



THE VERDICT

Affiliate of the National Association of Legal Assistants ❖ Affiliate of the California Alliance of Paralegal Associations

JULY 2010

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Table of Contents

In this Issue:

Education Report	5
Elder Abuse... Trust Your	
Instincts.....	6 &
continued	10
CAPA Report.....	8
Calendar of Events.	9
The Team Player.....	11
NALA Report.....	13

Thanks to our Advertisers:

Deadline on Demands.....	3
Atkinson-Baker	5
Commercial Process Serving....	7

Please Remember: The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement.

President's Message

by Jami Knupp, VCPA President

It is hard to believe that we are half way through 2010 already. Where has the time gone?

This year has been extremely exciting for VCPA. Not only have we increased our membership, including student members, but we have also seen great success with our fund raising and educational offerings.

Thank you to all of the volunteers and supporters who made our **2010 Springtime MCLE Conference and Fourteenth Annual Wine Tasting and Silent Auction** hugely successful.

The VCPA has worked hard this year to provide interesting educational programs so that all of our members are able to easily maintain their MCLE requirements. For July we are taking a break from educational offerings and instead, have decided to host a Membership Appreciation Happy Hour! Mark your calendars for July 29, 2010, to join us for a celebration of our members. A formal invitation with the detail will be arriving in your "inbox" very soon.

As a Board we do our best to stay connected to each of you, but I am sure we fall short at times. The Member Appreciation is an opportunity for each of you to meet the Board members and provide feedback to help us serve you. We are always open to suggestion.

In addition to summer vacations, camp and other summer activities, VCPA is also looking for nominations for next year's board. If you or someone you know is interested in serving in a board position, please let me know. To hold an elected position you must be an active member of VCPA. As a member of the board, not only will you make some great friends and laugh a lot, you will be able to reap the rewards of knowing that VCPA's success is a result of your time, effort and talent.

I look forward to seeing all of you at Happy Hour on July 29.

In the meantime, I hope you are all having a great summer.

MEMBERSHIP REPORT

By Jessica Baca Domingo, VCPA Second Vice-President/Membership

Visit www.vcparalegal.org and click "Members Only" to view the Membership Roster. For more information and if you are a member and do not know the current user name and password to access the roster, contact Jessica Domingo one at (805) 654-0911 or by E-mail at: vcpamembershp@gmail.com

PLEASE NOTE:

If you are a member of the Ventura County Paralegal Association and you would like to be added to our email list (or if your email address has changed), for future announcements, please send an email to: vcpamembershp@gmail.com

If you are a member and currently receive announcements, you will not automatically be added to the job posting email list. This request must be made separately and you must be an active member to be on this list.

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EDUCATION

By Sharon L. Rishel, Education Chair

Scholarships

By: Sharon L. Rishel, Education Chair

The Ventura County Paralegal Association is continuing its longstanding tradition of giving back to the legal community by offering two scholarships each year to residents of Ventura County. Once again, students in good standing at one of our three local paralegal/legal assistant programs are invited to apply for VCPA's \$400.00 scholarship. Likewise, paralegals who meet the requirements of Business and Professions Code section 6450, and desire to become certified or obtain advanced certification, are invited to apply for VCPA's \$250.00 scholarship. Look for a copy of the scholarship application in this month's edition of The Verdict. The application is also available on our web site at <http://www.vcpalegal.org>

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Elder Abuse... Trust Your Instincts*By JC Hodgdon, Eldercare Consultant LivHOME*

It can come in various forms... a bruise, missing money, rashes... and it is more prevalent than you may think. More than half a million reports of elder abuse reach authorities each year and millions more go unreported. Watching for the signs in your clients can save not just heartache and finances, but potentially a life as well.

Elder abuse is best defined as action or lack of action by a person in a position of trust which causes harm to an older person. While most people think of elder abuse as mainly physical, there are typically six forms:

- Physical
- Neglect
- Financial
- Healthcare fraud and abuse
- Emotional/Psychological
- Sexual

More than two-thirds of elder abuse perpetrators are family members of the victims, typically serving in the care giving role. Abuse situations can arise due to caregiver burnout and stress and the nature of the care giving relationship. To alleviate stress on family members, a credentialed geriatric care manager, specialized in assisting seniors with care, acts as the eyes and ears by providing ongoing oversight and monitoring, allowing family to interact in a healthier manner.

At first you may not recognize if certain signs indicate abuse. They may appear to be symptoms of dementia or signs of frailty, or a caregiver may explain it away. Many times, patients with dementia are unable to physically or verbally report abuse and/or they are too afraid or ashamed. The difficult position in which an attorney may be placed is identifying and taking action on a situation that may be abusive. Trust your instincts – you provide a critical link between victims and protective service.

Some general signs of abuse include:

1. Frequent arguments or tension between caregiver and the elderly person
2. Changes in personality or behavior in the elder

Legal professionals may be exposed to any of the typical elder abuse issues, but most often will encounter physical, financial and neglect abuses when dealing with clients and their caregivers.

Physical abuse, in actuality, can sometimes be the most difficult to determine. Clients may have injuries, but the caregiver may ultimately have an explanation for it. Many times, you can ascertain an answer by asking to see and speak to the elder alone. If you meet with resistance, further investigation may be warranted. Observations of bruises, burns, welts, scars -especially if symmetrical on two sides of the body- as well as broken eyeglasses or frames, reports of a drug overdose and a general hesitancy to engage with you can indicate abuse

Neglect, both self neglect and neglect by caregivers, is the most common form of abuse, constituting over 50% of elder abuse reports to Adult Protective Services. Self neglect may entail the following and many times is related to declining health, isolation, Alzheimer's disease or dementia, and/or drug and alcohol dependency.

Continued on pg. 10

YOUR CONTRIBUTIONS AND OPINIONS ARE IMPORTANT TO US!

If you would like to write an article or if you've read something interesting pertaining to the legal profession, send it in for future publication. Whenever possible, please submit articles by e-mail (in WordPerfect 11 or MS Word format). If you send a copy of an article from a printed source, please include the name of the publication, the name of the author and date it was published. Articles must be received by the 15th of each month to be included in the following month's issue. Please send articles, ideas, opinions and comments to: Maria Godinez, VCPA Newsletter Editor, FAX: (805) 654-0911, or E-mail: vcpa.newsletter.editor@gmail.com.

The Verdict is a monthly publication of The Ventura County Paralegal Association. The statements and opinions printed in the newsletter are those of the contributors only and are not necessarily those of VCPA. Publication does not imply endorsement. This newsletter is designed to provide accurate information only and should not be relied on as a substitute for legal advice.

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California Alliance of Paralegal Association Report

By Jami Knupp

I had the privilege of attending the 2010 CAPA Education Conference which is held every June in various locations in California. This year we were in San Diego, Mission Bay to be exact hosted by the San Diego Paralegal Association

The conference was held at the Bahia Resort Hotel. The annual CAPA Education Conference brings paralegals from all over California together for networking and education.

The break out sessions were extremely varied, from criminal law to e-discovery offering something for everyone. The keynote speaker Carolyn Yellis, ACP spoke to us about the history and current status of Business & Professions Code section 6450 which, as we all know, is was actually defines us as paralegal. Carolyn was in the forefront when B&P 6450 was being birthed. She was involved in the drafting and all of the amendments that have taking place. Carolyn was very excited, as we all should be, about how much impact B&P 6450 has had on our profession. However, as we all know, even after 10 years, there are many attorneys who do not know about B&P 6450. I am still uncertain how that happens.

On Sunday CAPA held a board meeting to update us on various items and issues.

The Guidebook for the Utilization of Paralegals has been revised, revamped and is available for purchase. The cost is \$10 plus \$5 for shipping and handling. You can order it on the CAPA website at: www.caparalegal.org.

CAPA is finalizing the details for additional member benefits - group insurance, discounts at Office Max, and discounted subscription to Paralegal Today. This information will be available at the CAPA website and is available to VCPA members.

CAPA has a strong presence with the California State Bar. CAPA's legislative committee are working diligently to educate attorneys on Business & Professions Code section 6450 and the need to utilize qualified paralegals in order to recover fees for the work their work.

Plans for the 2011 CAPA Educational Conference is already in full swing. Mark June 25, 2011 on your calendar. The venue is SAN FRANCISCO!!! The Holiday Inn at Fisherman's Wharf to be exact. Book your rooms early!

If you haven't had the opportunity to attend a CAPA conference I encourage you to do so.

CALENDAR OF EVENTS

JULY 2010

29th VCPA Member Apprciation - 6:00 pm

Meeting is held at the offices of Merrill Corporation, LLP, 5720 Ralston, Suite 250, Ventura. Contact Jami Knupp, VCPA President, at: VCPA.President@gmail.com for more information.

AUGUST 2010

19ST VCPA General Membership Meeting - 5:45 pm

RECOVERING FEES FOR PARALEGAL WORK BUSINESS & PROFESSIONS CODE §6450 WHO QUALIFIES? FIND OUT NOW.

Marie Callender's, 1295 S. Victoria Ave. - To be Determined - For more information e-mail to: vcpa.vp@gmail.com

LOOKING AHEAD

September - Election of VCPA 2010-11 Board of Directors

October - Installation of 2010-11 Board of Directors

November - CAPA Board Meeting



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Continued from page 6

- Have substance abuse, gambling, or financial problems
- Stand to inherit and feel justified in taking what they believe is "almost" or "rightfully" theirs
- Fear that their older family member will get sick and use up their savings, depriving the abuser of an inheritance
- Have had a negative relationship with the older person and feel a sense of "entitlement"
- Have negative feelings toward siblings or other family members whom they want to prevent from acquiring or inheriting the older person's assets

Signals can include:

- Suspicious changes in wills, power of attorney, titles and policies
- Taking money or property – watch for significant withdrawals from elder's accounts or items or cash missing from seniors household
- Forging an older person's signature
- Promise of lifelong care in exchange for money and not following through
- Use of the elder's property or possessions without permission
- Additions of names to the senior's signature card
- Financial activity the senior could not have done, such as an ATM withdrawal when the account holder is bedridden

Recognizing and addressing elder abuse is the responsibility of everyone involved in the life of a senior. Trust your instincts. If you feel abuse is taking place, call Ventura County APS at 805-654-3200 or the National Center for Elder Abuse hotline at 1-800-677-1116.

COMMUNITY CORNER

THE TEAM PLAYER

By: Jill Jackman Sadler

Cyndi Williams Hitsman is the ultimate team player. Believe me, no truer statement has ever been uttered. She works so hard, is diligent, honest, ready for a challenge, cares about the product she produces, takes ownership of it, and does all of this with a beaming smile and a fantastic attitude. Cyndi is the person you pick first when choosing your team.

I've had the privilege of working with Cyndi since 2007. I was flattered that she wanted to join the Jackman Sadler team of contract paralegals. The work is fast-paced, sometimes insanely busy but (hopefully!) rewarding. It demands all the qualities that Cyndi displays with ease.

Cyndi has been working in the legal field for over 20 years. After working in a number of busy and challenging positions she took two giant steps that most paralegals never do and became a Certified Legal Assistant in 2001 and became an Advanced Certified Paralegal in Discovery in 2007. Throughout her career she has volunteered on behalf of various legal organizations such as the UCSB Extension – Legal Assistant Program, NALA, CAPA, SBPA and VCPA.

Cyndi, although professional and dedicated to her job, is someone who 'works to live.' Her talented musician husband, two athletically involved sons, spirituality and desire to be a good person mean the most to her. It is this aspect of her personality that makes her so much fun to be around. Cyndi is just infectiously happy. She faces challenges head on and comes out on top. She is balanced, knows what really matters, is an active problem solver and won't compromise her values.

When I first met Cyndi I was incredibly intimidated by her. We shared the same boss and he liked to say, 'Well, that's not the way Cyndi does it.' As I rolled my eyes I thought to myself, 'Darn, that Cyndi.' Well now that I know her as a colleague and most importantly a friend, however Cyndi does it is probably best.

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National Association of Legal Assistants Report

By: Cyndi Hitsman

Hello from NALA Headquarters

1. NALA Convention Keynote:

'Paralegal Profession Looks Bright'

Nearly 300 paralegals from 41 states opened NALA's 35th Annual Convention and Exhibition July 14, in Jacksonville, FL, on the first of four days of educational programs, business meetings, and vendor presentations.

Linda J. Wolf, ACP, NALA President, welcomed attendees and introduced keynote speaker Daniel K. Bean, commercial trial lawyer and Captain in the US Naval Reserves from Jacksonville. Bean told the audience to "remember how lucky and privileged you are to be paralegals...it is a great day to be a member of the legal profession."

He also advised the convention attendees to "find something new at this convention to add to your paralegal 'tool bag,' and "reach out to meet new people to expand your horizons and make you a better legal professional."

Bean's optimistic message was followed throughout the day by continuing legal education, an all-convention luncheon, and the afternoon membership forum and volunteer fair featuring information on how to participate in a variety of NALA programs. The luncheon featured an open dialog between long-time NALA member and former NALA President Karen Sanders-West and new member Ruth Conley who contrasted the differences between the profession and the association "Then and Now."

Masters of Our Own Profession

Ms. Sanders-West related to the luncheon audience that 30-35 years ago, most legal assistants didn't start out that way because the profession had just barely been initiated.

"Most of us started out as legal secretaries with aspirations for bigger and better things," she said. "When NALA started out in 1975, we were not exactly embraced as a new profession, so we made a strategic decision to be masters of our own professional identities."

Ms. Conley noted that when she began her paralegal career in 1990, she benefitted greatly from the work that had already been done by NALA to improve career opportunities for paralegals. She also echoed an observation by Ms. Sanders-West that a great many paralegals today consider that they have achieved their career choice.

"Today's paralegals want to be paralegals," she explained. "For the most part, they do not feel compelled to use the profession as a stepping stone to becoming an attorney—some may do so, but being a paralegal is considered a noble calling it itself."

The membership forum introduced NALA officer candidates and detailed the new NALA certification process to begin September 1. The new procedure includes computer-based testing and greater flexibility of nationwide testing dates. There was also a live demonstration of the new search feature for Facts & Findings that allows searching the F&F archives by author, article title, issue, article description, departments or key words. This capability is provided as a member benefit, and will search all issues back to 2000.

Education Program

The first of three days of institutes featured the initial courses in "Bankruptcy," by Birmingham, AL, attorney Michael L. Hall; "Elder Law," by Dr. Marci S. Johns, Legal Studies Director at Faulkner University, Montgomery, AL; and a "Veterans Law," institute offered by attorneys Katrina J. Eagle of the Eagle & Wildhaber Firm, Washington, DC, and Rebecca C. Patrick with the Patrick Law Firm, Columbia, SC.

The perennially popular "Essential Skills" courses, presented by Virginia Koerselman-Newman, JD, and Karen Sanders-West, JD/ACP, along with educational tracks in "Corporate Law" (Mergers & Acquisitions), "Litigation" (Intellectual Property), and "Hot Topics" (Mortgage Foreclosures and Bailouts) filled out the first day's educational program.

An opening night reception Wednesday evening featured a 1970s theme that drew enthusiastic participants attired in period apparel to celebrate the spirit of the decade of NALA's founding in 1975. Attendees "boogied down" under a mirrored disco-ball and circulated with old friends and new acquaintances while the '70s music played.

The convention will continue Thursday with the Affiliated Associations Annual Meeting, the Affiliates Exchange presentations, and Affiliated Associations Awards. The vendor exhibition will close Thursday afternoon with presentation of door prizes during the Affiliates annual meeting.

Friday's program will feature the 35th Annual Meeting of NALA with results of the election of officers and directors, resolutions and bylaw amendments, awards presentations and special presentations. The day will officially conclude with an evening reception and installation of the new Board of Directors.

The final day of the convention on Saturday will include the last two hours of Essential Skills, concurrent sessions featuring the prestigious Member Exchange presentations by Patricia J. Gustin, ACP on "Empowering & Rejuvenating the Professional You;" and "Humor in the Workplace" by Kristina M. Hopkins, CP, and Jaye L. Koch, ACP. The closing presentation on "Ethics" will be made by Petra H. Mandigo Hulm, attorney from Bismarck, ND.

NALA Headquarters

This program is designed so that a reply to this message ends up in never-never land. To contact us about this newsletter, write to nalanet@nala.org or call NALA Headquarters. We are interested in hearing from you and your comments on how you like this means of communication. Also, let us know if you do not want to receive these newsletters or would like them directed to an alternate e-mail address.

VCPA Employment Job Bank Policy and Procedure

If you would like to be added to the job postings email, please send an email to **Elvira R. Abdon** at vcpaemploy@yahoo.com.

If you are looking for a job or have a job opening:

1. Any VCPA member who wishes to be informed of employment opportunities which become known to VCPA should contact the VCPA Employment Chairperson(s) who will maintain a confidential list of persons seeking employment. When a job opening becomes known to the Employment Chairperson(s), all the persons on the employment list will be informed of the position within 24 hours, regardless of the job seekers' qualifications and the requirements of the opening.

2. Any other VCPA Board Member who is made aware of employment opportunities or who is contacted by members wishing to be on the employment list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All employment opportunities will be posted on VCPA's website at www.vcpaareg.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. The Employment Chairperson(s) will not utilize employment opportunities for their own benefit.

5. Access to employment opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant employment opportunity within VCPA. There is no fee for this service. Personnel agencies may advertise specific employment opportunities free of charge; however, information regarding general services available via personnel agencies must be made through paid advertising in VCPA's newsletter.

If you are a student looking for an internship, or have an internship to offer:

1. Internships are valuable for students enrolled in legal assistant certificate programs who wish to gain supervised practical experience in a law office or other environment where legal assistants are utilized. Interested persons should contact the VCPA Employment Chairperson(s) who will maintain a list of students seeking internships. When an internship becomes known to the Employment Chairperson(s), all the students on the internship list will be informed of the position within 24 hours, regardless of the students' qualifications and the requirements of the opening, if any.

2. Any other VCPA Board Member who is made aware of interning opportunities or who is contacted by student members wishing to be on the internship list, will pass on the information to the Employment Chairperson(s) within 24 hours of notification.

3. All interning opportunities will be posted on VCPA's website at www.vcpaareg.org for 30 days or until filled, whichever occurs first. It is the responsibility of the Employment Chairperson(s) to notify the Web Administrator whether a posted position has been filled.

4. Access to interning opportunities which are made known to VCPA are available to VCPA members only. Anyone may advertise a legal assistant interning opportunity with VCPA. There is no fee for this service.

BENEFITS OF MEMBERSHIP IN VCPA

- ☞ Dinner meetings, open to members and guests each month with informative guest speakers and in many cases, MCLE credit.
- ☞ Monthly newsletter, The Verdict
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- ☞ Members only access to most current job listings on website: www.vcpalegal.org
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For more information or to receive a membership application, please contact Jesssica Domingo, VCPA's Second Vice-President/Membership at vcpamembership@gmail.com.

VCPA'S CODE OF ETHICS & PROFESSIONAL RESPONSIBILITY

The canons of ethics set forth hereafter are adopted by the National Association of Legal Assistants, Inc., as a general guide intended to aid legal assistants and attorneys. The enumeration of these rules does not mean there are not others of equal importance, although not specifically mentioned. Court rules, agency rules and statutes must be taken into consideration when interpreting the canons. (Note: Legal Assistant and paralegal are used interchangeably.)

CANON I A legal assistant must not perform any of the duties that attorneys only may perform or take any actions that attorneys may not take.

CANON II A legal assistant may perform any task which is properly delegated and supervised by an attorney, as long as the attorney is ultimately responsible to the client, maintains a direct relationship with the client, and assumes professional responsibility for the work product. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Sections IV and VII.)

CANON III A legal assistant must not (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section VI):

- (a) engage in, encourage, or contribute to any act which could constitute the unauthorized practice of law;
- (b) establish attorney-client relationships, set fees, give legal opinions or advice or represent a client before a court or agency unless so authorized by that court or agency; and
- © engage in conduct or take any action which would assist or involve the attorney in a violation of professional ethics or give the appearance of professional impropriety.

CANON IV A legal assistant must use discretion and professional judgment commensurate with knowledge and experience but must not render independent legal judgment in place of an attorney. The services of an attorney are essential in the public interest whenever such legal judgment is required. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants. Section VII.)

CANON V A legal assistant must disclose his or her status as a legal assistant at the outset of any professional relationship with a client, attorney, a court or administrative agency or personnel thereof, or a member of the general public. A legal assistant must act prudently in determining the extent to which a client may be assisted without the presence of an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

CANON VI A legal assistant must strive to maintain integrity and a high degree of competency through education and training with respect to professional responsibility, local rules and practice, and through continuing education in substantive areas of law to better assist the legal profession in fulfilling its duty to provide legal services.

CANON VII A legal assistant must protect the confidences of a client and must not violate any rule or statute now in effect or hereafter enacted controlling the doctrine of privileged communications between a client and an attorney. (See NALA Model Standards and Guidelines for Utilization of Legal Assistants, Section V.)

CANON VIII A legal assistant must do all other things incidental, necessary, or expedient for the attainment of the ethics and responsibilities as defined by statute or rule of court.

CANON IX A legal assistant's conduct is guided by bar associations' code of professional responsibility and rules of professional conduct

VCPA

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<u>VCLSA Liaison: Vacant</u>			
<u>Publicity: Vacant</u>			

If you are interested in serving on a committee, please contact Jami Knupp, CP.

Visit VCPA on the Web at: www.vcparalegal.org

Ventura County Paralegal Association

August General Meeting and MCLE Program

*******NEW PRICES*******

Tuesday, August 17, 2010

5:45 p.m. Social/6:15 p.m. Dinner

RECOVERING FEES FOR PARALEGAL WORK BUSINESS & PROFESSIONS CODE §6450 WHO QUALIFIES? FIND OUT NOW.

Presented by

**Barbara Liss, Paralegal
Eaton, Jones & Michelon**

1 Ethics MCLE Credit

This activity has been approved for Minimum Continuing Legal Education credit by the State Bar of California in the amount of 1.0 hour. VCBA certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing MCLE

**Marie Callender's Restaurant
1295 S. Victoria Avenue, Ventura (805) 644-0147
(101 Freeway, exit Victoria Avenue)**

\$30.00 VCPA Members/\$40.00 Non-members

E-mail reservations preferred to vcpa.vp@gmail.com (Please include your phone number and the names of all the people in your party.) Your RSVP/Cancellation is appreciated by noon, Monday, August 16, 2010.

Menu: Callender's Fish & Chips, roasted Turkey Dinner, or Home-Style Meatloaf. Vegetarian Option: Soup and Salad Bar or Steamed Veggie Platter. All dinners include Caesar salad, cornbread fountain drinks, iced tea or coffee and a slice of apple, chocolate cream or lemon meringue pie.

Questions? Call or Email Jami Knupp at vcpa.vp@gmail.com or (805) 654-0911