

# THE PARALEGAL POST

APRIL, 2011

## KERN COUNTY PARALEGAL ASSOCIATION

*Affiliate of the California Alliance of Paralegal Associations*

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### President's Message

*Kayleen J. Wills, CP, CAS*



Jim Duncan spoke at our March meeting on Patents & Trademarks, which was educational, interesting, and generated some giggles! (There are some weird patents out there!) Thank you Attorney Duncan!

Easter is only a couple of weeks away. This is such a special time of year when new life emerges! It is such a pleasure when Spring arrives: splendid colors pop out everywhere, and the wildflowers make their appearance on the hills. Children become excited as Easter celebration and Easter vacation are just around the corner. Enjoy this beautiful season with your family and friends.

Just around the corner is Law Day on May 1. Law Day was established in 1958 and provides an opportunity for us to reflect on our legal heritage and legal future. Each year, the American Bar Association selects a Law Day theme and provides planning materials to assist schools and organizations with Law Day events. See [www.americanbar.org](http://www.americanbar.org) for more information, and be sure to observe Law Day in some manner!

Don't forget, KCPA is accepting nominations for our Paralegal of the Year award, as well as applications for the Jeannie D. Conner Memorial Scholarship. Information on both is contained in this newsletter.



[www.kcpaonline.org](http://www.kcpaonline.org)

**KCPA's APRIL**  
**Community Affairs Event**

***KCPA is organizing a drive for much needed items  
to benefit the  
Alliance Against Family Violence and Sexual Assault.***

***Donation of cash for the purchase of or underwear, bras, toiletries,  
personal hygiene products, sheets and towels for women and children of  
all ages will be accepted at the April meeting.***

***Additionally, we will be accepting used cell phones (be sure to  
remove any personal information before donating) for emergency use by  
Alliance clients.***

***Cash or any of the listed items may be submitted at the **April MCLB  
Meeting** or to Leslee Vincent c/o Klein DeNatale Law Firm, 4550  
California Avenue, 2<sup>nd</sup> Floor, Bakersfield, CA 93309.***

**THANK YOU** for those who donated clothing  
to the Bakersfield Rescue Mission last month!





## April Meeting Announcement

The Kern County Paralegal Association, a state-bar approved MCLE provider, invites you to our March luncheon on Thursday, April 14, 2011. **THERESA GOLDNER, KERN COUNTY COUNSEL**, will be presenting “**Government Ethics is Not an Oxymoron.**” Make sure to attend and obtain your continuing education credits.

The luncheon will be held at 12:00 noon at The Petroleum Club, located on the 12th Floor of the Stockdale Tower, 5060 California Avenue, Bakersfield, California (NE corner of California and Mohawk). There is extra parking in the parking structure to the north of the Tower.

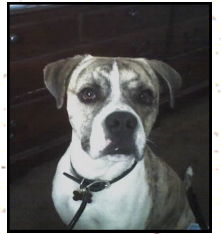
The cost is \$16.00 for KCPA members, and \$20.00 for attorneys and non-members. Please RSVP by April 13 2011, to Leslie Larson, (KCPA Programs Director) at 661-328-5366 (Law Offices of Thomas C. Fallgatter), or email at [llarson@kleinlaw.com](mailto:llarson@kleinlaw.com).

**Deadline for cancellations: 5:00 p.m. on April 13, 2011.**  
**No-shows will be billed.**

Congratulations to Nancy Georgeton who won a bottle of wine from Endless Wine (valued at \$25) at the March general meeting!

## KCPA's Community Outreach

- January Blankets for the **Bakersfield Homeless Shelter**.
- February Book drive for **Bakersfield SPCA** for its Springtime Book Sale.
- March Business clothes and suits for men/women participating in the Life Training Program at the **Bakersfield Rescue Mission**.
- April Cash and clothing drive for **Alliance Against Family Violence**.
- May Canned/packaged food drive to benefit the Senior Sack Lunch program through **Golden Empire Gleaners**.
- June Cash donations to benefit **Kern County Wounded Heroes Fund**.



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**HELP MAKE A DIFFERENCE**





**KERN COUNTY PARALEGAL ASSOCIATION**  
MOVING FORWARD THROUGH ACHIEVEMENT

**Jeannie D. Conner  
Memorial Scholarship**

It is time to submit your application for the

***JEANNIE D. CONNER MEMORIAL EDUCATIONAL SCHOLARSHIP***

Jeannie Conner was a valued member of KCPA, and we honor her memory by encouraging paralegal education with a scholarship in her name. You do not have to be a student to apply – all members are encouraged to apply. The \$250 scholarship can be used for any seminar or course related to a paralegal's continuing education.

Jeannie was a member of KCPA since it was founded in 1987. Jeannie was on the KCPA Board for a number of years, holding various positions. In 2005, she was named KCPA's Outstanding Member of the Year. Jeannie worked with Milton M. Younger at Chain-Younger. She was a Certified Legal Assistant and was also a certified California Advanced Specialist in Civil Litigation. Jeannie was dedicated to her work as a paralegal. She was always willing to share her knowledge with anyone who needed assistance. Her interest in the continuing education of paralegals is the reason KCPA chose to honor her memory with a scholarship bearing her name.

The \$250 scholarship will be awarded to a qualified KCPA member to help with the cost of paralegal classes or attendance at one or more MCLE events for the year in which the scholarship is awarded. The application for the scholarship is available in this newsletter and on our website. The deadline to apply for this scholarship is May 15, 2011.





KERN COUNTY PARALEGAL ASSOCIATION  
MOVING FORWARD THROUGH ACHIEVEMENT



## Jeannie D. Conner Memorial Scholarship Application

KCPA is pleased to announce that it is offering a \$250.00 scholarship in memory of Jeannie D. Conner to defray costs of attendance at one or more MCLE event. The person chosen to receive this Scholarship must be a KCPA member in good standing at the time the Scholarship is *applied for and disbursed*, must register for and attend Paralegal Classes or any MCLE events in California, and must provide proof of attendance to the board of directors of KCPA. Recipient will be reimbursed for the cost of the MCLE event and any related travel expense up to the maximum of \$250.00. This Scholarship may be used for more than one MCLE event, but shall not exceed a combined total of \$250.00.

If you are qualified and wish to apply, please complete this application and forward to KCPA's President, Kayleen Wills at [kwills@co.kern.ca.us](mailto:kwills@co.kern.ca.us) or by mail to KCPA, Scholarship Application, P.O. Box 2673, Bakersfield, CA 93303. Applications are due by May 15. APPLICATION:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
e-mail \_\_\_\_\_

Describe Educational Opportunity (MCLE Seminar, Paralegal Class or Paralegal Conference)  
Applicant will apply Scholarship Money to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Location: \_\_\_\_\_

Brief paragraph about why you feel you should be awarded this Scholarship.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Paralegal Regulation: Burden or Professional Opportunity?

*Daphne Drescher*

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The regulation of the paralegal profession in the form of certification, registration, or licensing has been a controversial subject for many years.

**Rationale.** The arguments in favor of some form of increased regulation are usually twofold. One goal is to codify standards for the profession which increase our status while preventing unqualified individuals from passing themselves off as paralegals. The other goal is to expand the roll of paralegals to provide greater - and more affordable access to legal services by the public.

On the other hand, many opposed to additional regulation generally argue that because paralegals do not work directly for the public, but rather for attorneys who are licensed and regulated, the close supervision paralegals receive from attorneys is regulation enough.

The controversy over statutory regulation notwithstanding, there is widespread approval of increased opportunities for paralegal training and education. What are states doing about paralegal regulation around the country? Here is a summary:

**California.** Thus far, California is the only state to legislate the regulation of paralegals. California Business & Professions Code Sections 6450-6456 became law in January, 2001. It requires that paralegals meet specific educational and/or work experience requirements, and that they complete mandatory continuing legal education (MCLE) seminars on an ongoing basis.

**Teeth: Fee Awards.** In California there is no governing body to police compliance by paralegals with the requirements set forth in the statute. However, recent court decisions have reduced or stricken paralegal fees from fee awards on the grounds that the requesting parties failed to show the billing paralegals were qualified under Business and Professions Code §6450. (See, e.g., *Martinez v. G. Maroni Co., dba Church's Chicken #948*, 2007 LEXIS 32366 (E.D. Cal. May 1, 2007))

**Document Assistants.** Both the Arizona and California state legislatures have created categories of registered Legal Document Preparers and Legal Document Assistants, respectively, authorized to assist individuals not represented by an attorney in preparing legal documents. In California, Legal Document Assistants must also meet certain educational requirements, must register in the county in which they work, and must be bonded.

continued...



## Paralegal Regulation:

### Burden or Professional Opportunity?

*~continued~*

**Other states.** Montana has legislation restricting use of the title of paralegal to those meeting specified educational requirements, and legislation regarding inclusion of reasonable paralegal fees in fee awards. Indiana, Maine, Montana, and South Dakota also have laws codifying definitions of the titles "legal assistant" and "paralegal." Pennsylvania has a statute prohibiting paralegals from providing legal services without attorney supervision. New Mexico's Court Rules establish minimum educational and/or experience requirements for paralegals. The Florida State Bar has adopted a voluntary paralegal registration program and is investigating requiring mandatory certification.

**Legislative efforts.** Legislation has been introduced in the following states to register, certify, or license paralegals or document preparers, so far without success: Connecticut, Illinois, Maryland, Minnesota, Missouri, Nevada, New Mexico, Oregon, Tennessee, Vermont, Washington, and West Virginia. Further, there is a proposed Senate bill currently pending in Florida which would require the Florida Supreme Court to establish a program requiring the licensing of paralegals in the state.

**Bar Associations.** Numerous states' Bar Associations have voluntary guidelines regarding educational and/or utilization standards for paralegals. Among them are Colorado, Connecticut, Florida, Indiana, Kansas, Michigan, Missouri, New York, North Carolina, North Dakota, Ohio, Oklahoma, Texas, Utah, and Virginia.

**Voluntary Certification.** In Florida, Kentucky, North Carolina, Ohio, and Texas, the legislatures, the court systems, or the state Bars have adopted mechanisms, usually through the state Bar Association, whereby paralegals can pursue voluntary certification. A voluntary certification program is also pending in Kansas. Of course, *many* state paralegal associations have instituted voluntary certification programs for their members, and all of the national paralegal associations have certification programs.

**Benefits.** I believe that minimum standards and mechanisms for continuing paralegal education benefit the legal community, as well as its clients. Such requirements assure that paralegals are competing for jobs with professional peers with adequate training or work experience. They add an extra layer of protection against the unlicensed practice of law. Attorneys' clients can be confident that the paralegals whose fees they are paying possess a basic level of competency. Further, the many paralegal associations and certification programs helping to further our education provide great opportunities for professional development and assist us in keeping abreast of trends,

continued...



## Paralegal Regulation: Burden or Professional Opportunity?

*~continued~*

**Resources.** Here is a list of some of the available sources of information on paralegal regulation:

California Business & Professions Code §6450-6456 governing paralegals is available at <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=31206411130+0+0+0&WAIAction=retrieve>.

California Business & Professions Code 6400-6401.6 and 6402-6407 governing Legal Document Assistants are available at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=bpc&group=06001-07000&file=6400-6401.6>, and <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3114085911+0+0+0&WAIAction=retrieve>.

The National Federation of Paralegal Associations (NFPA) has a useful webpage on regulation, available at <http://www.paralegals.org/displaycommon.cfm?an=1&subarticlenbr=795>.

The American Bar Association has many useful resources on the Standing Committee on Paralegals section of its website, available at <http://apps.americanbar.org/legalservices/paralegals/>, including a webpage of Local State Activity Concerning Paralegals, available at <http://apps.americanbar.org/legalservices/paralegals/pararegdir/home.cfm>.

Paralegal Today magazine has a useful article entitled Paralegal Regulation in the United States, compiled by Patrick Vuong, available at [http://www.legalassistanttoday.com/issue\\_archive/features/feature1\\_ma06.htm](http://www.legalassistanttoday.com/issue_archive/features/feature1_ma06.htm).

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With over 20 years of litigation experience, **Daphne Drescher** is the owner and sole proprietor of **Drescher ProParalegal** (<http://proparalegal.com>), where she provides administrative and paralegal services to solo practitioners and law firms of all sizes.

As a Virtual Paralegal, Daphne primarily works remotely from her own office in Sonoma, California. She writes the *Drescher ProParalegal Newsletter*, providing useful litigation practice tips for legal support staff, with links to resources and articles to educate, inspire, and amuse (<http://oi.vresp.com/?fid=9d29b5e380>).

Daphne is an active member of the San Francisco Paralegal Association.

# BAKERSFIELD WOMEN'S BUSINESS CONFERENCE

**BELIEVE** ♥

INSPIRE  
★ DREAM

When you believe a thing, believe in it all the way." Walt Disney



**KEYNOTE SPEAKER:**  
**Gloria Allred**

*"One of the Nation's Most Effective Advocates of Family Rights and Feminist Causes" – TIME Magazine*

*"I am very excited about speaking at the Bakersfield Women's Conference on April 28, 2011, about the subject of women's rights and how women can right the wrongs that they are forced to suffer. I am looking forward to sharing stories of courage and how women have fought to win justice in their own lives. Some of these stories are filled with humor and others are tales of heartbreak. All will be true, and I believe that they will be exciting and inspiring to the women of Bakersfield."*

**Come visit KCPA at the  
22nd Annual Bakersfield Women's Business Conference  
on April 28, 2011!**

**This year's theme is "Believe, Inspire, Dream" and will be held at the Rabobank Arena and Convention Center in Bakersfield, California. KCPA will have a booth set up so you can learn more about us.**

**Also, Nancy Boles and Makala Coleman will be presenting  
"Paralegals – The Behind the Scenes Star of the Law Firm (Or, who really does most of the work in a law firm.)"**

**We look forward to seeing you!**

**Please visit Options Unlimited (<http://www.optionsunlimitedbakersfield.org/>) for more information and to register for the event.**

[WWW.OPTIONSUNLIMITEDBAKERSFIELD.ORG](http://WWW.OPTIONSUNLIMITEDBAKERSFIELD.ORG)



# Kern County Paralegal Association

*~Moving forward through achievement~*

## **NOMINATION – PARALEGAL OF THE YEAR AWARD – 2010/2011**

(Nominees must be *regular members* of Kern County Paralegal Association)

Name of Nominee: \_\_\_\_\_

Employer: \_\_\_\_\_

Years employed with this firm/office: \_\_\_\_\_

Total years as a paralegal: \_\_\_\_\_

Area of law in which nominee mainly practices: \_\_\_\_\_

College degree: yes / no

Name of College: \_\_\_\_\_

Highest level of education completed: \_\_\_\_\_

Paralegal Certificate: yes / no

CLA (Certified Legal Assistant): yes / no

CAS (California Advanced Specialty): What area: \_\_\_\_\_

APC (Advanced Paralegal Certification): What area: \_\_\_\_\_

In 500 words or less, please explain why you believe this paralegal is deserving of the KCPA Paralegal of the Year Award. What has this paralegal achieved this year within the legal field? What is this paralegal's greatest strength? How has this paralegal helped to further her/his employer's practice through her/his dedication, knowledge and experience? (please attach)

Your name: \_\_\_\_\_

Signature: \_\_\_\_\_

**Please submit this completed application along with attachment prior to May 1, 2011, to:**

Kern County Paralegal Association

Attn: Paralegal of the Year

P. O. Box 2673

Bakersfield, CA 93301



# CAPA's 23rd Annual Educational Conference

Saturday, June 25, 2011  
Holiday Inn Fisherman's Wharf  
San Francisco



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#### **Job Change/Student Track:**

Resume Writing, Paralegal Certification Panel, Business & Professions Code 6450,

Legal Writing Tips and Tricks

**All:** Ethics

\*Hotel Reservations may be made by calling 1-800-942-7348  
and asking for the group code:

#### **CAPA Conference.**

Hotel is located at Holiday Inn Fisherman's Wharf at 1300 Columbus  
Avenue, San Francisco, CA 94133.

\*\*Topics subject to change.

Registration information at:

[www.CAparalegal.org](http://www.CAparalegal.org).

# ATTORNEY STICK

AKA CRAIG D. BRAUN, ESQ.



## CHANGE OF ADDRESS?

To continue receiving each issue of the *Paralegal Post*, please send an email to our Membership Director, Jannett Coats ([jcoats@chainlaw.com](mailto:jcoats@chainlaw.com)) and notify KCPA of this important information! Thank you!



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With more than 55 highly skilled and experienced attorneys, KDG is a full-service law firm, providing aggressive, results-oriented legal representation while offering a wide range of practice areas and the highest integrity to a diverse client base.

Our philosophy is simple; we are committed to being accessible and responsive to our clients' needs while providing creative yet practical and cost-effective solutions.

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## **Ads and Articles - The Paralegal Post**

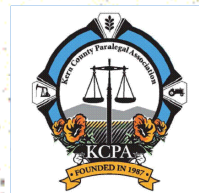


The charge for a help-wanted ad is \$50 (unless your company is a Sustaining Member of KCPA). Help-wanted ads will be placed in *The Paralegal Post*, on the KCPA website, and sent out through an email “blast” to all KCPA Members. The deadline for submissions is the 20th of the month. Contact [kwills@co.kern.ca.us](mailto:kwills@co.kern.ca.us) for more information.

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