



Pat Medina – A Giant Amongst Paralegals: A Retrospective

Approximately two and a half months ago, the California paralegal community lost one of their pioneers and giants of the profession. Palmira “Pat” Medina passed way in March 2018. Ms. Medina was the program director of the Paralegal Studies Program at San Francisco State Extended Learning since 2000, and considered the “mother” of that program. Widely recognized as a passionate, hardworking paralegal and teacher, and author of *Paralegal Discovery Procedures and Forms* and *Evidence Skills for the Litigation Paralegal*, Pat Medina possessed a drive to further the profession of the paralegal in multiple ways.



Originally an English high school teacher, Pat became a paralegal in the late 1970s. She joined the San Francisco State paralegal faculty in 1981. During this time, she worked as a litigation paralegal and built many relationships with attorneys, paralegals, and legal support personnel. At one point, she worked as a paralegal at Bianco, Brandi & Jones. Former employer Thomas Brandi commented that, “Pat was incredibly compassionate and an advocate for her clients.”

Pat was an ardent champion of the Paralegal Studies Program and a strong advocate for her students. In 1985, Ms. Medina developed the paralegal internship program as part of the core curriculum for paralegal students. Former SFPA Board Member and graduate of the SFSU Paralegal Program Susan Jaffe confirmed Pat’s pioneer status in the field, and that the SFSU program “will not be the same without her.”

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The California Certified Paralegal Exam Reporting from the Field

by Victoria M. Newman, RP®, CCP

On February 9, 2018, 30 paralegals from across the state took the first California Certified Paralegal exam developed and administered by the California Alliance of Paralegal Associations (“CAPA”). These paralegals ranged from newly graduated to those having twenty years or more of legal experience. Many of the paralegals specialized in specific practice areas that were being tested, such as corporate, litigation, and probate. If successful, these paralegals would earn the California Certified Paralegal (“CCP”) designation.

The introductory test fee of \$50 offered to the first 500 paralegals to take the exam was the main factor for these paralegals. This fee will increase to \$125 for CAPA members and \$150 for non-CAPA members once 500 paralegals have taken the exam.

CAPA offers a Study Guide, which is available only to the test applicants, for \$15. The Study Guide contains information on the qualifications to take the exam (education, work experience), areas of testing (ethics, core competencies, substantive law), sample test questions, study references, outline of paralegal tasks for each practice area, exam results and designation renewal requirements. The one area I was disappointed with was the limitation of resources to study. The Study Guide made reference to study the various code sections, such as Family Law, Corporations, Penal and flash cards. I used bar charts to help me study criminal, real estate and corporate law. I also used Rutter’s Paralegal Series for civil litigation as a study reference as my background is probate, trust administration and family law.

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Pat Medina : A Retrospective *(continued from page 1)*

Pat Medina has a long list of accomplishments from the recipient of the President's Award in 1992, honored in 2003 by the American Associates of Paralegal Educators as Teacher of the Year, and featured in SFPA's At Issue Newsletter as Faculty Star in 2009. At one point, she was the keynote speaker at NFPA's (National Federation of Paralegal Association) Leadership Conference. During the address, she had a great video about how attorneys put their paralegals and staff into ethical situations and how to recognize them.

Ms. Medina also served as an officer for the San Francisco Association of Legal Assistants, which became the SFPA. At that time, she chaired the Education commit-

tee, and paved the path of continued excellence through education for paralegals throughout the Bay Area.

In her very spare time, she was also an expert on bed and breakfast inns in Napa and Sonoma counties.

SFPA expresses their deepest condolences to the Medina family, the paralegal community, and San Francisco State University for this tragic loss. 

*We greatly appreciate and profusely thank **Vickie Newman, RP, CCP, Eduardo Cerpa**, current program coordinator of the San Francisco State Paralegal Program, and **Susan Jaffe** for their contributions to this article.*

UPCOMING EVENTS – MARK YOUR CALENDARS

SFPA Board Meeting – June 6, 2018. 5:30 p.m. San Francisco Public Library, 100 Larkin Street, Mary Louise Stong Conference Room, 1st Floor.

SFPA Spring Social – June 14, 2018, 5:30pm-8:30pm. Lungomare, 1 Broadway, Oakland, CA.

Working With A Professional Fiduciary – June 19, 2018, 12 p.m. San Francisco State University.

CCP Exam – June 22, 2018. Atrium Hotel, 18700 Mac Arthur Blvd., Irvine, CA.

CAPA 30th Education Conference – June 23, 2018, Atrium Hotel, 18700 Mac Arthur Blvd., Irvine, CA.

Naming A Trust As The Beneficiary Of A Retirement Account – July 17, 2018, 12 p.m. San Francisco State University.

SFPA 46th Annual Meeting – October 19, 2018, Bar Association of San Francisco, 301 Battery Street, 3rd floor, S.F. Details to follow.



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California Certified Paralegal Exam *(continued from page 1)*

I was pleasantly surprised by how well prepared and organized the proctors were on testing day, especially since this was the first test. Several days prior to the test, you were e-mailed a testing number that was used as your identification and scoring number. You signed into the exam with the testing number, was handed an envelope with your testing number on it, and took a seat. The envelope contained the test questions booklet and scantron sheet.

The test is given over a four hour period, consisting of 200 multiple choice and true or false questions. You are given one hour to take the Core Paralegal Competencies section which includes Communications, California's Legal System, Legal Research and Legal Terminology. You are also given one hour to take the Ethics section. This section tests your knowledge of California Rules of Professional Conduct and B&P 6450 as well as judgment and analytical skills. You are given two hours to complete the Substantive Law section, which consists of the following practice areas: Civil Litigation, Corporate, Criminal, Employment, Family, Probate & Trusts and Real Estate.

The Study Guide said that results would be emailed 60 days after the exam. I received my results in the form of a notice from CAPA 30 days after the

exam to pay an additional \$100 administrative fee since I passed the exam and I would not receive my CCP certificate until this fee was paid. As of the date this article was due (three months after the first test), I still have not received by certificate and instructions on how to properly use the designation and designation renewal requirements. This fee is to cover any administrative costs for use of CAPA's repository for the CCP to upload CLE certificates as they are obtained.

Paralegals who successfully earn the CCP designation must renew this designation every five years by completing a total of 40 hours of CLE, which includes 10 hours of ethics. According to the Study Guide, the fee to renew the CCP designation for CAPA member associations is \$50 while non-members pay \$75. The renewing CCP will be able to utilize the same CLE's used to comply with B&P 6450, plus whatever additional CLE's are necessary to complete the 30 hours of substantive and 10 hours of ethics required to meet renewal compliance. 

Victoria M. Newman, RP®, CCP, is a probate/trust administration/estate planning paralegal. She served as SFPA's President in 2007 and 2008 and served as Chair of the Bar Association of San Francisco's Paralegal Section from 2015 through 2017.

CCP Results and Update *By Michael Schiraldi*

The inaugural California Certified Paralegal Examination took place on February 9, 2018 at MTI College in Sacramento. Out of the thirty paralegals who took the exam, seven passed, thus earning the California Certified Paralegal (CCP) designation. The following individuals passed the examination:

Kymberly Deathriage of Visalia
Dana Fischel of San Bernardino
Ellen Houser of Santa Maria
Rosana Klingerman of Concord
Victoria Newman of Pacifica
Christine Stansall of San Diego
Kristin Taylor-Karrer of Roseville

The next exam will be on June 22, 2018 at the Atrium Hotel in Irvine the day prior to CAPA's 30th Education Conference. 

The Summary Judgment – Do or Do Not, There is No Try

by Michael Schiraldi

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EDITOR'S NOTE: This article provides perspective from a civil litigation, state court viewpoint.

The summary judgment is the crown jewel of motion practice.

Motions for summary judgment (“MSJ”) are usually the most complex of the California hearings and contain the most substantial law because of their function in asking the judge to rule that the entire action has no merit and to terminate the action without proceeding further. See California Civil Code of Procedure (“CCP”) §437c(a). The motion must contain the following parts: the notice, the memorandum in support, the separate statement of undisputed material facts, and the evidence (see California Rule of Court (“CRC”) 3.1350(c)(1-4)) with proof of service. The same is true if one opposes the motion absent the notice. CRC 3.1350(e)(1-3). If appropriate, a request for judicial notice may support the MSJ.

Because of their intricacy, the role of the paralegal is integral to starting, opposing, or replying to these motions. While performing legal research is within the purview of a paralegal at some firms, another integral piece is the actual assembly and finalization of the documents for filing and service. Because of the nuances, details, technicalities, moving parts, accuracy, and precision required to finish the job, paralegals are the ones assigned to complete the task.

Too often, we fail to comply with the applicable Rules of Court or CCP concerning these motions from not providing enough notice to failing to provide a table of authorities. Although some of the infractions will not deny the motion outright, this does cause an unnecessary waste of judicial economy and make law firms look foolish. Violations may lead to sanctions, including the striking of non-compliant pleadings and papers.

The following offers some insight into the motion for summary judgment and the role that we play.

Essential Knowledge

The Local Procedures – That Golden Rule

Each Court in each County in California has set up their own process of reserving dates for motions, how many courtesy copies their judges require, and notice requirements for tentative rulings. Careful consideration regarding the filing requirements (whether in paper or electronic format) as well as the deadline of when the clerk's office closes is imperative information to know. Review the local rules before you file!

Be aware that the tentative rulings usually come out the day before the appearance (although each County is dif-

ferent). Usually, you must notify the Court and all counsel by a certain time in order to argue. Make sure that if you are contesting that you do so promptly.

Finally, not all courtrooms have designated reporters assigned to a judge. Find out ahead of time if a reporter will be available or order one in advance, and if there are any special forms to be filed prior (in most counties, file the pro tempore assignment form at the time of hearing).

The Timing – Must Have a Code

Timing is crucial for MSJs. A day late and you are toast.

Schedule the hearing for the MSJ at least 30 days prior to trial. CCP §437c(a)(3). The moving party must provide 75 days' notice (by hand), 77 days' notice if by electronic service/overnight delivery, and 80 days' notice if by mail. CCP §437c(a)(2). If you fail to provide adequate time, the Court is without jurisdiction to continue the matter, absent stipulation of the parties, to “cure” the notice deficiency. *Robinson v. Woods* (2008) 168 Cal.App.4th 1258, 1267. If obtaining a hearing date because of the clerk's scheduling does not follow these rules, it would be prudent for your firm to go Ex Parte to obtain an order granting permission to remedy the time of notice of and hearing on a motion pursuant to CCP §1005(b).

The opposing party must file and serve their opposition 14 days (not court) before hearing. CCP §437c(b)(2). Pursuant to CCP §437c(b)(4), any reply is due 5 days (not court) before hearing. Serve any objections to the evidence at the same time you file your opposition or reply. CRC 3.1354(a).

Finally, service requirements for oppositions and replies must be “reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day”. CCP §1005(c). Although it is unfathomable to think it takes longer than one day for the mail to go from San Francisco to Oakland, it usually does. When in doubt, use your preferred firm's method of ensuring next day business delivery.

The Memorandum – You Best Not Miss

Besides proofing for spelling and grammatical errors, other aspects that need examination in the memorandum include the following:

The length of the brief may be no more than 20 pages for the opening or opposition, and may not exceed 10 pages for reply. CRC 3.1113(d). When you count the pages, do not count the caption page, the table of contents (“TOC”), the table of authorities (“TOA”), the proof of service pages, the notice of motion and motion, exhibits, and attachments. Id.

Numeration. This rule amended in 2017 states to number documents consecutively, using Arabic numerals (e.g., 1, 2, 3) only. CRC 3.1113(h). You may suppress the page number on the first page. Id. Do you have any idea of how many briefs since the rule change that still use Roman Numerals for their TOCs/TOAs? Do not be one of those paralegals. Follow new canon.

TOC/TOA. Any brief that exceeds 10 pages must include these items. CRC 3.1113(f). While there is no substantial rule of a particular format for appearance, the TOC/TOA must be included and look professional.

Finally, cite checking within the brief falls under the purview of the paralegal. As you finalize the memorandum, you should check that the form of the citation is correct (each cite contains the case, the reporter, the year, and the key page). Moreover, one needs to review if the case law is still valid. Use Westlaw, Lexis Nexus, or another law research website to check each reference is still accepted. While your firm may still be able to use the citation within the brief if the case is superseded, confer with the handling attorney before filing.

The Separate Statement – All in the Game

The two column separate statement is a key document to the summary judgement. Essentially, you are outlining what you believe are the undisputed facts to the case. As the moving party, one must identify each cause of action or issue of duty that is the subject of the motion along with the supporting materials facts with respect to each. CRC 3.1350(d). Importantly, you must cite to the evidence in your index as discussed below. Your separate statement requires a citation to evidence (an exhibit, title, page, and line numbers). CRC 3.1350(f)(2). If you are the opposing party, it is not helpful to dispute the facts and cite evidence by referencing your own separate statement of additional materials facts. This is improper.

Per CRC 3.1350(i), when responding to a separate statement, request the electronic version of the moving or responding party's statement of uncontroverted facts. Why waste precious time trying to reformat the entire document yourself? This code provides that within 3 days counsel must provide the separate statement in their electronic form it was prepared in (usually in Word or Word Perfect). Id.

The Evidence – All the Pieces Matter

The Court requires an index of evidence for this motion. The necessities include a single volume of documents (including declarations) with a table of contents when exceeding 25 pages. CRC 3.1350(g) While the rule is not clear as to the style and format, this is where all your papers – deposition transcripts, documents produced in discovery, expert declarations, witness declarations, et. – go in support of your motion or opposition along with a

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SFPA's Featured Paralegal



Kibibi “Bibi” Shaw is a litigation paralegal at Gordon Rees Scully Mansukhani, LLP. Working in their San Francisco office, Bibi works with a large team of firm Partners, Special Counsel and Associates who specialize in Product Liability defense, Drug & Medical Device litigation, and multi-party/complex claims in Commercial litigation.

Bibi obtained her Bachelor of Science degree in Organizational Development & Leadership from the University of San Francisco and earned her Master of Science in Organization Development (MSOD) from the University of San Francisco, School of Management. While in graduate school, she performed consulting projects for Fujitsu© and non-profit Harambee Kinship Center. She completed her MSOD Culminating Consulting Project with Marriott® Hotels.

What she enjoys most about being a paralegal is the opportunities to serve others. This deeply gratifies Bibi, as she considers herself a natural nurturer and the legal field enables her to support and help people on many levels.

When not at the job, Bibi enjoys gourmet cooking at home with her family. Whether Sunday brunch or a quiet dinner, she is a natural chef in the kitchen. She also enjoys oil painting on canvas.

She is a fifth-generation San Franciscan. She currently resides in Oakland, CA.

table of contents of what is within. This rule does not excuse the absence of an attorney declaration stating those magic words for the documents within the index (“attached as Exhibit ___ is a true and correct copy of _____”). Separate each exhibit by a plastic/hard paper tab. CRC 3.1110(f). If you are filing electronically, Courts require that you bookmark them in PDF form.

Remember if you are using excerpts of deposition transcripts for the evidence, highlight or bracket around the areas that you are quoting. Additionally, one should redact any confidential/personal information if required to, and concurrently file a motion to seal. CRC 2.551.

As paralegals, we must possess the fundamentals of the MSJ from the timing to the evidence in support of the motion. Failure to follow the basic principles, we will only result in ire from the attorney and the Court. Our job is to handle this assignment with the passion and thoroughness necessary for perfection. Failure is not an option. 📌

Michael Schiraldi is a paralegal at The Brandi Law Firm, and current SFPA board member and CAPA Director. He resides in San Francisco.

Trust & Estates Practice Section Update

By *Dalia Liang Moore and Michael Schiraldi*

Trusts & Estates continues to churn out events for SFPA.

On March 20, 2018, over 60 people attended the MCLE event "Recent Developments in Trusts and Estates" at San Francisco State University. Speaker Sandra Price discussed both U.S. Federal and California case law implications. Ms. Price updated paralegals regarding the tax changes resulting from the Tax Cuts and Jobs Act, changes to the Judicial Council Forms, and State Board of Accessor changes regarding real property.

We would like to thank Ms. Price for her wealth of knowledge and for being the speaker at this MCLE as well as thank San Francisco State University Paralegal Program for hosting this event.

Other events included our "Overview of Estate Planning" MCLE on April 17, 2018 with Lisa Zaragoza, Esq. and our "Your Attorney Dies. Now What?" on May 22, 2018 presented by Douglas Voorsanger, Esq. and Vickie New-

man, RP, CCP. Both of these events were held at SFSU. The first event provided the basics and tenets of Estate Planning as well as some tips in making the administration process easier. The second was an insightful view into the role of the Law Practice Administrator in closing down a deceased attorney's law practice, from preserving client confidentiality to disposal of original client documents.

We are greatly appreciative of Ms. Zaragoza, Mr. Voorsanger, and Ms. Newman for taking time out of their busy schedules to produce informative and instructive experiences for the paralegals.

The Trusts and Estates Practice at SFPA has consistently provided continuing legal education seminars to paralegals to improve their knowledge and skills. We have three upcoming events this summer. Check out our calendar of events for information.

Please contact Dalia Liang Moore at dalia.liang@gmail.com for further information regarding this section.

Practice Section Announcements

By *Michael Schiraldi*

SFPA is happy to announce that the reformation of three practice sections for the organization - Litigation Section, Family Law Section, and Intellectual Property Section – seeking to be back in action before 2018 is out. Each section is in the early development, but they anticipate holding at least one MCLE event before the year is out. The Litigation Section Chair will be Vice President Vincent C. Yasay, the Family Law Section Chair will be Board Member Gregory Johnson, and the Intellectual Property Section Chair will be Barbara Occhiogrosso (publisher of SFPA's At Issue newsletter). Stay tuned for additional updates and announcements! For further information, please contact us at info@sfpa.com.

Winter Social Recap

By *Michael Schiraldi*

On March 21, 2018, the Winter Social was held at the Irish Bank in San Francisco to cast off the chill of winter. Despite the inclement weather, multiple paralegals showed up for drinks, food, and fun. We had a great time! We look forward to seeing you at our next event, whether it be at our next social, a board meeting, a MCLE event, or at our annual events.



SFPA's Sustaining Members - Thank you for your support!



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SFPA Board Members 2018

- Denise Bashline – President
- Vincent Yasay – Vice President
- Dalia Liang – Treasurer
- Leticia Jimenez
- Albert Chen
- Greg Johnson
- Michael Schiraldi

SFPA provides a number of opportunities to participate, plan, and shape our organization. The SFPA Board would like to invite interested members to volunteer and become at-large board members for the 2018 year if so inclined. Our next board meeting is June 6, 2018 at the San Francisco Public Library. Come join us - we would love to see you! Please contact us at info@sfpa.com if you are interested.

About the San Francisco Paralegal Association

The San Francisco Paralegal Association is a nonprofit organization created to represent the paralegal profession as an independent, self-directed profession, to enable paralegals to enhance their professional development, and to support the expansion of the delivery of legal services in an economic and effective manner.

More information about our Board of Directors, bylaws, committees and practice sections can be found in the [About](#) section of the SFPA site.

Please visit our [Calendar](#) to find out about upcoming events.

If you're interested in joining the SFPA, information about how to do so can be found in the [Membership](#) section of the SFPA site.

To submit an article, please send requests to bgocchiogrosso@gmail.com or mvs@brandilaw.com.