

Paralegal Day 2018 Recap

By *Michael Schiraldi*

On Saturday, May 19, 2018, the SFPA held their annual Paralegal Day at the SF Bar Association. Themed the “Tools of the Trade”, this full day of MCLE topics covered a multitude of subjects for the successful paralegal. There were over 50 attendees in the audience, including voting members, student members, and non-members throughout the Bay Area and California.

President Denise Bashline (pictured left) kicked off the event by welcoming our members and provided an uplifting speech regarding the profession as well as discussing our neighboring association, Redwood Empire Paralegal Association and their fight following the Santa Rosa Fires back in October 2017.



The opening MCLE was the keynote address by Chloe Mosqueda and Erika, paralegals at the San Francisco District Attorney’s Office (“DA”). They both discussed their job description, and the opportunities that the DA has to offer, including internship. The speakers touched upon the stressors in working for the DA and reducing tension in the workplace. A brief Q&A occurred at the end.

The second speaker was Melissa Gibbs, Esq., the manager of legal services over at Community Overcoming Relationship Abuse (“CORA”). Using PowerPoint, Ms. Gibbs presented an overview of CORA’s services and the heart of her topic, “Supporting Survivors of Domestic Violence in Family Law Cases”. During her presentation, Ms. Gibbs discussed what domestic violence was, the various remedies that victims have against the offenders, and finally, what paralegals can do to support these survivors during their time of need.

Next, Agelika Ryan, CPA, CFE of RGL Forensics (pictured right) showed slides regarding “The Role of the Forensic Accountant”. This was our Ethics MCLE hour. During her demonstration, Ms. Ryan conversed a variety of topics regarding forensic accounting. First she discussed the tenets by describing what forensic accounting is and the qualifications for such a position. The second part was to discuss what the role of the accountant as a consultant in law firms. Finally, she touched on the forensic accountant and the role of the paralegal.



During our break for lunch, we had two vendor presentations by Morgan Hall of Ontellus and Shanelle Borders of Alliant International University. Also, we had an energetic contest with some tough legal questions spearheaded by our treasurer Dalia and Diane Rames of Gwilliam Ivary Chiosso Cavalli & Brewer. Special thanks to both of them for assembling this challenge in a short amount of time.

To kick off the second half of the event, Charles Jenkins, J.D. of Charles Jenkins Law PC and professor at San Francisco State University in their paralegal program captured the audience with an information and often humorous take on discovery. Comparing the discovery tools we use as a Swiss army knife, Mr. Jenkins led our paralegals through the different blades of discovery – from interrogatories to requests for production of documents to request for admissions. Using his real life litigation experience, Mr. Jenkins tied his experience to applicable use for the paralegal and discovery.

In the second afternoon session, Jon Luchesse of Robert Half Legal discussed the aspect of professional network-

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CAPA PARALEGAL OF THE YEAR 2018

Theresa Rettinghouse is CAPA's Paralegal of the Year for 2018.

Theresa has been a Paralegal since June 2014, completing her coursework at California State University Easy Bay. Prior to graduation, Theresa joined the SFPA as a student member. She soon began her involvement with the Pro Bono Committee, bringing with her a commitment to service that defines her work with the SFPA. Theresa is now the Chairman of the SFPA Community Service and Pro Bono Committee.



Theresa has initiated relationships with several of the groups we now work with. The Transgender Law Center has been her most recent Pro Bono outreach effort, and it is with pride that we report that the SFPA has contributed ten new volunteer trainees to the TLC since we began. While helping strengthen our relationships with our

groups, Theresa has worked tirelessly to train new members to assume leadership roles on the committee. This approach has made the Pro Bono Committee the strong draw to our membership that it is. Her efforts go beyond the SFPA. Theresa has a degree in Zoology and experience as a Field Biologist. Her previous work included a project studying avian risk behavior and mortality assessment in the Livermore Altamont Pass Wind Resource Area. Becoming a paralegal offered Theresa an opportunity to bring together different interests. Her love of biology is something she continues to pursue as a volunteer for the U.S. Fish and Wildlife Service to watch and record data for the California Least Tern habitat in Alameda. She has also volunteered as a paralegal at the Center for Biological Diversity in Oakland.

Theresa is a full time paralegal at Lozeau Drury LLP, the Oakland environmental law firm representing non-profit environmental and recreational groups, labor organizations, neighborhood associations, and Indian tribes.

In her very spare time, she enjoys reading, hiking and birdwatching, and spending time with her family. 🍷

Paralegal Day Recap *(continued from page 1)*

ing for both the newly minted and seasoned veterans of the paralegal professions. After dispersing some tips, Mr. Luchesse engaged with the crowd for a spirited question and answer session. Major props to our audience who peppered Jon with queries left and right, and a tip of the hat to Jon for handling the heat.

The day concluded with Michael Greathouse, Esq. and a presentation on "Recent Development in E-Discovery". Utilizing PowerPoint, Mr. Greathouse provide an updated on the Federal Rules of Civil Procedure ("FRCP" on e-discovery highlighting new case law that will affect



discovery in the future. Additionally, a brief, recent history on e-discovery, including recent FRCP amendments.

Overall, it was a great event exposing paralegals to different tools of the trade.

We greatly and profusely thank Chloe Mosqueda, Erika, Melissa Gibbs, Esq., Agelika Ryan, CPA, CFE, Charles Jenkins, J.D., Michael Greathouse, Esq., and Jon Luchesse for speaking at this year's event. Special thanks to Morgan Hall of Ontellus and Shanelle Borders of Alliant International University for our two great vendors at the meeting.

Finally, thank you to all of our attendees at this event. We hope to see you at our Annual Meeting on Friday October 19, 2018. 🍷

UPCOMING EVENTS – MARK YOUR CALENDARS

CCP Exam – September 8, 2018. CCSF, San Francisco, CA.

CAPA GOAL Webinar "PDF Adobe Pro DC Acrobatics" – September 12, 2018, E-mail info@sfpa.com for link

CCP Exam – September 29, 2018, Riverside County.

CAPA GOAL Webinar "PDF Adobe Pro DC Acrobatics" – October 10, 2018, E-mail info@sfpa.com for link

SFPA 46th Annual Meeting – October 19, 2018, Bar Association of San Francisco, 301 Battery Street, 3rd floor, S.F. Details to follow.

CCP Exam – November 2, 2018, De Anza College, Cupertino.

SFPA Pro Bono Committee Meeting – November 3, 2018. Offsite location confirmed via email.

SFPA Paralegal Day – May 18, 2019. Details to follow.

30th Annual CAPA Education Conference Recap

By **Michael Schiraldi**

Back on June 23, 2018, the California Alliance of Paralegal Associations ("CAPA") held their pearl anniversary of their annual education conference held at the Atrium Hotel in Irvine, California. Right across the street from John Wayne Airport in Orange County, the 30th Annual CAPA Education Conference was an informative and interesting MCLE event that had four different tracks and two keynote speakers.

The four tracks were employment/labor, advanced litigation, e-tech, and corporate law. Each track had a total of four speakers, with one hour of ethics MCLE available in each section. The nice thing was the ability for an attendee to hop around the different topic divisions throughout the day. One was not confined to a particular theme, but had the ability to pick and choose among the presentations he or she found the most intriguing and worthwhile.

The day started with a scintillating presentation by Dr. Michael Moodian, where he described his role within the California Commission on Judicial Performance, and explained how the judicial disciplinary process works.

The other keynote speaker was the Honorable Eric V. Issac, Commissioner currently in the Family Law Court in Riverside County. Going through the ABCs of courtroom decorum and etiquette, Commissioner Issac discussed the importance of civility and professionalism when in the throes of battle in litigation while in Court. His thoughtful and at time humorous presentation informed presentation attendees how to best conduct oneself in the courtroom, and among other litigation professionals, and his valuable advice was enthusiastically welcomed.

Other interesting speakers included the Honorable Mitch Dembin on Technology Competency Requirements, Mr. Umholtz's employment discussion, Where the Money Goes – Wrong!, concrete examples of UPL (unauthorized practice of law) by Professor and Director of Paralegal Studies of George Washington University, Toni Marsh, and an eye-opening examination into electronic surveillance/social media by Brent Sims of DigiStream.

One of the most exciting moments of the day was when the SFPA's own Theresa Rettinghouse took home the gold and won Paralegal of the Year as awarded by CT Corp! (See feature within At Issue for further information regarding Theresa.) Due to her commitment to the Community Service and Pro Bono committees at SFPA, her continuing education, and her paralegal skills at Lozean Drury LLP, she was awarded Paralegal of the Year. First runner-up was Lisa Quiroz of FPA (Fresno Paralegal Association), and second runner-up was Gina Map of ICAP (Inland County Paralegal Association). Congratulations to all three women for their accomplishments!

At the conclusion of the conference it was announced that our home town, San Francisco, will be hosting next year's CAPA education conference in June 2019. Next June's event promises to be an exciting and stellar MCLE day as the conference returns to San Francisco after an eight year absence. More details to follow!

We would like to thank CAPA for putting on a tremendous event and to all of the speakers and exhibitors. 🍷



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Responding & Objecting to Discovery *by Michael Schiraldi*

EDITOR'S NOTE: This article provides perspective from a civil litigation viewpoint.

Picture a Swiss Army knife and all the tools it contains. From sharp blades to the screwdrivers to the can opener and the handy dandy wine opener, the Swiss Army knife is an all in one instrument to handle any of life's activities in the palm of your hand.

To borrow a recent analogy from Professor Charlie Jenkins at the SFPA's Paralegal Day, discovery is like a Swiss Army knife. Discovery has many implements we can use to flesh out information. From interrogatories to document requests to medical examinations, both Plaintiffs and Defendants have varied ways in obtaining information to help their case. These many tools come into play in nearly every lawsuit.

Discovery is essential. It is the reason why this stage is the longest in litigation. Discovery can either make or break your case. We try to gain as much information as we can to support our claim or defuse the lawsuit. Your firm's ability in surfacing evidence to prove or disprove the allegations will lead to the ultimate success.

Part of the process that falls upon paralegals is to draft responses and objections to the various discovery tools, propounded throughout the case. While the attorney will finalize the documents, the paralegal is the primary conduit in gathering the evidence in providing substantial responses.

The following offers some thoughts and basics when responding and objecting to some various discovery requests.

Helpful Tactics

It Comes Standard

There are three main types of written discovery: interrogatories, requests for production of documents, and requests for admissions. See generally California Code of Civil Procedure ("CCP") §§ 2030.010, et. seq., 2031.010, et. seq., 2033.010, et. seq.

Before even responding to the questions, most firms begin with a preface paragraph, which lays out a litany of objections and that the party will respond based on information and documents that are presently available. While discovery is the longest stage, it occurs at various points. Sometimes the requests come in when not all documents are readily available or not obtained yet. This opening paragraph sets the tone. It should provide that the party will make a good faith effort to respond and

since the discovery process is ongoing, reserves the right to supplement or amend later. This is extremely important to include, because when subsequent discovery facts or documents are uncovered, you can supplement your responses to include those.

It is helpful to use samples from other cases to base your discovery responses on. For example, car accidents cases usually have the same type of format and objections with other car accidents cases. Although the facts are the same, your firm definitely has same favorite objections they like for written interrogatories or requests. Use them!

Get the Lead Out

When the discovery comes in, you want to evaluate and consider what you need from the client and what you already have. If you need information from your client, you may want to draft sample responses of everything that you can respond to that is in your file and then have the client review it. Any details that you do not have, you may want to highlight or bold the question so that the person knows he or she needs to respond. When it comes to drafting, you want to make the process as easy as possible without complications.

Make sure you give yourself plenty of leeway in responding to the discovery timely (whether by statute or your firm's deadline). Do not wait until the last minute.

Documents Everywhere, But What to Produce?

The key when producing documents is the organization of your case's file. Make sure you create a directory (or a paper stack) of items that you are going to produce to the other side that are relevant to the questions. It may be helpful to create an online folder repository to each request for production, then start gathering responsive, non-privilege documents. Ultimately, the attorney will decide. You want to ensure which documents are responsive to which request/question and provide all the information to the attorney so that he or she can make the decision. Another helpful tool is to bates stamp your document production. Although there is no specific rule that requires parties to label, it is extremely helpful.

A final note on responding. If after you search, the client searches, and the attorney searches the case's documents, and you do not have possession, you must make a representation that a diligent search occurred. See CCP §2031.230.

Do You Have a Protocol?

Vehicle, site, and object inspections are common discovery devices used for physical things. One of the common details overlooked is whether there is a protocol or scope

of how the inspection will occur. If you are the party who is in possession of the item or the site, it seems important as to what the other party will do to the tangible thing or location. Will they photograph? Are they going to videotape? Will their experts do various tests? How will the parties be able to test and preserve the evidence without damaging or destroying it?

You need to be able to establish these details before the examination starts. Always ask the opposing side for a protocol of what they intend to do and/or not do. To borrow the old public service announcement, the more you know and knowing is half the battle.

Doctor, Doctor, Mr. M.D.

Defense or independent medical exams are tools that are often used when Plaintiffs claim for physical or mental injuries. CCP §2032.210, et. seq. provides that the defense may conduct such examinations.

However, that does not excuse the Plaintiffs' firms from objecting to an overbroad notice of a medical examination. It is true that when one files a lawsuit for physical injuries, that person is putting those conditions and areas of the body at issue. However, this does not mean one has placed the entire medical history at issue simply by filing a lawsuit. See *Britt v. Superior Court* (1978) 20 Cal.3d 844, CCP §2032.020(a). The point in objecting is to place a limit, as most defense/independent medical examination notices are purposely overbroad.

These are some areas to look for when responding to the medical examination notice:

- Vocational specialists/life care planners' attendance. Under the Code, there is no provision for their presence at the examination.
- Medical History - this is not twenty questions; it is supposed to be a physical examination. While appropriate to ask some questions regarding the injuries and current conditions, a broad medical history is beyond the scope and is cumulative. See CCP §2019.030. Remember – the doctor will have the medical records ahead of the examination so he or she will presumably know the history.
- Allowed to attend and record. Pursuant to CCP §2032.510, the attorney or representative is allowed to attend the examination and audiotape. When you are objecting to the notice, add this section into the document to give notice to the other side. For psychological/neuropsychological examinations, attorneys may not be present. However, the client may record the exam.

SFPA's Featured Paralegal



Meagan Spencer is a defense civil litigation paralegal for State Farm and currently works at Philip M. Andersen & Associates, the Pleasanton Claims Litigation Counsel office. She handles a large volume of personal injury cases from service of complaint through trial. She has been with State Farm since moving to California just over two years ago. Meagan also handled similar defense civil litigation cases in her hometown of Lafayette, Louisiana for six years prior to moving to the Bay Area.

Meagan decided when she was only 16 years old that she wanted to pursue a career as a paralegal, and did just that right out of high school. She attended Husson University in Bangor, Maine where she obtained her Bachelor of Science Degree in Paralegal Studies. Thereafter, she moved back to Louisiana to begin her career as a paralegal and never looked back.

Meagan was an active member of the Lafayette Paralegal Association in Louisiana for several years where she previously held the offices of Corresponding Secretary and Secretary. Meagan is genuinely excited to finally be a part of another paralegal association. She loves being surrounded by people with a wealth of knowledge in her career whom she can learn from.

When not working, Meagan loves doing a variety of outdoor activities with her husband and German Shepherd, but especially enjoys hiking. In that regard, she feels especially blessed to be living in a state as beautiful as California. If not outside, you can often find her painting, curling up with a good book, or playing video games.

These are some suggestions to the multitude of the challenges that we face. Our job is to seize the initiative when responding and objecting to the discovery so that we may impress our peers, attorneys, and bosses, and to achieve success.

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

Trust & Estates Practice Section Update

By **Dalia Liang Moore and Michael Schiraldi**

The Trusts & Estates section for the SFPA continues to roll out MCLE events on a monthly basis.

Over the past three months, the section held another 3 MCLE brown bag sessions, bringing this year's total up to seven.

The last three events were the Working with A Professional Fiduciary MCLE with Meredith Taylor, MFT, CLPF, Naming a Trust as the Beneficiary of a Retirement Account with Harry B. Marin Esq., and the Filing and Procedures from the Probate Clerk's Office of the San Francisco Superior Court with Gina R. S. Gonzalez. All three were well attended

events. Thanks to our wonderful speakers and our attendees for joining.

More events are planned for the remainder of the year. Check out our calendar of events for information.

The Trusts and Estates Practice at the SFPA has consistently provided continuing legal education seminars to paralegals to improve their knowledge and skills.

Please contact Dalia Liang Moore at dalia.liang@gmail.com for further information regarding this section. ➡

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



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June CCP Results and Update

By **Michael Schiraldi**

The second California Certified Paralegal Examination took place on June 22, 2018 at the Atrium Hotel in Orange County. Out of the seven paralegals who took the exam, 3 passed thus earning the California Certified Paralegal (CCP) designation. The following individuals passed the examination in June:

Samantha Armigo of Moreno Valley
Paula Delp of Lakewood
Corey McLaughlin of Fresno

The next exams will be on September 8, 2018, right here, in San Francisco at City College, September 29, 2018 in Riverside, and November 2, 2018 at De Anza College in Cupertino. ➡

Spring Social Recap

By **Michael Schiraldi**

On a bright, sunny June Thursday, the SFPA trekked over to Oakland to hold their Spring Social at Lungomare, located at Jack London Square. Paralegals from SF and Oakland turned out for the event for fun, food, and drinks. 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 2018

Denise Bashline – President
Vincent Yasay – Vice President
Dalia Liang – Treasurer
Jenna Rodrigues - Secretary
Leticia Jimenez
Albert Chen
Greg Johnson
Bibi Shaw
Michael Schiraldi

SFPA provides a number of opportunities to participate, plan, and shape our organization. The SFPA Board would like to invite interested members to volunteer and become at-large board members for the remainder of the year and 2019 if so inclined. Our next board meeting is September 5, 2018 at the San Francisco Public Library. Come join us - we would love to see you! Please contact us at info@sfpa.com if you are interested.

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 bgocchiogrosso@gmail.com or mvs@brandilaw.com.