

THE ALLIANCE ECHO

A quarterly publication of the
American Alliance of Paralegals, Inc.
www.aapipara.org

Vol. 3– Summer 2005 Issue

PRESIDENT’S MESSAGE

Debbie Repass RP

It’s hard to know where to begin as so many exciting things have happened since our last newsletter so I am just going to “jump in with both feet” as they say!

The date is set, the place is chosen, and the speakers and topics confirmed for the Annual Education Seminar and Meeting in Phoenix, Arizona. If you have not already received the seminar brochure, you will shortly. It provides all the information you need to find out the when, where, who, and what. Now we just need YOU to come to Phoenix. I encourage each and every one of you to take this opportunity to meet the board members of AAPI, participate in the management of your association, and network with your fellow members. Information on the seminar is also available by going to the website (www.aapipara.org).

Speaking of the website, have you visited it lately? It is a newly designed website which you will see upon your visit. By changing from tabs across the top to buttons down the side, it eliminates the need to scroll over to view the entire page and we hope make it much more user friendly. It also gives the American Alliance the ability to put more information on the front page under “Announcements.” The board will be able to expand on the information posted thus keeping our members more informed. We hope you like it. Let us know what you think. You can send comments to me at president@aapipara.org.

Deborah McKinney, RP, AACP, AAPI’s Education Director and Carolyn Saenz, AAPI’s Membership Director, co-authored two articles titled "[How to Hire A Quality Paralegal](#)" and "[Do Paralegals Need to be Certified?](#)" recently published in the *CBA Report*. Congratulations Deborah and Carolyn! If you have not had a chance to read them yet, I encourage you to take the time. If other members have written articles, the board encourages you to submit them to education@aapipara.org. The board created a new “button” on our website entitled “Articles” and we hope we will be able to rapidly fill it with articles from our members.

It is official, we are international! We have our first member who resides outside the United States. Vincent Wong lives in Malaysia.

Hope everyone has a great summer! Take some time for yourself so you will be ready in the fall when things get geared up with renewed energy to face the challenges of work and the obstacles we need to overcome to advance our profession. Then put that renewed energy to work by coming together in Phoenix, Arizona at our Third Annual Education Seminar and Meeting on September 30-October 1, 2005.

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.

**Congratulations To Our
Newest AACPs!**

Jane F. Sakiewicz
Melissa J. Hobbs, RP
Garnet S. Shaw
James P. Vallandingham
VickiLynn Mitchell
Renee R. Cipriani, RP

NEWS ON THE NATIONAL LEVEL
Marie Koster, Director of National Affairs
Summary by Mary Kay Rivera

Florida Regulation Summary

In March of this year, both the House and Senate of the Florida Legislature introduced bills that, if passed, would create the Paralegal Profession Act. The intent of this legislation creates provisions for the regulation of paralegals; provides legislative intent; exceptions & exemptions; educational requirements for qualification as a paralegal; continuing education requirements; a paralegal code of ethics & professional responsibility; a grandfathering clause; reciprocity; penalties; severability; and establishes a Paralegal Regulation Board and the Board's powers.

However, this bill died in the Judiciary Committee in May of this year. This bill was one of the most well thought out and comprehensive attempts at paralegal regulation to date. If this were to be re-introduced by the House and Senate in the future, it would be a good Model Act to follow.

The legislative intent behind this bill, among others, sought to protect the public against UPL from those who provided services outside the scope of existing laws and rules of administrative agencies or held him or herself out as having advanced training to perform substantive legal work performed

by paralegals. This Act would assist with the effective delivery of legal services, maintain levels of ethics and competency and, most importantly, set forth standards for a paralegal.

This bill emphatically mandated that a disbarred attorney or a person convicted of a felony *could not* qualify under this law and may not use the title paralegal.

The Act also prohibited a person from using the title paralegal unless they were regulated under this Act or they were determined to be exempt. Exemptions are those persons in the active branch of military service and classified as a paralegal or a civilian employee of a branch of the US military during his or her term of employment.

The educational criteria in this legislation had its high and low points. If you pass the RP or CLA exams, you can be a paralegal under this section.

The CLE component in this bill called for 20 hours of continuing legal education every two years with two of these hours in ethics.

With respect to ethics, paralegals under this Act would comply with the Florida Code of Ethics and Professional Responsibility as adopted by the Paralegal Regulation Board created by this Act.

The Act also allowed for grandfathering for a period of two years from the passage of the Act which allows for those with a high school diploma (or GED) along with five years work experience, current CLE in ethics, and an affidavit detailing the work performed by the applicant submitted by the applicant's employer.

A specific section of this Act mandated that violations of this Act would be a third degree felony. This was a bold step and elevated the importance of our profession in the legal services arena.

The Paralegal Regulation Board was to be made up of 15 members. Ten members were to be paralegals regulated by this law representing the ten federal districts in Florida. Three members were to be paralegal regulators. There was to be one attorney from the Florida Bar Standing Committee on UPL and the last member was to be a member of the public. The board was to meet once a year and would have the power to approve, deny, suspend, revoke or reinstate paralegals under this Act. The Board would also review, evaluate, and approve educational requirements and continuing education programs to ensure compliance. Reciprocity under this legislation was to be established by the Paralegal Board.

Of the utmost importance in this bill are the last sections which detail that in computing attorney's fees "in any action in which attorneys' fees are to be determined or awarded by the court, the court *shall* consider time and labor of *any paralegals, as defined by s.454.39(2).*" The term "legal assistant" and its definition were specifically deleted from this section. This same rationale was applied to an award of guardian's and attorney's fees. This would support the trend that "paralegal" is the preferred term for our profession.

The Court, however, will only consider the time and labor of a paralegal if the time and labor "contributed is non clerical, meaningful legal support to the matter involved" and if the paralegal is "working under the supervision of an attorney."

As stated above, this bill died in the Judiciary Committee in May. This does not diminish the amount of thought and careful consideration expended in creating this document and it should serve as a model for future legislation. Naturally there are changes and modifications needed to make it more comprehensive, but the foundation is there and workable.

American Alliance Members "Give Back" To Their Local Community

By: Carolyn M. Saenz, CP

On a recent Saturday, five members of the American Alliance participated in a newly created *Wills For Heroes* program in the Greater Cincinnati and Northern Kentucky area. The *Wills For Heroes pro bono* program is sponsored by the Cincinnati Paralegal Association ("CPA") where paralegals from the CPA partner with lawyers from various local law firms to write wills, living wills and health care proxies for area firefighters, police officers and their families. To-date this group has provided wills, and accompanying documents, for 240 people, with more programs scheduled in the upcoming months.

The American Alliance members who have participated in this *pro bono* program, Angela Baker-Colyer, Kirsten M. Max, RP, Deborah M. McKinney, RP, AACP, José Pedro Santos and Carolyn M. Saenz, CP, have commented on the personal satisfaction they have received by giving back to the community and serving people who risk their lives every day for us. Cathy Hutton, chair of the CPA's Pro Bono Committee, has been instrumental in getting the program up and running and has coordinated the donation of equipment, such as computers from Affordable Upgrades, Inc. and copy machines from IKON.

Recently the American Alliance members commented how smoothly the program is running compared to its humble beginnings when the use of only one or two computers was necessary. At the most recent event, paralegals were used as intake persons and document preparers, while the lawyers conducted personal reviews of each families' wills and advised each family. The all-day program has generally kept all the paralegals and

lawyers busy with their various assigned duties, and at the conclusion the firefighters and police officers expressed their gratitude at receiving the free legal services.

If other American Alliance members would like to get more details as to how to set up a *Wills For Heroes* program in their local community, please contact me directly.

Submitted by: Carolyn M. Saenz, CP, Membership Director of the American Alliance; and Pro Bono Committee Member of the Cincinnati Paralegal Association, Ohio, telephone 513-629-1465.

Important Dates To Remember:

- ? July 13-17, 2005, NALA Convention, Kansas City, MO
- ? July 15-16, 2005, The Paralegal SuperConference, Washington, D.C.*
- ? **September 30-October 1, American Alliance of Paralegals, Inc. Seminar and Annual Meeting, Phoenix, AZ**
- ? October 19-20, 2005, AAfPE Annual Conference, Tampa, FL
- ? October 21-22, 2005, The Paralegal Leadership SuperConference, Atlanta, GA

*Paralegal SuperConferences are sponsored by Estrin Careers.

AAfPE Annual Conference

Deborah McKinney, RP, AACP, Director of Education, will represent the American Alliance at the AAfPE Annual Conference. This year, AAfPE will hold its conference in Tampa, Florida on October 19-20.

Welcome New Members

Linda Hillerich, Kentucky
 Vincent Wong, Malaysia
 Christina Bedel, Ohio

**Survey Results 2005
 Paralegal Compensation**

The 2005 survey of the American Alliance members was conducted in May. At this time all members should have received a copy of the results. If you did not, please contact the Secretary, Karen Ray at telephone 901-507-6952.

Here is some interesting information concerning the survey:

| | |
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| | <u>2005</u> |
| Average compensation | \$48,000+ |
| Place of employment | |
| Law Firm | 68% |
| Corporation | 17% |
| Hours billed each year | |
| Less than 1200 | 14% |
| Not required to keep time | 44% |
| Average billing rate with | |
| Three years of experience | \$68 |
| Over 20 years of experience | \$103+ |
| Where our members work | |
| Pacific time zone (Hawaii included) | 08% |
| Mountain time zone | 12% |
| Central time zone | 31% |
| Eastern time zone | 49% |

If you are not a member of the American Alliance and would like to have a copy of the full survey results you may send a check for \$25 payable to: American Alliance of Paralegals, Attn: Karen Ray, Secretary, American Alliance of Paralegals, Inc., c/o GTx Inc., 3 N. Dunlap Street, Memphis, TN 38163.

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