

# The Tickler



A Monthly Publication of Douglas-Carson Legal Professionals

May 2023

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Spring is finally here and we can now enjoy our beautiful Nevada scenery. I have been waiting since that first big snow at Christmas to get outside and enjoy the weather.

Hope some of you will be going on wonderful vacations this year. I have a cruise coming up to Spain, France and Italy in June. Very much looking forward to it.

This month we are celebrating Law Day and Sharon Coates found us a wonderful speaker: Jenna Garcia. She is a Washoe County Deputy District Attorney and will speak on civics and civility. Hope to see you May 3 at noon, via zoom for her presentation.

—Maria Nelson, PLS, DCLP President

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**DCLP LIVE!!**

**No Reservation Needed**

Via ZOOM Wednesday  
May 3, 2023 at 12 p.m.  
No charge for guests.  
Meeting ID: 922 280 3023  
Passcode: 412889



## Douglas-Carson Legal Professionals

Welcomes

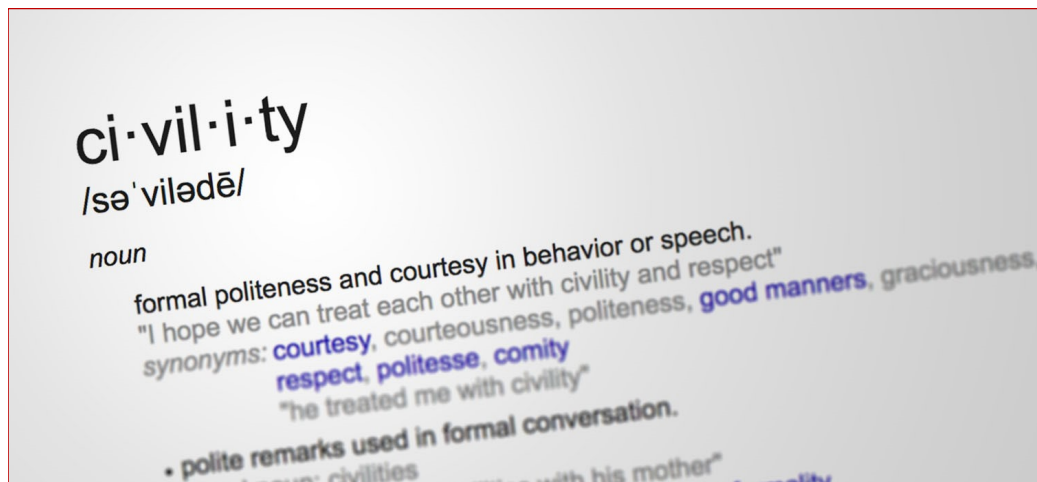
**Jenna Garcia**

Felony Prosecutor

Washoe County District Attorney's Office

## Civics, Civility, and Collaboration

Jenna is a native Northern Nevadan. Her interest in the law and civic education began at Reed High School when she participated in the We the People Program as a senior in 2004. She obtained her bachelor's degree in history from the University of California, Berkeley, and her J.D. from the University of Wisconsin, Madison. She returned to Nevada in 2013 as a law clerk for the Honorable James Hardesty on the Nevada Supreme Court. She spent seven years working as a criminal defense attorney at the Alternate Public Defender's Office. She now works for the Washoe County District Attorney's Office as felony prosecutor. Jenna has been involved in We the People youth government program for the past five years and currently serves as the District 2 coordinator for the program. She is also on the Board of the Directors for the Washoe County Bar Association and is currently serving as the president of the Northern Nevada Women Lawyers Association.



DCLP presents  
Cognitive Fitness



Outdated Words in Legal Lexicon

Part of being a legal secretary or paralegal is mastering legal vocabulary, some of which is archaic. We don't need words from 1908 let alone 1708. Expert writers want clean, vigorous prose. Here are a few words to leave behind:

**Aforementioned and aforesaid** — Eliminate them both and specify the place to which you are referring.

**Comes now** — Stop beginning pleadings with this archaic phrase. And drop the ALL-CAPS.

**Hereinabove, hereinafter** — It's old and vague. As with almost all legal writing, the better approach is to specify what you are referring to and where it can be found.

**Instant case** — *This case, our case, the Jackson case, and the current case* are all better.

**Inter Alia** — Latin terms that aren't terms of art ought to be eliminated. It's old and vague. The better approach is to specify what you are referring to and where it can be found.

**Subsequent to** — Its cousin, *prior to*, is only slightly less pretentious. Use *before* and *after*.

**-trix** suffix words like *adminstratrix, executrix, prosecutrix, testatrix* — Thirty years ago legal vocabulary expert David Mellinkoff said these forms were "dying." We can no longer wait around. Kill them off now. They're sexist, archaic, and hard to pronounce.

**Witneseth** — *Black's Law Dictionary* calls it an "antiquarian relic."



Source: Wayne Schiess at [Legalwriting.net](http://Legalwriting.net)

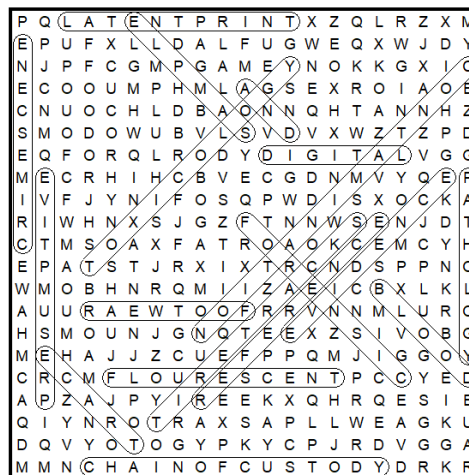
Law Day Word Search



Circle the words below which may appear horizontal, vertical, diagonal, forward or backwards.

- |               |              |
|---------------|--------------|
| CONSTITUTION  | CORNERSTONE  |
| CIVILITY      | CONGRESS     |
| COLLABORATION | COUNTRY      |
| COURTS        | COMMONWEALTH |
| COUNSEL       | CONVENTION   |
| CHARACTER     | CITIZEN      |
| CIVICS        | CABINET      |

Answer to April's Word Search Puzzle



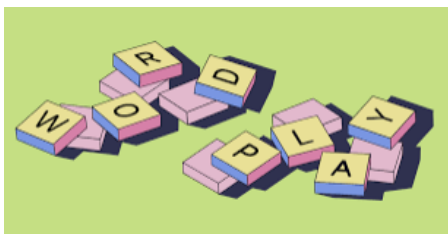
# Legal Procedures Quiz

Submitted by Mary Baldecchi, Emeritus PP, PLS

Match the definitions below to these terms:

- \_\_\_\_\_ 1. *amicus curiae*
- \_\_\_\_\_ 2. legal capacity
- \_\_\_\_\_ 3. right of action
- \_\_\_\_\_ 4. standing
- \_\_\_\_\_ 5. writ of *certiorari*

- A. An interested party who submits a memorandum of law in a case, although he or she is not a party.
- B. Procedural ability to pursue a claim in a cause of action.
- C. Document filed to obtain appellate review.
- D. The concept that requires that the person injured must be the one who sues.
- E. The principle that establishes whether a person may sue in his or her own right without being represented by someone else.



I changed my iPod's name to Titanic. It's syncing now.

England has no kidney bank, but it does have a Liverpool.

Haunted French pancakes give me the crepes.

This girl today said she recognized me from the Vegetarians Club, but I'd swear I've never met herbivore.

I know a guy who's addicted to drinking brake fluid, but he says he can stop any time.

A thief who stole a calendar got twelve months.

I got some batteries that were given out free of charge.

A dentist and a manicurist married. They fought tooth and nail.

A will is a dead giveaway.

Police were summoned to a daycare center where a three-year-old was resisting a rest.

A bicycle can't stand alone; it's just two tired.

The guy who fell onto an upholstery machine last week is now fully recovered.

He had a photographic memory but it was never fully developed.

Did you hear about the cross-eyed teacher who lost her job because she couldn't control her pupils?

I'm reading a book about anti-gravity. I just can't put it down.

When chemists die, they barium.

When she saw her first strands of gray hair she thought she'd dye.

Acupuncture is a jab well done. That's the point.

I didn't like my beard at first. Then it grew on me.

—submitted by

Susan G. Davis, PP , PLS, CP

Answers to Quiz Above:

1-A, 2-E, 3-B, 4-D, 5-C

## DID YOU KNOW?

William Shakespeare used more than 20,000 words in his plays and poems, and his works provide the first recorded use of over 1,700 words in the English language. It is believed that he may have invented or introduced many of these words himself, often by combining words, changing nouns into verbs, adding prefixes or suffixes, and so on. Some words stuck around and some didn't.

Although lexicographers are continually discovering new origins and earliest usages of words, below are listed words and definitions we still use today that are widely attributed to Shakespeare.

### Shakespeare's Words A-Z

**Alligator:** (n) a large, carnivorous reptile closely related to the crocodile  
[Romeo and Juliet](#), Act 5 Scene 1

**Bedroom:** (n) a room for sleeping; furnished with a bed  
[A Midsummer Night's Dream](#), Act 2 Scene 2

**Critic:** (n) one who judges merit or expresses a reasoned opinion  
[Love's Labour's Lost](#), Act 3 Scene 1

**Downstairs:** (adv) on a lower floor; down the steps  
[Henry IV Part 1](#), Act 2 Scene 4

**Eyeball:** (n) the round part of the eye; organ for vision  
[Henry VI Part 1](#), Act 4 Scene 7

**Fashionable:** (adj) stylish; characteristic of a particular period  
[Troilus and Cressida](#), Act 3 Scene 3

**Gossip:** (v) to talk casually, usually about others  
[The Comedy of Errors](#), Act 5 Scene 1

**Hurry:** (v) to act or move quickly  
[The Comedy of Errors](#), Act 5 Scene 1

**Inaudible:** (adj) not heard; unable to be heard  
[All's Well That Ends Well](#), Act 5 Scene 3

**Jaded:** (adj) worn out; bored or past feeling  
[Henry VI Part 2](#), Act 4 Scene 1

**Kissing:** (ppl adj) touching with the lips; exchanging kisses  
[Love's Labour's Lost](#), Act 5 Scene 2

**Lonely:** (adj) feeling sad due to lack of companionship  
[Coriolanus](#), Act 4 Scene 1

**Manager:** (n) one who controls or administers; person in charge  
[Love's Labour's Lost](#), Act 1 Scene 2

**Nervy:** (adj) sinewy or strong; bold; easily agitated  
[Coriolanus](#), Act 2 Scene 1

**Obscene:** (adj) repulsive or disgusting; offensive to one's morality  
[Love's Labour's Lost](#), Act 1 Scene 1

**Puppy dog:** (n) a young, domestic dog  
[King John](#), Act 2 Scene 1

**Questioning:** (n) the act of inquiring or interrogating  
[As You Like It](#), Act 5 Scene 4

**Rant:** (v) to speak at length in inflated or extravagant language  
[Hamlet](#), Act 5 Scene 1

**Skim milk:** (n) milk with its cream removed  
[Henry IV Part 1](#), Act 2 Scene 3

**Traditional:** (adj) conventional; long-established, bound by tradition  
[Richard III](#), Act 3 Scene 1

**Undress:** (v) to remove clothes or other covering  
[The Taming of the Shrew](#), Induction Scene 2

**Varied:** (adj) incorporating different types or kinds; diverse  
[Titus Andronicus](#), Act 3 Scene 1

**Worthless:** (adj) having no value or merit; contemptible  
[The Two Gentlemen of Verona](#), Act 4 Scene 2

**Xantippe:** (n) shrewish wife of Socrates; figuratively, a bad-tempered woman  
[The Taming of the Shrew](#), Act 1 Scene 2

**Yelping:** (adj) uttering sharp, high-pitched cries  
[Henry VI Part 1](#), Act 4 Scene 2

**Zany:** (n) clown's assistant; performer who mimics another's antics  
[Love's Labour's Lost](#), Act 5 Scene 2

Source: [Shakespeare.org.uk](#)

## Strange Judicial Opinions

In an opinion that is part period-piece shipwreck thriller and part Gilligan's Island pop-culture fun, Chief U.S. District Judge William Steele (S.D. Ala.) attempted to unravel a dispute over the ownership rights to an unidentified shipwreck off the coast of Alabama. The wreck is believed to be either the Clipper Ship ROBERT H. DIXEY or the British barque AMSTEL.

Several parties, including the United States and Alabama, claimed title to the wreck. Unfortunately, whichever ship it was, it sank more than 150 years ago, leaving Judge Steele to observe in a footnote that historical scholars were better-suited than a federal judge to determine the ship's identity:

This procedural posture is highly unusual. For starters, the proper identity of Shipwreck # 1 is a matter better suited for spirited scholarly discourse than black-letter judicial construction. Yet the parties have submitted their dispute to a federal judge, not a 19th century maritime historian. Furthermore, while both sides agree that 100% certainty as to the vessel's identity is not possible, resolution of this factual issue does not turn on the sort of credibility determinations for which an evidentiary hearing would be appropriate. The underlying events having taken place a century and a half ago, there are no live witnesses to recount the circumstances under which the DIXEY and the AMSTEL sank. Nor are there dueling expert witnesses

whose theories might be poked and prodded via cross-examination. Instead, as the DIXEY Claimants succinctly state, "[t]here is what there is."

But Judge Steele did a pretty good scholarly job himself in recounting the interesting history of both ships, starting with the DIXEY, where he invoked the 1960s sitcom, *Gilligan's Island*, for a unifying thread (*Gilligan's Island* references have been bolded):

**Just sit right back and you'll hear a tale, a tale of a fateful trip. It did not start in a tropic port, nor aboard a tiny ship.** On August 15, 1860, the Clipper Ship ROBERT H. DIXEY set sail that day from New York to Mobile, carrying a cargo described only as "miscellaneous hardware." The DIXEY reached an anchorage in Mobile Bay on the evening of September 14, 1860. By inopportune coincidence, the DIXEY arrived at the Bay just hours ahead of a Category 1 hurricane. Wary of the approaching storm, Captain Dixey (by all accounts **a skipper brave and sure**) put out "double anchors and all chain" at 10 p.m., and took "all measures to ride out a storm."

The hurricane struck at approximately 2:00 a.m. on September 15, 1860. The DIXEY actually weathered the first few hours of the storm well. With the winds out of the south, the DIXEY was sheltered by the buffering presence of Dauphin Island (to the vessel's south) from the worst of the rough seas, at least initially. After 8:00 a.m., however, the eye of the hurricane passed, and fierce winds shifted to the north. **The weather started getting rough, and the mighty ship was tossed.** In its anchored position, the DIXEY was exposed to approximately 17 miles of open shallow water stretching all the

way to Mobile. As a result, the DIXEY was pounded by the punishing winds and roiling seas. The first anchor's chain broke at around 10:00 a.m. The DIXEY's crew began working feverishly to cut away its masts and sails, thereby lightening the ship and reducing its wind exposure, even as the DIXEY took on water for over an hour. **If not for the courage of the fearless crew, the DIXEY would have been lost.** Alas, the gale continued to worsen and the other anchor chain snapped, causing the DIXEY to be buffeted by the hurricane, tossed around in the shallow water like a child's toy. The wind and seas pushed the helpless DIXEY south down the shipping channel of Mobile Bay for some 12 miles. [The DIXIE ultimately was pounded to pieces by the storm.]

Judge Steele also recounted the AMSTEL's fate, another interesting story, but left out any pop culture references. Aw, come on, Judge. As Sammy Hagar sang with Van Halen, you gotta finish what you started. Maybe he ran dry on Gilligan's Island's references, but he always could have switched to a Wreck of the Edmund Fitzgerald theme.

In the end, the judge ruled that the ship was the AMSTEL, but ordered the parties to continue gathering evidence and let him know if he got it wrong.

From the scholarly bent of this opinion—setting aside the Gilligan's Island references—I'm guessing "The Professor" was Judge Steele's favorite Gilligan's Island character.

*Fathom Exploration, L.L.C. v. The Unidentified Shipwrecked Vessel or Vessels, etc.*, in rem, Civil Action No. 04-0685-S-M. (S.D. Ala., Mar. 12, 2012).

Source: <https://lawhaha.com/strange-judicial-opinions/>



The next Lunch Bunch meet up will be Wednesday, May 10, 2023 at Juan's at 318 N Carson Street in Carson City at noon. If you can get away, please join us! No official business or program... Just an opportunity to socialize and catch up with our members.



Be sure to check for the special CLE code you will receive when renewing your membership in 2023.



Thank you for submitting your membership dues. Membership dues are an investment in the organization and your own member experience.

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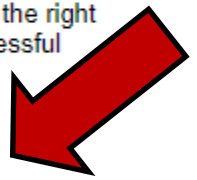
The NALS Board of Directors sends their best wishes and sincerest thanks for having chosen NALS as the organization to represent your interests.

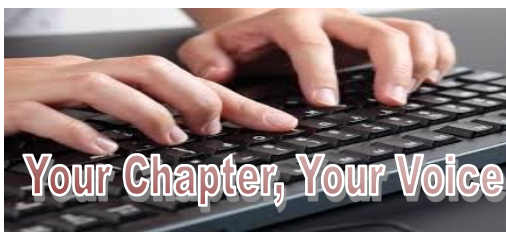
- National Association for Legal Support Professionals

And



to use it!!





May 28 — Sharon Smith, PLS

May 30 — Vicki Van Pelt



### New to Zoom?

You can join DCLP's meetings as a participant without creating a Zoom account.

### Windows or Mac

1. Open the **Zoom** desktop client.
2. **Join** a meeting using one of these methods: (a) Click **Join a Meeting** if you want to **join without** signing in, or (b) sign in to Zoom and then click **Join**.
3. Enter the **meeting** ID number and your display name. If you're signed in, you can change your display name. If you're not signed in, enter a display name.
4. Select if you would like to connect to audio and/or video and click **join**.

**For other devices, visit:**

<https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-meeting>



@Law, the NALS eMagazine for Legal Professionals, has been published for over 50 years. Each digital issue of @Law contains articles chosen by the Editorial Board, a committee of individuals in the legal support profession. It contains content to assist legal support professionals in their duties and recognizes NALS members for their achievements.

Requires NALS Membership or Subscription to Access



The NALS Legal Brief is a biweekly newsletter that delivers to you the trends, updates, and news from around the legal industry that is necessary to help you succeed in your career. Along with some association news, the NALS Legal Brief will give you a rundown of the current state of the legal support world by giving you a list of relevant industry-focused articles to educate and inform you.

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## MEMBER RENEWALS



If you are unsure of your renewal date visit [nals.org](http://nals.org) OR contact VP Sharon Coates, PP, CLP

**Don't Forget to Renew  
Your Membership**



*Dance like no one is watching.  
Email like it may one day be  
read aloud in a deposition.*

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](#)

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## **DCLP Chapter Officers 2022-2023**

### **President**

Maria Nelson, PLS  
(775) 232-1576  
marnelson03@gmail.com

### **Vice-President**

Sharon Coates, PP, CLP  
(775) 720-4060  
scoates7515@gmail.com

### **Secretary**

Tori Francis, PP, PLS  
(775) 752-3016  
Redd72chevy@yahoo.com

### **Treasurer**

Mary Baldecchi, Emeritus PP, PLS, CLA  
(775) 783-0581  
marybaldecchi@aol.com

### **The Tickler**

Dee Beardsley, Emeritus PP, PLS  
(Editorial Manager)  
beardsleydee@gmail.com

Maria Nelson, PLS (Circulation Manager)  
marnelson03@gmail.com

### **Webmaster**

Danielle Swift-Friend  
nalsdclp@gmail.com

## **NALS Headquarters**

3502 Woodview Trace, Ste. 300  
Indianapolis, IN 46268

(918) 582-5188

### **Executive Director**

Amanda S. Bureau, CAE, CVA  
Board Support, Strategic Planning,  
Staff Leadership  
amanda@nals.org

### **Interim Membership Director**

Grant Carpenter  
Interim Membership Director  
and Chapter Support  
grant@nals.org

### **Communications Director**

Rachel Daeger, CAE, IOM  
Publications, social media, marketing  
rachel@nals.org

### **Membership and Education Coordinator**

Gena Hayes  
Membership, Certification, and Events  
Customer Service  
gena@nals.org

### **Senior Communications Director**

Taylor Meyers  
Publications, Social Media, Marketing  
taylor@nals.org

### **Certification and Education Manager**

Natalie Shryock, CMP  
Certification & Education Manager  
natalie@nals.org