

# Paralegal Association of Santa Clara County

*Presents its*

## 36<sup>th</sup> Annual Educational Seminar



*Building For the Future:*

*Tools for a Solid Foundation*

Up to 6 hours of MCLE/CLAE credit

**Rambus Inc.**

1050 Enterprise Way, Suite 700

Sunnyvale, CA 94089

**Saturday, October 18, 2014**

8:00 a.m. – 4:30 p.m.

7:00 a.m. – 8:00 a.m.	<b>Registration, Continental Breakfast &amp; Networking</b>		
8:00 a.m. – 8:30 a.m.	Welcome by PASCCO President		
8:30 a.m. – 9:30 a.m.	<b>Keynote Speaker</b> - David Mann from The Other Bar <i>Substance Abuse in the Legal Profession: Prevention, Detection, and Treatment 2014</i>		
9:30 a.m. – 10:30 a.m.	Ethics and Standards of Conduct: How to Handle Narcissistic and Other Not So Nice Attorneys and Colleagues in Practice  Marie Wilson		
10:30 a.m. – 11:00 a.m.	<b>MORNING BREAK</b> <b>Networking and Meet the Exhibitors</b>		
11:00 a.m. – 12:00 p.m.	Track 1 Rick Wilson and Charlie Goodrich  On Every In-House Checklist Today: Legal Holds & the Duty of Preserve Information Relevant to a Claim or Lawsuit 1 hour of MCLE and CLAE, pending approval	Track 2 Scott Plamondon  It Looks Good on Paper or Does It? The Importance of Proper Documentation to Defend Against Potential Liability	Track 3 Michael Moore and Joe Moniz  Encouraging Innovation – Fostering IP development practices and promote efficient operations
12:00 p.m. – 12:45 p.m.	<b>LUNCH</b>		
1:00 p.m. – 2:00 p.m.	Track 1 Nandini Acharya  Initial Public Offering: A Securities Law Perspective	Track 2 Mike LeBaron  Security Investigations: From Detection to Interview	Track 3 Michael Lee  California Estate Planning Including Special Procedures of Guardianship and Conservatorship

*Topics and speakers scheduled to change without notice.*

*Schedule continued on next page*

2:00 p.m. – 2:30 p.m.	<b>BREAK</b> <b>Networking and Exhibitor Drawing</b>		
2:30 p.m. – 3:30 p.m.	<i>Track 1</i> John Montgomery  Benefit Corporations, Global Consciousness and How You Can Co-Create a Sustainable <i>Economic System</i>	<i>Track 2</i> Eric Rossetter, PhD., and Jason Fries  Computer Modeling and Animation in Accident Reconstruction Lisa Costello	<i>Track 3</i> Jeff Gee  ‘Surviving or Thriving’ Social Engineering and Account Takeover
3:30 p.m. – 4:30 p.m.	<i>Track 1</i> Pete Bade  Corporate Immigration: Ensuring Foreign Nationals are Authorized to Work in the U.S.	<i>Track 2</i> Lisa Costello  Effective Investigation and Civil Discovery Strategies	<i>Track 3</i> Mel Irvin  Issues in Estate Planning for Beneficiaries Receiving Social Security Disability and Supplemental Security Income

***Topics and speakers scheduled to change without notice.***

***Substance Abuse in the Legal Profession:  
Prevention, Detection, and Treatment 2014***



David Mann  
*The Other Bar*

In this presentation, Mr. Mann provides a review of the brain chemistry of addiction and alcoholism, as well as a discussion of the behavioral and health consequences of the disease. Insights are offered into the personality traits of attorneys and the qualities of the legal profession that combine to make lawyers significantly more susceptible to addiction, and more difficult to treat, than the general population. The presentation includes a case study of an addict attorney, as well as a self-diagnosis exercise for attorneys to utilize if they are concerned that they may have a problem which needs to be addressed. Concluding remarks are directed towards both systemic and individual solutions to the problem, with references to specific strategies and resources available to attorneys. Mr. Mann approaches this very serious topic in a manner that incorporates humor and irony and invites attorneys to engage in a bit of sometimes much-needed self reflection.

***Ethics and Standards of Conduct: How to Handle Narcissistic  
and Other Not So Nice Attorneys and Colleagues in Practice***

This session explains professional and ethical standards of conduct that provide a background for proper behavior – rules that require us to behave. These are then discussed in contrast with the reality everyone experiences – some people in practice are difficult and not so nice. Often they seem to not follow the rules or our expectations. The discussion will identify narcissistic and egocentric behaviors and offer approaches to help manage or disarm those we encounter who exhibit these behaviors.

Objectives:

- To understand the rules we are supposed to follow defining proper professional conduct.
- To understand difficult personality types and behaviors we unavoidably encounter in practice.
- To explore approaches to handle individuals who use these behaviors and thwart their effects in the service of our clients and to better follow the rules ourselves.



Marie Wilson  
*Senior Global Services  
Attorney*

### ***Initial Public Offering: A Securities Law Perspective***



Nandini Acharya  
*Oracle Corporation*

Nandini Acharya is an in-house attorney in the Corporate, Securities and M&A group at Oracle, where she focuses on Corporate Governance, Securities, Executive Compensation and Global Equity matters. Prior to joining Oracle, Ms. Acharya was an attorney at the U.S. Securities and Exchange Commission's Division of Corporation Finance in Washington DC. Prior to her stint in the federal government, Ms. Acharya practiced at the law firms of Fenwick & West in Silicon Valley and Jenner & Block in Chicago where she worked on corporate and securities law matters.

Ms. Acharya is a graduate of The London School of Economics, where she earned an LLM degree, Northwestern University School of Law (JD) and the University of California at Berkeley. She enjoys photography, cooking and travel. She also does volunteer work through the Junior League of Palo Alto – Mid-Peninsula and is on the Board of Directors of Junior Achievement of Northern California.

### ***Corporate Immigration: Ensuring Foreign Nationals are Authorized to Work in the U.S.***

We will cover common non-immigrant visa classifications used by many Silicon Valley employers, for their foreign national employee workforce population (e.g. H-1B, L-1, TN, O-1 non-immigrant type of visas). We will also cover the common employer sponsored paths towards the green cards for these employees as well (e.g. PERM Labor Certification, Outstanding Researcher, and the like).

Objectives:

- What is a non-immigrant visa vs. a green card/immigrant visa?
- What is the most common visa category that companies in the Silicon Valley use, to ensure their foreign national workforce is work authorized in the U.S.?
- What is the most common process that companies in the Silicon Valley use, to sponsor their foreign national employees for a green card?



Peter B. Bade  
*Berry Appleman & Leiden  
LLP*

## ***Effective Investigation and Civil Discovery Strategies***



Lisa Costello  
*The Biernat Law Group*

Not every lawsuit is going to go to trial, but effective investigation and discovery strategies will help make the most of your client's time and money while at the same time making sure that if your case is one that does go to trial, your trial team will be fully prepared. Tailoring investigation and discovery to your case requires the identification of relevant issues, seeing the forest through the trees, and executing a financially appropriate plan. Discovery summaries are important tools when they are prepared properly and provide insight and an action plan or further handling recommendations. And lastly, in this technological time, our litigation files and information must be organized in electronic format for ease of use and reuse.

## ***'Surviving or Thriving' Social Engineering and Account Takeover***

There has been increasing number of events happening related to social engineering and fraud via compromised accounts. (Twitter, Google, PayPal, Target, etc....).

Jeff will introduce some of the new abuse cases. He will teach you how to recognize if you or your company might be exposed and where to look (internally & externally). He will then finally discuss actions to prevent/mitigate/remediate exposure.

Jeffrey Gee  
*Symantec*

***Issues in Estate Planning for  
Beneficiaries Receiving Social Security Disability  
and Supplemental Security Income***



Melvin E. Irvin  
*Disability Representative*

Mel will discuss an overview of Supplemental Security Income, the rules governing "In-Kind Support" reduction in benefits if food and/or shelter are provided the beneficiary, Medical coverage for SSI recipients, and working and receiving gifts or other income. He will finally discuss the special Needs Trusts, rules, requirements and distributions that are not income to the SSI recipient.

***Security Investigations: From Detection to Interview***

Security related investigations in the global and regional private sector present a myriad of technical, legal, tactical, forensic, and personal challenges. Type of investigations will span a wide spectrum from ethical violations to espionage. This discussion seeks to present a broad overview of these.

Objectives:

- Provide an overview of security investigations.
- Identify problems and challenges.
- Identify potential strategies for overcoming those challenges.



Michael LeBaron  
*Symantec*

***California Estate Planning Including Special Procedures  
of Guardianship and Conservatorship***



Michael Lee  
*Lee & Li, Attorneys at Law*

An introduction into California estate planning with a focus on comparing the default California estate division system to opportunities to advance plan through the use of wills, trusts, powers of attorney, and health care directives. The lecture will also include coverage of special procedures such as guardianship and conservatorship.

Objectives:

- Provide understanding of the default California estate division system: probate, intestate property division, child guardianship.
- Provide understanding of estate planning: the tools (will, trust, power of attorney, health care directive) and how it can be superior to the default system.
- Provide understanding of the limitations of estate planning and the need for special procedures such as guardianship (care of children) and conservatorship (care of the elderly or those with limited capacity).

***Encouraging Innovation – Fostering IP development practices  
and promote efficient operations***

Innovation is rarely an accident. It is a discipline cultured through exercise, repetition, continual improvement and learning. With time and effort, it can become second nature. Learn how to engage effectively with inventors to encourage invention disclosures and how to provide transparent and effective reports on IP activities, and finally how to manage and report on budgets as part of the patenting process.



Michael Moore  
*Rambus*



Joe Moniz  
*Rambus*

***Benefit Corporations, Global Consciousness and How You Can Co-Create a Sustainable Economic System***



John Montgomery  
*Montgomery & Hansen*

John Montgomery will introduce PASCCO to the latest evolutionary form of the corporation, the benefit corporation, which is the first corporate form that contains a social and environmental conscience in addition to the usual profit oriented one. Benefit corporations have now been adopted by 26 states, DC, and British Columbia, and are being considered by countries in Europe and Latin America. John will discuss this shift in global consciousness in business to a triple bottom line approach – people, planet and profit – and invite you to help co-create a sustainable economic system by understanding the true significance of this new corporate form.

***It Looks Good on Paper or Does It? The Importance of Proper Documentation to Defend Against Potential Liability***

We will discuss the importance of maintaining proper documentation, including the various underlying legal reasons why keeping proper documentation is necessary. In addition to learning what documents are explicitly required by various laws and regulations, attendees also will learn about how proper documentation can assist counsel when defending against workplace-related claims. We also will discuss what documents should and should not be kept in an employee's file.

Objectives:

- It's not just make-work: Understanding why documentation in the workplace is important;
- It's not just compliance with the law: How documentation is used to help defend against claims;
- When do we have enough? Understanding critical times to document, and guarding against a tidal wave of forms.



Scott M. Plamondon  
*weintraub|tobin*

## ***Computer Modeling and Animation in Accident Reconstruction***

Computer computational power has increased tremendously over the past decade, making it possible to solve complex engineering problems quickly. In vehicle accidents, physics based computer models can provide valuable information about each vehicle's motion and the severity of the accident. The vehicle motions are then used to model the occupants' motion and the loads they experience during the accident. The information gained from these models can be invaluable in determining the severity of the accident, which driver is at fault, and the likelihood of injury. Two main questions always need to be answered when using computer models. What inputs are needed to run the computer model and more importantly, how do we know the results are correct?

**"I will believe it when I see it" or "A picture is worth a thousand words"** These phrases eloquently express a fundamental truth, we learn visually. This is why computer animation was introduced to the courtroom and our goal in 1997 was to "turn jurors into witnesses" but now 21st century technology has allowed us to take the concept further so now we "turn jurors into expert witnesses". Simply showing an accident doesn't mean the audience understands why the accident occurred or why the case facts favor your case. By using 3D-laser scanning, video analysis, laser-based photogrammetry and computer animation, you can educate the audience so they become more than witnesses but educated decision makers who see the case facts as you do.

### **Objectives:**

- To demonstrate simulation and animation techniques used for accident reconstruction.
- To demonstrate the difference between the two techniques.
- To demonstrate how the techniques can be combined to ensure successful outcomes for accident related cases.

*Eric Rossetter, Ph.D., P.E.  
Principal Engineer, Principia*

*Jason Fries, CEO  
3D-Forensic*

***On Every In-House Checklist Today: Legal Holds  
& the Duty of Preserve Information Relevant to a Claim or Lawsuit***



Richard Wilson  
The Regents of the  
University of California

This presentation provides an overview of the development of statutory and court rule obligations to hold and preserve information relevant to an anticipated or actual lawsuit. Requirements to retain information and be able to retrieve it for production in a legal action have grown tremendously in the age of electronically stored information (ESI). And they impose a much greater burden than was the case when spoliation of paper documents was the main concern. In this session, some key examples will be given of failure to preserve information and the consequences, illustrating ways failures can occur and the risks for involved parties. Discussion will include vulnerabilities and approaches that may be useful to keep in mind from the vantage point of individuals who work in a corporation or public entity.

**Objectives:**

- To review the background and notable examples that led to the implementation of strong rules in state and federal courts concerning preservation of data relevant to an anticipated or actual lawsuit.
- To learn specific steps that are required to be taken and some of the vulnerabilities or points where failures can occur, along with possible consequences.
- To suggest how everyone involved in an organization can add value by being aware of the obligations and vulnerabilities and help avoid points of failure.



Charlie Goodrich  
The Regents of the  
University of California

## REGISTRATION INFORMATION

*Space is limited – Register early!*

<b>Location</b>	Rambus Inc. 1050 Enterprise Way, Suite 700 Sunnyvale, CA 94089			
<b>Registration</b>	<p>Attendees must register online through Eventbrite by going to the Upcoming Events page on the PASCCO website. Payment can be made by check or credit card.</p> <p>If you pay by check, please note that registrations are not confirmed until your check is received by PASCCO. Your check must be received by PASCCO <b>within 5 days</b> of registration. To pay by check – FOLLOW INSTRUCTIONS BELOW.</p> <p><i>Step 1: Under the section entitled Ticket Information, choose the ticket type</i></p> <p><i>Step 2: Click “<b>show other payment options</b>” (see example below)</i></p> <div style="text-align: center;">  </div> <p><i>Step 3: Complete all required information</i></p> <p><i>Step 4: Follow mailing instructions</i></p> <p>During the registration process, you will be asked to specify the four (4) topics that you are interested in attending.</p> <p>A continental breakfast and buffet lunch are included.</p> <p>Please contact <a href="mailto:pasccoinfo@yahoo.com">pasccoinfo@yahoo.com</a> if you have any questions.</p>			
<b>Rates</b>		<b>Until September 8</b>	<b>September 9 – October 1</b>	<b>After October 1</b>
	Member:	\$75.00	\$85.00	\$95.00
	Student:	\$70.00	\$80.00	\$90.00
	Non-member:	\$95.00	\$110.00	\$120.00

PASCCO is a CA State Bar Association MCLE provider. CLAE credit is approved by the National Association of Legal Assistants (NALA).