

# THE LEGAL EAGLE

Sacramento Legal Secretaries Association

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# President's Message

Marci Frazier, 2020 SLISA President

**O**n August 22, 2020, Legal Professionals, Inc. held its 2020 Annual Conference in Stockton, California, carrying the theme “2020—*Seeing Changes in Our Future.*” Flowing in concert with its theme, LPI’s Annual Conference experienced quite a few changes directly impacted by COVID-19 related government restrictions.

Annual Conference is usually scheduled each year during the month of May. This year, however, it was postponed and rescheduled for August 2020. Additionally, while Annual Conference is generally conducted over the course of three days, this year it was held as a one-day hybrid event, with virtual and limited in-person attendance. The host association was Stockton-San Joaquin County

Legal Professionals Association.

During the one-day conference, LPI held its Installation Ceremony, where SLISA’s very own **Lynne Prescott, CCLS**, was installed as President of Legal Professionals, Inc. The other elected officers were Rod Cardinale, Jr., LPI Vice President; Donna Day, LPI Executive Secretary; and Bettina Jacobson, LPI Treasurer.

Congratulations, Lynne!



Lynne Prescott, CCLS  
President—Legal Professionals, Inc.

# Sacramento Legal Secretaries Association



## VIRTUAL General Membership Meeting September 17, 2020, at 6:00 p.m.

### Protecting Yourself Against COVID Related Scams and Other Sage Advice

Guest Speaker:  
**BETTY NELSON**  
Practice Support Coordinator



MCLE & CCLS Credit: Sacramento Legal Secretaries Association is a local association of Legal Professionals, Incorporated, an approved provider, and certifies that this activity has been approved for minimum continuing legal education credit in the amount of 0.50 hours by the State Bar of California.

**Registration Fee:**

**\$10 SLSA Members and Non-Members**  
RSVP by Wednesday, September 16, 2020

**Two Way to Register:**

- Online at [www.slsa.org](http://www.slsa.org) under "Events" (Preferred) and pay by credit card
- Via Email to [reservations@slsa.org](mailto:reservations@slsa.org) and pay by check

**A link and instructions for access to the virtual meeting will be emailed upon receipt of your registration.**

**Make checks payable to "SLSA" and mail to:**

**Christie Kaelber, Registration Chair**  
c/o Downey Brand LLP  
621 Capitol Mall, 18th Floor  
Sacramento, CA 95814

**Special thanks to our Vendor Partner:**



**Imagine Reporting will have raffles and prizes for those in virtual attendance, so be sure to register!**

\*Cancellations must be received 48 hours in advance for a refund. No-Shows will be billed.



## CALIFORNIA COURT UPDATES COVID-19

Last updated: August 21, 2020

Courts with recent updates are highlighted in yellow.

Please check the courts' websites for the latest information on closures and other changes.

Court	Status of Public Access	Status of Filing	Court Holiday Declared Until (earliest possible date – Click date to view Order)	Notes
<a href="#">Alameda</a>	<p><b>Partial</b></p> <p>The Court has announced a "remote re-opening."</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>The court is accepting documents by dropbox.</p> <p>Click <a href="#">here</a> for more information</p>	<p>N/A</p> <p><a href="#">Holiday period ended 6/26/2020.</a></p>	<p>While filings are being delivered, you may experience delays receiving stamped copies.</p> <p><a href="#">Latest Implementation Order</a></p>
<a href="#">Alpine</a>	<p><b>Partial</b></p> <p>Hearings are being held remotely. The court will re-open as of June 22, 2020.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p>	<p>While filings are being delivered, you may experience delays receiving stamped copies.</p>
<a href="#">Amador</a>	<p><b>Open</b></p> <p>The court has resumed normal calendars as of June 1, 2020.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 3/31/2020.</a></p>	<p>While filings are being delivered, you may experience delays receiving stamped copies.</p>
<a href="#">Butte</a>	<p><b>Partial</b></p> <p>Access to the court is limited.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>eFiling</b></p> <p>You may submit eFilings but there may be delays.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 3/27/2020.</a></p>	<p>While efilings can be submitted, there may be delays receiving confirmation from the court.</p>
<a href="#">Calaveras</a>	<p><b>Open</b></p> <p>The court is hearing cases with social distancing provisions.</p>	<p><b>eFiling</b></p> <p>You may submit eFilings but there may be delays.</p>	<p>N/A</p>	<p>The court is open. You may submit eFilings through <a href="#">Express Network</a>.</p>



	Click <a href="#">here</a> for more information			
<a href="#">Colusa</a>	<p><b>Partial</b></p> <p>Court calendars limited with restrictions.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 5/1/2020</a></p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Contra Costa</a>	<p><b>Open with restrictions</b></p> <p>The court re-opened with restrictions on 5/26/2020.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p> <p>Click <a href="#">here</a> for Emergency Local Rules specifically for accepted filings</p>	<p>N/A</p> <p><a href="#">Holiday period ended 5/26/2020</a></p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Del Norte</a>	<p><b>Open with restrictions</b></p> <p>The court re-opened with restrictions on 5/26/2020.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 5/22/2020</a></p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">El Dorado</a>	<p><b>Partial</b></p> <p>The court is open with restrictions.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 3/20/2020</a></p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Fresno</a>	<p><b>Partial</b></p> <p>The court has resumed limited operations.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>eFiling</b></p> <p>You may submit eFilings but there may be delays.</p>	<p><a href="#">Holiday period ended 5/1/2020</a></p>	While efilings can be submitted, there may be delays receiving confirmation from the court
<a href="#">Glenn</a>	<p><b>Open</b></p> <p>The court has resumed operations with precautions in place.</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Humboldt</a>	<p><b>Partial</b></p> <p>Court only open to hear essential matters.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>Dropbox</b></p> <p>Filings are being submitted to the court's dropbox.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 5/18/2020</a></p>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Imperial</a>	<p><b>Partial</b></p> <p>Court only open to hear essential matters.</p> <p>Click <a href="#">here</a> for more information</p>	<p><b>eDelivery</b></p> <p>You may submit eDelivery requests but there may be delays.</p>	<p>N/A</p> <p><a href="#">Holiday period ended 3/30/2020</a></p>	While eDelivery submissions can be made, there may be delays receiving confirmation from the court.

<a href="#">Inyo</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/13/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Kern</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	<a href="#">Holiday period ended 4/30/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Kings</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Lake</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/26/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Lassen</a>	<b>Open</b> Civil hearings encouraged to use CourtCall.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Los Angeles</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox. Only urgent matters and TRO's with hearing dates within 48 hours are allowed to be filed over the counter.	N/A Court Holiday was also declared 3/17/20 to 3/19/20 (inclusive).	<p>While eFilings can be submitted and filings are being delivered to the court's dropbox, you may experience delays receiving stamped copies.</p> <p>CRS (Court Reservation System) is back online. Please click <a href="#">here</a> for more information.</p> <p>Hearing Date Reservations are required for filing Civil Motions. Click <a href="#">here</a> to view the official notice.</p> <p>Effective Monday, August 3, 2020, LACC (LACourtConnect) will be expanded for scheduling Unlawful Detainer and Collections cases, and Civil hearings in five Norwalk departments for matters on calendar starting August 10, 2020 and thereafter. Please click <a href="#">here</a> and follow the steps on how to schedule remote appearances.</p> <p>A new <a href="#">General Order</a> extending trials has been issued:</p> <ul style="list-style-type: none"> <li>- Some Criminal Trials may start in September</li> <li>- Civil Jury Trials continued until January 2021; Civil Non-Jury Trials may not commence before November 16, 2020.</li> <li>- Some Unlawful Detainer Non-Jury &amp; Non-Jury Trials in Preference Cases may begin on or after October 5, 2020.</li> </ul>
<a href="#">Madera</a>	<b>Partial</b> Court only open	<b>Dropbox</b> Filings are being submitted	N/A	While filings are being delivered, you may experience delays receiving stamped copies.

	to hear essential matters.	to the court's dropbox.		
<a href="#">Marin</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Only emergency filings are being accepted via the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Mariposa</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Filing by mail</b> Filings are being mailed to the court.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Mendocino</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Merced</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While efilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Modoc</a>	<b>Partial</b> Attendance by CourtCall is encouraged.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Mono</a>	<b>Partial</b> Attendance by CourtCall is encouraged.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Monterey</a>	<b>Open</b> Scheduled matters are being heard, remote or in-person.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While efilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Napa</a>	<b>Partial</b> The court is open with restrictions.  Click <a href="#">here</a> for more information	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While efilings can be submitted, you may not receive a response until after the court holiday period has ended.
<a href="#">Nevada</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Orange</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While efilings can be submitted, there may be delays receiving confirmation from the court.  Effective Immediately, please submit Civil or Probate eFiling Inquiries for OCSC Operations using this <a href="#">link</a> . This includes requests to cancel transactions and eFiling status update requests. This link is to be used in lieu of calls to the triage line until further notice.

<a href="#">Placer</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eDelivery</b> Filings are being submitted via the court's online portal.	N/A	While eDelivery submissions can be made, there may be delays receiving confirmation from the court.
<a href="#">Plumas</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Riverside</a>	<b>Partial</b> The court is re-opening gradually as of June 1, 2020. <a href="#">Click here</a> for more information	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	<b>9/17/20</b> (For the purposes of computing time.)	You may place a filing order with <a href="#">Express Network</a> , but it will not be delivered until the court re-opens. If your filing is an emergency to be delivered immediately, please indicate <b>Urgent Service</b> .  The court published an action to close multiple courthouses and/or reduced hours. <a href="#">Click here</a> to view the court notice.
<a href="#">Sacramento</a>	<b>Closed</b> Entry to the court is strictly limited for emergency matters.	<b>Dropbox</b> From 5/6/2020, the court began accepting certain documents by dropbox. <a href="#">Click here</a> for more information	<b>9/8/20</b> (For the purposes of computing time.)	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">San Benito</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">San Bernardino</a>	<b>Partial</b> The court re-opened with restrictions as of June 1, 2020. <a href="#">Click here</a> for more information	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/28/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">San Diego</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> Civil, Family & Probate matters may be eFiled.	N/A <a href="#">Holiday period ended 5/22/2020.</a>	While you may submit eFiling and in-person filing requests through <a href="#">Express Network</a> , you should anticipate delays receiving stamped copies.  All filed copies will be mailed back to the client until further noticed.
<a href="#">San Francisco</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> Subsequent CIVIL filings can be eFiled.  <b>Dropbox</b> Family and CIVIL case Initiations can be dropboxed.	<b>Deadlines have been extended in many case types.</b>  <a href="#">Please check the court's website for the latest information.</a>	While you may submit eFilings and in-person physical filing requests through <a href="#">Express Network</a> , you should anticipate delays receiving stamped copies.
<a href="#">San Joaquin</a>	<b>Partial</b> Court only open	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/27/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies. If your filing is an emergency to be delivered



	to hear essential matters and will re-open in June.  Click <a href="#">here</a> for more information			Immediately, please Indicate Urgent Service.
<a href="#">San Luis Obispo</a>	<b>Partial</b> Public access is limited to matters on the calendar that day.  Click <a href="#">here</a> for more information	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">San Mateo</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	<a href="#">9/10/2020</a> (For the purpose of computing time.)	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Santa Barbara</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	<a href="#">9/16/2020</a> (For the purposes of computing time.)	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Santa Clara</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A  <a href="#">Holiday period ended 6/30/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.  The court has introduced Live Chat on the court's <a href="#">Self Help</a> section as an alternative to in-person assistance for self-represented litigants.  Effective August 17, 2020, the court will begin new operating hours. Click <a href="#">here</a> to view the court notice.
<a href="#">Santa Cruz</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A  <a href="#">Holiday period ended 4/24/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Shasta</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A  <a href="#">Holiday period ended 5/4/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Sierra</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A  <a href="#">Holiday period ended 5/27/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Siskiyou</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Contact Court</b> Please reach out to the clerk's for more information.	N/A  <a href="#">Holiday period ended 5/15/2020.</a>	The court has specific instructions for placing filings on their website. We recommend contacting the court directly.
<a href="#">Solano</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A  <a href="#">Holiday period ended 5/28/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.

<a href="#">Sonoma</a>	<b>Partial</b> The Court will re-open from 6/1/2020. Click <a href="#">here</a> for more information	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A <a href="#">Holiday period ended 4/14/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Stanislaus</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A <a href="#">Holiday period ended 5/18/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Sutter</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Tehama</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/29/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Trinity</a>	<b>Open</b> Please contact the court prior to attending.	<b>Filing by Mail</b> Filings are being mailed to the court.	N/A <a href="#">Holiday period ended 4/17/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Tulare</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 6/9/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Tuolumne</a>	<b>Open</b> Civil hearings encouraged to use CourtCall.	<b>Clerk's Window</b> Filing can be uploaded to <a href="#">Express Network</a> for delivery.	N/A <a href="#">Holiday period ended 4/22/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies.
<a href="#">Ventura</a>	<b>Partial</b> Court only open to hear essential matters.	<b>Dropbox</b> Filings are being submitted to the court's dropbox.	N/A <a href="#">Holiday period ended 5/9/2020.</a>	While filings are being delivered, you may experience delays receiving stamped copies. The court has announced various court closures. Click <a href="#">here</a> to view the official court notice.
<a href="#">Yolo</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> The court is going live with eFiling on August 17, 2020. Click <a href="#">here</a> for more information	N/A Holiday period ended.	While eFilings can be submitted, there may be delays receiving confirmation from the court.
<a href="#">Yuba</a>	<b>Partial</b> Court only open to hear essential matters.	<b>eFiling</b> You may submit eFilings but there may be delays.	N/A <a href="#">Holiday period ended 4/30/2020.</a>	While eFilings can be submitted, there may be delays receiving confirmation from the court.

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**BENCH-BAR & ANNUAL MEETING**

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FEATURING

- **Judge Stacy Boulware Eurie as Judge of the Year**
- **Pro Bono Awardee Yoshinori H.T. Himel**
- **2021 SCBA Board Swearing In**
- **State of the Court Reports**
- **Foundation Scholarship Awards**

**FREE MCLE FOR ATTENDEES**

Jack Glaser, PhD presents "Implicit Bias: The Science Behind It, and the Implications for the Law"

**Begins at 4:30 pm**

**Thursday, October 29, 2020 | Begins at 6:00 pm | ZOOM**

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- \*Free for All Inclusive and Lifetime members.

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## Agency Email Correspondence Must be Retained Under CEQA, Appeals Court Holds

By Brenda C. Bass and Christian L. Marsh

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In a ruling that should send shivers up the spine of any public agency in California needing to comply with the California Environmental Quality Act (“CEQA”), the Fourth District Court of Appeal on July 30 held that any email correspondence related to a project and its compliance with CEQA must be retained as part of the agency’s record of administrative proceedings, even if the agency’s document retention policy states otherwise. This marks the first ruling (or statute or regulation) to impose such a duty.

*Golden Door Properties, LLC v. Superior Court of San Diego*, Lead Case No. D076605, stems from numerous CEQA writ petitions related to San Diego County’s (“County”) approval of the Newland Sierra Project. The specific issue in the opinion is the impact of the County’s document retention policy, which directed City staff to automatically delete emails not

marked or saved as “official records” after 60 days. In some tension with that retention policy, Public Resources Code sub-sections 21167.6(e)(7) and (e)(10) require agencies to include external and non-privileged internal emails and other written communications related to a CEQA project in the administrative record of proceedings when litigation is filed challenging the project under CEQA.

In this instance, the County argued that some emails related to the project and its compliance with CEQA had been deleted pursuant to the County’s document retention policy and thus could not be produced in response to discovery or for the administrative record. A battle over discovery of the records ensued. Ultimately, a trial court discovery referee ruled that there was no duty to retain emails under CEQA, and therefore denied efforts by petitioners to compel the agency to produce the records.



The Appeals Court disagreed. The Court determined that Section 21167.6(e) is both mandatory and inclusive—the administrative record *must* include the enumerated categories of records, and those listed categories should be interpreted broadly. Specifically, the Court determined that the use of “any” and “all” in Section 21167.6(e) and its subdivisions “cannot reasonably be interpreted to mean all written materials, internal agency communications, and staff notes *except* those e-mails the lead agency has already destroyed.” The Court considered it “pointless” for CEQA to set forth categories of documents that must be included in the administrative record, only to interpret the statute such that it does *not* require retention of such documents during the administrative proceedings.

The Court also reasoned that an interpretation requiring retention of records fitting the descriptions in Section 21167.6(e) is consistent with CEQA’s purposes of governmental transparency and informed decision-making. The Court determined that this interpretation also ensures meaningful judicial review of CEQA decisions. On these bases, the Court held that “a lead agency may not destroy, but rather must retain writings section 21167.6 mandates for inclusion in the record of proceedings.”

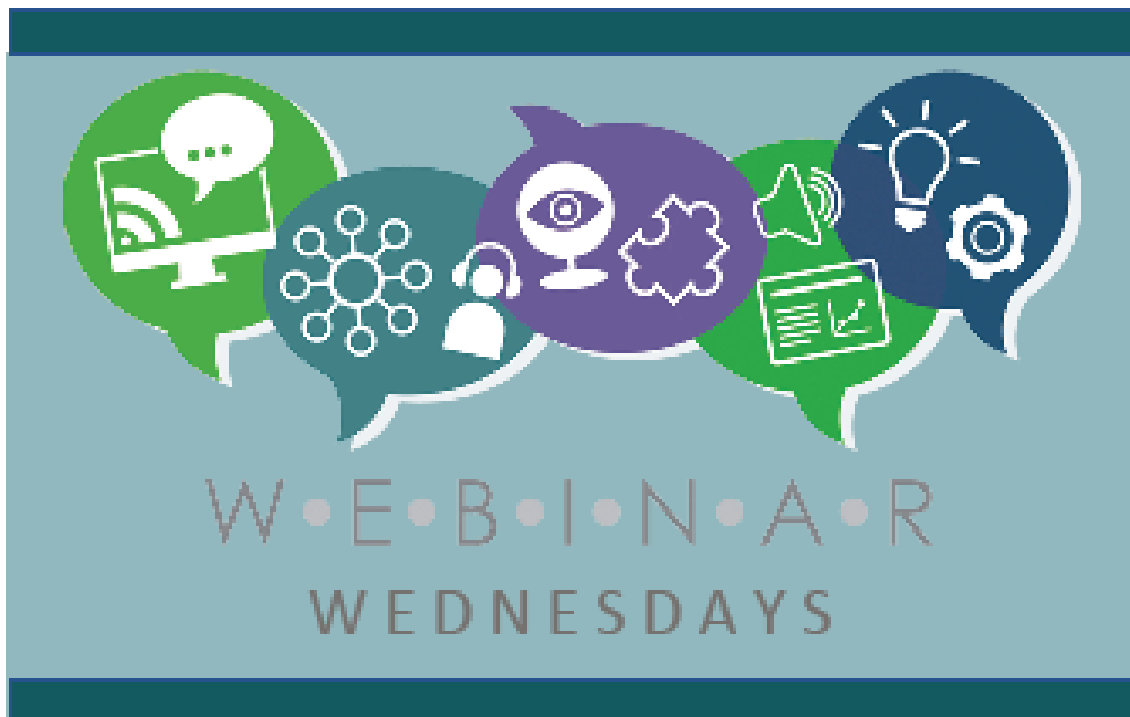
Of important note, the Court did not grant the remedy sought by petitioners—that the court enter judgment in their favor and force the agency to set aside all project approvals. Instead, the Court simply ordered the parties to meet and confer and for the lower court to reconsider its discovery rulings in light of

the incomplete record. Distinguishing an earlier case that invalidated certain project approvals due to a “grossly deficient” record, the Court made clear that, because the record had yet to be completed, such remedy was “premature.”

In this case on remand, as well as in other cases to follow, it will remain petitioners’ burden to show that any gap in the record is prejudicial. (See Pub. Resources Code, § 21005(b); *Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 463-465 (no prejudice where correction of error would not have produced any “substantially different information”); *San Francisco Baykeeper, Inc. v. State Lands Com.* (2015) 242 Cal.App.4th 202, 228-232 (petitioner failed to show how CEQA procedural violations resulted in “omission of pertinent information from the environmental review process”).) This evidentiary burden is ever the more challenging when the records that do exist demonstrate that the EIR and CEQA findings of the agency were supported by the evidence.

Before this ruling, neither CEQA nor any court had ever imposed such an explicit duty on public agencies to retain emails. Indeed, born out of necessity to manage the ever burgeoning amounts of data preserved on servers and other databases, many agencies have had document retention policies that explicitly encourage the deletion of older emails. This ruling will no doubt force public agencies to rethink email retention policies and document storage techniques related to CEQA projects.





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## GOOD TO KNOW

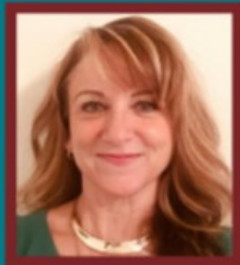
The recent fires have negatively impacted our air quality. Below is a picture of an air filter just changed a couple of weeks ago.

The fire soot and residue in the air filter below is a result of the recent fires.

**\*\*\*A quick reminder to swap out your air filters\*\*\***



Contributed by Marj Walker, Director of Business Development  
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This is a ten-week course covering California state court practice and procedures. It is designed for beginning-level students or for those who feel they could use a refresher in basic legal secretary training. Previous work experience in an office setting is strongly recommended.

**Cost: \$275.00 SLSA Members  
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Forms of Payment Accepted: Check,  
Money Order/Cashier's Check, or Credit Card  
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Includes course fee, Law Office Procedures Manual, all training materials, and one year of membership<sup>1</sup> in Sacramento Legal Secretaries Association and Legal Professionals, Incorporated

*(<sup>1</sup> applies only to those who are not already members of SLSA)*

### **Class Schedule (Subject to Change)**

*All classes will cover legal terminology*

Week 1 – October 7, 2020	Court Structure, Best Practices, and Ethics
Week 2 – October 14, 2020	Civil Litigation – Part 1
Week 3 – October 21, 2020	Civil Litigation – Part 2
Week 4 – October 28, 2020	Discovery/Depositions
Week 5 – November 4, 2020	Calendaring/Corporate Law
Week 6 – November 11, 2020	Citations
Week 7 – November 18, 2020	Family Law/Criminal Law
Week 8 – December 2, 2020	Probate/Estate Planning
Week 9 – December 9, 2020	Real Estate/Unlawful Detainer
Week 10 – December 16, 2020	Final Exam

*\*Because of the demand for access to this class, as well as the amount of material presented and wide spectrum of practice areas being covered in just ten weeks, attendance at each class is critical. Students are permitted one excused absence. Missing more than one class may result in dismissal from the course.*

For more information, please contact Brenda Bracy, CCLS  
[SLSA.BLST@gmail.com](mailto:SLSA.BLST@gmail.com) or at (916) 628-0864

Visit our website: [www.slsa.org](http://www.slsa.org)



Sacramento Legal Secretaries Association

Beginning Legal Secretary Training Course  
**Registration Form**  
 (Please type or print clearly)

Each individual must complete and submit a registration form. Group registrations will not be accepted.  
*\*Indicates Required Information*

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\*Preferred Mailing Address: \_\_\_\_\_

\*Business Telephone: \_\_\_\_\_ \*Personal Telephone: \_\_\_\_\_

Do you have experience as a legal secretary/legal support professional? Please briefly describe below:

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Amount authorized to charge: \_\_\_\_\_ \$283.25 (SLSA Members) \_\_\_\_\_ \$334.73 (Non-Members)

**Registration with payment MUST BE RECEIVED BY SEPTEMBER 22, 2020.** Registration is on a first-come, first-served basis until the class is full or until the deadline for registration, whichever comes first. Registrations received after the class is filled will be placed on a wait list in the event of an opening. **No refunds after SEPTEMBER 30, 2020.**

<p>Mail this completed form with payment to:</p> <p>Brenda Bracy                  P.O. Box 938                  Galt, CA 95632</p> <p>Make checks payable to: "SLSA"</p>	<p>Registration is also available online with credit card payment (convenience fee applies) at <a href="http://www.slsa.org/events">www.slsa.org/events</a>.</p>
--	--

PLEASE ALLOW 24-48 HOURS FOR REGISTRATION CONFIRMATION RECEIPT

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SEPT. 3, 2020  
6:00 - 7:30 PM  
RSVP BY: SEPT. 1, 2020**



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**LPI MEMBERS - FREE  
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**October 1, 2020; Noon**



**Social Media Ethical Evidence  
Collection & Use**

**Presented by: Joseph Jones, Bosco Legal Services, Inc.**  
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 LSI Member/Local Association Member - \$15  
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The price increases \$5 after 09.17.2020; Registration closes 09.24.2020.

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The Legal Specialization Sections is a program of Legal Professionals, Inc., an approved provider, and certifies that this seminar has been approved for minimum continuing education credit in the amount of 1.0 hours, of which includes 1.0 hours in Ethics, by the State Bar of California.



**LEGAL  
SPECIALIZATION  
SECTIONS**





# DATES TO REMEMBER



<b>September 3 – 6:00 p.m.</b>	LPI Bingo Game [deadline to register September 1]
<b>September 7</b>	Labor Day Holiday
<b>September 8 – 6:00 pm</b>	SLSA Board Meeting
<b>September 17 – 6:00 pm</b>	SLSA Membership Meeting
<b>October 1 – 12:00 pm</b>	LSS Webinar – <i>Social Media Ethical Evidence Collection and Use</i> [deadline to register September 24]
<b>October 7 – 6:00 p.m.</b>	Week One of Beginning Legal Secretary Training
<b>October 14 – 6:00 p.m.</b>	Week Two of Beginning Legal Secretary Training
<b>October 21 – 6:00 p.m.</b>	Week Three of Beginning Legal Secretary Training
<b>October 28 – 6:00 p.m.</b>	Week Four of Beginning Legal Secretary Training



## BIRTHDAYS

September 7  
 September 11  
 September 13  
 September 15  
 September 17  
 September 24  
 September 25  
 September 28

**Kate Moore**  
**Dawn Willis**  
**Marina Foster, Tiffany Meier**  
**Alicia Malerbi**  
**Dawn Forgeur, CCLS**  
**Lynne Prescott, CCLS**  
**Lacy Monserrat, CCL**  
**Corene Rodder**





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