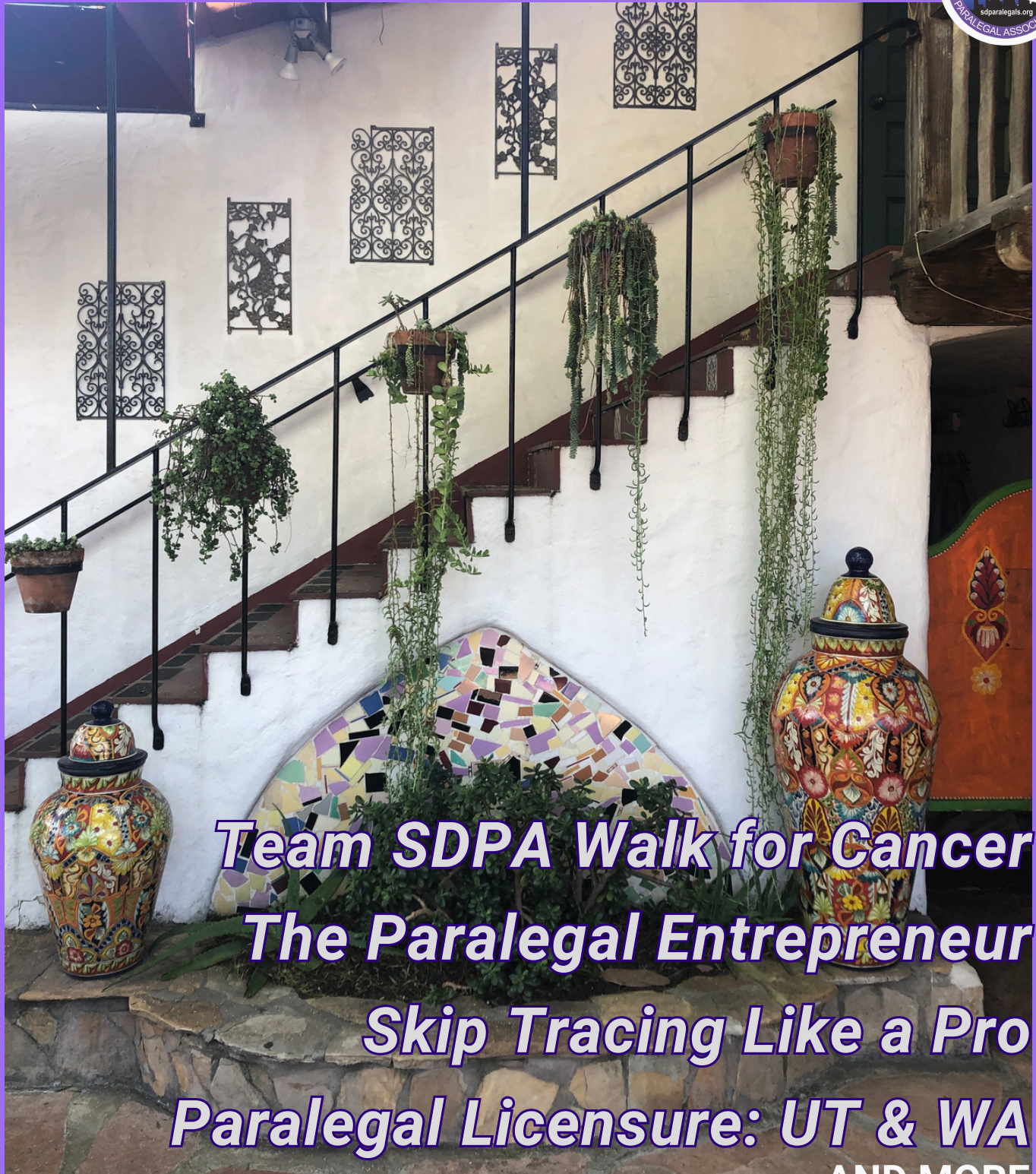


# PRECEDENTS

2023 Q4

*A San Diego Paralegal Association Publication*



***Team SDPA Walk for Cancer  
The Paralegal Entrepreneur  
Skip Tracing Like a Pro  
Paralegal Licensure: UT & WA  
AND MORE***

**Old Town Cover/Photos by Denise Blassak, Editor**

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OLD TOWN

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# EDITOR'S NOTE

Welcome to the last edition of 2023! Read up on paralegal entrepreneurs as well as paralegals licensed in Utah and Washington. Learn about exploited children, how to skip trace, and to watch out for new job red flags. Look at SDPA members volunteering, and find educational opportunities. Plus, expand your mind with views on self care with intention, crime in the media, and more. Wishing you safe and healthy holidays, and good things for the year ahead!

*Denise Blassak*



OLD TOWN



# TEAM SDPA CARES WALK FOR BREAST CANCER SUNDAY, OCTOBER 15, 2023



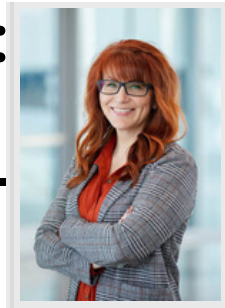
EDITOR'S PHOTOS: TOP & BOTTOM RIGHT



LOWER LEFT PHOTO COURTESY OF JULIE SCHWARTZ

# PARALEGALS AND STATE LICENSING: A LOOK AT UTAH

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## Q&A with Tonya Wright, LPP, ACP and Denise Blassak, Editor

There are a few states that license paralegals, one being Utah. In that state, the second to adopt paralegal licensure, paralegals can become Licensed Paralegal Practitioners (LPP). Tonya Wright, an LPP at Peck, Baxter, Watkins & Bailey, graciously gave us a peek at LPP life.

**Q:** So Tonya, what was the process like for you to become an LPP?

**A:** The process wasn't too bad. To become an LPP, you must meet either education requirements or have a credential from one of three national paralegal organizations (NFPA, NALS or NALA). In 2018, I passed NALA's CP exam. The following year, I completed the specialized instruction re-

quired for those without an approved First Professional Degree in Law. I already had a few years of paralegal experience, more than that needed for the "Substantive Law-Related Experience" requirement. After the Utah State Bar approved my application, all that remained was the LPP exam. The pandemic delayed my test date by about three months. As of October 20, 2020, I have been working as an LPP!

**Q:** Congrats, Tonya! As to the work you now handle, I understand you are licensed in all three areas currently approved for LPPs. Those areas include Family Law, Landlord/Tenant and Debt Collections. Has

Utah considered additional areas of law for paralegal licensure?

**A:** The LPP Committee is always discussing additional practice areas. If it were to add a new one, it would depend upon public need. For example, in Utah, there is now an automatic expungement law. This means that old, qualifying, criminal cases, long since resolved, can be sealed without an expungement request. However, there are still a lot of people out there who need to file expungement petitions on borderline cases. I am a proponent of adding expungements as another practice area.

**Q:** As an LPP, what types of responsibilities do you handle?

**A:** I handle client intakes and interviews, and review all relevant documents/evidence. In addition, I advise clients on which forms or pleadings to

complete, assist them in filling them out, and file them. On a client's behalf, I communicate with opposing counsel. I can explain to clients the documents the parties provide and also explain court orders. For clients who choose to represent themselves at hearings, I can help them prepare and also attend to answer questions, but cannot orally advocate. When clients pursue settlement or mediation, I assist with settlement agreement language and may attend mediation. I enjoy helping clients negotiate cases to resolution. It is my belief that when a case can be settled, it should be settled. It is very fulfilling when I can help facilitate a negotiation/settlement. When parties come together, it saves on time, money and heartache.

**Q:** So true about negotiation/settlement! Since becoming

an LPP, what challenges or obstacles have you faced? For example, are any of the legal professionals you encounter against use of LPPs?

**A:** Other legal professionals have not been much of an issue for me. In fact, for the most part, many of the attorneys I have worked with on the other side of my cases have been wonderful. Many were dealing with a self-represented person (my clients) before the clients hired me, and that is not always desirable. So, they expressed appreciation that another legal professional was stepping in. In each of those cases, the matters were settled shortly after. I have had a few that were hard to deal with, but those have been the minority. And no one has outright told me that I don't belong or expressed to me out loud that they disapprove of the program. A bigger challenge I

have spotted a few times is client expectation. While I always thoroughly explain to my clients from the start that there are limitations to my license and what those limitations are, I have to remind them quite a bit when things come up. I think clients sometimes get wrapped up in the emotional part of the case, and forget some of the other details. It is nothing major, but I have sensed a few times that the clients would like me to be able to do something I am not permitted to do (especially when the other side has hired a traditional attorney). We have to talk about whether or not it would be beneficial for the client to have an attorney or stay with me.

**Tonya Wright, LPP and ACP, has been a litigation paralegal at Peck, Baxter, Watkins & Bailey for over 10 years. Currently, Tonya serves on the Utah Supreme Court's Advisory Committee in the Rules of Civil Procedure. She also serves on Utah's LPP Steering Committee. In the past, she held positions with the Paralegal Division of the Utah State Bar.**





# FLOWERY WORDS FROM JUSTICES PAST & PRESENT

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DB PHOTOGRAPHY

"The parties . . . apparently contemplating . . . they would continue for as long as kids want to imitate Spider-Man (by doing whatever a spider can)."

JUSTICE ELENA KAGAN OPINION

Kimble v. Marvel Entm't, LLC (2015) 576 U.S. 446, 450

"[N]ightmarish images of out-of-control flatware, livestock run amok, and colliding tubas disturbing the peace and quiet . . ."

JUSTICE RUTH BADER GINSBURG DISSENT

Board of Education v. Earls (2002) 536 U.S. 822, 852



DB PHOTOGRAPHY

"[N]arrow tailoring must refer not to the standards of Versace, but to those of Omar the tentmaker."

JUSTICE ANTONIN SCALIA DISSENT

Hill v. Colorado (2000) 530 U.S. 703, 749

# SKIP TRACING LIKE A PRO



Joseph Jones

By virtue of working in the legal field, most readers of this article will regularly have the need to track somebody down. Whether it is a missing client, a defendant, a witness, or a long-lost heir to an estate, the ability to locate an individual (a/k/a skip trace) is a need that almost every legal professional has. Unlike investigations that focus on evidence collection (Social Media, Surveillance etc.), where it is ill-advised to have the paralegals or attorneys do any of the work (because you don't want to make yourself a potential witness), skip tracing can often be done in-house. Even if you do hire an outside private investigation firm to conduct skip traces, it behooves everyone in the legal field to

at least have a working knowledge of the latest techniques available for skip tracing. In this article, we will address some standard techniques for those new to skip tracing, and address some of their most common pitfalls. Additionally, this article will address some advanced techniques, that most readers probably have not heard of and/or utilized before.

## **STANDARD TECHNIQUES**

### **Databases**

Databases are great. They have absolutely revolutionized the skip tracing industry, and are a must have tool in any skip tracing toolbox. Databases will often search information from billions of

public and private records and combine them into one spot. Records will typically include information from phone companies, credit bureaus, property records, utility records, along with numerous other sources. There have been many debates about which databases are the “best,” but the truth is that all databases have their own sets of strengths and weaknesses. As a personal preference, the author does not believe that Westlaw or LexisNexis (both of which are very common in law firms) are among the more effective tools for skip-tracing; however, they are often better than the free resources available online, and may be necessary to use, if that is all the firm has available. In the author’s opinion, tools such as Clear, Tracers, and TLO are typically much better at finding current address information.

While databases are great, the most common mistake among legal professionals is the tendency to rely too much on them. It is important to recognize that computers are the ones pushing out the information, and they do not have the same ability to interpret data in the same way that a live person does. Databases can sometimes provide outdated or inaccurate information, and so it is important to try and verify the information located from a database with as many other sources as possible, before acting on it.

### **Property Records**

Any real property bought or sold in the United States must be documented at the recorder’s office in the county where the property is located. These records are oftentimes free or low cost to view, and

frequently can be accessed online. These records typically contain very useful information including the name of the owner, when he bought or sold the property, an indication if the property is listed as being owner occupied or not, and the address where the tax bill is being sent to. This is all invaluable information to the skip tracer, especially when dealing with a subject who owns multiple properties, because often times, the address where the tax bills are being sent, will be a valid address.

### **United States Postal Service**

Locating and/or confirming an address through the United States Postal Service is a great way to establish diligence while skip tracing, and can be extremely helpful when the person being searched for is being evasive. To do this, one needs to complete and submit

a “Request for Change of Address or Boxholder Information” form to the USPS office that services the address in question. The post office is required to complete the form and indicate if a person is currently receiving mail at the address in question, if they are having their mail forwarded, or if they are not currently receiving mail at the address provided. In addition, that same form can be used to obtain the physical address that the post office has on file for a P.O. boxholder.

### **ADVANCED TECHNIQUES**

#### **Social Media**

In this day and age, many people put their entire lives on the internet; it is actually quite ridiculous at times, but it can be a gold mine for skip tracers. An entire article could be written on this subject alone,

especially since Social Media and Cyber Investigations are the author's primary area of expertise; however, the following main points will provide some high-level guidance:

1) Never use personal accounts to investigate or track someone down; it opens the user up to significant risk and can be traced back to the person conducting the investigation. Individuals conducting these sorts of investigations should always use a blank account.

2) Do not look only at Facebook. Yes, Facebook is still relevant, but other platforms such as Instagram, X (formerly known as Twitter), SnapChat, TikTok, etc., are likely to have useful information as well.

3) Locate and review the

accounts of the subject's friends/family for relevant information.

4) Social media can be a black hole, so make sure that the time spent investigating on social media is not disproportionate to the total time available to work on the locate.

### **License Plate Recognition Tracking**

In California and many other states, attorneys and private investigators who go through a vetting process can obtain direct access to various types of DMV records, including obtaining license plate information. Armed with a current license plate number for the subject, one can potentially identify the location of the subject's vehicle through a technology called License Plate Recognition (LPR).

The concept of LPR is simple. There are thousands of vehicles on the road (typically tow trucks) that have cameras mounted to them which scan every license plate they see; they create an image tagged with the date, time and geolocation, which is then fed into a database. With the proper credentials, attorneys and investigators can access this information to see when and where a vehicle has been spotted. It doesn't always work, but when it does, it works wonderfully and can help establish not only a residence, but also a work location, a gym, favorite coffee shops, etc. The options are almost limitless.

### **Digital Honeypots/Tripwires**

Those operating online "anonymously" behind fake social media accounts or burner email addresses, often operate under the belief that

their true identity and location cannot be identified, and commit any number of bad acts with little concern of getting caught. While the more sophisticated bad actors can potentially avoid detection, frequently with the right knowledge, skills, and circumstances, these individuals can be identified, located and brought to justice.

It is usually a complicated process; but it starts first with identifying the Internet Protocol address (IP) for the individual to be located. Think of the IP address as the return address put on an envelope, and expect most users don't even know there is one. If the person to be located is sending emails through his own email server (i.e. boscolegal.org), it may be as "simple" as pulling the IP right out of the email header. If he

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is using a public service (i.e. Gmail) or sending messages through social media, it will usually require a honeypot/tripwire. These digital tools allow the investigator to imbed links into images, websites, or links that capture the subject's IP address when they view it.

Once the IP is obtained, the Internet Service Provider (ISP) who the IP is registered to (i.e. Charter) can be identified using a variety of available tools. From there, a subpoena can be issued to the ISP, which can produce the subscriber information and/or the physical location that the IP belongs to. Usually, there are one or more complications that arise with these kinds of locates; however, for those determined to succeed, it is often possible.

### **Other Ideas**

Most individuals who need to

be located in conjunction with legal proceedings will be able to be located utilizing the aforementioned "standard" tools and techniques. There are, however, a smaller percentage of individuals, who for various reasons cannot be located easily. In this day and age, almost anyone can be located, the question usually just becomes, "Is it worth it"? In addition to the advanced techniques outlined above, a few additional ideas to consider for locating people could include:

- 1) Using financial transactions to trace frequented businesses and setting up surveillance.
- 2) Locating/contacting friends/family to "turn up the heat."
- 3) Tracing utility accounts (even if the bill goes to a P.O.



Box, the utility company has to know what address to service).

4) Contact the subject under pretense, to get him to disclose his location.

\*Note some of the tactics mentioned above may or may not be practical and/or legally permissible, depending on the scenario in which they are being utilized for, and the rules may vary by jurisdiction. Please consult with an attorney for any questions about the legalities in your particular situation.

## Conclusion

While the objectives and reasons for skip tracing have changed little over the last few decades, the methods to do

so effectively have. Even if you are not the one conducting the locates, by having a working knowledge of how skip tracking is done, it will help you to be able to speak intelligently with your clients about what the options are, better set expectations about the outcomes and know alternative methods for accomplishing your objectives.

**Joseph Jones is a licensed private investigator and President of Bosco Legal Services, Inc. He is also a Certified Social Media Intelligence Expert, has degrees in social and behavior sciences and psychology, and holds multiple certifications in Open Source and Cyber Intelligence. Joseph is a court recognized expert who received specialized training from the military, law enforcement agencies and top private intelligence firms, providing training to the same. When he is not tracking down bad guys or helping law firms and insurance companies uncover the truth, Joseph enjoys spending time with his beautiful wife and four active children.**





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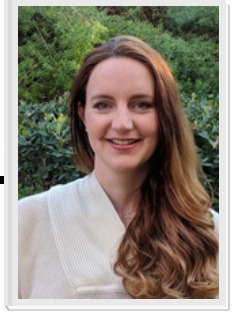
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**OLD TOWN**

# **Commercially Sexually Exploited Children: A San Diego County Update**



**Emily Harlan, Esq.**

Human trafficking of minors is a serious problem in San Diego County. As of September 2023, it is also considered a "serious felony" for purposes of harsher criminal sentencing.

On September 25, 2023, Governor Gavin Newsom signed California Senate Bill 14 (Grove) into law, which designates human trafficking of a minor as a serious felony under California Penal Code section 1192.7. Under that Penal Code section, child traffickers will now be subject to longer prison sentences pursuant to the one strike, three strikes, or habitual sex offender statutes. Plea bargaining for a sentence reduction is largely prohibited. The law is intended to protect victims of human trafficking, to recognize the disproportion-

ate impact of human trafficking on minority communities, and to ensure victims of human trafficking are not themselves criminalized.

The Penal Code is not the only source of protection for commercially sexually exploited children (CSEC) in California. In 2014, California amended its Welfare and Institutions Code to specify that children who are sexually trafficked or commercially sexually exploited are eligible for juvenile court intervention when their parents have failed, or are unable, to protect them. (Welf. & Inst. Code § 300, subd. (b)(4).) Juvenile court intervention should, however, be a last resort. Our community is strengthened

when families are willing and able to access the resources they need without juvenile court oversight. Thus, we all have a role to play in identifying at-risk or trafficked children in our communities and in connecting them to professional help.

So, who and where are these children? By now, most of us have seen child sex trafficking awareness images displaying small hands in handcuffs or a child's face behind bars. But this does not portray the reality of many children's trafficking experience, at least not literally. The Polaris Project operates the National Human Trafficking Hotline and periodically publishes detailed statistics that it collects through the hotline referral process. This Project notes it is a common myth that human trafficking often involves a violent kidnapping by a

stranger. According to the most recent available statistics (2020 and 2021), most victims/survivors of trafficking were recruited on the internet. The recruiters/exploiters/traffickers used abduction as a means of obtaining victims in six percent of cases in both years, while the vast majority of victims were recruited by family, intimate partners, or a job offer or advertisement. In San Diego County, a landmark 2016 study of gang-involved sex trafficking determined, "Victims [of sex trafficking] have been identified either living or 'working' in every city in San Diego County, and in areas of each that are both wealthy and impoverished."

San Diego County's child abuse and neglect hotline is operated by a new county agency known as the Child

and Family Well-Being (CFWB) Department. Effective July 2023, the CFWB Department has integrated Child Welfare Services with the First 5 Commission of San Diego, along with the childcare system and other essential resources for families. The CFWB Department will use federal funding through the Family First Prevention Services Act of 2018 to offer more preventative services to families in need before a child safety crisis occurs. There are also existing community services in San Diego County for CSEC as well as at-risk children.

You can learn more about San Diego County's multidisciplinary efforts to combat commercial sexual exploitation of children via the [San Diego Regional Human Trafficking and CSEC Advisory Council's website](#). The Council also holds public meetings at least five times per year, typically on the second Wednesday of the month.

**Emily Harlan, Esq., a Child Welfare Law Specialist, is a Senior Deputy with San Diego County Counsel's Juvenile Dependency Division.**

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**AND**



**SASHA  
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# CONGRATULATIONS!

# Welcome New SDPA Members



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Amanda Mason (A)  
Denise Mijangos Valenzuela (S)  
Katie Oliver (V)

Kellye Pritchard (S)  
Melissa Salmon (S)  
Abigail Schmeling (S)  
Joseph Timbol (A)  
Allysen Werner (S)



OLD TOWN AMIGOS

## OCTOBER 2023

Jeovana Aguite (A)  
Courtney Loftus (A)  
Emily Roach (S)

## NOVEMBER 2023

Sayann Cadogan (A)  
Kirsten Hartman (S)  
Tamara McAnally (S)  
Robert Osborne (Sus)  
Jennifer Pieratt (S)  
Jes Toni (S)  
Marina Wolff (A)

VOTING MEMBERS=(V)    ASSOCIATE MEMBERS=(A)    STUDENT MEMBERS=(S)  
SUSTAINING MEMBERS=(Sus)

# 10 Red Hot Flags: Why You Should Not Take That Job



Reprinted with author's permission; originally posted in The Estrin Report

Chere Estrin

I once took a job in an AmLaw (top firms in the country) firm. Boy, was I excited! A big bump in salary; great title; opportunity to grow; the works. And then, I knew within three days that I had made a huge mistake. Huge. There was no question this was going to be a “crying in the shower every morning” adventure.

I had been recruited away from my previous firm, a well-known entertainment law firm. A top partner and the Director of Administration took me to lunch and told me of their hopes, wants, dreams and desires. I was so excited about the prospect that, when I look back on it, I never looked at the red flags. You know that old cliché – “once burned” .....

As a candidate, you can ask all the questions possible.

However, red flags are often in the nuances or the answers that you don't get. If you have taken a position that was right for you every single time, you must be doing something right. Either that, or hitting fantastic, transparent firms. Here are 10 of the hottest red flags you do not want to miss during the interview:

## **1. Billable hours are not specified.**

Somehow, you failed to get information about a minimum number of billable hours or the firm skirted around the issue. Furthermore, the firm was not clear as to whether the minimum is a minimum or a mandatory goal, or if you are



penalized if you do not go well beyond that number.

**2. Overtime is implied, but vague.**

Answers such as “overtime from time-to-time” are not answers. You need to know if you are going to be working every New Year’s Eve and whether the amount of overtime is within your realm of reality. In these firms, quite frequently, once you get in, you find out your co-workers shame you if you leave after eight hours every day.

**3. Work weekends for free.**

Some firms expect you to be available 24/7. They expect that you will answer emails or take calls on weekends or your days off without pay. Bear in mind that only managers and attorneys are exempt from overtime. If you are a paralegal, legal assistant or legal professional without a manager title, you must be paid overtime, even if it is

only for 15 minutes.

**4. Overpromising.**

Perks are a way for firms to make an offer more attractive on top of the base pay. And yet, when a firm is overly eager to agree to any of your requests, that might be a red flag. If it seems like they are overpromising you, most likely they are. In this tight candidate market, firms appear very willing to relax some of their prior hiring criteria. If they overpromise to you, they will overpromise to clients, and then you get overworked. Not a pretty picture.

**5. The firm concentrates on your advancement opportunities.**

While almost everyone wants to advance, an interview concentrating on where you can go as opposed to the job at hand, causes a full-fledged red alert. This is generally a sign that the job you are applying

for is a) beneath your capabilities b) not so exciting c) you are not a fit.

**6. You don't really find out why the position is open and how many people preceded you or in what time span.**

No firm likes to highlight continuous turnover in a role or even in the firm. There is always some excuse. If you don't get the answer in the interview, get on Glassdoor ([www.glassdoor.com](http://www.glassdoor.com)) and check out the reviews from current and past employees. That is usually a good indicator of what is really going on. The firm will claim "disgruntled employees," but really, how many "disgruntled employees" can you have?

**7. You will be wearing several hats, working for many attorneys/supervisors, or carry a very heavy caseload.**

New hires want to show they can handle new challenges and responsibilities. However,

a definite red flag is the phrase: "You will be wearing many hats." Over time, it is likely you will be given the work of many, but be paid for one. Additionally, the firm is all over the place with their expectations. This is like taking a bow and arrow, and trying to aim for the target, but each time you pull the bow back, the target moves.

**8. You are applying for the interviewer's job.**

While interviewers certainly leave, you need to find out the real reason this person is leaving and most times, that is practically impossible. "Moving on for greater challenges" may mean the job won't be challenging for you. "Got recruited away" may mean they were open to new positions and the question is, "why?" Make sure that you interview with a team as the real reason might pop up.

This can affect your decision making to move forward.

Google the firm and be sure to check Glassdoor.

### **9. No written job descriptions.**

When you hear things such as “just need a good trial lawyer or paralegal” or “typical legal assistant responsibilities,” a red flag should go up immediately. You have no idea what that firm’s idea of “typical responsibilities” are nor the nuances of the job. If you can’t get a job description, check LinkedIn for present or former employees that had the position and see what the expectations are.

### **10. Your gut tells you no, but your head says, “Take the job, another one might not come my way.”**

Your gut is often underestimated. Gut reactions are not mysteries and do not come out of nowhere. There are studies that show the gut and brain are connected. Gut reactions are

based upon past experiences, even if you can’t bring up the exact experience. If you are not hearing what you need to hear, go back and ask more questions and satisfy yourself that your gut reaction is correct. There is really no way of knowing for sure. However, you don’t want to cry in the shower every morning because you neglected to get all the information you possibly could. This is a candidate tight market and there are approximately 4-5 jobs for every candidate. The trick is to pick the right one for the right reasons.

Choosing the right job can be stimulating, rewarding and motivating. You are not always going to get all the answers all the time. However, you are in the legal field! Investigation, fact finding, and deep diving are all part of any legal

professional's skills. Put those excellent talents to work and get the job of your hopes, wants, dreams and desires.

**Chere Estrin is CEO of Estrin Legal Staffing, with pivotal roles within the medical records and deposition summarizing divisions (MediSums and DepoSums). She is President and a co-founding member of the Organization of Legal Professionals (OLP), a legal technology training organization. Chere has held executive positions within AmLaw firms, litigation support companies, and as Senior Vice President of the legal staffing division within a \$5 billion publicly held**

**corporation. She is acknowledged as One of the Top 50 Women Leaders in Los Angeles and recipient of the Los Angeles/Century City Chamber of Commerce "Women of Achievement" award.**

**Chere's expertise has been sought by The Wall Street Journal, Fortune Magazine, CBS News, ALM, Law360, LA Times, Newsweek and numerous other media. Along with being a national speaker, she has penned 10 influential books centered around legal careers along with her award-winning blog, The Estrin Report. To connect with Chere, reach out at [Chere@EstrinLegalStaffing.com](mailto:Chere@EstrinLegalStaffing.com)**



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DB

# Self Care with Intention

Dion Sayles McKinney

AN EMPTY  
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TAKE TIME  
TO  
REFUEL.

The purpose of this article is to share the importance of managing your SELF CARE with intention. Yes, even in the busy, sometimes chaotic legal world that we may otherwise thrive in, SELF CARE needs to be a top priority for our mental health, our productivity, our longevity and our overall well-being.

**SELF CARE is not self-indulgence, it is self-preservation.**

To make it plain, SELF CARE is the way we pay attention to, and respond to, the warning signs that creep up, but if ignored, can affect our physical, emotional, social and mental health. If we are honest, we often find ourselves moving at the pace of our active case calendars.

There are discovery deadlines to meet, mediation or trial binders to prepare, and clients, witnesses or experts to interview. We may have attorneys with a last minute court filing (given to you at 4 pm on a Friday afternoon), which must be done before you leave. Pause, reflect, breathe.

On my own journey to manage SELF CARE with intention, I have learned SELF CARE is a must. It is doing the things that make you feel more like yourself. When you know yourself, you know when you are operating on fumes, instead of from a well rested, energized place. I have personally found myself stretching the boundaries I set, and pushing past or ignoring

the warning signs that pop up. These signs remind me to slow it down, or say no to that next invite, because my week is already packed. Maybe request an extension for a upcoming project deadline that is not close to the finish line. Every time I allow warning signs to go unnoticed, I crash and burn (literally). Then I have to crawl my way back to my happy place. But, in the midst of all of this, I find myself dealing with feelings of disappointment, because I know WHAT happened, and WHY I failed. I have no one to blame. I did it to myself because I skipped the SELF CARE time.

I believe managing SELF CARE with intention begins in your way of thinking about it, and acknowledging its significance. On my journey, I have come to realize SELF CARE is not just an outward

action, or even something you have to add to the budget. While I too love spa massages, warm bubble baths, scented candles, and most anything chocolate, they are not my only SELF CARE practices. It is simply taking a mental break from the hustle and bustle of day-to-day life.

I ask you, and please be honest, how often do you really think about SELF CARE; what ways do you practice SELF CARE; and when is SELF CARE a priority for you? If you are like most ambitious, over-achieving, hardworking, experienced paralegals that I know, it is not always at the top of the to-do-list. Often SELF CARE is only implemented after you are forced to take multiple sick days off from work. You may be stuck in bed because your body quit on you; it needed rest and rejuvenation.

Now can you see why it is important for you to manage your SELF CARE with intention? I encourage you to make SELF CARE a priority, and seek ways to develop coping skills to manage it. Do you realize you owe it to yourself to make SELF CARE just as important as anything else you put on your schedule? Maybe it is not on your agenda as often as a spa day, but it too must be something you consistently do to stay in balance. I close with a reminder that true SELF CARE is making the choice to build a life that you don't need

escape from. To help you begin or maintain your SELF CARE practice, here are some suggestions to put in your SELF CARE tool kit - mindfulness, cooking, and journaling. This is a good time to put that donated Passion Planner to good use. I challenge you to check out these simple SELF CARE tips that you can easily adopt and add to your day, evening, and lifestyle.

**Dion Sayles McKinney is a legal assistant/legal secretary with Koeller, Nebeker, Carlson & Haluck**

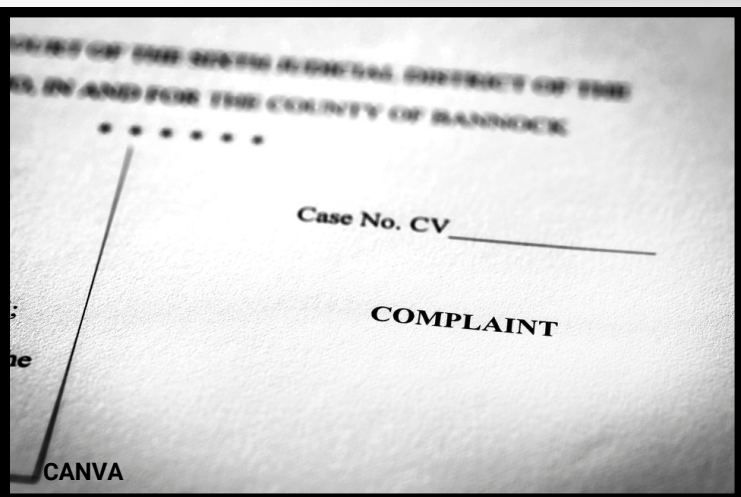
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**W2329**

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# OPINION: WE SHOULD TEMPER OUR IMMEDIATE REACTION TO NEWS OF ALLEGED CRIMES



Op-ed first appeared in 'Times of San Diego;' reprint approved  
Stefano Molea, Esq.

The news is filled with stories of criminal justice issues. They might be about an officer involved shooting, a string of home burglaries, or of a particularly scary type of story regarding the attempted kidnapping of a child.

In 2020, there was a report of a broad daylight kidnapping attempt of a child in the parking lot of a Costco store in Vista. The story said that a man opened the back door of a vehicle and tried to take out a 2-year-old child. We learned that the parents got out of the vehicle, confronted him, and the father of the child, understandably based on what he knew, gave the guy a beating and waited for San

Diego Sheriff's deputies to arrive.

People on social media were absolutely panicked when they learned that the man accused of this crime had bailed out of custody. Many were worried about the safety of the community, and as a parent, I understand that.

In response to the community concerns and the outrage that the accused was "allowed" to bail out, the sheriff's department, to its credit, released a video<sup>1</sup> discovered during the investigation. Essentially, it shows the accused acting

**[1 CLICK HERE TO WATCH VIDEO](#)**  
VIA CBS 8

strange, walking nearby, opening the back door of the vehicle as it started to back up from a parking spot, and then shutting the door at the same time that the driver and the child's mom jumped out of the car to confront him.

The initial statement reported by the media was: "Deputies arrested a man Saturday after they say he tried to kidnap a 2-year-old from a car in a North County parking lot."

Later, the press release that accompanied the clarifying video essentially said – and I am reading between the lines here so you should read it for yourself – that there is not an ongoing threat because the incident appears to have been a mistake rather than an attempted kidnapping. I believe most people who watch the video would agree

that it does not appear to be an attempted kidnapping of a child.

So why am I highlighting this incident? It is definitely not as a criticism of the parents; they did what everyone would have done – they are good parents protecting their kids.

I am discussing this to provide an example of how incomplete information can have serious consequences for the accused, the community, and the integrity of our criminal justice system. People on social media were tracking the alleged kidnapper and posting his whereabouts. They were in a frenzy—worried about the safety of their community. Remember, there is a reason why someone is presumed innocent until proven guilty. And, most importantly, the information reported in the

media, most of the time, is incomplete and other times, just downright wrong. I have personally worked on cases reported in the media, and it happens.

My bottom line is this: pause before making up your mind. Question how information is gathered, the timing, and understand that until the case makes its way through the filtering system that is our

criminal justice system, the truth may take a while to come out, and sometimes, it is not properly reported in the news. This is coming from someone who has represented people who have later been found to be 100% factually innocent, but the media would have said otherwise based on the charges and initial allegations.

Stefano Molea, Esq., a San Diego Criminal Defense Lawyer, is a partner with The Law Offices of David P. Shapiro.



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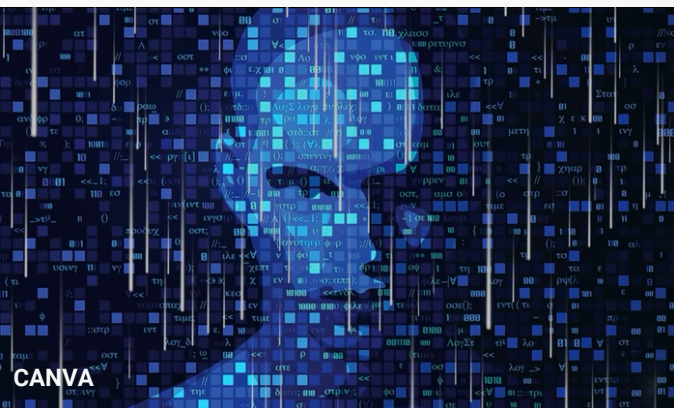
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# PARALEGAL LICENSURE IN WASHINGTON: MY STORY



Christy Carpenter, LLLT

After 21 years as a paralegal, primarily in family law, I was licensed as a Limited License Legal Technician (LLLT) in 2016. The license enables me to practice family law within a limited scope, independent of any attorney oversight. I am a member of the Washington State Bar and have a bar number. And as the preamble to the LLLT Rules of Professional Conduct state, I am “a representative of clients” and “have a special responsibility for the quality of justice.”

On the path toward licensure, I obtained a waiver of the education requirement. (APR 3(e)(2)(A).) I already had a bachelor’s degree and a paralegal certificate. In

addition, I received my PACE Registered Paralegal credential through the National Federation of Paralegal Associations (NFPA) years earlier. Plus, I had worked for more than 10 years as a paralegal. I sat for and passed the first LLLT Bar Exam in 2015, along with several of my peers with similar backgrounds.

After receiving my license, I continued to work as a senior paralegal for my firm, a large, exclusively family-law firm with many offices in the Pacific Northwest. I worked to convince my employer that my services as a LLLT would benefit the firm; to take on clients who would otherwise be unable to afford a retainer.

In the end, my firm declined to hire me as a LLLT. I left in 2017 to venture into hanging my own shingle as a solo LLLT practitioner.

While planning my career move, I took a free, Small Business Association class offered by my local community college as well as a class on Google marketing. I obtained professional headshots and strategized my marketing plan. In addition, I purchased malpractice insurance through ALPS, which is required of LLLTs, but not of Washington lawyers.

As is the case with many new businesses, it was slow at first. Promoting my business was doubly challenging. Not only was I marketing a new business, but I was marketing an entirely new profession. I developed a brochure, which I mass-mailed to legal services

groups, social service agencies, food banks, churches, etc. I sent it anywhere I thought I could gain clients with limited resources in need of family law legal services. Additionally, I mailed brochures to family law attorneys in the two counties I had worked in during my paralegal career. These attorneys were familiar with my name, and I hoped they might forward referrals for clients they turned away. Initially, I earned much less than the salary I had left as a senior paralegal. I had to borrow money to pay my bills. By the fourth year of my solo practice, I had finally reached the net income of my former paralegal position.

In 2021, toward the end of my fourth year, I connected with the owner of another Pacific Northwest family law firm. We

chatted about the benefits of a law firm having a less expensive alternative to attorneys. I was offered a position and began working there in late 2021.

I truly have enjoyed my work as a LLLT, especially knowing my clients have not had to deplete their assets for case completion. When working as a paralegal, I felt uneasy when clients had to cash in 401ks or sign over portions of home equity to pay legal bills. I am happy that I can offer a low-cost, quality alternative for low- and moderate-income people. Initially I charged flat fees with my own firm, which I thought was important. Clients would know exactly what the costs would be, up front, and could budget for those expenses.

With my new firm, I developed a sliding-scale, hourly fee structure based on the Federal

Poverty Guidelines (FPG). I have five hourly rates based on where clients fall on the FPG. That has worked well, as my higher-earning clients subsidize costs for those on the lower end of the spectrum. That said, my highest hourly rate is about half of the hourly rate of a typical family law attorney in my area.

I handle most of the tasks of a family law lawyer, with some limitations in certain cases. My work consists of helping clients with divorces, parenting plans, child support, parenting and child support modifications, paternity cases, and domestic violence cases. I prepare, file, and serve pleadings; give legal advice; prepare for and attend mediations with my clients; prepare and answer discovery; negotiate with other parties or their attorneys; and prepare



clients to represent themselves in court hearings or trials. As a LLLT, I am permitted to attend most court hearings with clients and assist and confer with them during those hearings. I can answer questions directly from the bench regarding factual or procedural issues, but I am not permitted to provide oral argument on behalf of my client.

My clients are self-represented, but I empower them to be their own advocates by providing them with the information they need to do so. I clarify court procedures and timelines, and ensure clients know the statutes and case law that govern their particular issues. In addition, I prepare talking points and practice with clients before hearings. To date, I have assisted a dozen or so clients who have taken their

cases all the way to trial. Overall, the trial outcomes were successful, considering the unreasonable positions of the opposing parties and that most of them were represented by attorneys. I have been complimented both by court staff and opposing counsel as to my client's preparation for and conduct during trial. While I do my best to coach and prepare my clients for hearings, they occasionally get stuck. They may have difficulty making a point, or become flustered about a question from the bench or an opposing counsel's false allegation. Probably the most frustrating limitation of my scope of practice is that I am unable to jump in and answer questions or clarify issues on my client's behalf.

In the eight years since the first LLLTs were licensed, I believe the public, the legal community, and members of the bench, have a good understanding of the services and benefits of LLLTs. They recognize there are benefits to hiring one in lieu of “going it alone” in a family law case. I receive many referrals from attorneys, some of whom were opposing counsel in prior cases. I believe they are comfortable referring clients to me because they have seen and respect my work. Over time, I have had several returning clients and numerous referrals from prior clients. Word-of-mouth at a nearby military base has also been an excellent referral source. Plus some calls my current firm received, which began as a request for an attorney, led to a referral to me because of high cost of retainer fees. It has been a win-win

situation for both the firm and the client.

While the LLLT profession has come a long way, there are a significant group of lawyers who believe LLLTs should not be practicing law. Some say it is because LLLTs did “not go to law school” or because, they claim (with no evidence whatsoever), that LLLTs are offering “second-class” services. They argue that rather than steer people who need help to LLLTs, those people can get their legal needs met by legal services agencies, courthouse facilitators, or pro bono attorneys. They seem to be blind to the fact that only those with incomes under 125% of the Federal Poverty Line (FPL) are eligible for assistance from legal services agencies. And there is often a wait for those services.

In addition, courthouse facilitators cannot give legal advice, which is often crucial to how parties complete pleadings. Plus, very few attorneys take on pro bono cases. The typical income demographic of family law clients who hire LLLTs are the “working poor” who live paycheck to paycheck or are of modest means. They cannot afford \$5,000-\$10,000 or more for a lawyer. Such clients may scrape up \$1,000-\$2,000 from family or friends or charge a LLLT’s retainer or flat fee to a credit card.

There are currently 83 licensed and active LLLT’s in Washington. Thirteen are not practicing for one reason or another. Sadly, in 2020, the Washington State Supreme Court voted to “sunset” the LLLT license as of July 2023. No further licenses will be issued. Thankfully, those

who are currently licensed may continue to practice law as LLLTs. But for those with an interest in the profession, an estimate of up to 400 people in the “pipeline” to become LLLTs, the dream has ended. The Washington State Bar Association’s LLLT Board will be taking steps to try to convince the Court to “sunrise” the license, but the future is uncertain.

Other states have moved forward to enact similar limited legal licensing programs. Utah, Arizona, Minnesota, New Hampshire, Oregon, Colorado, and the Canadian provinces of British Columbia and Ontario, have either already licensed legal professionals or are on the cusp of doing so. Many other states are considering or have expressed interest in such programs.

The registered nurse practitioner movement, which began in the 1960's, created an additional resource for lower-cost medical care. It is now the norm. Similarly, the movement toward alternative tiers of legal services providers will continue to expand. It will not go away. The majority of individuals with legal issues do not receive resolution, largely due to economic barriers. This fact is supported by countless

studies conducted in nearly all states. There is a need to expand the pool of legal professionals who can provide much needed services that attorneys cannot or will not provide. One can only wonder what the legal services landscape will look like 50 years from now.

**Christy Carpenter, a LLLT in Washington, has over 20 years of experience in the legal field.**



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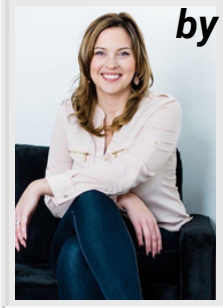
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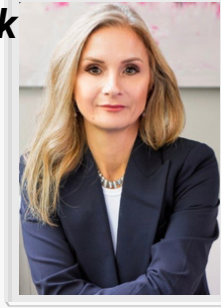
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# THE PARALEGAL ENTREPRENEUR



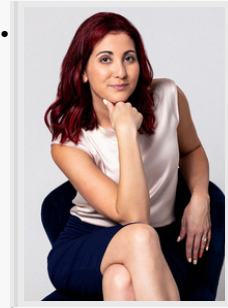
by *Denise Blassak*

**Jaclyn Foster**



**Heather Pickett**

with...



**& Eda Rosa**

The paralegal profession is a challenging and rewarding vocation; it has been so for me. There are others who feel the same. Some, however, have felt the pull to do more. There is law school, yes. However, what I write about is the entrepreneurial call. Let us examine business executives, traditional roles and success.

As an experienced paralegal, I know how it feels to achieve distinction. Success, for me, came from various sources, two I will mention. First was the blessing of bosses willing to provide me opportunities. Second, was my desire to sharpen my tools and take initiative. A legal entrepreneur needs both tools and drive. The latter is a concept I once

discussed on a podcast with Eda Rosa.<sup>1</sup>

Eda, of Fort Lauderdale, is one of three entrepreneurs I reached out to for insight. The other two: Jaclyn Foster of Wisconsin, my home state, and Heather Pickett of Maryland. Each of these women were paralegals before they started businesses. All made successful career transitions.

When communicating with these entrepreneurs, various images popped up. I thought of those who build or create. Plus others who pursue new ventures. Heather describes

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<sup>1</sup> Episode 3, Season 3, 'Let's Talk Paralegal Podcast'  
**[CLICK HERE TO LISTEN](https://letstalkparalegal.buzzsprout.com/1546888/11319980)**  
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her life as "building something, and [becoming] a part of something more significant than [herself]." It is what she loves most as Founder/CEO of Propel Paralegal Services.

Eda sees her business as the freedom to work with who she wants on her terms. There is indeed some independence for entrepreneurs. Jaclyn mentioned a "freedom to create," which, in her opinion, requires "a leap of faith."

For a businesswoman to jump into the unknown, certain qualities are assets. One in particular is an ability to push aside insecurities. Early on, Jaclyn, the Founder of Del.Trust and Paralegal Mastery Lounge, faced self-doubt. She questioned whether she was as good as other paralegals. Some of us, at one time or another, have asked ourselves the same. To move ahead and take on

challenges, it helps to be optimistic and confident. CEOs need these traits too.

The self-employed executive makes investments and takes risks, ones an employee may not. Everything from purchasing all equipment and supplies, to uncertainty about each payday. Thus, as Eda states, it "takes time to get comfortable." There "[i]s a HUGE mindset shift" becoming a businesswoman.

The shift for Heather included learning about business ownership and operations. Heather points out she needed "to pivot and adapt to anything necessary . . . to grow."

When it comes to growth, some of us adopt routines to achieve it. It is thus no surprise our three entrepreneurs have daily habits. Both Eda and Jaclyn include self-

development in their practices. Eda states that learning about herself and self-improvement tools help her business thrive. She is the founder of Eda Rosa, LLC, and the Let's Talk Paralegal Podcast. She makes time for her interests (reading, traveling, yoga, journaling).

As for Jaclyn, she engages in visualization. She works on herself "from the inside out."

Personal habits play a role in our individual achievements. Heather believes they "play a massive part in . . . success in . . . business." Her routine includes clean eating, exercise, and being realistic and consistent.

For these business owners, there are great demands and expectations. Yet despite that, there are areas they consider non-negotiable. Jaclyn and Heather share non-negotiables that involve their clients.

Paralegals who seek Jaclyn's expertise are met with great respect. She does not tolerate those who disagree. Heather, who works for good-natured attorneys, does not accept those with rude behaviors.

All three women acknowledge the value and work of their teams. But let us not forget each business owner and her burden. It may be why Eda's weekends and vacations are non-negotiable. An entrepreneur needs boundaries and breaks like the rest of us.

Each of these women paved their own way. Jaclyn had no "roadmap," and Eda, no "blueprints or mentors." Heather found her prior experiences did not prepare her. I think each would agree collaboration and mentorship help us all achieve success.



Denise Blassak, Editor



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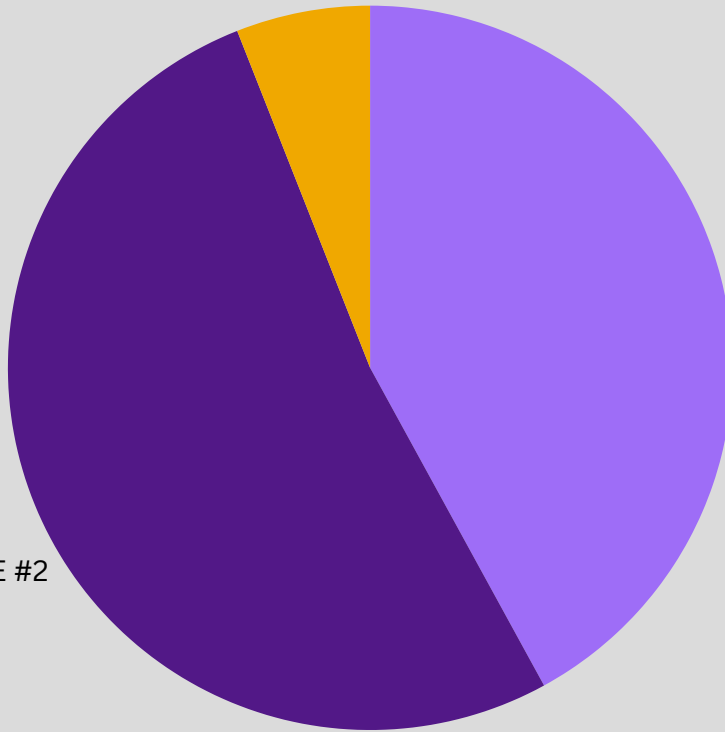
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**Have an interest in writing an article in 2024?**

**Reach out to [newsletter@sdparalegals.org](mailto:newsletter@sdparalegals.org)**

## **OUR VOLUNTEER MEMBERS MAKE THIS ORGANIZATION GREAT !**