RECAP

California Alliance of Paralegal Associations

Newsletter Edition: Spring 2010

www.caparalegal.org

President's Message

Melisa Frick, ACP

I started teaching this year at West Valley College in Saratoga, California. It is an ABA-approved paralegal program that has the distinction of being the program that I graduated from over fifteen years ago.

It is a rewarding and a once in a lifetime experience to be given a chance to teach a group of people for the first time. The class that I am teaching, Trademark Law, has not been taught at the college in over twenty-years, and it is interesting to "create the wheel" for the class (and, let's just say that I am definitely earning my teaching salary through the creation of the syllabus, class notes, and exams). If someone had said that I would fall in love with my profession again after fifteen years, I probably would have said that there was no way to get that first enthusiasm and energy that I felt as student again, but I would have been terribly wrong.

To be honest with all of you, the first night before class I stayed awake all night playing through everything in my head to make sure that I wouldn't get

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Report on the Law Practice Management & Technology Section of the California State Bar

Cynthia Mascio, ACP, CAS – CAPA Paralegal Liaison

November 6, 2009 Meeting (via teleconference)

The main topic for discussion during this meeting was the fate of LPMT's newsletter, The Bottom Line. The long time sponsorship by West for publishing and mailing The Bottom Line for the LPMT Section has been withdrawn. The last issue that they sponsored was the December 2009 issue. The Executive Committee is faced with making some hard decisions regarding the future publication/production of The Bottom Line.

Estimates for producing The Bottom Line were obtained by the Section Coordinator and discussed. The estimated costs to produce 6 issues with 24 pages in each would be approximately $27,900. This is approximately $12,000 more than what the LPMT is currently paying (the LPMT is currently only paying for the editors). Obviously, this additional financial burden is of great concern not only from a financial impact, but its effect on LPMT's membership. The newsletter is the only tangible benefit offered.

There was much discussion regarding publishing The Bottom Line exclusively in electronic format online. There is a divide among the Executive Committee members between going electronic completely without regard to the membership and conducting some sort of survey within the membership. After much discussion, an Ad Hoc Committee was appointed to determine how to approach losing the sponsorship of West for the production, publishing and mailing of The Bottom Line; explore alternative methods of distributing The Bottom Line; costs; and any other items associated with publishing The Bottom Line. The Ad Hoc Committee will report back to the Executive Committee at its December 11, 2009 meeting.

December 11, 2009 Meeting (via teleconference)

The fate of The Bottom Line continued to be the main focus at this meeting. The Ad Hoc Committee appointed to research alternative ways of distributing The Bottom Line submitted a written report discussing the future financing and distribution of The Bottom Line. The committee recommended that The Bottom Line always be distributed electronically. Again, there was further discussion about the possibility of still printing the December all-MCLE issue.

It was finally decided that the February 2010 issue of The Bottom Line be published in hardcopy with a banner stating that future copies will be distributed electronically. The February issue will also include

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CACPS Update

In today's economy, not only is it essential for paralegals to be able to demonstrate their skills and knowledge to compete in the job market but also to raise the bar for the profession and its high standards. The California Advanced Specialty ("CAS") program is designed to help paralegals obtain the advanced skills and knowledge required to succeed in today's market and to contribute to personal growth.

The CAS professional certification program is a curriculum based online assessment that allows participants to learn a narrow legal specialty area with the help of interactive study materials in the comfort of the participant's own home or office. Without the pressure of a testing center, participants can complete the CAS program courses at a leisurely pace within their own personal time constraints.

In conjunction with the National Association of Legal Assistants, Inc. ("NALA"), the Commission for Advanced Paralegal Specialization, Inc. ("CACPS") is responsible for the design and content of the CAS program. CACPS is pleased to announce that its first CAS online assessment course in California Discovery is scheduled to be launched in 2010.

Paralegals have significant responsibility for both informal and formal discovery. Here is an affordable and convenient opportunity to gain advanced knowledge in California Discovery and learn the skills required to succeed with ease and confidence. The California Discovery course highlights the differences between Federal and California discovery laws and procedures, but it is focused on California Discovery law and procedures. To understand and be able to apply both Federal and California Discovery law and procedure is instrumental to gain and/or maintain advanced skills and confidence.

Designed to be taken in conjunction with NALA's Advanced Paralegal Certification ("APC") course in Discovery, the California Discovery course is divided into three modules, including module tests and exercises. Participants must complete all course modules and exercises within 90 days of enrollment. The California Discovery course is designed to enhance and influence learning in a positive way. Participants may take the module tests as many times as

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National Federation of Paralegal Associations (NFPA) Announces the Approval of Development of a Basic Proficiency Exam

Cindy Byfield, NFPA Managing Director

Edmonds, WA, December 2009 - At the 2009 Annual Policy Meeting, the NFPA delegates voted to approve the development and implementation of a Basic Proficiency Exam. The National Federation of Paralegal Associations, the Leader of the Paralegal Profession, has begun developing an entry-level exam for newly graduating paralegals to test their skills, knowledge and ability. This is great news for students graduating from a paralegal program, paralegals just entering the work force, and other paralegals who may not yet qualify for a state certification exam or PACE, NFPA's Paralegal Advanced Competency Exam.

The Basic Proficiency Exam is being developed with the assistance of the nationally recognized not-for-profit firm, Professional Examination Service ("PES," www.proexam.org), as well as experienced paralegals and paralegal educators. PES has been involved in developing credentialing exams for over 50 years. PES is well respected for its scientific development of exams with integrity and validity of the test questions, including PACE. The Basic Proficiency exam will test the knowledge, skills and ability of individuals who are working as paralegals or entering the profession. The format and length of the exam will be based on results gathered from a scientifically prepared task analysis. It will take into account coursework in paralegal programs as well as actual skills considered essential to basic competency in the profession. It will also include sections on law office technology and ethics. The exam is intended to distinguish those individuals taking it from other entry level paralegals.

The exam is expected to debut in early 2011.

NFPA is a non-profit professional organization representing more than 11,000 paralegals and is headquartered in Edmonds, WA. NFPA's core purpose is the advancement of the paralegal profession. NFPA promotes a global presence for the paralegal profession and leadership in the legal community.

NFPA – The Leader of the Paralegal Profession
www.paralegals.org

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Solo & Small Firm Section - State Bar of California

Carolyn Yellis, ACP
Solo Secretary & Solo Legislative Chair

The section has dramatically cut its expenses, especially its traveling expenses, this year. The revenue is down for this year, but is expected to pick up after the costs of The California Guideline to Opening and Managing a Law Office are covered. At our last report, the sales have been going well and LPMT, CYLA and the Solo Section will start bringing in revenue from the books.

What happens at the State Bar concerns all of us. CAPA has lost two important sections within the last couple of years. It is time to get them back.

The Solo & Small Firm Section of the State Bar of California continues to be the leader in educational programs.

Section Educational Institute (SEI) and the Solo Summit

Every year the State Bar hosts its annual Section Educational Institute. It is held in January just prior to the attorney's MCLE deadline. Last year, the Solo Summit was added and was a great success.

Unfortunately, this year, the SEI was cancelled due to lack of attendance. However, the Solo Summit went forward in Long Beach, and was very successful. The Solo Section presented many programs, as did the LPMT Section. Each Section received revenue selling the video or audio tapes of the programs.

I did not submit a program this year, but Cindy Mascio, ACP, of the LPMT Section, was chosen in the coveted spot to speak about paralegals.

CAPA Law School Proposal

I reported to the section that CAPA is looking into a curriculum for law students on how to open a business. Of course, included in the curriculum is the utilization of paralegals. Our goal is to gain endorsement once we have the project under way.

Co-Sponsorships:

The State Bar has indicated that it is interested in working with CAPA on co-sponsorship opportunities. One such opportunity was to take place at SEI this year. CAPA was going to be given a free booth, and in exchange each member association would be asked to e-blast their association on the upcoming events. No exchange of emails lists is expected so this is a great opportunity for exposure.

Meetings:

Since November we have had 2 telephonic meetings and one face-to-face meeting. Our next meeting will be held in March at one of the section members' home in Los Angeles. The section is continually cutting the budget, but will continue to pay my expenses.

Website:

The new website is still under construction, and will replace our current site next year. It will be more concise, and won't scroll up and down. It will also focus on current news items.

Membership:

There were 4,000 new admittees. This year the new admittees had a chance at their swearing in ceremonies to join a section of their choice for free. Thus far, however,

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New Personal Courses - Double ACP Offerings

The Advanced Paralegal Certification Board has announced that a comprehensive new program on Personal Injury will increase the number of ACP specialties from the current seven courses to 15. This is the most extensive APC program to date.

Paralegals seeking advanced certification in Personal Injury practice areas must be Certified Paralegals in good standing, must successfully complete a PI pre-test and a five-module PI Core Course. The core course covers "Elements of a PI Case," "Investigating PI Claims," "Experts," "Negotiating and Settlement," and "Presenting the PI Claim at Trial." Those who have completed the APC Discovery and Trial Practice courses are exempt from the pre-test requirement.

ACP advanced certification is offered in the following practice areas:

- Automobile Accidents
- Entity Medical Liability
- Individual Medical Liability
- Intentional Tort
- Premises Liability
- Product Liability
- Workers' Compensation
- Wrongful Death

The ACP Personal Injury credential will be awarded upon successful completion of the prerequisites, core course and all eight practice area courses. As all APC courses, these courses are available to all paralegals as advanced continuing education programs. The course requirements and pre-requisites are for those seeking the ACP credential.

More information on this sweeping ACP program will available on the NALA Website. The Personal Injury ACP program is slated to begin in early March.

35TH ANNUAL NALA CONVENTION & EXHIBITION
JULY 14–17, 2010

Jax Convention On Track

The 35th Annual NALA Convention and Exhibition, July 14–17, the largest annual gathering of paralegals in the nation, will feature the greatest number of CLE courses ever offered at a NALA convention.

The convention will be held at the Hyatt Regency Jacksonville in Florida, a site steeped in history that is sure to please attendees who enjoy the ambience of a dynamic seaside city. The hotel is in the heart of the downtown "Jax" business, entertainment, and sports district, and is adjacent to Jacksonville Landing, a popular dining and shopping area.

Convention Committee Chair Libby Roleson, ACP, reports that all speakers have been confirmed for the 16 courses to be presented in three tracks, three institutes, and the Essential Skills program. This rich set of courses will be further enriched by the traditional Member Exchange, Affiliate Exchange, and Ethics presentations.

The multiple-day institutes will give participants intensive exposure to the intricacies of Bankruptcy, Elder Law, and Veterans Benefits (highlighting how to maneuver through the VA Administration). The institute format builds upon each day's materials to achieve a comprehensive perspective on the subject upon completion.

Corporate track courses will be offered in Mergers and Acquisitions, UCC-9 Secured Transactions, and Document Retention. The

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In The Neighborhood – FPA

Fresno Paralegal Association is off to an exciting new year with a new president, Sharon Glisson. Our motto for the year is "Our Value Begins from Within." Our new Board met on Saturday, January 23rd to brainstorm and determine the goals for 2010. This year we are focusing on building our working paralegal membership and encouraging participation by all members. We are in the process of arranging our next MCLE meeting, which will include personal skills such as stress management. In an effort to offer some networking (fun), an after work get-together is also in the works. We anticipate a productive and successful year.

In The Neighborhood – OCPA

OCPA's 2010 Kick-off and General Dinner Meeting was held on February 10, 2010. Keith Attlesey, Esq. presented a dynamic seminar on Ethical Issues in Today's Mortgage Workout Environment, providing attendees 1 hour of MCLE ethics credit.

The next General Dinner Meeting will be held on April 14, 2010 at the Radisson Hotel. Jim Ayer, VP of Titan Legal Services and William Platt, from E-DocuPlus will present a seminar entitled, "EDD: From Subpoena to Production: Managing the Process, Avoiding the Pitfalls, and the Ethics Involved." Dinner and attendance is $30 for members and $40 for non-members. Based on feedback from its members, the OCPA General Meetings will focus on offering MCLE ethics credits.

In an effort to be a constructive resource for our members, the OCPA will have 15 specialty sections that include: Bankruptcy, Corporate, Criminal, Employment, Estate Planning, Ethics, Freelance, Green, Healthcare, Immigration, In-House, Intellectual Property, Litigation, Not-For-Profit and Student. It is the OCPA's goal for each section to hold one meeting per month. Attendance at section meetings is free to members and $10 for non-members.

The OCPA continues to offer CLA review courses to its members, encouraging them to obtain CLA status.

Orange County will host its Career Conference on March 20, 2010 at Judicate West in Santa Ana, California. The Career Conference will feature keynote speakers providing useful information relating to the paralegal profession and conducting mock interviews. Attendance is expected to be around 100 attendees.

I am pleased to report that the OCPA gives back to the community and the legal profession! In 2010 OCPA will offer a record number of scholarships to students enrolled in paralegal programs. The scholarships will be awarded in June and December 2010. In addition, OCPA has made generous donations to the Ronald McDonald House Charities and to Haiti through the American Red Cross. OCPA plans to expand its outreach to the local community through monetary donations and community service throughout the year.

Check out the OCPA website for more information and upcoming events at www.ocparalegal.org.

In The Neighborhood – KCPA

We here in Kern County have been busy! In August, funds were raised to benefit the Kern County "999" Officer Down Foundation, which provides immediate cash to surviving families of any law enforcement officer killed in the line of duty. In September, clothing, underwear and socks were collected for the benefit of low-income children attending Stella Hills Elementary School. In October, we nominated families to receive Thanksgiving dinners, which were presented in November. In November, we donated cash to the Kern County Fire Department for them to use to buy "Care Bears" which the firefighters give to children to help lessen traumatic events. At our holiday luncheon on December 10th, we brought toys to donate to the Jamison Children's Center which provides emergency shelter to children under the age of 18. Teen Court and CASA each received half of the almost $3,000 in funds collected for our opportunity drawing which was held at the same time. The Stockdale Christian School Instrumental Ensemble sweetly serenaded us after our meal. At our January meeting, we collected blankets for donation to the Bakersfield Homeless Center. We continue to host monthly MCLE luncheons with speakers who provide valuable educational content.

We have a new Public Information Officer, Barbara Haubrich, who has already come up with great new ideas and has a lot of energy and passion for her position on the board, for KCPA, and for the paralegal profession. We also welcomed a new Student Board Member, Allisha Banks, who replaced Olga Lampkin. Olga transitioned into the CAPA Secondary position upon the completion of her paralegal program.

KCPA continues to offer the Jeannie D. Conner Memorial Scholarship, an annual educational scholarship available to all members. Jeannie Conner was a member of KCPA since it was founded in 1987. The $250 scholarships will be awarded to qualified KCPA members to help defray costs of paralegal classes or attendance at one or more MCLE events for the year in which the scholarship is awarded.

We were honored to host the February CAPA Board Meeting in Bakersfield. This time of year is one of the best times to visit, and it reminds me why I love this area: the cool, windy weather clears up the air and one can see the beautiful, snow-capped mountains surrounding Bakersfield in three directions! To kick off the weekend, KCPA hosted a reception in honor of CAPA President, Melisa Frick, at Imbibe on Friday, February 5, where we were able to sample fine wines, decadent chocolates and sumptuous meats and cheeses. The board meeting was held on Saturday and Sunday. Much was accomplished, new friendships were forged and many ideas were shared. Saturday night, many attendees gathered at Buck Owens' Crystal Palace for an evening of dining, dancing and entertainment. Many thanks to Michelle Whitaker of KCPA for her efforts in organizing the festivities and accommodations!

In the Neighborhood – REAP

The Redwood Empire Association of Paralegals again started the new year by inviting its members to participate in our annual Vision Meeting, where we work collaboratively to identify REAP's goals for the year. This year, the process was somewhat different than past vision meetings in that we took some "leftover" goals identified in prior years and sought input from our members on how to actually achieve these goals. As is probably true throughout the state, the greatest concern for both working paralegals and paralegal students is identifying job and internship opportunities. One of the goals for REAP is to be a more effective resource for its members; right now, it appears the best way to do this is to help students and working paralegals find jobs. The challenge will be to find these opportunities in the current economic environment.

As previously reported, the Sonoma State University paralegal program will be ending soon. However, Santa Rosa Junior College recently announced plans to offer a paralegal program, and is presently working on developing its program.

In May, REAP, together with the Sonoma County Bar Association, will co-sponsor a seminar on paralegal utilization.

At its January board meeting, REAP decided to offer several scholarships to paralegal students. Equally exciting is REAP's plan to offer a scholarship to a working paralegal to help defray costs to attend the CAPA Education Conference in San Diego in June!

In The Neighborhood – SBPA

Mark your calendars now – Santa Barbara Paralegal Association is organizing a full day MCLE conference on Saturday, September 25, 2010 at the beautiful and historic Santa Barbara Courthouse! Already confirmed to be our keynote speaker is Santa Barbara Interim District Attorney, Joshua Lynn. We will be offering diverse and unique sessions on a wide variety of topics of interest and use. The day will include the opportunity to view vendor tables and enjoy a delicious lunch on the grounds of the courthouse Sunken Garden. (The Bunny Festival will occur on the same day – we're hopping excited!)

Classes will be offered in several courtrooms and the day will culminate with a wine reception, during which a docent-led tour of the courthouse will be offered for those interested. (SBPA will donate a portion of the proceeds from this event to the Santa Barbara Courthouse Legacy Foundation.)

This will be an event not to be missed! Five (5) credit hours of MCLE are planned for each attendee. Further details and registration forms will be available shortly!

In The Neighborhood – SVPA

We installed our new board at our annual luncheon in January. The new board included a new President, new Vice President of Education, new Vice President of Membership and 5 new Directors at Large. In addition to lot of "new blood" on the board, this is a large board for SVPA. The board met at the annual retreat to plan out the rest of the year. In addition to being able to provide 1 hour of Ethics MCLE in February to our members, SVPA is planning on hosting a larger Ethics MCLE event later on this year. It is our hope that this event will provide 4-5 additional hours of Ethics MCLE. SVPA is also planning a large fundraising event later in the year, with a portion of the proceeds to benefit a local charity.

With lots of new faces and new ideas, SVPA is striving to make 2010 the best year yet.

In The Neighborhood – VCPA

The Ventura County Paralegal Association has a new leader, Jami Knupp. She, along with a new crew, is excited to bring some changes to VCPA. Among the changes, VCPA is working fearlessly to bring more education and networking opportunities.

VCPA is in full swing in planning the annual Springtime Education Conference. It will be held at the beautiful Four Points Sheraton in Ventura. Mark your calendars for Saturday, March 27, 2010. Registration begins at 8:00 a.m. It's an inexpensive opportunity to earn 5 hours of CLE units (two unit hours of ethics CLE credit and three unit hours of general CLE credit.) To ensure you receive the early bird rate, register by March 12, 2010. You can find the flyer at www.vcparalegal.org . Mention it to your co-workers and friends you know in the legal field. VCPA is doing what we can to help you with your required continuing education.

Also, VCPA is very excited about our upcoming Fourteenth Annual Wine Tasting and Silent Auction on Thursday May 6, 2010. The proceeds from this event benefit the VCPA Scholarships and the Ventura County Lawyer Services Program (VCLSP). VCPA is dedicated to contributing funds to help future paralegals join the legal industry and we help support VCLSP with their services in assisting those who cannot otherwise afford legal services. If you would like to donate an auction item please contact any member of our Board at www.vcparalegal.org. Tickets to the event will soon be available. We promise this will be a night of fun and networking with other legal professionals.

We hope you will join us at both events. We are looking forward to seeing you.

Gravity, Rain, Mud and Litigation

Michael McQueen, Esq.

Ventura County, as it appears today, is the result of millennia of coastal uplift, stream carving, slumping, landslides and erosion. The constant presence of gravity and elements of erosion sculpt the rolling hills that we admire. It is not a static system. From a geological standpoint, the place is just hopping.

And into this delightful environment, we build homes in flood plains, on the sides of hills, under ancient landslides; we move dirt hither and yon in blithe disregard of the consequences. Because it hardly rains, we don't recognize that the landscape and normal runoff patterns of surface water can be inadvertently and tragically altered.

These combinations of natural events will one day lead to a panicked call from a client knee deep in water in her kitchen, screaming about her flooded property. She demands to know who is going to pay for the damage to her grandma's armoire. This is what you do.

GET OUT OF THE OFFICE

To properly evaluate your client's potential claim, you have to get out of the office. You have to understand the topography, geology and surface water flows in your client's neighborhood.

Walk the Watershed

How did the water flood your client's property? Was the inundation a natural result of lots of water or was the water artificially diverted there? You buy some contour maps and determine the extent of the watershed area, i.e. the drainage area where your client's property is located. If there is a ridge behind your client's home, you are not normally concerned about the water that falls away from your client's drainage area. You are, however, concerned about how water flows through the various nooks and crannies, drains and ditches of the neighborhood.

Manhole Covers

What entities are involved and responsible for drainage control? Look at the manhole covers and catch basins. They will often indicate what entity

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installed them or maintains them. Sometimes, it is difficult to determine whether a particular ditch or drain is maintained by the City, the County, a private water district, or private property owner. Easements are a good source of information. Inspect the Deed to the Property.

Diversions

As you walk through the watershed, try to imagine and follow the path of the surface water diversions. Make note of any recent improvements. In one case I handled, a neighbor on top of a ridge built a retaining wall to keep street drain water from going onto her front yard. This diverted drainage from her yard to her neighbor's, who had lowered a berm on the ridge in order to make an un-permitted improvement. Lowering the berm allowed the water from one watershed area to be diverted from the street, over the ridge and down the canyon onto my client's property. The water flow caused a mud and debris slide that clogged up a large catch basin. Water saturated the canyon, inundated the soils, causing the foundation to subside and pull the house apart. This all resulted from a property owner building a small 3' retaining wall on her property. Oops!

COMPLY WITH THE TORT CLAIMS ACT

If a governmental entity is responsible for flood control, drains, and ditches, etc., your client must comply with the Tort Claims Act. A claim must be filed with the appropriate governmental entity within 180 days of the injury. If you are uncertain, you better make claims against the County, the water district, quasi-governmental entities and the local municipalities. It may seem a silly exercise, because rarely will a governmental entity acknowledge liability for the claim, but if you fail to go through this charade, your client may well be barred from pursuing the claim.

RETAIN YOUR EXPERTS

A water damage case is heavily dependent upon expert testimony. You will need to find and retain the following experts early in the process to help evaluate the claim.

Meteorologists

There are a limited number of rain gauges situated through the county that will tell you how much rain hit a particular area. They may or may not reflect what actually occurred on your client's property. Small intense storm cells can be contained within a large storm. These cells can aggravatingly miss gauges a mere quarter mile away and dump the proverbial biblical flood in your backyard.

Doppler radar allows meteorologists to identify storm cells and even calculate the amount of rain falling within a particular area. Meteorologists will also help determine the level of the storm involved (meteorologists and engineers like to talk about 50-year, 100-year and 1,000-year storms, reflecting the likelihood of the occurrence of a particularly intense storm).

Though you need to check the local regulations, as a general proposition, the County and local municipalities require that curbs be built in anticipation of 10-year storms. Housing foundations should be designed to withstand storms of at least 50-year intensity. Recognize that you are dealing with odds. You can actually have several 100-year storms in one season. Most City engineers take the position that it does not make any sense to design

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for 100 or 1,000-year storms; that kind of design burden would require our houses to be on stilts.

Hydrologists

A meteorologist will tell you how much rain fell and where it fell, the likely severity (i.e. 10-, 50-, 100- or the mother of all storms), and whether there were severe micro bursts or super cells that could explain the inundation of a small area. What a meteorologist cannot tell you is the amount of water that actually accumulates on the surface. For that you need a hydrologist. The County hydrologist will give you the run-off records of streambed flow gauges and thus has a pretty good idea of the amount of rainfall that accumulates in the area. You need a Hydrologist to define the watershed area where your client lives and calculate the amount of water dumped into the watershed area and the amount of drainage your client's property is exposed to.

A Need for a Hydraulic Engineer

In addition to a hydrologist, who tells you how rain fell; a hydraulic engineer addresses how to handle the water involved. Were the catch basins large enough? Were the ditches large enough? How and where was the water diverted?

What you discover can be surprising. In one case, the watershed area covered residential and agricultural properties. As the hills were paved, the accumulation of surface waters increased. The catch basins were designed too small and the natural drainage flow patterns were blocked off. The slope of the streets was not considered. During the last El Nino episode, the rain knocked thousands of lemons off trees. Lemons and agricultural debris clogged the catch basins. Amazingly, the surface drainage came down a street and turned left, past the blocked-off natural ravines, then right down to a cul-de-sac. The engineers had not thought about designing a secondary outlet in the cul-de-sac, so when the drains clogged, it quickly became a lake. All the houses were substantially damaged. These houses were on a hill, 60 feet above a barranca. The thought that view lots on a hill could be flooded was laughable - until it happened.

Real Estate Appraiser

Depending on the nature of your claim, you may have to retain the services of a real estate appraiser. This is more technical than a $300 appraisal for a refinancing. You will need the appraiser to support the client's argument that the overall value of the house had diminished in an era of soaring property values because of the improper design of the drainage system or the acts of the upstream property owners.

Toxic Contamination Expert

Water is often referred to as the universal solvent. As the mud and debris of agricultural and commercial properties accumulate on your client's house, they may bring toxic substances from these other properties. Some people can be quite sensitive to exposure to chemicals, pesticides and mold. Some people become frightened by the very thought of potential exposure and move out. These may be compensable injuries. An expert will be required to explain this exposure and the risk of illness from exposure.

COMMON ENEMY DEFENSE

As a general proposition, municipalities and governmental agencies are not responsible for the damages suffered by the public for the flooding of natural waterways. They are not necessarily responsible

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for the lack of design capacity for the flood control improvements in natural waterways. The public policy has been that a flood is a "common enemy" in that the municipalities, neighbors and others cannot, and frankly should not, be held responsible for the flooding of natural waterways.

In this day and age where it seems there no a citizen in this country that does not believe that every harm must have a remedy, this can be difficult to explain to your client. Rain happens. Flooding occurs. Mud slides are not uncommon. Sometimes it is just no one's fault. But you have to go through the evaluation and the above steps to come to that conclusion.

SURFACE WATER DIVERSIONS

One of the nuances in water damage litigation is that a "flood" does not give rise to liability. A "flood" raises the common enemy defense. One should avoid the use of that term, if possible. However, the flooding of your client's property from surface water diversions is certainly not the result of a common enemy. One who alters his property in such a manner that the natural flow of surface waters is changed and results in damage is responsible for that damage, even if the consequences do not come for many years.

ACT OF GOD DEFENSES

You can count on the city engineers and the defense counsel to embrace the Act of God defense. They will shrug and say that no reasonable, prudent engineer can plan for a 1,000-year storm. That a mystery cell slipped through the Doppler radar and just happened to dump the equivalent of Lake Erie into your client's backyard; it is not their fault. They could not anticipate such a storm and they should not be held responsible. (In this secular age, one wonders whether an atheist should be able to raise the Acts of God defense).

One should be prepared with experts to walk the defendants through the watershed to show that the only reason or the most significant causation was that the natural surface water drainage was altered. Once altered, the consequences are not subject to the Acts of God defense. It might be one hell of a storm, but if the topography and drainage had not been altered, it would have been of no consequence to your property. This is often a pivotal issue.

INVERSE CONDEMNATION CLAIM

The developer usually prepares the drainage plan. The plan is submitted to the city engineer for review and acceptance. The city engineer usually refers the plans to a private engineer who checks the hydrology, hydraulics and design capacity. The drainage system is then approved and built, and once built there is a period of time after which the local municipality obtains control of the public streets and drainage system.

If the diversion results in the flooding of your clients' property, you have a basis for pursuing an inverse condemnation claim against the municipality for approving and assuming the responsibility for the drainage works. The argument is that the City has indirectly used your client's property for public drainage purposes. What is often overlooked is, though the inverse condemnation claim may be duplicative of your other damage theories, you are allowed to recoup attorney fees under this allegation.

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TRESPASS ALLEGATIONS

Often erosion results in a fair amount of debris leaving one piece of property and entering another. A common law count for trespass will survive demurrer if one can allege that the unlawful dumping of debris, dirt, etc., on the property and failure to properly maintain the property upstream resulted in this unintentional trespass. This may also allow a claim for attorney fees. This most often arises in agricultural and rural areas.

STATUTE OF LIMITATIONS DEFENSES

Consider naming the original developer or contractor, the engineer, the city, the city's designer and any professionals that contributed to your clients' grief. There is a ten-year statute of limitations for construction defects. The tricky part can be determining when the defect was determined. Issues of whether the drainage problem was a latent defect will be critical to your ability to keep the original developer in the fray. Also, the date the city accepted the improvements may also be critical. Depending on the circumstances and type of defect, you may want to consider obtaining an affidavit of negligence from a design professional.

INSURANCE

Ask your client for all insurance policies. Was the client required to maintain flood insurance under their mortgage agreement? See what kind of Homeowner's policy they have. See if you can file under FEMA.

Be careful in making claims for flood damage. Most homeowners' policies will not cover flood damage, but they will cover rain and wind damage. This may possibly raise issues of replacement costs for severely damaged property. This is the unpleasant time when your client realizes that the replacement policy they have been paying premiums on for twenty years does not even remotely cover the cost of replacing their home. This situation is usually caused by the over zealous agent who desires to sell the policy and underestimates the value of the property. Depending on the factual circumstances, this may raise an issue of professional negligence on the part of the agent, which should be explored.

PRIOR EVENTS AND FAILURE TO DISCLOSE

Interview neighbors and local real estate agents about whether these types of drainage problems have occurred in the past, giving the owner of the property notice that there was a drainage problem in the area. There may be a claim against the prior owner if the property was sold without disclosure.

Since the Rodney King case, it's hard to hide things in the world of videotapes. During a mediation I showed a videotape of a street that appeared more like a raging river. It was quite impressive and rather frightening. The adjusters in the room thought they were watching videos of the actual complained-of event, when in reality they were watching video of a drainage problem that occurred several years before. This raised the issue of notice and failure on the part of the municipality to improve the drainage system as well as the disclosure obligation of the prior owner of the property and local realtors.

DAMAGES

The damages in these types of cases are quite similar to any type

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GRAVITY, RAIN, MUD AND LITIGATION

(Gravity Con't from page 16)

of accident, fire or property claim. Retain a company that specializes in damage evaluation and inventory services.

Clients are remarkably inconsistent in assessing their damages. One family will provide you with details, including lost underwear and each version of each comic book in their collection that was destroyed. Others are more casual and won't provide you with details necessary to support their claim. You will have to engage in your normal tug of war with defense counsel in what damages are justified and supportable.

Don't overlook physical injuries that can occur during these disasters. People try to save their homes, they try to move furniture, they exert muscles that they have not used in years. They can suffer wrenched backs, necks and sore muscles. Also, monitor physical reactions to toxic exposure.

Remediation costs can vary from client to client. Those that have the resources do a proper job of drying out, removing flooring and contaminated areas, cabinets, walls and dry wall. Others who do not have the resources basically just slap together the repairs and hope all is well and sell the property, only to find later that the interior walls are now contaminated with mold. Mold growth from water damage can be a significant problem if not properly addressed.

Diminution of value of the property depends to a large extent on whether the municipality is going to alter or modify the drainage system to prohibit the kind of damage in the future. If they don't, then your client is going to have to disclose to a future buyer that the house is subject to periodic water intrusion. You should disclose the event in any case.

Michael McQueen is a trained geologist, and a lawyer. He practices in Camarillo. He can be reached at mmcqueen@mcqlaw.com.

Amendments to the Federal Rules That Change the Method of Calculating Deadlines

Summarized by Barbara Haubrich, ACP, CAS

Regardless of your area of specialty, if you practice in federal court, you will be affected by the amendments to the Federal Rules that took effect on December 1, 2009. Many of the proposed amendments change timing requirements and the way in which deadlines are calculated. Other amendments affect other aspects of civil, bankruptcy, and criminal procedures in the United States District Courts.

The following amendments to the rules on the computation of time include:

Civil Rules 6, 12, 14, 15, 23, 27, 32, 38, 50, 52, 53, 54, 55, 56, 59, 62, 65, 68, 71.1, 72, 81; Supplemental Rules B, C, and G; and Illustrative Civil Forms 3, 4, and 60;

Appellate Rules 4, 5, 6, 10, 12, 12.1, 15, 19, 22, 25, 26, 27, 28.1, 30, 31, 39, and 41;

Bankruptcy Rules 1007, 1011, 1019, 1020, 2002, 2003, 2006, 2007, 2007.2, 2008, 2015, 2015.1, 2015.2, 2015.3, 2016, 3001, 3015, 3017, 3019, 3020, 4001, 4002, 4004, 6003, 6004, 6006, 6007, 7004, 7012, 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, 9027, and 9033;

Criminal Rules 5.1, 7, 12.1, 12.3, 29, 32, 32.2, 33, 34, 35, 41, 45, 47, 58, and 59; Rule 8 of the Rules Governing Section 2254 Cases in the United States District Courts; and Rule 8 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

The following non-time computation amendments and new rules include:

Civil Rules 13, 15, 48, and 81, and new Rule 62.1; and

Appellate Rules 4, 22, 26, and new Rule 12.1;

Bankruptcy Rules 2016, 4008, 7052, 9006, 9015, 9021, 9023, and new Rule 7058;

Criminal Rules 7, 32, 32.2, and 41; Rule 11 and new Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts; and Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts.

LEARNING TO COUNT IN MULTIPLES OF 7

Consistent throughout the amendments is that most periods shorter than 30 days are changed to multiples of 7 days (7, 14, 21, or 28 days) so that deadlines will usually fall on weekdays. It will be important when calculating a deadline to look up each rule to confirm the calculation in determining a deadline.

Of particular importance are the changes in calculating deadlines under Federal Rules of Civil Procedure Rule 6. This article will only focus on Rule 6 as it is the rule that is the catalyst in applying the other Fed. Rules of Civ. Proc. that have been amended or added.

RULE 6

A. A Day is a Day:

Rule 6 takes the approach that a "day is a day" in computing all time periods, counting intermediate weekend days and holidays. Rule 6(a) excludes counting intermediate Saturdays, Sundays, and legal

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(Calculating Deadlines Con't from page 18)

holidays when the period is less than 11 days. Otherwise, if the time period is more than 11 days, we count every day, whether it is a weekend or any legal holiday. That will be true regardless of the number of days allowed for the response. If a deadline is measured in hours, the new rule states that hours are counted the same way.

To sum up Rule 6(a) in computing time in any civil rule, local rule or court order, or in any statute that does not specify a method of computing time: Exclude the day that triggers the period; and count every day thereafter, including intermediate Saturdays, Sundays, and legal holidays.

B. When to Start Counting & Counting Backward and Forward:

Examples of "backward" and "forward" counting: An example of when a person would count "forward" is the time period between the date of service of a Complaint to the date the responsive pleading is due. You count so many days "forward" to calculate the deadline. An example of when a person would count "backward" is the time period from the date of trial to the various trial cut-offs prior to trial. You count so many days "backward" to calculate the trial cut-offs.

The basic rule of when to start counting the days, and when to stop, has not changed under the new rule. The day of the event that triggers the period still is not counted. You start counting the following day. When counting forward, if the last day of the deadline falls on a weekend or on a holiday, the count extends forward to the next day that is not a weekend or holiday.

In addition, the count will be extended if the last day falls on a day that the court is not accessible to the first accessible day. The court's inaccessibility is not limited to a lack of accessibility caused by an "act of God", but includes such things as an outage of the electronic filing system.

When counting backwards, you count back if the last day of the day of the deadline falls on a weekend or holiday.

To simplify the concept of "backward" and "forward" counting when the last day falls on a weekend or holiday, think of it in the same terms as the bi-annual time change, i.e. "Spring back, Fall forward." When counting back, you fall back toward Friday. When counting forward, you count forward toward Monday.

Here is where the rule does get a little convoluted. Holidays are treated differently between a backward count and a forward count. If you are counting backwards, and the last day of the deadline is a State holiday (not a federal holiday), then the count ends on the State holiday. However, if your count lands on a Federal holiday, the count continues backward to the next business day. But, when counting forward, you treat a State and Federal holiday the same way and the count extends forward to the next day that is not a weekend of holiday.

C. The Last Day:

The "last day" is a common phrase used by legal assistants. Rule 6(a)(4) now provides a definition of the meaning of "last day." For paper filings, the last day ends "when the clerk's office is scheduled to close." For electronic filing, the last day ends "at midnight in the court's time zone."

D. Three Days For Mailing:

The rule that gives lawyers an additional three days if the document

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Learn How to Climb Outside of Your Comfort Zone

Stacey Hunt, CLA, CAS and Mark Gorkin, "The Stress Doc"

A paralegal stands alone on a street corner in downtown San Francisco, miles from home. A realization hits her: She agreed — for reasons now unfathomable — to present a seminar on trial assisting to a group of top-notch, big-city paralegals who probably know more about the subject than she does. For the first time, she will use a Microsoft PowerPoint slide show as she speaks, and she has no idea how to connect the computer to the projector. As she walks down the sidewalk trying to figure out which skyscraper she needs to go into, it occurs to her that she is utterly outside of her comfort zone.

A psychotherapist struggling to build a stress management workshop business signs up to do a weekly feature on a cable television magazine show. Although he has never been in front of a television camera, the psychotherapist attempts to reassure himself with the knowledge that he is an experienced public speaker. D-day arrives and he finds himself in a sweltering room under blinding lights with no Teleprompter. Feeling like he is facing a firing squad, he begins a live demonstration of stage fright morphing into oral paralysis.

These two examples are true stories that happened to us, the authors of this article. Stacey's seminar went off without a hitch and was well-received. Mark recovered from his initial fumble and finished his 12-week show with good reviews. Both learned they could take enormous personal risks, learn from them and come out ahead.

The fear of failure holds many of us back and keeps us from exploring our true potential. This article provides key strategies for confronting and overcoming your fears, and developing your risk-taking potential.

The Benefits of Risk Taking

For most people, having to speak formally in public is a nightmare. They would rather contemplate their own deaths than risk possible embarrassment or humiliation. This fear keeps us trapped in our own comfort zones, afraid to take chances that might lead to new opportunities. As Jonas Salk, the great scientific pioneer, observed, "Evolution is about getting up one more time than we fall down, being courageous one more time than we are fearful ... trusting one more time than being anxious." Without taking on an occasional challenge, you will cease to evolve, both as a paralegal and as a person.

Today, you can take baby steps to overcome your doubts and stroll with confidence outside of your comfort zone. The benefits are enormous and include increased self-confidence, satisfaction and a sense of accomplishment, as well as a heightened awareness of your growing abilities. Each new success will give you a sense of euphoria and encourage you to continue pushing the envelope.

The Risk-Taking Self-Assessment Quiz

To evaluate how much of a risk taker you are, answer the following questions. Be honest with yourself. There are no right or wrong answers. This quiz will let you explore your personal feelings and gain some insight into areas of strength and vulnerability when in or out of your comfort zone.

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CLIMB OUTSIDE OF YOUR
COMFORT ZONE

(Comfort Zone Con't from page 20)

- Do you associate failure more with a learning opportunity instead of with feelings of humiliation, guilt or being a "loser?"
- Do you tend to see things as shades of gray rather than black or white?
- Can you usually work effectively on a problem despite feeling anxious?
- In general, are you relatively comfortable with uncertainty or ambiguity?
- When you are wrong, can you publicly acknowledge an error or mistake instead of attempting to cover it up?
- Do you tend to become more focused under time or performance pressure?
- Are you self-motivated rather than needing to be motivated by other people, structured goals and rewards?
- During times of meaningful change, do you feel positively excited and curious rather than feeling anxiously out of control?
- In general, do you like to explore new paths or procedures instead of following well-practiced or trusted paths?
- Are you able to see or reframe a problem as an opportunity?
- When it comes to problem-solving, do you tend to be more logical instead of intuitive?
- Do you make decisions quickly and easily without fearing that you might be wrong or make a mistake?

If you answered "yes" to a majority of the above questions, you tend to feel comfortable with uncertainty, performance anxiety, change (i.e., taking risks). If you answered "no" to more than half of the questions, or have two or three big "no's," it's time to develop risk-taking characteristics and explore a larger world.

The Traits of Risk Takers

To be a conscious and productive risk taker you must be willing to hear the boos, to let go of a "secure" image while recognizing gaps, unfilled needs and outdated rules underlying operating procedures. Here are five vital traits of risk takers.

Acknowledge mistakes and accept social disapproval. Risk takers have a lot of practice admitting error. When you are dissatisfied or disillusioned with all the "be safe" messages and messengers, and you are tired of plodding along the "way it always has been" path, you might want to test limits and boundaries. Explore what is possible despite the potential for criticism or rejection, being a lonely voice and having to confront your fear of exposure.

Have a strong enough ego. A sense of confidence and competence is essential if risk taking is to be purposeful and productive as opposed to impulsive or irrational. Possessing a strong ego doesn't guarantee results. It does mean that a risk taker can sort out the pros and cons regarding his or her enterprise. And while preplanning is needed, realize that you can't anticipate every mistake or deviation before embarking on a new venture. A strong ego means you are not seduced by perfection. You recognize that staying on a narrow, safe course only yields the illusion of achievement and control, and in the long run can lead to boredom or stagnation. Moving outside of your comfort zone can open up new challenges and opportunities. Once you are positively rewarded for risk, you just might be ready to take a new risk.

Analyze and learn from trial and error. When error is seen as vital feedback,

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you can assess the adequacy or insufficiency of your skills and strategy along with your emotional and personnel resources. Of course, this isn't usually one-trial learning, but by purposefully analyzing your choices and taking much-needed risks, you can shorten the time and heighten the payoff of a learning curve process.

Ponder a range of possibilities rather than perfection. When you understand there isn't one fixed or ideal outcome, then you are in the position to see with fresh eyes. You are not biased or constrained by custom or habit. You can build on past learning and also reflect a new, "out of the box" environment. In fact, open people see error and feedback as fuel for on-going self-organization and useful reorganization.

Build a support system. Being a productive risk taker takes considerable physical, mental and emotional energy. It's essential to cultivate a select group of trustworthy and objective people — a colleague, a supervisor, mentor or a close friend — who can embark with you on that road less traveled or let you know when it's time to take a pit stop to rest or reflect on errors and successes. We all need people who can tell us when to come up for air, especially during challenging undertakings. We need people who can provide tender loving criticism and tough loving care.

Taking Baby Steps Outside of Your Comfort Zone

Most of us don't want to be stagnant or complacent. We recognize the need to continue growing and honing new skills to stay competitive at work and for personal growth. Sometimes we have personal goals that we just don't have the courage to tackle. How do we give ourselves the boost we need to take baby steps to becoming more exploratory and risk-taking individuals?

Redefine success. Too often people don't explore because they presume they will not be successful or there is no tangible reward in sight. For example, paralegals have said they are not interested in making the effort to become a Certified Legal Assistant or Registered Paralegal because they don't believe their firm will recognize or financially reward their achievement. Are these paralegals' definitions of success monetary gain, or is success only success when it's observed by others? In the law firm environment, it's common to define success by material wealth. In his book "The Seven Spiritual Laws of Success," Deepak Chopra wrote: "There are many aspects to success; material wealth is only one component. Moreover, success is a journey, not a destination. Material abundance, in all its expressions, happens to be one of those things that makes the journey more enjoyable. But success also includes good health, energy and enthusiasm for life, fulfilling relationships, creative freedom, emotional and psychological stability, a sense of well-being and peace of mind."

By limiting your definition of success in terms of tangible rewards or recognition by others, you will miss out on many chances for that intangible feeling of self-fulfillment and a journey well made. The sense of self-satisfaction and the increase in confidence that comes with achieving a difficult goal, such as certification, can jump start your enthusiasm for your work. The people you might meet in a preparatory study group can open doors to new profes-sional relationships that will make the jour-ney more pleasant.

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CLIMB OUTSIDE OF YOUR
COMFORT ZONE

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Confront old voices. The beliefs, expectations and values internalized from past significant people, such as family members and teachers, can provide an anchor of stability and tradition in our day-to-day lives or during a troubled storm. However, if the anchor is so heavy or rigidly placed, your lifeboat might never leave the harbor.

For example, Mark worked with a client, a paralegal named Carol, who had contracted degenerative muscle disease as a child. Carol's mother had been quite protective and also subtly critical. Not surprisingly, Carol had some self-esteem issues. She never truly confronted her mother's behavior partly because of the "sacrifices" she felt her mother had made for her. And for Carol, being critical was a sign of disloyalty. These issues later impacted her professionally. When Carol began therapy with Mark she was laboring in a fairly dysfunctional law firm. For a few years, a circle of colleagues and friends helped her cope. However, because of the progressively deteriorating working conditions, one by one her support group jumped ship. But Carol stayed because she had unwarranted doubts about her competence and skills. She also was overly grateful for her position. Despite the fact that a couple of senior partners piled on overtime assignments without commensurate pay, she remained loyal. Fortunately, a year of therapy and gradually learning to stand up and set limits with authority figures helped her break the chains of low self-esteem. Carol gained a more realistic sense of her strengths and need for support along with a greater willingness to shake up her career puzzle. She eventually found a paralegal/administrative position with a nonprofit organization that advocated for individuals with disabilities.

You might never explore new waters or uncharted territories because those old voices are saying, "don't risk failure or embarrassment," "don't do anything that will threaten your job or financial security" or "this is our family's standard and nothing else is acceptable." While those old beliefs might have gotten you this far, it's time to trust your own judgment and instincts.

Hang out. A powerful motivator for risk taking, good and bad, is hanging out with a peer group. In particular, keep company with folks a bit outside your normal comfort zone. If there are more advanced-level paralegals in your office, take breaks with them or invite them to lunch. Pick their brains about how they tackled difficult projects or talked the boss into letting them try something new. As you get to know them better, ask them if there were situations where some project went sideways and what the consequences were for them. Soon you will begin to see that your peers have overcome failures and setbacks. For example, perhaps they got fired, overcame their fears, learned from them and continued to grow as paralegals and employees.

Be an awkward beginner. People who have mastered a profession through the requisite blood, sweat and tears, as well as the investment of ego, time and money, often abhor the thought of starting over. They recall the anxieties of an earlier age and don't ever want to feel so vulnerable or inadequate again. This sort of "bunker mentality" can keep us stuck in a dead-end job or working for a boss we don't particularly like. The fear of the unknown always is worse than discomfort with the known. The fear of having to start over with a new firm, learn a new practice area

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(Comfort Zone Con't from page 23)

or work with a new attorney often will cause paralegals to rationalize that they are not really that unhappy where they are. Of course it's awkward at first starting in a new position, learning the laws of a new state or switching practice areas. It's difficult to return to the feeling of being a novice, but you must not let that fear of awkwardness prevent you from beginning a new and better path for your career. Be focused on your needs and -not on your fears.

Find a coach. A key component to exploration and growing in new directions is working with a coach. You never see a sports figure who isn't working with a coach, no matter how famous. The same concept can apply to your career. Find someone who is an experienced expert who walks the talk. Then trust must evolve. If the coaching relationship is to be maximally productive, the student will need to accept both supportive feedback and constructive criticism. Places to look for possible coaches are attorneys or other paralegals, both inside and outside your law firm. Perhaps a favorite teacher from your paralegal program can serve as a coach. Professional career coaches can be hired to help you set and reach goals. Friends don't necessarily make good coaches, as they often have a difficult time delivering constructive criticism. You need someone who has enough distance to be able to view you with a critical eye and push you to achieve your goals.

Be gentle with yourself. Errors of judgment or design don't irrevocably mean you are incompetent. They more likely reveal inexperience or immaturity, perhaps even boldness. For example, suppose you have been asked to design a numbering system for a mega-documents case. After reviewing the potential types and sources of documents, you decide on an alpha-numeric system, with the first letter assigned pursuant to the name of the producing party. After you have implemented this system, you realize it's inadequate. Different departments within a corporate defendant are producing different records and it has become critical to know exactly where they came from. With the system you have in place, you can't identify exactly which department was the original source. This doesn't mean you are an incompetent paralegal. It might mean you got into a case so large it was outside your experience, or it could mean you were not given enough information from the attorneys from the start. You were bold enough to accept the responsibility for a difficult assignment, but for what-ever reason, your design didn't meet the needs of the case. Learn from this situation, do your best to come up with a plan to remedy it and make a mental note not to make the same mistake again. Don't write yourself off.

Our so-called failures can be channeled as guiding streams of opportunity and experience that so often enrich, widen and deepen the risk-taking passage. If you make mistakes, learn from them and move on. Don't dwell on them and allow them to stall your efforts to broaden your horizons. Although you might imagine people are laughing at you, many of your peers secretly admire those who can dust themselves off and get back in the saddle.

Strive to Survive the Climb

There is no guarantee when grappling with new heights or depths, but four fail-safe measures apply:

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(Comfort Zone Con't from page 24)

Strive high and embrace failure. Failure isn't a sign of unworthiness. Consider failure simply as a gap between a future ideal and your present reality. It's a transitional space that fosters growth rather than absolute mastery.

Develop a realistic time frame. Remember, establishing a beachhead doesn't mean you have conquered the island. Recognize that many battles are fought and lost before a major undertaking is won.

Be tenaciously honest. Continuously assess the impact of outcomes, changes within yourself and your environment. An objective coach can help you with this process.

Establish a support system of caring friends and colleagues.

Imagine a life without the limitations we have set for ourselves. You now are ready to get out there and see just what you can do. As the ancient Roman poet Horace said, "To begin is to be half done. Dare to know — start!"

Stacey Hunt, CLA, CAS is a graduate of the Fresno City College paralegal program and a litigation paralegal with Duggan Smith LLP in San Luis Obispo, California. She is the co-author of three books, including the recently published Evidence Management for the Paralegal (Cengage, 2007). Ms. Hunt taught legal writing and ethics for the Paralegal Studies Program at California Polytechnic State University, San Luis Obispo, and is a frequent contributor to Legal Assistant Today magazine. She is a past-president of the California Alliance of Paralegal Associations and is a contributor to an online course on discovery for the Commission for Advanced California Paralegal Specialization.

Mark Gorkin, "The Stress Doc," a licensed clinical social worker, is a keynote speaker, "motivational humorist" and a team building and organizational development consultant. Gorkin is the author of "Practice Safe Stress" and "The Four Faces of Anger." For more information, e-mail stressdoc@aol.com, call (301) 946-0865 or visit www.stressdoc.com.

(Originally appeared in print in Paralegal Today May/June 2006)

(Calculating Deadlines Con't from page 19)

is served by mail or electronic filing has not changed. Therefore, the only occasion that you do not add 3 days is if the document that triggers the event is hand delivered.

E. Implications:

The amendments to the rules do not change judicial orders in orders that set a date certain.

F. Application:

The amendments apply to all pending actions unless infeasible or would work injustice. If the amendment is infeasible or unjust, apply the former rule. Rules Enabling Act, 28 U.S.C. § 2074.

Happy counting and good luck!

(President's Message Con't from page 1)

up and make a fool out of myself. Then the night that class started I ate the largest piece of raspberry cheesecake that ever graced the planet. Between the nerves and the sugar, my class was definitely in for an animated night. Seriously, I really love public speaking, as most who know me are aware, but when that first night came and I looked out at thirty-five people who paid to take "my" class I actually considered sitting at the back of the room pretending that the teacher didn't show up. Of course, the good news is that I did survive my first class, and I am actually typing this one hour before my second class is set to begin. I guess I should confess my sins here; I am not totally doing this just for the students. I mean, there isn't anything like being able to walk onto the campus that you spent time on as a student, but to see it through an instructor's eyes. If any of you are given the chance to teach at your former college, my advice is to not only take it, but to savor every moment of it.

Why am I telling you all about my teaching life? Is it to brag? Well, maybe a little, but it really is to ask each of you to take a minute and think about our chosen profession. How have you given back to the students who dream to be in your shoes one day? How do you give back to the legal community that has accepted you into their ranks? What decisions could you make each day that would help a co-worker lighten the load, or an attorney reach his/her perfection in the practice of law? I guess what I am asking each of you to do is to consider challenging yourself in 2010. Challenge yourself to give back to the profession. Maybe you are a teacher who hasn't found a class; reach out to the association and offer to do a presentation. Maybe you are a mentor who hasn't been asked; reach out to a student and offer your time. Maybe you are a closet event planner who doesn't have an event; reach out to your association and offer to coordinate an MCLE event or seminar. Maybe you are just a dedicated paralegal who works long hours; reach out to a fellow paralegal and just offer to share a meal in paralegal companionship. I firmly believe that we all have something that will allow us to give back to the profession. We all have skills that are being cried out for by our association board of directors and fellow-paralegals. I know it may sound corny, but little things make a difference. What is the little thing that you can give back to the profession? If you read this and want to know how to start giving back, feel free to give me a call or email, I am happy to put you in contact with the people who would love your help.

Before I close out of this message, I would like to thank Michelle Whitaker and the Kern County Paralegal Association for hosting the February 2010 CAPA Board meeting. For those of you who were unable to attend, let me just say that Bakersfield may be a little off the main road, but the paralegals in Kern County sure do know how to treat their guests! Thank you for the wonderful reception and for making sure the hotel treated us right!

I hope that all of you have signed up to attend the CAPA Conference in June at the lovely Bahia Resort in San Diego, and I look forward to seeing you in June!

(LPMT Con't from page 2)

an invitation for LPMT members to submit any comments they may have regarding this changed format. The April 2010 issue will be distributed electronically.

Committees were formed during this meeting. I was appointed the co-chair of the committee in charge of collecting and editing the articles submitted for publication in the The Bottom Line. In addition, I will continue as co-chair of the Advertising/Vendor Committee, and as a member of the E-Newsletter and Candidates committees. I also serve as the Treasurer of the LPMT Executive Committee.

Keeping active in the various activities of the LPMT Executive Committee allows me the opportunity to get to know the other Executive Committee members on a deeper level, and to give them the opportunity to see what valuable assistance paralegals have to offer.

January 22, 2010 (Long Beach Westin)

On January 22, 2010, an Executive Committee meeting was held in conjunction with the Section Education Institute ("SEI") offered by the State Bar and the Solo & Small Firm Summit. Unfortunately, due to low attendance, the SEI was cancelled two weeks before the event. The Solo & Small Firm Summit went forward as scheduled.

I was honored to have been among four other Executive Committee members to speak at the Solo & Small Firm Summit. The title of my program was "How Paralegals Can Improve Your Bottom Line." I offered the attorneys in attendance ways in which their paralegals can boost their profits by allowing the paralegal to take a more active part in case management and performing substantive work. They were astounded to hear that partners account for three times as much general overhead costs, and associates twice as much, as paralegals. Because of the short time allotted for this program (1 hr.), I only spoke about the profitability of paralegals in the traditional employer/employee relationship. I plan to make a presentation in the future relating to the use of independent contractor and "virtual" paralegals.

Most of the time during our Executive Committee meeting (I missed the first 1.5 hrs. of the meeting because of my presentation) was spent discussing the various issues contemplated by the State Bar Board of Governors. There was a deep concern expressed regarding the Surrogacy Program that would require an attorney to designate a fellow attorney to take over his practice should the attorney die or become incapacitated. The State Bar only looks out for the client; it is not concerned with the practice, the lawyer or his family. The concern of the Executive Committee is that this type of program is directed primarily to solo practitioners who are already overburdened with special rules.

The meeting was concluded with discussion regarding ways in which the LPMT can raise revenue which will allow it to offer more benefits to its members. The possibilities for revenue include a one day "boot camp" on law practice management and technology or an all-day webinar.

The next meeting of the Executive Committee of the LPMT will be an in-person meeting on March 26, 2010 in Los Angeles. Please feel free to contact me if you have any questions, or visit the LPMT's website at www.calbar.ca.gov/lpmt for further information.

(CACPS Continued from page 3)

necessary without penalty to reach the required score to pass the module.

A Certified Legal Assistant/Paralegal ("CLA/CP") who successfully passes NALA's APC course in Discovery and then the CA discovery online assessment will earn the credentials ACP, CAS. Consider taking that extra step and earn the California Advanced Specialist designation. In addition to earning the CAS credential, upon completion of the course, Certified Legal Assistants/Paralegals may also receive 5 hours of continuing legal education credit toward maintaining the CLA/CP credential.

Paralegals who do not hold the CLA/CP credential are still welcome to participate in both the APC and CAS programs. The ACP and CAS credentials will not be awarded, but participants will still benefit and learn from these excellent continuing education programs. Paralegals who earn the CLA/CP credential within one year of completion of the CAS may be awarded the CAS credential.

Other CAS assessments under development include probate, trust administration, and corporations. Currently, CACPS relies on the help of volunteers to write the content for each specialty assessment. It has been a long road, but the board of directors and the volunteers who have worked so hard to maintain the CAS program are excited about the future of the CAS professional certification program. The CAS program is good for California paralegals and good for the profession as a whole. For more information, please visit the CACPS website at www.cla-cas.org.

(Solo Continued from page 5)

only 261 of the new admittees have paid their State Bar dues. Eighteen of these new members chose the Solo section. 1961 did not select and will be opted into the Solo Section. We anticipate another 1900 members. These new members will receive all the benefits of the being a paying member, including our magazine. The cost to the section will be astronomical. The State Bar is considering subsidizing some of our costs since these new members will be placed in our section. We will work on a welcoming webinar. Discussion was also held regarding sending our magazine, Big News, electronically. I am no stranger to that discussion.

Flash Memory/iPod CLE Delivery

The section is working on providing CLE that can be downloaded to your iPod; The LA County Bar sells iPods with MCLE already loaded in them. Perhaps it is time for CAPA to look at that as well. The younger lawyers are ready for new electronics.

We are moving forward, but we still have much more ground to cover.

If you should have any questions regarding the Solo & Small Firm Section, please do not hesitate to contact me at cyellis@aol.com.

(NALA Continued from page 6)

Litigation track will feature IP Litigation, Medical Records, and Litigation Technology. The Hot Topics track will present courses in Mortgage Foreclosures/Bailouts, Energy/Telecommunications, and Employment Law.

The popular Essential Skills program will highlight the American Legal System, Written Communications, Judgment and Legal Analysis, and Legal Research. These are always good review sessions for the CLA examination as well as opportunities to refresh skills, or to pick up pointers on how to conduct CLA/CP review courses in local affiliate programs.

For further details, visit the NALA web site, www.nala.org, or call NALA Headquarters, 918-587-6828.

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CALIFORNIA ALLIANCE OF PARALEGAL ASSOCIATIONS

PRESENTS

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SATURDAY, JUNE 26, 2010

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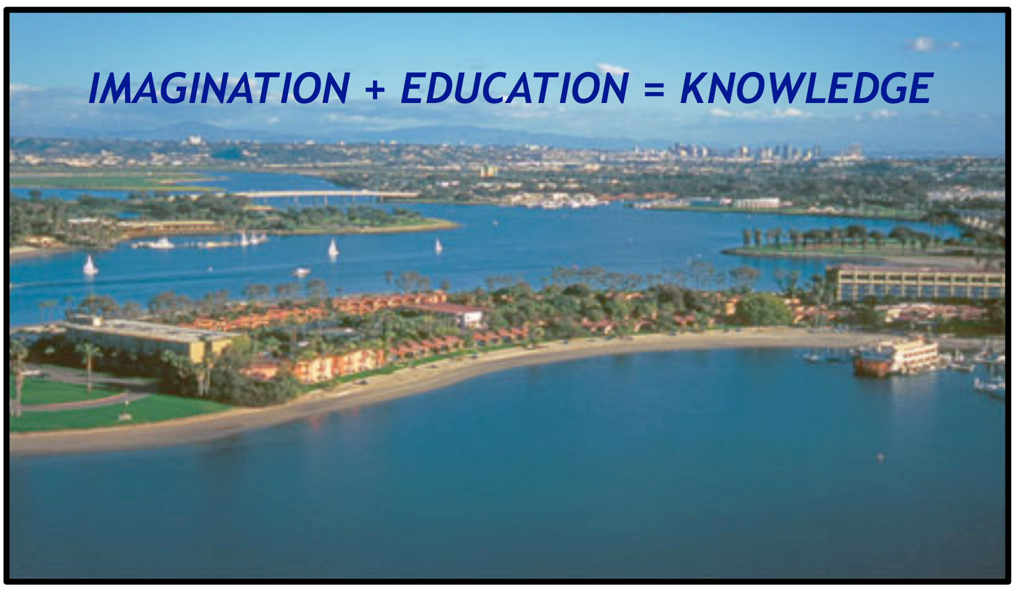

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A Guidebook: Published by the California Alliance of Paralegal Associations

This informative handbook includes:

- A historical background of the paralegal profession
- Benefits of paralegals as law firm profit centers
- Job descriptions with examples of the duties, responsibilities and required skill set suggested for paralegals in many practice areas
- Definitions of terminology related to paralegals
- Case law related to recovery of paralegal fees
- Ethics of paralegals

The "Guidebook About Paralegals" may be purchased through CAPA's website at www.caparalegal.org/handbk.html.

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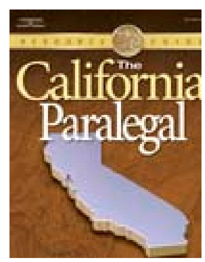

by William P. Statsky and Sharon Sandberg Resource guide/ career book for both paralegal students and practicing paralegals. 25% Discount for CAPA members.

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