



## Clarifying the Roles of Legal Secretaries and Paralegals

By Amy Jo McGuigan and Francie Skaggs

The terms Legal Secretary, Legal Assistant, and Paralegal are sometimes used interchangeably. While most people believe that these legal support roles are very similar, there are actually many differences between the jobs and what it takes to become one. Because the terms are often misused, it is important to know the one that correctly defines your line of work, to make sure you are compliant with the California legal requirements, and to clarify the duties and expectations of a position before accepting it.

### Legal Secretaries

Legal secretaries are essential to running law offices. They are the administrative force behind the practice: managing files, maintaining calendars, scheduling appointments and depositions, filings with the court, communications with the court clerks, preparing documents, making travel arrangements, maintaining databases, taking notes during meetings and perform a myriad of other office functions. As technology has replaced some of the skills legal secretaries have possessed in the past, their role has changed a little, as well as the number of attorneys assigned to their desks. There was a time when legal secretaries were assigned to one to two attorneys, while today; it is not uncommon for one secretary to handle four to five attorneys in the larger law firms.

Unlike paralegals and legal assistants, legal secretaries are not required to have a paralegal certificate or maintain billable hours. Though not required, legal secretaries often do participate in continuing legal educational classes to keep up with the demands of the ever-changing laws that govern the legal community.

### Legal Assistant

Legal assistant is just an alternative name for a paralegal, according to the American Bar Association (ABA): "A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible." This definition, however, may

change. The ABA Standing Committee on Paralegals periodically reviews language and definitions associated with non-attorney legal professionals performing substantive legal work under the supervision of licensed attorneys. They currently have a survey out to determine whether they should remove the term "legal assistant" from their definition of a paralegal.

### Paralegal

California Business and Professions Code §6450 states the following: "Paralegal" means a person who holds himself or herself out to be a paralegal, who is qualified by education, training, or work experience, who either contracts with or is employed by an attorney, law firm, corporation, governmental agency, or other entity, and who performs substantive legal work under the direction and supervision of an active member of the State Bar of California, as defined in §6060, or an attorney practicing law in the federal courts of this state, that has been specifically delegated by the attorney to him or her."

A key difference between legal secretaries and paralegals is that only paralegals provide "substantive legal work," which is work that attorneys would otherwise have to perform themselves and which requires a depth of legal understanding and knowledge of procedural law. "Tasks performed by a paralegal include, but are not limited to, case planning, development, and management; legal research; interviewing clients; fact gathering and retrieving information; drafting and analyzing legal documents; collecting, compiling, and utilizing technical information to make an independent decision and recommendation to the supervising attorney; and representing clients before a state or federal administrative agency if that representation is permitted by statute, court rule, or administrative rule or regulation." Cal. Bus. & Prof. Code §6450(a). Paralegals, however, cannot give legal advice or guide clients toward one course of action or another.

Another difference is that there are continuing educational requirements (CLE) to be a paralegal. Every two years, California requires paralegals to complete four hours of CLEs in legal ethics and four hours in either general law or a specialized area of law. If a paralegal completes any

## Skyline College Paralegal Program - ABA Approved

by *Michael Schiraldi*

Back in August 2018, Skyline Paralegal Program in San Bruno was officially cleared as an ABA-approved program.

This is a long time come fruition for Skyline. Originally, they applied for approval in October 2016. In July 2017, the ABA completed its initial review of the Skyline program. On February 19-21, 2018, the American Bar Association performed a site inspection for approval of their Paralegal Program for ABA Certification. Following a diligent review and successful site visit, the ABA granted approval for the program.

This was a total team effort. From the professors to paralegals to recent alumni, the complete support of this brigade helped propel Skyline's Program to ABA approval.

More information can be found on their website:

<https://skylinecollege.edu/paralegal/> 

## 2019 CCP Results and Update

by *Michael Schiraldi*

The seventh and eighth California Certified Paralegal Examinations took place in February in San Diego and Sacramento. There were eight examinees – one person passed.

Fifty-four paralegals have sat for the eight exams throughout California in the past year. At this time, eighteen have passed the exam and earned the CCP designation.

The next exam will be on June 14 in San Francisco, followed by the November 1 exam in Fresno. 

### UPCOMING EVENTS – MARK YOUR CALENDARS

**SFPA Board Meeting** – April 3, 2019, 5:30 P.M. San Francisco Public Library, 100 Larkin Street, Mary Louise Stong Conference Room, 1st Floor.

**SFPA Spring Social - Save the date!** – April 24, 2019. Location TBD.

**SFPA Paralegal Day** – May 18, 2019, 8:30 A.M. The Bar Association of San Francisco, 301 Battery Street, 3rd Floor, San Francisco.

**CCP Exam** – June 14th, time TBA. Hilton San Francisco Airport Bayfront, 600 Airport Boulevard, Burlingame, CA.

**CAPA 31st Education Conference** – June 15, 2019, 8:30 A.M.. Hilton San Francisco Airport Bayfront, 600 Airport Boulevard, Burlingame, CA.

**SFPA 47th Annual Meeting** – October 18, 2019, 8:30 A.M. The Bar Association of San Francisco, 301 Battery Street, 3rd Floor, San Francisco.



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of the credential exams, PACE® Registered Paralegal or CORE® Registered Paralegal through National Federation of Paralegal Associations (NFPA); Certified Paralegal (CP®, CLA®, ACP®) through the National Association of Legal Assistants (NALA); or California Certified Paralegal (CCP®) through The California Alliance of Paralegal Associations (CAPA), there are additional CLE requirements to maintain those credentials. Currently, legal secretaries have no legal requirement to meet any specific educational or training standards, although those that take the California Certified Legal Secretary (CCLS) exam have to complete certain CLE require-

ments every three years to maintain their credentials. This exam is given twice per year by Legal Secretaries, Inc. (LSI).

1 [https://americanbar.qualtrics.com/jfe/form/SV\\_2hJtEIFik8uX77](https://americanbar.qualtrics.com/jfe/form/SV_2hJtEIFik8uX77)

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*Francie Skaggs is a litigation secretary at Coblenz Patch Duffy & Bass LLP, and is the Educational Chair for the San Francisco Legal Professionals Association.* 

## CAPA's June Conference Heads to the Bay Area

by Michael Schiraldi

Did you know that every year the California Alliance of Paralegals Associations ("CAPA") holds an annual MCLE event every year called the June Conference?

Did you know that the SFPA is hosting the Annual CAPA June Conference on Saturday June 15th?

Did you know that this event has not been in the San Francisco Bay Area in over 8 years?

The 31st Annual June Conference will be held on Saturday June 15, 2019 at the Hilton San Francisco Airport Bayfront, 600 Airport Blvd., Burlingame, California 94010.

There will be four tracks that day for attendees – Advanced Litigation, Corporate Law, ADR/Mediation, and Employment. Each track will have 1 ethics presentation. There will be two exciting keynote speakers – one in the morning and one in the afternoon. The event will also include the CAPA Paralegal of the Year Award announcement (won by SFPA's Theresa Rettinghouse last year), exhibitor drawings, opportunity drawing, and more. We cannot wait for CAPA to come to town!

For more information, please e-mail us at [info@sfpa.com](mailto:info@sfpa.com) or visit <https://www.caparalegal.org/ca-pa-june-conference>. 

### REGISTER TODAY



#### 31ST ANNUAL JUNE CONFERENCE

HOSTED BY SAN FRANCISCO

[Hilton San Francisco Airport Bayfront](#)  
[600 Airport Blvd, Burlingame, CA 94010](#)

SATURDAY JUNE 15, 2019



Four Tracks

Advanced Litigation, Corporate Law  
ADR/Mediation, Employment

**CONFLUENCE: COMING TOGETHER**

# The Cosmic Ballet Goes On – Tackling Civil Appeals

by *Michael Schiraldi*

**EDITOR'S NOTE:** This article provides perspective from a civil litigation, state court viewpoint.

The appeal is the ending chapter or last resort for a case.

Appeals can occur for a variety of reasons in civil litigation, but the most common involve judgments. Judgments essentially throw out and/or conclude a case. They usually occur after trial, after granting a summary judgment, or sustaining a demurrer without leave to amend, which would end the case. One may file appeals for other reasons, for example the denying of a motion for class certification. See *Linder v. Thrifty Oil Co.* (2000) 23 Cal.4th 429, 435.

When preparing the appeal, parties need the facts presented, relevant case law, and the argument that the court should not have ruled in the way that they decided. John Adams said it best: "Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence." The appellate court is looking at two things: whether there was a legal mistake made and whether this error affected the final decision of the trial court.

So while one may be inclined to introduce in their brief that "the judge was a blithering idiot", "appellants' counsel are a bunch of bellyachers" or the great, "I move for a bad court thingy", a more persuasive argument would be "the Court erred in allowing (or denying) the evidence because under Evidence Code 352..." or "the Court was correct in its ruling, because of the seminal case of....".

Similar to preparing motions for summary judgment, paralegals are assigned to the arduous and daunting task of helping to finalize appellate briefing, appendices, and forms due to their complex nature and intricacies and at times, confusing deadlines. Paralegals are essential to the process.

The following offers some valuable insight whether working on your first (or fiftieth) appeal.

## Useful Tidbits

### The ABCs

Like any legal motion, timing is critical. There are no exceptions to a late notice of an appeal. No court may

extend the time to file a notice of appeal. California Rules of Court ("CRC") 8.104(b).

CRC 8.104(a) provides "normal" time to filing your appeal. The notice of appeal needs to be served on the parties and filed with the clerk of the superior court generally within 60 calendar (not court) days after the clerk or party either serves a notice of entry of judgment or a filed stamped copy of the judgment with proof of service. See generally CRC 8.104(a)(1). There are some exceptions prescribed by statute or CRC 8.108, 8.702 or 8.712 that extend the time to appeal; not shorten the time to appeal.

### Beginning the Appeal

There are three basic items in starting the appeal process: the notice, the designation of the record and transcripts, and the civil case information statement (California Judicial Council Form ("CA Form") APP-004).

The notice needs to contain the information of what judgment you are appealing from and when it happened. It must be sufficient to identify the particular judgment or order and signed by the appellant's attorney. Parties may use either a pleading or CA Form APP-001. File this notice in the superior court where the judgment occurred; do not file in the Court of Appeal.

Within ten days of the filing of the notice, the appellant must designate the reporter's transcript of proceedings (see CRC 8.130(b) for specifics) with appropriate deposit. Additionally, one must designate whether the parties will create their own appendices (known as an election under CRC 8.124) or whether the clerk of the court will prepare the appendices under CRC 8.122. Here is the distinction: if the appellant chooses CRC 8.124, the party has to create their own appendix, meaning you have to create the record on appeal, which includes all of the operative pleadings and documents that forms the basis of the application. Under CRC 8.122, the court prepares the appendices after the appellant designates which documents to include requiring the clerk of the court to cull and prepare the appendices by pulling the specific documents designated and bind. The respondents have the opportunity to designate the record on the appeal if the appellant proceeds under CRC 8.122, or if following a CRC 8.124 election, can have their own appendix.

With the appeal now filed, the appellate court will notify the parties of the appellate case number. Paralegals

should use the Court of Appeal website to find their case, and register the appropriate members of their firm to receive updates from the Court. Critically, the case listing will provide due dates of when certain documents must be filed.

As a final preliminary step, within 15 days after the superior court sends the notification of the notice to the appropriate division within the appellate court, appellant must file in the Court of Appeal a completed Civil Case Information Statement (CA Form APP-004). You must attach a copy of the judgment or order appealed.

### The Brief and Appendix

Once the preliminaries are out of the way, it is time to get to work. CRC 8.212(a) sets the timeframe of when to file the brief, and concurrently, the appendix if following a CRC 8.124 election. Generally, the appellant opening brief (“AOB”) is due 40 days after the filed record or reporter’s transcript (after a CRC 8.124 election) or 70 days if no reporter’s transcript. Respondent’s brief (“RB”) must be filed within 30 days of the AOB. Twenty days after the RB is filed, final word goes to the appellant in the form of a reply (optional). See CRC 8.200(a)(1-3).

Here are a few pointers for paralegals to keep in mind when working on these documents:

- **Cover.** Every brief and appendix must include a cover, which includes the title of the document, the case title along with the relevant case numbers, the trial judge, and the attorney’s information. Recall, if the brief and appendix are filed in paper form, the cover must be a particular cardstock color. Rule 8.40(b)(1).
- **Pagination.** Use Arabic numerals (e.g., 1, 2, 3). Do not use Roman numbers!
- **Table of Contents/Table of Authorities.** You must include these items for the brief. See Rule 8.204(a)(1)(A). For the appendix, you must include an alphabetical as well as a chronological index of the documents.
- **Citations.** You must support your brief with references to the record on appeal with a citation to the volume and page number of the clerk’s transcript, reporter’s transcript, or appendix where cited in the brief. The citation should include the volume number, an abbreviation what you are citing to (whether the appellant’s appendix (AA), reporter’s transcript (RT), et.), the page number(s), and the line number(s) (if applicable).
- **Word Count.** There is a maximum 14,000-word limit to a civil brief, which must include a certification of the count at the end of the brief. See Rule 8.204(c).

## SFPA’s Featured Paralegal



**Rosemary DeSena** is a legal assistant at Hartog, Baer, & Hand, APC, a firm that specializes in estate planning, trust and probate administration, and related litigation and mediation services. She completes paralegal tasks when asked, and is valued at her firm for bringing to her current role the skills and mindset she gained working as a paralegal in this field for over ten years.

Rosemary started her legal career in 1997 as a case assistant on an asbestos class action law suit case, and after the case ended, left law to pursue other career interests. She returned in 2006 through an acquaintance who introduced her to trust and estate law, and found her niche. Working for a solo attorney, she delved quickly into all aspects of this field, enjoying the frequent client contact and the ability to learn and apply knowledge in intersecting legal fields such as family, tax, real estate, corporate formation/dissolution and more.

After working for several years as a paralegal under B&P Code §6450(c)3, she decided a paralegal certificate would give her a greater depth of knowledge of her duties as a paralegal. She completed her paralegal certificate at San Francisco State University in 2012. She counts completing her paralegal certificate and joining the SFPA as the two most valuable actions she has taken to support her career.

When not working, Rosemary loves meandering the hills of San Francisco on foot. You can find her strumming on her ukulele in the park, hanging out in cafes listening to jazz or blues, reading books, and writing old-fashioned letters to friends.

- **E-Filing.** More and more California Courts are embracing e-filing, including the appellate divisions. If you are e-filing your appellate brief and appendices, keep in mind that the papers must be PDF readable, must contain PDF bookmarks within the documents, and to be uploaded, the file must be less than 25 megabytes (MB). When submitting the appendix that exceeds 25 MB, the appendix must be split up to indices that are numbered consecutively. The first volume should contain the master chronological and alphabetical indices for all volumes, while subsequent segments should contain an individual chronological index only. The Court of Appeals’ website has excellent resources regarding practices and guidelines of creating these electronic documents.

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### Oral Argument

After the briefing, next is the oral argument. Under CRC 8.256, the parties may elect either to present oral argument in the case or to waive oral argument. Sometimes the Appellate Court may order oral arguments.

The Court will send a notice to all parties requesting oral argument. If the attorney decides to argue the appeal, complete the form, and file it with proof of service on opposing counsel. With the request filed, the appropriate division within the appellate district will notify all counsel of the date of argument and provide the names of the assigned judicial panel. Sometimes, the presiding judge of the panel will notify all counsel of certain topics to focus on when giving their argument to the panel.

Attorneys usually assign paralegals various tasks prior to the oral argument date such as shepardizing cases (perhaps looking for any new, relevant decisions)

and preparing rough outlines for the reasons the appeal should be granted (or denied). Additionally, if the panel requests certain questions/topics at the argument, paralegals may research the topics and address where the subjects are in the brief.

If there is one thing this world needs, it is more paralegals who actually know what they are doing. As paralegals, we must possess the fundamentals from start to finish of the appeal process. So get a little rock and roll on the radio, muster up all the courage you can find and go forth and handle the appeal with finesse and panache. Case closed. 🎧

*Michael Schiraldi is a paralegal at The Brandi Law Firm, and current SFPA board member and CAPA Director. He resides in San Francisco.*



## SFPA's Sustaining Members - Thank you for your support!



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## Winter Social Recap *By Michael Schiraldi*

Recently, the SFPA held their Winter Social. Planned by Board Members Ian and Eric, the SFPA returned to the Irish Bank located in downtown San Francisco. We had quite the turnout as multiple paralegals came out for an evening of revelry. We had a number of guests including representatives from our sustaining members, including Heidi Cornell (Macro-Pro), Sue Hammer (First Legal), Lora Templeton (One Legal), Marlon Urtecho (United Litigation Discovery), and other distinguished companies (including Esquire Deposition Solutions, Epiq, and others).



Thank you to our SFPA members, our sustaining members, and other company representatives for joining us. We had an awesome time! Check out our photos from the event on our website. We look forward to seeing you at our next event, whether it be at our next social, a board meeting, a MCLE event, or at our annual events. 🍷



## SFPA Board Members 2019

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SFPA provides a number of opportunities to participate, plan, and shape our organization. The SFPA Board would like to invite interested members to volunteer if so inclined. Our next board meeting will be in April 3, 2019 at the San Francisco Public Library. Come join us – we would love to see you! Please contact us at [info@sfpa.com](mailto:info@sfpa.com) if you would like to find out more. 🍷

### About the San Francisco Paralegal Association

The San Francisco Paralegal Association is a nonprofit organization created to represent the paralegal profession as an independent, self-directed profession, to enable paralegals to enhance their professional development, and to support the expansion of the delivery of legal services in an economic and effective manner.

More information about our Board of Directors, bylaws, committees and practice sections can be found in the [About](#) section of the SFPA site.

Please visit our [Calendar](#) to find out about upcoming events.

If you're interested in joining the SFPA, information about how to do so can be found in the [Membership](#) section of the SFPA site.

To submit an article, please send requests to [hgocchiogrosso@gmail.com](mailto:hgocchiogrosso@gmail.com) or [mvs@brandilaw.com](mailto:mvs@brandilaw.com).