



The Journal

April 2010



PRESIDENT'S MESSAGE *by Melanee Cardoza, R.P.*

Dear SVPA members,

Spring has sprung, and for many that means spring-cleaning time! This probably makes me weird, but I love spring cleaning - at home and at work. Taking a time-out to re-organize my office is a worthwhile investment; no matter how organized (or not) I am, I always find something to improve on. In the long run, a little organizing time avoids a lot of frustrated time.

This year's spring cleaning started with the bookshelf - old binders and books got sent to storage. I brought in some color by filling a glass Mr. Peanut jar with m&ms and placing it on the top of the shelf, in a perfectly hard-to-reach spot. Desk drawers came next, tossing dead pens, broken high-lighters, and those random sticky notes that magically accumulate. For allergy relief and ambiance, I added a plant to my desk. Finally, I tackled my computer. Removing old files from the desktop and picking a new background brought a refreshing change.

As I'm spring cleaning, I always be sure to keep usable items and donate them to a local charity. Among the books, I found a couple great novels that are headed to Navy legalmen in SVPA's next care package. We'll be collecting donations for those care packages at our luncheons, so if you'd like to contribute any small entertainment items, snacks, or other goodies bring them down. We're also selling \$1 raffle tickets for some great prizes, further details and tickets will be available at luncheons.

Happy spring cleaning!

Melanee Cardoza, R.P.

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See ad on page two for a special offer for members of SVPA offered by ESEA Skincare!

Calendaring in California State Court by Julie A. Goren, Esq. of Lawdable Press

Calendaring-related errors are the leading cause of malpractice lawsuits, particularly in California, where deadlines come from several sources, including the Code of Civil Procedure, the California Rules of Court, and local rules. Usually, calculating a single deadline requires the application of several codes and rules. A single error, e.g., using an old rule, forgetting to add extra time based on the service method (or adding extra time when you should not), counting calendar days instead of

court days, missing a holiday, or simply miscounting, will cause a calendaring error.

I cannot stress enough the importance of using a computerized calendaring program to calculate your deadlines. By computerized calendaring, I do not mean that you manually calculate the deadline and enter it on a calendar on your computer, or that you use an electronic calendar to help you calculate the date that is five days before or after

a given date. I mean *rules-based computerized calendaring*, such as AbacusLaw, CompuLaw or Deadlines on Demand. With these programs, you simply enter an “event,” and they automatically calculate the deadlines for you in accordance with the applicable codes and rules.

Even with rules-based computerized calendaring, however, you need to know how to calendar manually. What if you need to calendar something when your computer is down or inaccessible? What if your computer is fully operational, but you do not know enough to tell it that something needs calendaring? You must know the calendaring steps.

Calendaring Steps

Step 1: Identify the triggering event

A “triggering event” is anything which triggers one or more deadlines. A triggering event might be the filing of a document, the service of a document, or an appearance. For example: filing a complaint, serving a complaint, entering default, answering a complaint, serving interrogatories, serving interrogatory responses, a hearing date, a deposition date, settlement, etc. To identify triggering events in your case, assume that everything you file with the court and/or serve on opposing counsel, and everything you are served with, including notices from the court, involves a triggering event, i.e., something needs to be calendared.

Step 2: Identify what is triggered

Once you have recognized that a triggering event has occurred, you need to identify what has been triggered. For example: filing a complaint triggers the deadline to serve defendant and file Proof of Service of Summons, serving

(Continued on page 15)

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The Sacramento Valley Paralegal Association (SVPA) and the California Alliance of Paralegal Associations (CAPA) present. . .



The Brown Bag Luncheon Series

To all Paralegals, Attorneys, and other Legal Professionals

"Marsy's Law"

California Proposition 9, or the Victims' Rights and Protection Act of 2008, also known as Marsy's Law, was on the November 4, 2008 ballot in California as an initiated constitutional amendment, where it was approved. Proposition 9 alters laws governing victim's rights in California. It amends the California Constitution to add new provisions regarding victims of crimes.

Speaker: Anna Awiszus, Ass't Gen. Counsel
Board of Parole Hearings

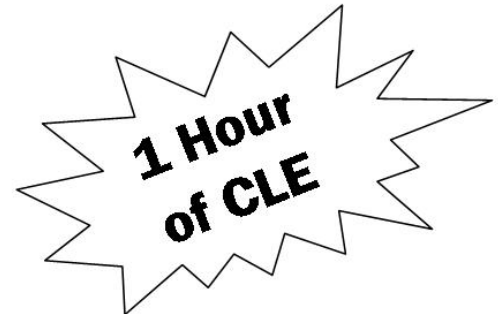
Date: Tuesday, April 27, 2010

Time: 11:30 a.m.

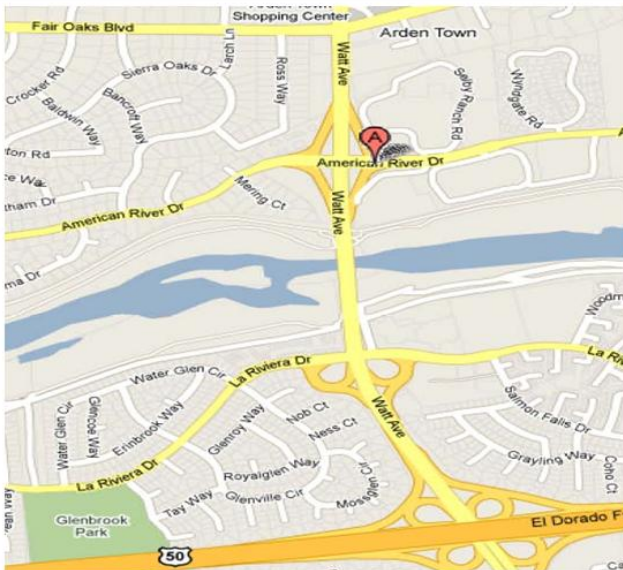
Cost: Free to SVPA Members.
\$25.00 for Non-SVPA members and attorneys.

Lunch: Provided by Merrill Corporation

Location: Law Office of Robert J. Binns
3620 American River Drive
Sacramento, CA 95864



RSVP for attendance by 4/23/10
to
christina.robinson@dlapiper.com
or fax to 916-403-1645 attention
Christina Robinson



Name

Firm

Address

SVPA member OR Non-member?

Phone/Fax

E-mail

Calendar of Events

BOARD MEETINGS

SVPA Board Meetings will be held the **third Tuesday of each month beginning at 6:15 p.m.**, at Melanee Cardoza R.P.'s office, 7700 College Town Drive, #111, Sacramento, CA 95826. For more information, contact Melanee Cardoza, (916) 325-0604. Dates for the meetings are: May 18, June 15, July 20, August 17, September 14, October 19 and November 16.

NEWSLETTER DEADLINES

Articles and information to be published in the *SVPA Journal* must be sent to Teresa Baird Gordon, R.P. on or before the following dates: April 26, May 24, June 28, July 26, August 30, September 27, October 25, November 29, December 27.

EVENTS

- ◆ Tuesday, April 27, 2010, **Brown Bag**, Anna Awiszus, Ass't Gen. Counsel, "*Marsy's Law*" Board of Parole Hearings; held at The Law Office of Robert J. Binns, 3620 American River Drive, Sacramento, CA 95864;
- ◆ Wednesday, May 26, 2010, **Luncheon**, Elizabeth R. Ison, Esq., "2010 Employment Law Updates" Casa Garden Restaurant, 2160 Sutterville Road, Sacramento;
- ◆ Tuesday, June 22, 2010 (*tentative*) **SVPA Gala** (Evening Event), Casa Garden Restaurant, 2160 Sutterville Road, Sacramento;
- ◆ Tuesday, July 27, 2010, **Brown Bag**, Joe Scott, J.D. of Deadlines on Demand, "*Calendaring as a Risk Management Strategy*," location TBD, sponsored by Second Image;
- ◆ Wednesday, August 25, 2010, **Luncheon**, Speaker Judge England, topic TBD, Casa Garden Restaurant, 2160 Sutterville Road, Sacramento;
- ◆ Tuesday, September 21 & 28, 2010 (*tentative*): Two Part Program: **Legal Ethics**, 6:00 - 8:30 p.m., Location: Vision Service Plan, 3333 Quality Drive, Rancho Cordova;
- ◆ Tuesday, September 28, 2010, **Brown Bag**, Speaker Wendy Taylor, Esq., "Legal Malpractice," location TBD;
- ◆ Wednesday, October 27, 2010, **Luncheon**, Speaker Rita Gibson, "Financial Planning for Life" Casa Garden Restaurant, 2160 Sutterville Road, Sacramento;
- ◆ Tuesday, November 30, 2010, **Brown Bag**, Speaker Jacqueline S. Vinaccia, Esq., "Billing Practices for Paralegals", location TBD.

CLE Opportunities

National Business Institute (NBI)

(800) 930-6182

WWW.NBI-SEMS.COM

- ◆ Negotiating Real Estate Loans and Workout Options
Sacramento, May 18
- ◆ Accounting 101 for Attorneys
Sacramento July 29

Lorman Education Services

(800) 678-3940

WWW.LORMAN.COM

- ◆ Title Examination & Title Insurance,
Sacramento July 22

Sacramento County Public

Law Library

813 Sixth Street

Sacramento, CA 95814

(916) 874-6011

WWW.SACLAW.LIB.CA.US

- ◆ Westlaw: Secrets of the Super Searcher
May 7 2:30—4:30pm
- ◆ Into to Legal Forms & Pleadings
May 12 2:00—4:00pm
- ◆ Microsoft Word for the Beginner
May 22 10:00—11:30 am
- ◆ Into to Legal Research and Law Library Basics Series:
Part A—Statutes
June 5 9:30—12:00 pm

Continuing Education of the Bar

(CEB)

(800) 232-3444

WWW.CEB.UCOP.EDU

- ◆ CEB now offers Classes
On Demand

Mechanic's Lien Laws, Forms and Procedures to Change Beginning on January 1, 2011 by William L. Porter

Since 1879 the California Constitution has guaranteed contractors, subcontractors, suppliers and others who have not been paid for work and materials supplied to a private works project the right to sell the property where the work was performed in order to obtain payment. The mechanism by which a sale of the property has traditionally been enforced is known as a "mechanic's lien". Under current mechanic's lien laws the unpaid claimant records a mechanic's lien at the County Recorder's Office in the county where the property is located. Within 90 days thereafter the claimant files a lawsuit to foreclose on the mechanic's lien and thereby force a sale of the property. The unpaid claimant is paid from the proceeds of the sale. While this is an oversimplification and there are numerous important timelines and procedures to follow, this is the essence of the current right and procedure.

Under laws which will take effect on January 1, 2011, claimants who will seek to obtain payment through the mechanic's lien procedure will be required to follow new procedures and use new forms. There are a number of reasons that the law has been changed to require new procedures and forms. For example, under current law there is no requirement that a mechanic's lien claimant inform the property owner that it has recorded a mechanic's lien on the owner's property. There is also no requirement that a mechanic's lien claimant explain what a lien is or inform the property owner that they will likely be sued within 90 days to foreclose on the mechanic's lien and sell the property to pay an unpaid debt. Property owners have long complained that until they receive the foreclosure lawsuit they are often entirely unaware

that a mechanics lien had even been recorded on their property. The owner asserts that if it had known that a mechanic's lien had been recorded it could have acted to resolve the matter before a lawsuit became necessary. This is a particularly common complaint in the residential construction industry where homeowners are typically unaware of the entire concept of a mechanic's lien.

In order to address these longstanding issues the California Contractor's State License Board, Assemblyman Bill Monning (D-Monterey) and a host of California construction attorneys drafted and introduced Assembly Bill 457 which was passed by the legislature and signed into law by Governor Schwarzenegger on August 5, 2009.

Under the new law, beginning on January 1, 2011, California Civil Code sections 3084 and 3146 are amended to require service of a mechanic's lien on the owner of the property at the time the mechanic's lien is recorded. If for some reason the owner cannot be served with the mechanic's lien then the original contractor or the lender can instead be served. This provides owners with notice that a mechanic's lien has just been recorded on their property and it gives them an opportunity to quickly address the situation. The form of the mechanic's lien document itself is also amended to include a "Notice of Mechanic's Lien" which provides a brief explanation of the nature of the mechanic's lien and what the property owner might do to address the situation. Finally, where a lawsuit is filed to foreclose on the mechanic's lien a "Notice of Pending Action" must also be recorded within 20 days after the filing of the mechanic's lien foreclosure action. The Notice of Pending

Action is intended to provide notice to potential property purchasers, lenders and others that a lawsuit has been filed in relation to the property and the property may be sold in foreclosure in order to pay the debt.

The full text of the new law can be accessed electronically from the legislative website: http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0451-0500/ab_457_bill_20090806_chaptered.pdf. A form of the new mechanic's lien document itself, including everything the new law requires, can be found free of charge: <http://www.porterlawinc.com/forms.htm>.

The new law provides the property owner with advance notice and an opportunity to remedy a pressing situation. Lawsuits can be avoided by early attention. Based on the premise that more information is better than less and fewer lawsuits are better than more, this is good legislation that serves the public interest. It remedies longstanding problems without significant cost or inconvenience. Since the new law does not take effect until January 1, 2011 there is more than ample time for the construction community to become aware of the new law and begin implementing the new procedures and new mechanic's lien form into their practices.

William L. Porter is a principal in Porter Law Group, Inc. in Sacramento, California. He can be reached at (916) 381-7868.



CAPA/NFPA Corner

CALIFORNIA ALLIANCE OF PARALEGAL ASSOCIATIONS (CAPA) EVENTS

June 26-28, 2010

CAPA Educational Conference and Summer Board Meeting

Bahia Hotel, San Diego (Mission Bay), CA
Hosted by the San Diego Paralegal Association

November 2010

CAPA Fall Board Meeting (Date to be Determined)
Hosted by the Paralegal Association of Santa Clara County

NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS (NFPA) EVENTS & DEADLINES

May 15-16, 2010

NFPA Pro Bono Conference, Phoenix, Arizona

May 22-23, 2010

Region I Meeting, moved to Las Vegas, NV

June 4-6, 2010

Regulation/National Leadership/PACE Ambassadors Joint Conference
Washington, D.C.

October 7-10, 2010

Annual Policy Meeting
"Making History in Philadelphia"

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NATIONWIDE COURT REPORTERS

Spotlight on Members: Connie Kelley

How and why did you become a paralegal?

It just happened. I worked at a law office during my senior year of high school through the ROP legal secretary training program. That same office offered me a full-time job after I graduated, which I accepted. After working there for a year or so, I knew I wanted to stay in the legal field, gain more knowledge and eventually become a paralegal. As I became more confident in my work and ready for a more challenging position, I decided to pursue my options for paralegal training and education. I attended the paralegal program certificate program at UC Davis Extension and received my paralegal certificate in 2005.

What is your favorite thing about being a paralegal? Least favorite?

My favorite thing about being a paralegal is the different areas of law in which I get to work. One day I could be organizing a corporate binder and ordering stock certificates. The next day I could be drafting discovery. My least favorite is still trying to read the minds of attorneys so that I can draft documents more efficiently. After all, we do exist to make lawyers look good!

What is your favorite practice area? Least favorite?

Commercial real estate has been my favorite practice area. Each transaction is different and even more unique when an exchange and loan is involved. My least favorite area is family law.

The best restaurant in Sacramento is...?

Roxy...simply for the deep fried zucchini and Smores Pie. I like pretty much everything on their menu. The atmosphere and the service is always good.

Dogs, elephants, fish, or crocodiles?

My Rott/Chesapeake Bay Retriever mix dog, Boda, 12 years old. Chessies have the reputation of being single minded as compared to other retrievers, which holds true of Boda because he does not know how to swim and refuses to learn!

The best place to get away from those darn attorneys is...?

Any OHV trail. Attorneys are never there. My favorite trails so far are in the Tahoe and El Dorado National Forests.



NFPA Pro Bono Conference

The NFPA Pro Bono Conference will be held at Everest College Phoenix on May 15 and 16, in Mesa, Arizona. All information is available on the NFPA website and it is not too late to register. There is no charge to attend for NFPA members, but individuals and/or associations are responsible for travel costs, including hotels and transportation to and from the hotel. The hotel will provide shuttle service to the school. Hotel information is as follows: [Country Inn & Suites by Carlson Mesa](#), 6650 East Superstition Springs Blvd., Mesa, AZ 85206, and tel: (480)-641-8000, May 14, 2010 – May 17 2010.

RATES: standard room \$95 Single/double occupancy. Snacks on Saturday afternoon and a continental breakfast on Sunday morning will be provided. One of the presentations is on assisting veterans, Col. Billy Little, U.S. Air Force, and Doug Logsdon, a partner at Snell & Wilmer, Phoenix.



SACRAMENTO VALLEY PARALEGAL ASSOCIATION 2010 MEMBERSHIP APPLICATION

Date: _____ New Member: _____ Renewing Member: _____

Name: _____

Mailing address: _____

E-mail: _____ @ _____

Tel: (Work) _____ (Home) _____ (Cell) _____

May we share your contact information on our online directory? Y____ N____

I want to receive SVPA'S *THE JOURNAL* & other information via the SVPA listserv? Y____ N____

In compliance with B&P §6450, I am qualified as a paralegal by:

- ____ Education (state degree and where obtained: _____)
- ____ Attorney attestation _____
- ____ Other please explain: _____

Number of years employed as a paralegal: _____

Membership term is 12 months starting 01/01/10 TO 12/31/10, no proration available.

MEMBERSHIP CATEGORIES:

I. ____ Voting Member: \$75.00 per year

Employer: _____

Areas of specialty: _____

II. ____ Associate/Non-Voting Member: \$ 75.00 per year, please specify your category below.

____ Member of a local bar association who endorses and promotes the paralegal concept;

____ Member of the educational field and is involved with the paralegal profession;

____ Related field, please specify: _____

____ Not currently employed in the legal field (retired/seeing employment)

III. ____ Sustaining/Non-Voting Member: \$ 130.00 per year. Sustaining Members are legal vendors and includes additional benefits, e.g. newsletter/web site advertising. Contact the VP of Membership for additional details.

IV. ____ Student Member: \$ 35.00 per year, where enrolled: _____

Committees of interest: Education____ Membership____ Mentoring____ Newsletter____

Public Relations____ Pro Bono____ Fundraising____ CAPA____ NFPA____

Make checks payable to SVPA and mail to SVPA, P.O. BOX 453, Sacramento, CA 95812.

NOTICE OF REGULAR MEETING

The next regular meeting of the SVPA Board of Directors will be held on **Tuesday, April 20, 2010, at 6:15 p.m.** at Civitas (Melanee Cardoza's office)
7700 College Town Drive, #111
Sacramento, CA 95826.

There is adequate free parking close to the meeting site.

For directions or more information, please call Melanee Cardoza, RP, (916) 325-0604.

SVPA: DEDICATED TO ADVANCING THE PARALEGAL PROFESSION

- ◆ ARTICLES/ ADVERTISING: Articles printed in the Journal express the opinions of the individual and are not necessarily those of SVPA. Members and readers are invited to submit articles. Advertisements are also welcome. Rates are listed on page 18. Advertisements may be created by editorial staff if a digital image can not be produced. For questions regarding the newsletter, contact Teresa Baird Gordon, R.P. at tgordon@angius-terry.com.
- ◆ MEMBERSHIP: To Join SVPA, complete the membership application or contact the VP of Membership, Merrilee Gates.
- ◆ LUNCHEON MEETINGS: Casa luncheons are held on the 4th Wednesday of every other month, alternating with Brown Bag Luncheons which are held the fourth Tuesday of the month, unless noted otherwise on the flyer, newsletter, or website (www.svpa.org). Contact the VP of Education, Christina Robinson, for details.
- ◆ BROWN BAG EDUCATIONAL LUNCHEONS: CLE Credits may be received, unless otherwise noted. Contact Christina Robinson for further details. Topic suggestions welcome.
- ◆ BOARD MEETINGS: 3rd Tuesday of each month, unless otherwise noted. Contact Ann Birkhaus, CLA for details.
- ◆ JOB BANK: Free to SVPA members and law firms; contact Melanee Cardoza, R.P.
- ◆ PROFESSIONAL DESIGNATIONS for Registered Paralegals (RP) info contact Melanee Cardoza, R.P.
- ◆ PACE STUDY GROUP: Anyone interested in the formation of a Study Group to prepare for PACE, please contact Melanee Cardoza, R.P.

Disclaimer

The opinions printed in this newsletter are those of the contributors only and are not necessarily those of SVPA. Publications of any article or advertisement do not imply endorsement. This newsletter is for informational purposes only and should not be relied on as a substitute for legal advice. SVPA assumes no responsibility for verifying facts offered by authors or in reprinted articles.

CASA "LAWYERS HELPING KIDS"

The Sacramento County Bar Association is co-sponsoring the Sacramento CASA 2nd Annual "Lawyers Helping Kids." Sacramento CASA is a local charity that helps abused and neglected foster children. The event will take place at Sacramento's Tsakopoulos Library Galleria, on Thursday, April 29, 2010, from 5:30 pm - 7:30 pm. The Galleria is located at 828 I Street (cross-street is 9th Street).

Last year's event was catered by Il Fornaio and featured 17 wineries pouring free tastings to CASA's guests. This year, Il Fornaio will again cater, and the wineries that have already signed up for the event are some of Napa's best, including Silver Oak, Frank Family, Hall, and many others. Guests can do a whole weekend's worth of premiere Napa Valley wine tasting in one evening, without having to leave Sacramento.

At the event, United States District Court Judge Morrison England will present Judge Alice Lytle (ret) with the CASA Impact Award, for all of her work on behalf of Sacramento's foster youth.

Individual tickets are \$95, and include wine tasting and heavy appetizers.

If you have any questions, or you wish to order your tickets, please call Kymberly Loya at (916) 875-3010, or e-mail Kymberly at kymberly@sacramentocasa.org.

Editor's Errata:

Last month's feature article on the Genetic Information Nondiscrimination Act should have been prefaced with the note: "originally published by the California Society of Healthcare Attorneys in the *California Health Law News*."

2010 NFPA/Regulation/Leadership/PACE Ambassador Joint Conference "Embracing Change!" By: K. Paezle Harris, RP®, CP

It just so happens that the recent promise of *Change* in our nation's capital coincides with National Federation of Paralegal Associations, Inc.'s ("NFPA") change in the way that we will conduct our Regulation, National Leadership, and PACE Ambassador's Conferences in Washington, D.C. beginning this year. All three of the conferences will be held simultaneously June 4th - 6th and hosted by NFPA at the Doubletree Hotel Washington in the heart of Washington, D.C. As usual, NFPA will supply our paralegals, from across the country, with notable speakers who will provide the latest information on Regulation, PACE®, and Leadership. This is a great opportunity for networking while learning new things and having fun.

Friday – Regulation Conference

Friday's Regulation Conference will begin with welcoming remarks from NFPA's current President, Georgette M. Lovelace, RP®, and will continue on with speakers, Tracey L. Young, RP®; Lisa Vessels, CP, FRP; David Nelson; and, several other great guests. If your association is considering tackling certification, licensure, or registration in your association's state, this is the conference for you! Even if this is an effort that will not be attempted in the near future but that you know your state will eventually investigate, it is important to learn the different types of regulation; the status of regulation efforts in other states; how to handle legal professions who are not keen on regulation; and, understanding the legislative process. This conference is an important one to attend in order to gain an understanding of what your state is likely to come up against in its future endeavor into regulation.

Saturday & Sunday – National Leadership Conference

Whether you are leader-in-training or already wearing your leadership hat, NFPA's National Leadership Conference is a *MUST!* You will spend two days among the smartest and most experienced paralegals from across the country who are there to both learn and teach. You will gain knowledge about how to lead effectively; actively participate as you are trained and influenced; and, make friends, mentors/mentees, and connections that will prove valuable for years to come. It is recommended that, if possible, associations send a representative to this conference who is an up and coming leader.

Saturday & Sunday – PACE® Ambassadors' Conference

This year, the PACE® Ambassadors' Conference is aimed at guiding associations' boards and ambassadors along the steps of being a great PACE Ambassador. Ann Price, RP will be speaking on the history of PACE and current events involving PACE and the Paralegal Core Competency Exam ("PCC"); K. Paezle Harris, RP, CP will be speaking about the ins and outs of the exam and duties of the PACE

Ambassador; and Suellen Honeychuck, RP, Natalie Nelson, RP, Tracey L. Young, RP, and Cindy Byfield, M.ED. IOM, CAE will all be speaking in their areas of expertise as well. This year, NFPA's PACE Coordinators have gone to extra lengths to make sure that the participants go away with a wealth of knowledge and a mission to carry out: CREATE or BE a GREAT PACE AMBASSADOR in your local association!

NFPA JOINT SOCIAL EVENTS

Dinner at Gordon Biersch – Friday 7pm – 9pm

On Friday evening, the entire group of NFPA is invited to dinner at Gordon Biertsch. Conveniently located in the heart of Washington, DC on F Street in the old Riggs Bank Building, this architectural beauty displays the traditional elegance of the Capitol. Gordon Biersch is committed to using only the freshest and finest ingredients; their restaurant showcases a passion for food. The cost is \$33 per person and should be paid for during registration. This fee includes a salad appetizer, choice of one of 4 entrees, and dessert as well as soft drinks, tea/coffee and tip.

Tourmobile® Sightseeing – Saturday 7pm – 10:30pm

On Saturday evening, the entire group of NFPA is invited to hop on the live narrated shuttle tours of the Tourmobile to SEE WASHINGTON BY NIGHT. Spend a memorable twilight amidst Washington's illuminated points of interest. Enjoy timed visits at the Jefferson, Franklin Roosevelt, Lincoln, Korean, Vietnam Veterans and WW II Memorials. The cost is \$30 per person and should be paid for during registration. Those who went on this tour in 2005 really enjoyed it. The DC monuments are beautiful

(Continued on page 13)

CONTACT YOUR BOARD

SVPA 2010 BOARD ROSTER

(External Use Only)

(Effective 4-1-10)

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SAVE THE DATE

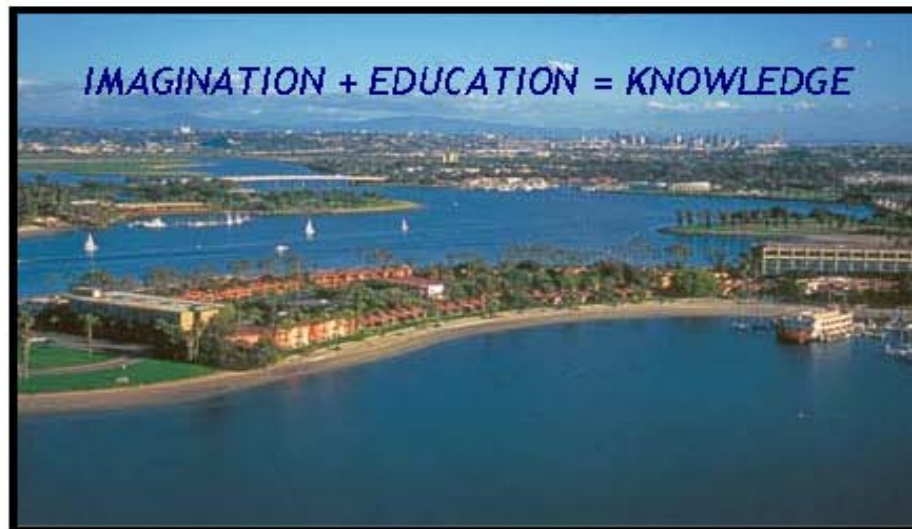
CALIFORNIA ALLIANCE OF PARALEGAL ASSOCIATIONS

PRESENTS

THE 22nd ANNUAL EDUCATIONAL CONFERENCE

SATURDAY, JUNE 26, 2010

Hosted by the San Diego Paralegal Association



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and moving during the daylight but even more so at twilight. Dinner will be on your own, but you can purchase food at one of the many food vendors at Union Station and bring it with you on the open air bus.

Registration Information

There is no cost for the conference if you are NFPA members; however, you are responsible for your travel and hotel expenses. Lunch on Friday and Saturday are included with your registration. Please register for one or more of the conferences at www.paralegals.org and make your reservations for the Doubletree Hotel Washington by calling 202-232-7000. The hotel cost is \$150 per night and includes full breakfast for two persons per room.

Getting to Washington, D.C.

Getting to Washington, D.C. is easy. Three major airports serve the area and offer flights on both traditional and discount air carriers, including Southwest, Jet Blue, Frontier, Air Tran, Midwest Express and most major carriers. Of the three airports, Washington Reagan National Airport (code DCA) is the closest to DC and the Metro (subway) comes right to the airport and can take you to a station near the hotel. Taxis are also plentiful, and the "blue bus" Supershuttle and Washington Flyer also provide transportation into the City. Reagan airport is actually in Arlington, VA, just across the Potomac from D.C. Dulles International Airport (code IAD) is about 15 miles

west of D.C. You would need to take a taxi into D.C. or you could use the Super Shuttle or Washington Flyer express busses. BWI airport is near Baltimore, about 45 minutes north of D.C. There are several ways to get to D.C. from BWI, including an Amtrak train from BWI station to Washington's Union Station, taxis (the most costly), Washington Flyer, or Super Shuttle. Amtrak offers many trains throughout the northeast corridor to Washington, D.C.'s Union Station. From Union Station, you could take the Metro Red line to DuPont Circle or an easy cab ride. Taxis in D.C. operate on a meter system.



We look forward to seeing you in our Nation's capital in June and hope that you embrace this change for the better in our 2010 NFPA Joint Conference!

K. Paezle Harris, RP, CP is a certified and registered paralegal on her 6th year as a Senior Paralegal position at Cox Communications, Inc. in Atlanta, Georgia where she is responsible for litigation, civil investigative demands,

disputes, small claims, and attorney general complaints. Paezle is a Certified Mediator and Georgia Neutral with an advanced paralegal certificate and is currently finishing a BS in Business Administration (Legal Studies Major) at Adams State College and plans to begin their Master of Business Administration (MBA) Degree Program thereafter. On the local level, Paezle is the Vice President of the Georgia Association of Paralegals and on the national level she is the NFPA PACE Ambassadors Coordinator.

NFPA PRESS RELEASE

NFPA and IPE present the 2010 Virtual Tech Institute seminars on line. Many **On Demand** seminars are available now. **Webinars** will be available starting in May. **ALL NFPA members who register by April 30 save 25% on the registration.** Seminar titles and details are listed on the Member's Only page of www.paralegals.org. See page 15 for the flyer. Registration is available on the Members Only page of www.paralegals.org. The password is "**professional**". Seminars subjects include electronic discovery, trial graphics, Summation for small cases, websites for legal professionals, and many more. CLE credit of 60 to 90 minutes is also provided.

JOB BOARD**BILINGUAL SPANISH LITIGATION PARALEGAL**

A Plaintiff Personal Injury Litigation and Mass Tort Practice firm in Sacramento is looking for a Spanish speaking litigation Paralegal. A minimum of two years working Paralegal experience is required. A degree from a four-year college preferred, but not mandatory. The essential job duties of this position include: manage documents, data and case files; translation for Spanish speaking clients; investigate facts and assist attorneys and senior paralegals in preparing pleadings, motions, discovery and other legal documents. Competitive salary to be between \$38k - \$48k, DOE and benefits. This is a Direct-Hire/Full-Time position that will start immediately. Contact: Jamie Von Sossan jamie@pacificstaffing.com.

CERTIFIED PARALEGAL FOR LABOR & EMPLOYMENT LAW FIRM (ROSEVILLE, CA)

A fast paced Labor and Employment Law firm is seeking a CERTIFIED Paralegal with 3-5 years experience to fill a position in our Roseville, CA office. Must be determined, motivated, have a great personality and be able to work well as part of a team. Moreover, you must have the ability to work independently with little or no direction, while still being able to exercise professional and timely judgment. You must be highly organized, detail-oriented and be able to handle multiple priorities. Exceptional written and verbal communication skills are a must.

The firm will see this person as one who can perform essential tasks such as:

- Preparation of pleadings and routine correspondence;
- Preparation of other documents to be filed with the court;
- Organize and maintain client files, both paper and electronic;
- Daily communication with clients and court personal;
- Electronic calendaring using Compulaw Vision;
- Setting deposition and case management;
- Transcriptions;
- Schedule meetings, travel arrangements and prepare itineraries;
- Phone coverage, filing, maintenance of the file/copy room, break room, and other admin duties as assigned.

Experience:

As stated above, you must be a Certified Paralegal with at least 3-5 years of experience. More importantly, you absolutely **MUST** be proficient in using Compulaw Vision! (make sure it's on your resume). Typing speed of 50-65WPM is expected as well as proficiency in Microsoft Office, Word, Excel, Access, PowerPoint, Adobe Acrobat, Judicial Counsel forms, and knowledge of local State and Federal Rules of Court; must be familiar with Federal Court Pacer system.

If you are an interested candidate and would like to join our team, please submit your resume, with a letter of introduction explaining your interest in the position and why you are uniquely qualified to Mike Vives at mvives@laborcounselors.com

SENIOR ADMINISTRATIVE TECHNICIAN

Civitas Advisors, a legal and consulting firm, is seeking a full-time senior administrative technician for our Sacramento office.

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the complaint triggers the deadline for defendant to serve the response, a hearing on a motion triggers the deadline to file and serve notice of motion, opposition, and reply. Sometimes deadlines are triggered which are less obvious. Rules-based computerized calendaring may reveal deadlines you would not have thought of on your own. For example, filing a complaint also triggers the last day for plaintiff to challenge the judge assigned to the case; first day plaintiff may serve written discovery; first day plaintiff may serve notice of deposition; first day for defendant to make a motion for summary judgment.

Step 3: Identify the current codes and rules which apply to the deadlines

Once you have determined what is triggered, you need to identify the *current* codes and rules governing the applicable deadlines. It is not enough to identify the correct code section or rule number; you must be sure to apply the *current* deadline in the code section or rule. In California, the codes and rules are “moving targets.” The one you memorized last year or the year before may be different today. This is another benefit of rules-based computerized calendaring programs -- they are updated to apply the current code sections and rules.

Step 4: Correctly apply those codes and rules

This is the most difficult part. It requires several steps which must be accomplished in order and painstakingly applied. It involves identifying what to count, how to count, and then actually counting in conformance with certain very specific rules. Again, rules-based computerized calendaring programs do all of this instantly.

Step 4A: Identify the time frame for each triggered deadline

When calculating the due date for a response to a complaint, you have to know that the relevant time frame begins with the *effective date of service* (and you have to know how to determine the effective date of service). When calculating the due date for responses to written discovery, you have to know that the relevant time frame begins with the date the discovery was *served*, and ends with the date the responses are to be *served*.

When calculating the earliest date to calendar the hearing on a motion, you have to know that the relevant time frame begins on the date you serve your notice and motion, and ends on the hearing date. If the hearing date is already set, and you are calculating the last day to serve notice, the time frame begins on the hearing date and ends on the service date.

Once you have identified the time period you need to count, you need to know exactly how to count the days in that time period.

Step 4B: Identify what date to start counting and what date to stop counting

C.C.P. § 12 provides: “*The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.*” Thus, if interrogatories are served on April 1st (the date, according to the proof of service, that they were mailed, faxed, etc.), in order to calculate the 30-day deadline to respond, you start counting with April 2nd as the first day, April 3rd as the second day, and keep counting until you reach the 30th day, May 1st. So long as the interrogatories were personally served, and so long as May 1st is not a

weekend or a holiday, the deadline to serve responses is May 1st.

When calculating the earliest date to calendar the hearing on your motion, you start counting the day after you serve the notice as day one, the next day as day two . . . and the hearing date as the last day. If your hearing date is set, and you are calculating the last day to serve notice, which requires you to count backwards from the hearing date to the notice date, you start counting the day before the hearing date as day one, two days before the hearing date as day two . . . and the date of service as the last day.

Step 4B(1): Counting or skipping interim weekends and California holidays

In order to calendar correctly, you must know whether to count or skip weekends and California holidays occurring during the relevant time frame. This depends upon whether you are supposed to count “calendar days” or “court days.” In that regard, unless a code or rule specifies “court days,” as is the case with notices of motion, oppositions, and replies under C.C.P. § 1005(b), you are supposed to count calendar days. Thus, “five days” means “five calendar days.”

Of course, you cannot count court days unless you know the holidays in the court in which your case is pending. You must be very careful to use a calendar which shows the California holidays. In addition to the federal holidays, California celebrates Lincoln’s Birthday (February 12th), Cesar Chavez Day (March 31st), and the day after Thanksgiving. In addition, due to budget cuts, California courts are closed the third Wednesday of each month through at least June 30, 2010, and those days are considered holidays for calendaring purposes.

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Step 4B(2): Determine the last day - deal with weekends, holidays, extra time, and counting backwards

When calculating the last day to perform an act triggered by the service of a document (e.g., last day to respond to a discovery demand, last day to make a motion to compel further responses to discovery), you must consider how the document which triggered the deadline was served. If it was personally served, there is one procedure; if it was not personally served, additional steps must be taken. When calculating the last day to serve notice of a motion when the hearing date is already set, it is simple if you are personally serving the notice; it is not if you are serving by any other method. In any case, to calculate these deadlines, you need to know what happens when the last day to do something lands on a holiday, and you need to know how to determine the “last day.”

C.C.P. § 12a(a) provides: “If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day that is not a holiday.”

“Holiday” includes weekends. Thus, if the last day is a Saturday, the deadline would be extended to Monday, so long as it is not a holiday. If Monday is a holiday, then the deadline would be extended to Tuesday.

(a) For personal service, adjust when the last day falls on a weekend or California holiday

If the 30th day after interrogatories were *personally served* is a Saturday, this is the “last day” under C.C.P. § 12a(a). Since the last day is a week-

end, the due date is extended to the next court day, Monday (unless it is a holiday).

(b) For a triggering document not personally served, first add the applicable extension of time to determine the last day, then adjust when the last day falls on a weekend or California holiday

As a general rule, documents may be served personally (also referred to as service “by hand” or “hand delivery”), by mail, by express mail, or overnight delivery (C.C.P. §§ 1011, 1013), and, *so long as the recipient has agreed* to accept service by these methods, service generally may be made by fax (C.R.C., Rule 2.306) or electronically (C.C.P. § 1010.6(a)(6) and C.R.C., Rule 2.260). Every method other than hand delivery has associated extensions of time.

These extensions of time are mandated because, for the most part, deadlines and notice periods start running from the date documents are *served*, not the date they are *received* by the opposing party. For example, responses to interrogatories are due 30 days after the interrogatories are *served*; a motion to compel further responses must be filed within 45 days after the responses to interrogatories are *served*; a deposition may be taken ten days after the notice of taking deposition is *served*; a motion may be heard 16 court days after notice of the motion is *served*.

Any method other than personal service will result in a delay between the act of service and the person’s actual receipt of the document. In that regard, *service by mail* is deemed complete upon deposit in a USPS mail box (C.C.P. § 1013(a)), but the papers might not arrive in the recipient’s mail for days. *Service by fax* is deemed complete upon transmission of the entire document to the receiving party’s

fax machine (C.C.P. § 1013(e) and C.R.C., Rule 2.306(g)), but that does not mean the document will be in the hands of the intended recipient that day. A document *served electronically* is deemed complete upon transmission (C.C.P. § 1010.6(a)(6)), but it may sit unopened in the recipient’s email inbox for hours, if not days.

To obviate any inherent prejudice in this delay in receipt of a document, various extensions of time are added depending upon the type of document served and the method by which it is served. These extensions of time are found in C.C.P. §§1013, 1005(b), and 1010.6. Note: By their own terms, these code sections are not always applicable! Fortunately, rules-based calendaring programs know when they are and when they are not.

Extensions for Service by Mail under C.C.P. § 1013 and 1005(b) - Add five days for service by mail to a person within California; ten days outside California, but within the U.S., and twenty days outside the U.S. These extensions would apply to notice periods for depositions, hearings on motions, and time to respond or act within a given time period.

Extensions for Fax/Overnight Delivery/Express Mail under C.C.P. § 1013 and 1005(b) - C.C.P. §1013 adds two *court* days; C.C.P. § 1005(b) (for motions only) adds two *calendar* days. These extensions would apply to notice periods for depositions, hearings on motions, and time to respond or act within a given time period. This two court day vs. two calendar day difference is an unfortunate one, which seems to invite errors. It is easy to forget which period of time you are supposed to add. Sometimes the result will be the same, e.g., when the next two days are non-holiday weekdays, they are both calendar days and court

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days. However, when one or both of the next two days fall on a weekend or a holiday, there is room for error.

Extensions for Electronic Service - C.C.P. § 1010.6 adds two *court* days to notice periods and time to respond or act.

Here's how these provisions would extend the time within which to respond to interrogatories, depending upon how they are served: service by mail on a party in California - five extra days; service by fax, overnight delivery or express mail - two extra court days; service by electronic service - two extra court days.

Were the extensions applied to service of a notice of motion, service by mail would extend the period by five days; fax, overnight delivery or express mail would extend the period by two days; and electronic service would extend the period by two court days.

It is at this point in the calendaring process that you provide for the extra days. It is imperative that you know

where to add them.

Rule of Thumb: When determining the last day to respond to a document not personally served, the "last day" is determined by counting the number of days allotted pursuant to the applicable code section or rule, and then *immediately adding the applicable extension of time*. For example, if Saturday, November 14th is the 30th day after service of interrogatories *by mail*, to determine the "last day," you simply continue counting until you reach the 35th day, November 19th. You do not make any adjustment for the fact that day 30 was a Saturday, because it is not the "last day." If Saturday, November 14th is the 30th day after service of interrogatories *by fax*, to determine the "last day," you simply continue counting two court days, to Tuesday, November 17th. *You do not make any adjustment for the fact that day 30 was a Saturday, because it is not the "last day."*

Another Rule of Thumb: When in doubt, serve your responses earlier rather than later, and err on the side of giving more notice rather than less.

As you can see, winding one's way

through the California state court calendaring maze is difficult at best. It certainly gets easier with experience, and simple calculations may become almost second nature. However, given the constant changes in the codes and rules, the potential for human error at every step of the way, and the dire results of a missed deadline, rules-based computerized calendaring should be utilized.

*Julie A. Goren, Esq. is the author and publisher of two California civil litigation books: **Litigation By The Numbers®-Fourth Edition** and **California Civil Litigation and Discovery**, both of which are required texts in numerous courses throughout California, including UC Davis and American River College, and widely used in law firms as reliable references to current codes, rules, and forms. She developed and teaches the CA Procedures online course in the UC Berkeley Paralegal Program. Julie frequently speaks at paralegal and legal secretary association meetings on the subjects of CA civil litigation, state court calendaring, and changes in procedure. For more information and to view excerpts and testimonials, go to www.litigationbythenumbers.com.*

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ABOUT SVPA

The Sacramento Valley Paralegal Association was founded in 1978 as a professional and educational organization for paralegals, and was incorporated in 1981 under the California Non Profit Mutual Benefit Corporation laws. SVPA's purpose is to foster and promote standards to the paralegal profession; to cooperate in and offer education for paralegals; to increase attorney and public awareness of the role of the paralegal in the delivery of legal services; to gather, receive, study, and disseminate information concerning paralegals. Benefits of SVPA membership are: SVPA The Journal subscription (monthly), CAPA ReCap subscription (three times yearly), NFPA The Paralegal Reporter (six times yearly), SVPA listserv postings, free attendance to Brown Bag luncheons (CLE also available), reduced cost to attend meeting/ luncheons provided at Casa Garden, and affiliation membership to the 13 other California paralegal associations. Networking, education, and professional resources are also a benefit to SVPA members.