

Ragged Left

The newsletter for the
Berkeley Chapter of the
Society for Technical
Communication

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**Volume 22, Number 6
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October 14, 2009 Meeting Notes

Ten Legal Tips for Current and Would-be Independent Contractors

Presentation by Dana Shultz, Attorney at Law — Notes by Nicki Davis

Working as an independent contractor can be exciting, challenging, and gratifying. Yet, before proceeding down that path, technical communicators should make sure that they don't inadvertently expose themselves to legal risks. Dana discussed some fine points of the law that can make trouble for the unwary.

Decide How to Organize Your Business

Do you want to organize your business as a sole proprietorship, a corporation, or a limited liability company (LLC)? The primary reason for organizing a business as a corporation or LLC is to limit personal liability. However, these legal entities require time and/or money to set up, even if they earn no income. If you organize your business as a corporation, you must abide by the formalities of filing bylaws and holding annual shareholder meetings. LLCs have become popular in the past two decades because they require fewer legal formalities: all you need are articles of organization and an operating agreement. Nolo Press (www.nolo.com) publishes books that explain how to set up a corporation or LLC.

No matter how you organize your business, treat it like a business, not an alter ego! The business should have a separate bank account and enough cash to pay its bills. If you fail to comply with these formalities, a plaintiff might be able to prove that you're not a business.

Understand the Difference Between Employees and Independent Contractors

If you work 40 hours per week at the job site and have only one client, the IRS and applicable state agencies may determine that you are an employee. If so, both you and the employer may be subject to taxes and penalties. Large companies usually have procedures for hiring contractors to comply with applicable employment laws. For example, many employers will not hire you directly, but only through a contracting agency.

Get Insurance for Your Business

Some large employers require independent contractors to maintain at least commercial liability, automobile, and errors and omissions (professional liability) insurance. Errors and omissions insurance does for businesses what malpractice insurance does for doctors and lawyers. Commercial liability insurance covers situations such as a client being injured while visiting your office. Even if you work from your home, you should carry commercial liability insurance because homeowner's insurance does not cover business losses.

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TECHNICAL COMMUNICATION is the bridge between those who create ideas and those who use them. Conveying scientific and technical information clearly, precisely, and accurately is an essential occupation in all sectors of business and government.

THE SOCIETY FOR TECHNICAL COMMUNICATION (STC) has members worldwide. Its members include writers and editors, artists and illustrators, photographers and audiovisual specialists, managers and supervisors, educators and students, employees and consultants.

STC strives to:

- Advance the theory and practice of technical communication
- Promote awareness of trends and technology in technical communication
- Aid the educational and professional development of its members

MEMBERSHIP Membership is open to everyone. Classic membership is \$145/year with an additional \$15 enrollment fee. STC also offers Limited, E-Membership, and Student Membership options. To receive additional information and an application form via email:

- Send email to membership@stc-berkeley.org

INSURANCE Members of STC can apply for health, disability, and other insurance at STC group rates. For more information, contact STC office at stc@stc.org or (703) 522-4114.

WORLDWIDE ACTIVITIES STC's annual conference brings together more than 2,000 technical communicators from around the world for educational programs, seminars, and workshops conducted by experts in the field. Annual conference: Dallas, Texas, May 2-5, 2010. In addition the STC sponsors many regional conferences, which feature the same sorts of programs, seminars, and workshops on a more intimate scale. STC sponsors international and regional competitions in all aspects of technical communication. STC Special Interest Groups (SIGs) bring together members with common experiences and interests to share their skills and knowledge. STC SIGs include:

- Academic
- AccessAbility
- Canadian Issues
- Consulting and Independent Contracting
- Emerging Technologies
- Environmental, Safety, and Health Communication
- Illustrators and Visual Designers
- Information Design and Architecture
- Instructional Design & Learning
- International Technical Communication
- Lone Writer
- Management
- Marketing Communication
- Online
- Policies and Procedures
- Quality and Process Improvement
- Scientific Communication
- Single Sourcing
- Technical Editing
- Usability & User Experience

STC sponsors research grants and scholarships in technical communication.

STC publishes the quarterly journal *Technical Communication*, the newsletter *Intercom*, and other periodicals, reference materials, manuals, anthologies, standards, and booklets.

Formed in 1953, STC has today become the largest professional society in the world dedicated to advancing the theory and practice of technical communication.

LOCAL ACTIVITIES The six northern California chapters of STC conduct a variety of individual and joint activities. See page 7 for contacts for these chapters. See page 8 for a list of other local organizations in which STC members may be interested.

SUBSCRIPTIONS This newsletter is free to members of the Berkeley chapter.

ADVERTISING RATES The *Ragged Left* is not accepting advertising at this time.

SUBMISSIONS *Ragged Left* publishes original articles and illustrations. We edit them to meet our needs. You retain copyright but grant every STC publication royalty-free permission to reproduce the article or illustration in print or any other medium. Please talk with the editor for details of how to submit articles and illustrations.

The deadline for unsolicited submissions is the last Friday of odd-numbered months.

Other STC publications are hereby granted permission to reprint articles from *Ragged Left*, provided such reprints credit the author and the specific *Ragged Left* issue, and a copy of any publication containing such a reprint is sent to the *Ragged Left* editor.



Be Careful when Collaborating and Subcontracting

Did you know that if you collaborate with another writer on a contract and split the profits, you may find that you have unintentionally created a partnership—a partnership without limited liability protection! However, an independent contractor who receives a share of the profits in payment for services is not presumed to be a partner. When collaborating or subcontracting, be sure that the agreement clearly establishes an independent contractor relationship. For example, a subcontractor should not contact the client directly.

Protect Your Intellectual Property

For example, if you develop a Word template or other business process while contracting, you'll probably want to consider it a trade secret and keep the rights to it. Standard contracts typically have the contractor waive all intellectual property rights to everything that the contractor produces for the project. If you have existing intellectual property that you don't want to lose, you can insert a separate provision in the contract to expressly maintain your rights to that property.

Beware of the “residuals” clause that many large companies put into their nondisclosure agreements. The clause gives the client's employees the right to use any of your trade secrets that they retain in their memories and to reveal it to third parties. If the client won't remove the residuals clause, try to negotiate limits on its effectiveness, for example by excluding trade secrets from its scope.

Understand Work Made for Hire and Copyrights

If you're an employee, any writing you do within the scope of your employment is “work made for hire,” so the copyright belongs to the employer. This is not the case

for work done by an independent contractor. You can use a separate line item in the contract to assign the copyright to the employer; this also helps to establish your status as an independent contractor rather than an employee. For details on this issue, see the following article on Dana's blog: “Why 'Work Made for Hire' is Made for Confusion.”

Use your Own Form of Written Client Agreement Whenever Possible

Every independent contractor should have a standard-form agreement to show to a prospective client as a starting point for negotiation. Many large companies have their own form of independent contractor agreement. By comparing this to your own agreement, you can have some idea of how the client's agreement should be changed to offer adequate protection.

Dana Shultz studied computer science in college and wrote software for three years before going to law school. He has worked as a management consultant explaining IT to law firms, and publishes the High-touch Legal Services blog at <http://danashultz.com/blog>.

Nicki Davis is a Senior Technical Writer at OS/soft, Inc. in San Leandro and is the Treasurer of the Berkeley Chapter of STC.

November 11, 2009 Meeting Notes

Reinventing Yourself

by Joe Devney

“Your talents don't generally show up on your résumé.” Ted Marsh used that statement to get attendees at the November STC Berkeley meeting to think about their careers in a new way.

Marsh has a long-ago history in the technology field, when he was an electrical engineer. For the past 20 years or more, though, he has been a life coach, teaching people skills to manage their lives and careers more effectively. His company, Two Win Commu-



nications, is based in Oakland. The presentation he gave, called “Reinventing Yourself – Redirecting Your Career,” is one that he first gave in 1998.

Marsh takes the long view of one's career, and tries to get his clients to do the same. He shared some of what he has learned over the years about growing through stages from having a job to having a career to having a “lifework.”

In his own life, Marsh is looking even further, to what his legacy will be. It was interesting to learn about how he has put these ideas about personal growth to work in his work with urban youth. He has documented what is needed to grow from a child to an adult, and eventually into a community elder. He has partnered with professors in this endeavor, and charter schools are using his work.

This is what he hopes will be his legacy: facilitating the creative process and fostering leadership in the core city environment. He works with lots of kids, helping them to answer the question, “What does it take to move into manhood?”

For the adults at the STC Berkeley meeting, however, he focused on attitudinal issues that relate to career growth. His talk included two important concepts. First, it is important to go beyond one's “comfort zone.” Do things in your job or career that may seem to difficult or even scary. You may have to unlearn things. The end result, says Marsh, is that you will expand your comfort zone. You will have new skills, and more satisfaction.

He also introduced the concept of “leakage of power.” This is also an attitudinal issue, with, he believes, important ramifications. If for example, you say that you have to do your taxes before April 15 or you will get into trouble, something outside yourself is directing your actions. But if instead your attitude is that you will do your taxes early for your own goal of making your life simpler, you are the one directing your actions. This subtle distinction generated some discussion among the meeting attendees, who gave their own examples of

what might constitute leakage of power.

One final point that Marsh made is that an individual cannot make this progress alone. The concept of “rugged individualism” is a myth, he said. “Nobody has ever done anything solely.” Even partnering with one other person brings much greater success. We need support networks: family, colleagues/coaches, affiliates, mentors, personal networks. Obviously, for this audience, STC can be a part of this series of networks.

Speaker

Ted Marsh is a master coach to leaders at all levels faced with the challenge of manifesting change. A skilled facilitator, he is able to link critical strategic issues facing institutional organizations including cultural diversity, performance enhancement, and creative learning.

Joe Devney is a longtime member of STC Berkeley, and also the chapter's Immediate Past President.

Editor

Submission Deadlines

by Jennie Abbingsole

The regular schedule is to post the PDF the first week of every even-numbered month (it's a bi-monthly newsletter), so I need content the last week of January, March, May, July, September, and November to publish the first week of February, April, June, August, October, and December.

Web usability column

Eric Hughes' column on usability will return in the January/February issue.

Eric Hughes has been an STC member since 2004. Things that don't work the way they should drive him crazy. You can reach him at hugheseathur@gmail.com; or on Twitter, Facebook, LinkedIn, and delicious at [/hughese](#)

President's Notes

by Richard Mateosian

Our August meeting had 30 sign-ups. September dropped to 15. Then 13 in October, 6 in November.

Our meeting location costs us \$150.00 per meeting. That's a reasonable charge for an excellent and flexible meeting space. Even with our lowest recession pricing, the August meeting broke even. Our cash intake for the November meeting barely covered the food and drink (we didn't charge the speaker and his assistant), so our deficit was approximately \$150. We can't afford to run deficits of that size – even if the economy improves.

I need to know why our attendance has dropped so sharply. We need to turn that trend around or stop holding formal meetings.

I would appreciate hearing from you about this subject. Send email to xrm@pacbell.net with the subject line STC Berkeley Meetings. Let me know how you feel about the meeting location, the price, the topics, the food, the networking, or any other aspect of our meetings. Tell me what has to change to induce you to attend.

To jog your memory, here are the topics of our meetings this year:

- Jan - Post-holiday party
- Feb - Clark Quinn, *Designing Games That Teach*
- Mar - Steve Zegas, *Word Templates*
- Apr - Meryl Natchez, *Strategies for the Down Economy*
- May - Anderson, Brent, and Flores, *Repetitive Stress Injury*
- Jun - Bing Hong, *Software Localization*
- Jul - Jack Molisani, *Resume Secrets That Might Surprise You*
- Aug - Stan Stansbury, *Acting Lessons for Interviewees*
- Sep - Joe Devney, *Forensic Linguistics*
- Oct - Dana Shultz, *Legal Tips for Independent Contractors*
- Nov - Ted Marsh, *Planning for Success*
- Dec - T R Girill, *How Technical Communication Supports High School Literacy*

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Meetings

Our chapter holds a dinner meeting the second Wednesday of each month. See *Berkeley STC Meeting Location and Directions* on page 6.

Upcoming Meetings

Berkeley STC Annual Party and Touchstone Awards

Join us to relax with fellow communicators, enjoy a buffet dinner, and view winning competition entries from the 2009-2010 Northern California Technical Communication Competition.

We will also recognize chapter volunteers, competition judges, and winning entrants.

Saturday, January 16, 2009, 5:30-9pm

Highlands Country Club

110 Hiller Drive, Oakland, California

For the party (including dinner) the cost is \$25. You can reserve your spot and pay online.

Note: Date is not 2nd Wednesday!

Program

Touchstone winners will be announced and contenders will be on display. Come also for chapter volunteers recognition; raffle door prizes; and a special raffle for Touchstone judges.

5:30 to 6:00 pm: Networking and conversation

6:00 to 7:00 pm: Buffet dinner

7:00 to 8:00 pm: Awards and recognition

8:00 to 9:00 pm: More conversation, view the award-winning entries, wrap up.



Meeting/Dinner Prices

Advance Reservations

Reserved on the Chapter's website by the day prior to meeting.

Meeting and dinner

- Members: \$10
- Non-members: \$18
- Student members: \$10

Program only

- Members: \$5
- Non-STC-Members: \$15
- Students: \$5

Berkeley STC Meeting Location and Directions

Highlands Country Club
110 Hiller Drive
Oakland, California

Information at <http://www.stc-berkeley.org/MonthlyMeeting/directions.shtml>

View from the Highlands Country Club



Photo courtesy of Rhonda Bracey

By Car

From San Francisco

Cross the Bay Bridge to I-580 Eastbound. Remain in the right lane, until Highway 24 Eastbound (toward Berkeley and Walnut Creek). Continue eastbound until the Tunnel Road off-ramp. Exit will loop around to the west, crossing back over Highway 24. Turn left at the stop sign. Follow Tunnel Road/Caldecott Lane to traffic signal. Veer to the right, and follow Hiller Drive halfway up the hill. Highlands Country Club will be on the

right-hand side of the street.

From Walnut Creek

Take Highway 24 Westbound through the Caldecott Tunnel. Stay in the right-hand lane, taking the first exit after the tunnel ends, the Tunnel Road exit, going towards Berkeley. Follow Tunnel Road to the complex intersection and stop light, at Tunnel Drive, Hiller Drive, and Highway 13. Veer to the right, and continue halfway up the hill on Hiller Drive. Highlands Country Club is on the right-hand side of the street.

From I-80 and Berkeley

Take Ashby Avenue to the Highway 13 exit. Ashby becomes Tunnel Road at the Claremont Hotel. Continue on Tunnel Road (through the split-level section) to the stoplight just before the Highway 24 overcrossing. Remain in the left lane and make a sharp left U-turn around the Firestorm Memorial Garden, on to Hiller Drive. Continue halfway up the hill. Highlands Country Club will be on the right-hand side of the street.

From Hayward

Take I-580 Westbound to Highway 13 north. Continue on Highway 13 past the overcrossing of Highway 24. At the stoplight, turn right, then left, onto Hiller Drive. Continue halfway up the hill. Highlands Country Club will be on the right-hand side of the street.

Parking

Please park on the street. The club's parking lot is for members only.

Public Transit

Prefer to take BART? The Rockridge station is closest. Send email to president@stc-berkeley.org to ask about transportation from BART to the meeting.

AC Transit bus E from SF via MacArthur then Rockridge takes you as far as Tunnel Road & Roble Road, with a half mile walk uphill on Hiller Drive to the Hillside Country Club.



STC News

Increase your network and net worth—join STC today!

<http://www.stc.org>

The Society for Technical Communication (STC) advances the theory and practice of technical communication across all user abilities and all media. For more information about STC, send an e-mail to stc@stc.org or visit www.stc.org.

Chapter News

Leadership Positions Available

We are looking to fill several leadership positions! Contact Richard Mateosian if you are interested. See <http://www.stc-berkeley.org/VolunteerOpportunities/volunteer.shtml> for a list of open positions.

Events

UC Berkeley Extension

Spring semester classes in the Technical Communication program at UCB Extension start in January, and will include Technical Communication I (January start), Technical Communication II (March start), Visual Design for Technical Communicators (March start), Project Management (January start), and Digital Authoring for Dynamic Publishing (January start). For details, see <http://extension.berkeley.edu/cat/techcom.html>

Other STC chapters in Northern California

East Bay: www.ebstc.org

North Bay: www.stc-northbay.org

Sacramento: www.stcsacramento.org

San Francisco: www.stc-sf.org

Silicon Valley: www.stc-siliconvalley.org

Miscellany

APEX 2010

The 22nd Annual Awards for Publication Excellence (APEX) is now accepting entries for APEX 2010 (Entry deadline: March 17, 2010).

The APEX Awards recognize excellence in graphic design, editorial content and overall communications effectiveness. Communicators can choose from 127 different categories (many new) under 11 headings, including:

- Newsletters
- Magazines and journals
- Magapapers and newspapers
- Annual reports
- Brochures, manuals and reports
- Electronic media and video
- Web and intranet sites
- Campaigns, programs and plans
- Writing
- Design and illustration
- One-of-a-Kind publications

For a list of new and revised categories, see <http://www.ApexAwards.com/apex2010awardscategories.htm>.

Entry fees are \$69 per entry for WRITING THAT WORKS subscribers; \$89 per entry for non-subscribers.

APEX is sponsored by the editors of WRITING THAT WORKS, a leading newsletter for writing, editing and communications professionals. The contest is open to corporate, nonprofit, freelance and agency communicators. Entrants do not have to be WRITING THAT WORKS subscribers.

Call for entries information, brochure and entry form are posted at

<http://www.ApexAwards.com/apex-awards.htm>.

Also see the APEX FAQ page for tips and advice on entering, at

<http://www.ApexAwards.com/apex2010faqs.htm>.



New "Green" Categories Added to APEX 2010

Whether you planning campaigns, writing copy, designing brochures and other materials, or producing electronic media and videos, if it's a green topic, you can enter it in one of the APEX 'GREEN' categories.

Green topics include subject matter covering energy efficiency, conservation, the environment, climate issues and eco-friendly content.

Other Organizations

American Medical Writers Association (AMWA) of Northern California. Meets periodically at various Bay Area locations. www.amwancal.org

American Society for Training and Development, Mount Diablo Chapter. Meets monthly in Danville. <http://mtdiablostd.org/>.

American Society of Indexers, Golden Gate Chapter. www.asindexing.org/site/chapters.shtml#golden

Association for Women in Computing, San Francisco Bay Area chapter — www.awc-sf.org/

International Association of Business Communicators, San Francisco chapter. A network of professionals committed to improving the effectiveness of organizations through strategic interactive and integrated business communication management — <http://sf.iabc.com/>

National Writers Union (UAW). A labor union for freelance writers of all genres. — www.nwu.org

Northern California Science Writers' Association. Quarterly meetings & other events. www.ncswa.org