about LDA's, as well as information geared towards other LDA's in California.

One main benefit of being a voting member of CALDA is inclusion of an LDA's business listing on the website, accessed via the "Find an LDA" search engine. In recent years, the Court self-help centers have been referring people to the CALDA website to assist in finding an LDA. Furthermore, CALDA is listed as a resource for finding an LDA on the court self-help websites.

Additionally, once logged in there is a "Member's Only" section that requires being a paid member of CALDA to access. In the "Member's Only" area, the main benefit is access to the CALDA Community Forums. This is where all paid members (i.e. student members, voting members, and sustaining members) can post questions that other CALDA members can answer, and is very helpful for new LDA's. Even more established LDA's find the forums useful, especially when presented with a situation that falls outside the usual area of expertise than an LDA has.

Aside from the Community Forums, voting members have access to a sub-section entitled "Member Resources". This is where members can find the following resources:

1. "Continuing Legal Education" (e.g. a summary of MCLE requirements, an MCLE log template, past Tele-Class recordings available to peruse without credit, and access to the MCLE quizzes previously mentioned).
2. The state-mandated LDA contract templates.
3. Legal informational brochures for clients that have been either written or approved by an attorney.
4. Questionnaires.

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5. Access to the CALDA logo for download to use in a voting member's website and marketing materials.
6. Access to the Nolo Law Library of selected e-books (e.g. "Do Your Own Divorce in California", "Form Your Own LLC", etc.), at no additional charge.

New voting members also are enrolled in CALDA's "MemberMatch" program. This program pairs a new member with an experienced LDA from the Board of Directors, so that new members can immediately connect with other CALDA members.

For a full list of member benefits, please visit [www.calda.org/member-benefits](http://www.calda.org/member-benefits).

### Networking Opportunities with Other LDA's

Finally, being a member of CALDA provides many opportunities to meet and network with other LDA's from the local area to statewide.

The Annual Conference is a great time to meet other CALDA members (in addition to earning many MCLE credits). The Conference program is generally designed to allow for breaks in between classes, as well as ample time at lunch, to talk and get to know other members. Additionally, the Conference Dinner is mostly networking (with some CALDA business mixed in), and often times members leave dinner with a new professional acquaintance.

Outside of the Annual Conference, CALDA has local Chapters that afford members the opportunity to meet other members from his or her local area. Currently, CALDA has the North Bay Area Chapter (e.g. Vallejo), the Bay Area Chapter (e.g. Hayward, Foster City, San Francisco, etc.), the Central Valley Chapter (e.g. Fresno), and the Los Angeles Chapter.

Overall, there is no reason why an LDA in California should not also be a member of CALDA. The association provides ample opportunity to earn required MCLE credits, additional resources that are "ready-to-go" that would otherwise have to be created from scratch, and ample networking opportunities with other like-minded professional LDA's.

For more information about joining, please contact either CALDA's Administrator Tracey Booth at [MembershipAdmin@calda.org](mailto:MembershipAdmin@calda.org), or CALDA's Membership Chairperson Galen Hammond at [galen@grhdocs.com](mailto:galen@grhdocs.com).

# October Conference Update

By Elizabeth Fleischer  
2016 Conference Chair

The annual conference held in October will be in Sacramento this year, with its location to be determined very soon. This year's theme will reflect the new legislation (AB 285) that became effective as of January 1st that requires all Registered and Bonded Legal Document Assistants to complete 15 credits of continuing legal education every two years in order to renew as a Registered and Bonded Legal Document Assistant. More to come in the months ahead.

## CALDA Blog

CALDA now has an online blog where we will be discussing current events as it relates to our field. We encourage CALDA members to link the blog to their websites. This week we're blogging about:

### Child Custody Hearing May Go to the California Supreme Court

The federal Indian Child Welfare Act requiring that Native American children be placed with relatives if their parents cannot raise them was the basis of the removal of a 6-year-old girl, Lexi, from her foster family in Santa Clarita, Calif. Lexi had been placed with Summer and Rusty Page when she was 17-months-old. [more](#)

**DEEDS, TRUSTS & PRE-NUPS,**

**OH MY!**

**WE WILL BE COVERING THESE TOPICS AND MORE ON SATURDAY MAY 21<sup>ST</sup> IN FOSTER CITY AT THE NORTHERN CALIFORNIA**

**SPRING SEMINAR**

**REGISTER NOW!**