



# SFFPA

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## AT ISSUE

Official Newsletter of the San Francisco Paralegal Association



### Top Secret – Paralegal Wisdom from Three Words

BY MICHAEL SCHIRALDI

**AUTHOR'S NOTE:** This article is from a paralegal perspective. The views expressed in the content is solely that of the author and does not necessarily reflect the views of others. The author is correct about one thing – he is a terrible writer.

To be a tremendous paralegal, you need to know two things: You are you, and you are loved. No matter how many horrible, no good, very bad days you have, nothing takes that away.

But what about acquiring paralegal intelligence you ask? Follow me around the corner. I have some critical information to give you. In the dark. Don't be nervous now! I double checked for monsters and only saw one; or was it two?

I love to read, but admittedly, I am a terrible writer. Despite proofing briefs, reviewing deposition testimony and preparing trial exhibits, I still find time to read and write awfully. I tend to gravitate towards detective procedurals. Sandford, McKinty, Higashino, Harper, Nesbø, Mukherjee, and of course, Penny and the world of Armand Gamache in Three Pines.

-CONTINUED ON PAGE 6

### PRESIDENTIAL NOTE

BY GLORIA TORRES, PRESIDENT SFPA

Small but Mighty

It is an honor and privilege to serve as President of the San Francisco Paralegal Association this year. This year we have a small working Board, and I assure you, we are working hard to continue to offer you MCLE's, networking events, and volunteer opportunities, to name a few. Thanks to the creativity and passion of our past president Amy McGuigan, this year we have produced the At Issue PodCast and are bringing back At Issue, the official newsletter of the San Francisco Paralegal Association.

-CONTINUED ON PAGE 5

### This issue:

Top Secret – Paralegal  
Wisdom from Three Words

PAGE 01

Presidential Note

PAGE 02

Dealing with Stress

PAGE 02

How Long Does Probate  
take?

PAGE 03

Announcements, Events,  
and Updates

PAGE 06

Word Search

PAGE 08



# SFFPA

## Dealing With Stress-

BY AMY MCGUIGAN

Paralegal work can be rewarding and amazing, but it can also be extremely stressful. On top of doing all of our regular assignments, we frequently have to deal with Impossible deadlines, angry clients, and also perform work that is secretarial, administrative or clerical in nature. The mind is constantly pulled from one project to another, between work and home, scattering our thoughts and emotions and leaving us feeling stressed and at times quite anxious. Stress builds and starts to have an impact on our health and well-being. Your mind wanders, your productivity slips and creative projects go out the window.

Most of us in our profession do not have the luxury of taking five minutes to sit down and relax, let alone 30 minutes or more for a meditation session. It is, however, essential for our wellbeing to take a few minutes each day to achieve a positive mind-body balance and to cultivate mindfulness by meditating on one's thoughts. Mindfulness requires that we be fully aware of who we are, where we are and what we are doing, without being reactive or overwhelmed by what's going on around us. It requires us to "pay attention on purpose" and be "fully present" in the moment. Most mindfulness practice begins with tuning in to the present moment and setting aside time to the practice of being fully "awake" in every aspect of life. Here are a few ways to practice mindfulness at work.

**Be present with the task at hand.** If your mind starts to wander, practice bringing your thoughts back to the task at hand. Connect with your senses, feelings and thoughts, then return to what you are supposed to be doing. If you find that you cannot refocus your energy to the task at hand, set it aside and work on something else.

**Take small breaks throughout the day.** They do not have to be long breaks, something as simple as standing up and stretching can help get oxygen flowing through your body. Take a walk on your lunch break, or hit the gym. Use whatever time you have to get moving in some way.

**Focus on your breathing.** Even if you only have a minute to spare, you can use it to center yourself. There are even several apps you can use to accomplish this, I use the one on my iWatch, but you can also just set a timer. Focus on the feeling of the breath going in and out of your body. You may even count the breaths if you want, from 1-10 and then starting again. If thoughts or feelings come up, notice them and gently return to focus on the breath.

Even if you do not have a ton of time throughout your day, you can use these simple mindfulness exercises to empty your mind and find some much-needed calm amidst the madness of your hectic day.



“who is responsible if a paralegal is unethical?”

IN THE MAJORITY OF CASES, THE SUPERVISING LAWYER OR LAW FIRM CAN TAKE THE RAP FOR UNETHICAL PARALEGAL CONDUCT SINCE PARALEGALS ARE SUPERVISED BY ONE OR BOTH PARTIES.



# SFPA

## How Long Will This Probate Take?

BY EUAN FERNSLER, VICE PRESIDENT SFPA

Everyone wants to know: “How long will this probate take?”

Completely normal situations, like selling estate property, can add delays. However, a basic probate case can close in about a year. Please note that court delays, especially staffing problems, have delayed many courts adding 4-6 months.

### **Petition for Probate (2-3 months)**

Begin the probate case by filing a petition for probate with a California Superior Court. You'll gather documents and estate information. Some things, like names and addresses, you'll get right away. Other answers may take more time and effort to discover. Use your answers to prepare the Petition for Probate and supporting documents. Upon receiving your petition, the court will assign a hearing date six to eight weeks out.

### **Letters, Inventory, and the Creditors Window (4-5 months)**

Your assigned probate referee has 60 days to appraise the estate property. So send that appraisal form soon - you need to file this within 4 months of the hearing. This is a good time to consolidate those assets into an estate account, including selling real estate.

The Letters document is stamped with a date, generally the date of the hearing, and this starts a 4 month window under Probate Code § 9150 for creditors to make claims against the estate. There's much to do while you wait for the window to close. You notify the known creditors of the last day they may make claims, which begins a 60-day countdown. With careful planning, you can ensure that the 60-day countdown occurs during the 4-month delay.

### **Petition for Final Distribution (4-6 months)**

When all tasks and countdowns have been completed, you'll prepare your Petition for Final Distribution. As you learned at your first petition, it can take weeks to gather facts, prepare the documents, and file the documents with your court, so start early if you can. Then you'll be assigned a hearing date for the court to review this new petition, likely another two to three months out. Expect longer waits at busy courts.

### **Final Distribution and Ex Parte Petition (2-4 months)**

You can distribute the inheritance as soon as your judge signs your Order for Final Distribution. It could be a few days, or even a month, before you receive your order. Transfers of real property takes additional time and documentation. Distribution complete? You'll prove it with receipts. Get them signed and filed along with your Ex Parte Petition and Order for Final Discharge. Upon final signature, you're done. Case closed.

As you can see, there is a lot of waiting in every probate. Despite the delays built in, there is often much to do, and communication with your support staff is critical to know where you are in the probate, what's due, and what's coming up next.

Want to hear more or have questions? Happy to help anytime, Euan Fernsler, [euan@smartprobate.com](mailto:euan@smartprobate.com).



## THANK YOU TO OUR SUPPORTING MEMBERS





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## Presidential Note- Gloria Torres

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We experienced a period of hibernation in the winter, but as spring is upon us we enter a rebirth. I am excited about what the rest of the year will bring. Most importantly, I want to hear from our members, I want our membership to be partners in navigating the future of SFPA. The Board meets every first Wednesday of the month at 6:30pm via Zoom, I invite you to drop in whenever you can, just let us know by emailing us at [info@sfpa.com](mailto:info@sfpa.com) so we can add you to the attendance list.

I encourage you to engage in our social media. Let us know what you are looking for in your paralegal association. We understand that our group is diverse and everyone's voice is important, whether you are starting out, or are a seasoned professional, we want to meet you where you are at. Our practice areas are vast and require not only specific knowledge skills, but also a variety of soft skills, how we show up in the world matters and is also key to our success. Together we can build the skills and confidence to show up, as skilled paralegals ready to do what paralegals do – identify potential issues and find solutions to run a smooth operation.

## SFPA JOB BOARD:

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## Top Secret – Paralegal Wisdom from Three Words

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To borrow from Inspector Gamache, four statements lead to wisdom. Use them as you wish. In some form, they are:

1. I do not know.
2. I am incorrect in my answer.
3. I apologize.
4. I need help.

The first three are simple. Admitting you are wrong or not knowing the answer and apologizing when we have cut someone with our words or actions are lessons learned in kindergarten. Likely said in the law office setting daily. But the ultimate wisdom, asking for help? Not necessarily in our vocabulary.

Three words to salvation. Yet we loathe to use them. A lethal paralegal cocktail of pride, ego, insecurity, fear, and a disastrous array of other symptoms curtail our ability to utter this phrase.

Asking for help is not weakness or burdensome. As paralegals, we must seek assistance in two distinct ways.

Hello Operator? My Desk is on Fire

We live by the deadline. But what happens when the planned, the unexpected, and the trial assignments converge at once? Like the seven course dinner you prepare for an event, utter chaos. Without proper assistance, you will likely set the place in flames.

A paralegal must require aid from their colleagues when they are in the weeds. Unless you plan to work around the clock, you cannot survive. We need to trust our co-workers for support. Have faith that we are in good hands.

Further, if you are doing something brand new (like using a trial program to present demonstrative evidence) and you do not know where to begin, seek assistance! Paralegals like to help. It is, gentle reader, our primary job. Swallow your bashfulness and let someone guide. You will learn from the experience and acquire insight.

Paging Doctor Well-Being

We thirst for of an understanding ear. The worst is when you reveal your buried treasure, only for folks to look at you strangely, not understanding or caring what you revealed. Or perhaps a crueler fate is the inability to confide for fear of being bothersome.

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## Upcomming events:

SPRING SOCIAL  
COMING SOON

### PARALEGAL DAY

TBD- PLEASE SEE OUR  
SURVEY AND HELP US  
CHOOSE A DATE!

BOARD  
MEETINGS:  
5/01/2024  
6/05/2024

### TOP SECRET – PARALEGAL WISDOM FROM THREE WORDS

The paralegal profession is an incredibly stressful position. A kite dancing in a hurricane. We attempt to achieve the near impossible - perfection in the legal world. When we are not feeling emotionally our best, it is painful. Burn out is real.

Catharsis exists when we find someone where we can share our feelings without judgment. Asking for help at your nadir is the quintessence of wisdom. When we are at our most vulnerable is the time we must stop and seek comfort with our family, friends, and colleagues. If you ask, your close circle will find a way. They can bring you back from the brink, gain the confidence to survive another day, and develop a newfound understanding you never knew existed.

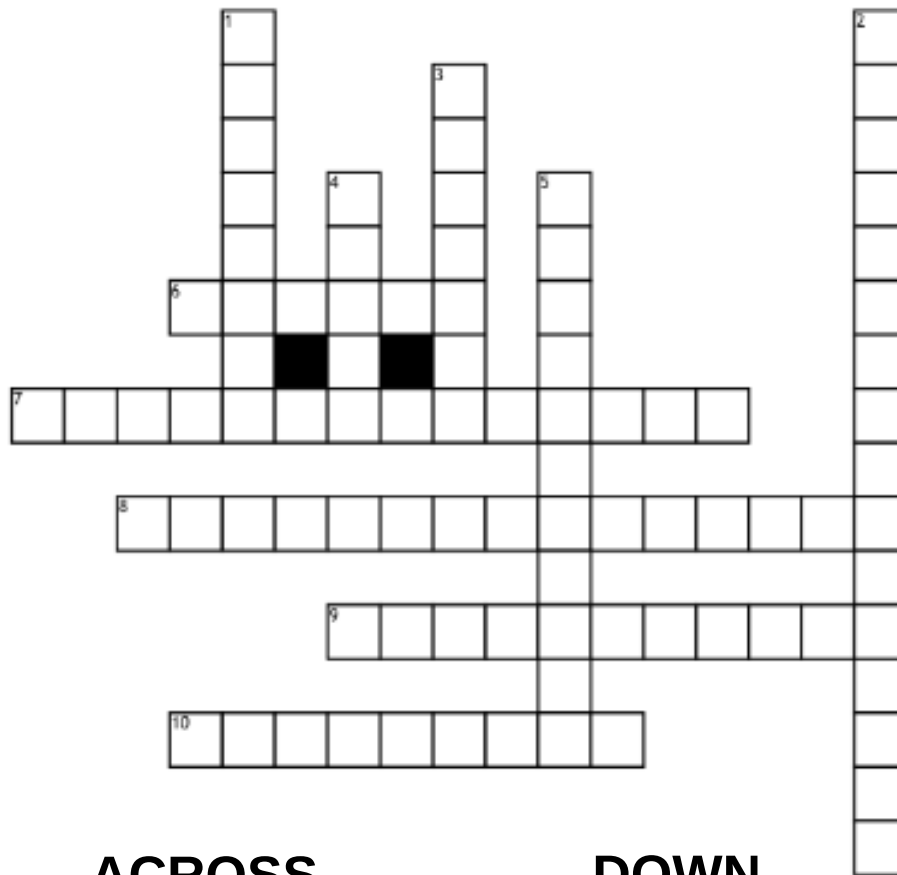
Call it fate, karma or luck, I am glad we met. Hopefully, you will find some use of those wisdoms provided. Now, if you excuse me, I need help. A writing monster appeared on my car. It looks hungry.

-Michael Schiraldi is a paralegal at Fox Rothschild LLP. An adjunct instructor at San Francisco State University, he resides in San Francisco.



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## Paralegal Vocabulary



**ACROSS**

**DOWN**

6. A REQUEST THAT A JUDGE MAKE A RULING OR TAKE SOME OTHER ACTION

7. ACTION BY A COURT CLERK NOTING THAT THE DEFENDANT HAS FAILED TO FILE A PROPER RESPONSE TO THE COMPLAINT

8. A PERSON APPOINTED BY A COURT TO REPRESENT A MINOR OR INCOMPETENT PERSON FOR PURPOSE OF LITIGATION

9. RETURNING PROPERTY TO THE ORIGINAL OWNER WHERE FAIRNESS REQUIRES THAT IT BE DONE

10. PREVIOUSLY ADJUSTED ACTION OR DECISION ON A SAME OR SIMILAR POINT, SERVING AS A RULE OF EXAMPLE FOR PRESENT GUIDANCE

1. AWARD, SETTLEMENT OR AGREEMENT OUT TO A NON-MARTIAL RELATIONSHIP OF PARTIES

2. QUESTIONING BY A PARTY OR HIS/HER ATTORNEY OF AN ADVERSE PARTY OF A WITNESS CALLED BY AN ADVERSE PARTY

3. THE AUTHORIZED ACT OF PHYSICALLY DESTROYING, IN FILES, COMPUTERS OR OTHER DEPOSITORIES

4. A WRITTEN OR PRINTED DOCUMENT PREPARED BY THE LAWYERS ON EACH SIDE OF A DISPUTE AND SUBMITTED TO THE COURT IN SUPPORT OF THEIR ARGUMENTS

5. A STATEMENT UNDER PENALTY OF PERJURY THAT CERTAIN FACTS ARE TRUE OR BELIEVED TO BE TRUE