



PRESIDENT'S MESSAGE

by Tammie McQuain



The holidays are here! This is my favorite time of the year. It's a time for giving and sharing and when family and friends can come together from afar and near. It's

a time to ponder and look back at the year's events and to start thinking about those resolutions and how to improve in the New Year.

ALA is kicking off the New Year with its new website. Members will have a chance to preview the site and renew their 2017 national membership dues. Some of the new features include an improved site search, easier navigation, one time sign-on for all services, mobile friendly site and fast convenient member record updates. An email was sent out to all members on November 28th with login credentials. Make sure you take advantage to familiarize yourself with the new features of the site. Feedback is welcome and can be sent to membership@alanet.org.

We have some great events coming up in January. In addition to our monthly membership meeting, we will have a Past President's Social and our Annual 5K Run/Walk with the net proceeds going to Stand up for Kids. Stay tuned for more information on these events.

Looking forward to seeing you all at our Annual Holiday Luncheon on Tuesday, December 6, 2016.

Wishing everyone a Happy Holiday Season.

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Nov/Dec 2016



FEATURES

President's Message by Tammie McQuain	... 1
Job Bank and Social Media	... 2
Featured Business Partner Eastridge Workforce Solutions	... 3
Get involved with SDALA!	... 4
OT Aftermath: FAQs on How Employers Should Respond to Overtime Rule Decision	... 6
Membership News By Karen Lemmon	... 9
5K 4 Kids	... 10
Save the Dates – Coming up	... 13
2016/2017 Board & Committee Chairs	... 15
2016/2017 Business Partners	... 15

"The proper behavior all through the holiday season is to be drunk. This drunkenness culminates on New Year's Eve, when you get so drunk you kiss the person you're married to."

- P.J. O'Rourke

Got CLM?

If you are interested in becoming a CLM, you may want to consider joining a CLM Study Group, or checking out study materials from our library. Please contact our San Diego Chapter Librarian, [Jennifer Becky](#) for materials. For more information on eligibility and test dates, [click here](#).



Take advantage of the resources at SANDIEGOALA.ORG, and stay Connected with ALA!



The ALA Job Bank is a great place to post for talented managers and staff!

For more information and to submit job postings, please contact:

SHAILA SCHAIBLE
(619) 595-4317
schaible@higgslaw.com

Or visit the San Diego ALA website to see what's new!

<http://www.sandiegoala.org/jobs>





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Gain more from your membership and get involved in 2016!

Dear Chapter Members:

Do you want more out of your membership? Would you like to network with like minds? How many times have you been faced with an issue where "no one else understands" and you could use a group of peers to consult?

Then take the opportunity to get involved in the SD Chapter in whatever capacity you are comfortable:

- Are you good behind a camera? Consider taking photos at our meetings and events, or share the fun with another member.
- Do you thrive on community involvement? Look into our Community Connections efforts, Couture for a Cause and Project LEAP, our program for high school students.
- Maybe you have great ideas for increasing membership in the Chapter? Join the Membership Committee and help lead our Peer Connections program.
- Are you organized and task oriented? We need help with CLM materials, Bylaws/Ethics, Historian tasks, as well as the Salary Survey.

The 2016 – 2017 Chapter term starts on April 1, 2016, but planning is paramount. I would love to see more of you involved. I have included a brief description of each committee, and the ALA Membership Handbook has a more detailed one, or just ask me or another current Board member.

Let's work together to make our Chapter the best it can be! Please complete the information below and return it to me at rushworth@higgslaw.com, or give me a call at 619-595-4393.

All my best,

Anna Rushworth
Past President 2016-2017



ALA
Association of Legal Administrators

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Your connection
to knowledge, resources and networking



Gain more from your membership and get involved in 2016!

Name _____ Firm: _____
Phone No. _____ Email _____

I'm interested in volunteering for the following committee(s) (you are not beholden to all you select):

- Chapter Audit** – perform audit of Chapter finances once a term.
- Chapter Library / CLM Materials** – maintain materials to loan to members; organize CLM study program?
- Bar / Professional Association Liaison** – Chapter's connection to other legal organizations.
- Bylaws / Ethics** – maintain and update Chapter Bylaws, as necessary.
- Communications** – provide efficient and effective communication to Chapter members, including the "Month-at-a-Glance."
- Community Connections / Project LEAP** – charitable Chapter efforts; Couture for a Cause; work with local high schools to create programs promoting opportunities in the legal profession.
- Diversity Committee** – plan annual diversity presentation; promote diversity within the Chapter.
- Education** – work with President Elect on planning Chapter education activities/speakers.
- Handbook** – maintain and update membership handbook.
- Historian** – maintain Chapter memorabilia.
- Invitations** – design and create options for invitations for BP luncheon, MP luncheon, Leadership Dinner, and other Chapter events.
- Legal Resource Fair** – Chapter annual Business Partner resource fair in February.
- Meetings Coordinator / Hospitality** – assist Meetings Chair to coordinate Chapter meetings.
- Receive RSVP's; maintain name badges; and/or welcome attendees.
- Membership** – team up with the Vice President/Membership Chair to bring in new members and maintain current membership.
- The Mandate (Chapter Newsletter)** – with Editor-in-Chief produce bi-monthly newsletter.
- Photographer** – photograph Chapter meetings, events, and other functions.
- Public and Media Relations** – represent the Chapter in publicizing and promoting events.
- Salary Survey** – implement annual Chapter salary survey.
- Academic Scholarship** – selection process to promote and award an academic scholarship to two deserving students.
- Social Media** – assist Social Media Chair in promoting Chapter LinkedIn, Facebook, and Twitter pages.
- Business Partner Relations** – work with Director of BP Relations in promoting, managing and maintaining vendor relations.
- I'd like to help another way:** _____



OT Aftermath: FAQs On How Employers Should Respond To Overtime Rule Decision

By: Richard Meneghello

Employers are returning from their Thanksgiving holiday weekend grappling with thorny questions following last week's surprising and momentous court decision preliminarily blocking the Department of Labor's overtime rule from taking effect. Here are some answers to your most pressing questions from our firm's thought leaders on the subject.

What Happened Last Week?

Earlier this year, the U.S. Department of Labor (USDOL) unveiled a package of revised regulations altering the compensation requirements relating to which employees may be treated as exempt from the Fair Labor Standards Act's (FLSA) overtime and minimum wage requirements under the "white collar" exemptions. Once effective, the minimum salary threshold you would have had to pay in order to characterize an employee performing the requisite work as exempt would have increased from \$455 to \$913 per week, which annualizes to \$47,476 (up from \$23,660 per year). Also, this amount would have been "updated" every three years (meaning that it would have likely increased with each update) with the first update scheduled for January 1, 2020.

But on Tuesday, November 22, right before the Thanksgiving holiday, a federal district court

judge in Texas granted a preliminary injunction blocking the rule from going into effect just days before the December 1 effective date. In response to a series of legal challenges brought by a group of state attorneys general and business associations, Judge Amos Mazzant stated that it was improper for the USDOL to adopt a salary test that categorically excludes a substantial number of workers who meet the exemptions' duties-related requirements. A full summary of his decision can be found here.

What Will Happen Next?

"It's anyone's guess as to what will happen next," says Caroline Brown, a member of the Fisher Phillips Wage and Hour Law Practice Group. The USDOL and the Obama Administration probably believe that they have invested far too much time and effort in developing these regulations to simply let them wither away, so it is likely that the government will appeal the ruling. But it is difficult to predict the outcome of any appeal, especially because it is unclear whether the USDOL will appeal to the 5th Circuit Court of Appeals (overseeing federal

courts in Texas) or, given the fact that the injunction was applied on a nationwide basis, whether it will seek relief from another court located in another jurisdiction.



If an appeals court reverses the judge's ruling, says Brown, no one can predict the effective date for the regulations. That court might set a new deadline, might decide that the rules are effective immediately, might direct the lower court to deal with the question of an effective date, or could even determine that the rules should be considered to have been retroactively effective as of December 1.

And, of course, the wildcard in all of this speculation is the impending transition to a Trump Administration on January 20, 2017. President-elect Trump has not given a clear signal regarding his position on the overtime rule. "We simply cannot predict how Trump's Administration will view this rule," says Brown.

If he wants to scrap the rule, he could order his new USDOL personnel to drop any appeal that is pending on January 20, which could effectively cement in the injunction blocking the rule from taking effect. But if an appeals court breathes new life into the rule before he takes office, it would not be so easy for him to reverse course. He would probably need to commence a new rulemaking process, subject to notice and comment, if he wanted to set lower thresholds for the salary requirement and eliminate the three-year update. How long and what form such a process would take, and what could or would be done in the meantime, says Brown, are currently unpredictable.

What If I Already Implemented Compensation Changes?

If you have already altered your compensation plans or revised your employees' exemption status in anticipation of the December 1 effective date, there might well be adverse employee-relations implications if you reverse course now. "It could be very dangerous for

organizational morale for you to pull the rug out from under your employees and take back the raise they just received, especially right before the holiday season," says [Lori Armstrong Halber](#), a partner in the Fisher Phillips [Wage and Hour Law Practice Group](#).

Furthermore, reversing action already taken could implicate state or local notice requirements that require advance notice before you adjust compensation levels, other wage payment laws, and even the contract law principles (or other common-law doctrines) of other jurisdictions, says Armstrong Halber.

One alternative would be to take no further action until a final decision is reached in the courts, waiting to see what Congress and the incoming administration do. It is worth noting that [a series of measures currently sit before Congress](#) hoping to prevent, stall, or alter the rules changes. While some of the proposed legislative changes would scrap or delay implementation, another would introduce more forgiving gradual increases on an annual basis for a several year period. While many were not happy with the USDOL's proposed rule, there remains a large group of observers, including some in Congress, who believe that the current \$455 per week figure should be increased. For this reason, "I would not be surprised if there is some increase in the future," warns Armstrong Halber, "but we just can't predict what will happen."

What If I Already Announced Changes To Take Effect December 1?

If you had been waiting until December 1 to implement changes, remember that Tuesday's ruling might not be the last word. As discussed above, a later reversal of the preliminary injunction might restore the December 1



effective date. “If you had already communicated an intention to take particular steps that have not yet been implemented, you must weigh the advantages and disadvantages of going forward with the plan or putting them on hold for now,” says [John Thompson](#), another partner in the Fisher Phillips [Wage and Hour Law Practice Group](#).

Once again, to answer this question, you should consider the employee-relations impact, as well as the potential legal ramifications of electing to follow-through versus announcing that you will hold off for the moment, says Thompson.

What If I Have Not Announced Or Implemented Changes Yet?

While this might seem like the best position in which to be, don’t be so sure that you are in the clear if you remain silent and take no action.

After all, you still may face similar morale problems among your workers if you do nothing for the time being, especially if they become aware of the court decision and realize they were on the verge of a pay increase. And, of course, as described above, Thompson reminds us that “you might also find yourself playing catch up if an appeals court resurrects the revisions and rules that December 1 is still the effective date.”

How Can I Best Stay Up To Speed?

For day-to-day developments, we will track the fate of the overtime rule by providing updates on our [Wage and Hour Law blog](#). For breaking news, we will issue timely Legal Alerts; you can be sure to receive them by clicking this link [subscribing to our legal alert service](#).

If you have any questions, please contact your Fisher Phillips attorney, or any member of our [Wage & Hour Practice Group](#).

Stand Up and Give Back

By: Stephen Williamson

As the giving season is upon us, take a moment to do something truly special and donate to a child in need. In preparation for ALA’s 3rd Annual 5K 4 Kids, take ten minutes after work and head over to the Stand Up for Kids building located at: 531 16th Street (between Market and Island) and donate! Needed items include sleeping bags, underwear (new), jeans, coats, tents, blankets or anything else to help against the cold.

Happy Holidays!





**MEMBERSHIP REPORT
NOVEMBER 2016**
By Karen Lemmon

MEMBERSHIP NEWS

New Members

Prospective Members Cont.

Kimberly Pimley
Office & HR Manager
Tyson & Mendes LLP

Jazmin J. Torres
Office Administrator
Shustak Reynolds & Partners, PC

Dorinda Miller
Father Joe's Village

Kinjal Pike
Director
Patricio Hermanson & Guzman

Michelle Chavez
Director of Public Services
San Diego County Bar Association

Current National Members: 105
Current Chapter Members: 98



Know someone who should be a member of ALA? Refer them to Karen and earn points toward great prizes!

For more information and to participate in the program, please contact:

KAREN LEMMON

(619) 255-6450
klemmon@eps-law.com

Or visit the San Diego ALA website to see what's new!

<http://www.sandiegoala.org/>



STANDUP
FOR KIDS

5K 4 Kids
Save the Date
Saturday, January 28, 2017
7:30 a.m.

The San Diego Chapter of the Association of Legal Administrators is proud to host our third annual 5K Walk/Run to benefit StandUp For Kids starting at The Embarcadero Marina Park North.

StandUp For Kids is a national non-profit charity that was founded in 1990 by a group of volunteers in San Diego, CA. Starting from a program in one city, StandUp For Kids has grown to a national organization with operations in many states and the District of Columbia. They remain a nearly all-volunteer organization. All net proceeds will benefit StandUp For Kids – San Diego.

Please contact Stephen Williamson at swilliamson@sullivan-lawyers.com for more information or sponsorship opportunities





Sign with the Winning Team

And Get All This:

- Enriching education sessions
- Peer networking
- Keep up with legal trends
- Professional growth
- Business Partner connections
- New friends & FUN!



Get in the game and join us for an exciting year ahead!

Earn Game Points by attending events and referring new members. Every point is worth one ticket that will be entered into several drawings for fabulous prizes on the following dates:

TWO Fall Conference Scholarships w/stipend – drawing on 7/19/16
Game Points will accumulate from April 1 to June 30 (must be present to win)

Tablet and other prizes – drawing at the Holiday Luncheon, 12/6/16
Game Points will accumulate from April 1 to November 30

ACTIVITIES TO EARN POINTS	GAME POINTS EARNED
Renew Your Membership	2
Join as a New Member	3
Refer a New Member	3
Attend a Regular Monthly Membership Meeting	1
Attend a Monthly Board Meeting	2
Attend the Diversity Meeting	2
Attend the Annual Conference	3
Attend Cocktails and Connections	3
Attend the Business Partner Appreciation Luncheon	2
Attend Culture for a Cause Event	2
Attend the Managing Partner Luncheon	1
Bring your Managing Partner to MP Luncheon	1
Attend a Chapter Social	1
Sign up with the Peer Connection Program	2
Attend the Business of Law Conference in the Fall	3
Volunteer on a Committee	2
Participate in the 5K Run	2

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ALA SAN DIEGO 2016/2017 CALENDAR

MARCH 22	LEADERSHIP DINNER <i>The Prado in Balboa Park</i>
APRIL 12	LEADERSHIP RETREAT <i>Morton's Steakhouse Sponsored by Morton's</i>
APRIL 19	MEMBERSHIP MEETING <i>The Westgate Hotel Sponsored by Officia Imaging</i>
MAY 17	MEMBERSHIP MEETING <i>Doubletree Mission Valley Sponsored by Adams & Martin</i>
MAY 22-25	ALA NATIONAL CONFERENCE <i>Los Angeles, CA</i>
JUNE 21	DIVERSITY EVENT <i>The Westgate Hotel Sponsored by Eastridge</i>
JULY 19	MEMBERSHIP MEETING <i>The Westgate Hotel Sponsored by First Legal Network</i>
JULY 28	COCKTAILS & CONNECTIONS <i>Allen Matkins Conference Center</i>
AUGUST 16	MEMBERSHIP MEETING <i>The Westgate Hotel Sponsored by DTI</i>
AUGUST 24	MEMBER SOCIAL AT THE PADRES GAME <i>Petco Park Sponsored by Nationwide & Ricoh</i>
SEPT 20	BUSINESS PARTNER APPRECIATION LUNCHEON <i>The Doubletree Mission Valley</i>
SEPT 29	COUTURE FOR A CAUSE <i>San Diego Hall of Champions</i>
OCTOBER 6-8	BUSINESS OF LAW CONFERENCE <i>Phoenix, AZ</i>
OCTOBER 18	MANAGING PARTNER LUNCHEON <i>Morton's Steakhouse Sponsored by Eastridge</i>
OCTOBER 27	MEMBER SOCIAL <i>Courtyard Marriott Sponsored by Courtyard Marriott</i>
NOVEMBER 15	MEMBERSHIP MEETING <i>The Westgate Hotel Sponsored by Legal Staff</i>
DECEMBER 6	HOLIDAY LUNCHEON <i>The Westgate Hotel Sponsored by Knox Attorney Services</i>
JANUARY 24	MEMBERSHIP MEETING <i>The Westgate Hotel Sponsored by Robert Half Legal</i>
JANUARY 19	MEMBER SOCIAL <i>Morton's Steakhouse Sponsored by Morton's</i>
FEBRUARY 14	LABOR LAW UPDATE / LEGAL RESOURCE FAIR <i>The Doubletree Mission Valley</i>
MARCH 21	LEADERSHIP DINNER <i>Location TBD</i>
BOARD MEETINGS	<i>4/12/16; 5/10/16; 6/14/16; 7/12/16; 8/9/16; 9/13/16; 10/11/16; 11/8/16; 1/10/17; 2/7/17; 3/14/17. Locations TBD</i>

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ASSOCIATION OF LEGAL ADMINISTRATORS
SAN DIEGO CHAPTER
SAVE THE DATES

Upcoming Monthly Membership Meetings
RSVP: Kathy Culver at kculver@ssvwlaw.com

December 2016

December 6 **Annual Holiday Luncheon**
Topic: *Mirth and Merriment*
Time: 11:30 to 1:30 p.m.
Location: The Westgate Hotel

January 2017

January 19 **Past President’s Social**
Time: 5:00 to 7:00 p.m.
Location: Morton’s Steak House

January 24 **Monthly Luncheon**
Topic: *Roundtables – Hot Topics*
Time: 11:30 to 1:30 p.m.
Location: The Westgate Hotel

January 28 **ALA’s 3rd Annual 5K 4 Kids**
Time: 8:00 to 10:00 a.m.
Location: Embarcadero North

February 2017

February 14 **Legal Resource Fair**
Topic: *Labor Law Update*
Speaker: Derek Paradis
Time: 1:30 p.m. to 2:30 p.m.
Topic #2: *Undecided*
Speaker: Undecided
Time: 2:30 p.m. to 3:30 p.m.
Location: The Doubletree Mission Valley



BOARD & MEMBERSHIP

DECEMBER ANNUAL HOLIDAY LUNCHEON MEETING . . . DECEMBER 6, 2016
11:45 – 1:15 THE WESTGATE HOTEL, RIVIERA ROOM

JANUARY BOARD MEETING . . . JANUARY 10, 2017
12:00 – 1:30 TBD

JANUARY MEMBERSHIP MEETING . . . JANUARY 24, 2017
12:00 – 1:30 THE WESTGATE HOTEL, RIVIERA ROOM

A SPECIAL THANKS TO OUR BUSINESS PARTNERS!



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THE MANDATE



Please congratulate our
2016/2017 BOARD OF DIRECTORS!

President	Tammie McQuain	619/819-2433
President Elect - Education Chair	Shaila Schaible	619/236-1551
Vice President - Membership Chair	Karen Lemmon	619/255-6450
Treasurer	Cynthia Barron	619/241-4814
Secretary	Stephen Williamson	858/451-9390
Director - Business Partner Relations	Wendy Connor	619/525-1300
Director - Bank Statement Auditor	Carrie Merzbacher	619/942-2897
Director at Large	Katya Adams	858/535-1511
Past President	Anna Rushworth	619/236-1551

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And our

2016/2017 COMMITTEE CHAIRS/MEMBERS

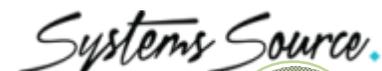
Academic Scholarship Chair	Carrie Merzbacher	858/942-2897
Business Partner Relation Chair	Wendy Connor	619/525-1300
Bylaws/Historian Chair	Patti Groff	619/233-4777
Chapter Audit Chair	Liz Whitten	619/238-1811
Chapter Awards/LRF/Prof. Association Liaison	Anna Rushworth	619/236-1551
Chapter Library/CLM Materials Chair	Jennifer Beckey	619/765-6613
Communications Chair (MyEmma/MAAG)	Carol McCabe	619/209-3000
Community Connections Chair (C4C)	Henry Angelino	619/696-1410
	Angela Landeros	619/699-8338
	Tammie McQuain	619/819-2433
	Monica Menzer	619/233-1155
Diversity Chair	Michael Steiner	619/819-1324
Education Chair	Tammie McQuain	619/819-2433
Employment Job Bank	Shaila Schaible	619/236-1551
Meeting Coordinator	Monica Menzer	619/233-1155
Hospitality Chair	Stephanie Villa	619/241-2541
	Lauren Bloodworth	619/744-0864
	Wendy Connor	619/525-1300
Invitations Chair	Wendy Connor	619/525-1300
Membership Chair	Karen Lemmon	619/255-6450
Peer Connections Chair	Karen Lemmon	619/255-6450
Newsletter Editor	Stephen Williamson	858/451-9390
RSVP's	Kathy Culver	619/239-7200
Project LEAP Chair	Ginger Boss	619/234-1776
Media and Public Relations Chair	Carol McCabe	619/209-3000
Salary Survey Chair	Shaila Schaible	858/755-8500
Social Media/Photographer	Cirilia Walker	858/345-5079
WebMaster	Matt Chaffee	619/232-0441
5K 4 Kids Chair	Stephen Williamson	858/451-9390
	Carol McCabe	619/209-3000
	Wendy Connor	619/525-1300



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NEW BUSINESS PARTNER DIRECTORY!

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Please check the Chapter's Business Partner Directory *first* when you're shopping for a product or service for your firm. Not only are our Business Partners committed to delivering the highest quality products and services, they are also committed to furthering the goals of ALA San Diego by providing the funding we need for the outstanding educational and networking events and scholarship opportunities we value as members.

Please download the new [Business Partner Directory](#).

THE MANDATE



Where Knowledge and Service Matter



San Diego Metro Market



The Mandate E-Newsletter questions? Interested in advertising? Want to contribute an article?

Please contact:
Stephen Williamson, Editor
swilliamson@sullivan-lawyers.com

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info@sandiegoala.org



SAN DIEGO CHAPTER

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