

# PRECEDENTS

2023 Q3

*A San Diego Paralegal Association Publication*



**SDPA Clothing Drive  
Paralegal Night Pics  
A Recruiter's Perspective  
Networking for Introverts  
AND MORE**

**Balboa Park Cover/Photos by Denise M. Blassak, Editor**

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# EDITOR'S NOTE

Welcome to 2023 Q3! This edition gives members a view of recent events, and

a sneak peek of what lies ahead. Read up on notaries, networking, and niches. Plus, learn about Opinion 506, and dependency law. Take a stress poll, and more! We are sailing through the year! Enjoy!



MURAL  
BALBOA PARK

*Denise M. Blassak*





# SDPA VOLUNTEERS ! CLOTHING DRIVE

PHOTOS SUBMITTED  
BY KRISTINE & ELLEN

In a matter of weeks, SDPA was able to collect a truck bed of clothing for the Veteran's Village of San Diego's Stand Down Event. The 3-day event in July served homeless and at-risk veterans. Shout out to Allen, Matkins, Leck, Gamble, Mallory & Natsis LLP; Koeller, Nebeker, Carlson & Haluck LLP; Butterfield Schechter LLP; and San Diego County Counsel-Juvenile Dependency Division, for hosting collection sites! Great job, SDPA!



LOADING A TRUCK WITH CLOTHING DONATIONS ABOVE, CLOCKWISE FROM LEFT: KRISTINE CUSTODIO SUERO, DENISE BLASSAK & PRO BONO DIRECTOR MICHELLE PENDLETON



MS DION SAYLES MCKINNEY (L) & ELLEN LY MANIWAN (R)





# A FEW TIDBITS FROM ABA FORMAL OPINION NO. 506

*by Denise M. Blassak, Editor*

Most of our tasks are projects attorneys delegate to us as nonlawyers. I utilize the word "nonlawyer" merely because it appears in this opinion. We go by many names and assist with a variety of tasks. Some of our responsibilities involve interactions with clients.

"Whether a non-lawyer may answer a prospective clients *specific question* depends on the question presented, and what would be considered to be the practice of law in the jurisdiction." (ABA Opinion No. 506 p. 4, italic emphasis in original.). "When the question presented would require the application of law to facts, a

nonlawyer . . . may convey a client question to the lawyer, have the lawyer determine the answer to the question, and then relay the lawyer's answer to the client, again, depending on the complexity of the question posed." (*Ibid.*)

Lawyers are responsible for their nonlawyer staff. Thus "delegation of prospective client intake must be carefully and astutely managed." (ABA Opinion No. 506 p. 5.) Non-lawyers also need to be responsible for their own actions. For those engaged in client interaction, consider reading the full, five page opinion.<sup>1</sup> The ABA published it in June.

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<sup>1</sup>Also see Sullivan and Bellitto, *New guidance regarding the role of legal assistants in law offices* (Los Angeles Daily Journal; Jul. 5, 2023.)

# PRECEDENT'S POLL

AS PARALEGALS, WE ENJOY GREAT MOMENTS AND FULFILLING CAREERS, BUT AT TIMES, OUR WORK CAN BE STRESSFUL.

SHARE WITH FELLOW MEMBERS THE DE-STRESS METHOD THAT WORKS FOR YOU

- ***Exercise/Sport*** [*identify by name*]
- ***Eastern Philosophy*** [*meditation, tai chi, etc., identify by name*]
- ***Me Time*** [*a spa day, hobby time, a museum break, nap, etc., identify*]

***Other*** [*identify*]

**SEND ANSWERS BY 11/15 TO:**  
**[newsletter@sdparalegals.org](mailto:newsletter@sdparalegals.org)**

**RESULTS TO BE REVEALED IN Q4**



BALBOA PARK

# THE PARALEGAL NOTARY: A SHORT GUIDE TO AVOIDING PROBLEMS



Travis Chow

Reprinted with permission of author and Los Angeles Paralegal Association

Paralegals who are also notaries know they must follow very specific procedures; otherwise, costly mistakes can be made. Paralegal Notaries are often pressured to “bend the rules” in the name of just getting things done. This is a short guide intended to help you avoid trouble.

## **PERSONAL APPEARANCE**

For now, we shall not concern ourselves with AB 1093, the Remote Online Notarization Act, which was proposed to allow remote notarization. As of last August, the bill was dead in the California Legislature.

California requires that a signer personally appear

before the notary (except for the limited instance of a subscribing witness). Penalties for not following this range from monetary fines to felony criminal charges.

Working in a law firm, under intense deadlines, leads to pressure being put on the notary to notarize things for those not personally present. Notaries are tempted because they have notarized for that person before or think they can just get the signature later. If the signer does not appear in person, we have no idea if that person signed the document willingly. Secondly, we do not know if there is real estate fraud, or elder abuse, happening in the background.



Remember, if anything goes awry, the notary is personally responsible.

### **VALID ID REQUIRED**

Civil Code Section 1185 sets out the rules for valid identification of a signer. Valid identification includes a current, or issued within the last five years, State Driver's License, and United States Passport. One can also use an Inmate ID Card from the CDCR or Sheriff's Department, if the inmate is in custody. Other forms of identification can be accepted if they contain all of the following: current or issued in the last five years, a photograph, description of the person, signature of the person, and an identifying number.

I once had a member of the military try to use his United States Military Identification Card, but it did not include

everything on the above list. I refused the notary. The signer was angry, and belligerent when told a U.S. Military Card was not good enough. He said I did not know what I was doing and he was going to report me. At the end of the day, the notary must remain calm and remember what is allowed as valid identification in California.

### **DOCUMENT MUST BE COMPLETE**

When a signer appears before the notary with his document, the notary must ensure that the document is complete. The notary does not need to read the details, but should get enough information to complete the notarial journal. It is good practice to make sure there are no blanks within the document that can be filled in after the certificate is complete. Do not let your

office pressure you to notarize a document before it is complete.

I once had a client come in and hand me just the acknowledgment page to notarize. When I asked to see the rest of the document, the client said it was private and none of my business. I refused the notary. There was no way to tell whether document was complete, or identify document for the journal entry. The client was not happy, and the attorney was not thrilled with me, but at the end of the day, it was the right call.

### **KEEP ACCURATE RECORDS**

Government Code Section 8206 says that the journal must contain the following: date and times of each act, signature of signer, specific information about the identification being provided, and fee charged. Depending

on the document, the notary may also be required to get the thumb print of the signer.

I have been asked on more than one occasion to backdate the Notary Certificate to speed up a transaction or closing of a matter. Just don't do it. The Notary Certificate must have the date that the notary actually occurred. Backdating and inaccurate information can lead to further fraud.

Some other considerations -- in the journal there is typically a space for "notes," and I usually put the location of the notary, if I traveled; if I have to attach a certificate rather than stamp the document; or if I refused the notary. As a matter of good practice, I do not include in my journal the addresses of peace officers or other emergency personnel. It could be very dangerous if that information is stolen and used for nefarious purposes.

Also note that the notary is in control of and owns his journal. An attorney or anyone else in the office cannot have unfettered access to flip through the pages as they please. They must follow proper procedure just like everyone else and make a written request, including the type of document, parties involved, and month and year the notarization took place.

### **NO LEGAL ADVICE**

Paralegals know this section well; it has been engrained in them in every single unauthorized practice of law ethics CLE ever taken. The rule does not change as a notary.

The most common question I get is: What is the difference between acknowledgement and jurat and which do I need? I can describe each notarial act, but I cannot tell you

which one you need. The best answer is to ask the signer to contact the person needing the document and ask what is wanted. In practice, the option I give is to perform both notarial acts for the client, so he does not have to come back a second time.

Secondly, I always get questions from clients about the document or possible legal outcomes. The best thing to do is to defer those questions to the handling attorney or tell them that you cannot give an opinion as it could be construed as legal advice. It's that simple.

### **INSURANCE**

Every notary must purchase and post a \$15,000 bond with the county to protect the public financially. Notaries that do a lot of signings should purchase Errors and Omissions



Insurance to provide crucial protection in case of a mistake or claim. The cost for a good policy is roughly about \$500 dollars a year.

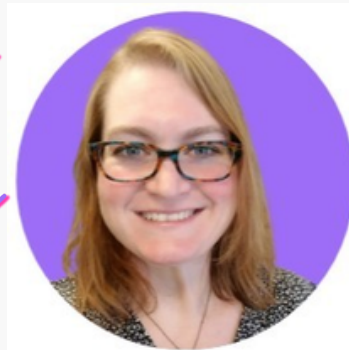
However, the notary did not have insurance and his defense, albeit quick, cost thousands of dollars.

We had a case where a vexatious plaintiff sued the notary and others over a failed real estate transaction. The notary did not make any mistakes and eventually the case was dismissed.

Travis Chow, Paralegal Coordinator at Collins + Collins LLP, has been a paralegal for over 14 years. Previously, he freelanced at several private practice firms in Southern California. He is a Certified Social Media Intelligence Expert and Certified Cyber Intelligence Professional. Travis is also a California Licensed Realtor and Notary Public. With the help of Walter T. Shatford and the San Gabriel Valley Bar Association Legal Scholarship, he earned a Paralegal Certificate from Pasadena City College along with an Associate's Degree in Social Behavioral Science, Humanities and Paralegal Studies. He then earned a Paralegal Certificate and Bachelor's Degree in Legal Studies from the University of La Verne.

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*Congrats  
Christina  
Hough*



**RECIPIENT OF NALA AFFILIATE AWARD  
FOR SPEARHEADING  
SDPA'S 2022 INAUGURAL DEIB CONFERENCE**



# Welcome New Members!

**IN JULY 2023:**

**Daniela Gutierrez, Student Member**

**Richard Rios, Student Member**

**Jared Thomas, Student Member**



**AZTEC WOMAN OF  
TEHUANTEPEC FOUNTAIN  
1935, BALBOA PARK**

**IN AUGUST 2023 (UP UNTIL THE 15TH):**  
**Veronica Rubalcava, Associate Member**

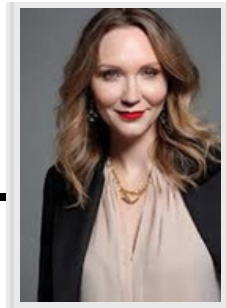
# SPECIAL THANKS TO OUR SUSTAINING MEMBERS:





# NETWORKING FOR INTROVERTS

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**Emily Bartkowicz, CEDS, ACP**

**In·tro·vert (noun): someone who generally prefers solitary activities to interacting with large groups of people. Comes from Latin intro-, "inward," and vertere, "turning."**

By definition, I am an introvert through and through. For years I have aspired to be more social and outgoing, to be able to walk up to a stranger and start a conversation, or to easily join others already conversing; essentially, to be more extroverted. But, at the end of the day, I am who I am, and when it comes to networking, I struggle. However, I recognize its importance. Not only is it a great resource for finding career opportunities, it provides a space to connect with others who understand your day-to-day successes and challenges, and it offers a

great way to learn new information and skills. So how do people comfortably make connections and expand their network when it feels daunting? Here are a few tips I have personally used to step out of my comfort zone and build my network:

## **BYOF (Bring Your Own Friend)**

If you want to attend an event, find a friend or colleague to join you. Having a "wing man" provides you with support when you are feeling awkward walking into a room of strangers. Also, if your guest is more outgoing than you, watching their communication style may give you ideas and encouragement to be more assertive. Your guest need not be a part of the legal world - it is great to build a network

beyond one's own industry, so you may be helping him as well.

### **Connect with others one-on-one**

Did you read a LinkedIn post that left an impression? Were you briefly introduced to someone that you found intriguing? Reach out directly to start a conversation or meet for coffee. Treat one-on-one networking like any other relationship. Focus on learning about the whole person and the professional benefits will follow naturally.

### **Network for good**

If you have a volunteer spirit, consider supporting a non-profit that aligns with your values. Attending an organized volunteering event introduces you to a diverse group in a structured environment where you are given a specific task

and the opportunity to connect with a mutual interest.

### **Prepare an elevator speech or icebreaker**

Preplan a 30-second "about me" that includes not only your professional background, but maybe also a fact or two that makes you unique. Your "pitch" should be simple and general so it can be delivered in any setting. Or, consider making a mental note of an interesting current event or news story that you find interesting and worth discussing. (Caution: avoid anything politically charged).

### **Start small - or virtual**

Zoom events boomed during the pandemic and remain a staple in continuing education and networking. Consider attending a virtual event and challenge yourself to ask at

least one question or make one comment, even if only in the chat box. If you are planning to attend a large conference, connect with one or two people in advance over social media or the conference app to establish advanced connections.

### **Give yourself grace**

In the end, if you are interested in, yet nervous about networking, allow yourself to craft an approach that makes you comfortable. Set reasonable expectations, turn

down the volume on your inner critic, and don't be afraid to push yourself a little outside your comfort zone.

**Emily Bartkowicz is a certified paralegal and certified eDiscovery specialist. Currently the Litigation Support Manager at Akerman LLP, she was previously a litigation paralegal at the firm, specializing in mass torts and products liability. Emily would love to join your network and can be reached on LinkedIn @emily-bartkowicz.**



**BALBOA PARK**



# JUNE PARALEGAL NIGHT AT DUCK FOOT BREWERY ... WAS A HIT!











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**THE 'GREAT REENGAGEMENT':  
A RECRUITER'S PERSPECTIVE ON WHAT EMPLOYERS WANT  
Q&A WITH DENISE M. BLASSAK, EDITOR  
& KATE PANIAN, RECRUITER/BUSINESS SOLUTIONS MANAGER**

---



***DENISE (L) & KATE (R)***

**Q:** Tell us, Kate, how long have you been in the recruitment field?

**A:** For the past two years, I have been a member of the Adams & Martin Group in San Diego (AMG). AMG has over 10 years of legal staffing experience, assisting all types of legal professionals in the county. Everyone from paralegals to attorneys, to office managers, legal assistants, and beyond. Clients include law firms and in-house legal departments.

**Q:** Some of our paralegals may one day have an interest in utilizing recruiter services. Briefly describe for us the recruitment process: what it looks like for job applicants, AMG, and your clients.

**A:** The process starts with a simple communication, whether via email or phone, followed by a Zoom meeting. The Zoom meeting is a thorough AMG interview, a deep dive into the candidate's prior positions, background, and skills. Once the AMG interview is complete, I discuss a recruitment plan, along with current openings fitting the candidate's interest and experience. AMG then assists with reference checks, assessments, interview tips/feedback if desired, followup, and more.



**Q:** Are there any additional services AMG offers job applicants, whether interview tips, resume advice, or more?

**A:** AMG always wants to leave candidates and clients in a better position, even if not actively working to match them. It provides job applicants with interview tips, market insight (salary guides, sought out skills, and more), and resume advice.

**Q:** I have two questions related to resumes. As far as AMG clients, which resume format (chronological, skills-based/functional) is most often preferred and why?

**A:** Chronological, traditional resumes, which are well-formatted, and easy to read, are preferred. Many resumes are skimmed for key words (titles, software, location, practice area knowledge, California Court Rules.)

**Q:** Typically, which section of the resume do AMG's clients look at first?

**A:** Recent experience is first, followed by tech skills/software. You have 15 seconds to grab a hiring manager's attention. Most recruiting teams skim resumes due to the volume of applicants.

**Q:** How do your clients react/respond when reviewing the credentials of an applicant who has tech skills/tech experience, but either limited exposure or none with the specific technology the business utilizes?

**A:** Most AMG clients are open to software experience as long as job applicants have some type of similar skill set (iManage versus Clio, LexisNexis versus Westlaw, Green Filing versus One Legal). If a job applicant appears tech



savvy, the client is open to reviewing that applicant's credentials.

**Q:** Moving on now to the interview phase of the job hunt process. I would think best practice for this phase is for a job applicant to ask a potential employer questions. Are there certain questions that impress your clients more than others? Example?

**A:** Any questions revolving around measuring success in the role, the culture of the firm, upcoming projects or trials, or meeting expectations (i.e., Can you provide an example of someone who stood out or did well, what was their approach?). For the first part of the interview process, stay away from compensation, benefits, and the like, unless the employer opens up that line of questioning. It tends to arise in subsequent interview(s).

**Q:** Has AMG observed any trends with moving beyond the pandemic? Example, are paralegals now expected to wear even more hats than before? If so, what tasks are typical? Is this trend due to offices not rehiring for vacant positions, difficulty with finding quality replacements, both, or — [fill in the blank]?

**A:** These are interesting questions, and the answers really depend on the law firm. Generally speaking, yes, we have seen paralegals taking on more tasks. Though we saw this to some degree pre-pandemic, given the shrinking legal secretary pool (with secretaries changing fields, moving, etc.) Many employers find it easier to assign additional duties to current staff, rather than hire and train new secretaries. Hybrid paralegal/secretary roles are common.

**Q:** Have you ever provided job applicants with tips on the 'elevator pitch,' that brief, persuasive, self-promotion plug? I, for one, find it challenging, to time it during random encounters.

**A:** Yes. Prepare an introduction giving your name, and position/title, identifying your current employer and experience level in a certain practice area. Add in 1-2 measurable achievements (assisted with a large settlement or successful 2 week trial, efficiently manage 60+ cases while supporting 2 partners and 3 associates, received employee of the month or some type of recognition, etc). Do not overcomplicate it since attention spans are short.

**Q:** What are the job search challenges for paralegals with different levels of experience?

Let us break that down to entry-level paralegals versus veterans. Say one of your clients has interest in hiring an entry-level paralegal. For those applying who have no on-the-job experience, what other credentials do your clients find most valuable? (Examples: associate's degree/bachelor's degree/certificate/ABA approval; certification (CP, ACP, RP, and similar); internship; and volunteer work, law-related or not.)

**A:** For job seekers without paralegal experience, highlight your skills that employers seek, your education (point out if program ABA approved, a good school reputation, and bachelor degrees), and any work experience while in school (as it demonstrates time management skills.) If

you have long tenure in your



position(s), it shows you can commit to work and do it well. Any experience dealing with or assisting an attorney is valuable, even if unpaid. Also mention any internship, if applicable, and technical experience.

**Q:** Now let us examine when your client wants to hire the veteran. If, say, an applicant has little to no experience in your client's area of law, what other credentials are most valued? [See same examples identified in prior question.]

**A:** Highlight your transferable experience, such as with software, a caseload and client interaction. Give examples of how you picked up a new task on-the-job. Also quantify your work, meaning use numbers, such as identifying the number of attorneys you supported.

**Q:** Is there anything you can add to address age discrim-

ination? Let us face it, despite the fact it is illegal, it happens. **A:** As a rule of thumb, do not identify your education years, and highlight no more than 10 years of experience. Also highlight technology skills. A lack of tech knowledge is a main reason employees get let go or experience difficulty returning to the workforce. For those with a LinkedIn account, make sure it is presentable and up-to-date. An outdated one makes you appear to lack technology skills. Given the current skills gap--difference between what employees have and employers expect--some employers want their retirees back.

*Kate, a native San Diegan, was one of AMG's top direct-hire closers in 2022. She thrives when communicating solutions for both job applicants and clients. Prior to joining AMG, Kate worked for the State Department, and the EU Delegation. She enjoys sports, travel, and spending time with family and friends.*

*Denise, a certified paralegal (through the AAPI), has 15+ years of paralegal experience. She has drafted appellate brief arguments, handled complex international research, and more. Currently, Denise is a member of Southwestern College's ABA Paralegal Advisory Board. Like Kate, Denise enjoys travel and getting together with family and friends.*



# PRECEDENTS



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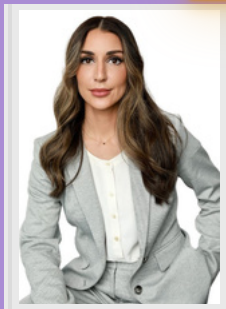


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PER ARTICLE**

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# APPELLATE PRACTICE TRAINING WITH SAN DIEGO CO BAR ASSOCIATION MCLE CREDITS



**RACHEL M. GARRARD, SDCBA  
APPELLATE  
ATTORNEY  
PANELIST**



**DENISE M. BLASSAK, SDPA  
APPELLATE  
PARALEGAL  
PANELIST**

**DATE:: THURSDAY, OCTOBER 26, 2023**  
**TIME:: 12:00 NOON - 1:00 P.M. PT**  
**PLACE:: VIRTUAL PLATFORM**  
**COST:: \$25 SDPA MEMBERS; \$45 NON-MEMBERS**



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# A Small Niche Can Be A Big Opportunity



John Cleaves

When I first started hot seating trials, it took a while to wrap my head around how trial presentation software worked. Calling up documents on the fly, and jumping to pages out of order. Plus, building and maintaining databases of documents as exhibits were added, changed, and replaced during trial, along with a myriad of other responsibilities, not to mention the huge task of loading, editing, and playing deposition videos. It was a lot, and it took a while to get comfortable with the concepts and then the software. I started with a program called Visionary back in 2000, then Trial Director, Sanction, TrialMax, back to Trial Director, and now, very

recently, OnCue. Even with all of that experience over all those years, the switch to OnCue has not been without hiccups. Trial presentation software can be challenging to even the most experienced user.

Along the way, having worked on hundreds of cases and hot seated numerous trials and arbitrations, I can confidently say I have found my role as a trial consultant. In those hot seat gigs, I have seen a fair number of trial presentation meltdowns by the other side. Attorneys, paralegals, or other support staff who were clearly learning the software on the fly while still handling the numerous other tasks already on

their plate. Sometimes it worked. Sometimes it did not. I recall one rookie hot seater who walked out at lunch and never came back. I have seen attorneys grow so frustrated with the difficulty of showing what they want in the way they want, that they resort to using Adobe Acrobat. Acrobat is a great program, but it is not built for trial presentation.

I realized this was an opportunity to fill a niche by creating a trial presentation program that did not have all the bells and whistles, all the numerous and confusing features, and did just one thing in a way that a user could learn it almost instantly. The result is Exhibit Presenter, trial presentation software for the PC. It is a very simple app. Because most exhibits these days are submitted to the court as PDFs, it lets the user open a PDF and, using the

mouse and a small selection of clickable buttons, jump to any page, zoom in or out, call out a portion of the document, and highlight it. That is it. Super easy. Honestly, that covers more than half of my job as a hot seater. Once I was happy with the software, I put it up for sale on the internet along with a bunch of videos. These videos show it in action so potential customers can see just how easy it is to use. I even posted a free version so users could test it out before buying.

Now, this is a true niche. There is not a huge demand for trial presentation software in general, and for do-it-yourself trial presentation software in particular, but I am ok with that. A sale or two a week keeps it financially worthwhile and there are a lot of positives beyond the dollars and cents. First, being

a software creator builds my reputation and goodwill in the industry with attorneys and paralegals who now have a solution where before there was a need. Second, it builds my reputation with other hot seaters and trial consultants because I have solved a problem they have dealt with: how to provide their clients with a solution for those matters that are too small for a consultant to be worthwhile. Now they can offer a solution without fear of losing a paying gig down the road.

There are various programs out there that fill other small niches in the legal industry: exhibit number stamping, timeline makers, case organ-

izers, and a host of others. That is the thing about niches. If you come across one, you can bet others have as well. So, when you are faced with a time consuming or challenging task, take a moment to run a search. Maybe there is a solution that will make your life easier. Or, if you discover there is not, then maybe you can work on filling that niche, whether it be by creating software as I did, or by offering your solution as a service for hire. Keep your eyes open for niches, even the small ones, because they can lead to big opportunities.

John Cleaves is a trial consultant based in San Diego and working nationwide. He is the creator of Exhibit Presenter ([www.exhpres.com](http://www.exhpres.com)) and the author of *Demonstratives: Making Effective Graphics for Trial*, for sale on Amazon. [john.cleaves@fticonsulting.com](mailto:john.cleaves@fticonsulting.com)

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DB

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Toni Marsh | Director of GW  
Paralegal Studies Program



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Leader will be  
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# JUVENILE DEPENDENCY LAW: A BRIEF OVERVIEW

## REPRINTED WITH PERMISSION OF AUTHOR TANYA JOYCE, ESQ. & THE NORTH COUNTY BAR ASSOCIATION ARTICLE ORIGINALLY PUBLISHED IN NORTH COUNTY LAWYER



This article will attempt to provide a brief, but comprehensive view of the legislation and practice dedicated to the protection of abused and neglected children in San Diego County. I have been a practitioner in the juvenile dependency system since 1994 in various roles, including representing foster parents, legal guardians, and primarily social services staff. I have practiced in Riverside and San Diego Counties and currently work as a Senior Deputy with the San Diego County Office of County Counsel, providing legal representation to the San Diego County Health and Human Services Child Welfare Services Agency (“the Agency”). It is my goal to offer the reader the working basics behind this often misunderstood legal specialization.

In the United States, more children under age 15 die each year

from child abuse and neglect than from many illnesses including cancer. (U.S. Department of Health and Human Services, Administration for Children and Families, Child Maltreatment 2019, January 14, 2019 (<https://www.acf.hhs.gov/cb/report/childmaltreatment-2019>.) One in eight children have been victims of abuse or neglect. (Hyunil Kim et al., “Lifetime Prevalence of Investigating Child Maltreatment Among US Children,” American Journal of Public Health 107, No. 2 (2017): 274–80.) At this time, there is a consensus among social scientists that abuse and neglect suffered in childhood results in long-term harm to the developing brain and functioning that often carry over into adulthood, significantly affecting productivity and mental health. In order to address this pervasive and tragic situation, every developed country, including the United States, has established a child protection system with authority to respond to allegations of abuse and take action if necessary. In California, this system is encapsulated within the Welfare and Institutions Code [WIC] (and, to a lesser extent, the Health and Safety Code.) California

has roughly 50,000 children currently in out-of-home care as a result of abuse or neglect. There are over 2,000 such children in San Diego County. Between 2020 and 2021, 36,042 child abuse reports were made, about a third resulting from physical or sexual abuse. Hotline staff assigned cases for investigation under a triage system according to the county's child abuse hotline (representing 62,600 children). Of those, 1,070 resulted in petitions for protection being filed in juvenile dependency court.

In San Diego County, most reports to the child abuse hotline (800-344-6000) arise from calls made by professionals, including law enforcement, doctors, and school staff, who are mandated by law to make a report if they suspect abuse. However, anyone can make a report, and can choose to remain anonymous. The identity of the "reporting party" is kept confidential even from the court and counsel. (Penal Code Sec. 11167.) Nearly half of all reports made are "evaluated out," meaning they are not assigned for investigation due to insufficient evidence that abuse has actually occurred or not enough identifying information allowing for the family to be located. Of those reports assigned for investigation by social workers, most are due to neglect or emotional abuse (for instance, parental drug abuse or domestic violence) and about a third result from physical or sexual abuse.

Hotline staff assign cases for investigation under a triage system according to risk to the child. Those categorized as needing "immediate" response must be addressed by a social worker within 24 hours; others are assigned for response within 5 or 10 days depending on the severity of the abuse alleged. All cases must be resolved within 30 days, either with a plan for safety, which includes rehabilitative services for the parents, a voluntary services plan to avoid court intervention, or, as a last resort, a petition filing in juvenile dependency court.

San Diego County has five juvenile dependency courtrooms: three in the Clairemont Mesa area (Meadowlark Courthouse), one in the East Region (El Cajon) and one in the North (Vista). Once a juvenile dependency petition is filed alleging a child has suffered or is at risk of one or more of the types of abuse described under WIC section 300(a-j), a courtroom is assigned based on the custodial parent's address.

Within 48 hours of a child being removed from custody, a petition must be filed specifically describing the abuse and risk to the child, and a detention hearing must be held 24 hours later. At that hearing, all parties, including the child and the parents, are appointed counsel free of charge by the court. San Diego County has a panel of parents' counsel (Dependency Legal

Services), as well as children's counsel (Children's Legal Services), all of whom are trained and certified in child welfare law and advocacy. In addition, each courtroom has social services representation provided by County Counsel, who act as "prosecutors" in support of the petition and of the Agency's recommendations for the family. Proceedings are always confidential and not open to the public.

If a child has been removed from a parent's care, the court must make a finding that continuance in the parents' care is contrary to the welfare of the child, as a result of abuse or neglect or risk thereof. (WIC Sec. 319.) If the findings are made, there are multiple options for placement of the child, including foster care ("Resource Family" or Foster Family Agency homes), a relative's home, short-term residential treatment (group homes), or placement in the county's shelter facility, the Polinsky Children's Center. Priority is given to placement with previously non-custodial (and nonoffending) parents and to relatives, who must pass a background check and ensure that their home is free of safety hazards. A child may also be left in the care of an "offending" parent with added safety precautions, including treatment, drug testing, restraining orders, criminal protection orders, or under the additional supervision of another responsible adult. (WIC Secs. 309, 319, 361.)

After the detention hearing, a combined jurisdiction and disposition hearing is scheduled within three weeks. During that time, the Agency social worker investigates the allegations by extensively interviewing all parties and collateral entities, including the child (if verbal), parents, school staff, relatives, neighbors, etc. An assessment is made in conjunction with the parents and child as to which resources would most effectively address the risk to the child, and a reunification case plan is created jointly. A report with all of the findings and recommendations is filed with the court and each party has an opportunity to set the hearing for trial, if it disagrees with the recommendations.

At the conclusion of the jurisdictional and dispositional hearings, the court determines whether the allegations are true by clear and convincing evidence (finding the child comes under the jurisdiction of the court) and whether or not it is necessary to declare the child a dependent of the court. (WIC Sec. 362.) If so, the court decides whether the child's protection warrants continued removal from the parents' custody and makes the necessary placement decisions as well as reunification services (the dispositional findings). Under certain circumstances, including in cases in which there have been prior dependencies or when there is

extreme or repeated physical or sexual abuse, the court may not order reunification services for the parents. (WIC Secs. 361.5(b), 362.)

After the initial jurisdiction and disposition phase, the parents are provided either six (if the child is under three) or twelve months to complete the reunification plan. Under certain circumstances, and if there is a probability that reunification will occur, this timeline can be extended to 18 or even 24 months. (WIC Secs. 366.21(e) & (f); 366.22.) The court reviews the parent's progress and the Agency's provision of services every six months and makes findings accordingly (parents get extra time if the Agency does not provide reasonable services to address the family's deficiencies) and may terminate reunification if it finds the parents are non-compliant or not visiting the child. If successful in meeting the plan goals, the parent is awarded custody, generally after a period of in-home supervision. (WIC Sec. 364.) If not, the court places the case into a permanency planning stage, during which the child is placed in an adoptive home, under legal guardianship, or in a "planned permanent living arrangement" (long-term foster or relative care) until a permanent home may be found. (WIC Sec. 366.26.) Even at the permanency planning stage, the parents have the opportunity to reunify if they can prove that they have changed their circumstances and that reunification is in the child's

best interest. (WIC Sec. 388.) It is only when parental rights are terminated (in cases in which the court selects a plan of adoption) that the parents no longer have the opportunity to reunify. (WIC Sec. 366.26.)

Child advocacy and protection is an extremely fulfilling and meaningful area of law. I am grateful to have enjoyed this calling over the past three decades.

One of the most rewarding aspects of this practice is the interplay between juvenile law and many other specialties, including family law, immigration, education law, probate (via legal guardianship and conservatorship proceedings), and criminal law. I also work closely with members of the military justice system as well as with the medical community and behavioral health professionals. I learn something new every single day from many of my North County Bar Association colleagues and enjoy being a resource to them when there are crossover child protection issues. If you are interested in advocating for a court-involved child, please contact Voices for Children and become a CASA (Court Appointed Special Advocate); go to: [www.speakupnow.org](http://www.speakupnow.org).

**Attorney Tanya Joyce is a Child Welfare Law Specialist with over 20 years of dependency experience. She is currently a Senior Deputy with San Diego County Counsel's Juvenile Dependency Division.**







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# DEIB CONFERENCE 2023



## AGENDA

- 8:30 - 9:00 am Registration & Light Continental Breakfast
- 9:00 - 9:05 am Welcome
- 9:05 - 9:30 am Keynote: Judge Rohanee Zapanta
- 9:30 - 10:30 am Elimination of Bias - **1 HOUR CA MCLE CREDIT**  
Jerrilyn Malana, Esq. Chief Deputy District Attorney  
San Diego District Attorney's Office
- 10:30 - 10:45 am Intermission:  
NALA Affiliate Award Presentation
- 10:45 - 11:15 am Belonging is Being Valued  
Sybil Taylor-Aytch, DEI Co-Chair  
International Practice Management Association
- 11:15 - 11:45 am The Power of Thinking Differently  
Vanda Khadem, Esq.  
Autism Higher Education Foundation
- 11:45 - 12:15 pm State of the California Lawyers Association on DEIB  
Oyango A. Snell, Esq., CEO/Executive Director
- 12:15 - 12:45 pm Lunch Break





# DEIB CONFERENCE 2023



# DEIB CONFERENCE 2023



## AGENDA

- 12:45 - 1:15 pm I Am Not Broken  
Jesse Leon  
Human trafficking survivor and Author
- 1:15 - 1:45 pm Speaker, Mark Vezzola, Esq.  
Senior Associate General Counsel  
Pechanga Band of Indians
- 1:45 - 2:45 pm Diversity in the Law and Access to Justice:  
A Judicial Perspective - 1 HOUR CA MCLE CREDIT  
Judge Charles Bell, Jr. and Judge Randa Trapp  
(Ret.)
- 2:45 - 3:00 pm Closing Remarks

"Diversity allows for the uniqueness in every individual to shine, Equity ensures fairness and justice for all, Inclusion brings everyone to the table, and Belonging makes us feel at home. Together, they create a tapestry of humanity where everyone is seen, heard, and valued."





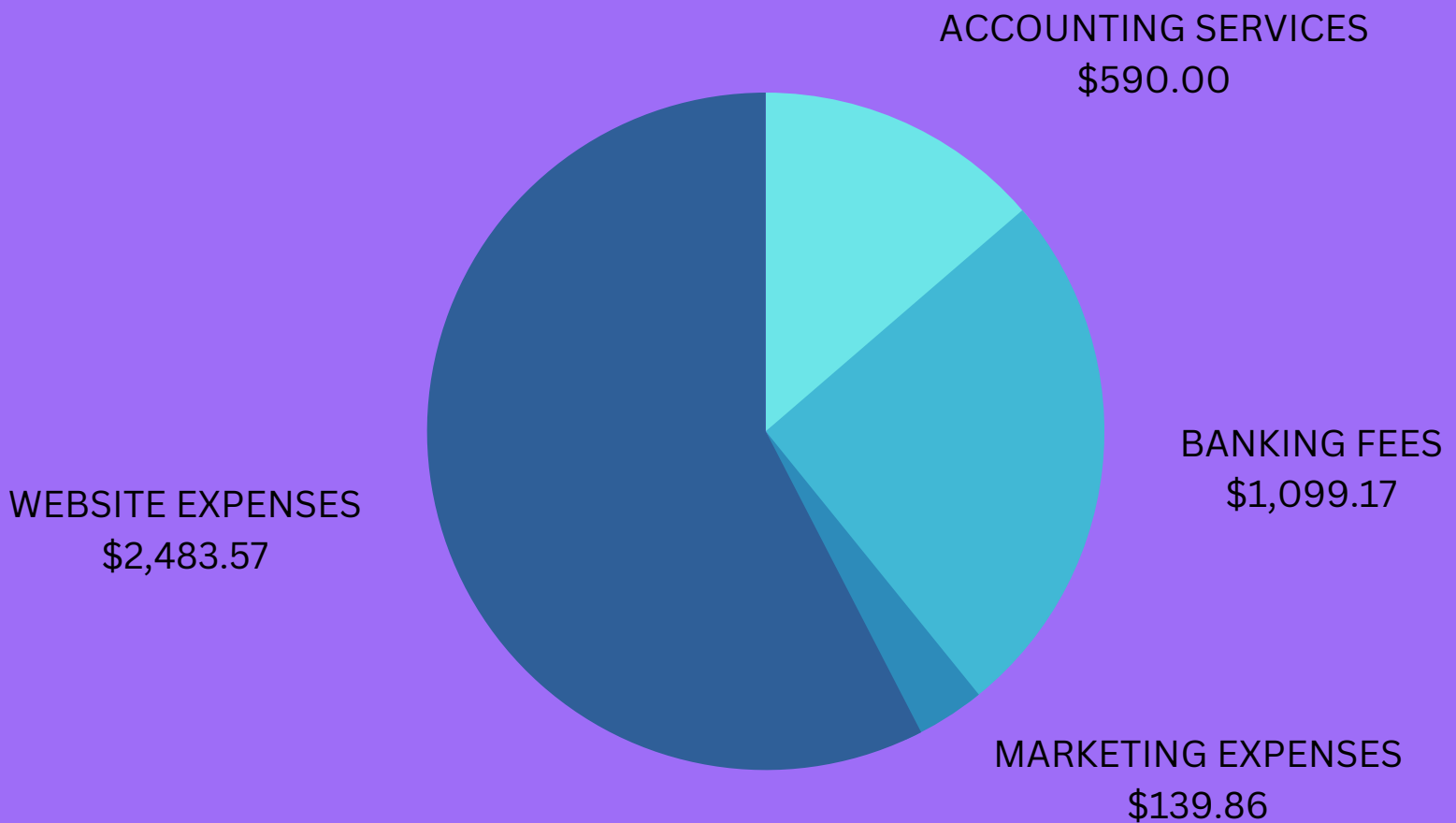
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**MENTAL HEALTH LAW: UNDERSTANDING RACE, BIAS & ETHNICITY IN  
THE LEGAL PROFESSION [W2333]**

**Wednesday, September 13, 2023 12:00 Noon CT**

**1.5 HOURS CLE - BASIC**

**\$45 NALA MEMBERS / \$65 NON-MEMBERS**

**<https://nala.org/courses/w2333-mental-health-law-understanding-race-ethnicity-and-bias-in-the-legal-profession/>**



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**CORPORATE COMPLIANCE: CONTRACT REVIEW, MANAGEMENT  
& ADMINISTRATION [W2332]**

**Wednesday, September 27, 2023 12:00 Noon CT**

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**<https://nala.org/courses/w2332-corporate-compliance-contract-review-management-administration/>**

**TO THINE OWN BILLING BE TRUE [W2331]**

**Thursday, September 28, 2023 12:00 Noon CT**

**1.0 HOURS CLE - INTERMEDIATE**

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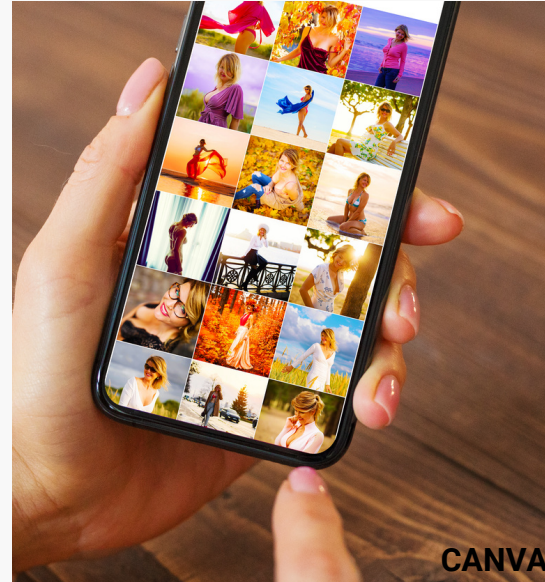
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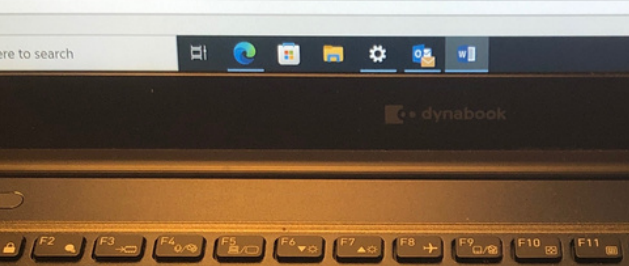


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**LEGAL RESEARCH USING THE INTERNET  
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October 19, 2023 [FEDERAL]  
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**TENTATIVE DATES**

**Virtual Lunch With Leaders**                      **September 8, 2023**

**Mastermind Session Saturday**                      **September 9, 2023**

**Exterro Review Roadshow**                      **September 13, 2023**

**NALA trainings**                      **September 13, 27 & 28, 2023**

**Couture for a Cause**                      **September 14, 2023**

**Nominations - 2024 Board**                      **September 16, 2023**

**LPI trainings**                      **Sep 12 & 26 + Oct 5 & 19, 2023**

**Elections - 2024 Board**                      **October 16, 2023**

**Appellate Practice CLE**                      **October 26, 2023**



**Balboa Park**



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