

REAP Board of Directors

President – Cenaida E. Guzman
Vice-President – Nancy Clark
Secretary – Miranda Mendoza
Treasurer – Debra Winters
CAPA Primary – Shafiq Spanos
CAPA Secondary – Tina Chancellor



President's Message

By Cenaida E. Guzman

Welcome all REAP members, I hope your summer is moving along productively and you are enjoying some fun in the sun. So far it's been a great year for the REAP.

I wanted to take this opportunity to thank this year's board members and committee members who have given us their time to represent REAP at legal community events, assist in the planning of the seminars, attend board meetings and provide members with pertinent on-going information:

- Nancy Clark, Vice-President
- Miranda Mendoza, Secretary
- Debra Winters, Treasurer
- Shafiq Spanos, CAPA Primary Rep.
- Tina Chancellor, CAPA Secondary Rep.
- Deborah Cain, SCBA Liaison

Since our last newsletter, we have participated in several legal community events, including the Sonoma County Bar Association's Summer Soiree and Cook-Off and the Court Staff Appreciation Breakfast event.

REAP members are looking forward to participating in the Legal Aid of Sonoma County Golf Classic tournament fundraiser on September 25th. We hope to see some of you out there!

Our members have also been busy planning and participating in our educational seminars, such as "Write On!" A Series of Three Practical Writing

Workshops, which so far has been a huge success. The first seminar on June 6, 2015 consisted of the Fundamentals of Good Legal Writing which we titled "Back to the Basics." The second completed on July 11, 2015 consisted of Persuasive Legal Writing titled "Motions and Briefs." The final seminar will take place on August 8, 2015 will consist of Effective Legal Writing to the Court titled "Advocacy and Ethics." Please join us August 8, 2015 as there is room for more participants.

I would like to also thank our presenters for these seminars – Laura Rosenthal, Esquire, Monica Lehre, CPA, Heather Bussing, Esquire and Ken English, Esquire for taking the time and spending your weekend devoted to the teaching of the seminars.

REAP is planning an "Ethics" seminar for later in the year, so please look out for the flyer and join us.

REAP Board Members are extremely excited to introduce our nominee for CAPA Paralegal of the Year, as well as REAP's Paralegal of the Year. I won't spoil the surprise for you, please read on to find out who our shining star paralegal is this year.

We are only half way through the year and have so much more to accomplish. Have a great rest of your summer and please reach out to our members for any of your paralegal needs.



Editor's Corner

The ICE Detainer Controversy

By Jeff DiCello, REAP Record Editor

Note: This is an opinion piece.

The region and the nation were stunned earlier this month by news of the shooting death of 32-year-old Kathryn "Kate" Steinle on San Francisco's Pier 14 as the woman was walking with her father.

Juan Francisco Lopez-Sanchez, a Mexican national with a criminal record and five previous deportations, was arrested and charged with murder for the July 1 shooting of Steinle. Lopez-Sanchez has entered a plea of not guilty and claims he found the gun — which had been reported stolen in an auto burglary - and that it discharged accidentally.

Shock turned to outrage for many when they learned that despite the fact that U.S. Immigration and Customs Enforcement (ICE) officials had lodged a detainer with the jail, the San Francisco sheriff's office, which runs the county jail, did not honor the detainer. Lopez-Sanchez was released a few days before Steinle's death. ICE has said Lopez-Sanchez would have been deported if the jail had complied with its requests.

Many have pointed the finger at Sheriff Mirkarimi, saying his office should have honored the ICE detainer or at least tipped off ICE officials that Lopez-Sanchez was about to be released.

Mirkarimi has said that ICE detainers are not legally valid and that the Fourth Amendment does not allow him to hold a person in custody solely on an ICE detainer. Mirkarimi said his office, and hundreds of jails across the country, do not honor ICE detainers because they are not supported by probable cause.

ICE officials have criticized Mirkarimi's preference for a warrant. "There is no such document, nor is there any federal court with the authority to issue one," ICE said in a statement.

In fact, two federal courts have ruled that because ICE detainers are issued without probable cause they do not meet the Fourth Amendment requirements for state or local law enforcement officials to hold an individual in custody beyond when they would otherwise be released.

Some have suggested that jails with concerns similar to Mirkarimi's honor ICE detainers in cases involving detainees with serious records.

ICE is probably correct in that no process currently exists to hold a probable cause hearing in order to make an ICE detainer legally binding.

But allowing custodial officials the discretion to decide which ICE detainers to honor, based on a subjective notion that the detainee is dangerous, is not a workable solution.

The death of Ms. Steinle is tragic and individuals such as Sanchez-Lopez should be held in custody until they can be deported.

The case has revealed a flaw in the current system. Unless courts hold differently, Congress needs to enact legislation requiring a probable cause hearing be held before an ICE detainer could be issued and honored. It should be easy for ICE to prove to a judge a person is here illegally.

If the Fourth Amendment is to mean anything, the issuance of ICE detainers should be predicated on a finding of probable cause made by a neutral magistrate. The separation of powers doctrine requires such determinations to be made by the judicial branch of our government, not the executive branch of government, of which ICE and our jails are a part.



CAPA News

By Shafiq Spanos

REAP's Representative to CAPA

The CAPA Education Conference was June 27 in San Jose at the Doubletree San Jose. The conference was well attended, about 175 people not including presenters. Everyone enjoyed the six different tracks offered, which included two IP tracks, family law, corporation law, forensic document examination, and estate planning. The conference was supported by a number of professional legal businesses which offered enticements to stop by their booths, including cupcakes at one and pastries at another. Gary Benton, Esq., was a last minute substitution for the keynote address in the morning and did an admirable job speaking on Ethics, Civility, the Law, and You. The lunchtime keynote address was delivered by Luis Rodrigues, Esq., the first Latino President of the State Bar, a fascinating talk on access to justice. The reception that ended the day was highlighted by networking and the opportunity drawings, 11 gifts of \$100 value, one each from the CAPA members, as well as the raffling off of the succulent centerpieces provided by our own Trudy McQuiddy. It was quite successful, all in all.

June 28 found the CAPA board members in our meeting. Tina Albrecht joined me as the CAPA secondary for REAP. Thank you to Tina for stepping forward. This will be important next year when CAPA's new bylaws are, we assume, adopted giving each association two votes. The board spent quite a bit of time reviewing and discussing the proposed changes to the bylaws. The upshot of these changes is that each member association will have two voting directors on the CAPA board. The REAP board will be reviewing our bylaws now that CAPA has completed their review. The Corporations Code changed a few years ago and the bylaws need to be updated. One change that REAP will need to make is to add another board position for the other CAPA

representative. As CAPA Primary, I have been on the REAP board, but the secondary has not a board member, although they attend the meetings. Since there will no longer be a difference between the two CAPA board members, both CAPA representatives should be REAP board members.

Another discussion regarding the bylaws was the office of the president of CAPA. CAPA has traditionally made this a non-voting, neutral party who runs the board meetings and only votes in the case of a tie. The revisions to the Corporations Code no longer allow a non-voting board member, so the president must have a vote. The discussion revolved around whether the president should be separate from the CAPA representatives from the associations, as it is now, but which would essentially give one member association three votes on the board and making the board 23 members (although when voting on the CAPA board, the representatives are voting as directors of CAPA not as representatives of their individual associations, like directors in a corporation vote for the best interests of the corporation) or whether the president should be drawn from the pool of representatives, leaving the board at 22 and allowing each member association two voting representatives. After much discussion, the CAPA board voted for the second option, drawing the president from the pool of representatives.

This change will take effect when the new bylaws are passed by the membership of CAPA. All the individual members of all the CAPA associations are members of CAPA. In general, this larger membership of CAPA does not vote on many issues, this being left up to the CAPA directors. However, changes to the bylaws are one of these issues upon which the larger membership does vote. This means that, once the revisions on which the CAPA board voted at this meeting are completed, there will be a ballot coming to the greater CAPA membership, and this means all REAP members.

Continued on next page

CAPA News (cont'd from previous page)

Watch for this ballot in the near future. We hope to have the bylaws voted upon and adopted by the November meeting, most likely taking affect with the new year.

We also reviewed and discussed the proposed changes to Business and Professions Code, section 6450 and to the Rules of Court, which the CAPA legislative committee provided and the board approved. The next step is to approach the State Bar about the Rules of Court proposal to see if we can get them on board with the changes.

We have some good connections there and are hopeful that they will agree. The process will then be to submit the proposal to the Judicial Council who will review it and, if they think it appropriate, will offer it for public comment and their final review. If this goes forward soon and the changes are approved, we could see those changes in January or July of next year, those being the times when changes to the Rules of Court are adopted. You can see my articles in RECAP and the REAP newsletter of this year for discussion of the changes. We will also move forward with the proposed changes to 6450, either trying to get them added to an omnibus clean-up bill that either the Assembly or Senate Judiciary Committees offer annually, or, failing that, looking for sponsors to offer the amendments. We think that these will be looked at favorably as we can position them as protection of the public and access to justice, which are very big concerns for the State Bar and the legislature at this time.

The next CAPA board meeting will be the first weekend in November in Riverside and will coincide with the biennial Leadership Conference. We will also elect new officers for the following year. Next year will be CAPA's 40th Anniversary and we are planning a big celebration at the annual education conference which will be next June, also in Riverside.

REAP News Briefs



Working Paralegal Scholarship Winner Announced

Emilee Saltzer (pictured at left) is the winner of the 2015 Grace K. De La Torre Scholarship (\$500.00) given each year by REAP to a working paralegal in our legal community.

Since 2012, Emilee has been a paralegal at the law firm of [Kornblum, Cochran, Erickson & Harbison, LLP](#).

Congratulations, Emilee.



REAP Member Runner Up for CAPA Paralegal of Year

REAP member Ana Rivas (pictured at left) was named the 1st runner up for Paralegal of the Year at the CAPA Conference in San Jose in June.

REAP was proud to nominate Ana for this honor and congratulates her for her impressive finish.

Ana has been a corporate paralegal at the law firm of Anderson [Zeigler Disharoon Gallagher & Gray](#) in Santa Rosa since 1997.

Native American Day Not a Court Holiday

California Senate Bill 85 was signed into law on June 24, 2015 clarifying that "Native American Day" — the fourth Friday in September — is not a judicial holiday.

As a result, Sonoma Court Superior Court will be open on September 25, 2015.

For further details concerning judicial holidays, see [Code of Civil Procedure section 135](#).



Monthly Paralegal Lunches

Each month, a few paralegals meet for lunch in the downtown Santa Rosa area. You do not have to be a REAP member to attend. These informal lunches are a great way to meet other members who work near you.

- **When:** Second Tuesday of each month
- **Time:** Noon to 1:00 PM. We are in and out in one hour so you can get back to work on time.
- **Where:** At a restaurant in the downtown Santa Rosa area. E-mail reminders with the location are sent to REAP members a few days before the event.
- **Cost:** There's no fixed cost; each member pays his/her own check and decides what to order and spend.

Membership Information

REAP has four categories of membership: voting, associate, student and sustaining.

1. Voting Member (dues: \$42.00 per year)

Voting members are defined as qualified paralegals by education or valid declaration.

2. Associate Member (dues: \$30.00 per year)

Associate members are defined as attorneys or paralegal educators.

3. Student Member (dues: \$20.00 per year)

Student members are defined as current paralegal students.

4. Sustaining (dues \$50.00 per year)

Sustaining members are defined as individuals, law firms and companies that endorse and promote the paralegal profession.

Membership Period

REAP's bylaws provide that the REAP membership period is from Jan. 1 to Dec. 31 of each year. First time (new) members joining between Sept. 1 and Dec. 31 retain their membership through Dec. 31 of the calendar year following sign-up.

Full Amt. Due

The full amount of dues must be paid when joining REAP, regardless of date of application. First time (new) members joining after Sept. 1 retain their membership until Dec. 31 of the year following sign up.

Due Date

Renewal memberships are due Jan. 1 and become delinquent on April 1, at which time membership is terminated. If past members reinstate after April 1, they are not treated as new members under this agreement.

Voting Eligibility

Only active members in good standing 45 days before the annual or special meeting shall have been called to order shall be qualified to vote at membership meetings or upon other matters coming to the members for action.

Who Cannot Vote

No active member who is delinquent in the payment of any dues or other assessments shall be qualified to vote. In no event shall student, sustaining or associate members vote.

To join REAP, go to [REAP membership](#) and download the application/renewal form.

About the REAP Record

The REAP Record is published each quarter, on January 15, April 15, July 15 and October 15.

If you are interested in writing for the REAP Record, contact editor, [Jeff DiCello](#).

Article topics may be assigned or you may come up with your own topic.

Persons who submit articles, information or materials to REAP, grant to REAP the right to publish, without compensation, the article, information or materials in REAP's newsletter, on its website and on its Facebook page.

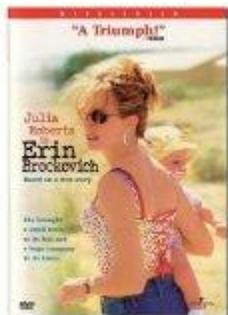
Best Movies for Paralegals and the Lessons They Teach

Originally published by The Legaco Express for Paralegals (<http://www.legaco.org/go/more>).
Reproduced with permission.

Movies provide a unique focus and perspective on what it means to work with lawyers. Movies can help broaden and deepen reflections on the array of skills and the kind of sensibilities that professionals need to master in the realm of the paralegal profession.

We have chosen the movies listed below for their interesting courtroom scenes, portrayal of lawyers, themes of justice or liberty, or discussion of substantive legal issues. Observe and enjoy!

Erin Brockovich directed by Steven Soderbergh (2000)

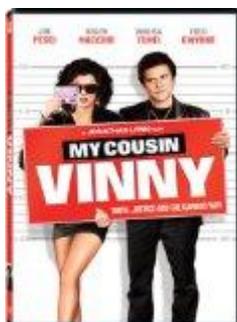


There are a lot of movies about lawyers and a lot of courtroom drama. Erin Brockovich is almost **the only one about the paralegal profession!**

The film is a dramatization of the true story of Erin Brockovich, a legal assistant who almost single-handedly brings down a California power company accused of polluting a city's water supply.

The great thing about this uplifting film is that it shows **the importance of a client-centered approach to law practice**. It also makes clear the **importance of empathy** in relationships with clients. The high-powered attorneys who joined the case couldn't communicate with ordinary people. But Erin Brockovich could; the clients liked and trusted her and she kept the group together until the final triumph!

My Cousin Vinny directed by Jonathan Lynn (1992)



It is about a defense lawyer, Vinny, who only recently managed to pass the bar exam on his sixth try. Vinny represents his cousin and a friend arrested for capital murder after a short stop at a convenience store in rural Alabama.

The movie packs in cinema's briefest opening argument ("Everything that guy just said is bullshit.") but also stresses **the solemnity of the law** and the **difficult balance to be found between the rule of law and the search of the truth**.

It is also one of the best introductions to the **rules of criminal procedure**.

A Few Good Men directed by Rob Reiner (1992)

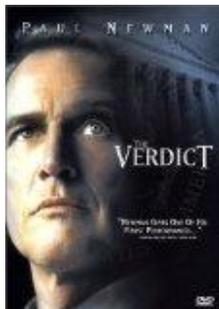


The film is about a recent Harvard Law grad, Lt. Daniel Kaffee (Tom Cruise), who works as a **military defense counsel**. Kaffee has been assigned the case of two Marines accused of killing one of their fellow soldiers.

It is a movie about the difficult relationship between **legality and fairness** and the **conflict between the ethos of the Marines as a body and the right of individuals to stand up to this kind of communitarian spirit**.

The role of the lawyer and how distinctively each of them approaches the law is also an important theme of this movie with, on the one hand, a lazy self-centered young lawyer, Tom Cruise, serving out his time in the military avoiding conflict, and on the other hand a keen, but inexperienced, Demi Moore who is desperate to get to the truth.

The Verdict directed by Sidney Lumet (1982)

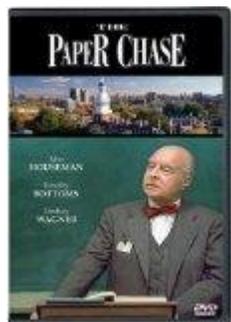


The legal case at issue here revolves around medical negligence, with the actions of a doctor allegedly leading to the plaintiff being transformed into a persistent vegetative state.

The case proceeds very much as one of David and Goliath, the hospital employs a team of lawyers and experts, while plaintiff's attorney Frank Galvin (Paul Newman) largely operates on his own, with only limited help. It is a **powerful story of the underdog's struggle for truth in the judicial system.**

It is also very interesting in regard to **the relationship between law and justice**, and the delivery of justice at the expense of formal legal rules.

The Paper Chase directed by James Bridges (1973)

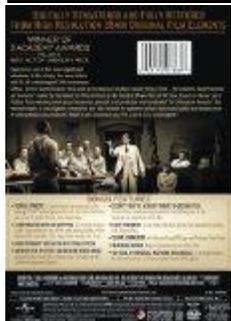


For the ones interested in going to law school, this movie is about Hart, a first year law student, desperately trying to impress his sternest professor.

Hart is overwhelmed with the pressure, the work, and his fear of failure. The Paper Chase covers a **lot of law school motifs — the Socratic method, study groups, pressure, drop outs, outlines, friendships, exams — as well as the professor-student relationship issue.**

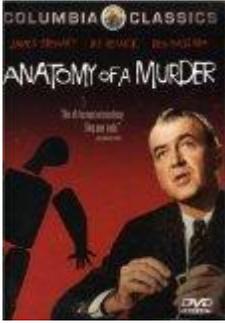
It shows the **stress of law school on students** but also what a transformative personal journey it can be.

To Kill a Mockingbird directed by Robert Mulligan (1962)



Based on Harper Lee's Pulitzer Prize winning book of 1961, this movie is a **courtroom drama** that addresses **the social dilemmas** of the end of the 50s. Atticus Finch is a lawyer in a racially divided Alabama town in the 1930s. He agrees to defend a young black man who is accused of raping a white woman. Many of the townspeople try to get Atticus to pull out of the trial, but he decides to go ahead. What really matters here is the **serious moral questions** raised by this trial.

The ideal of justice is shown as subverted by individuals and communal dishonesty with **the role and functioning of the criminal justice system being part of the critique.**



Anatomy of a Murder directed by Otto Preminger (1959)

Despite the **archaic nature of the trial in this movie** – no discovery period, no briefs, jury selection that merely asks whether anyone has any pending business with the attorneys, this movie is a realistic study of an Army lieutenant accused of murdering a bartender who allegedly raped his coquettish wife.

This movie address **the ethical issues involved in criminal defense**, there are no heroes here, no noble defenders, no pristine heroines, no completely innocent bystanders...both sides take their turns pointing fingers, each claiming that the other only got what they deserved...



12 Angry Men directed by Sidney Lumet (1957)

Based on a play, all of the action of this movie takes place on **the stage of a jury room**.

In this movie, a dissenting juror in a murder trial slowly manages to convince the others that the case is not as obviously clear as it seemed in court. It assembles a range of different social types and abstracts them from their normal daily activities. They are allowed to expose their own values and methods of deciding matters. The jurors comprise a cross-section of attitudes rather than ethnic or class backgrounds. The discussion which they are involved in provides the sole action in the film.

What we have is a mixture of rational evaluation of evidence and prejudice. Jurors change their minds both as a reaction to the evidence and as a reaction to their fellow jurors. A unique and unforgettable movie.

Who's Who & What's What

REAP Board Members		REAP Mentors	
President	Cenaida E. Guzman	Probate Mentor	Janet Anderson
Vice President	Nancy Clark	Family Law Mentor	Kim Davis
Sonoma County Bar Liaison	Grace De La Torre, CP	Litigation/ Discovery Mentor	Rhetta Hinton
Secretary	Miranda Mendoza	Computer Legal Research Mentor	Joni Boucher
Treasurer	Debra Winters	Sonoma County Bar Liaison	Deborah Cain, CP
CAPA Primary Representative	Shafiq Spanos	Criminal Law Mentor	Jeff DiCello
Special Projects Coordinator	Vacant	REAP Committee Members	
CAPA Secondary Representative	Tina Chancellor	Education Chairs	Grace DeLaTorre, CP and Deborah Cain, CP
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By U.S. Mail: 	REAP 1007 West College Ave #138 Santa Rosa, CA 95401	Empire Legal Students Association (ELSA) Liaison to REAP	Remy Berger
By E-mail: 	info@redwoodparalegals.org (General inquiries)	Miscellaneous	
 Facebook	Facebook	Facebook Page Manager	Jeff DiCello
 Web	www.redwoodparalegals.org	Newsletter Editor	
		SRJC Paralegal Studies Program Education Adviser	Joni Boucher
		Empire College Student and Education Adviser	Monica Lehre, ACP
		Don't forget to renew your membership. Go to the REAP webpage to renew now.	
Membership Stats		REAP Treasurer's Report Debra Winters, REAP Treasurer	
Voting Members	74	REAP Checking	\$9,091.00
Student Members	11	REAP Savings	\$5,171.00
Associate Members	0	Total	\$14,262.00
Sustaining Members	1		
Total	86		