



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 RP

I hope everyone has exciting plans for the summer! Take time to relax and enjoy a break from the paralegal profession.

For those of you who receive *Legal Assistant Today*, turn to page 88 of the July/August 2006 issue and read about the American Alliance's Director of Education, Laura Ahtes, AACP, RP, DCP, in her role as a bankruptcy paralegal. If any of you are published in periodicals, let us know so we can post it on the website. Knowing about your fellow members and their accomplishments is a great way to promote the American Alliance.

The Annual Meeting and Seminar is getting close. Letters have gone out to all of the other paralegal associations and we have received responses and inquiries already. The American Alliance's emphasis on quality seminars for the experienced paralegal is gaining recognition. I hope you have marked your calendars, made your hotel reservations, and plan to attend.

The board initiated sending out the agenda with our board conference call notice. We did not receive the feedback we hoped to

receive. If you are unable to participate on the conference call, but would like to submit input on a particular issue, you can inquire as to the issue on that particular topic and provide a written response that will be distributed to the board and taken into consideration when the discussion occurs. The board always welcomes member input and continually tries to offer as many avenues as possible for members to participate.

It was clear to the board that our new Treasurer, Barbara Wallace, AACP, RP, DCP, is on top of things. After reviewing all the records, a budget and financial report were submitted to the board. New procedures have been implemented to process expenses and track income. Online banking is now available to allow the board to have an up-to-the-minute status on finances.

Gwen Minnier, CLAS, and Tom Donoho, AACP, have formed a Marketing Committee and are working on "Frequently Asked Questions" to post on the website. If as a

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.

member or when you were considering membership and were browsing the website, you had a question that you thought should be addressed, let us know so we can make sure it is addressed in this new area on the website.

The board welcomes Angela Baker-Colyer, AACP, as CLE Coordinator. Since Angela just took over this position, the board agreed to table the discussion on online distance learning until Angela has a chance to receive and review the materials from Barbara Wallace (former CLE Coordinator) and work with Barbara and Laura Ahtes to bring her up-to-date.

The revised bylaws have been posted to the website. The amendment to Article V, Section 2(B)(3) reflects the participation an American Alliance board member can have with another paralegal association.

A proposal from the website company was submitted to the board for a "Members Only" page. There are two ways to proceed. The board can create the page and use only one user name and password or assign an individual user name and password to each member. The latter is much more costly, but the board thinks this would truly provide a member benefit. Only members would be able to access this page. If you do not renew your membership, access to the "Members Only" page would immediately be denied. Let us know your thoughts on this matter as we will not make a decision until the next board meeting.

The board is also drafting an agreement for companies to link to our website. It will be used not only as an income generator, but as a way for the American Alliance to control the content on our website. Information under our Legal Links tab may change in the future depending on the outcome of the agreement. The board will keep you updated.

Again, if you have not looked on the site lately, I encourage you to do so. The information is updated frequently. Important items are placed on the front page. The press release from the Ohio State Bar Association's credentialing program for paralegals was on the site the day after it was released. No other paralegal association offers you this benefit. If you hear about "breaking news" information regarding the profession that should be on the website, please e-mail it to me and it will get posted.

Letters have been mailed inviting the national leaders of the paralegal associations to the first National Paralegal Summit to be held immediately following our Annual Meeting on Saturday, September 23rd at the Comfort Suites in Newport, Kentucky. An encouraged response has already been received from one president.

I hope the time you take this summer will allow you to get geared up with renewed energy to face the challenges of work and the obstacles to advance our profession. Then I hope you will put that renewed energy to work by coming together in Newport, Kentucky at our Fourth Annual Education Seminar and Meeting on September 22-23, 2006. I look forward to seeing all of you there.

**OHIO STATE BAR
ASSOCIATION BOARD OF
GOVERNORS APPROVES
CREDENTIALING PROGRAM
FOR PARALEGALS**

*Laura Ahtes, AACP, RP, DCP
Education Director*

The Ohio State Bar Association Board of Governors established a credentialing program for paralegals in Ohio. This credential was created after the legal specialization program administered by the

Ohio Bar. Individuals who meet the definition of “paralegal,” meet the eligibility requirements and pass a written examination will be able use the “OSBA Certified Paralegal” designation. The certification period lasts for four years. However, biennial reporting is required to maintain the OSBA certification. At the end of the four year period, paralegals may recertify if CLE requirements and reference requirements are met.

The OSBA paralegal definition: A paralegal eligible for certification is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs substantive legal work for which a lawyer is responsible.

Upon meeting the above definition, an individual may be eligible to sit for a written examination only after meeting one of the following requirements below:

Education/Experience

1. A bachelor’s degree in any discipline and satisfactory completion of a paralegal studies program and a minimum of one year full time experience as a practicing paralegal (or its equivalent 2,000 hours); OR
2. A bachelor’s degree in any discipline or associate degree in paralegal studies with a minimum of three years full time experience as a practicing paralegal (or its equivalent of 6,000 hours), OR
3. Satisfactory completion of a paralegal studies program with a minimum of five years full time experience as a practicing paralegal (or its equivalent of 10,000 hours), OR
4. A high school diploma or equivalent plus seven years full time experience as a practicing paralegal (or its

equivalent of 14,000 hours). To be eligible under this section, an applicant must have been employed as a paralegal before December 31, 2006.

5. For purposes of this section, “paralegal studies” is defined as a program which consists of a minimum of 60 semester hours (or equivalent clock or quarter hours) of which at least 15 semester hours (or equivalent clock or quarter hours) are substantive legal courses.

After meeting the definition and education/experience criteria, an individual must supply a minimum of three professional references, including two from attorneys in good standing with the Supreme Court of Ohio who have direct knowledge of the applicant’s work as a paralegal. The other reference must have direct knowledge of the applicant’s skill and work ethic.

The written examination is administered to applicant’s seeking the OSBA credential. The examination is of suitable length and complexity. The exam includes substantive and procedural law, legal research, ethics, communication, computer knowledge, and law office management. General testing will include critical and analytical thinking, communication, and computer skills. Areas included on the examination can include: American Legal System, Civil Rules and Procedure, Administrative Law, Bankruptcy, Contracts, Business Organizations, Criminal Law, Probate and Estate Planning, and Real Estate. All applicants will have the opportunity to choose at least two of the substantive topics in which to be tested.

Attendance at a minimum of 12 credit hours of continuing legal education in courses approved by the Ohio Supreme Court Commission on CLE, NFPA or NALA must be met within three years immediately preceding the application. Two and a half credit hours of the 12 required shall be in

legal ethics, professionalism, and substance abuse.

A Paralegal Certification Board has been established with members appointed by the OSBA President. This Board will grant, revoke or re-certify the OSBA certified paralegals. The Board will also determine eligibility, administer the written exam, and set passage rates.

Applications for the OSBA Certified Paralegal credential will be available after January 1, 2007.

Congratulations To Our Newest AACP's!

- Laura Ahtes, AACP, RP, DCP
- Andrea Collette Austin, AACP
- Nancy A. Cominoli, AACP
- Erin J. Oxendine, AACP
- Barbara Wallace, AACP, RP, DCP

2006 Annual Meeting and CLE Seminar

At this time all our members should have received a brochure announcing the annual American Alliance CLE seminar and annual meeting scheduled for September 22-23, 2006 at the Comfort Suites in Newport Kentucky (right across the river from Cincinnati).

This is an exciting time for the American Alliance as this is the fourth seminar that we have sponsored and the location is a change from recent meetings in the western states. September in the Greater Cincinnati area can be very lovely, with the leaves on the trees starting to change and with fall activities commencing in the city. For anyone who is interested in a walk, there is easy access to shopping, cinemas, restaurants, the Newport aquarium, and the *Purple People Bridge* spans the Ohio River to the famous Montgomery Inn Boat House

restaurant where you can enjoy a meal from the "Ribs King." The Serpentine Wall and riverfront park provide many walking and running trails.

The Friday seminar includes five highly qualified legal professionals to instruct each session:

Medicaid – If you are not current with elder law and the issues that affect probate filings, this is one presentation you should not miss. Certified Elder Law Attorney, Gregory S. French, will be instructing this session.

Ethics and the Unauthorized Practice of Law – Thomas L. Rouse, Partner, Wallace Boggs Colvin Rouse Bushelman, PLLC of Northern Kentucky was appointed to the Kentucky Bar Ethics Hotline in 1991 and will discuss professional ethics and civil litigation.

UPL, Ethics and Comparative Analysis – Will be presented by D. Allan Asbury, Attorney-at-Law and Secretary for the Board on the UPL of the Ohio Supreme Court. Mr. Asbury will continue the discussions on the unauthorized practice of law.

Advanced Writing Skills – This two-part session will focus on effective legal writing with a view towards the aesthetical presentation in a legal setting. Kathryn L. Myers, Associate Professor and the Coordinator of Paralegal Studies, St. Mary-of-the-Woods College, near Terre Haute, Indiana, will lead this session.

Identity Theft – Walter J. Wright, Supervisory Special Agent of the FBI will discuss identity theft and how white-collar crime impacts the legal profession.

Registrations have already been received by the American Alliance, so be sure to get yours in early to reserve your spot. If you did not receive your brochure, visit our website at www.aapipara.org for more details.

Be sure to send in your checks as you receive renewal invoices. Only those voting members whose dues are current will be entitled to run for an office on the American Alliance board and/or vote at the annual meeting.

See you in Newport!
The Seminar Committee

Welcome New Members

- Andrea Austin, AACP, Phoenix, AZ
- Luciana Case, San Diego, CA
- Nancy Cominoli, AACP, Springfield, MA
- Lisa Yuet Ying Fong, Honolulu, HI
- Robert E. Hoffman, Jr., Dallas, TX
- Lora Marschand, Kokomo, IN
- Sara Neily, Scottsdale, AZ
- Latonya Stone, Montgomery, AL
- Christopher L. Webb, Louisville, KY

Paralegal Faces Trial

By John Lyon
Friday, June 30, 2006 10:17 AM CDT
Times Record • jlyon@swtimes.com
Fort Smith, Arkansas

A July 6 trial date has been set for a Fort Smith paralegal accused of giving legal advice while not licensed to practice law.

A complaint filed in U.S. Bankruptcy Court by attorney Jim Hollis of the U.S. Trustee's Office in Little Rock alleges that Mary Angela Barnett, a paralegal employed at the Sexton and Sanders law firm in Fort Smith, gave legal advice to Richard Wayne Graham and Tommie Anne Graham while serving as their bankruptcy petition preparer.

The Grahams filed a Chapter 7 bankruptcy case in October.

A bankruptcy petition preparer is defined as a person other than a lawyer who prepares a bankruptcy document for filing for a fee.

Federal law states that a bankruptcy petition preparer cannot give legal advice. The government also alleges that Barnett committed several other violations, including failing to sign the documents she prepared for the Grahams; failing to provide the Grahams with written notice before preparing the documents or accepting her fee; failing to imprint the documents with her Social Security number; accepting payment for court fees; and failing to file a declaration disclosing the fees she received.

The complaint states that Barnett should be fined \$500 for each violation and that the fines should be tripled.

Federal law allows fines to be tripled for a person who prepares a document for filing in a manner that does not disclose the identity of the preparer.

Barnett has shown a "clear and consistent pattern" of violating the law in this case and several other cases in which she prepared bankruptcy documents, the complaint alleges.

The government is seeking an injunction permanently prohibiting Barnett from preparing bankruptcy documents and a sanction requiring her to pay damages to the Grahams.

A phone call to Barnett's office was not returned Thursday.

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Networking and Mentoring: Invaluable Professional Tools

By Lee Davis, AACP
Vice President

Networking is one of the most valuable tools we can have at our disposal for moving forward in our profession. We all do it to some degree in our personal lives. We network with our fellow workers and bosses to be able to complete our jobs, we network with neighbors for information, we network with our family for the “scoop.” But networking professionally takes on another realm.

Joining a professional association is one of the best ways to derive the benefits of networking. But, it takes a little more than filing out a membership form and paying dues. You must participate to derive the most benefit. Once you have your name on the membership roster – get involved. I recall my very first “job” with the local paralegal association to which I belonged. I was a door greeter. It was my job to make everyone feel welcome as they came into the meeting. I did not realize that I was actually networking – meeting people – getting to know my fellow paralegals. A few years later I was president of the association. Now that may not be your goal, but it does point out how networking can help you expand your professional activities.

Simply stated, networking is just a form of communication, however, the results of that communication can have an overwhelming and positive impact upon our profession in a variety of ways. Certainly, technology has produced the greatest change in communication and the ability to network. Prior to the Internet and e-mail, the mode of networking was mostly verbal or written (hard copy) and the rate of exchange was limited to when and with whom we may be communicating with directly. Additionally,

the realm of inquiry may have had geographic limitations. Today, access to information and the rate of exchange of that information is not only instantaneous, but can also be extended to many others both within and outside specific geographic areas with just a simple click of a button.

Although networking through the computer has become a way of life for many of us, please do not underestimate the power of personal face-to-face encounters. The ability to converse has been the number one answer when successful people are asked what one skill contributed to their success. In reading an article by Susan RoAne on communication, she stated in the late 1980’s, Dr. Nathan Keyfitz, Professor Emeritus of Sociology at Harvard came to the conclusion that in the year 2000 most people will be technically adept, but those who succeed will be the “people who can talk to people.” I call this “networking at it’s best.”

Some tips for enhancing your networking skills:

1. Get involved – Join a local and/or national paralegal association
2. Introduce yourself to officers, directors and other members
3. Volunteer for a committee or run for an office
4. Join a professional list serve
5. Attend special events
6. Write articles for the newsletters and other professional publications
7. Give presentations in your area of expertise
8. Project a positive, professional image
9. Always give your best and enjoy what you are doing.

Networking can facilitate us in supporting each other in our career development, but don’t forget the colleague who is just entering the profession. Consider being a mentor to a new paralegal. The word “mentor” means “trusted counselor or guide”. A mentor points the way, shows the

pitfalls, guides the person through the maze and intricacies of the profession. Just think of the affect you can have on a new paralegal. Mentoring is really a form of networking – just in a more concentrated manner. Please consider the following points of mentoring:

1. Once you have found your mentee, give the person a reason to “buy in” to what you have to offer. The mentees really look up to their mentors.
2. Introduce the mentee to other paralegals.
3. Persuade the mentee to take an active role in their local association – possibly as a committee member. Remember to volunteer for the same committee.
4. Ask the mentee to write an article for the local association newsletter on subjects such as their first impressions on being a paralegal, first week at the office, etc.
5. Keep in touch with your mentee. Take the time to pick up the phone and call.

The key to networking and mentoring is simple – **communicate, communicate, communicate**. Communication or conversation is very much an art, not a science. But it is a very important tool in your toolbox of success. The ability to communicate, and communicate well, will overwhelmingly contribute to your professional success. Try communicating through the art of networking and mentoring.

Stop talking about eDiscovery And Start Doing It!

By: Rick Stieghorst

Know anyone still using a typewriter? Of course not. Today, 75-90 percent of all documents are created on a computer and will never exist in paper format. In the US we generate over 4 *trillion* emails each and every day. The documents you seek in discovery are no longer stored in filing

cabinets, but on all the computers in your opponents office.

So, how do you get all those documents?

1. You could have your opponent *print* all the documents they think are relevant to the case. There are many problems with this not the least of which is now spending all the time indexing these paper documents.
2. You could have the company save all the files they deem relevant to CD's. This option is much better in terms of indexing and storing the files, but still has the problem of who is determining what is relevant.
3. The best way to get the documents is to get a copy of all the computers that may contain the information you are looking for. You can do this forensically, or non-forensically.

A forensic copy of a computer is an exact bit for bit copy. This includes all available deleted data. A forensics specialist will know how to recover that data. A forensic copy will also give the analyst the ability to look at the history of the computer and everyone who used it. Just about anything that was hidden, can be revealed with a forensic copy. These documents are automatically indexed, and easily searchable.

A non-forensic copy is just that – a copy. No deleted information can be retrieved. This can be a cost saving alternative when you are pretty sure that what you are looking for is probably out in the open. Using a program such as Z-Print, you can have these documents indexed and searchable as well. It is important to note that you should never have your/their IT person copy files. Only a forensically trained professional can ensure that this process does not damage valuable data.

If you start the case thinking that you may be surrounded by boxes of paper, then you need to change the process, and do eDiscovery instead. The longer you wait, the more evidence will be purged forever out of your opponents' 21st century filing cabinet called the computer.

Rick Stieghorst is a Computer Forensic Specialist and System Analyst for Midwest Imaging and eData Support, a division of Midwest Paralegal Services, Inc.

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Important Dates To Remember:

- July 26-29, 2006 – NALA Annual Convention, Tampa, FL
- July 27-28, 2006 – The Paralegal SuperConference, Washington, D.C.*
- **September 22-23, 2006 – The American Alliance of Paralegals, Inc., Annual CLE Seminar and Meeting, Newport, KY**
- October 4-5, 2006 – The Paralegal SuperConference, Philadelphia, PA*
- October 11-14, 2006 – AAFPE Annual Convention, New Orleans, LA
- October 12-13, 2006 – The Paralegal SuperConference, Atlanta, GA*
- October 19-20, 2006 – The Paralegal SuperConference, San Francisco, CA*
- November 2-3, 2006 – Leadership Conference for Paralegals, Jordan Springs, VA*

*Paralegal SuperConferences are sponsored by Estrin Careers.

◆ If you have any important dates you want to add to our newsletter, please forward them to kray@gtxinc.com or secretary@aapipara.org.

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