



Law in Motion

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Summer is fast upon us but we've gotten a lot accomplished so far this year. The most pressing topic has been the §6450 discussion of paralegal qualifications. If your law firm is not fully "up to snuff" on these requirements, it would be incumbent on you, as a member of that firm, to educate them to the ramifications of that fact. We owe it to ourselves, as well as our employers, to maintain our excellence, creditability and professionalism in our field.

Our MCLE seminar on April 5, 2008 was a blazing success in Ventura and it's always a pleasure to work with such a dedicated group of professionals such as they. It's not without hard work, a lot (lot!) of extra time and dedication on everyone's part was involved in making this a success. Both the Ventura County Paralegal Association's members and the SBPA members who worked so hard to bring this together deserve our thanks and praise.

A few weeks ago, on April 26, 2008 the SBPA was privileged to participate in the kick-off event of Law Week in Santa Barbara by assisting the Santa Barbara Legal Secretary's Association sponsor the first annual Teen Court Law Bowl. The event took place at Zodos Bowling Alley in Goleta, and was very well attended by not only the teens involved in the Teen Court, but the Teen Court administrative personnel, the District Attorney's Office, the Santa Barbara Women's Lawyers, just to name a few. While the SBPA sponsored a lane for some of the Teen Court, we also had t-shirts made with our logo emblazoned on the front for the teens to take with them as souvenirs of the event. It was such a joy for me, personally, to participate in this event, and I hope that we are able to provide assistance to the SBSLA next year for such a worthwhile event.

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GOVERNOR ARNOLD SCHWARZENEGGER

June 20, 2008

California Alliance of Paralegal Associations

Greetings to all who are celebrating California Paralegal Day.

I applaud your outstanding efforts to uphold the ideals and standards of your profession. Your hard work translates into paralegals who are better equipped to assist their colleagues and tackle the many challenges that cross their desks each day.

Thank you for your service to our nation's justice system and the legal community. Your outstanding dedication to your members and your commitment to excellence are strengthening our Golden State.

On behalf of all Californians, I extend my best wishes for a memorable celebration and every continued success.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Schwarzenegger".

Arnold Schwarzenegger

PARALEGAL PUZZLE

By Stacey Hunt and Michael R. Jencks

Attorneys who employ paralegals and bill clients for their time should sit up and take notice of three recent decisions out of the Eastern District of California. The cases - Sanford v. GMRI Inc. dba Red Lobster, 04-1535 (E.D. Cal. Nov. 11, 2005), White v. GMRI Inc. dba Red Lobster, 04-0620 (E.D. Cal. Jan. 19, 2006), and Martinez v. G. Maroni Co., dba Church's Chicken #948, S06-1399 (E.D. Cal. May 1, 2007), - are some of the first in the state to deny or reduce paralegal fees for the paralegals's failure to comply with the requirements of Business and Professions Code Section 6450, et seq. Attorneys who are not ensuring that the paralegals they hire are qualified under the code are exposing themselves to potentially serious financial and ethical consequences.

The Regulations

In the old days, paralegals did not need any formal education or training in order to use the title "paralegal" or "legal assistant"; anyone could be given the designation. Law firms sometimes rewarded long-term employees with a promotion of sorts by calling them paralegals, and the title was often used as a catch-all for nonattorney staff for which no other nomenclature applied. Further, some of the purported paralegal schools that bestowed certificates of completion offered questionable programs at best, often bragging that students could become paralegals after a few weekends of study.

In 2000, Gov. Gray Davis signed into law AB 1761, which was codified as Business and Professions Code Section 6450, et seq, and became effective Jan. 1, 2001. Among other things, the law (1) established qualifications for people to practice as paralegals and made it unlawful for any person to identify himself or herself as a paralegal without meeting those qualifications, (2) set forth minimum standards for what could be considered a qualifying course of paralegal study and (3) required minimum continuing legal education for paralegals, both in either general or specialized law and in legal ethics,

which could be satisfied by taking California State Bar-approved courses.

In order for a person to use the paralegal or legal assistant title, he or she must possess one of the following: (1) a certificate of completion of a paralegal program approved by the ABA; (2) a certificate of completion from a paralegal program or a degree from a postsecondary institution that requires the successful completion of at least 24 semester units or the equivalent in law-related courses. The program must be accredited by a national or regional accrediting organization or approved by the Bureau for Private Postsecondary and Vocational Education; or (3) a baccalaureate or higher degree, plus a minimum of one year of law-related experience under the supervision of an attorney who has practiced in California for at least three years, as evidenced by a written declaration by the supervising attorney. Business and Professions Section 6450(a-c).

A grandfather clause that allowed for the possession of a high-school diploma and three years of law-related experience, as evidenced by a declaration signed by a supervising attorney, expired on Jan. 1, 2004. Business and Professions Section 6450(d).

Although the law has been in effect for six years, many attorneys are not aware of these requirements and are blithely billing their clients for employees who are not qualified under the law. When a savvy opposing counsel challenges a motion for attorney fees, the incautious attorney could be in for some trouble.

Enter the 'Lobster'

The plaintiffs in the Sanford and White cases brought suits against GMRI Inc., dba Red Lobster Inc., for violations of Title III of the Americans with Disabilities Act. The parties in both cases entered into settlements which awarded the plaintiffs monetary damages and required the defendant to

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PARALEGAL PUZZLE

By Stacey Hunt and Michael R. Jencks

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remove architectural barriers to its facilities. Because the plaintiffs in both cases were considered the prevailing parties, motions were brought for attorney fees, including fees billed by paralegals employed by the plaintiffs' counsel. The recovery of paralegal fees at market rates had long been allowed by the courts. *Missouri v. Jenkins*, 491 U.S. 274 (1989); *Guinn v. Dotson*, 23 Cal.App.4th 262 (1994). However, until the passage of AB 1761, no one had defined exactly who or what a paralegal was.

In the Sanford case (later followed by Martinez), Red Lobster challenged the plaintiff's claimed paralegal fees. The court ruled that the plaintiff failed to meet its burden of proof that the paralegals were qualified under the statute. One of the purported paralegals had not received her certificate of completion from a qualified paralegal school. A second paralegal did not have either a paralegal certificate or a baccalaureate degree, and the plaintiff was unable to show that she could be grandfathered in under Business and Professions Code Section 6450(c)(4). Two of the plaintiff's other paralegals had baccalaureate degrees but had not completed their one year of law-related experience under the supervision of a California attorney as required by Section 6450(c)(3). Because of this failure to qualify under the code, the court reduced from \$1,680 to \$225 the paralegal fees claimed by Sanford for these individuals.

In the White case, the court found that one of the plaintiff's paralegals was not qualified under California law because, although she claimed to have been grandfathered in under the provisions of Section 6450(c)(4), she failed to provide a written declaration by the attorney from whom her three years of law-related experience was gained. The court, therefore, granted the defendant's request to strike all hours attributed to this paralegal's work.

In both the Sanford and White cases, the court

drew a distinction between paralegals as being qualified under the law, and legal assistants, who the court believed were not qualified. In fact, Business and Professions Code Section 6454 provides that "paralegal" and "legal assistant" are synonymous terms. Law firms should not bestow the legal-assistant title on secretaries or other people who are not compliant with Section 6450.

Maintaining Compliance

You do not want to be put into a position of having to write off large paralegal fees billed to a client because you were unable to recover them from an opposing party. Even worse would be exposing yourself to ethical issues by misrepresenting to a client that your employees are qualified paralegals and billing them as such when, in fact, they are not.

When hiring a paralegal, you should ask to see the certificate that they earned upon completing their course of study. Be certain that the program the paralegal attended was either through an ABA-approved school or a properly accredited postsecondary institution that offered at least 24 semester units of law-related study. A paralegal with only an associates degree but no paralegal certificate does not qualify under this category unless the degree is from a paralegal studies program. A directory of ABA-approved paralegal education programs can be found on the ABA's Web site at www.abanet.org/legalservices/paralegals/directory.

If the paralegal has a bachelor's or master's degree (or a law degree), confirm that he or she has worked under the supervision of a California attorney for at least one year. Ask to see a written declaration to that effect from a prior employer. If the paralegal has been working in another state, it doesn't matter how long the person has been employed by law firms. The paralegal does not qualify until he or she has been working for an

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PARALEGAL PUZZLE

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attorney in California for at least a year.

If the paralegal has neither a degree nor a certificate, the person must have a high-school diploma and must have completed three years of law-related experience under the supervision of a California attorney on or before Jan. 1, 2004. Ask to see the paralegal's written declaration regarding this experience. Make sure that all three years are covered. If the paralegal had multiple employers, make sure that you have declarations from each of them covering the necessary period.

Ask to see the California State Bar certificates of completion for the paralegal's continuing education. Before Jan. 1, 2007, the paralegal must have completed four hours of legal ethics training every three years and four hours of general or specialized law training every two years. Beginning in 2007, the requirement for legal ethics was raised to four hours every two years.

For existing employees, keep a file for each paralegal with copies of paralegal-school certificates of completion or degrees, any necessary declarations from prior employers, and certificates of MCLE completion. You will be ready to establish your paralegals' credentials quickly. In fact, knowledgeable public entities and corporations have begun asking law firms to prove that their paralegals are compliant under the law before they agree to pay fees billed by the paralegals. You also should make sure that your paralegals receive the required number of hours of CLE.

Another good practice is to review your firm's fee schedules and retainer agreements to ensure that employees identified as paralegals or legal assistants are qualified to be billed as such. If not, another title should be created for these employees. Although a firm and a client can agree to bill the client for all types of personnel, such as administrative assistants and case managers, the client should be aware that, unlike attorneys and

paralegals, the charges for these employees are considered by the courts to be general office overhead that may not be reimbursable in a fee motion.

Challenging Motions

If you are the recipient of a motion for attorney fees, review the declarations carefully to make sure opposing counsel has provided the evidence necessary to qualify any paralegals for whom fees are being sought. If you are in the least bit unsatisfied or suspicious, you can either informally request the necessary proof before raising the issue in your opposition or simply claim a failure of compliance in your papers and let the opposing counsel rehabilitate the paralegals in the reply brief.

Run through the four tests of compliance in Section 6450(a-d). If you are uncertain of the qualifications of a local paralegal school, ask your own paralegals. Often, they know which schools are compliant and which are not. The California Alliance of Paralegal Associations (www.caparalegal.org) is also a good source of information about paralegal schools within the state.

Although complying with paralegal regulation does require some additional administrative effort, attorneys and their clients reap the benefits by having much more educated and properly trained employees assisting in the delivery of legal services.

Stacey Hunt is a freelance paralegal and the co-author of the recently published textbook "Evidence Management for Paralegals". Michael R. Jencks is an attorney in San Luis Obispo whose private practice emphasizes complex and representative litigation. He also is an adjunct professor at California Polytechnic University, San Luis Obispo.

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PARALEGALS REVISITED

By Kenneth M. Walczak and Ernest Galvan

Attorneys frequently submit line-item requests for reimbursement for the time incurred by their paralegals, law clerks and other support staff when making attorney-fees claims to courts. They should continue to do so with confidence. Courts are obligated to follow market practice, awarding to attorneys fees that mirror the amounts chargeable to private clients. Market practice firmly supports billing (on a sliding scale) for the time of many individuals who do not qualify as attorneys or even paralegals.

A recent Focus column on paralegal billing ("Paralegal Puzzle," Aug. 8) provides useful insight, but its authors strike one note of caution too many. Practitioners submitting bills for the work of paralegals and other legal staff should heed the column's warnings regarding compliance with Business and Professions Code Section 6450 but disregard the unsupported prediction that courts considering fee applications will classify all hours billed by people not qualified as paralegals under Section 6450's requirements as "general office overhead." The relevant case law simply does not support such a warning.

A court bound to the dictates of market practice in this area likely will find that market practice is properly to the contrary. A change in this rule, including the failure to award to law firms compensation for the work of nonparalegal staff, would be both inconsistent with the current and correct state of the law and fundamentally unfair to those employees working toward satisfaction of the Section 6450 criteria. It would provide billing and task-assignment incentives that run contrary to the training and qualification purposes of Section 6450 itself.

In this area, as in all attorney-fee award law, the Supreme Court has "consistently looked to the marketplace as our guide to what is [a] 'reasonable' [fee]." *Missouri v. Jenkins*, 491 U.S. 274 (1989), citing *Blum v. Stenson*, 465 U.S. 886 (1984). The authors of "Paralegal Puzzle" correctly cite *Jenkins* for the proposition that "recovery of paralegal fees at market rates ha[s] long been

allowed by the courts." However, they fail to note that the principle of market reliance that underlies the *Jenkins* ruling on paralegal time extends to recovery of reasonable (albeit lower) rates for law-firm staff not certified by Section 6450.

"The key ... is the billing custom in the relevant market. Thus, fees for work performed by non-attorneys such as paralegals may be billed separately, at market rates, if this is the prevailing practice in a given community. ... Indeed, even purely clerical or secretarial work is compensable if it is customary to bill such work separately, though such tasks should not be billed at the paralegal rate, regardless of who performs them." *Trustees of Const. Industry and Laborers Health and Welfare Trust v. Redland Ins. Co.*, 460 F.3d 1253 (9th Cir. 2006).

California cases are in agreement. In a line of decisions beginning with *Serrano v. Priest*, 20 Cal.3d 25 (1977), the state's courts have affirmed the importance of looking to actual market practice to measure reasonable billing practices and rates. See also *Ketchum v. Moses*, 24 Cal.4th 1122 (2001); *PLCM Group Inc. v. Drexler*, 22 Cal.4th 1084 (2000). In *Salton Bay Marina Inc. v. Imperial Irrigation Dist.*, 172 Cal.App.3d 914 (1985), the Court of Appeal stated directly that "necessary support services for attorneys, e.g., secretarial and paralegal services, are includable within an award of attorney fees."

Secondary authorities, such as treatises and practice guides, also have interpreted the California market practice to allow separate billing for the services of law clerks and others not meeting the 6450 requirements. See Richard M. Pearl, *California Attorney Fee Awards* (2nd ed., 2006 update), Section 12.15 ("Time spent by paralegals and law clerks is compensable at market rates separately from attorneys' services if the local practice is to bill for their services in that manner"); Paul W. Vapnek, *California Practice Guide: Professional Responsibility* (The Rutter Group 2006), Section 5:552 ("A law firm may properly bill a client for services of a law clerk or legal assistant, provided an itemized billing

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separately identifies those services.") (emphasis in original).

The market practice is to bill clients for services performed by support staff, law clerks and those preparing to meet the 6450 requirements. Our firm does so at a rate lower than that charged for 6450-certified paralegal work, and we believe our practice to be in line with that of most, if not all, law firms (and certainly major law firms) in the San Francisco Bay Area.

In our capacity as fees counsel for other firms, we have shown successfully the reasonableness of several practitioners' and firms' independently billed rates for law clerks, "paralegal clerks," "case clerks," litigation specialists and other noncertified staff. In March of this year, San Diego County Superior Court evaluated our own rates under both San Francisco and San Diego standards and found the support staff rates to be reasonable ("even if they are higher than the market rates for San Diego"). *Gober v. Ralphs Grocery Co.*, N72142 (Minute Order dated March 20, 2007). The court approved an award of \$160 per hour for law-student clerks and \$60 per hour for word processors. Although none of these individuals is certified by Section 6450, the court did not require that their work be considered "overhead" expenses. It reached this conclusion by applying the case law, which demands that California courts follow market practice.

Los Angeles practice does not appear to deviate substantially from that of San Diego or San Francisco. As far back as 1981, the Los Angeles County Bar Association issued a formal ethics opinion concerning the practice of "billing of secretarial services (or law clerk or paralegal services)." Formal Ethics Opinion 391. The bar association concluded that such billing may be performed "at an appropriate rate lower than the rate for legal services by an attorney" and "provided that an itemized billing separately identifies such services."

Even if the case law did not direct courts

specifically to follow the market practice, courts would be unwise to refuse the recovery of fees for legal employees not (or not yet) certified by Section 6450. Declining to award market rates for paid, nonparalegal staff would contradict the logic of the cases that hold that the contributions of summer associates, and even those of unpaid law clerks, are compensable at fair market rates. "[I]t is now clear that the fact that services were volunteered is not a ground for diminishing an award of attorneys' fees. ... [T]he amount of the award is to be made on the basis of the reasonable market value of the services rendered, and not on the salary paid." *Sundance v. Municipal Court*, 192 Cal.App.3d 268 (1987), citing *Serrano v. Unruh*, 32 Cal.3d 621 (1982). See also *Louisiana v. Mississippi*, 466 U.S. 921 (1984) (awarding requested rate for 103.7 hours of "summer law clerk" time to special master's staff); *Pearl*, California Attorney Fee Awards, Section 12.32 ("Paralegal, law clerk, and law student time is compensable at prevailing market rates, even if it is volunteered.").

A judicially enforced shift of all nonparalegal staff hours to the "overhead" category also would discourage the delegation of litigation tasks to those who can perform them most efficiently, by providing a direct incentive to load tasks into the assignments given to Section 6450 paralegals. This would create the exact set of perverse incentives that the Supreme Court cautioned against in *Jenkins*: "To the extent that fee applicants under section 1988 are not permitted to bill for the work of paralegals at market rates, it would not be surprising to see a greater amount of such work performed by attorneys themselves, thus increasing the overall cost of litigation."

Such a shift also would be fundamentally unfair to those staff members who try to fulfill the 6450 requirements through a year's training under the supervision of an attorney. The cost of such training to the supervising attorney(s) would escalate dramatically if passed along to firms as nonrecoverable overhead. Supervisors, in turn,

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would become more reluctant to assign the types of tasks most beneficial to such training, thereby undercutting the purpose of Section 6450's process of qualification by mentorship.

The current system, which allows recovery at progressively escalating, market-based levels for the work done on fee-shifting matters by support staff, law clerks, paralegals and attorneys, provides the correct incentives to effectuate the purposes of California fees law. See, for example, *Oberfelder v. City of Petaluma*, C98-1470 (N.D. Cal., unpublished 2002) (summarizing "common practice" of billing for nonadmitted law-school graduates; commending

"[c]ounsel's delegation of work to paralegals [as] a form of billing judgment").

"Paralegal Puzzle," though otherwise a useful and accurate summary of the law, does not accurately describe the current system as it relates to fees for the work of paralegals and other staff, nor does it advocate for a principle that would improve on the status quo in any significant manner.

Kenneth M. Walczak is an associate and Ernest Galvan is a partner at Rosen, Bien, and Galvan in San Francisco.

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PARALEGALS AND THE TUG-OF-WAR OVER FEES

By Stacey Hunt and Michael R. Jencks

The authors of the recent Focus column ("Paralegals Revisited," Daily Journal, Aug. 29) on the recovery of fees for time billed by litigation support staff, including law clerks, litigation specialists and case clerks, focus valuable attention on which services are or should be subject to recovery where a contract or statute provides for recovery of attorney fees. They also provide helpful insight on the extent to which attorney fees should be read broadly as "litigation expense."

However, the issue of what services are eligible for inclusion in an attorney fee award is different than the one we made in our article ("Paralegal Puzzle," Daily Journal, Aug. 8), namely that "paralegal" and "legal assistant" are now defined terms under B&P 6450. That fact has two immediate consequences.

First, clients who are billed for paralegal or legal assistant time have the right to assume those persons meet the statutory qualifications and continuing education requirements of 6450. Second, the party seeking fees claimed in an attorney fee motion for work performed by persons using the titles paralegal and legal assistant has the burden of showing that those persons satisfy the statutory definition and prerequisites as a condition for the recovery of such fees.

What services may be properly encompassed in an attorney fee motion and thus be eligible for recovery as a constituent part of an "attorney fee" award is a related, but different question than what categories of legal-service workers are eligible to have their time reimbursed.

Paralegal fees were recognized by the U.S. Supreme Court as a proper part of an attorney fee award. In California, the person performing the work must be compliant with 6450 in order for fees to be recoverable as paralegal or legal assistant fees. We would submit that, in light of 6450, there is no place for custom and usage in determining whether a nonqualified paralegal's time is recoverable on a fee motion.

Michael Jencks and Stacey Hunt, San Luis Obispo

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U.S. SUPREME COURT TO HEAR PARALEGAL FEES CASE

Decision will affect how fees are determined in cases against federal agencies.

By Tommy Sangchompuphen

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Paralegal fees are once again up for discussion in the United States Supreme Court, with the Court's Nov. 12 decision to hear the *Richlin v. Chertoff* case. The issue before the Supreme Court's nine justices in the *Richlin* case is straightforward: Under the Equal Access to Justice Act, can a prevailing party be awarded fees for paralegal services at the market rate for such services or should such reimbursement be limited to the actual cost incurred by the attorney?

The decision by the Supreme Court will affect how EAJA fees are determined in cases against all federal agencies. In general, the EAJA provides that "fees and other expenses" are awarded to eligible parties who have prevailed in administrative adversary adjudications and in litigation against the federal government, unless the agency adjudicator or court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

In *Richlin*, employees of Richlin Security Service Company were underpaid because of mistakes in contracts between Richlin and what was then the Immigration and Naturalization Service. Following lengthy proceedings before the Department of Transportation Board of Contract Appeals and the Court of Appeals for the Federal Circuit, the Board awarded Richlin the amount of

the additional wages, payroll taxes and workers' compensation premiums that the company was required to pay.

After prevailing on the merits, Richlin sought an award of attorneys' fees and other expenses under the EAJA for time spent over nearly nine years by its lawyers and paralegals. The Board found that the government's position on the merits was not "substantially justified" and awarded Richlin about \$50,000 for work done by its lawyers.

The Board did not, however, award Richlin fees at the \$50 to \$95 per hour market rates for paralegal services charged to Richlin over the course of the proceedings. The Board noted that the EAJA does not "expressly provide for the reimbursement of paralegal services at the market rate," and held that paralegal services are reimbursable only at the attorney's cost, even when paralegal time is billed to the client at hourly market rates in the relevant legal market and not at the attorney's cost as an out-of-pocket expense.

The Board took judicial notice of paralegal salaries in the Washington, D.C., area "as reflected on the Internet" and awarded Richlin \$35 per hour as the reasonable cost to the law firm. The Board awarded approximately \$10,600, representing about 300 hours of compensable paralegal time.

Richlin appealed to the federal circuit court, and in a decision issued Dec. 26, 2006, the federal circuit court agreed with the Board's decision, although its decision was contrary to four other U.S. circuit courts. Richlin appealed to the Supreme Court, which now has decided to hear the

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U.S. SUPREME COURT TO HEAR PARALEGAL FEES CASE

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case to resolve the contrary holdings between the federal circuit and the other circuit courts.

In January, the National Association of Legal Assistants was permitted by the Supreme Court to file an amicus brief in the *Richlin* case regarding the role and qualifications of paralegals in modern law practice. This is the third time NALA has appeared in front of the Supreme Court as an amicus party, having filed amicus briefs in two previous cases: *Blanchard v. Bergeron*, 489 U.S. 87 (1989) and *Missouri v. Jenkins*, 515 U.S. 70 (1995). Both cases dealt with the issue of awarding paralegal fees in civil rights cases under 42 U.S.C. §1988. In *Blanchard*, the court reserved “for another day, the question of whether legal assistants’ fees should be included in the attorney fee award.” In *Missouri*, the court held that paralegal time can be billed at market rates, which encourages the use of paralegals in the practice of law and therefore the cost-effective delivery of legal services. The court concluded that when “the prevailing practice is to bill paralegal work at market rates, treating civil rights lawyers’ fee requests in the same way is not only permitted by §1988, but also makes economic sense.”

According to Amy Howe, Esq., a partner at Howe & Russell in Washington, D.C., and the counsel of record for NALA and two other amicus parties in the *Richlin* case, Paralyzed Veterans of America and the National Organization of Social Security Claimants’ Representatives, both *Richlin* and the United States Supreme Court gave consent for the NALA brief to be filed. “Occasionally one or both parties to a case will deny permission for an amicus brief to be filed, in which case the

amicus will have to seek leave to file the brief,” Howe said. How much weight the court will give the content of this brief is solely within the court’s discretion, she added.

“It is rare that this opportunity is available,” said Tita Brewster, ACP, president of NALA. “Through filing the brief, NALA is able to focus the court’s attention to the issue of inclusion of paralegal time in attorney fee awards, [and] apprise the court of the growing utilization of paralegals and how use of paralegals enhances the cost-effective delivery of legal services.”

The use of paralegals is a win-win for the clients and the government. “The clients pay less, and then the government pays less if it is ordered to pay compensation under EAJA,” Howe said.

But the federal circuit court, in limiting reimbursement for paralegal services to cost only under the EAJA, concluded that higher reimbursement rates for paralegal services might result in the increased use of legal assistants, which, in turn, might result in the less efficient performance of legal services. “This isn’t necessarily the case,” Howe said. “This argument rests on the assumption that paralegals are either not going to perform a legal task as well as an attorney or will, in any event, require more time to do it,” she said. Even if paralegals require more time, she said the difference between a paralegal’s billing rate and that of an attorney means that the use of paralegals still is likely to result in a lower bill for the client.

Howe added that “it is important to remember that an attorney is ultimately

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U.S. SUPREME COURT TO HEAR PARALEGAL FEES CASE

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responsible for the work that a paralegal performs.” Therefore, she said, the attorney has no incentive to delegate work to a paralegal that is beyond the paralegal’s capability or to the extent that it would be inefficient.

Oral arguments in *Richlin* are set for March 19, with a decision expected by the end of June.

Tommy Sangchompuphen, Esq., is a freelance writer based in Columbus, Ohio.

M e s s a g e f r o m t h e P r e s i d e n t . . . B y D e b b i e R e b e r

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Looking forward, Paralegal Day will be celebrated on Friday, June 20th, with a luncheon at the Canary Hotel in downtown Santa Barbara (formerly known as the Andalucia). We all look forward to this event, not only being able to have this function at the Canary, but to be with our peers in celebration of “what we do” to assist our attorneys and law firms. I must acknowledge the Canary Hotel and its wonderful staff for all that they have done just within their short time they have been here in Santa Barbara for their sponsorships, donations and in general, their willingness to help wherever it is needed. If you have not responded to Jill with your reservation for Paralegal Day, please do so as soon as possible.

I am also pleased to report that our membership is up and we have been attracting new student members which we are most welcome to have in our midst. We hope to attract more employed paralegals who have been working in the Santa Barbara area for some time, but have just not found their way to joining our organization. The SBPA, as all of the other paralegal associations across the state, have been formed with the idea that gathering together gives us a network system unlike any other. We are a unique group of professionals who provide unique services to our law firms. Gathering together only increases our knowledge and understanding of each other, our problems, our solutions, and our need for the communication among ourselves. Not only do our meetings provide a gathering of like individuals, it also provides us with CLE credit and programs in areas of law that may not be specifically to our own. However, that broader knowledge only serves to educate and heighten your awareness of the vast information and a glimpse into other’s areas of law. Broadening your horizons never hurts --- one cannot continue to grow and improve upon your own skills unless you broaden your knowledgebase.

As always, I encourage you to interact with your fellow paralegals, not only here in Santa Barbara, but those throughout the state. Each organization can be likened to a honeycomb of bees. The honey doesn’t get made without the worker bees, which all of you are. You all are to be congratulated on a job well done. Give yourself a pat on the back, and come out to celebrate with us on Paralegal Day in June. Please feel free to contact me anytime at dr@ppplaw.com. Take care --- all of you.

SPRINGTIME MCLE CONFERENCE

By Josefina Martinez

The Springtime MCLE Conference was held on Saturday, April 5 at the Four Points Sheraton Inn in Ventura. There are so many people to thank – the sponsors, (especially DCR Court Reporters and Interpreters & the Ventura County Bar Association), speakers, vendor-sponsors and all attendees. A special thank you to the Ventura County Paralegal Association and to our SBPA members who contributed their valuable time in making this all come together.

We even had some paralegals that drove all the way from San Diego to attend this blockbuster event.



We enjoyed a continental breakfast while meeting our vendors and learning about the services they offered. The vendors all donated prizes such as flowers, wine and gift cards for the raffle which took place after the afternoon session. The grand prize was donated by the Canary Hotel (a gift certificate for a one night stay at one of their luxurious suites).

Our keynote speaker, Santa Barbara Superior Court Judge Denise deBellefeuille, gave an enlightening presentation on Ethics for Everyone: How to Feel GREAT about Yourself and Your Work. Judge deBellefeuille stated that your level of ethics is a comprised of your personal character, respect, loyalty, the love you have for yourself. If you are not spread too thin and you like your job, everything else will fall into place. Judge deBellefeuille read some quotations from a book which were very touching. Lastly, she stated that in her courtroom everyone is treated with respect and that she makes everyone feel welcome and comfortable.



Eduardo F. Cue, Director of Teen Court and the Council on Alcoholism and Drug Abuse presented us with a video on Teen Court an Innovative Approach to Juvenile Justice in Santa Barbara County. Teen Court is an intake assessment which is administered to find out what is really going on in a young person's life. When teens commit a crime for the first time, which is typically a misdemeanor or an infraction, they have the option of going to Teen Court instead of juvenile court. Teen Court is an early intervention program in which other teens are the jury

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and sentence their peers. The presentation was very informative.

Prior to lunch we had choice of 3 breakout sessions: Estate Planning is for Everyone presented by Kevin G. Staker, Esq., Advance Health Care Directive & Associated Regulations presented by Emili Rayman, Esq., and Hot Button Workplace Bias Issue presented by Roberta Burnette, Esq. All three breakout sessions were very good.

After lunch Andy H. Viets, Esq. gave his very informative presentation on Paralegal Fees and Business & Professions Code Section 6450. He opened many people's eyes as to the importance of meeting the requirements under Business & Professions Code Section 6450.

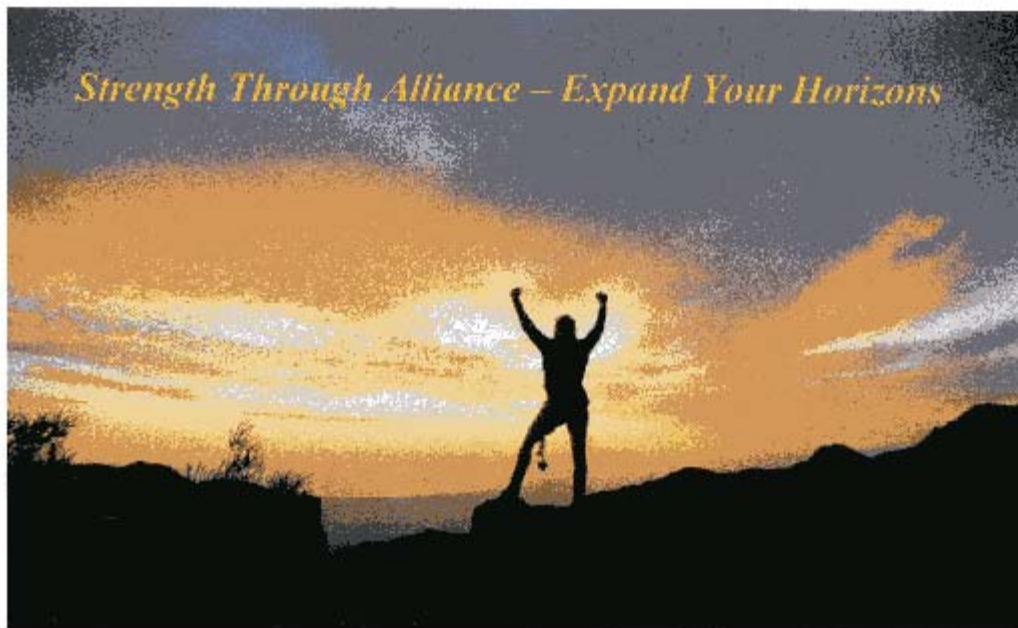
We again had 3 choices for our afternoon breakout sessions: 180 Days Before Trial presented by Jill Jackman Sadler, Recent changes to Conservatorship Law presented by Cheri L. Kurman, Esq., and Mediation presented by Cheryl Allain-Mee and Gil Campos, Directors of Ventura Center for Dispute Settlement. All three breakout sessions were very good again.

The MCLE Conference is a great way to learn about different areas of law and to meet new people. It was a great conference and we hope to do it again next year.





California Alliance of Paralegal Associations (CAPA) Presents
THE 20th ANNUAL EDUCATIONAL CONFERENCE
Saturday, June 21, 2008



Hosted by the Paralegal Association of Santa Clara County (PASCCO)

Hilton Santa Clara
4949 Great America Parkway
Santa Clara, CA 95054

Speakers Include

Tom Campbell, Dean of the Haas School of Business at U.C. Berkeley
Tesha Poe, Esq., Paralegal Instructor, DeAnza College on Ethics
Lynn Conner on Terrorism, Money Laundering and Ownership of Legal Entities
Jennifer Lockhart, Esq. on Privacy in Employment

More details to follow at www.caparalegal.org

*The California Alliance of Paralegal Associations is a
California State Bar Association Approved MCLE Provider*





**Santa Barbara Paralegal Association
Cordially invites you to attend PARALEGAL DAY!**

**The luncheon will be held on
Friday, June 20, 2008
12:00 p.m.-1:30 p.m.**

Canary Hotel
Chapala Terrace Room
31 West Carrillo, Santa Barbara

Our Guest Speaker is:
Julie Goren, Attorney at Law

Topic:
“Calendaring and Rule Changes”
1 hour of MCLE General Credit obtained

Please select an entrée by Friday, June 13
Free for members, \$20 non-members

RSVP to Jill Jackman Sadler, jill@jackmansadler.com

THREE COURSE PLATED LUNCHEON
*All Selections Include Gourmet Rolls and Butter, Tropical Iced Tea,
Freshly Brewed Coffee, Decaffeinated Coffee and Specialty Teas*

First Course

Baby Arugula, Roma Tomato, Shaved Parmesan with Balsamic Vinaigrette

Luncheon Entrees

<p>Grilled Salmon <i>With Mimosa Sauce, Dill Potatoes and Market Vegetables</i></p>	<p>Grilled Breast of Chicken <i>With Natural Jus, Pureed Garlic Potatoes and Market Vegetables</i></p>
<p>Six Cheese Ravioli <i>With Spicy Tomato-Basil Sauce and Market Vegetables</i></p>	<p>Grilled Hanger Steak <i>With Syrah Reduction, Garlic Mashed Potatoes and Market Vegetables</i></p>

Third Course

Fresh Berry Tartlet

2008 CALENDAR

CALENDAR

June 15, 2008—Father's Day

June 20, 2008—Paralegal Day

July 4, 2008 – Independence Day (court closed)

September 1, 2008 – Labor Day (court closed)

October 13, 2008 – Columbus Day (court closed)

October 16, 2008– National Boss Day

November 11, 2008– Veteran's Day (court closed)

November 27, 2008 – Thanksgiving Day (court closed)

November 28, 2008 – Day after Thanksgiving (court closed)

December 25, 2008– Christmas Day (court closed)

CONFERENCES

June 21, 2008— 20th Annual Educational Conference CAPA hosted by the Paralegal Association of Santa Clara County and held in Santa Clara, California

July 30-August 2, 2008 - 33rd Annual Convention of NALA will be held at the Renaissance Hotel, Oklahoma City, 10 North Broadway, Oklahoma City, OK

SBPA LUNCHEONS

This year's general membership meetings will be held on the following dates and are open to you and your guests:

June 20, 2008 - 12:00 pm. - 1:30 p.m. (held at the Canary Hotel, Santa Barbara)

September 9, 2008 - 12:00 pm. - 1:30 p.m.

November 11, 2008 - 12:00 pm. - 1:30 p.m.

All luncheon membership meetings are held at Santa Barbara Bank & Trust, located at 1021 Anacapa Street, Santa Barbara. If you have questions regarding the program please contact Jill Sadler at jill@jackmansadler.com.

Catered Buffet Luncheon - \$18 members, \$20 non-members

RSVP to Jill Jackman Sadler at jill@jackmansadler.com

Please remember that food orders for the meetings are based on the RSVPs. Please cancel your RSVP before the food is ordered if you are unable to attend the meeting after all, otherwise the association will have to pay for the meal and too much food is left over. On the flipside, please RSVP for meeting before the food is ordered (especially if you are part of a bigger group) to ensure that there is enough food for everyone. Thank you!



Victory Video

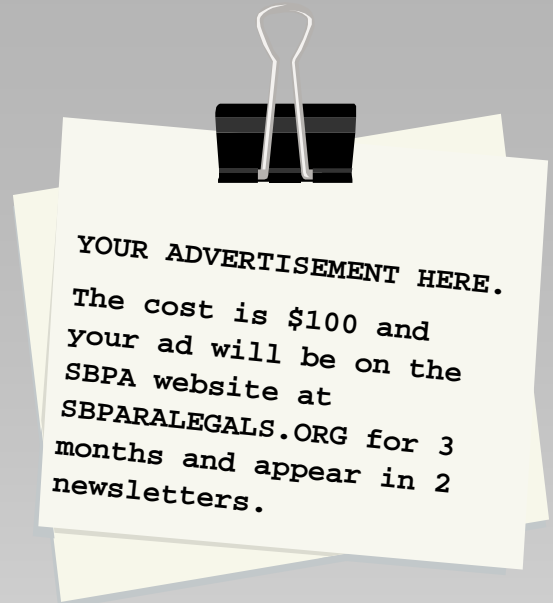
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Wayne Marien,
CLVS

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YOUR ADVERTISEMENT HERE.

The cost is \$100 and
your ad will be on the
SBPA website at
SBPARALEGALS.ORG for 3
months and appear in 2
newsletters.

THE "HANDS-FREE" CELL PHONE LAW

The new law (Senate Bill 1613; new Vehicle Code Section 23123) provides that, effective July 1, 2008, it is illegal to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. A violation will be punishable by a fine of \$20 for a first offense and \$50 for each subsequent offense.

Specifically, the law will:

Prohibit the use of wireless phones by drivers unless the driver is using a hands-free device starting July 1, 2008.

Allow drivers of commercial vehicles to use push-to-talk phones until July 1, 2011.

Will not apply to persons who use wireless telephones to contact a law enforcement agency or other public safety entity for emergency purposes.

Will not apply to an emergency services professional while he or she operates an authorized emergency vehicle.

2008 Officers and Committee Chairs

OFFICERS

President	Deborah Reber (dr@ppplaw.com)
First Vice President of Membership	Elizabeth Madrigal (emadrigal@mullenlaw.com)
Second Vice President of Programs	Jill Jackman Sadler (jill@jackmansadler.com)
Treasurer	Rebecca Riggs (rar@ppplaw.com)
Secretary	Sue Suttner (suttner2@cox.net)
Parliamentarian	Jean Linn (aljebay@cox.net)
CAPA Primary Representative	Josefina Martinez (jmartinez@sbcourts.org)
CAPA Secondary Representative	Debra Wheels (dwheels_paralegal@yahoo.com)
NALA Liaison	Cyndi Hitsman (cwilhits@yahoo.com)

COMMITTEE CHAIRS

Annual MCLE Conference	Josefina Martinez
Newsletter Editor	Sandra Biesinger (sb@ppplaw.com)
Employment and Job Bank	Jill Jackman Sadler

If you are interested in serving on the board, please contact Deborah Reber. If you have comments, questions, or articles to submit for the newsletter, please email them to Sandra Biesinger. Thank you.



Santa Barbara Paralegal Association
Post Office Box 2695
Santa Barbara, California 93102-2695