



In This Issue

RENO BUS TRIP!

October 12th!

Get on board for the most fun day of the year! There are games, door prizes, drinks, Busta Bags, casino fun at the Silver Legacy, and the Great Italian Street Festival. And special pre-purchase savings bundles!

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Legislative Updates Affecting the Legal Industry

Governor Newsom has signed into law several pieces of legislation relating to practices in the legal industry. Most notably are the changes to deadlines for motions for summary judgment.

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California Environmental Quality Act ("CEQA")

CEQA is the topic for our October 17, 2024, Educational Program, with guest speakers from the law office of Somach Simmons & Dunn.



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Fairytale Town



It's time for Fairytale Town's Safe & Super Halloween! Candy donations and volunteers needed! Come join Sacramento LPA for this fun community event.

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Tech Tips with Marni

Did you know you can get super helpful legal technology tips at at Sacramento LPA educational meetings? Legal Technology Trainer and Sacramento LPA member Marni Beach presents the tech tips you need and answers your technology questions. Just sign up to attend the next educational event. And if you have a specific question or legal technology question you would like Marni to address, let us know at info@saclpa.org.



SACRAMENTO LPA'S OCTOBER EDUCATIONAL EVENT





Presents

OCTOBER EDUCATIONAL MEETING

Speaker Provided by Sacramento
Legal Professionals Association


October 17, 2024
5:30 PM - Meet & Greet
6:15 PM - 6:45 PM Dinner
6:45 PM - 7:45 PM Educational Program

Black Bear Diner - 2700 El Centro Road
(off of I-80 and El Camino, next to the
49er Truck Stop)

Registration:
\$30 Members/\$40 Non-Members
(convenience fee applies for online payments)

Deadline to RSVP:
Oct. 15, 2024 (no refunds after this date)

REGISTER NOW



SACRAMENTO
LEGAL PROFESSIONALS ASSOCIATION
www.saclpa.org

Casey A. Shorrock, Esq.
Somach Simmons & Dunn

Casey Shorrock focuses her legal practice on environmental and land use law, emphasizing CEQA, NEPA, natural resource management, permitting, and approvals. Together with Paralegal Pennie MacPherson, Casey will discuss legal practices and procedures for managing and filing CEQA actions.

Pennie MacPherson
Somach Simmons & Dunn

This presentation is approved for California Minimum Continuing Legal Education (MCLE) credit in the amount of 1.0 credit hours and approved for CCLS recertification credit in the amount of 1.0 hour.

PRESIDENT'S MESSAGE

Dawn Forgeur, CCLS



Dear Members,

I want to take a moment to remind you of the incredible value your membership brings. Sacramento LPA is committed to providing you with opportunities that enhance your professional growth and keep you at the forefront of our industry.

One of the key benefits of being a member is access to discounted events. Whether it's conferences, workshops, or networking gatherings, you can participate in these valuable experiences at a fraction of the cost. These events are designed to help you stay connected, informed, and educated.

Additionally, your membership gives you access to publications at discounted rates, such as the *Legal Secretaries' Reference Guide* and the *Law Office Procedures Manual*. These resources are packed with up-to-date legal procedure information, ensuring that you stay well-informed and ahead of the curve.

Through our parent corporation, Legal Professionals, Inc., you also gain access to a wide range of webinars, many of which are free or available at a discounted rate. These webinars cover a variety of topics relevant to your professional development, allowing you to learn from industry experts without the need to travel.

We are dedicated to supporting your success and making your membership as valuable as possible. If you have any questions or suggestions on how we can continue to improve your membership experience, please don't hesitate to reach out.

Thank you for being a part of our community.

Sincerely,

A handwritten signature in blue ink that reads "Dawn". The signature is written in a cursive, flowing style.

Dawn R. Forgeur, CCLS
President



Cost: \$40/person

Convenience fee applies to online payments. Contact co-chairs for mail-in payment info.

!!NEW!!

Check Out Our Bundle Deal!

Advance purchase of drink tickets and door prize drawing tickets are now available through our new "RBT Bundle" packages! For details go to the Events page and click on the Reno Bus Trip.

SACRAMENTO LPA'S RENO BUS TRIP!

October 12, 2024
7:00 AM - 7:00 PM

Pick-Ups at:

1830 Arden Way, Sacramento, CA
(Bus arrives at 6:45 AM, Departs at 7:30 AM)

5333 Elkhorn Blvd., Sacramento, CA
(Bus arrives at 7:45 AM, Departs at 8:15 AM)

Don't Wait!
Space Limited
to 50 Seats!



Register at
www.saclpa.org/events

**Bus Drops Off at the Silver Legacy
Resort Casino**
407 N. Virginia Street, Reno, Nevada

**Open to SLPA Members
and Friends!**

Games! Drinks!
Door Prizes!
Casino Fun!

**Reno's Great Italian
Street Festival!**



For Sponsorship Opportunities, Donations*, and Other Information, Contact Committee Chairs Michelle Welch (michelleewech@gmail.com) or Lynne Prescott (slprescott7@gmail.com)

**Sacramento LPA is NOT a charitable nonprofit organization for tax purposes.*

Sacramento Legal Professionals Association is Proud to
Once Again Host King Arthur's Castle

**Fairytale
Town**

**SAFE & SUPER
HALLOWEEN**



Seeking Volunteers!

4 to 5 Volunteers Each Night

4-Hour Shifts & Some 2-Hour Shifts Available

CANDY DONATIONS NEEDED!

Two Weekends:

Oct 12 & 13

Oct 19 & 20

5 PM - 9 PM



**To Volunteer
or Make Donations
Contact Crystal Rivera:
crivera@somachlaw.com**

For information on Sacramento LPA and Upcoming Events, Visit: www.saclpa.org

LEGISLATIVE UPDATES

Governor Newsom has signed into law several pieces of legislation relating to practices in the legal industry. Most notably are the changes to deadlines for motions for summary judgment.

AB 2049 by Assemblymember Blanca Pacheco (D-Downey) – Motions for Summary Judgment.

Existing law requires a motion for summary judgment or summary adjudication in a civil action or proceeding to be served and filed at least 75 days before the hearing on the motion. Existing law requires an opposition to the motion to be served and filed at least 14 days before the hearing and a reply to the opposition to be served and filed at least 5 days before the hearing.

This bill would change the deadline for a party to file a motion for summary judgment or summary adjudication to at least 81 days before the hearing on the motion. The bill would change the deadlines for filing an opposition to at least 20 days before the hearing and for filing a reply to at least 11 days before the hearing. The bill would prohibit a party from filing more than one motion for summary judgment against an adverse party without leave of court, as specified. The bill would also prohibit the introduction of new facts in a reply to an opposition to a motion for summary judgment, as specified.

Effective January 1, 2025.

AB 2283 by Assemblymember Blanca Pacheco (D-Downey) – Civil Actions: Electronic Service.

Existing law authorizes the service of documents in a civil action by electronic means pursuant to rules adopted by the Judicial Council. Existing law requires a court, on and after July 1, 2024, to electronically transmit those documents to a party who is subject to mandatory electronic service, or who has consented to accept electronic service, as specified.

This bill would extend the deadline for courts to comply with the requirement described above to July 1, 2025, and would make a conforming change to clarify that courts electronic transmittal of documents constitutes service of those documents. This bill would declare that it is to take effect immediately as an urgency statute.

(Continued on page 8)

LEGISLATIVE UPDATES

Continued from page 7

SB 1034 by Senator Kelly Seyarto (R-Murrieta) – California Public Records Act: State of Emergency.

The California Public Records Act requires state and local agencies to make their records available for public inspection, except as specified. Existing law requires each agency, within 10 days of a request for a copy of records, to determine whether the request seeks copies of disclosable public records in possession of the agency and to promptly notify the person of the determination and the reasons therefor. Existing law authorizes that time limit to be extended by no more than 14 days under unusual circumstances and defines unusual circumstances to include certain circumstances.

This bill would revise the unusual circumstances under which the time limit may be extended to include the need to search for, collect, and appropriately examine records during a state of emergency, as defined, proclaimed by the Governor in the jurisdiction where the agency is located when the state of emergency currently affects, due to the state of emergency, the agency's ability to timely respond to requests due to staffing shortages or closure of facilities where the requested records are located, except as specified.





LPI NOVEMBER 2024 QUARTERLY EDUCATIONAL CONFERENCE

“Don’t Stop Believing”

Legal Professionals, Incorporated

QUARTERLY EDUCATION CONFERENCE






SPEAKER :
HON. ROBERTA S. HAYASHI
Santa Clara County Superior Court

SPEAKER :
BRANDON LEAHY, ESQ.
Wilson Sonsini

SPEAKER :
JUNE HUNTER, CS DISCO
U.C. San Diego Extension Paralegal Studies

SPEAKER :
VIVIAN SHREVE, CCLS
Wilson Sonsini

6 Seminars! In Person & Via Zoom

MCLE/CCLS Credit Available



Early Bird Price: \$246*
(by 10.15.2024)

Includes Registration, Friday Night Social, Saturday Roundtable Buffet Lunch, and Saturday Evening Banquet.

Full complimentary breakfast buffet available each day for registered hotel guests.

See website for individual event pricing.

*Price increases by \$10 after 10.15.2024

NOV. 15-17, 2024

EMBASSY SUITES
1345 Treat Blvd.
Walnut Creek, CA 94597

Conference Room Rate: \$189/night
(does not include taxes and fees)

LINK: LPI QUARTERLY NOVEMBER

Reserve by 10.15.2024
1-800-498-7397
Group Code: CES90L

Parking: Valet \$24/night or at BART Station Across the Street (free on weekends)





Joint Venture Partner

www.legalprofessionalsinc.org/events



November 16, 2024

6 Educational Seminars

These seminars are approved for California Minimum Continuing Legal Education (MCLE) credit, including ethics credit for Ethical Considerations in E-Discovery and The Intersection of Ethics and AI and civility credit for Civility & Ethical Professionalism, in the amount of 1.0 credit hour each, excluding Legal Terminology Jeopardy which only offers 1.0 hour of CCLS recertification credit.



HON. ROBERTA S. HAYASHI
Judge, Santa Clara County Superior Court

Civility & Ethical Professionalism
3:15 - 4:15 PM
(CLE Seminar)



BRANDON LEAHY, ESQ.
Wilson Sonsini

General Overview of Trademark Law
(with insights into the day-to-day Work of a Trademark Lawyer, a Foundational Overview of Trademark Law, and Highlights of Emerging Issues for Brand Owners)
1:45 - 2:45 PM
(CLE Seminar)



VIVIAN SHREVE, CCLS
Wilson Sonsini

Electronic Signatures: The Rules Explained
11 AM - Noon
(CLE Seminar)

Legal Terminology Jeopardy!
3:15 - 4:15 PM
(CLE Seminar)



JUNE HUNTER, CS DISCO
U.C. San Diego Extension Paralegal Studies

Ethical Considerations in E-Discovery
11 AM - Noon
and
The Intersection of Ethics & AI
1:45 - 2:45 PM
(Legal Technology Training Seminars)

All Seminars Presented Live and Via Zoom!

For seminar pricing and sign-ups, go to:
www.legalprofessionalsinc.org/events




Joint Venture Partner

Conference Registration Information

Educational Seminars Information

To register for the conference and/or
the seminars:
www.legalprofessionalsinc.org/events

Welcome to Sacramento LPA's Newest Members!



Madison Geiger
Brookelynn Lombardi
Sherrie Peritore
Nikki Powers
Caysie Robertson
Catryna Strasser, Esq.
Laura Strasser, Esq.

Catherine Allen
Christa Barrera
Dawna Carson
Tammy Castro
Dulce Cermak
Elle Chaseton
Janie Collier
Sandra Daniels
Patricia DeOcampo
Deanna Fillon
Nancy Garcia
Tiffanie Green

Amber Krause
Zora Lawson
Maren Padilla
Joanna Pelayo
Dana Reeder
Lindsay Riley
Idalia Stark
Nicole Thompson
Debra Yurgelevic
Julie Andersen
Jacquelyn Cerna
Michelle Garvin



AUGUST BIRTHDAYS

3 Catherine Allan
20 Jessica Delgado
22 Mary Taylor
22 Tiffanie Green
29 Amber Krause



SEPTEMBER BIRTHDAYS

5 Sandra Daniels
11 Dawn Willis
13 Tiffanie Meier
13 Marina Foster
14 Christa Barrera
15 Alicia Malerbi
17 Dawn Forgeur
17 Tammy Castro
23 Idalia Stark
24 Lynne Prescott
24 Debra Yurgelevic
26 Corene Brooks



GOVERNOR'S REPORT

Marci Frazier



Dive with me into the depths of an unforgettable weekend as Legal Professionals, Inc. (LPI) hosted its quarterly conference from August 16-18, 2024. With the enchanting theme "Under the Sea," attendees were swept away into a world of networking, learning, and camaraderie, where every moment felt like an ocean adventure. The festivities began on Friday night with a wave of excitement as attendees indulged in a lively nacho bar and crafted their own sea-inspired bracelets. The evening set the tone for a weekend filled with creativity and connection, as we all gathered under the aquatic Under the Sea theme.

On Saturday morning, before the Board of Governors' first session began, we were buoyed by an energizing presentation from Terri Piazza, the executive director of Legal Shield. She navigated through the latest benefits available to LPI members, leaving us all feeling well-equipped for the journey ahead.

The first session of the Board of Governors commenced at 9:05 a.m., anchored by the Pledge of Allegiance, led by Deborah Schmidt, CCLS, Governor of Orange County LPA. Liesel Hart, Governor of Stockton-San Joaquin County LPA, then guided us through the ethical waters with a reading of the Code of Ethics.

Vice President Bettina Jacobson's report revealed LPI's strategic plan for the year ahead. With a clear focus on expanding membership, she expounded on LPI's intention to target the top 100 law firms in the state and reach out to those who attend our online and live classes. The goal? To bring more sponsors on board by offering tiered benefits and targeting specific organizations that stand to gain from LPI's influence.

Amidst the sea of information, we also discovered that the *Legal Secretaries' Reference Guide* is now available on Amazon and LPI's website, offering a treasure trove of knowledge to legal professionals everywhere. Sales from this guide, along with the *Law Office Procedures Manual* and *Legal Professionals Handbook* (both paper and online editions), have brought in a bounty of \$12,365.10 in royalties.

(Continued on page 12)



*LPI President Donna Day,
Honorary Member Lori McElroy,
and Barbara Barregar*

GOVERNOR'S REPORT

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A special recognition was made for Lori McElroy from RedRoman Creative, who was appointed as an honorary member of LPI. Lori has been a beacon of creativity, designing The Legal Professional magazine (formerly The Legal Secretary) and even crafting the logo that has become synonymous with our organization. Her contributions have been instrumental in promoting LPI's image through the years.

The first session of the Board of Governors concluded with two key decisions: the adoption of the Education Council's new price sheet and the dissolution of the San Fernando Valley LSA association. With these matters settled, attendees dispersed to attend various educational classes, diving deep into their professional development. Saturday night's festivities were a true undersea gala, with delicious food, lively music, and networking that flowed as freely as the ocean tides. It was a night where connections were made and memories were forged.

The second session of the Board of Governors began with a leisurely brunch, setting a relaxed tone as we eased into the meeting. The session was called to order at 9:19 a.m., opening with a heartwarming talk by Tammy Hunt of SLPA entitled, "Time is Priceless," reminding us all of the value of every moment.



*Inspirational Speaker
Tammy Hunt, CCLS*

As the session progressed, recommendations for amendments to Bylaws and Standing Rules were presented, leading to the following results:

Standing Rule Amendments	Results
No. 1 - Change the term "Editor of The Legal Professional" to "Editor-in-Chief of The Legal Professional"	Passed
No. 2 – Eliminate CAPS contest	Passed
No. 3 – Increase various CCLS exam fees	Passed
Bylaw Amendments	Results
No. 1 – Increase the current per capita tax from \$40 to \$60	Passed; modified to be effective May 1, 2025
No. 2 - Decrease the dues for Members-at-Large from \$35 to \$15, plus per capita	Withdrawn
No. 3 - Change in the term "Editor of The Legal Professional" to "Editor-in-Chief" of The Legal Professional effective immediately	Passed
No. 4 - Remove the language referencing CAPS contest.	Passed

(Continued on page 13)

GOVERNOR'S REPORT

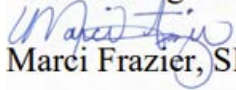
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As we approached the final stretch, the second session concluded with the drawing of the script ticket winners for November 2024's conference: San Gabriel Valley LPA, Desert Palm LPA, Riverside LPA, and Stockton-San Joaquin LPA.

Our Under The Sea fun ended with the promise of another adventure, as we look forward to LPI's second quarterly conference, to be held in Walnut Creek, California, at the Embassy Suites by Hilton on November 15-17, 2024.

We hope to see you there as we continue to explore the vast ocean of opportunities that lie ahead!

Warmest regards,



Marci Frazier, SLPA Governor



*Sacramento LPA Members at LPI's First Quarterly Conference in Costa Mesa
(Left to Right) Leanne Ruesink, Ron Ackland, Tammy Hunt, CCLS, Dawn Forgeur, CCLS,
Lynne Prescott, CCLS, and Marci Frazier*

Highlights from LPI's First Quarterly Conference and Board of Governors Meeting August 16-18, 2024 Costa Mesa, California



*LPI Executive Secretary Erika Garduno and
LPI Past President Lynne Prescott, CCLS*



*Editor-In-Chief of The Legal Professional, Ron Ackland, LPI
Social Media Chair Ben Silowitz, and LPI Executive Advisor
Rod Cardinale, Jr.*



*Beautiful "Under the Sea" Themed Bracelet
Creations - Courtesy of LPI Joint Venture
Partner Esquire Deposition Reporters*



*(Left to Right) LPI President Donna Day, Education Director
Renee Evans, CCLS, and Legal Writing/Research Trainer
Bethany Ensz*

Highlights from LPI's First Quarterly Conference and Board of Governors Meeting August 16-18, 2024 Costa Mesa, California



(Left to Right) LPI Vice President Bettina Jacobson, LPI Executive Secretary Erika Garduno, LPI Tech Chair Dawn Forgeur, CCLS, LPI President Donna Day, LPI Education Director Renee Evans, CCLS, and LPI Past President Lynne Prescott, CCLS



*LPI Education Director
Renee Evans, CCLS*



(Left to Right) New LPI Member Sandra Holley, LPI Treasurer Larry McGrew, LPI Past President Lynne Prescott, CCLS, LPI Education Committee Member Francie Skaggs, CCLS, and LPI Blog Editor Christine Flores, CBA

The Legal Secretaries Reference Guide

Now Available on Amazon.com

Start your legal career on the right foot with the *Legal Secretaries' Reference Guide, California Edition*. This reference handbook is specifically designed to support new legal secretaries and paralegals, offering a general overview of the fundamental skills and knowledge required for success in a legal office.

Inside, you'll find clear, step-by-step instructions on office procedures, from managing daily routines and handling correspondence to organizing and filing legal documents. Learn how to prepare and format essential legal documents, draft professional correspondence, and navigate court filing procedures with ease.

This guide also includes a comprehensive glossary of common legal terms and abbreviations, ensuring you can confidently understand and use legal terminology. You'll gain insights into court systems and procedures, mastering the essentials of managing court calendars and preparing for court appearances.

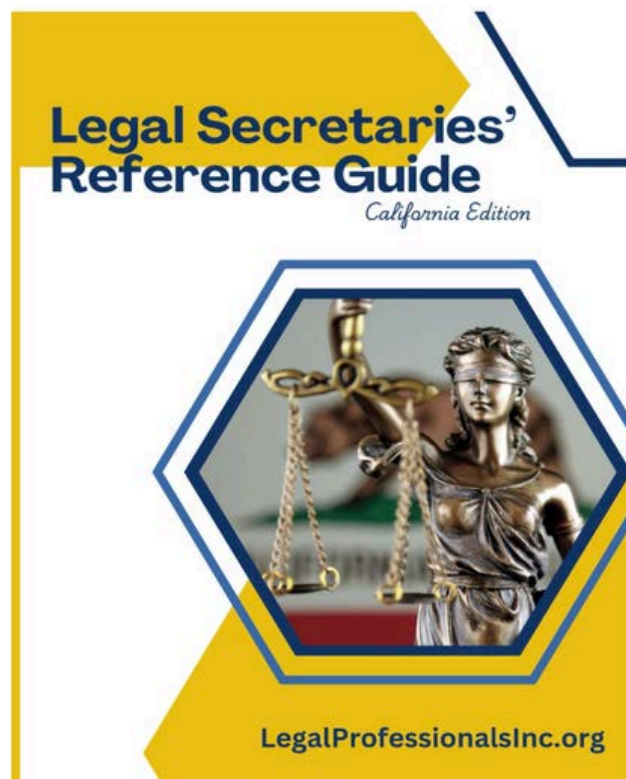
With dedicated sections on ethical responsibilities, confidentiality, and professional conduct, this reference guide emphasizes the importance of integrity and professionalism in the legal field. Explore essential technology skills, including proficiency in office software, document management systems, and e-filing.

Enhance your client relations skills with practical tips on effective communication, managing client expectations, and conflict resolution. This guide also highlights opportunities for professional development, including continuing education, certification programs, and networking.

Whether you're just starting out or looking to refine your skills, the *Legal Secretaries' Reference Guide, California Edition*, is your go-to resource for achieving excellence and building a successful career in the legal industry.

<https://www.amazon.com/Legal-Secretaries-Reference-Guide-California/>

\$50.00





We're So Thankful
for You!

Please Join us for



grateful friends

SACRAMENTO LPA'S 1ST ANNUAL

Friendsgiving

CELEBRATION

11.21.2024 6:00 PM

BLACK BEAR DINER - NATOMAS

www.saclpa.org/events



SACRAMENTO
LEGAL PROFESSIONALS ASSOCIATION

The Right to Vote Hasn't Always Been A Right



We live in a time where the right to vote typically isn't given much thought. However, that has not always been the case. Since America's founding days, when voting was limited to white male property owners, to the transformative Voting Rights Act of 1965, to sweeping voting process reform introduced in the early 2000s, the right to vote in U.S. elections has seen massive change. The right to vote has oftentimes been a source

of division in this country, and the strides made toward equity have been hard-won for many Americans. As we prepare to vote in just a few short weeks in one of the most historically significant and closely watched presidential elections of the 21st century, we should pause to remember that the rights we take for granted weren't always a right.

Below is a summary of some of the most significant changes and advancements in the U.S. voting rights process.

August 2, 1776: Declaration of Independence Frames Voters' Rights

July 9, 1868: Citizenship Granted to All U.S.-Born and Naturalized

February 3, 1870: Black Men Granted the Right to Vote

The 15th Amendment is ratified, granting Black men the right to vote and Congress the power to enforce the right. However, laws, including poll taxes, literacy tests and grandfather clauses, are enacted in mostly Southern states, suppressing Black voting rights until 1965.

(Continued on page 18)

The Right to Vote Hasn't Always Been A Right

Cont'd from Page 17

August 18, 1920: Women Get the Right to Vote

After decades of protest and struggles for change, the 19th Amendment is adopted, granting American women the right to vote: “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex. Congress shall have power to enforce this article by appropriate legislation.” However, its passage does not stop mostly Southern states from restricting minority women from voting through the passage of discriminatory laws.

June 2, 1924: Native Americans Granted the Right to Vote

Congress enacts the Indian Citizenship Act, granting the right to vote to Native Americans born in the United States. Despite its passage, some states continue to bar Native Americans from voting.

1943 Chinese Exclusion Act Ends

In the wake of World War II, when the United States and China had operated as allies, the Chinese Exclusion Act, which had barred Chinese from becoming citizens since 1882, is finally repealed. Chinese immigrants and their American-born families become the first Asian Americans eligible to naturalize and gain citizenship—and vote.

January 23, 1964: Poll Taxes Banned

The 24th Amendment is ratified, prohibiting the use of poll taxes in federal elections. “There can be no one too poor to vote,” President Lyndon Johnson says during a ceremony announcing the amendment.

August 6, 1965: Voting Rights Act

President Johnson signs the Voting Rights Act into law, banning literacy tests and enforcing the 15th Amendment on a federal level. It also provides for federal examiners who can register voters in certain jurisdictions. Facing a flurry of legal challenges, the U.S. Supreme Court upholds its constitutionality in a number of rulings from 1965-1969. In 1970, Section 5 is extended for five years.

(Continued on page 19)

The Right to Vote Hasn't Always Been A Right

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July 1, 1971: Age 18 and Up Can Vote

The 26th Amendment is signed by President Richard Nixon, granting the right to vote to U.S. citizens who are 18 or older. Prohibiting discrimination based on age, it lowers the age from 21, largely in reaction to the number of 18-to-20-year-olds fighting in Vietnam.

August 6, 1975: Rights for Non-English-Speaking Voters

In addition to establishing a permanent ban on literacy tests and other discriminatory voting requirements, amendments to the Voting Rights Act are signed into law by President Gerald Ford requiring districts with significant numbers of non-English-speaking voters to be provided with instructions or assistance in registering and voting.

June 29, 1982: Voting Rights Act Extended

President Ronald Reagan signs a 25-year extension of the Voting Rights Act. Revisions also reverse recent decisions by the U.S. Supreme Court, making voting easier for people with disabilities and the elderly.

September 28, 1984: Voting Is Made Accessible

The Voting Accessibility for the Elderly and Handicapped Act of 1984 is signed into law by Reagan, requiring polling places in federal elections to be accessible for people with disabilities and the elderly. It also states that if no accessible location is available, an alternative way to vote on Election Day must be offered.

Source: History.com



December 2024

**Annual Mock Trial and Gift Exchange
December 19, 2024**



January 2025

Annual Court Updates Event



***January 16, 2025
Sacramento Hilton
Arden West***

Frequent Grammar Mistakes Made by Legal Professionals

Grammar and spelling mistakes can be embarrassing and leave clients, colleagues, or the court with the impression that your office isn't paying attention or doesn't make work product quality a priority. Most legal professionals do a good job of applying the rules of grammar and spelling, and in fact are expected to possess better than average skills in these areas. That being said, mistakes are still bound to happen. The fast pace of the job, workload, and multiple authors and editors in a document can easily create a setting where errors occur.

Below are some of the most frequent grammatical mistakes made by legal professionals and suggestions for avoiding these errors.

Using the Passive Voice Instead of the Active Voice

Unfortunately, the law is filled with legal opinions rife with passive phrases. In fact, using the passive voice has become so common as to be viewed as the correct way to present legal writing. To be clear, it is not.

The active voice is more concise, fewer words are needed, and emphasizes the doer of the action. It is often more direct and dramatic. The passive voice focuses on the action and may be perceived as more objective when the writer does not want the action directly linked to the subject.

Active Voice Example: "I took the deposition." (The subject does the action.)

Passive Voice Example: "The deposition was taken by me." (The subject receives the action.)

Treating Entities as Though They are Persons

A common grammatical error in legal writing is referring to a corporation or similar entity as though it was a person. Corporations and entities are separate from the people who run it. Many times, you will see a legal document referring to an entity as if it has its own free will.

For example, "XYZ Corporation had a pattern and practice of discriminating against women."

Technically, that is impossible. XYZ Corporation can't actually do anything – but its employees can. A better sentence would be, "The managers of XYZ Corporation had a pattern and practice of discriminating against women."

(Continued on page 22)

Frequent Grammar Mistakes Made by Legal Professionals

Cont'd from Page 21

Also, when referencing the entity itself, remember that it is an “it” and not a “they.”

Examples:

(Correct) “XYZ Corporation is located in Illinois. It has been there for 15 years.”

(Incorrect). “XYZ Corporation is located in Illinois. They have been there for 15 years.”

Incorrect Capitalization

When Do You Capitalize “Court?” Always? Never?

The word court is capitalized when naming any court in full (Orange County Superior Court), referring to the U.S. Supreme Court, and referring to the court to which the document will be submitted (i.e., This Court should issue an order . . .).

Correct:

“This Court has already ruled on Defendant’s Motion to Dismiss.”

“The court of appeals reversed the trial court.”

“The Court of Appeals for the Fifth Circuit affirmed.”

Words that Look and Sound Alike but Have Different Meanings

There are many different words and phrases that sound and look the same but have different meanings. Or they are different forms of the same word, to be used in different settings. Check out the following list of commonly misused words in the legal industry for some quick tricks for remembering when to use one or the other.

#1 Moot vs. Mute

Is the point “moot” or “mute”? Well, it could be both—if the point could actually speak. A moot point is a situation when an issue is not determinative of an outcome. The word “mute” refers to something that’s quiet, unspoken, or refraining from speech or temporarily speechless. Get the point?

(Continued on page 23)

Frequent Grammar Mistakes Made by Legal Professionals

Cont'd from Page 22

#2 Imminent vs. Eminent

Another tricky one. “Eminent” means famous and respected within a particular area or profession, and “imminent” means about to occur. Think I-M-M = “immediate” and “imminent.”

#3 Ensure vs. Insure

To ensure is to make certain or sure of. To insure is to guard against loss and is most frequently used in the sense of “insurance.”

#4 Emigrate vs. Immigrate

Many folks don't know if they're coming or going—and that's the trouble here, as well. The verb “emigrate” is always used in connection with “from,” and “immigrate” is always used with “to.” Think of it as directional... emigrate is to come from somewhere, and to immigrate is to go to somewhere.

#5 Forego vs. Forgo

“Forego” means to precede in place or time or to “come before.” The word “forgo” means to reject or to omit or decline to take (something pleasant or valuable) ... to “go without.”

#6 Imply vs. Infer

This one seems to trip people up all the time. A speaker or writer implies something that's not explicitly communicated, or to strongly suggest the truth or existence of something. But it's the listener or reader who infers this notion from the communication. Like “emigrate” and “immigrate” discussed above, it's a bit directional or based on where you are in the mix. If you're the speaker, you imply...if you're the listener, you infer.

#7 Do Diligence vs. Due Diligence

Some may think that “do diligence” means doing something diligently, but that's not the case. “Due diligence” is a legal term that means you're going to investigate a person or business before entering some sort of business relationship with them. So, with this one, there's only one way to go, and that's to perform due diligence. “Do diligence” is not a thing.

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Frequent Grammar Mistakes Made by Legal Professionals

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#8 Less vs. Fewer

Can you count it? If so, use the word “fewer.” Save the word “less” for uncountable nouns.

#9 Bimonthly vs. Semimonthly

“Bimonthly” means every other month, while “semimonthly” means twice a month. Think of BI = TWO. Bimonthly is two months in duration.

#10 Principle vs. Principal

Here’s a nasty one that can really derail a contract or a legal communication. The word “principle” is a fundamental truth or proposition. A “principal” is a major party in a business transaction. If you haven’t heard of this one, use it now: your PAL is the principal. A principal is a person while a principle is a thing...a rule, a truth, or a doctrine. You got this!

#11 Proscribe vs. Prescribe

Another important one to get right in the legal world. To “proscribe” means to forbid, but the word “prescribe” means to administer, advocate, charge, command, decide, decree, demand, or issue and order. So how can you remember the difference? How about remembering the ‘o’s: the “o” in proscribe matches for prohibit, taboo, and outlaw, while prescribe is like a prescription... the doctor issues an order for some medicine.

#12 Farther vs. Further

Ok, this one’s a bit nit-picky because you hear and see many attorneys and paralegals using this set of words interchangeably. The grammar police may not issue a citation for getting these wrong, but just so you know, use “farther” when you’re talking about a physical distance and “further” when indicating time or metaphorical distance.

You’re farther down this list of confusing words than you may have realized. However, you can always do further research to make sure your language is correct. We’re really stretching here but FA in farther is like a fathom, a distance of six feet under water. The FU in further can be associated with furtive, which can mean indirect or covert.

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Frequent Grammar Mistakes Made by Legal Professionals

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#13 Than vs. Then

Use “than” for comparisons and “then” for a chronological sequence. For example, I’d rather use the correct word than look silly. If I look silly, then I will study this list with more effort.

#14 Attain vs. Obtain

You “attain” or achieve a goal, but you “obtain” or acquire an object.

And finally... #15 Advice vs. Advise

Advise is the act of giving an opinion, suggestion, recommendation, or information. Advice refers to the opinion, suggestion, etc., that is given or received.

Dangling or Orphan Prepositions and Modifiers

A modifier, as the name suggests, changes something about the sentence. Prepositions are words usually preceding a noun or pronoun and expressing a relation to another word or element in the clause, as in “the man on the platform,” “she arrived after dinner,” “what did you do it for?” Using a preposition at the end of a sentence in everyday speech is common; however, doing so in legal writing demonstrates poor form and improper usage.

“Dangling” refers to the fact that your modifier or prepositions isn’t attached to anything. Here’s a sentence with a dangling modifier: “Wanting to win at trial, the jury instructions were given a great deal of effort.” The problem, of course, is that we don’t know who wants to win at trial. A better sentence that doesn’t leave the modifier dangling would be: “John wanted to win at trial, so he put a great deal of effort into drafting the jury instructions.”

An example of a dangling preposition: “The jury was dismissed and instructed to return to the jury room after.” The dangling preposition here is after. The problem is that the reader has no idea what the jury was dismissed for and therefore cannot determine what “after” is referencing. The better sentence would be: “The jury was dismissed for lunch and instructed to return to the jury room after lunch.”

Grammar Resources for Legal Professionals:

Brian Garner’s The Redbook: A Manual on Legal Style

California Style Manual

The Bluebook Uniform System of Citation

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