

## NALS OF LANE COUNTY



### NALS Education Meetings on the Horizon:

**NALS of Lane County** will hold its next educational meeting on **Tuesday, June 18, 2019**, from 12 noon to 1:00 p.m. at the law offices of Hershner Hunter, 180 East 11th Avenue, Eugene. Our guest speaker will be attorney **Matthew Longtin of Matthew Longtin, LLC**, who will explain **pre- and post-nuptial agreements** along with other family law issues. Please send your RSVP to Charlene Sabini, PP, CLP, Director of Education, via email at [besirius@pacinfo.com](mailto:besirius@pacinfo.com). *Parking is free at the back of the building off Pearl Street.*

**NALS of Lane County** holds monthly educational meetings on the second Tuesday of each month from 12 noon to 1:00 p.m., September through June, at the law offices of Hershner Hunter, 180 East 11th Avenue, Eugene. We host local judges, attorneys, and various legal professionals who present material on relevant legal topics. Our meetings are free of charge and we offer certificates of attendance (CLE credit) to attendees who need them. Guest speakers are also eligible for 1 CLE credit.

*All regularly-scheduled monthly NALS education meetings are free of charge and worth one (1) CLE credit to members and guests supporting certifications.*



*Thank you for attending  
our NALS Education  
Meetings!*

NALS IN MOTION: YOUR LINK TO EDUCATION



JUNE 2019 – VOLUME 8 No. 3  
EDITOR: CHARLENE SABINI, PP, CLP

### President's Message Ms. Dawn K. Lee, PP, CLP

Greetings NALS Members and Friends! It is hard to believe we are approaching half-way through the year already and that summer is soon upon us! The warming temperatures and sunny days buoy my spirits and lend anticipation to bright days ahead! While our chapter does take a break from monthly education meetings over the summer, your local board will remain focused on future events. Our planning meeting for the year is scheduled for June 6 at 5:30 at the Larwick Law Firm. We welcome your feedback on suggestions for what you would like to see from NALS in the coming year, from educational topics to social events. If you are unable to attend, you are welcome to email a board member at any time! In addition to the planning session, we will be gathering at Hendricks Park on June 25 for a casual get-together and stroll through the park, meeting at 5:30 in the parking lot/picnic area. We hope to see you there!



## 2019-2020 BOARD OF DIRECTORS - NALS OF LANE COUNTY

President: Dawn Lee, PP, CLP  
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Education Director: Charlene Sabini, PP, CLP  
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## CREATING A LEADER

*By Janet Gordon, PP, PLS  
Member, The Association for  
Arkansas Legal Support Professionals*

**What is leadership?** It involves persuading others to set aside their individual concerns, at least for a time, and pursue a goal that is important to the group. Leadership occurs only when others embrace the leader's vision and the group's goals as their own.

As is said . . . a leader is a leader only if others are following. A group can be a small family unit, a large corporate entity, or something in between.

Individuals vary in leadership ability, just as they do in intellectual, academic, creative, artistic and other abilities. We are all unique. We all have different leadership abilities and techniques. Our uniqueness makes us indispensable to the whole. It takes all parts to come together to create something that is bigger than the lone individual.

Sometimes when you hear the word "leader" you automatically think of the person out front "large and in charge", but that is not always the case. Some great leadership qualities are used behind the scenes. Not everyone can be the out-in-front leader!

Pay particular attention to when and how you influence others and are able to rally others to make changes. Also note when and how others influence you and rally you to make changes.

Developing leadership skills is a process that begins with who you are and then moves to what you do. Chances are, at some point in your life, you will have the opportunity to lead; in fact, you may have already served as a leader at various times and in various ways. Learning and emerging as a leader is a process that takes knowledge, skill and practice, and it requires you to be intentional in how you use your talents.

(*"Leadership"* see page 5)

## CERTIFICATION ONLINE !



Obtaining a NALS certification demonstrates career commitment, builds credibility, showcases skills, and opens the doors of opportunity to enhance your career in the legal industry. NALS offers three unique certifications and four legal designations dedicated to the legal services profession.

The exams are of varying levels and are developed by professionals in the industry. Each certification is developed by NALS and takes advantage of the more than 85+ years of experience and dedication to the legal services industry only NALS has to offer. NALS has the certification for you, whether you are beginning a career in the legal industry or are a veteran paralegal ready to display your skills.

**The ALP®** is a four-hour, three-part exam, designed for students and entry-level professionals looking to get their foot in the door of the legal profession.

**The PLS® and/or CLP®** is a one-day, four-part exam, designed for individuals with a minimum of 3 years of legal work experience, who are looking to establish their credentials.

**The PP®** is a one-day, four-part exam, designed for students graduating from an ABA-approved legal studies or paralegal studies program OR individuals with a minimum of 5 years of paralegal/legal assistant experience who are looking to establish their credentials. ///



## Bryan Garner's REDBOOK: A Legal Writing Asset

(should be on your bookshelf next to the Gregg Reference Manual)

### Section 9 Footnotes:

#### §9.6 Never use more than one superscript in the same place.

(a) *Lack of clarity.* Avoid using two superscripts side by side: their purposes will be unclear. They may refer to different sources for different propositions or to the same proposition in multiple sources. Or they may refer to contradictory sources. They may also create a visual miscue—an adjacent 3 and 4 may look to the reader like 34.

(b) *Contrary information.* Cite any contradictory source in the same footnote as the supporting citation. Use a signal to distinguish the sources cited and use explanatory parentheticals if necessary.

#### §9.9 Never use more than one superscript in the same place.

(a) *Distracting and tiresome.* Don't count on readers to look at your substantive footnotes. Most readers find shifting their attention up and down the page tiring and distracting. And the very fact that the material is footnoted rather than in the body of the writing signals that the content is not of central importance.

(b) *Bad reactions.* If you use too many substantive footnotes readers may as well conclude that you are lazily dodging the responsibility to organize a coherent discussion, self-indulgently exploring trivialities, or hedging your arguments.

(c) *Ignoring arguments in footnotes.* Some courts will disregard arguments raised exclusively in footnotes.

“It is well known . . . that beginning students in English composition tend to use italics far more than do established and confident writers of prose, precisely because the former are afraid, even as they write, that they are not being listened to, that their words are apt to have no effect.”  
--Robin Lakoff

“Good writers use italics for emphasis only as an occasional adjunct to efficient sentence structure. Overused, italics quickly lose their force.”  
--Chicago Manual of Style

**Selected excerpts from: Bryan Garner, *The Redbook: A Manual on Legal Style*, 2<sup>nd</sup> ed., (Thompson West, St. Paul, MN, 2006), §9 Footnotes, pp. 137, 139.**

*The Redbook* includes many of the considerations we find in *The Gregg Reference Manual*, but it is geared additionally toward legal writing that may be done by paralegals and attorneys—specifically toward legal work and legal document preparation, as opposed to general composition and secretarial practice. He maintains that using our language *skillfully* is a matter of knowing the rules in the first place, even if you find the need to break them on occasion. (*The Redbook* is currently in its 3<sup>rd</sup> edition.)



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## HILARIOUS NEWS HEADLINES

**“Statistics show that teen pregnancy drops off significantly after age 25.”**

--Colorado Springs, Dec. 1999

**“Bugs flying around with wings are flying bugs.”**

--Redwood County Extension Educator



**“Marijuana issue sent to a joint committee.”**

--*Toronto Star*, June 14, 1996

**“Hospitals resort to hiring doctors.”**

--no location given

**“Man accused of killing lawyer receives a new attorney.”**

--Staff contributor, *The Sun*



### More Subtle MSWord Stuff



--Newer versions of Word let you turn off those colored underlinings for the current document only if you don't want them cluttering up your pages. Open the **File** menu, then click **Options** and then **Proofing**. Check the two **Hide...** options at the foot of the dialog box. This is nice if you're working in Spanish and EVERY word is underlined!

--AutoCorrect can be both very useful and very frustrating, but you can set your own rules by opening **File** and **Options**, then the **Proofing** tab, then clicking **AutoCorrect Options**. You can set up your own auto-replace rules for text snippets if you like.

## Employment Law

### Employer Liability Dangerous Premises

A North Carolina deli and bakery manager **tripped on an extension cord that was stretched across a hallway**. She fell, sustaining injuries to her knee, shoulder, and back. When she sought a 10% increase in workers' compensation benefits due to the employer's wilful failure to comply with a statutory requirement, the employer claimed that no statute specifically disallowed the stretching of an extension cord across a hallway. The Workers' Compensation Commission awarded the 10% increase, and the North Carolina Court of Appeals upheld that ruling. A federal OSHA regulation prohibited obstructions in aisles that could create a hazard, and the OSHA regulation was considered a statutory requirement.

*Brown v. Kroger Co.*, 610 S.E.2d 447 (N.C. Ct. App. 2005).



*Deskbook Encyclopedia of Employment Law*, 15<sup>th</sup> ed. (2005), Ch.2, §4, p. 130.

## BULLETIN BOARD

“If you don’t like the news,  
go out and make some of your own.”  
--Wes Scoop Nisker, KSAN-FM, San Francisco

“Worry does not empty tomorrow of its  
sorrow; it empties today of its strength.”  
--Corrie Ten Boom

“Don’t let another person ruin your day.”  
--Joel Osteen

“There are two primary choices in life: to  
accept conditions as they exist, or accept the  
responsibility for changing them.”  
--Denis Waitley

**Whiteacre.** A fictitious tract of land used in  
legal discourse (esp. law school hypotheticals)  
to discuss real property issues. See BLACKACRE.

“Goals allow you to control the direction of  
change in your favor.” --Brian Tracy

**Hot cargo.** *Labor law.* Goods produced or  
handled by an employer with whom  
a union has a dispute.

“If you liked being a teenager, there’s  
something really wrong with you.”  
--Stephen King

“We have two ears and one mouth so that we can  
listen twice as much as we speak.” --Epictetus

“Act as if what you do makes a difference.  
It does.” --William James

““Between two evils, I always pick the one  
I never tried before.” --Mae West



### The 2019-2020 NALS of Oregon Board of Directors

President: Raquel Wood, PLS  
President-Elect: Brandie Davies, CLP, ALP  
Secretary: Kandis Bachmeier, ALP  
Treasurer: Brenda Collette, PP

Education Director: Ellie Fisher, PP  
Membership Director: Sara Salgado  
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Meetings Director: Jenny McGriff



*“Leadership” cont. from page 2)*

Realize that you do not need to be in a formal leadership role to provide valuable leadership. Identify the specific leadership tasks that you can perform with strength, and take them on when the opportunity arises.

- Lead with your talents as you work in groups to help them reach goals.
- Pay close attention to others in your group and try to identify their most powerful talents.
- Encourage others in your group by helping them see the positive contributions they are making as they use their talents productively.
- Create opportunities for others to develop and use their talents—opportunities to do what they naturally do best.
- Be clear about your personal goals and help the members of your group focus on the goals they want to accomplish. ///

*Ms. Gordon’s local NALS chapter is the White County Association of Legal Support Professionals in Arkansas. She has been employed at the law office of Steven B. Jordan, P.A., for a little over 25 years, having started there as a receptionist/secretary. It wasn’t too long before she considered NALS certification, and now holds the PLS and PP certifications. All of her legal education was obtained through NALS, including her state and local chapters, and from the mentoring of her boss, Steve Jordan.*



## Our CLE Meetings – Oh, What You Missed!

*Those of you who did not attend any of our local CLE meetings missed the usual professional richness that is the content of our Eugene-Springfield legal community. It's amazing the talent and experience that occupies positions of responsibility here. In future issues we'll talk about these occasions.*

**April 16, 2019:** Our guest was attorney **Laura Coffin** of the **federal public defender's office** here in Eugene. Ms. Coffin explained U.S. District Judges versus U. S. Magistrate Judges, and indicated that our current District Judges (Article III judges) are the Honorable Michael McShaine and the Honorable Ann Aiken, both former state judges. She pointed out that Magistrate judges (Article I judges) are not life-appointed and do not preside over federal criminal cases. Magistrates do preside, however, over federal "violations" (of regulations) cases and status conferences. Our current magistrate judge is the Honorable Mustafa Kasubhai and the U. S. Attorney for the District of Oregon is currently Mr. Bill Williams.

The stages and process of a federal case differs some from a state case, and begins with an investigation. And given the federal government's resources, this can take years, and may concern fraud, drugs, or crimes on the internet. The standard charging instrument may be the familiar Complaint or Information, similar to state cases. If a grand jury is convened, they need probable cause of the "more likely than not" condition. The case then proceeds to a First Appearance before a magistrate judge. A large number of other nuanced steps then ensue over time that differ from state cases. You may wish to research this area of law for yourself.



It was a fine presentation and offered a valuable contrast between state and federal case processes, the people and entities involved, and what services are available to parties. ///

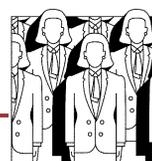
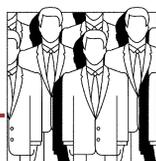
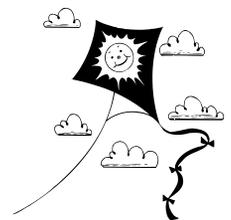


**May 21, 2019:** This education presentation featured attorney **Derek Larwick** of **Larwick Law Firm**; he elaborated in vital detail two very interesting medical malpractice cases in which diagnoses were erroneous and/or surgical procedures produced serious lasting injury. Health care negligence cases are touchy and difficult to take to trial. Doctors are reluctant to testify against their own—especially ones local to the case—and plaintiffs often have to secure expert medical witnesses from outside their area, at great expense.

There are also occasions when a doctor declines to treat a patient with a serious injury or complaint and the patient's condition subsequently deteriorates over time. The initial diagnosis could be incorrect, or the doctor simply doesn't seem to want to treat the case and incur some level of caregiving risk. Defendants in cases like this often claim the original injury was the problem, not the subsequent lack of treatment for the rapidly deteriorating condition (due to lack of original treatment). The Veterans Administration settled for \$3.2 million.

There are unfortunate occasions when errors are made during major surgery, either on the part of the surgeon or the anesthesiologist, and permanent brain damage occurs. In the example, the anesthesiologist administered a drug far in excess of the recommended dose. It cost the law firm representing the patient \$300,000 just to present sufficient evidence. The trial lasted three weeks and the jury awarded the plaintiff \$12 million, with a settlement of \$10.2 million.

Proving medical cases can be fraught with peril and have built-in protocols of their own, providing both challenges and obstacles to trial attorneys. ///



# NALS of Oregon Annual Board Meeting and Educational Conference – April 12-14, 2019



**Hilton  
Garden Inn**

NALS of Lane County hosted the 55<sup>th</sup> Annual NALS of Oregon Business Meeting and Educational Conference, and our venue was the Hilton Garden Inn, a relatively new hotel with comfy conference areas and a stylish atmosphere.



NALS of Lane County—for the most part. Mainly the Board of Directors, actually.



Sharon Stribling takes names at the event registration desk.



Attendees enjoying lunch on Saturday.

## Our guest speakers were:

**Helen Nelson, Attorney / Foreclosure**

**Cate Duke / DUII, MADD Oregon**

**Traci Kerian, PP, PLS-SC / MSOffice Tutorial**

**Jacy Arnold, Attorney /Complex Business, Divorce**

**Danny Lang, Attorney /LLLT & UCC Paralegal**

**Amylyn Riedling, PP, PLS / Ethics**



Nancy Honer, PP, PLS-SC, our co-chair of the Annual Meeting.



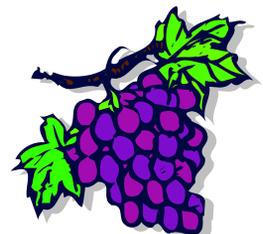
Helen Nelson presents the intricacies of foreclosure.



Danny Lang discusses the advancement of licensed paralegals.

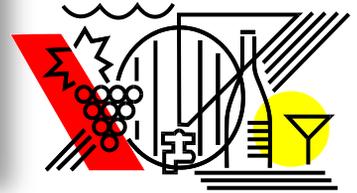


Cate Duke explains the mission of MADD of Oregon.



# “Romp and Stomp in the Vineyard”

# The Hilton Garden Inn, Springfield, OR



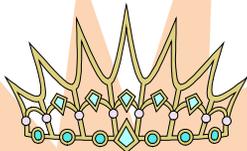
Actual grape-stomping took place on Friday evening.



## Opa!



A Greek tradition to break your plate after a celebration. These are paper plates being tossed into a box. Four winners selected. Wine prizes donated by Three Acres/Cindi Rae Vineyards, Creswell, OR.



Our 2019-2020 **Award of Excellence** winner is **Robyn Smith, ALP** from NALS of Portland, OR

Our 2019-2020 Margaret Robinson, PLS, Memorial **Member of the Year** is **Tracy Hoye, PLS** from NALS of the Southern Oregon Coast, OR



Elise L'Estrange, our other co-chair of the Annual Meeting.



A spoofy installation ceremony.



NALS of Oregon 2018-2019 Executive Committee conducting the business meeting.