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conference

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Full Disclosure

DPLPA *Newsletter*

Intro

Desert Palm Legal Professionals Association's primary purpose is continuing legal education. DPLPA and LSI provide members with many opportunities to increase knowledge and improve skills.



WELCOME!!

MESSAGE FROM PRESIDENT

By DPLPA Executive Board

Dear Members and Friends of Desert Palms Legal Professionals,

We would like to take this opportunity to welcome everyone to Desert Palms Legal Professionals Association. We are looking forward to an exciting year ahead. On behalf of your Board of Directors I want to thank everyone for your continued support and participation in the coming year. We look forward to seeing you at our meetings and special events (keep a look out for fundraisers, membership mixers and more!) as well as participation in our scholarship program. Let's make 2012-2013 a truly wonderful year for everyone!!!

DPLPA Boards of Directors (2012/2013)



Joleen Leonard, President
Law Offices Of Naran Reitman
jleonard@reitmanlaw.com

Joleen has been in the legal field for 7 years and has been the legal assistant to Naran Reitman for the past two years. Also she is a proud mother of an 11 year old son Jason.



Erika Garduno, Vice President
Slovak Baron & Empey LLP
Erika.Garduno@hotmail.com

Erika is a single mother of two girls Alexis and Kira. She initiated her experience in Los Angeles County 17 years ago and transferred to the Desert in 2007. Since then she has been employed with Slovak Baron & Empey. In addition, she has volunteered her time and effort to be the DPLPA Editor.



Patricia Pierce, Vice President
Sanger & Manes LLP
PPierce@sangerlaw.com

Patricia has been a legal professional for 40 years, starting as a file clerk for the State of California, Attorney General's Office, in Los Angeles. Patricia currently works for Sanger & Manes, LLP, in Palm Springs, as a paralegal specializing in probate and will contests, trust administration and real estate matters. She has been a member of DPLPA and LSI for 17 years and served as Transactional Law Section Leader for LSI in 2001. Patricia has 4 Dolls who she dotes on ranging from 3 years to 22 years of age



Donna Bleyl, Treasurer
(760) 320-8889
Tactics2001@msn.com

Donna B. was born, raised and educated in northeast Texas and after completing the Executive Secretary Program at Durham-Nixon Clay Business College in Austin. She started working in 1981 as a legal secretary and did so for many years. In furtherance of her career, she completed the Paralegal Studies Program at the University of North Texas. She has been employed for over twenty years as a legal secretary/assistant as well as an executive secretary to the vice-president of an oil and gas operator. Additionally, she has been a member of DPLPA for eight years and has served as the Association's Treasurer for three terms and is beginning her fourth term.

Photo
Pending

Donna Ellis, Governor
Law Offices Of Brian M. Lewis.
donna.ellis@lawlewis.com

Donna E. is a paralegal for Brian M. Lewis, Attorney at Law, who specializes in estate planning, probate, business law and tax. Donna has been in the legal field for more than 30 years and has worked in Riverside County for approximately 18 years. Donna has also had the privilege of serving on the Board of Directors of Desert Palm Legal Professionals Association for over 10 years, including serving as President for five years.



Kathleen Gorham, Parliamentarian
Slovak Baron & Empey, LLP
Gorham@sbellawyers.com

Kathleen is a Southern California native and has been a Palm Springs resident since 1990. She has been a Legal Secretary for 25 years. She is a past member of the San Fernando Valley Legal Secretaries Association. Currently she is employed in the Probate Department at Slovak Baron & Empey, LLP and is the newly elected Parliamentarian for DPLPA.



DPLPA EVENTS

Regular Meetings listed below:

June 12, 2012
September 11, 2012
November 13, 2012
December 11, 2012

Meetings will be held at:
The Clubhouse at **Desert Falls Country Club**

1111 Desert Falls, Palm Desert
(Corner of Cook Street & Country Club Drive, entrance north of Country Club Drive on Country Club Drive)

(If any changes, members will be notified via Email.)

BIRTHDAYS

A birthday is just the first day of another 365-day journey around the sun. Enjoy the trip.

Happy Birthday!!!!!!
From the DPLPA Members

July:

Becky Canela (4th)
Alice Wardlaw (17th)
Sylvia Chernick (18th)
Patricia Pierce (21st)
Erika Garduno (28th)

August:

Donna Lozano (7th)

Code of Ethics

Members of DPLPA adhere to the Code of Ethics which is dedicated to an LSI Past President, Joan M. Moore, PLS, CCLS, and reads as follows:

It shall be the duty of each member of Legal Secretaries, Incorporated, to observe all laws, rules, and regulations now or hereafter in effect relating to confidentiality and privileged communication, acting with loyalty, integrity, competence and diplomacy, in accordance with the highest standards of professional conduct.

TO ALL ATTORNEYS, PARALEGALS, AND LEGAL PROFESSIONALS



DESERT PALM LEGAL PROFESSIONALS ASSOCIATION

TUESDAY · JUNE 12, 2012

General Membership Meeting

Social at 5:30 P. M.; Dinner/Program at 6:00 P. M.

A Presentation by Louis Barry Mack, Esq.

Children of Divorce: Custody, Support and Visitation

Barry Mack has 31 years of experience in family law and civil litigation. Mr. Mack practiced in these areas from 1976 to 1995, and resumed his practice after serving from 1995 to 2004 as a Commissioner for the Riverside County Consolidated Courts at Indio. Mr. Mack's private practice focuses on resolving divorce and custody matters and disputes throughout the Coachella Valley.

LOCATION: Desert Falls County Club
1111 Desert Falls Parkway
(Country Club Drive & Desert Falls Parkway)
Palm Desert, CA 92260

MENU: Buffet (non-alcoholic refreshment included)

PRICE: \$26

RSVP by Noon on Thursday · June 7, 2012, to
Patricia Pierce at ppierce@sangerlaw.com or pspatricia@aim.com
or 760.320.7421

Desert Falls' policy: A reservation made is a reservation paid.



Minutes of the Regular Business Meeting
Meeting Date: April 10, 2012
Desert Palm Legal Professionals Association

Call to Order: A regular meeting of the Desert Palm Legal Professionals Association was held at Desert Falls Country Club, Palm Desert, California, on April 10, 2012. Dave Tennison, President, presided over the meeting. A quorum was confirmed.

Introductions: President, Dave Tennison, led the Pledge of Allegiance, introduced Family Law and Civil Litigation Attorney, Louis Barry Mack, Esq., the evening's guest speaker, and called for the introductions of the members and guests.

Speaker: Mr. Mack installed the 2012-2013 Board Officers:

President: Joleen Leonard
Vice President: Erika Garduno
Secretary: Patricia Pierce
Treasurer: Donna Bleyl
Governor: Donna Ellis
Parliamentarian: Kathleen Gorham

Approval of the Treasurer's Report: The Treasurer's report submitted by Donna Bleyl was approved pending audit.

Approval of the Memorandum and Minutes: The members approved the March 13, 2012, regular business meeting Minutes.

New Business:

1. Motion for \$100 Macy Gift Card & Script Ticket: The members voted and the decision was made to give out at San Diego Conference.
2. Motion for Retired Member: The members voted and the decision was made to have Tamara Merenda as a Retired Member of DPLPA.
3. Vote for Governor Pro Tem: The members voted and the decision was made to have Jordyn Gibbs go to the LSI Annual Conference in Donna Ellis's place.

Announcements:

No announcements

Adjournment:

June 12, 2012, 6:00 p.m. at Desert Falls Country Club, Palm Desert, California, were fixed as the date, time and place of the next regular meeting. The April 10, 2012 meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Joleen Leonard, Secretary

2012/2013 APPLICATION FOR MEMBERSHIP IN DESERT PALM LEGAL PROFESSIONALS ASSOCIATION

COMPLETE AND DELIVER THIS APPLICATION WITH YOUR CHECK FOR \$40 PAYABLE TO "DPLPA" (which includes local dues and Legal Secretaries Incorporated (LSI) per capita tax from May 1 to April 30) TO:

Donna J. Bleyl
77-060 Indiana Avenue
Palm Desert, CA 92211

NAME OF APPLICANT: _____ EMPLOYER: _____

PREFERRED MAILING ADDRESS: _____

_____ Home Telephone: _____
Office Telephone: _____
Office Fax: _____

Your Birthday (month and day) ____/____ E-Mail Address: _____

EMPLOYMENT IN LEGAL FIELD (Include positions, dates for last five years):

IF ACCEPTED AS A MEMBER, I AGREE TO BE BOUND BY THE BYLAWS OF AND THE STANDING RULES OF LEGAL SECRETARIES, INCORPORATED AND THE LOCAL ASSOCIATION TO WHICH I HEREBY APPLY FOR MEMBERSHIP, INCLUDING THE FOLLOWING CODE OF ETHICS:

It shall be the duty of each member of LSI to observe all laws, rules and regulations now or hereafter in effect relating to confidentiality and privileged communications acting with loyalty, integrity, competence and diplomacy in accordance with the highest standards of professional conduct. (Dedicated to the memory of Joan M. Moore, PLS, CCLS, LSI President 1980-1982)

SIGNATURE OF APPLICANT DATE: _____

SIGNATURE OF SPONSOR

LSI members are eligible for membership in the following LSI legal specialization sections:

ANNUAL DUES FOR LSI MEMBERS (AS OF FEBRUARY 2001) ARE \$20.00 FOR EACH SPECIALIZATION SECTION OR \$75.00 FOR ALL SIX SECTIONS:

**CIVIL LITIGATION
LAW OFFICE ADMINISTRATION**

**CRIMINAL LAW
PROBATE/ESTATE PLANNING**

**FAMILY LAW
TRANSACTIONAL LAW**

LSI LEGAL SPECIALIZATION SECTION MEMBERSHIP INCLUDES: (1) QUARTERLY SECTION NEWSLETTERS; (2) FREE QUARTERLY CONFERENCE WORKSHOPS; (3) REDUCED REGISTRATION FEES FOR REGIONAL SPECIALIZATION SECTION SEMINARS; AND (4) STATEWIDE ROSTER LISTING EACH SECTION MEMBER'S NAME, ADDRESS, TELEPHONE NUMBER, EXPERTISE AND GEOGRAPHICAL AREA WITH WHICH FAMILIAR.

TO REQUEST LSI SPECIALIZATION SECTION MEMBERSHIP INFORMATION, COPY THIS ENTIRE PAGE AND MAIL THE COPY TO: LEGAL SPECIALIZATION COORDINATOR, LSI CORPORATE OFFICE, 12852 HORTENSE STREET, STUDIO CITY, CA 91604-1123.

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Erika.Garduno@hotmail.com

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GOVERNORS REPORT
LSI ANNUAL CONFERENCE REPORT

PRE ANNUAL CONFERENCE

BOARD OF GOVERNORS MEETING

SATURDAY, MAY 19, 2012

SAN DIEGO, CALIFORNIA

- I. Pre Annual Board of Governors Meeting called to order at 8:00 AM.
- II. 32 Governors present. San Diego Governor not present.
- III. Minutes of last conference approved.
- IV. Executive Committee Resume reviewed and discussed and approved as is. (Resume available for review at June 12, 2012 General Membership Meeting)
- V. Recommendation that LSI purchase Adobe Professional for the LSI Administrator at a cost not to exceed \$550. Recommendation adopted.
- VI. Review of the Proposed Amendments to Standing Rules and Proposed Amendments to Bylaws, of LSI.
 - a. Standing Rules Amendments (Standing Rules available for review at June 12, 2012 General Membership Meeting)
 1. 4.1, removal of *Vice* (approved)
 2. 12.9, addition of *..., the fee charged for CCLS recertification, and the fee charged for replacement of an original CCLS Certificate,...* (approved)
 3. 12.10, removal, Total (approved)
 4. 12.11, removal, Total (approved)
 5. 13.1, removal of *Career Promotion/Scholarship Not Just a Secretary Booklet...\$5.00; Ways and Means Booklet...\$5.00* (approved)
 6. 17.1.1, addition, Total (approved)
 7. 17.1.5, removal of *30*; additon of *40...cents* (approved)
 8. 17.4, removal of *\$10*; additon of *\$15* (approved)
 9. 27, 27.1, removal, Total (approved)
 - b. Amendment to the Standing Rules Amendments

1. 13.1, addition of *aterisk (*) to Guidelines for Preparation for a Legal Education Program* (approved)
 - c. All Amendments passed, Standing Rules Amendments Approved.
 - d. Bylaws Amendments
 1. Section 2, Sub-section (e), removal of *...(5) be responsible for sending appropriate information regarding the LSI education programs to the Director of Public Relations for publicity;...* (approved)
 2. Section 2, Sub-section (m), removal of *five*; addition of *six* (approved)
 - e. All Amendments passed, Bylaws Amendments approved
- VII. Review of Budget, Approved
- VIII. Adjournment at 9:04AM

POST ANNUAL CONFERENCE

BOARD OF GOVERNORS MEETING

SUNDAY, MAY 20, 2012

SAN DIEGO, CALIFORNIA

- I. Post Annual Governors Meeting called to order at 9:00 AM
- II. 34 Governors Present
- III. Review of Proposed Budget for 2012-2013
 - a. 508.04 Amended
 - b. Printing and Duplicated increased from \$700 to \$1200. (approved)
 - c. All governors will receive a full and seperate snapshot of the marketing and advertising Budget for the new LSI rebranding project.
 - d. Proposed budget approved as amended.
- IV. Discussion of Upcoming Conferences.
 - a. August Conference-Hosted by Alameda County LSA and Livermore-Amador Valley LPA
 - b. November Conference-Hosted by Desert Palm LPA

- c. February 2014 Quarterly Conference-Bids by Merced County LPA and Stanislaus County LPA
- V. Announcements
 - a. Temporary Officer and Chairman Roster 2012-2013
 - b. Received revised copies of Brass Tacks
- VI. POINT OF ORDER
 - a. Removal of ADHOC Committee, giving all changes and all control of the marketing and advertising and the LSI rebranding project to the marketing committee.
- VII. Post Annual Governors Meeting adjourned at 11:55 AM.

Respectfully submitted,

Jordyn Gibbs, Co-Governor, DPLPA

DPLPA' Scholarship

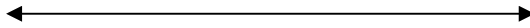
Each year Desert Palm Legal Professionals Association offers a scholarship to students enrolled in a college, university or business school offering a degree or certificate of completion upon graduation for a course of study in the legal field, i.e., paralegals, legal assistants, legal secretaries, law office receptionists, court reporters, etc.

Scholarship Criteria: Applications and accompanying documents must be submitted to DPLPA not later than April 15th each year. Scholarships are awarded based on:

- applicant's desire for a career / position in the legal field;
- applicant's academic achievement (GPA);
- applicant's financial need; and
- applicant's personal characteristics, aspirations and goals.

Announcement of Award: Recipients will be notified by DPLPA by mid-May each year via mail following the DPLPA business meeting. Completed applications must be mailed and postmarked to the DPLPA Scholarship Committee on or before the April 15th deadline.

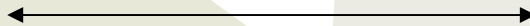
Visit our website: <http://www.dplpa.org>



Employer/Employment Opportunity

Deborah McPeak – Legal Secretary
(760) 251-0915
mcpeakdebi@yahoo.com

Debi began her career as a legal secretary in 1988 at the Monterey law firm of Thompson, Hubbard, Schwartz, Ometer & Grey where she worked for two litigation attorneys until 1990. Upon relocating to Contra Costa County, she was hired as a junior secretary at the law firm of Tonsing & Tonsing, which unfortunately closed their doors after two years. She was then hired by the law firm of Seller Hazard in Walnut Creek until they dissolved their partnership in 1995. Debi was fortunate to procure a position with the law firm of Archer Norris in Walnut Creek. At Archer Norris, Debi reported to three attorneys whose practice was in the area of insurance defense and was responsible for the maintenance of voluminous client files, high volume typing regarding insurance coverage matters, including Commercial General Liability, Directors and Officers Liability, Commercial Umbrella Liability, Business, Auto and Homeowners policies. Debi obtained her Associate of Arts degree in 2008, and worked briefly at the law firm of Slovak Baron & Empey in Palm Springs. Debi is a Notary Public whose commission expires January 17, 2015.



FOOD FOR THOUGHT! (Inspirational quote by *Ralph Marston*)

“Let go of your attachment to being right, and suddenly your mind is more open. You're able to benefit from the unique viewpoints of others, without being crippled by your own judgment.”

YOUR VOICE COUNTS

If you have any articles that you would like to share, have any photos, comments/opinions, ideas, employment opportunities to share with the rest of the world or inquiries, please submit

(DPLPA – VOICE) to:
Erika.Garduno@hotmail.com

... could be in our next issue.



If you have any employment opportunity, please submit your post to:

Erika.Garduno@hotmail.com

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GOOD READING

WORDS OF WISDOM FROM FLORENCE ROSS

By Kathleen Gorham (writer & Interviewer)
& Erika Garduno (Interviewer & Photographer)

Erika and I sat down with Desert Palm Legal Professionals Association Member, Florence Ross, in the conference room of her office at Schlecht, Shevlin & Shoenberger to talk with her about her history with the Association.

Florence is a graduate of Soule Business College, New Orleans, Louisiana. She married her husband, Don, in 1951 and they moved to Cathedral City, California. In late 1952 she answered a call (by accident) that Warren E. Slaughter, Esq., needed a secretary for a one attorney law office. Without much thought of specifically becoming a legal secretary, Florence filled the needed position and worked for Mr. Slaughter until September of 1953, when she resigned to take care of her children.

After five years, Mr. Slaughter contacted Florence in September, 1958. He needed a secretary again, so Florence returned to work for Mr. Slaughter with the agreement that it would only be for two weeks while he looked to hire a permanent secretary. That was 54 years ago!

***“Legal Secretary
Of the Year 1993-94”***
- Florence Ross



Florence worked for Mr. Slaughter, who had been joined by attorneys Jim Schlecht and Robert Schlesinger, forming the firm of Slaughter, Schlesinger and Schlecht. About eight years went by when Mr. Slaughter was appointed to the Bench as a Superior Court Judge in 1966. Judge Slaughter wanted Florence to come to the Court with him as his secretary, but with three children in school in Palm Springs, she felt it would not have been a successful move for her. So Florence stayed on with the firm eventually becoming Jon. Shoenberger's secretary in 1978 and continuing to this date, now on a part-time basis. We asked Florence if she was considering retiring anytime soon and she said she would retire when Jon does. That time is presently unknown. In any event, she said she hopes not to retire before her 80th birthday next January!

Florence became a charter member of The Desert Palm Legal Secretaries Association when it began in 1961. She attended the very first installation and has over the years held every office except Governor. Florence was elected and served as President of DPLSA in 1975 and 1976, and was appointed Parliamentarian in or around 1987 or so (no one can remember!).





GOOD READING

WORDS OF WISDOM FROM FLORENCE ROSS

Continued from page 12

Florence was nominated for and won "Legal Secretary of the Year 1993-94" for the State of California, by the California Association of Legal Secretaries. Encouraged always by her family and co-workers to step out and up, Florence is to this day, very proud and honored to have received it. After careful thought, Florence decided to step down as Parliamentarian this year but will continue to attend meetings and events and volunteer where she can.

In fact, Florence has refused in the past an honorary membership because she didn't want to lose her right to vote. Although I suspect the Association will continue to make this offer to her, I also feel that she will continue to reserve her voting rights, staying just as involved as she's always been!

Q & A SESSION

With all the history and wisdom Florence has to offer, we decided to take advantage with a little Q&A with questions from our members:

Q: Did you have a mentor? If so who was that person?

A: *I would have to say Warren Slaughter first and second, the girls at the Courthouse.*

But I must add that the Legal Secretary's Handbook in the beginning was tremendously helpful.

Q: What inspired you to become a legal secretary?

A: *Well like I said, it was quite by accident. Mr. Slaughter was looking for a secretary in a recently opened law office. Mr. Slaughter was a sole practitioner. He was very patient with me, and we sort of learned together the preparation of documents, filing procedures and how to run a law office. I enjoyed working with the clients and when I joined the Legal Secretaries Association, I met many wonderful friends in the legal field who encouraged and helped me. As the firm grew, we had many wonderful attorneys and employees who became dear friends and were always very helpful. I guess you could say SS&S is like a second home to me.*



Photo below is a cover of one of the History Books which was given to Florence as a gift.

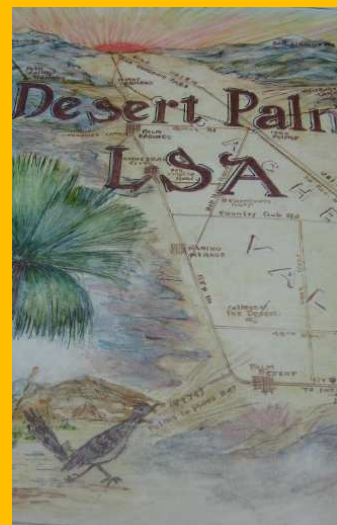


Photo below: Florence holding the "Legal Secretary of the Year 1993-94" award.





GOOD READING

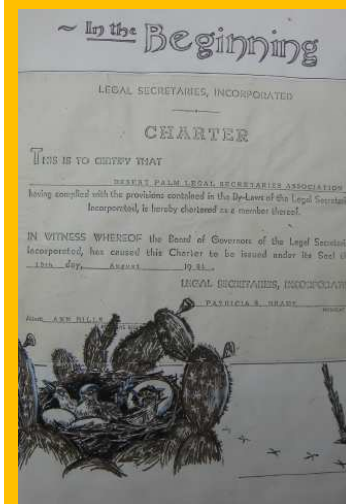
WORDS OF WISDOM FROM FLORENCE ROSS

Continued from page 13

- Q:** Is your job easier now or before we had computers?
A: *Yes! 100% easier with the computers. Before computers it was a hard, messy job in preparing documents, with all the carbon paper and white out. Yes, definitely love the computers.*
- Q:** How do you handle having the same boss for 34 years?
A: *What can I say, we work well together and I am so proud to work for the fine caliber of man that Jon Shoenberger is. I mean that. I respect him very highly.*
- Q:** Have you ever considered leaving your position and becoming a paralegal?
A: *No, raising my children and just being a secretary worked for me.*
- Q:** How has your law firm changed over the years?
A: *Well, we had about 32 employees at one time and of course downsized during the recession(s) much like everyone else. But the core has always been consistent. We had great partners and a wonderful office manager, Charlene Treatch, for many years who recently passed away. She added greatly to the atmosphere of the office. We now still have a great team.*
- Q:** What is the nicest thing your boss has ever done for you?
A: *Oh, where do I start? I would have to say the first time my husband became ill with a heart problem. I came into work very upset as I didn't know of a cardiologist to take him to. Jon stopped everything he was doing and found me a doctor to help. When my husband passed away 10 years ago, he and all of the firm, together with my family were there for me. Also, he and Mrs. Shoenberger have been very kind to me over all of these years, remembering me on my birthday, secretaries' day and Christmas, which has made me feel very special.*
- Q:** Florence, what is your opinion on dress code for the legal secretary?
A: *Professional always! I feel you should always try to look your best. After all, you do represent your law firm.*
- Q:** What do you think the key to longevity with a law firm is?
A: *Do your job and don't get involved in office politics. (Girls you know what I mean)! I think respect and communication is key!*



Photo below:
 Desert Palm Legal Secretaries Association was chartered as a member of LSI. The Charter was issued on 8/19/1961



All of the members I emailed or spoke to in regards to Florence and this article had the most wonderful comments about her and those comments utilized all the best adjectives in our vocabulary. But most impressive was that in the span of 30 or so years to the present, everyone's description of Florence was consistently the same and that, I believe is an amazing compliment to her character!

Written by
 Kathleen Gorham



SLOVAK BARON & EMPEY LLP

CONTACT US:



Main Office:
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262
T: (760) 322-2275
F: (760) 322-2107

New Jersey Office:
103 Carnegie Center Boulevard, Suite 300
Princeton, New Jersey 08540
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FROM THE PARLIAMENTARIAN

By Kathleen Gorham

Definition

Parliamentary procedure, often used interchangeably with “parliamentary law,” is more correctly defined as parliamentary law in combination with the *rules of order* that a given assembly or organization has adopted.

Parliamentary law is:

- Rules of the game of democracy.
- Rules that govern procedure by which civil and criminal laws are made and adopted.
- Rules and customs that govern deliberative and decision-making assemblies and organizations.

The term *rules of order* refers to written rules of parliamentary procedure formally adopted by a group of people or by an organization. These rules relate to the orderly transaction of business in meeting and to the duties of officers in facilitating the conduct of business. Written rules of order help ensure that the organization functions smoothly and that questions about procedure can be resolved quickly and fairly. An organization’s rules of order may include bylaws, standing rules, policy manuals, and other rules.

Objectives

Parliamentary procedure

- Establishes the purpose and structure of organizations;
- Defines membership classifications, rights and obligations; and
- Defines rules and procedures for conducting business.

Principles

Parliamentary law is based upon

- The will of the majority;
 - The right of the minority to be heard;
 - Protection of the rights of absentees;
 - Courtesy and justice for all; and
- Consideration of one subject at a time.



Tamara Baron
CSR No. 6874

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cell 760.808.1585
74967 Sheryl Avenue
Palm Desert, CA 92260
tamara@yatescsr.com

NOVEMBER 2012 QUARTERLY CONFERENCE – A Weekend in Paris

Conference Report June 12, 2012

LSI 2nd Quarterly Conference 2012 is to be held on November 15-18, 2012 at Palm Springs Hilton. The room rate is \$109 per night. The scrip ticket at this time is \$114.

A Scrip ticket includes the following: Registration (This is the only way to get a boodle bag) - \$15; Friday Night Reception - \$20; Saturday Evening Banquet - \$60; and Sunday Morning Brunch - \$22. Of course you can always buy these individually. Individual prices listed above. There’s a slight savings when you buy a SCRIP ticket. Also, lunches are \$23 each.

Sheila Williams will be our Mistress of Ceremonies on Saturday night. I am currently waiting on a response from the Palm Springs Mayor’s office for the Saturday morning speaker. According to the office, we will have a representative speak for us.

Letters to each attorney listed in the Ayotte and Schakelford directory went out and each of your bosses should have received them. Please ask them about it as it would be great if everyone could donate.

If you know of someone who is interested in being a vendor, please let me know. I have sent out about 75 requests for vendors to attend and have received lots of inquiries. Unfortunately, most companies will not respond until after the August conference. We do need some non-legal related vendors, so it would be great if you knew someone who sold make-up, candles, etc. If you want a list of all the vendors I have been in contact with please let me know.

The main focus right now is donations to our boodle bags and our raffle prizes. With raffle prizes, please remember that many of the conference attendees will be flying, so items should be easy to pack. *Continue on top of page.*

Gift cards are a huge hit as they go straight into your pocket. At previous conference we have done “raffle trees” of 5-10 gift cards from various places in the amount of \$10 and \$25. I think we should do this again.

For boodle bags, we need just small items. Of course snacks would be nice. Also, bottled water is a huge hit – as you know water is very expensive in a hotel. Pens, Pencils, chapsticks, tissues, post its. Any day to day items would be great and if you see any items that you think would be great, but don’t know how to ask, please let me know.

Request letters will be going out to various companies around the desert – restaurants, etc. – asking for donations to our raffle table and/or boodle bags. Again, if you have any ideas let me know.

All donations can be brought to the Law Office of Brian Lewis at 44700 Village Court in Palm Desert, Suite 100. Alice Wardlaw handling all incoming letters, etc. and the donations will remain at the office until conference.

Since this will be the last meeting before September, I will be sending out weekly correspondences to the members via email of all things that have happened. Things are moving quite slowly now, but they will pick up after the August conference. If you have ANY questions, please let me know.

Jennifer Ellis (November 2012 Quarterly Conference Chairman)
Jennellis21@yahoo.com

(LSI) Membership Benefits/Advantages (www.lsi.org)

LSI® provides educational, professional, and personal development information to legal support staff throughout the state of California. Many educational opportunities are available to members (and non-members, for a nominal fee) throughout California.

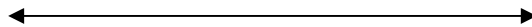
Monthly educational programs and newsletters are provided by local associations

General educational programs are offered at each LSI conference free to anyone wishing to attend. Topics vary among specialized areas of law, ethics, law office products and management, and personal development. Click on LSI Events for more information about upcoming LSI Events.

Members (and non-members) are given the opportunity to join one or all six Legal Specialization Sections. Each specialization section offers seminars and newsletters on specific areas of law. Seminars are presented at each LSI quarterly and annual conference free to LSI section members and at a reduced cost to non-section members. For more information, click on "Legal Specialization Sections."

Many local associations offer study groups for members interested in preparing to take the California Certified Legal Secretary (CCLS®) examination. Information on the CCLS examination can be found by clicking on "California Certified Legal Secretary."

These programs are designed to provide current material and educational tools to enable law office support staff to remain current with the changes in general law, as well as in their respective areas of practice.

**Why Become a Legal Professional?**

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- Competitive salaries and benefits
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- Continuing education enhances legal professionals, making them an asset to every employer

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- Learn basic secretarial and computer skills
- Enroll in a legal secretarial or paralegal course through business schools and college courses
- Enroll in a training course offered by a Legal Secretaries, Incorporated, association in your area
- Legal Secretaries, Incorporated, offers scholarships to non-members interested in pursuing a career in the legal field

Why Join Legal Secretaries, Incorporated?

- Become one of the 2000 elite legal professionals in California
- Build a network of knowledge by meeting other legal professionals
- Continuing education is the main focus of Legal Secretaries, Incorporated
- Our motto: Excellence through Education
- Expand your personal and professional development and skills through a multitude of educational opportunities offered statewide
- Enjoy discounted educational benefits through the Continuing Education of the Bar
- Become a California Certified Legal Secretary (CCLS®) through a course of study and a comprehensive examination
- Easily maintain your CCLS credits and your MCLE credits through workshops and seminars sponsored by the Legal Specialization Sections of Legal Secretaries, Incorporated


 [CCLS Workshop Reg. Form](#)

LSI® EVENTS**August Conference**

August 17-19, 2012

Hilton Pleasanton at the Club
Pleasanton

*Hosted by Alameda County LSA
and Livermore-Amador Valley
LPA*

 <http://lsi.org/pdf/2012-august-conference-registration.pdf>

 <http://lsi.org/pdf/2012-august-hotel-reservation.pdf>

**November Conference**

November 16-18, 2012

Palm Springs Hilton

Hosted by: Desert Palm LPA

**February 2013 Conference**

February 22-24, 2013

Knott's Berry farm Resort

Host by: Orange County LSA

**79th Annual Conference**

May 16-19, 2013

San Jose Marriot

*Host by: Santa Clara county
LSA*



APPLICATION FOR MEMBERSHIP IN

LEGAL

ASSOCIATION

COMPLETE AND DELIVER THE ORIGINAL APPLICATION, WITH CHECK PAYABLE TO _____, FOR \$_____, WHICH INCLUDES LOCAL DUES, ANY INITIATION FEE AND LEGAL SECRETARIES, INCORPORATED (LSI)* PER CAPITA TAX, TO:

NAME OF APPLICANT _____

EMPLOYER _____ POSITION _____

MAILING ADDRESS _____ CITY/ZIP _____

BUSINESS TELEPHONE (_____) _____ RESIDENCE TELEPHONE (_____) _____

BUSINESS E-MAIL _____ RESIDENCE E-MAIL _____

EMPLOYMENT IN THE LEGAL FIELD (INCLUDE POSITIONS, DATES) _____

PREVIOUS MEMBERSHIP IN A LEGAL SECRETARIES/PROFESSIONALS ASSOCIATION (INCLUDE ASSOCIATIONS, DATES) _____

IF ACCEPTED AS A MEMBER, I AGREE TO BE BOUND BY THE BYLAWS AND STANDING RULES OF LEGAL SECRETARIES, INCORPORATED, AND THE LOCAL ASSOCIATION TO WHICH I HEREBY APPLY FOR MEMBERSHIP, INCLUDING THE FOLLOWING CODE OF ETHICS:

IT SHALL BE THE DUTY OF EACH MEMBER OF LEGAL SECRETARIES, INCORPORATED TO OBSERVE ALL LAWS, RULES AND REGULATIONS NOW OR HEREAFTER IN EFFECT RELATING TO CONFIDENTIALITY AND PRIVILEGED COMMUNICATION, ACTING WITH LOYALTY, INTEGRITY, COMPETENCE AND DIPLOMACY, IN ACCORDANCE WITH THE HIGHEST STANDARDS OF PROFESSIONAL CONDUCT. (Dedicated to the memory of Joan M. Moore, PLS, CCLS, LSI President 1980-82)

SIGNATURE OF APPLICANT _____ DATE _____

SPONSOR _____ APPLICATION APPROVED _____

~ ~ LSI LEGAL SPECIALIZATION SECTIONS MEMBERSHIP ~ ~

LSI MEMBERS MAY ALSO JOIN ONE OR MORE OF THE FOLLOWING LSI LEGAL SPECIALIZATION SECTIONS:

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~ CRIMINAL LAW

~ FAMILY LAW

~ LAW OFFICE ADMINISTRATION

~ PROBATE/ESTATE PLANNING

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FOR LSI LEGAL SPECIALIZATION SECTIONS MEMBERSHIP AND DUES INFORMATION, VISIT LSI'S WEBSITE AT www.lsi.org; or, TRANSMIT A COPY OF THIS ENTIRE PAGE OF YOUR APPLICATION TO:

LEGAL SPECIALIZATION SECTIONS COORDINATOR

PO Box 660

FORTUNA, CA 95540-0660

FACSIMILE: 707-682-6888

E-MAIL: lsiorg@suddenlinkmail.com

(Form adopted 5/01; revised 6/10)

* ACCOMPANYING MEMBERSHIP IN LEGAL SECRETARIES, INCORPORATED, A CALIFORNIA NON-PROFIT MUTUAL BENEFIT ASSOCIATION, INCLUDES SUBSCRIPTION TO *THE LEGAL SECRETARY* MAGAZINE, REDUCED ANNUAL DUES FOR MEMBERSHIP IN LEGAL SPECIALIZATION SECTIONS AND DISCOUNTED PRICES ON PURCHASE OF *LSI LEGAL PROFESSIONAL'S HANDBOOK* AND *LAW OFFICE PROCEDURES MANUAL*.

LSI® Officers and Chairmen

If you would like to get in contact with any of the people listed below, please e-mail info@lsi.org or call (800) 281-2188.

The day-to-day operation of the corporation is done by the Executive Committee consisting of four elected officers and two appointed officers as follows:

Executive Committee:

President:	Sandra T. Jimenez, CCLS
Vice-President:	Mary J. Beaudrow, CCLS
Executive Secretary:	Jennifer L. Page, CCLS
Treasurer:	Heather Edwards

Appointed Officers:

Executive Advisor:	Brooke Mansfield, CCLS
Parliamentarian:	Astrid B. Watterson, CCLS
Editor-in-Chief	Maria Bishop, CCLS
Editor of <i>The Legal Secretary®</i> Magazine	Michelle Tice, CCLS
Educational Program Coordinator	J. Cori Mandy, CCLS
Historian	Esperanza Larios
Legal Specialization Sections Coordinator	Cheryl L. Kent, PLS, CCLS

The LSI Chairmen oversee the various programs and committees of LSI:

Advertising	Linda Moore, CCLS
2013 Annual Conference Co-Chairs	Rod Cardinale, Jr.
California Certified Legal Secretary	Terrie Quinton, CCLS
Career Promotion/Scholarship	Sylvia Marsh
Editor, <i>The Legal Professional's Handbook</i>	Ann Boccia Rosado
Editor, <i>Law Office Procedures Manual</i>	Karen J. Jones
Legal Procedure	Jeffrey S. Weddle
Legal Secretary Training/Seminar	Shaylene Cortez, CCLS
Marketing Committee Coordinator	Mary J. Beaudrow, CCLS
Nominations and Elections	Brooke Mansfield, CCLS
Professional Liaison/Day In Court	Catherine Carmichael
Liaison to Law Practice Management & Technology Section of the State Bar of California	Margaret Tovar, CCLS
Website Editor	Cathleen McGrath Siler

BENEFITS

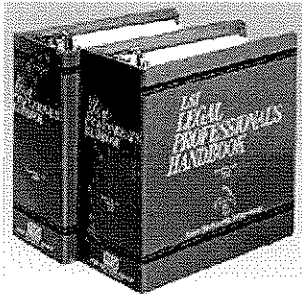
LEGAL SECRETARIES INCORPORATED (LSI)

Note: This list is maintained for use by members of Legal Secretaries, Inc. Agents for insurance and financial providers are available as resources when members inquire about benefits. Please use this as a starting point; ask for information, compare policy coverage and prices. LSI wants its members to find the BEST coverage for each member's individual needs and location. For information call these representatives directly.

<p style="text-align: center;">DISCOUNT THROUGH CEB</p> <p>Members of Legal Secretaries, Incorporated are offered a reduced cost for certain educational benefits (seminars, publications) through Continuing Education of the Bar. For more information, visit http://ceb.com/LSI/</p>	<p style="text-align: center;">WORKING ADVANTAGE</p> <p>Toll Free: (800) 565-3712 www.workingadvantage.com</p> <p>Discount on event tickets, movie tickets, theme parks, Broadway theater, sporting events, ski tickets, hotel certificates, family events, gift cards and more.</p> <p>Member ID: Contact LSI Corporate Office, lsiorg@suddenlink.com, or LSI Vice President</p>
<p style="text-align: center;">HERTZ CORPORATION</p> <p>Effective Date: June 1, 1996 CDP Card #447698 (800) 654-3131 www.hertz.com</p>	
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<p style="text-align: center;">AFLAC AND WORKER'S COMPENSATION QUOTES</p> <p>Steven C. Dannenberg (Independent Broker) 11091 Rhyolite Drive, Suite 4 Redding, CA 96003 Direct: (530) 339-5889 - Office: (530) 243-9879 Fax: (530) 243-9880 E-mail: dannenberginsurance@gmail.com Offering supplemental insurance for Accident, Sickness, Cancer, Dental, Hospital Indemnity and Heart Attack/Stroke.</p>	<p style="text-align: center;">CAPITAL INVESTMENT ADVISERS</p> <p>Emerson J. Fersch, CFP, ChFC, CLU, CASL 5000 E. Spring Street, Suite 200 Long Beach, CA 90815 Office: (562) 420-9009 or (877) 270-9342 Fax: (562) 420-9955 www.ciadvisers.com Offering Retirement Planning/Investment Management, Pension and 401K Rollover Consulting, and Comprehensive Financial Planning</p>
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<p style="text-align: center;">LA FINANCIAL FEDERAL CREDIT UNION</p> <p>P.O. Box 6015 Pasadena, CA 91102-6015 (800) 894-1200 www.lafinancial.org Open to anyone living, working or worshipping in Los Angeles County, or referral from existing member.</p>	<p style="text-align: center;">PROVIDENT CREDIT UNION</p> <p>303 Twin Dolphin Drive P.O. Box 8007 Redwood City, CA 94603-0907 (800) 632-4699 - (650) 508-0300 www.providentcu.org All LSI members are eligible to join.</p>

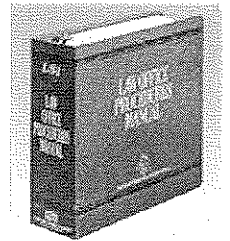
QUESTIONS AND CONCERNS CONTACT:
Sandra T. Jimenez, CCLS, LSI Vice President
LSI Marketing Committee Coordinator
P.O. Box 58, Seeley, CA 92273
Cell - (760) 604-3057
sjimenez52@yahoo.com

Legal Publications

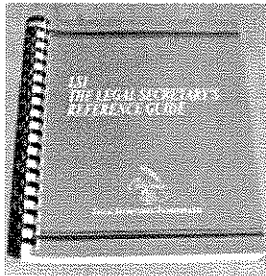


LSI Legal Professional's Handbook and Law Office Procedures Manual

- The most clear, concise procedural handbook for California courts on the market! Cross-references to code sections and other legal publications.
- Twenty-four separation chapters giving deadlines and step-by-step instructions on what to do and how to do it. Reviewed and used by professionals throughout the state. Updated and reviewed annually by working members of the legal profession.
- These books are published through The Rutter Group and may be ordered by contacting 800-747-3161 extension 2 or through its website at <http://www.ruttergroup.com/legalsec.htm>. Members of Legal Secretaries, Incorporated, receive a discounted rate for these publications.



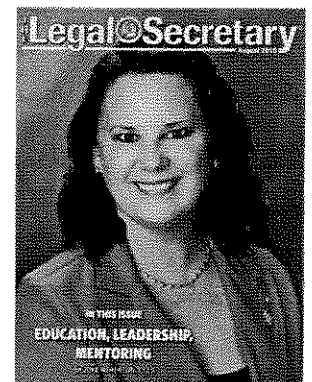
Legal Secretary's Reference Guide



- A legal procedure guide designed to assist local associations in conducting a training class. Also useful for training office personnel and as a general reference for experienced staff.
- http://www.lsi.org/reference_guide.php

The Legal Secretary

- Become a member of Legal Secretaries, Incorporated, and you will receive this informative quarterly magazine. The magazine contains educational and professional development articles submitted by LSI officers, chairmen, members and guest writers; a list of all officers and chairmen; notification of upcoming conferences, workshops, seminars, dates for upcoming California Certified Legal Secretary examinations and much, much more!





**LEGAL SECRETARIES, INCORPORATED
AUGUST 2012 FIRST QUARTERLY CONFERENCE
AUGUST 17, 18 & 19, 2012
BLUE RIBBON FAIR**

Hosted by:

**ALAMEDA COUNTY LEGAL SECRETARIES ASSOCIATION AND
LIVERMORE-AMADOR VALLEY LEGAL PROFESSIONALS ASSOCIATION**

HILTON PLEASANTON AT THE CLUB, PLEASANTON, CALIFORNIA

CONFERENCE REGISTRATION FORM

Name (On Badge): _____
Mailing Address: _____
City/State/Zip: _____
Home Phone: _____ Work Phone: _____
E-mail Address: _____
Local Association: _____ LSA/LPA
(Full Name)

PLEASE CHECK IF APPLICABLE AND INCLUDE TITLE:

☐ State Officer : _____
☐ State Chairman: _____

PLEASE CHECK IF YOU ARE:

☐ Governor ☐ CCLS ☐ PLS

SCRIP (INCLUDES REGISTRATION, WELCOME RECEPTION, BANQUET AND BRUNCH):

Postmarked on or **Before July 27, 2012** \$108.00 \$ _____
Postmarked **July 28, 2012 or later** \$118.00 \$ _____

INDIVIDUAL TICKETS:

Registration by July 27, 2012 _____ @ \$15.00 \$ _____
Registration (After July 27, 2012) _____ @ \$25.00 \$ _____
Officer/Chairmen Luncheon** _____ @ \$25.00 \$ _____
Friday Luncheon For State LSI Officers and Chairmen only
Welcome Reception (Friday) _____ @ \$20.00 \$ _____
Governor's Luncheon (Saturday) _____ @ \$25.00 \$ _____
President's Luncheon (Saturday) _____ @ \$25.00 \$ _____
Membership Luncheon (Saturday) _____ @ \$25.00 \$ _____
Saturday Night Banquet _____ @ \$52.00 \$ _____
____ BBQ Tri-tip _____ Honey Ham _____ Vegetarian Lasagna
Sunday Brunch _____ @ \$27.00 \$ _____

TOTAL AMOUNT PAID: \$ _____

Special dietary request: _____

Please Make checks payable to and mail to: "AUGUST 2012 LSI QUARTERLY CONFERENCE"
Christa Davis, Registration Chair, 19827 Alana Road, Castro Valley, CA 94546

For General Information Contact Co-Conference Chairmen:

Cheryl L. Kent, PLS, CCLS - (925) 837-0585 -- Clkccls@comcast.net - Livermore-Amador Valley LPA
Mary S. Rocca, CCLS - (510) 865-0473 -- Marysrocca@aol.com - Alameda County LSA

NO REFUNDS AFTER JULY 27, 2012



**LEGAL SECRETARIES, INCORPORATED
AUGUST 2012 FIRST QUARTERLY CONFERENCE
AUGUST 17, 18 & 19, 2012
BLUE RIBBON FAIR**

Hosted by:

**ALAMEDA COUNTY LEGAL SECRETARIES ASSOCIATION AND
LIVERMORE-AMADOR VALLEY LEGAL PROFESSIONALS ASSOCIATION**

HOTEL REGISTRATION INFORMATION



Hilton Pleasanton at The Club
7050 Johnson Drive
Pleasanton, CA 94588
Tel: 925-463-8000
Fax: 925-463-3801

Oakland International Airport:

20 miles from the hotel - 17 minutes drive time.

Directions from Oakland International

Airport: Take 880 South to 238 East to 580 East, exit at Hopyard and turn right onto Owens, then turn right onto Johnson Drive, the hotel is on the left.

Easy access to BART

We offer complimentary shuttle service to and from the Dublin/Pleasanton BART station. Contact front desk for reservations. For more information about BART, visit their website at www.BART.gov.

Club Sport

Club Sport offers state-of-the-art equipment to meet your every need during your stay. Complimentary passes for Hilton Pleasanton hotel guest.

Accommodations:

___ Single/Double \$72.00 per night
___ Triple/Quad \$72.00 per night

Taxes, Fees, Assessments: 8.05%; Tourism Tax: \$2 per night
No checks accepted.

Check In: 3:00 p.m. **Check Out:** 12 Noon

Parking: Complimentary

To make reservations (by telephone or online):

[Http://www.hilton.com/en/hi/groups/personalized/P/PLEPHHF-LSI-20120813/index.jhtml?WT.mc_id=POG](http://www.hilton.com/en/hi/groups/personalized/P/PLEPHHF-LSI-20120813/index.jhtml?WT.mc_id=POG)

Group Name: LSI Quarterly Conference

Group Code: LSI

Telephone: (925) 463-8000

For General Information Contact Co-Conference Chairmen:

Cheryl L. Kent, PLS, CCLS - (925) 837-0585

Mary S. Rocca, CCLS - (510) 865-0473

Clkcccls@comcast.net - Livermore-Amador Valley LPA

Marysrocca@aol.com - Alameda County LSA

ROOM RESERVATION CUTOFF: AUGUST 2, 2012



SERVICES PROVIDED

Residential Building

From your dream home image onto a blue print, to developing your dream into a reality and delivering the keys to your new home, we do it all.

Semi custom, kitchen, bathroom, room additions and complete home remodels.

Commercial Building

We can serve any of your business needs with complete renovations and services.

Handyman Services

No project is too small for us to handle from changing a light bulb to building your own structural dream.

SANZON CONSTRUCTION

HAS THE SOLUTIONS
THAT WORKS FOR YOU!

We have professional staff to help with any questions or developments of any construction related subjects such as: city permits, planning, plumbing, electrical, framing, painting, concrete, A/C, roofing, flooring, hard surfaces, maintenance, over all cleaning, complete structure development and completion of any project. We have 13 years of experience.

*Quality, Knowledge, Professionalism &
Dedication Are Our Strength!*

FAMILY SECTION NEWSLETTER

The Family Law Section of the Desert Bar Association Monthly Newsletter!

Legal Analysis & Commentary: Mark D. Gershenson, 400 S. Farrell, #B203, Palm Springs 92262, Tel.(760)322-0555 mdg@mdglaw.com
Ass't to the Editor: Kristin Dancy, 225 S. Civic Dr, Suite 1-3, Palm Springs 92262, Tel. (760) 320-7915 kristindancy@verizon.net

A Monthly Newsletter

Issue 5, May 2012

In the News - page 1

The Riverside County Family Law Mediation Panel is LIVE and the Family Law VSC program is batting a thousand!

Message from the Chair - page 2

Many thanks to realtor John Sloan for joining us at last month's FLS dinner!

Legal Analysis and Commentary - page 3

Attorney Mark Gershenson regales us with his latest review of useful precedents!

From the Bench - page 4

Judge Wells and Commissioner Olson report on some sensible procedural changes that you need to know about!

Elements, Presumptions, and Controlling Factors in Move-Away Cases - page 5

Attorney Nathan Rosenberg shares valuable insights

Save the Dates - page 10

Here are some upcoming events of interest. Do you have any ideas for inclusion? If so, please forward them to the Editors!

Family Law Mediator Panel Web Pages Go Live!

Barrie Roberts, Director of the Riverside County courts' ADR programs, has been working tirelessly to support our volunteer attorneys in developing their private mediation practices. The mediator community, and the public, are in her debt.

Two weeks ago the court's new Family Law – Private Mediation Web Page, with links to our Mediator Profiles and websites, went "live"! Here is the link: http://riverside.courts.ca.gov/adr/famlaw_privatemediation.shtml. Each of you who are listed are encouraged to review your profile pages for accuracy and to contact Barrie at barrie.roberts@riverside.courts.ca.gov or to call her at 951-777-3157 if you have revisions, suggestions or corrections.

Here is a link to the press release that has been circulated: <http://riverside.courts.ca.gov/media/12famlawmediation.pdf>

Here is a link to the article that came to be published by the Desert Sun, which unfortunately contains a somewhat misleading title: <http://www.mydesert.com/apps/pbcs.dll/article?AID=2012120504012>

Many of the Panel members have had only limited mediation experience. However, all of the Panel members have agreed to volunteer their time working with pro per couples in Indio on the first Monday of each month. This creates an opportunity to quickly gain real life mediation experience and to advance our skills. We had our first VSC mediation day on April 2nd, with all four cases settled. Similarly, on May 7th all five cases were successfully resolved (one case resulted in a Partial Judgment with the parties to return next month with proof of Epstein related payments). Our next VSC day is June 4. In order to provide ample time to resolve these cases, VSC mediations are now commencing at 8:15 a.m. in Department 2J under the supervision of Judge Wells.

Kristin Dancy is circulating sign-up sheets for the coming months. The goal is to give everyone an opportunity to mediate, although certain individuals, like Patricia Muro who is bilingual, are in particular demand. I will only take a spot if no one else is available that day, and it is hoped that by providing these sign-up sheets you will quickly respond and advise of your availability, and so allow us to equitably rotate volunteers among our mediator pool. The VSC program will continue through the summer.

Please join us in Indio this week at 4:00 p.m. Thursday, in the Jury Assembly Room, for a humble ceremony to honor our local attorneys who volunteer various services to the Riverside Courts. This will be followed by our monthly FLS dinner at Trilussa's beginning at 5:30 p.m.

Continuing thanks to Sue Ryan, Pamela Peery and Clint Miller for making our task as VSC mediators seamless!

~ TWA ~

MESSAGE FROM THE CHAIR:

Many thanks to Realtor and Certified Pre-Foreclosure Expert John Sloan for visiting with us at last month's FLS dinner. He shared lots of useful information concerning loan forgiveness and tackling the related tax consequence questions. John looks to be an excellent resource when these issues surface in our day to day practices, both in terms of possibly offering us some free guidance and as a professional whom we can refer our short-sale and loan workout clients to. John's number is (760) 898-1724 and his email address is:

john@sloanrealtygroup.com.

Everyone seemed pleased by our experiment with Trilussa's in Cathedral City, so we will continue with that venue for the time being.

We don't have a speaker for this month's FLS dinner, this coming Thursday (May 17, following the ADR Recognition Ceremony in Indio which begins at 4:00 p.m.) Instead, it is my hope that we can open a dialogue about topics of interest, including whether there are committees that would be useful to form to serve the Family Law Section, the Bench, and our local community. Please attend and contribute your two-cents!

Special thanks to Nate Rosenberg and Judge Wells for their contributions to this month's newsletter. Mark and I do need your input and help!

PLEASE CONTRIBUTE ARTICLES, NOTICES AND MATERIALS TO THE FLS NEWSLETTER!!!

T.W. Arnold, III

COURT DAYS OR CALENDAR DAYS?

With the increasing use of Express Mail, private overnight couriers, fax, and email (collectively, "New Technology" (at least "new" in comparison to personal service and First Class Mail)) to serve documents, we need to factor in the additional two-day period (as opposed to five days when service is by First Class Mail).

Must we add court days or calendar days? Yes, and yes.

Huh?

Well, to provide that most lawyerly of answers, it depends.

If you are serving moving papers, Code of Civil Procedure section 1005(b) (all subsequent statutory references are to the Code of Civil Procedure) states, "the required 16-day period of notice shall be increased by two calendar days," and that Section 1013 does not apply.

In contrast, Section 1010.6(a)(4) Sections 1013(c) and (e) provide that, except for several specified exceptions, when you serve something by New Technology, "any period of notice and any right or duty to do any act or make any response within any period or on a date certain after service of the document" is extended by two court days.

Why, dear Legislature, the difference? I don't have a clue. Why should moving papers be treated differently from discovery requests, for example?

Moreover, extending time by two calendar days can, as a practical matter, mean no extension at all, as in the case of a document served by Express Mail on the Friday before a three-day weekend (or on any given Sunday) and not received until Tuesday morning.

On the other hand, since fax transmissions are completed within a matter of minutes and email goes through virtually instantaneously, why is a two-day extension—whether those

two days are calendar days or court days—warranted? Wouldn't a one-court-day extension suffice, to account for a document faxed or emailed after 5:00 p.m. or on a weekend or holiday?

The above-mentioned statutes should be simplified to provide that in all instances, service of papers by New Technology would trigger an extension of one court day. As applied to moving papers, that would mean that a notice of motion would have to be served not 16, but 17 court days prior to the hearing when served by New Technology. Likewise when a discovery request is served by New Technology, one court day would be added to the period within which a response must be served. (A deposition would have to be set a minimum of ten calendar days plus one court day after the service. You would, pursuant to Section 12c, count ten days back from the depo date, and then one court day further back.)

This proposed change would have no bearing on opposition or reply papers, which must be served in a manner "reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day after the time the opposing or reply papers, as applicable, are filed [with the court]. (Section 1005(c).) Contrary to the practice of some attorneys, I submit that "reasonably calculated to ensure delivery" by the end of the next business day means service by some means other than First Class Mail, even when the recipient's address is within the Coachella Valley, except, perhaps, if the document is being served on a Friday (at least for as long as Saturday mail service continues). Given the vagaries of the U.S. Postal Service, next-day delivery even within the Coachella Valley, while not uncommon, does not rise to the required level of "reasonably ensured."

There are those who argue that there are too many attorneys in the Legislature. I submit that there are too few, and that only those attorneys who have actually practiced law should be permitted to

vote on bills that affect the practice of law. I know that will never happen, but you get the point.

(Thanks to Julie A. Goren, Esq., author of *Litigation by the Numbers*®, for her recent seminar on Calendaring Deadlines in State Court Litigation (sponsored by

the Riverside County Law Library), which got me thinking about the two-day issue.)

~ Mark Gershenson ~



Legal Analysis and Commentary

by Mark D. Gershenson

ASSETS DEEMED DIVIDED WHEN MSA SIGNED

They say it's not over until the over-nourished female vocalizes. Or, eschewing political correctness (which, in most situations *should* be eschewed, if for no other reason than the fact that it's been taken way too far), until the fat lady sings. When a marital dissolution action is settled, when exactly has the heavyset woman crooned, at least with respect to the division of assets and liabilities?

Is the key moment when the parties and their lawyers (if they have them) sign the marital settlement agreement? Or must they await the dulcet tones of the "Filed" stamp hitting the original of the judgment?

If you're thinking, "Who cares?" and are about to skip to the next article, I suggest that would be like leaving the opera house before the final aria. There are at least two areas as to which the finality of a settlement looms large. The first is with respect to the cessation of spouses' fiduciary duties toward each other. That ends as to a particular asset or liability as of the "date of the distribution of the community or quasi-community asset or liability in question." (Family Code § 2102(a).) (If, as is often the case, there is a

time gap between the parties reaching an agreement for the distribution of an asset or liability and the actual distribution of that asset or liability, the fiduciary duties continue until the actual distribution. (Family Code § 2102(b).)

The second area, and the one that sparked this article, pertains to the point at which a community asset distributed to one spouse becomes immune from the claims of a creditor of the other spouse. The Court of Appeal for the First District was kind enough to provide some guidance on that issue last month in *Litke O'Farrell, LLC v. Tipton* (2012), Cal.App.4th (No. A132327, April 10, 2012).

Litke O'Farrell, LLC (the "LLC") had previously obtained a civil judgment against Mr. Tipton for about \$524,000. On January 18, 2011, the LLC began to serve a motion to charge the interests of Mr. Tipton and others in certain partnerships and limited liability companies. Mr. Tipton was served with that motion on January 24, 2011, which is also when the LLC filed the motion with the court.

As it turned out, an action to dissolve Mr. Tipton's marriage had been filed December 15, 2010. On January 18, 2011, Mr. and Mrs. Tipton signed a marital settlement agreement. (We are left to speculate as to the whether the timing of the MSA was coincidental or tactical.) In the MSA, they divided their community property, and assigned to Mr. Tipton sole responsibility for the judgment owed to the LLC. As is commonly the case, the MSA also provided for the MSA to be attached to the Judgment of Dissolution; and for the court in the dissolution action to be asked to approve the agreement, order the parties to comply with its executory terms, and incorporate the MSA into the judgment. Also as is common, the MSA provided that it would be valid and binding as between the

parties whether or not it was incorporated into a final judgment of dissolution.

Shortly after learning of the Tiptons' dissolution action, the LLC served a second motion on both Mr. and Mrs. Tipton, specifically charging the interests of Mrs. Tipton in the various partnerships and limited liability companies that were the subject of the first motion, and also charging both spouses' interests in a newly disclosed entity.

The court entered judgment of dissolution incorporating the MSA on January 31, 2011.

Mrs. Tipton opposed the motion for a charging order against the assets that had been awarded to her. The trial court ruled in favor of the LLC. She appealed. The Court of Appeal reversed.

In its opinion the court noted that Family Code section 916(a)(2) provides that after assets and debts are divided,

[t]he separate property owned by a married person at the time of the division and the property received by the person in the division is not liable for a debt incurred by the person's spouse before or during marriage, and the person is not personally liable for the debt, unless the debt was assigned for payment by the person in the division of the property. Nothing in this paragraph affects the liability of property for the satisfaction of a lien on the property.

The court framed, and then answered the question, "When does division occur?"

The LLC contended that a divorcing couple's assets are not divided prior to the entry of a dissolution judgment. This led to the court identifying a more nuanced version of the question: "Is it the court or the parties that divides the community estate under section 2550 in

the face of a written MSA?"

In the absence of fraud or other invalidity, property provisions of an MSA are valid and binding on the court. [Citation.] *Indeed, the court does not have a role in approving or disapproving property divisions agreed to by the parties.* Its only role is to accept the agreement and, if requested, incorporate the disposition into the judgment. [Citation.] Thus, court approval in a dissolution proceeding is not a prerequisite to the enforcement of an MSA in an independent action, unless the agreement requires such approval. (Italics added.)

Accordingly, the court concluded that the Tiptons' MSA "became effective on the date of signing and was independently valid and binding regardless of whether

it was incorporated into a final judgment of dissolution." The MSA was an enforceable contract, and because it divided the community estate prior to the LLC's motion to charge partnership and other interests in assets that had been subject to that division, the LLC could not get at Mrs. Tipton's interests in those assets.

The court found support for its decision on a 1983 federal court decision from Texas in which the court held that a husband's federal tax liens did not attach to real property awarded to his wife because the couple had signed a property settlement agreement prior to the assessment of the tax deficiencies, albeit prior to the entry of the judgment of dissolution.

The court noted, "[A]s a policy matter it would be unfair to require parties to an

MSA to await entry of a judgment on some uncertain, future date in order to effect the disposition of property to which they have already agreed." Such unfairness would especially be manifest in those courts in which the processing of a "judgment package" containing a stipulated judgment or MSA can take months (e.g., Los Angeles Central), a problem that may well become more widespread in this era of curtailed court budgets.

In short, the MSA transmuted Mrs. Tipton's community property interest in the subject assets into a separate property interest before the LLC sought charging orders, such that the LLC's motion should have been denied. No doubt that was sweet music for Mrs. T.



FROM THE BENCH

You may have noticed - and if you haven't, you will very soon - that we no longer have files in the Family Law departments. That is a cost-saving decision that has been made by court administration, not by local bench officers.

That decision, of necessity, changes the way we will be handling not only our preparation for the cases that come before us, but also our ability to look at things you and litigants may bring up during a hearing "on-the-fly".

For some time, we have been preparing for hearings using the imaged documents, not the originals. Most of the time, that has been sufficient. However,

there are some things that complicate our preparation.

1. Voluminous filings. Please remember that Local Rule 5110(c) prescribes page limits for declarations as follows: "All papers presented for filing must comply with the California Rules of Court, Rule 2.100 et. seq. Unless permitted by the court, declarations shall not exceed 10 pages in length, and reply declarations must not exceed five pages in length, pursuant to California Rules of Court, Rule 5.118(f)."

2. Voluminous exhibits. Many of the huge filings include many pages of exhibits. Remember that we are looking at all filings as PDF documents and that we can only see one page at a time on a computer screen, with no index. We cannot know where your "Exhibit G" begins. Consequently, it is not likely that we will have looked at that particular exhibit in detail during our preparation, and it is not likely that we will be able to quickly find it during your hearing, if you want us to look at it.

3. Image clarity. Because we are looking at an imaged copy of a faxed copy of a

photocopy of an original document, many images are simply not readable. Some documents, pay stubs for example, come to us as tiny black numbers against a dark grey background, with resolution that is too poor to be readable. Color photos come across as black and white blurs, as well, because they are a black-and-white PDF from a black-and-white fax of a black-and-white copy of a color original. Please remember that we cannot consider anything we cannot read or otherwise discern.

Here is my suggestion and request. File and serve your documents, as you have always done. Be sure you put your (no more than ten page) declaration early in the document. Better, still, file your exhibits as a separate document. Then bring a courtesy copy of your pleadings to court with you. That way, if you want us to look at something in particular during your hearing, you can pass that courtesy copy up for our review.

Your efforts to make it easy for us to review, comprehend and rule on your requests will be greatly appreciated.

~Judge Wells and Commissioner Olson~



ELEMENTS, PRESUMPTIONS and CONTROLLING FACTORS IN MOVE-AWAY CASES

~ by Nathan L. Rosenberg, Esq. ~

I

The issue of one or both parents relocating with minor children presents courts, custody evaluators and parents with dilemmas on the questions of allowing children to move with a parent to a new community, and how to craft long-distance parenting plans if relocation is allowed. The issue of the potential effects of residential moves on children of divorce (“C”) in the case law has focused heavily for two decades on the importance of the future relationships of C with the stay-behind parent, acknowledging the directive language of FAM CODE §3020(b). But, at the same time, the most recent opinion of the CA Supreme Ct. in Marriage of LaMusga (2004) 32Cal.4th 1072, in its treatment of numerous relationships inherent in any move-away clearly held that factors such as reducing frequency of contacts, imposing transportation burdens, or interrupting activities is not and cannot rightly be in-and-of themselves a basis for bias or a presumption against relocation.

Predicting C’s adjustment to relocating or not relocating requires in every case a careful and contextual investigation of C and family circumstances. In this connection, detailed evaluations pursuant to FAM CODE §3111 or Evidence Code §730 can provide important – often determinative – analysis going to “best interests”. The troubling aspect of all relocation cases, of course, is that they present families and courts with the

painful realities of change and loss associated with an alteration of the parent-child and other family relationships. The court is *always* faced with determining how to avoid or mitigate less than ideal situations.

Nevertheless, the controlling holdings in appellate courts in the 21st Century all acknowledge that if all the non-relocating parent had to do to block a move-away was show some degree of harm to these relationships, then no disputed relocation with C would ever be allowed.

Controlling court decisions have established, beginning nearly two decades ago with the decision in Marriage of Burgess (1996) 13Cal.4th 25, that social policy considerations dictate that C’s relocation with a residential parent sometimes needs to be allowed, or even promoted, despite detrimental impacts on C’s routines, and that each court’s approach to its deliberations must be fact-driven. The holdings in Burgess were later codified by the California Legislature as amended FAM CODE §7501 in 2003.

II

The April, 2004 Supreme Court opinion in LaMusga directs courts in such deliberations to be mindful in de novo custody decisions of the factors as listed in FAM CODE §3011 going to C’s welfare and safety, together with recitals in a paragraph at the end of the reported opinion wherein multiple factors are listed. Among the factors, per LaMusga, which should be considered are:

- The children’s interest in stability and continuity in the custodial arrangement
- The distance of the move
- The ages of the children
- The children’s relationships with both parents
- The relationship between the parents including, but not limited to, their ability to

communicate and cooperate effectively

- The wishes of the children if they are mature enough for such an inquiry to be appropriate
- The reasons for the proposed move, and
- The extent to which the parents currently are sharing custody.

To these, FAM CODE §3011 adds as factors which must be considered:

- The health, safety and welfare of the children
- Any history of abuse by one parent against any of his children or his spouse, and
- The continual abuse of alcohol or drugs by either parent

Even the directive of FAM CODE §3020 addressing frequent and continuing contact with both parents appearing at subpart (b) is qualified both in that subpart and at subpart (a) by the declaration of the Legislature of the policy of this state to assure always that the health (including mental health), safety and welfare of C shall be the court’s “primary concern”.

Among the factors (perhaps the most important one) the court “should” consider is C’s interest in stability and continuity in the custodial arrangement. Being mindful that the assertion that relocating C away from the stay-behind parent will in itself harm the relationships with that parent while affecting to a greater or lesser degree stability and continuity is not sufficient to prevent move-aways, consider now the March, 2011 decision by our 4th District C.A. in the matter of ET. v. L.J. (2011) 194Cal.App.4th 1 (3/8/2011) McDonald, J. DCA4:

FACTS: When C was 13 mos. old, mother burned his arm with a hot curling iron to teach him a lesson. Thereafter, F cared for C and mother had supervised visits. F then filed paternity action and Family

Court Services recommended he have sole custody with mother having supervised visits.

In 9/07, F filed OSC seeking permission to move to TX with C, where he had 3 other children, an ex-wife, extended family, better job opportunities, and a lower cost of living. After mother's response, she was granted unsupervised visits. FCS report noted that mother pled guilty of battery on C and was sentenced to 4 yrs. probation. Mother had one other child who resided with paternal grandparents. FCS recommended that F move with C, whereupon trial court appointed expert ("E") to conduct a psychological evaluation of F, mother and C.

In 9/08, E made general findings that F's move to TX would likely disrupt C's relationship with mother, who was currently pregnant and could not travel to TX for visits. E found mother's previous actions reflected "rash impulsivity, profound insensitivity, and severe misjudgment," but did "not suggest broader abusive intent." E recommended incrementally expanded visitation for her. Trial court adopted these recommendations, finding that its order was "without prejudice ... pending an evidentiary hearing," and that there was no permanent order. On re-mediation, mediator recommended *against* permitting F to move, but suggested that F continue to have full custody of C.

In 3/10, trial court held evidentiary hearing considering only documentary evidence, after which it denied F's request. It felt there was a "likelihood of erosion of ties to [mother] if the move is granted" which would adversely impact C's relationship with mother. Further, F's reasons for move, i.e., to join his new wife and family, were not a "sufficiently necessary reason" to move C. Finally, no one had informed it that F would move even if his requests were denied. F appealed and Court of Appeal reversed and remanded with directions,

HELD: When deciding move-away request, court must assume that custodial parent is moving and consider all relevant factors, not just effect on noncustodial parent's relationship with C. Here, order based on improper legal standards; in fact, trial court avoided the ultimate question whether a change in custody would be in C's best interests were the custodial parent (F) to move out of state; further, that trial court assumed that if it denied F's motion he would not move, thus it didn't really have to decide whether move was in C's best interests. This was error.

III

COURT MUST ASSUME PARENT IS MOVING: "[W]hen the trial court is faced with a request to modify the existing custody arrangement on account of a parent's plan to move away (unless the trial court finds the decision to relocate is in bad faith), the trial court must treat the plan as a serious one and must decide the custody issues based upon that premise. The question for the trial court is not whether the parent may be *permitted* to move; the question is what arrangement for custody should be made [if and when the custodial parent moves]."

While court could have made its order conditional upon F's actually moving, it had to assume that he intended on moving. It was not permitted to attempt to use the order to maintain the status quo by "coercing the custodial parent into abandoning plans to relocate. Nor should a court issue such an order *expecting* that the order will not take effect because the custodial parent will choose not to relocate rather than lose primary physical custody of the children."

NO REQUIREMENT THAT MOVE BE NECESSARY: Trial court found that F's stated reasons for moving were not sufficiently "necessary." This was error. "[A] custodial parent is *not* required to show a planned relocation is necessary." Although LaMusga included reason for

move as a factor, it meant that a custodial parent's reasons for a proposed move should be considered only when "one reason for the move is to lessen the child's contact with the noncustodial parent and then only in considering that factor with all the relevant factors in determining whether a change in custody would be in the child's best interest."

TOO MUCH EMPHASIS ON MOTHER'S RELATIONSHIP: Trial court's order reflected an undue, if not sole, emphasis on the probability that F's proposed move could be detrimental to C's relationship with mother. Although a factor to be considered, the order appeared to reflect reliance on that factor to the exclusion of *any other factors* relevant in determining a move-away motion. In fact, trial court omitted any reference to, and presumably thus ignored, one of the most important factors in determining a move-away motion-i.e., C's need for continuity and stability in established custody arrangements. See also Montenegro v. Diaz (2001) 26Cal.4th 249.

REMAND: On remand, trial court to exercise its discretion de novo with a proper application of the legal standards. In discussing the requirement that courts assume a parent requesting a move-away is serious, it also indicated that there was nothing wrong with making an order that takes effect only upon the actual move:

"[T]he law allows a court to conduct a hearing based on the intention to move and make a custody order conditioned on the above being effectuated. Such a conditional modification order is not considered 'an advisory opinion.'" See also Mark T. v. Jamie Z. (2011) 194Cal.App.4th 1115, (4/28/2011) Aaron, J. DCA4/1, holding "Where, as here, a parent who shares joint custody of a minor makes a request to relocate the child in the context of an initial custody determination, the trial court must decide de novo what physical custody arrangement would be in the child's best interests. In making its custody determination, the court must proceed on

the assumption that the parent who is making the request will relocate his or her own residence, regardless of whether the court grants or denies the request. In this case, the court erroneously failed to conduct its best interests analysis based on the presumption that [mother] would be relocating to Minnesota.”

Here, neither trial court nor evaluator determined what custody arrangement would be in C’s best interests if mother moved to MN. This was an initial custody order, hence Mother bore no burden of showing that the move was “necessary”, nor did she have to prove a change of circumstances. The court had to review *de novo* C’s best interests and fashion a new time-share arrangement. But, in doing so, it *had* to take mother’s request seriously and decide the issue based on that premise, pursuant to *F.T. v L.G.*

IV

COMMENT: The decision to move a C away from one of his or her parents is one of the most difficult decisions a judge will ever have to make. Nevertheless, the decision cannot be avoided by coercing the moving parent into staying or prohibiting her from moving. This case

illustrates the tragedy of the way these requests are often handled. Father made his request to move in September 2007, when C was about a year-and-a-half old. This appeal was decided in March of 2011 and directs a *de novo* retrial, presumably with new evaluations and reports. Last time, it took a year for the expert to issue a final report with no ultimate opinion. At the rate this case is going, the C will be half-way through his minority before the issue is decided.

While it is important to make the “correct” decision, it is also important to make a decision expeditiously. One wonders why it was necessary to order a complete psychological evaluation for a two-year-old C after the initial FCS recommendation that father be permitted to move. Were there facts that warranted it or was it a case of inertia holding back the legal system once Mother’s counsel seized upon the evaluation process to block the move and delay a difficult decision? These opinions correctly found there had been no permanent order, thus the “best interest” *de novo* standard applied. However, it is also true that there appeared to be no question but that father not only was the primary custodial parent, but was likely to remain so. What then was the purpose of ordering a year-

long full psychological evaluation? Sometimes they are warranted – often they aren’t.

The day of rushing to block proposed relocations based upon the self-evident disruptions and emotional confusion appears to have passed, and all of us need to sharpen our analysis and elevate our acumen in the field so as to narrow the universe of highly disputed motions rather than broadening it as has been the trend since *Burgess*. As family law practitioners we need to be circumspect, even blunt, with our clients who seek to block the relocation of a beloved child. This entails a thoughtful conversation outlining the basic presumptions and judicial holdings in California case decisions that disruption of relationships and established routines in itself won’t be sufficient grounds to block proposed moves, and further that courts will no longer rightly be able to view their role as overtly acting to coerce custodial parents into abandoning plans to relocate. Such conversations will need to be followed by serious inquiry and detailed analysis of what factors presented by the stay-behind parent are really likely to lead a court to block the move for the benefit of the child – rather than the parent.

Tuna Again? In Fault-Finding England, It’s a Cause for Divorce

By SARAH LYALL
Published: April 7, 2012

LONDON — In her 30-odd years as a divorce lawyer, Vanessa Lloyd Platt has heard it all. The woman who sued for divorce because her husband insisted she dress in a Klingon costume and speak to him in Klingon. The man who declared that his wife had maliciously and repeatedly served him his least favorite dish, tuna casserole.

“It’s insane,” Ms. Lloyd Platt said. “These things should not have any part in the procedure.” But they come up all the time in England, which unlike every state in

America does not have a no-fault divorce law.

In one recent case, the husband accused his wife of spitefully tampering with the TV antenna and throwing away his cold cuts. She said he usurped her control of the washing machine and failed to appreciate her revulsion for “intensely farmed meat.”

As the couple, Susan and Douglas Rae, aired the mundane details of their imploding marriage last month in London’s Court of Appeal, the judge in the case criticized English divorce law for allowing such picayune matters to become an issue at all.

If the government had enacted past proposals to allow no-fault divorce, the

judge, Justice Matthew Thorpe, told the court, “there would have been no need for these painful investigations, which seem to represent the social values of a bygone age.”

He granted Mr. Rae’s petition for divorce, despite Mrs. Rae’s argument that their problems were “normal squabbling between husband and wife” and not deal-breakingly bad.

Under current English law, divorces are granted only under one of five categories, including adultery and abandonment. About half of the cases fall under the heading of a broad category called unreasonable behavior, in which one party has to accuse the other of acting so unreasonably that living together has become intolerable.

Many divorce lawyers and judges have long chafed at the requirement, and some like Ms. Lloyd Platt are campaigning to change the law to allow no-fault divorce. In a speech last month, Justice Nicholas Wall, president of the family division of England's high court, said that "I see no good arguments against no-fault divorce."

Inspired by Justice Thorpe's remarks, Ms. Lloyd Platt compiled a list in The Times of London of some of the odder accusations of fault she and other lawyers have come across in divorce petitions.

In addition to the Klingon man, there was a woman who said her husband had not spoken to her for 15 years, communicating only by Post-it note. And there was the man whose wife "would without justification flirt with any builder or tradesman, inappropriately touching them and declaring that she could not stop herself."

One petition read: "The respondent insisted that his pet tarantula, Timmy, slept in a glass case next to the matrimonial bed," even though his wife requested "that Timmy sleep elsewhere."

There were complaints about husbands with atrocious body odor and others who changed the channels too fast. "The respondent husband repeatedly took charge of the remote television controller, endlessly flicking through channels and failing to stop at any channel requested by the petitioner," one petition read.

In England, few divorce cases go to trial, so the parties have to work out — either amicably or unamicably — who is at fault and why. The reasons, which appear in the papers filed by the person seeking the divorce, have no bearing on eventual financial or custody arrangements, except in extreme cases, lawyers say. But they still have to be approved by a judge,

which is where some chicanery may come in, lawyers here say.

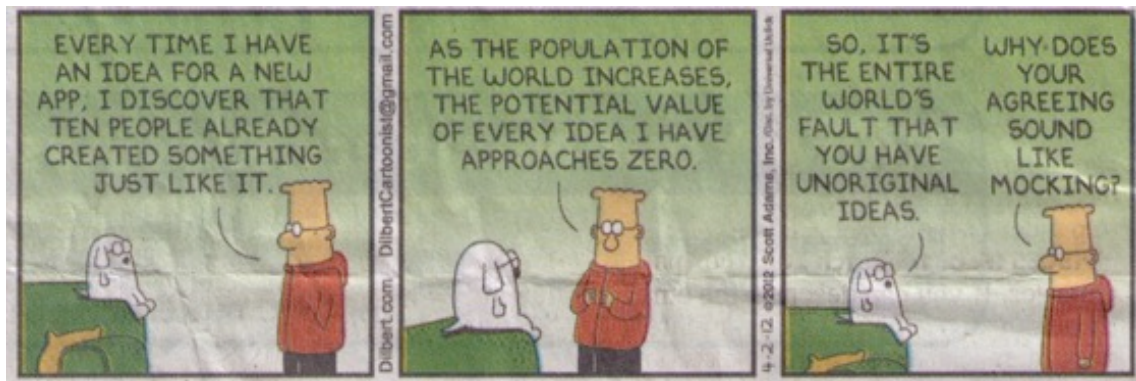
"People have had to start playing games with this, with the complicity of the court," said Patrick Chamberlayne, a divorce lawyer in London. "They put their heads together and say, 'Surely we can come up with something that the court will agree on.' That's when you get the sort of trivial nonsense like 'He was late home from work' and 'He wasn't supportive in the kitchen.'"

In some cases, though, the divorce petition is used as an "instrument of punishment," Mr. Chamberlayne said.



Thanks to Judge Wells for providing the link to this article - we encourage all of you to send us interesting links and articles - we can all use a smile!

"Looping" Gone Awry



PLEASE SEND US MATERIALS THAT YOU FIND IMPORTANT OR HUMOROUS FOR INCLUSION IN OUR MONTHLY NEWSLETTER!

ALSO, WE WOULD APPRECIATE SUGGESTIONS AND REQUESTS FOR DINNER SPEAKERS!

WIFE FROM HELL (or, ANOTHER EXAMPLE OF WHY DIVORCES HAPPEN)

A police officer pulls over a speeding car. The officer says, "I clocked you at 80 miles per hour, sir."

The driver says, "Gee, officer I had it on cruise control at 60, perhaps your radar gun needs calibrating."

Not looking up from her knitting the wife says: "Now don't be silly dear, you know this car doesn't have cruise control."

As the officer writes out the ticket, the driver looks over at his wife and growls, "Can't you please keep your mouth shut for once?"

The wife smiles demurely and says, "You should be thankful your radar detector went off when it did."

As the officer makes out a second ticket for the illegal radar detector unit fitted in the car, the man glowers at his wife and says through clenched teeth, "Damit, woman, can't you keep your mouth shut?"

The officer frowns and says, "And I notice that you're not wearing your seat belt, sir. That's an automatic \$75 fine."

The driver says, "Yeah, well, you see officer, I had it on, but took it off when you pulled me over so that I could get my license out of my back pocket."

The wife says, "Now, dear, you know very well that you didn't have your seat belt on. You never wear your seat belt when you're driving."

And as the police officer is writing out the third ticket the driver turns to his wife and barks, "WHY DON'T YOU PLEASE SHUT UP??"

The officer looks over at the woman and asks, "Does your husband always talk to you this way, Ma'am?"

"Only when he's been drinking."

Stop, Clear - Reset!

In our roles as legal professionals, striving for
impeccability is a worthy goal.
Attorney conduct can either enhance - or diminish
- the reputation of our profession as a whole, and
consequently of each of its practitioners.



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SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

FAMILY LAW - PRIVATE MEDIATION

Information Sheet for Parties

For detailed information about private mediation for family law cases in Riverside County, go to http://riverside.courts.ca.gov/adr/famlaw_privatemediation.shtml

POLICY

The Riverside County Superior Court strongly recommends the use of alternative dispute resolution, including private mediation or settlement conferences, in most family law matters.

WHAT IS PRIVATE MEDIATION FOR FAMILY LAW CASES?

In private mediation, the parties work with a neutral mediator to try to resolve their disputes without court hearings or trial. The goal is to reach voluntary agreements that promote individual and common interests through understanding and communication. Private mediators do not make rulings, orders, decisions or reports. Their only job is to help you work out voluntary agreements that fit your particular situation. Attorneys may participate but are not required.

WHAT KINDS OF FAMILY LAW DISPUTES CAN GO TO PRIVATE MEDIATION?

Most family law disputes benefit from private mediation including:

- *Divorce *Legal Separation *Domestic Partnership Dissolutions
- *Spousal Support *Partner Support
- *Custody, Visitation, and Co-Parenting Plans *Paternity
- *Most Child Support issues
- *Business, Debt & Property Issues *Pensions *Military Rights

The following issues may not be appropriate for private mediation, but contact private mediators for more information:

Domestic Violence: Cases with a Criminal Protective Order (CPO), RO (Restraining Order) or TRO
Child Support: When the custodial parent receives public assistance and the Department of Child Support Services (DCSS) is involved. You may still use private mediation for other issues.
Child Abuse/Neglect: Private mediators may refer you to Child Custody Recommending Counseling (CCRC) for custody/visitation disputes but you may be able to use private mediation to resolve other issues.

IS PRIVATE MEDIATION THE SAME AS CHILD CUSTODY RECOMMENDING COUNSELING (CCRC) OR CHILD CUSTODY "MEDIATORS"?

No. There are important differences:

CCRC only deals with custody, visitation and parenting plans. Parents who cannot agree on these issues are required to attend CCRC. If you cannot work out an agreement in CCRC, the CCRC counselor is required to make a written recommendation to the judge, so CCRC is not confidential. Attorneys may not participate in CCRC sessions. There is no charge for CCRC.
To contact CCRC: Riverside: 951-777-3495 or 951-777-3496; Indio: 760-393-2424; Hemet: 951-306-3081; Southwest: 951- 704-7479; Blythe: 760-775-8500.

Private mediators can help you resolve all issues at the same time, including custody, visitation and parenting plans; spousal and child support; and property, debt and income disputes. Private mediation is voluntary: You decide if you want try it, and once you start, you decide if you want to settle all, some or none of your disputes.

Private mediators are not allowed to make any written or oral reports to the judge about what was discussed in mediation even if the parties cannot reach an agreement. You may participate with or without attorneys, as you wish. Private mediators charge for their services but often offer reduced or sliding scale rates.

WHAT ARE THE PROS & CONS OF PRIVATE FAMILY LAW MEDIATION vs. COURT PROCEEDINGS?

Advantages:

- **Faster:** With private mediation, the entire case can sometimes be resolved in one day.
- **Less expensive:** Parties can save court costs, attorneys fees and witness fees.
- **More control:** Parties choose their private mediator and schedule the session at a convenient place and time. The parties themselves decide whether to settle all, part or none of their case.
- **More private:** Private mediation takes place in private offices, not public courtrooms. Private Mediators can meet with the parties in separate rooms or even on different dates.
- **Less stressful:** Private mediation is an informal process. The parties can discuss any concerns about the mediation process with their private mediator.
- **Focus on family issues, relationships, and practical concerns:** Private mediation can focus on the key non-legal issues that may be at the heart of the dispute.
- **Unique, case-by-case solutions:** Private mediators can help parties create a settlement agreement that fits the parties' particular situation.

Disadvantages:

- **No public trial:** If the case settles during private mediation, parties do not get their "day in court" or a decision by a judge.
- **Costs and Time:** If the case doesn't settle in private mediation, parties may have to pay for both mediation and trial. If the child custody issues cannot be resolved in private mediation, the parties will probably be ordered to CCRC (at no cost).

Private mediation may be appropriate when the parties:

- Want to avoid adversarial hearings and trial but need help from a neutral mediator; or
- Have communication problems or strong emotions that interfere with resolution; or
- Have a continuing business, personal or parental relationship.

Private mediation may not be appropriate when the parties:

- Want their public "day in court" or a judicial determination on points of law or fact;
- Lack equal bargaining power or have a history of domestic violence including emotional abuse.

HOW DO WE SCHEDULE PRIVATE MEDIATION FOR OUR FAMILY LAW CASE IN RIVERSIDE?

The parties must jointly select a private mediator and then schedule and pay for the mediation.

- Private mediators on the court's **Family Law Private Mediation Panel** have been family law attorneys for at least 5 years. This panel serves the entire county. To select a private mediator from this panel go to: <http://admriversidecourts.org/mediation/>
- Private mediators with the Riverside County Bar Association's **DRS panel** are attorneys. To contact DRS, call 951-682-2132 or visit www.drs.org
- You may also find private mediators in the telephone book or on-line, but note that not all mediators are attorneys and not all attorneys have experience in family law.