



THE AMERICAN ALLIANCE OF PARALEGALS, INC.

Advancing the Paralegal Profession
by Focusing on the Individual Paralegal



THE ALLIANCE ECHO

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PRESIDENT'S MESSAGE

Debbie Repass, AACP, RP

If you did not get a chance to attend the Joint Educational Seminar hosted by the American Alliance of Paralegals and the Paralegal Association of Wisconsin, you missed another great educational opportunity.

In today's environment of identity theft, our first speaker, Gordon Leech, Attorney at Samster, Konkell & Sanfran, S.C., provided information on Consumer Law. It included information that will help you clear up issues on your credit reports. As part of the 112 pages of handout materials, Mr. Leech included the Federal Trade Commission's information on Remedies for Identity Theft 2007 along with several pages providing every possible consumer resource on the internet.

Consumer Law was followed by Internet Research. Mary Koshollek, Director of Information and Record Services for Godfrey and Kahn led us through an "Internet Research Melodrama" by guiding us through: Where to Start; Search Precision; Getting Quality Information; Where to Go for What; and How to Keep Up With Changing Information. The websites provided in her handouts covered a wide range of materials and advanced search

techniques. Methods which I have already put to use.

Nursing Home Negligence and the Paralegal's Role was the topic of the next session presented by Jeffrey Pitman, Esquire, Attorney & President, Pitman, Kyle & Sicula, S.C. Nursing home cases are document intensive and Mr. Pitman outlined the paralegal's role in the pre-suit and pre-trial stages. This information is invaluable as not only we age, but our parent's age and the need to place a loved one in one of these facilities may become a reality.

After lunch, E. Michael McCann, the former Milwaukee County District Attorney spoke on Ethics. It was incredible listening to him tie in ethics with some of the cases he has worked on. One of these cases was the prosecution of Milwaukee serial slayer Jeffrey Dahmer. Another was when Mr. McCann secured homicide convictions against Chem-Bio Corporation for recklessly failing to detect incipient cancers which caused the death of two women.

If you like to write articles or have articles you have written and would like to submit them to *The Alliance Echo* for publication, contact Karen Ray at secretary@aapipara.org.

I will never look at a piece of Jockey clothing the same way again after the presentation by Ellen C. Smith, Compliance Counsel for Jockey International on Customs Law. Walking through the steps of a product from design to sale at the store was fascinating. The classification of items alone is tedious. A Men's Muscle Tee can be classified as an Underwear T-shirt or Pullover and a Girl's Crop Top could be classified as a Bra or Underwear Top. And CRAPP stands for **C**ommissions, **R**oyalties, **A**ssists, **P**roceeds, and **P**acking Costs. Things involved in the valuation of a product.

The day ended with Paul Major, Corporate Discovery Specialist for Discovery Mining, Inc., talking about Electronic Discovery. With the increased use of email and other electronic documents, discovery has now become a job that is inefficient for humans to do. Electronic search is 90% accurate, while manual review by humans is 20% accurate because there is so much more to read through. The average person receives 100 emails per day. It is much more efficient to use a web-based review tool if there is a ton of data, there are multiple parties, and you have a short deadline.

After a short break, the American Alliance Board of Directors held its mid-year face-to-face meeting.

As part of the board's goal to streamline operations, the company that houses our post office box will now forward the mail each week to an officer on the board instead of relying on a member to pick up the mail each week and forward it. Please bear with us until we have worked out all the kinks in getting this system established. If you have sent mail to the post office box and have not received a response, send us an e-mail so we can make sure that the mail is being forwarded in a timely manner.

Good news from our Director of Membership, Carolyn Saenz. Our membership keeps growing. We would like

to know what the board can do to get the members more involved. Suggestions are truly welcome. Email any of the board members or participate in our monthly board telephone conference call.

A member suggested and we listened. The AACP renewal forms will be converted on the website to a Word document so that you can complete the forms online, print them, and send them in, which should be more efficient than filling in information by hand.

If you read the last issue of the newsletter, then you know that there has been some confusion lately about the use of designations. The only designation/credential that is authorized by the American Alliance is the AACP. AACP stands for American Alliance Certified Paralegal. AAP is not a designation. Being a member of the American Alliance does not allow you to use an acronym to show that you are an **American Alliance Paralegal**. You can state that you are a: Member, American Alliance of Paralegals, Inc. below your name. Other associations have certifications as well. You can only use these certifications if you meet a specified criterion or pass an exam. If you have not done so, it is improper to use the acronym. With this in mind, the board decided to add a statement on the certification page regarding our designation. The statement reads as follows:

AACP is a United States Patent and Trademark certified service mark registration owned by the American Alliance of Paralegals, Inc. and only those authorized to use it by the American Alliance of Paralegals, Inc. may do so.

I hope you have checked out the website recently. The "Frequently Asked Questions" and "Members Only Page" have been online for a few months now. Let us know what you think. Are you able to access the Members Only Page? What would you like to see on it? Are there any other questions

you would like to see on the Frequently Asked Questions Page? Give us your feedback!

The National Paralegal Summit and our Annual Meeting will be held September 14-15, 2007 at the Hotel DuPont in Wilmington, Delaware. The emphasis of the Summit this year will be on exempt versus non-exempt status with an update on last year's topics. Last year's topics were standardized education criteria, reciprocity on CLE programs, whether national certification designations will sunset with regulation approaching on a state-by-state basis, and the future of regulation.

I hope you take this summer to renew your energy! Then I hope to see you in September in Wilmington, Delaware.

AACP Member Profile

By José Pedro Santos, AACP

Angela Baker-Colyer, AACP graduated with a BA in Paralegal Studies in 1999 from the College of Mount Saint Joseph in Cincinnati, Ohio. She joined the ranks of the American Alliance Certified Paralegals in 2005. Angela has been working for Western-Southern Insurance Co. since 2000. In this prestigious insurance company, Angela has daily contact with different departments within the Company and regional offices. She enjoys her current work environment where she feels she is respected for her abilities, thoughts and ideas.

Her inquisitive mind is always open to discovering and learning new things, an inherent quality of the litigation field where she feels pretty comfortable. She also enjoys reviewing active files and organizing the documents into workable information. However, she finds not much fun in breaking down files after the case is dismissed or settled, or in manually indexing or labeling documents, which sometimes are part of her responsibilities.

Angela also would like to add that she is "blessed with an employer that sees the importance of Continuing Legal Education and I try my best to use everything I learn through CLE seminars for my employer."

Unlike many other paralegals, Angela does not need to use the Internet too much in her job; but she is familiar with Pacer and FindLaw, which she uses to do some legal research.

Angela recently ended her tenure as President of the Cincinnati Paralegal Association. The experience has transformed her into a more seasoned paralegal, with plenty of pearls of wisdom to share with current and future colleagues.

Her advice for new paralegals is "to become involved in local and national paralegal associations. This will give them a networking base that can help them throughout their career." Furthermore, Angela believes that "every paralegal should have good organizational skills, be able to perform under pressure, and be able to prioritize tasks. Using these skills will allow work to be completed in a timely manner without unnecessary stress and aggravation."

In hindsight, something she would have liked to know when she started her career as a paralegal was, in her own words, "how much I would be relied on when working on a case. Being relied upon as part of the team has given me a sense of accomplishment that I don't know I fully appreciated when I was in school."

When asked how she would handle a difficult supervisor, she replied: "When working with a difficult supervisor or some other negative person, I've always found it best to be patient and act in a professional manner. This isn't always the easiest thing to do. Something that has helped me cope with this type of situation is trying to see the situation from the other person's point of

view, as there may be things I may not be aware of that affect their attitude.”

In her spare time, Angela likes reading, baking, doing crafts, and training her dogs to do tricks. Angela has a passion for all kinds of animals, which is reflected in her frequent volunteering at the Cincinnati Zoo. In fact, she confesses that, if she were not a paralegal, “I would most likely be a biologist or wildlife veterinarian.”

Angela also volunteers in the Wills for Heroes program of the Cincinnati Paralegal Association. The 'Wills for Heroes' program in Cincinnati is the only program of its kind entirely organized and managed by paralegals. At each day-long event paralegals, with the assistance of volunteer attorneys and vendors, prepare free wills, living wills, health care powers of attorney, and other documents for first responders in the Greater Cincinnati community. It is a very successful *pro bono* program that has received local, state and national accolades.

We asked a final question from Angela: “What has influenced you the most in your career?” Her answer: “The people I work with and have met through the professional association which I belong to.” Well, Angela, we are also proud to count you among our colleagues in the American Alliance.

Giant Law Firm loses California Labor Code case with Paralegal

By Brenda Frohloff

Los Angeles, CA: One of the largest law firms in the world has been brought to its knees by a woman who used to work for them as a paralegal. The international law firm of O'Melveny & Myers LLP, based in Los Angeles, has 13 offices worldwide and more than 1,000 lawyers in its employ.

It has been around since 1885, and has had many notable partners through the years.

"In August, 2002, the firm adopted and distributed to its employees, a new Dispute Resolution Program which they said would be binding on all employees, including associates (i.e. lawyers who work for the firm but are not partners) -- effective November 1, 2002.

The clear aim of the DRP was to keep control of any potential litigation with employees by a process that ended with binding arbitration -- i.e. there would be no going to court.

There is no indication that the employees had much of a say in drafting the DRP. It contained provisions covering most employment-related claims, requiring an employee to give notice of any claim to the firm with a demand for mediation within one year of the claim arising, and decreed that failure to give such notice would constitute a waiver of the claim. In such case, said the DRP, the claim would be "lost forever". This was in bold print and underlined in the original.

For good measure the DRP included a strict confidentiality clause regarding the firm's mediation and arbitration proceedings.

Enter Jacqueline Davis, who worked as a paralegal at a Los Angeles office of the firm from June 1, 1999, until July 14, 2003.

On February 27, 2004, she filed a lawsuit under the Federal Fair Labor Standards Act alleging failure to pay overtime for work during lunch time and rest periods and for other work exceeding eight hours a day and 40 hours a week, as well as denial of rest and meal periods. She also made claims under the California Labor Code and California's Unfair Business Practices, and asked for damages not just for herself but also for "all others similarly harmed."

The firm promptly went to court to have the action dismissed and to compel arbitration. The district court agreed with the firm and gave them the order they sought. Ms. Davis

appealed.

Her appeal was heard by the United States Court of Appeals for the Ninth Circuit. Judge Samuel P. King gave his verdict on the appeal May 15. His decision was that the firm's arbitration agreement is unconscionable under California law. He sent the case back to the central district court in Los Angeles to be dealt with as if the arbitration agreement never existed -- under the law that applies to everybody else.

Score one for the support staff.

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Manhattan Paralegal Accused of Practicing Law Without License

NEW YORK (AP) -- A former paralegal at a law firm has been indicted on charges of posing as a licensed attorney and stealing more than \$284,000 from his employer.

Brian Valery practiced law at Anderson Kill & Olick for about two years in commercial and insurance litigation, eventually earning \$155,000 a year before he was found out, Manhattan prosecutors said Tuesday.

Valery, of Massapequa, pleaded not guilty Tuesday to second-degree grand larceny and practicing law without a license when he was arraigned before Acting Justice Brenda Soloff in state Supreme Court, said Jennifer Kushner, of the Manhattan district attorney's office.

Valery began working as a paralegal at Anderson Kill & Olick at an annual salary of \$21,000 in 1998, Kushner said. That fall, she said, he told his employers he was taking night classes at Fordham University School of Law.

In May 2002, she said, Valery told his managers he had graduated from Fordham, and they promoted him to the legal staff. He

later told his employers he had passed the bar exam in July 2003 and was admitted to practice in October 2004, Kushner said.

Valery practiced law at the firm until October 2006, when officers there discovered that he had not attended Fordham's law school, had never taken the bar exam and was not admitted to practice, Kushner said.

Anderson Kill & Olick fired Valery and reported him to the state attorney general's office, which contacted the Manhattan district attorney.

Valery's lawyer, Joseph Conway, said facts he would present in court would mitigate the charges.

The judge set Valery's bail at \$25,000 and gave him until June 13 to post it and ordered him to surrender his passport, Kushner said.

If convicted on the felony grand larceny charge, Valery, 32, would face up to 15 years in prison. He'd face up to a year in jail if convicted on the misdemeanor charge of unlicensed practice of law.

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Welcome New Members

- Andrea Adkins, Virginia Beach, VA
- Marie Ballerini-Campbell, Chevy Chase, MD
- Kellyanne Bartleson, Destin, FL
- Holly Brewington, Batesville, IN
- Laura Burich, Guilford, CT
- Laurel Burns, Denver, CO
- W. Avis Elam, Stone Mountain, GA
- Ann Jerominski, RP, Wilmington, DE
- Lisette Jimenez-Yahia, Cutler Bay, FL
- Keally Leassner, Cincinnati, OH
- Barbara Mears, Newark, DE
- Raymond L. Neal, Birmingham, AL
- Nikki Scheerer, Milwaukee, WI
- Kara N. Stephens, Columbus, OH
- Griselda Zamora, Santa Ana, CA

***Congratulations To Our
Newest AACP's!***

Hilda Badacour, AACP
Anthony Iannini, AACP
Amy Rudolf, AACP
Kathryn Stewart, AACP
Helen Stolin, AACP

***Class Action Lawsuit Filed by
Paralegal – Argues that he was
not an exempt employee as
defined by FLSA***

By Carolyn Saenz
Director of Membership

US District Court, District of Delaware –
*William Wersinger v. Bank of America
Corporation*

Wersinger (Plaintiff) recently filed a class action lawsuit alleging that he is owed wages and overtime pay while he worked for MBNA America Bank, N.A. prior to the acquisition of that company by Bank of America Corporation (Defendant).

Plaintiff states that he worked as a paralegal for the Defendant from November 1989 to November 2006 in a non-exempt position, as interpreted under the Fair Labor Standards Act (FLSA). He argues that he did not hire, fire, discipline or have any involvement in setting terms and conditions of employment for any other employees; that he regularly worked in excess of 40 hours a week and was not paid the required overtime; and that he worked during meal periods and was also not paid for those hours.

At a Company sponsored off-site event Plaintiff alleges that he was not compensated properly, nor was he paid lawful overtime rates when he worked a mandatory six hours in the customer service department. After September 2006

Defendant advised Plaintiff that he would be paid on an hourly basis with overtime if he worked more than 40 hours in a week. Plaintiff is arguing that similarly suited employees are owed compensation just as he is.

The relief requested is back wages, liquidated damages, attorney fees, costs and pre- and post-judgment interest. The American Alliance will keep you posted as this case develops.

***Scholarship Named After
Barbara Wallace, AACP, RP,
DCP, Treasurer,
American Alliance***

The Howard High School of Technology, a vocational high school in Wilmington Delaware has awarded its first annual Academic Achievement Award and scholarship to a graduating student in the Legal Administrative Assistant Program (“LAA Program”). Named for Barbara S. Wallace AACP, RP, DCP and the Delaware Paralegal Association the award was presented at the program pinning ceremony on May 11, 2007. The recipient Stephanie Amolegbe will attend Clark Atlanta University in the fall pursuing a legal career. The mission of the LAA Program is to prepare students to work in the legal field and to continue their post secondary education. Barbara is a founding Advisory Board member for the LAA Program at Howard and also serves as a mentor in their Street Law Program. A Corporate Paralegal with DuPont, Barbara serves as treasurer on the American Alliance Board.

News from the State of Vermont

By Carolyn Saenz
Director of Membership

The State of Vermont has recognized the value of having paralegals participate in its

land records commission. The 2006 Vermont General Assembly reviewed this proposal and it is being put forth again. At section VT ST T.24 section 5403 of the municipal land records commission, the proposed statute creates a Vermont municipal records commission which will be a part of the secretary of state's office. The members will serve three-year terms, after the initial terms.

A number of persons will serve on the commission along with two licensed attorneys who are familiar with real estate title practice and one paralegal recommended by the Vermont Paralegal Organization for an initial term of three years.

Important Dates To Remember:

- September 14-15, 2007 – American Alliance of Paralegals, Inc. Annual Meeting and National Paralegal Summit, Wilmington, Delaware
- October 24-27, 2007 – American Association for Paralegal Education, Annual Conference, Baltimore, Maryland

Attention...



We have had several requests from our members over the past several months regarding placing the names of American Alliance members, along with their email addresses, on the Members' Only page on our website as a networking tool.

Please send me an email by July 13, 2007 to kray@gtxinc.com if you **do not** want your name and email address posted on the Members' Only page on the website.

Each member's information will be listed by state. For example, my information would

be under members in the state of Tennessee.

This information will be made available only to the American Alliance members.

Favorite Bookmarks



Submit your favorite website links! We are adding a section to the Members' Only page where favorite website links from our members will be posted. Again, these will only be made available to our members.

Please send your favorite website links, along with the name and description of the link, to kray@gtxinc.com or to webmaster@aapipara.org. These will be placed in categories.

For example:
Search Engines
www.google.com - Google.com - Search engine



PRESS RELEASE

Less Than One Month Left to Nominate a Paralegal for the 2007 Rookie of the Year Award

June 14, 2007 (Costa Mesa, Calif.) — The deadline to nominate a paralegal or legal assistant for *Legal Assistant Today's* 2007 Rookie of the Year award is quickly approaching. Don't miss the **July 13, 2007** deadline. The fifth annual Rookie of the Year contest is open to paralegals who have one to three years of paralegal

experience under the supervision of an attorney.

Sponsored by Robert Half Legal, the Rookie of the Year contest is open to new paralegals who meet all of the contest's requirements.

- All nominees must have between one and three years experience as a paralegal/legal assistant under the supervision of an attorney.
- All nominees must have an associate's or a bachelor's degree in paralegal studies. If the associate's or bachelor's degree is not in paralegal studies, the nominees also must hold a paralegal certificate from an accredited institution.
- Self-nominations are not allowed.
- All nominators must submit a statement providing information and specifics on the nominee's work and professional contributions. Examples should be included describing how this paralegal has taken on advanced assignments or tasks, solved difficult or unusual problems, or risen to unique challenges both on the job and within the paralegal community.
- Multiple nominations are encouraged. However, a different person must complete each nomination, with an accompanying statement per the above requirements.

The winner will be chosen by the *LAT* Editorial Advisory Board and featured in the November/December 2007 issue. The winner also will receive a \$500 prize, award plaque and complimentary one-year subscription to *LAT*.

ATTENTION NOMINATORS: If the individual you nominate is selected as our

2007 Rookie of the Year, you will receive \$100!

All nominations are due **July 13, 2007**. For complete contest rules and to fill out a nomination form, go to the *LAT* Web site at www.legalassistanttoday.com and click on the "Rookie of the Year 2007" logo.

About Robert Half Legal

Operating in major markets throughout North America, Robert Half Legal provides law firms and corporate legal departments with project and full-time professionals including attorneys, paralegals and legal support personnel. Visit www.roberthalflegal.com for job search services, testimonials, project capabilities and more.

About Legal Assistant Today

LAT — a national bimonthly publication and the only independent trade magazine geared toward the rapidly expanding needs of the paralegal profession — strives to offer unbiased news, practical tips, career advice and substantive feature stories. For more information on *LAT*, visit www.legalassistanttoday.com or call (800) 394-2626.

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