

# The Tickler



A Monthly Publication of Douglas-Carson Legal Professionals

May 2020

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## President's Message

Difficult times leave us with a lasting impression. They alter us and change the way we view our lives. We have learned who and what matters in our life and undoubtedly we have a greater appreciation for them. Surviving hardship gives us a broader perspective on what hardship really is. You will look back on the things you used to complain about and be thankful they are your only worries. After we have survived a difficult time, we are given a deep gratitude for our life.

Difficult times will happen. To find the light, we have to go through the darkness and while you're in the midst of it, try to take a deep breath and remember that the lessons you are learning will shift your view of life. You will learn what matters, who matters, how strong you are, and how lucky you are to exist. (Author unknown. From May 2020 edition of Valley Scoop)

—Mary Baldecchi, Emeritus PP, PLS, CLA



## DCLP May Meeting Cancelled

**Cases are still rising** in the Quad County region. As good citizens and community partners, Douglas-Carson Legal Professionals has cancelled the chapter's monthly meeting. We implore you to practice social distancing.

When everything seems to be against you, remember that the airplane takes off against the wind, not with it.

—Henry Ford

Here are some rather random facts that you may or may not know:

1. Did you know that an envelope should be addressed in all caps, with street direction and designation abbreviated (i.e., 315 W CENTRAL AVE), with no punctuation, with the addressee's name and title on the first line, the name of the company on the second line, the street address and suite number on the third line, and the city, two letter state abbreviation, and ZIP code on the last line? Postal OCR machines read from the bottom up to decide where to send the letter to be delivered, so if you use this format, your letter may just get there before one in another format. See USPS Publication 28 for detailed information about addresses.
2. Did you know that in a business letter an attention line is not really necessary? If you are directing it to someone's attention, just address it to them. There really is no need for the "Attention" unless you do not know someone's name and want to address it to "Human Resources Manager" or something like that. But with technology and the availability of corporate information today, you may be able to figure out who that person is and get your letter delivered directly to a person instead of to the "Occupant" trash bin.
3. Did you know that *irregardless* is not a word you should be using? Use *regardless* instead.
4. Did you know that emails should be written in English and not in "text speak"? Of course you did! I was just testing you.
5. Did you know that ellipsis marks are three **spaced** periods (regardless of how Word wants to format them for you)?
6. Did you know that you should proofread pleading captions and titles, inside addresses and *re:* lines in letters, and other things that may not be obvious to the author, but **someone** will be looking at so it should be right? Some attorneys have their Word settings so that the spell checker does not check words with all caps—which includes most legal document titles—and so these areas are very often overlooked by the author, even though they are one of the first places the reader will go. You certainly don't want to start your reader off with a careless typo when they have more of your writing to read, do you?
7. Did you know that emails are correspondence too? Clients, opposing counsel, and judges are all reading our emails. It is important that we take as much care with email as we do with correspondence. Email still reflects your firm, so it should be right.

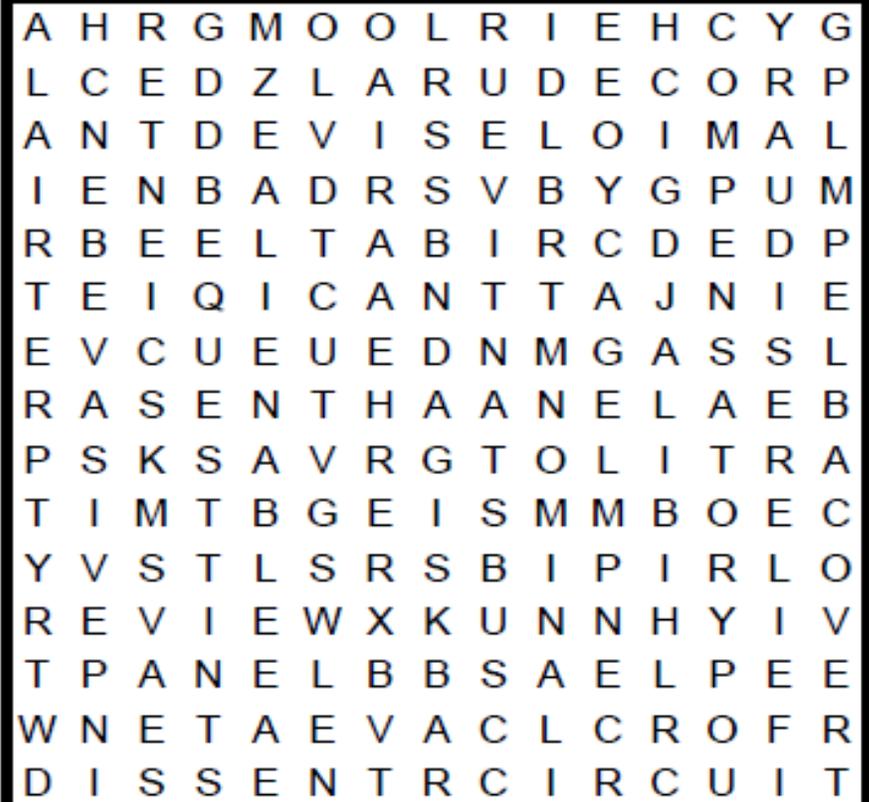
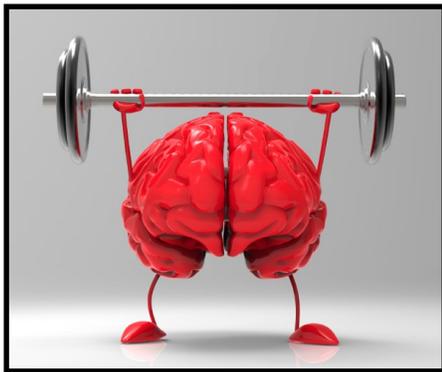


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**Blondie** • Dean Young & John Marshall



**DCLP presents  
Cognitive Fitness**



**Word Search Puzzle  
Legal Terms**

Can you find all of these terms?

No?

Look again ... They may be on the diagonal or backwards or read from bottom to top.

You're welcome.

Alibi

Alienable

Bar

Bench

Bequest

Case

Cause

Caveat

Circuit

Compensatory

Covert

Damages

Devise

Dissent

Evasive

Grant

Heirloom

Legacy

Nominal

Panel

Plea

Pretrial

Procedural

Relief

Residuary

Review

Revocable

Scienter

Substantive

Suit

Testate

Answer will appear in the next issue of the Tickler.

## The Chicken's Fate

Orbiting the Giant Hairball by Gordon MacKenzie remains one of my favorite leadership books. The stories and anecdotes told therein are funny and inspiring. My favorite is "The Chicken's Fate." Even if you've heard it before, I ask that you read the story below and think how it applies to you and DCLP because when we exit the COVID-19 pandemic, life will not be the same and we will need to do and think differently. As MacKenzie told it:

My father spent the summer of 1904 on the farm of an aunt and uncle. It so happened that they had a son the same age as my father. Story has it that when the two boys were together, they were a couple of hellers with a genius for mischief.

One sunny Sunday, the boys feigned stomachaches and so were excused from going to church. Uncle hitched the horse to the family's carriage, helped his wife on board, and they were off to town for their communal worship. Of course, as soon as their carriage was out of sight around the bend, the boys' stomachaches miraculously disappeared, and the two 10-year-olds set about to find something to do.

Wanting to impress my father, the city boy, the cousin asked:

*"Do you know how to mesmerize a chicken?"*

*"Mesmerize? Uh-uh. What's that?"*

*"Follow me."*

The cousin led the way to a ramshackle chicken coop out behind the farmhouse. There he selected a fine white hen. He carried her under his arm to the front of the house, produced a piece of chalk and drew a short line on the porch. He stood the creature over the chalk line and held her beak to it. After a moment or so, the boy slowly removed his hands. The chicken stood motionless, beak to the chalk line, hypnotized. My father hooted with glee.

*"Let's do another one!" he pleaded.*

The two boys ran back to the hen house for another chicken. And another. And another. Before long, the henhouse was empty and the front porch was filled with 70 or so dead silent, stark still chickens straddling the chalk lines, beaks seemingly glued to the porch.

The boys, too, seemed hypnotized—mesmerized by this glorious example of their own cleverness. A breeze gently rippled the feathery coats of the unmoving chickens. In the distance, softly thudding hooves and the rattle of turning carriage wheels signaled the return of Aunt and Uncle. Wouldn't they be surprised.

But wait! There were two carriages, not one. Behind the family's carriage was a smaller runabout driven by the reverend who had come to dinner! Worse, Aunt had already explained to the preacher that the boys had not been to church because they were ill.

Upon seeing the fowl foolery, Uncle flew into an embarrassed rage, leapt off the carriage and onto the porch, place-kicking chicken after chicken into consciousness. Feathers and clucking and curses filled the air. The preacher, scandalized, turned his carriage around and, without a word, fled back to town never to return.

~~~~~

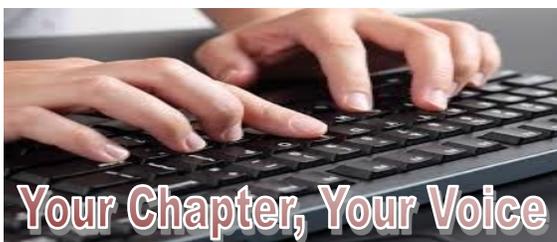
The lesson here is that we should not become hypnotized by "the way we've always done things." During the lockdown, you've had to tap into your creativity to serve your family and firm in new ways. At DCLP we've had to find a different way to communicate with our members.

When the pandemic is over, choose not to be mesmerized by the past. Tap into your unique way of accomplishing tasks and achieving goals and apply it to the future.

Share your one-of-a-kind magic, your genius, your limitless creativity with DCLP to move us forward.

Do not return to the chalk line.

—Dee Beardsley, Emeritus PP, PLS



Dear Editors:

Many thanks for another great *Tickler*. I really like the new design.

The article about losing one's marbles reminded me, and here I date myself, of playing marbles when I was very young. My grandfather had a large tin of marbles he had collected over his many years, and he would bring them out whenever I visited and we would roll them around the floor. No doubt he lost a few of his marbles in those days, and not because of his advanced age.

When I was five my mother and I took a very long train ride from Indiana to California, where I grew up. She and another single mother teamed up and rented the two-bedroom apartment in which the four of us lived. The other child was a boy about a year older than me. He too had a tin of marbles, much smaller than the one my grandfather had, and each Friday afternoon he would get them out and we would play. Friday was allowance day, you see, and I received the princess-ly sum of thirty cents each week.

He would outline a circle on the living room rug using light chalk, then put a few marbles in the center. Then we would each choose another, larger marble as a shooter. (He always picked first, and he always picked his precious "Aggie.") The idea was to make a fist, place your knuckles flat on the floor just outside the circle, place your shooting marble into the pocket made by your index finger and thumb, then propel it into the circle by flipping your thumb forward. The person who could

hit the most marbles out of the circle would win. Alas, he *always* won and I always lost my thirty cents. (It never occurred to me that he never had any money on the table. Even then I was lousy at gambling!)

The jig was up when our mothers returned home early from work one Friday. Not only did he lose his marbles, I got my thirty cents back and the next day he had to escort me to the matinee at the local theater. That thirty cents not only got me in, it bought me a five-cent candy bar!

—Vicki Van Pelt

*From the Editors: Do you have thoughts to share or a story to tell? We'd love to hear from you. Contact us at [nalsdclp@gmail.com](mailto:nalsdclp@gmail.com).*



Birthday wishes to members:

May 11 — Tricia Duncan

May 28 — Sharon Smith

May 30 — Vicki Van Pelt



**Our Black Marble** drawing will be back as soon as we are able to resume our monthly meetings.

Excerpts from Disorder in the Court: Great Fractured Moments in Courtroom History by Charles M. Sevilla. These exchanges are from court transcripts.

ATTORNEY: Doctor, before you performed the autopsy, did you check for a pulse?

WITNESS: No.

ATTORNEY: Did you check for blood pressure?

WITNESS: No.

ATTORNEY: Did you check for breathing?

WITNESS: No.

ATTORNEY: So, then it is possible that the patient was alive when you began the autopsy?

WITNESS: No.

ATTORNEY: How can you be so sure, Doctor?

WITNESS: Because his brain was sitting on my desk in a jar.

ATTORNEY: I see, but could the patient have still been alive, nevertheless?

WITNESS: Yes, it is possible that he could have been alive and practicing law.

~~~~~

ATTORNEY: Doctor , how many of your autopsies have you performed on dead people?

WITNESS: All of them. The live ones put up too much of a fight.

~~~~~

LAWYER: Now sir, I'm sure you are an intelligent and honest man--

WITNESS: Thank you. If I weren't under oath, I'd return the compliment.

~~~~~

ATTORNEY: She had three children , right?

WITNESS: Yes.

ATTORNEY: How many were boys?

WITNESS: None.

ATTORNEY: Were there any girls?

WITNESS: Your Honor, I think I need a different attorney. Can I get a new attorney?

~~~~~

LAWYER: Are you married?

WITNESS: No, I'm divorced.

LAWYER: And what did your husband do before you divorced him?

WITNESS: A lot of things I didn't know about.

~~~~~

LAWYER: You say that the stairs went down to the basement?

WITNESS: Yes.

LAWYER: And these stairs, did they go up also?

~~~~~

ATTORNEY: ALL your responses MUST be oral, OK? What school did you go to?

WITNESS: Oral...

## Book Review and Recommendation

Submitted by Dee Beardsley

If you like legal thrillers that are thought provoking, as well as entertaining, I highly recommend the Joe Dillard series by Scott Pratt.

His first book in the series An Innocent Client was recommended to me and I became an instant fan, reading all nine books in quick succession. I wish there were more, but sadly Scott died in a diving accident last year.

The first five volumes are bundled and available for free if you have Kindle Unlimited. The remaining four volumes are sold separately (also free on Kindle Unlimited).



**Publisher's Weekly**—Former attorney Pratt delves into rural Tennessee law and politics in this brilliantly executed debut. When a preacher is murdered after visiting an infamous strip club, the club's owner hires jaded attorney Joe Dillard to defend Angel Christian, a beautiful waitress accused of the crime. Dillard, savvy but cynical, wants to quit doing criminal defense, but he can't resist the chance to represent someone who might actually be innocent. His drug-addicted sister has just been released from prison and his mother is succumbing to Alzheimer's, but Dillard's commitment to the case never wavers despite the personal troubles and professional demands that threaten to destroy him. Pratt's richly developed characters are vivid and believable, especially the strong Southern women who fight their male-dominated culture from behind a facade of vulnerability.

**ABA's choice as the top law novel of the last 10 years**—"Pratt blends real courtroom drama with intense scenes that keep this book moving at a quick pace. Joe Dillard is a Tennessee criminal defense lawyer who wants to defend one innocent client before he walks away from the practice. He finds himself defending a stripper accused of killing a preacher who visited her strip club the night before. Rich plot? The dialogue is real, the courtroom scenes riveting and the outcome anything but certain." —Robert Dugoni

## NALS Code of Ethics & Professional Responsibility

Members of NALS are bound by the objectives of this association and the standards of conduct required of the legal profession. Every member shall:

- Encourage respect for the law and administration of justice
- Observe rules governing privileged communications and confidential information
- Promote and exemplify high standards of loyalty, cooperation, and courtesy
- Perform all duties of the profession with integrity and competence
- Pursue a high order of professional attainment

Integrity and high standards of conduct are fundamental to the success of our professional association. This Code is promulgated by NALS and accepted by its members to accomplish these ends.

**Canon 1.** Members of this association shall maintain a high degree of competency and integrity through continuing education to better assist the legal profession in fulfilling its duty to provide quality legal services to the public.

**Canon 2.** Members of this association shall maintain a high standard of ethical conduct and shall contribute to the integrity of the association and the legal profession.

**Canon 3.** Members of this association shall avoid a conflict of interest pertaining to a client matter.

**Canon 4.** Members of this association shall preserve and protect the confidences and privileged communications of a client.

**Canon 5.** Members of this association shall exercise care in using independent professional judgment and in determining the extent to which a client may be assisted without the presence of a lawyer and shall not act in matters involving professional legal judgment.

**Canon 6.** Members of this association shall not solicit legal business on behalf of a lawyer.

**Canon 7.** Members of this association, unless permitted by law, shall not perform legal functions except under the direct supervision of a lawyer and shall not advertise or contract with members of the general public for the performance of paralegal functions.

**Canon 8.** Members of this association, unless permitted by law, shall not perform any of the duties restricted to lawyers or do things which lawyers themselves may not do and shall assist in preventing the unauthorized practice of law.

**Canon 9.** Members of this association not licensed to practice law shall not engage in the practice of law as defined by statutes or court decisions.

**Canon 10.** Members of this association shall do all other things incidental, necessary, or expedient to enhance professional responsibility and participation in the administration of justice and public service in cooperation with the legal profession.

## **Douglas-Carson Legal Professionals**

[www.douglascarsonlegalprof.org](http://www.douglascarsonlegalprof.org)

[NALSdclp@gmail.com](mailto:NALSdclp@gmail.com)

Facebook: [NALSdclp](#)

Instagram: [NALS in Nevada](#)



## **DCLP Chapter Officers 2019-2020**

### **President**

Mary Baldecchi, Emeritus PP, PLS, CLA

(775) 742-9362

[marybaldecchi@aol.com](mailto:marybaldecchi@aol.com)

### **Vice-President**

Dee Beardsley, Emeritus PP, PLS

(619) 339-0643

[beardsleydee@gmail.com](mailto:beardsleydee@gmail.com)

### **Secretary**

Georgianne Harjes

(775) 230-6769

[gharjes1@aol.com](mailto:gharjes1@aol.com)

### **Treasurer**

Vicki Van Pelt

(775) 443-7026

[vanpeltv1@outlook.com](mailto:vanpeltv1@outlook.com)

### **The Tickler**

Dee Beardsley, Emeritus PP, PLS

(Editorial Manager)

[beardsleydee@gmail.com](mailto:beardsleydee@gmail.com)

Maria Nelson, PLS (Circulation Manager)

(775) 883-3300

[maria@allisonjoffee.com](mailto:maria@allisonjoffee.com)

### **Public Information Officer**

Darci Hayden, PP, AAS

[nalsdclp@gmail.com](mailto:nalsdclp@gmail.com)

## **NALS Headquarters**

3502 Woodview Trace, Ste. 300

Indianapolis, IN 46268

### **RGI President**

Leslie Murphy, FASAE, CAE

[murphy@raybourn.com](mailto:murphy@raybourn.com)

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Amanda S. Bureau, CAE, CVA

Board Support, Strategic Planning,

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Natalie Shryock

Certification Growth and

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[natalie@nals.org](mailto:natalie@nals.org)

### **Communications, Publications**

Rachel Daeger, CAE, IOM

Communications and Publications

(918) 582-5188

[rachel@nals.org](mailto:rachel@nals.org)

### **Events/Meeting Planner**

Emilie Perkins, CAE, CMP CMM, PMP

Annual conference planning, future

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[emilie@nals.org](mailto:emilie@nals.org)

### **Membership Manager**

Mark Lewis

Individual Member and Chapter Support

[mark@nals.org](mailto:mark@nals.org)

# Membership Application



engage  
inspire  
enhance  
promote

## Membership Application

Application Date: \_\_\_\_\_  
Local Chapter Name: Douglas-Carson Legal Professionals  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_  
Home Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Employer: \_\_\_\_\_  
Position Title: \_\_\_\_\_  
Business Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Preferred Mailing Address:  Home  Business  
Home Phone: \_\_\_\_\_  
Business Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Would you like to receive monthly legal education via email?  
 Yes  No  
Preferred Email Address: \_\_\_\_\_

**Your Specialty Area: (required)**  
 Law Office Management  Criminal  
 Business/Corporate  Bankruptcy  
 Probate/Estate Planning  Taxation  
 Court Personnel  Administrative  
 Litigation  Government  
 Family  Real Estate  
 Other (specify): \_\_\_\_\_

**Years Worked in the Legal Profession:**  
 0-1  2-5  6-10  11-15  16-19  Over 20

**Lawyers in Office:**  
 0-1  2-5  6-10  11-20  21-49  Over 50

**Type of Legal Office:**  
 Law Office  Self-employed  
 Corporate Legal Department  Court System  
 Government Services  Other

### Membership Category

- \$207 International Membership (US Currency Only)
- \$140 New Member Membership (National Dues)
- \$140 Active Duty Military Membership **[All-Inclusive]**
- \$85 Associate Membership (educators, judges, attorneys)
- \$39 Student Membership (minimum 9 credit hours required)
- \$ 5.00 Local Chapter Dues
- \$ \_\_\_\_\_ ~~State Association Dues~~

Total Due \$ 145.00

### Payment Method

Payment must accompany application. There will be a \$20 charge for returned checks. Make checks payable to NALS.

- Check One:  Check or Money Order  Visa  
 MasterCard  Discover

Credit Card Number:

Expiration Date: Month \_\_\_\_\_ Year \_\_\_\_\_

Security Code: \_\_\_\_\_

Signature (credit card registrants only)

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### Questions?

Call (918) 582-5188 and ask for the member services department.

I agree to be bound by the *Code of Ethics and Professional Responsibility* and the bylaws/standing rules as adopted by NALS. (Visit [www.nals.org/aboutnals](http://www.nals.org/aboutnals) for details.)

Applicant's Signature \_\_\_\_\_

**Membership is nontransferable.**  
**Please send a copy of this application to your local membership chair.**