

## Preparing for Trial - Avoiding Presentation Nightmares

by *Michael Schiraldi*

The presentation of evidence at trial has come a long way since the days of butcher paper, blowups, and the ELMO. Software programs such as PowerPoint, Trial Director, Concordance, and Sanction are becoming more and more mainstream throughout the entire trial from opening to closing arguments.

The use of technology during trial is no longer a luxury, but a necessity. Not only does it make the attorney's case in chief more concise, organized, and professional, but it connects with jurors on multiple levels. It is critical that trial attorneys and paralegals know how to aptly use the equipment and software to their advantage to convince the jury and win.

Today, the role of presentation and the visual displaying of evidence is becoming the primary job of the paralegal at trial. The order of the witnesses, what testimony to highlight and the exhibits to use are some of the decisions to be considered when presenting. At some point, your attorney will say, 'Hey, we should use Trial Director when we show the evidence, you know how to do that right, my trusted paralegal?'

Far too often, we fail to prepare ourselves adequately and brace for the arduous task that lies ahead. At times, we fail to know how to effectively use the software to our benefit. These pitfalls can lead to presentation disasters, the momentum of the case, and make paralegals look foolish.

The following offers some helpful suggestions when using this technology to avoid performance issues and stress within the courtroom.

### Helpful Suggestions

#### *Plan Ahead – "Prepare Hard. Fight Easy."*

A wise trial attorney once said regarding preparing and going to trial, "Prepare hard. Fight easy." The same applies here with the ability to use technology at any point during the trial. One should plan and prepare to use these devices well ahead of time, rather than the night

before. It is highly suggested that if you know that you are going to use PowerPoint or use deposition video cuts during your trial, the paralegal should start working on these tasks prior to the trial commencing. By giving yourself additional time, you will be able to hone your skills and perfect the arrangement, prior to the date of use.

#### *Know Thy Courtroom – All About Location*

In California, each county and court in California has its own specialized local rules that we must obey. Similarly, each courthouse and courtroom is different and unique from another. This is extremely important when it comes to trial. You need to know which courthouse and courtroom you are in before even starting. Without this critical knowledge, you are simply guessing what computer accessories you need, whether you need to bring a projector or monitor, or if you need speakers if presenting audio evidence. Although more and more courthouses are offering technology services such as "plug and play", many courts do not have this equipment and require the parties to bring all necessary items for presentation. Find out what your courtroom has and has not. You should contact the clerk and ask these questions as soon as you know that trial is imminent. Finally, try to visit the courtroom if you can prior to starting. This gives you an opportunity to see the layout of the room and see where to place your equipment.

#### *Be Organized – From Exhibit 1 to Infinity*

When using any of these trial tools, one of the major keys is organization of the file. Knowing what and where the exhibits are will help. Create a system that works both for you and the technology system that you are using. This is very useful as a more organized and concise directory will help when presenting to the jury various exhibits and evidence. On a final note, being organized gives you the opportunity to impress the trial attorney. Although not a skill taught in paralegal school, having the ability to "read" the attorney's mind at trial and know what exhibit is coming next, and being able to present it on the fly is worth its weight in gold.

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By Denise Bashline

At the end of 2017, the SFPA Board said goodbye to two longstanding members - Trinh Doan Johnson and Dede Devasta De'Toles-Dugan both stepped down after years of service. Trinh previously served as SFPA Treasurer. Dede was the editor of "At Issue". Both worked tirelessly in a number of capacities to assist the SFPA. At the same time, former SFPA President Ian Elkus offered his experience and advice to new board members.

Former Pro Bono Committee Chair Rolayn Tauben (Retired, Paralegal of the Year 2016) was in active attendance at our December Pro Bono meeting.

Former Board member Gloria Cheng provided the

SFPA with a much appreciated logistical solution. Former Board member/CAPA Representative Christopher Zavrel checked in last week – looking for a volunteer activity.

Many of our board members have served in multiple roles on behalf of the SFPA.

Many retired, working, and student members give of themselves to Pro Bono work.

As we enter our 46th year, the SFPA is fortunate to draw members with a commitment to service.

Thank you.

## UPCOMING EVENTS – MARK YOUR CALENDARS

**SFPA Board Meeting** – March 7, 2018, 5:30 P.M. San Francisco Public Library, 100 Larkin Street, Mary Louise Strong Conference Room, 1st Floor.

**Legal Technology** – Case Notebook® Training by Thomson Reuters at CSUEB - March 13, 2018, CSUEB, Oakland Center, 1000 Broadway, Oakland, 8:15 AM-5:00 PM. 8 Hours of MCLE Credit. For more information, visit, <https://www.sfpa.com/event-2840816>

**Trust and Estates Practice Section** - Sandra Price's Recent Developments in Trusts and Estates (MCLE Seminar) Tuesday, March 20, 2018. 12 P.M. - 1 P.M. SFSU Downtown Campus. To register: <https://www.sfpa.com/event-2768142>

**SFPA Social** – March 21, 2018 in San Francisco, CA. Details to follow.

**SFPA Pro Bono Committee Meeting.** April 7, 2018 at 10:00 A.M. - 12:00 P.M. RSVP: [communityserviceprobono@sfpa.com](mailto:communityserviceprobono@sfpa.com)

**Paralegal Day 2018** – Tools of the Trade, May 19, 2018, Bar Association of San Francisco, 301 Battery Street, 3rd floor, S.F. Details to follow.

**CCP Exam,** June 22, 2018, Atrium Hotel, 18700 Mac Arthur Blvd., Irvine. Details to Follow.

**CAPA 30th Education Conference,** June 23, 2018, Atrium Hotel, 18700 Mac Arthur Blvd., Irvine. Details to follow.

**SFPA 45th Annual Meeting,** October 19, 2018, Bar Association of San Francisco, 301 Battery Street, 3rd floor, S.F. Details to follow.



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## Keep It Simple – No Points for Bells and Whistles

Less is more when it comes to certain attributes when presenting to a group. Yes – different colors, PowerPoint animations, sound effects and the like will get you an "A" in your computer class. Here, however, these are needless distractions. The most important consideration is that everybody can read the text easily. You want to make sure that each person in the courtroom from the juror to the public members in the back can read what appears on the screen. The size of the font must be considered as well. So, while red and green script 8-point font may be your favorite, it is probably best to use a classic black type and white background for your PowerPoint slides with a larger font.

## Know What You Are Doing – Read the Instructions

If you do not know how to use the computer software, then you do not have the appropriate skills nor the correct mindset to go into trial. As a paralegal, we must ed-

ucate ourselves to utilize the programs if we do not know how to use them. Even more so, we must not be overconfident and take for granted that we can ace any trial presentation software, as this technology requires precision and the correct foundation to operate it correctly. Read the instructions and view videos online to create a basic understanding. Then, begin practicing. Pretend you are in the courtroom. Use the different modes that will be used at trial to hone your presenting skills to perfection.

The integration of technology in trial is another useful weapon in the trial attorney's arsenal. Our paralegal duty is to handle this assignment with the same gusto we handle any task: flawlessly. By planning, we can avoid unneeded stress and focus on the task of winning the case.

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

## SFPA 2017 Scholarship Essay

By Sarah Wilson

*EDITOR'S NOTE: At the SFPA 45th Annual Meeting in October 2017, this selection won the Student Essay Scholarship. The theme of the essay was "Americans with Disabilities Act: How can the 14th Amendment be used to ensure equal protection for those disabilities?"*

In 1990, I started 7th grade at a new school in a new school district. I knew two other students: one was a few years older and a next-door neighbor, and the other was an unfriendly misfit from my neighborhood. Therefore, on my first day, where I would eat lunch and whom I would eat lunch with were my biggest concerns. More precisely, I feared being labeled as someone who did not belong.

At lunchtime, I resolved to set my backpack down somewhere not too far and not too near the main social hub, and to appear as though I did not care and was not hungry. I do not remember if Odette found me or if I found Odette. We ended up on the same bench together, on the fringe of the student body's social nucleus. Odette's stylish attire was impeccably assembled, with an attention to detail that I admired. Odette also seemed older and more sophisticated than the typical junior high student. We began to meet regularly for lunch as the first few school days unfolded.

One day, the differences between Odette and I, differences I dismissed, became too apparent for me to continue to ignore. Of course, I now know that differences among students in junior high do not stay unapparent for long, because in junior high, differences are what define you. However, at the time, I was unfamiliar with how a peer could use a fellow student's

differences as a wedge between that fellow student and everyone else.

During lunch, a boy grabbed Odette's backpack, lifted it over his head, and threw it to the ground. I was surprised, but not shocked. I was familiar with that sort of behavior from boys. If a junior high boy paid you any kind of awkward attention, it meant he liked you.

This boy did not like Odette. He had done this before, I now suspect, and did so again to illicit a response from Odette that would expose her particular vulnerability, her otherness, to everyone present. Odette's voice, deeper than I knew, yelled in protest far across the yard, and everyone turned. Odette's face and eyes turned red. She could not laugh it off, could not shrink in embarrassment, could not do anything but behave as though her world had been irreversibly upheaved. The boy watched Odette's involuntary spectacle with glee.

"Are you her friend?" someone asked me. I was brought back from the reverie in which I stood, watching Odette's exposure, and feeling the wrongness, the otherness, of Odette. My peripheral vision told me I had become one in a ring of spectators, most of them amused. Retarded, someone whispered. "No," I said.

The lunch bell rang and everyone dispersed. Odette knelt and clutched her backpack, and would not meet my eyes. She appeared as though she would strike out if approached. I left, and Odette and I did not have lunch together again. That same year, in 1990, Congress passed the Americans with

(continued on page 4)



Disabilities Act (ADA), a comprehensive civil rights law meant to address the needs of people with disabilities. The ADA prohibits discrimination in employment, government programs and services, and access to privately owned places of public accommodation. Disability advocacy continued since then but, from what I observe, culminated with the ADA. What followed the ADA's passage was not a constitutional-law strategy, but one of legislative reform and litigation enforcing statutory rights. The Fair Housing Act covers discrimination in housing (42 U.S.C. Sections 3601-3631 (2006)). The Individuals with Disabilities in Education Act provides a right to education for school-aged children with disabilities (20 U.S.C. Sections 1400-1482 (2012)).

Why the piecemeal approach? Why not push for comprehensive equal protection under the 14th Amendment? I believe disability-rights advocates adopted the statutory approach by necessity, due to a decision made by the Supreme Court in 1985.

In *City of Cleburne v. Cleburne Living Center, Inc.* 473 U.S. 432 (1985), a company that sought to open a group home for people with mental retardation challenged a city zoning ordinance that excluded group homes for people with mental retardation. Justifications offered by the City for the law included the negative attitudes of potential neighbors, the home's nearness to a school, the size of the home, and the potential number of occupants. The Supreme Court held that mental retardation was a "quasi-suspect" classification and that the ordinance violated the Equal Protection Clause because it did not further an important governmental purpose. However, though "quasi-suspect" classification typically warrants intermediate scrutiny, the Court expressed concern for the coherency of future law making if it elevated the scrutiny of people with mental retardation above rational basis scrutiny. This premise set a trend that persists to this day, that people with disabilities are not entitled to heightened scrutiny, which results in a lower bar for states to clear in justifying discriminatory policies. It is a refusal to acknowledge the role of stigma and prejudice against people with disabilities, and assumes that disability classifications are based on benevolent attitudes instead of being reflective of a pervasive attitude that to be uncommon, is to be inferior.

So, what can be done to ensure equal protection for those with disabilities by way of the 14th Amendment? American Bar Association President Linda Klein, in her op-ed article, "14th Amendment should be used to ensure protection for those with disabilities," (ABA Journal, June 27, 2017), asserts that, "If stronger legislation, such as the New York City Human Rights Law, is not passed more broadly in America, then judicial action is needed to ensure those with disabilities can function as equal, productive members of society." The New York City Human Rights Law recognizes disability as a protected class, and therefore, offers broader protections. Klein's citation of *Cleburne* in her article leads me to believe that beneficial judicial action, in this context, would

manifest as elevated scrutiny in cases that involve the state classification, and treatment, of people with disabilities. Further, until courts recognize people with disabilities as a group historically harmed by discriminatory doctrines, the ultimate protection found in the 14th Amendment of the U.S. Constitution will remain out of bounds.

Michael E. Waterstone, J. Howard Ziemann Fellow and Professor of Law, Associate Dean of Research and Academic Centers, Loyola Law School Los Angeles, would agree, I believe, with Klein's state-level approach to national progressive change. In *Disability Constitutional Law* (Emory Law Journal Vol. 63:527-580), Waterstone offers nuanced paths forward for disability rights advocates, including an approach through state and local government. "Even given the restrictive interpretations of *Cleburne* at the state and federal levels, there is as of yet unfulfilled potential to use movement capital on state constitutional politics. While advocates are uniquely situated by having a formidable federal civil rights statute [the ADA], they should not neglect the potential of state constitutional litigation to help (over time) create a more progressive vision of disability constitutional rights." (Emory Law Journal Vol. 63:561.)

In my own unlearned opinion, one way activists for the rights of women and racial minorities achieved protection under the 14th Amendment was by emphasizing not their differences, or special needs, but the similarities between their lives and the lives of America's majority. Again, in my limited view, it was America's realization that the plight of the marginalized was universal, and not unique, that prompted social, judicial, and legislative change on behalf of women and racial minorities. Until advocates push typical Americans to realize that people with disabilities are more similar to, than different from, us, it is my opinion that people with disabilities will remain less-than-equal citizens.

The plight of someone with a disability became personal not long ago, when a close friend was diagnosed with Type II Bipolar disorder. This friend and I have known each other for over 10 years. In that span, I regarded my friend's odd and oftentimes off-putting behavior as quirks of an otherwise compelling personality. I never suspected that these quirks were symptoms of a mental disease. Also, mental illness happened to people in their twenties, not in their thirties, like us. I thought, does this mean that everyone who is increasingly moody, cynical, and impulsive, who exhibits addictive behavior and becomes estranged from their family, does so because they suffer from a mental illness? I began to see the last 10 years with my friend, and especially the last few years, in a new light.

As a new paralegal student at Cal State East Bay, my friend's diagnosis also piqued my legal concern. Should my friend disclose the diagnosis to his/her employer? What about disclosure to a prospective employer? What protections, if any, did the law provide my friend? Was Type II Bipolar disorder a disability covered by the ADA? As my friend dedicated

him/herself to recovery, with talk-therapy and medication, I resolved to gather as much accurate information as possible in order to help my friend navigate the tricky path ahead.

The National Alliance on Mental Illness (NAMI) offers advice to someone newly diagnosed with a mental illness, regarding whom to tell among friends and family. "...[G]enerally, the consequences of being open about mental illness take one of three paths: the person is genuinely comfortable with your disclosure and things stay the same, the person is very uncomfortable and ends the relationship, [or] the person says he or she is fine with it, and then does a fast or slow fade from your life." One of these paths is the likely future of my relationship with my long-time friend. In honesty, the prospect of the path that I would like to take, the path of continued closeness, feels intimidating. Due to the diagnosis, it is now certain that my friend regards the world from an uncommon place, and likely faces the resulting challenges for the rest of his/her life.

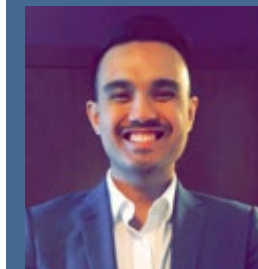
My ongoing paralegal education provides another perspective. Overall, it is an education in possibilities, a lesson that the law is not static, and that a passion for fairness is an American tradition. I feel empowered as I face the intimidation of stigma and the question of whether to acknowledge and nurture my connection with my friend. As a paralegal, I can play a part in gaining fair treatment for people like my friend. It is knowledge and power that I would not otherwise hold.

Odette is missing from my 8th grade yearbook, leading me to believe that she left my junior high during or after 7th grade. One of the last images-in-mind that I have of Odette is of her kneeling on the schoolyard, singled-out, ridiculed, angry, clutching her belongings, and likely regarding her peers from a position on the autism spectrum. I wonder where she is today.

We, the American majority, have a choice regarding which path to take in our treatment of those with disabilities. Will we embrace the uncommon friends among us and work to enhance the protections for people with disabilities? Will we deny that the need exists, or maintain the status quo? According to a study published in 2015 by the Centers for Disease Control, one in five Americans, or 53 million U.S. adults, lives with a disability. These numbers indicate a high likelihood that everyone will be affected by a disability in their lifetime, if not directly, then indirectly, like me. And like me, you will be faced with the choice of the best path, and challenged to take not the first, but the continued, steps forward. ➡

**Ms. Wilson** works for a small retail-development firm in Oakland, CA. The firm specializes in turning complex sites, like former military bases, into community-centric destinations. Ms. Wilson is a paralegal student at Cal State East Bay and intends to graduate in the summer of 2018. Ms. Wilson's interests include Oakland's storied history and, as a grateful student-member of the SFPA, writing about the paralegal experience. You can reach her at [paralegal2bswilson@gmail.com](mailto:paralegal2bswilson@gmail.com)

## SFPA's Featured Paralegal



**Vincent Yasay** is a litigation paralegal at Lepera + Associates, PC, and is currently the Vice President of SFPA. Lepera + Associates, PC is a San Francisco-based law firm specializing in employment, real estate, business, and personal injury matters.

Vincent was born in Honolulu, HI. He grew up in Northern California. He obtained his undergraduate degree from Sacramento State and received his Certificate in Paralegal Studies at Cal State East Bay.

Before pivoting to his paralegal career, he was an aspiring freelance photographer and front-end web developer. What he enjoys the most about being a paralegal is the considerable latitude that he has in shaping his career. The relative ease of entry into the profession, the high demand for skilled paralegals, and the breadth of exposure to different practice areas provided for a lucrative opportunity for experiential learning. In turn, Vincent discovered that he enjoys working in litigation.

When not at the job, he enjoys day trips throughout scenic Northern California or traveling to the Pacific Northwest. Vincent resides in Suisun City.

## Skyline College Prepped for ABA Program Certification

By **Albert Chen** and **Michael Schiraldi**

Exciting news from Skyline College in San Bruno! Recently, on February 19-21, 2018, the American Bar Association performed a site inspection for approval of their Paralegal Program for ABA Certification. The Skyline Paralegal Program has been strong with churning out able paralegals. ABA approval could provide students with additional strengths in the competitive legal job market.

This is a long time come fruition for Skyline. Originally, they applied for approval in October 2016. In July 2017, the ABA completed its initial review of the Skyline program. They determined that Skyline had met the requisite requirements, and scheduled an onsite meeting. Skyline was greatly looking forward to highlighting their students, instructors, and overall community in proving that Skyline is worthy of ABA certification.

We will continue to provide updates as this story progresses. ➡



# Trust & Estates Practice Section Update

By *Dalia Liang Moore and Michael Schiraldi*

On January 29, 2018, over 55 people attended the MCLE event “A View from the Probate Examiner’s Desk” at San Francisco State University. Speaker Sandra Hilton, JD, LLM from San Francisco Superior Court provided invaluable and helpful insight to paralegals regarding probate proceedings. Ms. Hilton updated paralegals regarding specific probate code and local rule changes, and gave perceptions from examiners and judges of specific issues that can cause issues in the proceedings.

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

In December 2017, Larry McGrew and Larry Kirlin presented “An Insider’s Perspective on How to Navigate the State Court System” at SFSU. Mr. McGrew and Mr. Kirlin discussed shortcuts to help paralegals get information regarding trusts and estates. They focused on

eFiling procedures that are necessary for any paralegal.

We are greatly appreciative of Mr. McGrew and Mr. Kirlin for taking time out of their busy schedules to produce informative and instructive experiences for the paralegals.

Our “Recent Developments in Trusts and Estates” with Sandra Price, JD, MS will be our next MCLE event. Ms. Price will discuss federal and California law developments as well as the recent changes stemming from the Tax Costs and Jobs Act.

The Trusts and Estates Practice at SFPA has consistently provided continuing legal education seminars to paralegals to improve their knowledge and skills. We offer free MCLE events to SFPA members as well as SFSU students, and host 4-5 per year.

Please contact Dalia Liang Moore at [dalia.liang@gmail.com](mailto:dalia.liang@gmail.com) for further information regarding this section. ➡

## SFPA’s Sustaining Members - Thank you for your support!



SFPA At Issue is produced by blueviolet.

# CAPA Leadership Conference Recap

By *Leticia Jimenez, Vincent C. Yasay, and Michael Schiraldi*

On November 4, 2017 in sunny San Diego, CAPA held their 11th Biennial Leadership Conference: Leading at Full CAPacity: Imagine. Believe. Achieve. Held at University of California San Diego Extension and hosted by San Diego Paralegal Association, this event had 5 MCLE experiences that sought to promote education and advancement of the paralegal profession.

The five presentations included the following:

**Paralegal 2.0 Trends & Development in the Profession**  
Julia Dunlap, Esq., the director of the legal education program for UC San Diego Extension kicked off the conference by discussing the various new developments and trends seen in the legal profession, such as the use of technology in the legal practice and the applicable rules regarding competency.

**Legal Ethics & The Leadership Quests MCLE**  
The next speaker was Chief Deputy District Attorney Summer Stephan, Esq. who spoke of various strategies to be an effective leader in the workplace. The presentation continued with Deputy District Attorney Bryn Kirvin regarding various ethical considerations in conducting investigations and the utilization of paralegals and other legal staff.

### Legal Rockstars Paralegal Panel

Jeff Bennion, Esq. of the Law Office of Jeff Bennion moderated a panel discussion featuring: Tara Eberhart, RP; Jacqueline James, JD; and Terri Steele. The panelists represented perspectives from a wide breadth of areas where paralegals can be found ranging from Big Law to education. A popular topic of discussion was paralegal compensation.

### Ethics & Civility in the Practice of Law MCLE

In another presentation regarding legal ethics, Adriana Cara Esq. of Dinsmore & Shohl LLP discussed the various aspects of the ethical utilization of paralegals in the practice of law.

### Leading with Impact: Strategies for Success in the Workplace & Beyond

Finally, Dr. Stephen Kalaluhu closed the conference with his insightful and motivational keynote discussion regarding considerations and strategies for being an impactful leader. Further, Dr. Kalaluhu provided everyone in attendance a complimentary copy of his e-book, *The Secret to Building High Performance Teams*.

We’d like to greatly thank all of the speakers, CAPA, and San Diego Paralegal Association for hosting and putting on this event. ➡

## SFPA Board Members 2018

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**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 March 7, 2018 at the San Francisco Public Library. Come join us - we would love to see you! Please contact us at [info@sfpa.com](mailto: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](mailto:bgocchiogrosso@gmail.com) or [mvs@brandilaw.com](mailto:mvs@brandilaw.com).