



## THE AMERICAN ALLIANCE OF PARALEGALS, INC.

*Advancing the Paralegal Profession  
by Focusing on the Individual Paralegal*



# THE ALLIANCE ECHO

*A quarterly publication of the American Alliance of Paralegals, Inc.*

[www.aapipara.org](http://www.aapipara.org)

Vol. 6– Winter 2008 Issue

### **PRESIDENT'S MESSAGE**

Debbie Repass, AACP, RP

It is a new year and a good time to review the goals of the American Alliance and to monitor our progress.

The American Alliance's goal to focus regionally and provide CLE opportunities twice a year led the American Alliance to host a joint Education Seminar in May 2007 with the Paralegal Association of Wisconsin. While the Seminar was successful, the Board of Directors reflected on whether continuing to host a regional seminar provided value to our members. The board determined that due to its regional format, only those members in the area where the seminar was being held received the value. The American Alliance will assist local paralegal associations, wherever feasible, with their continuing legal education programs, but will no longer sponsor its own seminars.

The Annual Meeting was held in conjunction with the Education Seminar each year. For the last two years, the American Alliance also held a National Paralegal Summit ("the Summit") along with the Annual Meeting. The Summits have had impressive attendance and have been very well received. However, attendance at our Annual Meetings has not been so great.

Therefore, the board has decided to continue to host the Summit, but will not hold an in-person Annual Meeting. Instead, we will hold the Annual Meeting as a telephone conference call in the hope that more members will participate.

The Members Only Webpage has been up and running for a year. I hope that everyone has taken the time to log on and check it out. You will find a list of the current members, the 2007 State of the Association Address, Minutes of the 2007 National Paralegal Summit, past newsletters, the Job Bank, and bylaws of the association. If you do not have or have misplaced your Password and User ID, send a message to [Webmaster@aapipara.org](mailto:Webmaster@aapipara.org).

In addition to reviewing our goals, here are updates on other noteworthy areas in American Alliance.

A number of AACPs have renewed their designations. It is hard to believe that the program has been in existence for two years. Applications continue to be submitted. A new feature added under the

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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](mailto:secretary@aapipara.org).

Certification Program tab on the website is a Certification Program brochure which can be downloaded and distributed.

The board of the American Alliance thanks Kathey Mehle for her work on the American Alliance Certification Commission. Kathey served as Chairman of the Commission for a two-year term.

The board of the American Alliance welcomes Deborah M. McKinney as the new Chairman of the American Alliance Certification Commission for a two-year term.

The State of Florida adopted the Florida Registered Paralegal Program. Being an AACP makes an individual eligible for Florida Registered Paralegal Status.

The board is making marketing a top priority this year. Vice President Laura Ahtes, AACP, RP, DCP will be determining ways to market the American Alliance and the AACP. If you are interested in working on marketing the American Alliance or the AACP, please contact Laura at [vicepresident@aapipara.org](mailto:vicepresident@aapipara.org).

Many of our board and members continue to be highlighted in *Legal Assistant Today*. In the November/December 2007 issue, an article appeared about the National Paralegal Summit. It mentioned Vice President Laura Ahtes, AACP, RP, DCP; American Alliance Treasurer, Barbara Wallace, AACP, RP, DCP; Director of Membership, Carolyn Saenz, AACP; and American Alliance President, Debbie Repass, AACP, RP. There was also an article about putting your corporate career in drive which mentioned American Alliance Treasurer, Barbara Wallace, AACP, RP, DCP; American Alliance Secretary, Karen Ray, and American Alliance member, Dorothy Roberts, AACP, RP, OSBA Certified Paralegal.

If any of you are published in periodicals, let us know so we can request permission to post it on the website. Knowing about your fellow members and their accomplishments is a great way to promote the American Alliance.

The secure online payment program has been very successful. You can now renew your membership as well as join as a new member using the online payment program.

The change in our mail system has been in place for several months and is running smoothly.

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.

The American Alliance joined the American Association for Paralegal Education's Task Force on Access to Justice (the "Task Force"). The Task Force will explore the role of non-attorneys in providing more affordable legal services. The Task Force will collect and review information on the issues, decide on the role educators can play, and set an agenda and/or goals to accomplish. We will keep you updated.

The committee chairs add:

Thanks go to Mary Kay Rivera who is assisting the Director of Membership with a follow-up letter to all late renewals. We realize that it is easy to forget to renew your membership, but remember that if you don't, your benefits will not continue. Any other member who is interested in assisting with membership activities, please send an e-mail to: [membership@aapipara.org](mailto:membership@aapipara.org).

We are always looking for articles of news affecting the paralegal profession. If you know of any articles or would like to write an

article for our newsletter, please submit them to Karen Ray, Secretary at [secretary@aapipara.org](mailto:secretary@aapipara.org) for consideration in our newsletter. Our goal is to relay noteworthy news to our members as soon as it becomes available to us.

Your board accomplished a lot in 2007! There are many things that can be accomplished in 2008. I would like to see 2008 as the year the American Alliance finds a way to educate the legal community and the public on the value of the association. If you have ideas about ways to accomplish this, please send them to the board.

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**Director of Education Appointed**

CLE Coordinator Angela Baker-Coyler, AACP, was appointed Director of Education of the American Alliance to fill the unexpired term of Director of Education vacated by Laura Ahtes, AACP, RP, DCP. Laura began her term as Vice President January 1, 2008. Angela's term as Director of Education expires December 31, 2008.

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**Welcome New Members**

- Marilyn Castro, Ocoee, FL
- Julie Corbin, Newburgh, IN
- Joni M. Gunn, Omaha, NE
- Robin Marx, Hammond, WI
- Mary J. McLaughlin, Rio Vista, CA
- Beth Miller, Donora, PA
- Kathi Morehead, Brunswick, MD
- Bryan Wade, Framingham, MA

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**Congratulations To Our Newest AACPs!**

- Nancy Anderstrom, AACP
- Barbara A. Kempton, AACP
- Vlada Rassin, AACP

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**2008 Board Members**

President  
Deborah A. Repass, AACP, RP

Vice President  
Laura Ahtes, AACP, RP, DCP

Secretary  
Karen Ray

Treasurer  
Barbara Wallace, AACP, RP, DCP

Director of Membership  
Carolyn Saenz, AACP

Director of Education  
Angela Baker-Colyer, AACP

Director of National Affairs  
Marie Koster

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**Wisconsin Supreme Court Hearing**

By John C. Goudie  
Paralegal Association of Wisconsin  
National Affairs Representative and  
American Alliance Member

On December 10, 2007 I spent the day attending the Supreme Court hearing on the State Bar of Wisconsin petition 07-09 In the Matter of the Definition of the Practice of Law and the Administration of a Rule Defining the Practice of Law. The petition was presented to the Court by Thomas J. Basting, Sr., President of the Wisconsin State Bar. The petition was filed in response to the Supreme Court decision in 2003 directing the State Bar to undertake the formation of a committee to study and present a petition that would define the practice of law and further define the unauthorized practice of law.

The purpose of the proposed Supreme Court rule is to define what the practice of law is and to further refine and define the manner of penalties for violations of the practice of law. The rule would provide for civil penalties against those persons or entities who practice law outside the scope of their respective professions and protect the public from those offering legal services directly to the public, for which they are not trained, licensed or qualified to do so.

As anticipated, the proposed petition met with opposition from numerous professions. Specifically, written and oral opposition was presented by representatives of the American Council of Engineering Companies, Wisconsin Bankers Association, Institute of Certified Public Accountants, Wisconsin Realtors Association, Community Bankers of Wisconsin, WIPFLI CPA's & Consultants, American Council of Engineering Companies, Wisconsin Citizen, Wisconsin Society of Professional Engineers, Examining Board of Architects, Landscape Architects and Professional Engineers, the American Insurance Association, HALT, Wisconsin Coalition Against Domestic Violence, Institute of Professional Geologists, Wisconsin Society of Landscape Engineers, pro bono paralegal and independent paralegal. In addition, submissions were provided to the Court by the Office of Lawyer Regulation and Department of Justice, neither of which took a position one way or the other about creation of the rule or system. The OLR's position was one directed in response to the proposed costs of administration of the rules and the DOJ's position was directed at the ambiguity of the proposed rules.

Most of the opposition speakers did agree with the Court to submit a proposal that would carve out or exclude their professions from prosecution under the proposed rules, if they are governed by another regulatory body and are subject to rules and regulations in that particular profession's governing body. Those submissions are to

be sent to the Court for consideration. In open conference, following the hearing, the Court agreed to hold in abeyance any decision on the proposed petition until after receipt of the responses from the various opposition entities. In the course of the open conference, the Court did address the possibility that oversight of rule might be directed to the Department of Justice, as the Court only has regulatory authority over attorneys and the State Bar. The Court mentioned that they would have to be dealing with this issue in the near future, given the pending petition on paralegal regulation, as well. There was a discussion that regulatory boards, separate from the Court, may have to be established and funded, outside the realm of the Supreme Court.

It is anticipated that the Court will be addressing the pending paralegal petition on regulation in April 2008.

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### ***Supreme Court Agrees to Hear Paralegal Fees Case***

By: Marie Koster  
AAPI Director of National Affairs

**The question presented is:** Under the Equal Access to Justice Act (EAJA), 5 U.S.C. ss 504(a)(1) and 28 U.S.C. ss 2412(d)(1)(A), may a prevailing party be awarded attorney fees for paralegal services at the market rate for such services, as four circuits have upheld, or does EAJA limit reimbursement for paralegal services to cost only, as the Federal Circuit panel majority held?

The United States Supreme Court has granted certiorari to *Richlin v. Chertoff*. This case will consider whether paralegal services can be recovered at the market rate when determining the payment of attorneys' fees. The US Court of Appeals for the Federal Circuit ruled that the Equal Access to Justice Act permits only the

reimbursement of paralegal services as the cost of the expense to the attorneys rather than as fees at the market rate. A decision in this case would resolve a split among the circuit courts of appeal.

**Background:** The term paralegal in previous years was synonymous with legal secretary, whereas persons having those titles were of considerable assistance to attorneys on a day-to-day basis, but did not exactly work independently of the attorney. That has all changed.

The services provided by most paralegals and legal secretaries are quite distinguishable in the current day. Litigation paralegals are now proficient in conducting legal research and the preparation of pleadings, discovery demands, motions and briefs, without the assistance of an attorney. Courts throughout the United States are cognizant of this and, as a result, fees for paralegal services may now be recoverable in most cases wherever an award of attorney's fees or costs is available.

Courts in many instances also make an allowance for paralegal fees in excess of the amount actually paid for the services to allow the law firm to reap a profit. The prevailing opinion is that this furthers public policy because it is an incentive to offering more affordable legal services to the community.

The United States and New Jersey Supreme Court concur in this opinion. "The United States Supreme Court, in upholding an award of legal fees based on the market paralegal services, stated that the use of paralegal services whenever possible encourages cost-effective legal services by reducing the spiraling cost of litigation.

In conclusion, retaining a paralegal is profitable to law firms, furthers public policy and provides quality legal services to the general public at a fair rate. See case law below.

## NATIONAL CASE

Missouri v. Jenkins, 491 U.S. 274, 109 S.Ct. 2463, 105 L.Ed.2d 229 (1989): subsequent negative appellate history at 731 F.Supp. 1437. The U.S. Supreme Court held that in setting a reasonable attorney's fee under 28 U.S.C 1988, a legal fee may include a charge for legal assistant services at market rates rather than actual cost to the attorneys.

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## ***Florida Registered Paralegal Program Approved***

Laura Ahtes, AACP, RP, DCP  
Vice President

On November 15, 2007, the Florida Supreme Court approved a new voluntary program for paralegals in the State of Florida that requires education, work experience and ethics. Paralegals who meet the requirements of the Florida Bar definition will be able to perform paralegal duties. Hence, the Florida Registered Paralegal ("FRP").

This has been a long procedure for paralegals in Florida. First, in 2005 the FRP program was presented as legislation. The Florida Bar opposed the legislation on the grounds that regulation of paralegals should be monitored solely by a judicial body and not a legislative body. On August 15, 2006, the Florida Bar filed their FRP program with the Florida Supreme Court to amend the rules. There was a comment period for which the public submitted 103 comments. The American Alliance of Paralegals, Inc., submitted comments on the proposed FRP program. Although most comments were in favor of this program, on April 16, 2007, the Florida Supreme Court held oral arguments for the FRP program.

As the FRP program is wholly voluntary and does not establish regulation of the paralegals in Florida or the profession, paralegals in Florida must meet the

requirements dictated in the FRP program. First, under the education requirements, paralegal studies must be from an ABA approved program or a institution accredited by a nationally recognized accrediting agency by the US Department of Education or the Florida Department of Education. Secondly, FRP status can be obtained through certain certification. Thirdly, by grandfathering provisions. In addition, the FRP program outlines a Code of Ethics and Responsibility for paralegals.

A sworn Statement of Compliance must be completed by the paralegal and payment of the registration fee. The Florida Bar will ultimately review the items for compliance. The FRP registration is annual, as well as the fee. In order to maintain an FRP status, a paralegal must complete a minimum of 30 hour of continuing legal education every 3 years, 5 hours focusing on legal ethics or professionalism.

Paralegal Committees have been formed in each appellate district in Florida (District Paralegal Committee). These District Committees will have the direct authority and jurisdiction required to perform procedures regarding complaints against an FRP. District Paralegal Committees will receive and evaluate complaints against an FRP and will have the authority to remove or revoke a paralegal’s registration as an FRP in accordance with the procedures of the program. When a complaint is filed, it will first be reviewed by the Bar Counsel and then be forwarded to the appropriate District Paralegal Committee for action.

If interested in viewing the FRP program, visit the website ([www.aapipara.org](http://www.aapipara.org) – In The News) for State of Florida Amends Rules regulating the Florida Bar by Adopting Chapter 20, the Florida Registered Paralegal Program. Read the brief filed in the Supreme Court, No. SC06-1622.

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***The American Alliance  
Represented at the AAFPE  
Annual Conference in  
Baltimore, Maryland***

By: Laura Ahtes, AACP, RP, DCP  
Education Director  
Vice President Elect

I, along with Barbara Wallace (Treasurer), had the opportunity to attend the American Association for Paralegal Education (AAfPE) 26<sup>th</sup> Annual Conference in Baltimore, Maryland on October 24, 2007. AAfPE is a national organization that serves the needs of paralegal educators and institutions offering paralegal educational programs. AAfPE’s primary purposes are rooted in the continuing development of higher quality education for paralegal students as well as to be the main source of authority in paralegal academics.

Last year, our esteemed President, Debbie Repass was invited to represent the American Alliance and served on a session panel for national organizations. As Debbie was unable to make the conference this year, I was a panel participant for the concurrent seminar session “Partnering with Professional National Organizations.” Other national organizations represented were IPMA (International Paralegal Management Association), NALS (National Association for Legal Professionals), NFPA (National Federation of Paralegal Associations) and NALA (National Association of Legal Assistants).

The AAfPE attendees were paralegal educators representing colleges and universities (national and international), as well as paralegals, publishers and military professionals. Each panel representative introduced themselves and their organization (background, benefits, etc.). As the representative for the American Alliance, I conveyed the following information to the attendees:

- \* National Summit (annual event);
- \* ABA & AAFPE background w/education & AACP Designation (NO EXAM!);
- \* Low membership costs;
- \* Focus is on the individual paralegal;
- \* Promotion of education, networking and continued CLE; and
- \* Visit the outstanding website!

During the panel presentation, attendees discussed the following topics with the panel members:

- \* How students gain employment (job banks);
- \* Foresee regulation on a national basis (one voice);
- \* Section 6450 in California (reservation of title and regulation);
- \* Written assignments given to students to research all national paralegal organizations;
- \* Impressed with representatives sitting together from national paralegal organizations; and
- \* Will there be a Conclave again?

It was a pleasure to attend the AAFPE Conference and have the opportunity to represent the members of the American Alliance. Please feel free to contact me if I can lend more insight or if you have any questions regarding this conference ([education@aapipara.org](mailto:education@aapipara.org)).

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### ***AACP Member Profile***

By Angela Baker-Colyer, AACP  
Director of Education

Renée Cipriani likes to be challenged and to learn new things. She began her paralegal career in litigation twenty-one years ago, but currently works in Probate administration. She has experience drafting real estate documents for estate planning and estate administration.

She enjoys probate administration saying, “I like to help people through what is a very difficult time. Every estate is different, so it’s never boring.” She has a significant number of direct client contact and admits, “Clients are more likely to call me than the attorney because I am more accessible and more affordable.”

Her favorite website is the Hamilton County Probate Court because it is well organized, includes detailed instruction and updates concerning changes in legislation and local rules. She also likes to use Casemaker through the OSBA website and visits the IRS website often.

Although she dislikes billing time, Renée likes working in a law firm. She currently works for a large firm and says her department is very team oriented and the paralegals are valued and respected by the attorneys, staff and clients. Her employer supports continuing legal education and encourages paralegals to attend at least two full day seminars each year. Not only does her firm pay the fee to attend the seminar, it also pays her salary while she attends. She says that often an attorney will suggest a seminar if the attorney believes it would be beneficial.

Renee earned an Associate Degree in Applied Business/Legal Assistant Program from the University of Cincinnati and a Bachelor of Arts Degree in Paralegal Studies from the College of Mount St. Joseph. She is an American Alliance Certified Paralegal, OSBA Certified Paralegal, and Pace Registered Paralegal.

As you can see, Renée is no stranger to education in fact she has a strong belief in paralegal education. She endorses regulation and believes it will provide standards for ethics, discipline, education and competency by which paralegals can validate their value to the legal industry. She believes that regulation will provide a standard by which clients can evaluate a paralegal’s competency and allow for the

expansion of paralegal roles. She believes that some form of regulation is inevitable and hopes that paralegals are able to maintain proactive role in influencing the direction of regulation.

In Renée’s opinion, the most valuable skill for a paralegal is resourcefulness. “Your boss doesn’t want to hear that something can’t be done, he wants you to find a way to do it. This sometimes requires creativity. I find it fulfilling to accomplish something most would say can’t be done.” With that being said it’s no surprise that her favorite activity as a paralegal is investigating facts or researching legal issues.

When asked how she would handle a difficult supervisor she replied, “I never let a difficult supervisor see me irritated or upset. I calmly respond in words that diffuse them.” She also offers this advice to new paralegals, “Do not be afraid to ask questions to be certain you understand the scope of a project. Establish resources for guidance by joining your local paralegal association.” One thing she would have liked to have known when starting her career was, “To join the local paralegal association and to become actively involved. The networking and peer support I have experienced as an active member of the Cincinnati Paralegal Association have been a large part of the foundation for the growth of my career. I couldn’t have done it without the support of my peers.”

Renee credits working with and being taught by many great people as being the most influential in her career. “The paralegals I have worked with, particularly those I have worked with in the CPA, have influenced me most. I have worked on several CPA committees over the years and the paralegals I have met have been encouraging, supportive and helpful. The relationships I have forged with these people are important to me.”

In addition to her busy schedule, Renée keeps active by coaching her daughter’s

community soccer team, being a member of Citizens on Patrol (through the Cincinnati Police Department), Chairs her youngest daughter’s grade school Public Relations Committee, being the Professional Credentials Chair of the Cincinnati Paralegal Association and participating in Wills for Heroes events sponsored by the CPA.

To unwind she likes to do home improvement projects with her husband, play indoor soccer, and go boating.

Renée says that if she weren’t a paralegal she would be a college professor. She is an adjunct faculty at the College of Mount St. Joseph in the paralegals program, and team teaches Introduction to Estate, Tax and Trust Law with a retired Probate Court Magistrate.

Renée’s dedication to the profession and invaluable experience is clearly shown through her work and the inspiration she gives others.

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### ***Paralegal Claim Against the City of Palo Alto, California***

Summarized by Carolyn M. Saenz, AACP  
Director of Membership

Casey O’Neill worked as a claims investigator and paralegal for the city of Palo Alto between July 1993 and May 2005. She sued the city of Palo Alto, and the court recently awarded her \$335,000 in back pay, vacation time, sick leave and other time off.

O’Neill’s attorney argued that even though the position was classified as a claims investigator and paralegal, it should never have been classified as non-exempt. Her work did not include executive, administrative or professional duties and the court believed that the city violated the Fair Labor Standards Act.

O'Neill has since left that position, but the job has not yet been reclassified.

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**Important Dates to Remember:**

- February 28-29, 2008 – Advanced Paralegal Education Group Conference, Orlando, Florida
- March 28-29, 2008 – AAFPE North Central Regional Conference, Cleveland, Ohio
- April 3-5, 2008 – AAFPE Pacific Regional Conference, Las Vegas, Nevada
- April 4-5, 2008 – AAFPE South Central Regional Conference, Baton Rouge, Louisiana
- April 11-12, 2008 – AAFPE North East Regional Conference, Mt. Kisco, New York
- April 11-12, 2008 – AAFPE South East Regional Conference, Nashville, Tennessee
- May 29 - 31, 2008 – American Alliance mid-year board meeting. Location TBD
- July 30-August 2, 208 – The National Association of Legal Assistants Convention, Oklahoma City, Oklahoma
- September 11-14, 2008 – NALS Conference & National Forum, Norfolk, Virginia
- October 9-12, 2008 – National Federation of Paralegal Associations Convention, Rogers, Arkansas
- October 15-18, 2008 – AAFPE Annual Conference, Dallas, Texas
- October 15-18, 2008 – International Paralegal Management Association Annual Conference and Expo, New Orleans, Louisiana
- October 23-24, 2008 – Advanced Paralegal Education Group Conference, Atlanta, Georgia

For further details, look under the Calendar Tab on the American Alliance website.

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**Press Release**

**Legal Assistant Today Announces Its 11th Annual Paralegal of the Year Award**

**Dec. 31, 2007** (Costa Mesa, Calif.) — The editors and staff of *Legal Assistant Today* are proud to announce that nominations now are being accepted for the 11th annual Paralegal of the Year award. Every year since 1998, *LAT* has honored a paralegal who demonstrates a profound commitment to his or her career and strives to shape the future of the legal assistant field. The winner will be chosen by the *LAT* Editorial Advisory Board and featured in the September/October 2008 issue. The winner also will receive a \$1,000 check, an award plaque and a complimentary one-year subscription to *LAT*. Plus, two runners-up will each receive an award plaque and a complimentary one-year subscription to *LAT*.

The Paralegal of the Year award is open to all paralegals who meet the award's requirements, including:

- ▶ Nominees must have a minimum of three years experience as a paralegal/legal assistant.
- ▶ Self-nominations are not allowed.
- ▶ Multiple nominations are encouraged; however, at least one nomination must be from an attorney or supervising attorney. Additional nominators can include attorneys, paralegal managers, coworkers, clients, association members or any organization.
- ▶ Each nominator must submit a statement, providing information on the nominees' significant activities in four categories, from

career accomplishments to civic contributions.

**Attention nominators:** If the individual you nominate is selected as our 2008 Paralegal of the Year, you will receive \$100. (*In the event that multiple people nominate the winner, their names will be entered in a drawing and one nominator will be selected for the \$100 prize.*)

Nominations are due by **May 5, 2008**. For complete award requirements and to fill out a nomination form, please go to [www.legalassistanttoday.com](http://www.legalassistanttoday.com) and click on the Paralegal of the Year Award logo.

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*Legal Assistant Today* — 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. The *LAT* Editorial Advisory Board is an independent group of talented paralegals and educators from throughout the United States who regularly provide input to the editors on the magazine's content and vote annually for the Paralegal of the Year Award. For more information, please visit us online at [www.legalassistanttoday.com](http://www.legalassistanttoday.com).

Contact: Leanne Cazares, senior editor,  
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