

REAP Record

The Official Publication of
[Redwood Empire Association of Paralegals](#)
Spring 2007 Newsletter

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President's Message



By [Grace DeLaTorre, CP](#)

I cannot believe that we are almost half way through the year already! The vision meeting in January 2007 conducted by Kathy Juarez gave the Board Members an excellent opportunity to set goals for the upcoming year.

Also, CAPA has its Educational Conference in June 2007 in San Diego, California. If you have not had an opportunity to attend a conference, it is an excellent opportunity for networking with other paralegals in our state and to receive continuing educational credit at the same time.

There will be another opportunity for you to attend a CAPA leadership conference in November 2007 in San Francisco. → [See President Page 6](#)



Paralegal Spotlight: Colleen Butler

By [Kim Nadeau](#)

This month I am pleased to introduce you to Colleen Butler. Colleen is a Legal Processor II with the Sonoma County Superior Court. She has been with the court for just over a year. She currently works the front counter in the traffic division. Colleen finds this very satisfying work, as most people walk away grateful for the assistance they received, and knowing the next steps they need to take to resolve their issue. The court rotates its processors to different stations, so Colleen has also obtained experience working the trial desk. There, processors prepare court dockets, record minute entries, process inmate requests, perform trial set up, subpoena officers and maintain the trial book. She has not yet been posted to the juvenile desk or the correspondence desk.

Colleen, who aspires to be a courtroom clerk, obtained her paralegal certificate from Empire College in July 2005. She completed the program in a year and a half. She went to school full-time and describes Empire's program as very intense. Colleen particularly enjoyed the civil law course at Empire.

For 23 years prior to her paralegal career, Colleen worked in medical administrative services. → [Paralegal Spotlight Page 2](#)

ATTEND A REAP BOARD MEETING

The REAP board encourages member participation and invites you to attend its board meetings.

Meetings are held the first Wednesday of every month at 5:30 p.m.

The board meets at the law firm of O'Brien Watters & Davis, located at 3510 Unocal Pl. Ste. 200 Santa Rosa, CA

REAP Mentors

Probate: Janet Anderson
545-4910

Family Law: Renee Ramsey
546-4677

**Plaintiff's Litigation, &
Discovery:** Rhetta Hinton,
544-5858

**Transactional Law &
Securities:** Gayle Detillion
524-4234

**Computer-Assisted Legal
Research:** Joni Boucher
664-2394

Workers' Compensation:
Darlene Mola, 545-4762

CLA Exam: Grace De La
Torre, 433-8138

Criminal Law: Jeff DiCello
537-0475



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kjuarez@sonic.net

Paralegal Spotlight from Page 1

She also worked for ten years as the office manager for Doyle Park Family Medicine. While she found that career very rewarding, Colleen was ready for new challenges, and was drawn to the legal profession.

Colleen has three daughters, ages nine, 13 and 17. They enjoy camping and being outdoors. She has a boat and loves to go water skiing on Lake Sonoma and Lake Mendocino. Colleen is an avid reader and is active with her local political party.

If you find yourself in the traffic division, be sure to say hello.

Criminal Law Corner: Supreme Court strikes down California's determinate sentencing law

By [Jeff DiCello](#)

In January 2007, the U.S. Supreme Court held that California's determinate sentencing law was unconstitutional because it allows judges to increase a defendant's sentence based on facts that have not been found to be true by a jury ([Cunningham v. California](#)).

California's sentencing law was challenged by John Cunningham, a former Richmond police officer who was convicted of child molestation in a case involving his son, who was between nine and 10 years-old at the time of the crimes. The high court held that California's sentencing scheme violates a defendant's right to a trial jury trial safeguarded by the Sixth Amendment because it places "sentence-elevating fact-finding within the judge's province," rather than a jury's.

I will come back to the specifics of *Cunningham* later, but to understand the impact of the *Cunningham* decision, a brief explanation of the history of the state's determinate sentencing law (DSL) is in order.

In the pre-DSL days, felony offenses were punishable by open-ended periods in state prison. For example, a person convicted of burglary may have been sentenced to a prison term of five years to life. State prison inmates sentenced under the old sentencing law had to go before parole boards to determine when they would be released.

California's DSL took effect in 1977. Under the DSL sentencing framework, felony offenses were punishable by one of three prison terms. For example, under the current DSL framework, most first degree robbery convictions are punishable by a state prison sentence of three, four or six years. Under the DSL, a first degree robber would automatically be sentenced to the middle term of four years in state prison unless the judge → [See Criminal Law Corner Page 3](#)

Differences in Intergenerational Communication Affect the Workplace

By Robin Paggi

Editor's Note: A version of this article originally appeared in the Kern County Paralegal Association's March 2007 newsletter. It has been reprinted here with the permission of the author, Robin Paggi. Ms. Paggi is Human Resources Manager at Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP, a law firm in Bakersfield, Ca.

What were you watching on TV when you were growing up?

- Howdy Doody, Texaco Star Theater, Amos & Andy
- The Ed Sullivan Show, Gunsmoke, The Honeymooners, Dragnet, The Mickey Mouse Club, Leave it to Beaver, The Adventures of Superman
- The Dick Van Dyke Show, Bonanza, The Munsters, Star Trek, Get Smart
- All in the Family, Mary Tyler Moore, MASH, Starsky & Hutch, The Love Boat, Charlie's Angels
- A-Team, Alf, Growing Pains, Dallas, Cheers, Different Strokes
- 90210, South Park, The Real World, Friends, Seinfeld, The Simpsons, X-Files

Your answer, of course, depends on your age, or more specifically, on the generation to which you belong. While TV shows may not seem all that important, according to *Law Practice Today* authors Diane Thielholdt and Devon Scheef, "the sum total of experiences, ideas, and values shared by people of different generations makes for a melting pot of work approaches and priorities." There are basically four generations at work today:

- **Veterans** (born between 1922-1943) grew up during the time of the Great Depression, New Deal, World War II, Korean War, Golden Age of Radio, Silver Screen, and postwar rise of labor unions. As a result, Veterans generally value hard work, dedication and sacrifice, respect for rules and authority, duty before pleasure, honor, conformity, and patience. They tend to *be* conformists, logical, conservative spenders, past-oriented, and history-absorbed.
- **Baby Boomers** (born between 1943-1960) grew up during the time of Vietnam, Civil Rights, Sexual Revolution, Cold War, Space Race, *assassinations*, prosperity, television, suburbia, and children in the spotlight. As a result, Boomers generally value optimism, teamwork, personal gratification, involvement, personal growth, health and wellness, youth, and work. They tend to be driven soul-searchers who are willing to go the extra mile.
- **Gen Xers** (born between 1960-1980) grew up during the time of Watergate, latchkey kids, single parents, MTV, AIDS, computers, Challenger, fall of Berlin Wall, and Wall Street frenzy. As a result, Xers generally value diversity, thinking globally, work/life *balance*, techno literacy, fun and informality, self-reliance, and pragmatism. They tend to be self-reliant, risk-takers, skeptical, balanced, family-oriented, and think about the job, not the work hours.
- **Nexters** (born between 1980-2000) grew up during the time of computers, school shootings, Oklahoma City bombing, TV talk shows, "it takes a village," technology, child-focused world, multiculturalism, Clinton/Lewinsky, and 9/11. As a result, they generally value optimism, civic duty, confidence, achievement, respect for diversity, sociability, morality, and street smarts. They tend to be optimistic but realistic, tenacious, and prefer collective action. → [See Communication Page 4](#)

Communication from Page 3

According to the book *Generations at Work*, "There's a serious new problem in the workplace, and it has nothing to do with downsizing, change, foreign competition, pointy-haired bosses, cubicle envy, or greed.

Here are some examples of how each of the different generations clash over workplace issues:

Clashes over work ethic: Boomers and Veterans view Xers as "slackers."

Clashes over established ways of doing business: Xers make their own way--to the frustration of Boomers and Veterans.

Clashes over technical competence and comfort: Xers and Nexters deem Veterans and Boomers inept and clueless.

Clashes over loyalty: Veterans and Boomers decry Xers for their lack of it.

Clashes over positional power: Veterans respect it. Boomers crave it. Xers are unimpressed. Nexters are polite.

Clashes over leadership: Veterans trust hierarchy. Boomers want consensus. Xers value competence. Nexters believe in pulling together.

Clashes over balancing work and family: Boomers put career and company first. Xers say, "Get a life." Veterans and Nexters are willing to work hard, but it's not a compulsion.

Clashes over perks: Boomers covet status. Veterans prize honor. Xers disdain both.

Clashes over people skills: Xers consider them a much lower priority than Veterans, Boomers, and Nexters.

Clashes over politics: Only Boomers see the point and the payoff.

Clashes over entrenched notions of gender roles: Nexters alone excel at "gender bending."

Clashes over change: Xers and Nexters accept it as inevitable. Boomers and Veterans remain wary.

Every generation has something to offer the workplace. Unfortunately, we tend to allow our differences to prevent us from seeing the value that other generations bring to the table ("he's old and out of it;" "she's young and doesn't know what she's talking about"). The most successful organizations recognize that no one has all the answers and find a way to let every generation be heard. This appreciation of diversity allows each group to contribute and be a part of the growth of an organization, which benefits everyone involved.

The events and conditions each of us experience during our formative years help define who we are and how we view the world. Let's remember that our world view is unique to us and that we benefit when we value the perspective that others, regardless of their ages, bring to the table.

REAP
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REAP Membership Info

REAP's membership consists mainly of legal assistants & paralegals working in law firms, corporations, & public agencies. Membership is available to students, paralegal educators, attorneys, & other persons interested in the development of our profession.

Click below to

[Join REAP](#)

The
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by REAP member
Jeff DiCello



Criminal Law Corner continued from Page 2

found that certain mitigating or aggravating factors were present. The mitigating and aggravating factors are spelled out in the California Rules of Court. If the judge found the mitigating factors outweighed aggravating factors, he or she could impose the lower term. An example of a mitigating factor might be that the defendant was a passive participant or played a minor role in the crime, or that the defendant has no prior criminal record.

However, if the judge found that aggravating factors outweighed mitigating factors, he or she could impose the upper term. An example of an aggravating factor might be that the victim was particularly vulnerable, or that the defendant has engaged in violent conduct that indicates a serious danger to society.

Now back to the *Cunningham* case. The three potential prison sentences faced by Mr. Cunningham for the particular crime he was convicted of were 6, 12, or 16 years in prison. The judge found that Cunningham's victim (his son) was particularly vulnerable and that his conduct was violent, making him a danger to society. The judge then concluded that this aggravating evidence outweighed any mitigating factors, which included the fact that Cunningham had no criminal record, and imposed the upper term of 16 years.

According to the Supreme Court, the problem with this is that an aggravating factor does not have to be found to be true by a jury using the proof beyond a reasonable doubt standard. The judge can find that an aggravating factor exists by using the preponderance of evidence standard. This violates a defendant's right to a trial by jury, and is thus unconstitutional.

How will *Cunningham* affect California's sentencing system? Will thousands of defendants who received upper terms have to be resentenced? In published reports, Los Angeles County District Attorney Steve Cooley said that in his opinion, *Cunningham* should not affect upper term cases where the defendant entered a guilty plea and waived his right to a jury trial. The problem with Cooley's analysis, as I see it, is that even though a defendant may have waived the right to a jury trial, such a waiver does not waive the right to have sentence elevating facts proven beyond a reasonable doubt.

While appellate lawyers are trying to determine whether and how to appeal cases under the *Cunningham* ruling, the California Supreme Court has agreed to hear five cases alleging sentencing error under *Cunningham*.

In the wake of *Cunningham*, the legislature considered various options for bringing the state's sentencing law into constitutional compliance, including proposals to amend the DSL to require juries to find true any fact necessary to impose the upper prison term. Another option considered, [Senate Bill 40](#), would allow judge's the discretion to select from the three possible prison terms without having to find facts in aggravation or mitigation.

In the end, the latter proposal prevailed. On March 30 Gov. Schwarzenegger signed SB40 into law. Until it sunsets in 2009, judges will be free to impose any of the three sentences on defendants.

President's Message continued from Page 1

It would be great to have several REAP members attending this conference. Please put the date on your calendar (refer to the [Calendar of Events section](#)).

We have many opportunities for members to be involved in REAP. No contribution of your time is too insignificant. There are positions on committees with assigned tasks that require approximately an hour or two of your time. There is also a position open for a talented person to take pictures and write articles at REAP seminars. Have you always aspired to be journalist or photographer? This may be the position for you!

Please consider what you can contribute to REAP and contact me at gdelatorre@sbcglobal.net to discuss.

On a personal note I will be graduating from University of San Francisco on May 19, 2007 with a Bachelor of Science Degree in Public Administration. It has been a rewarding journey and a great accomplishment for my family and myself. I want to thank all the REAP members who have offered an encouraging word or just sympathized with me on an occasion or two. I really encourage everybody to take every opportunity available to them to accomplish their goals.

Take the first step in faith. You don't have to see the whole staircase, just take the first step. ~ Martin Luther King, Jr.

2006 National Paralegal Salary Survey: How Does Your Salary Match Up?

Highest Full-Time Salary	\$110,000
Lowest Full-Time Salary	\$23,000
Average Salary	\$51,771
Highest Raise	\$13,000
Average Raise	\$3,456
Highest Bonus	\$24,000
Average Bonus	\$2,962
Average Salary by Employer	
Law Firm	\$50,666
Corporate	\$59,453
Government	\$55,719

Source: *Legal Assistant Today*, March/April 2007



WEB Gems:

Brush Up on Your Grammar With "Grammar Girl"

By [Jeff DiCello](#)

In the new feature Web Gems I will provide readers with websites that I think are helpful to paralegals. In the premier edition of Web Gems, I am featuring a site set up by Mignon Fogerty to promote her book, "Grammar Girl's Quick and Dirty Tips for Cleaning Up Your Writing."

The website, which offers grammar and writing tips, is located at <http://grammar.qdnow.com/>.

One neat feature of the site is that all the grammar tips are available as text or audio files, so the grammar tips.

Below are links to some of Grammar Girl's best grammar/writing tips, organized by topic.

Word Choice

[A Vs. An](#)

[Affect Vs. Effect](#)

[Although Vs. While](#)

[Between Vs. Among](#)

[Bad Vs. Badly](#)

[Who Vs. Whom](#)

[Which Vs. That](#)

[Who Vs. That](#)

[Further Vs. Farther](#)

[Hanged Vs. Hung](#)

[Lay Vs. Lie](#)

[Through Vs. Thru](#)

[Toward Vs. Towards](#)

[Who Vs. That For](#)

[Companies](#)

[Woman Vs. Female](#)

Grammar

[Fragments](#)

[Generic Pronouns](#)

[Reflexive Pronouns,](#)

[Myself](#)

[Splitting Infinitives](#)

[Subjunctive Verbs](#)

[Capitalizing Titles](#)

[Unaccusative Verbs](#)

Abbreviations

[Abbreviations,](#)

[Acronyms, And](#)

[Initialisms](#)

[Redundant Acronyms](#)

Punctuation

[Apostrophes \(Part I\)](#)

[Apostrophes \(Part II\)](#)

[Colons](#)

[Comma Splice](#)

[Dashes](#)

[Quotation Marks](#)

[Semicolons](#)

General

[Active Vs. Passive Voice](#)

[Avoiding Wordiness](#)

[Choosing A Style Guide](#)

[Grammar Manners](#)

[Modifying Absolutes](#)

[Proofreading Tips](#)

Dissolution of Educational Bureau Could Affect Accreditation of Paralegal Education Programs

By Jeff DiCello

The demise of a state regulatory bureau could leave many aspiring paralegals without valid qualifications if their school is not properly accredited. The Bureau for Private Post-Secondary and Vocational Education, which oversees vocational education programs, will be dissolving in July of this year. The elimination of the bureau could affect paralegal students attempting to qualify as paralegals under Business and Professions Code §6450(c)(2) by earning a certificate from a vocational school.

Section 6450(c)(2) states that one way to qualify as a paralegal is to earn “[A] certificate of completion of a paralegal program at, or a degree from, a postsecondary institution that requires the successful completion of a minimum of 24 semester, or equivalent, units in law-related courses and that has been accredited by a national or regional accrediting organization or approved by the Bureau for Private Postsecondary and Vocational Education.”

What does the bureau’s demise mean for aspiring paralegals? According to Michelle A. Whitaker, President of the California Alliance of Paralegal Associations, paralegal students should make sure that their school is properly accredited. “They need to be certain of the accreditation of the school which they attend. This is true for all persons attending any private college or vocational school for the purpose of earning any degree or certificate,” said Whitaker, via e-mail.

Because the Bureau for Private Post-Secondary and Vocational Education will cease to exist in July, a paralegal program whose accreditation was under the auspices of the bureau will no longer meet the educational requirements of Bus. and Prof. Code section 6450 (c)(2), unless it is also accredited by some other institution or agency. In Bakersfield, where Whitaker works, all the paralegal programs there are accredited in some way other than by the bureau. For example, the Cal State paralegal program there is covered under that school’s accreditation; Santa Barbara Business College is accredited by the ACICS, a national accrediting body which is recognized by the United States Secretary of Education.

Locally, Sonoma State’s paralegal program is accredited by the Western Association of Schools and Colleges, while Empire College’s legal assistant program is accredited by Accrediting Council for Independent Colleges and Schools.

SSU Summer Paralegal Courses

Sonoma State’s Paralegal Program is offering the following courses this summer. Classes begin the week of May 30, 2007. Click on links for more information.

[Civil Procedure: Pleadings](#)

[Drafting Motions](#)

[Elder Law](#)

[Federal Indian Law: An Introduction for Lawyers](#)

[Paralegals and Tribal Leaders](#)

[Intellectual Property Law Overview](#)

[Internship: Work Experience](#)

[Legal Calendaring](#)

[Practical Case Analysis](#)

[Trust Administration](#)

Spanish/English Legal/ Court Interpreter Program Debuts This Fall at SSU

Starting in Fall 2007, the Sonoma State University School of Extended Education is offering a unique one year academic program, designed to develop the interpreting skills necessary for a career as a Spanish/English interpreter in the courts and in state agencies. It is specifically designed to prepare participants to pass the State of California court interpreters’ certification exam. Courses are conveniently scheduled for the working adult.

Program Coordinator Joni Boucher feels that this new program brings a wealth of career opportunities for those passing the California Court Certification Exam. “Interpreter examinations are mandated for employment in courts and state agencies. Once an interpreter passes the California Court Certification Exam, she/he will be able to work in the state courts and freelance for state agencies, health organizations, private companies, law firms, and interpreting agencies. Many attorneys in private practice now use only certified court interpreters for depositions, personal injury, and workers’ compensation cases. And, if you choose not to become a state certified court interpreter, the program could lead to employment with social service agencies, hospitals, private attorneys for depositions and client interviews, and business firms with international clientele.”

→ [See Interpreter on Page 7](#)

Paralegal Networking Lunches



Each month, paralegals working in the downtown Santa Rosa area and in Healdsburg meet informally for a networking lunch at a restaurant in their respective cities. These lunches are a great way to meet other members who work near you. Specific information concerning the date, time and location of each lunch is e-mailed to members a few days before the event.



REAP Event Calendar

Event	Date/Time	Location
Graduates' Appreciation Extravaganza	6-26-07; 5:30 p.m. to 8:00 p.m.	Sonoma County Bar Association
Trust and Estate Accounting Seminar w/Karen "Twink" Smith	7-31-07; 5:30 p.m. to 8:00 p.m.	Sonoma County Bar Association
REAP General Meeting and Elections	9-19-07; 5:30 p.m. to 8:00 p.m.	Sonoma County Bar Association
CAPA Leadership Conference	Nov. 2-3, 2007	San Francisco
Ethics Seminar w/Kay Kasic	11-14-07; 5:30 p.m. to 8:00 .m.	Sonoma County Bar Association

REAP Adds New Members

REAP wishes to welcome the following new members:

Candace Noble; Deborah Carlyle, Antonia Garza, Anne Goodwin, Cindy Walsh, Elizabeth Riley, Ginny Wilkes, Nicole Rosaschi and Rosie Depee.

Join the Sonoma County Bar

Have you heard this one? It goes like this: two paralegals walk into a bar....

No, this is not a joke, but a serious reminder that paralegals can join the Sonoma County Bar Association in the legal support category, which includes law clerks, assistants, secretaries, paralegals, court and school administrators.

Membership dues for legal support members are just \$45.00 per year. For more information on joining the Sonoma County Bar Association, go to:

<http://www.sonomacountybar.org/>

Interpreter from page 7

The primary role of a state-certified court interpreter is to interpret for defendants or witnesses in superior courts (criminal, civil and juvenile proceedings), and for depositions. Court assignments include arraignments, preliminary hearings and all aspects of trials through and including sentencing. Examples of duties include interpreting intense cross-examinations and complex jury instructions; statements by judges, attorneys and expert witnesses who frequently use legal and technical terminology; and language that may seem graphic or offensive. Interpreters are also responsible for sight translating written documents, often of a legal nature, from English into Spanish and vice versa. Court Interpreters earn \$265 per day.

Everyone is invited to attend the program orientation and Information Meeting on May 12, 2007 at 10:00 a.m. in Stevenson Hall, Rm. 1002 on the SSU campus. At the conclusion of the orientation, a written entrance examination will be given for those who wish to move forward in the program. For more information about the program, contact Joni Boucher at joni.boucher@sonoma.edu or call 707.664.2615.

REDWOOD EMPIRE ASSOCIATION OF PARALEGALS

2007 - PARALEGAL MEMBERSHIP APPLICATION

Date of Application: _____ New Member? Yes _____ No _____

Name _____

Address You Would Like Membership Info Sent To: _____

Email Address: _____ @ _____

Telephone Nos: Work: _____ Home: _____

Employer: _____

Would you like to receive REAP Interim News and other information via email? Yes _____ No _____

Would you like to receive the REAP Newsletter via email? Yes _____ No _____

May we list your home telephone number in the REAP directory? Yes _____ No _____

I am qualified by: _____ Education: If so, please state where your education was obtained:

I am qualified by: _____ Valid Declaration.

I am qualified by: _____ Other: Please explain: _____

Years employed as a paralegal: _____

Voting Member: Yes _____ No _____ \$40.00 per year Currently employed as a paralegal? Yes No

Areas of law in which you specialize (working paralegals only)

____ Civil Litigation ____ Freelance ____ Probate/Estate Planning ____ Corporate ____ Labor ____ Real Property ____ Criminal ____

Landlord/Tenant ____ Family ____ Personal Injury ____ Elder ____ Other

Associate/Non-Voting Member Yes _____ No _____ \$20.00 year

____ Member of the Sonoma County Bar Association and endorses and promotes paralegal concept.

____ Member of an educational field who endorses or is involved in the promotion of the paralegal profession.

Please state the educational field of which you are a member: _____

____ **Sustaining/Non-Voting Member** (Interested in supporting the purposes of REAP, \$20.00 per year)

Not currently employed as a paralegal _____

____ **Student Member** (\$20.00 per year)

COMMITTEES: I am interested in further supporting REAP by volunteering my time on a committee:

____ Education ____ Public Relations ____ Membership ____ Newsletter ____ Student Mentoring ____ Staging for Events

Estimated amount of time you could reasonably spare to help out on a committee: _____

MAKE CHECK PAYABLE TO **REAP** AND MAIL APPLICATION FORM TO:
REAP MEMBERSHIP, P. O. Box 143, Santa Rosa, CA 95402