

THE ALLIANCE ECHO

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

www.aapipara.org

Vol. 2 – Fall 2004 Issue

PRESIDENT'S MESSAGE

The American Alliance is looking forward to hosting an exciting seminar October 1st, thus giving the members an opportunity to "soak up" some substantive legal education and catch up with the activities of "old" friends. If you haven't yet made your reservation, I urge you to do so immediately, so that you do not miss out on this experience.

If you do not plan to attend the annual meeting on October 2nd in Las Vegas, be sure to sign and return your proxy, so that we may proceed with the elections of officers and directors as scheduled.

A committee has been formed to put procedures in place for the implementation of the AACP (American Alliance Certified Paralegal) program. If you wish to become a part of this committee, please let us know. Any qualified paralegal may make application to get the AACP designation.

Deb Repass, RP and Lee Davis, directors, will be attending the Conclave meeting in Albuquerque in October to promote the ideals and ethics of the American Alliance. When the agenda has been published, we shall be sharing it with you.

The Board of Directors meets on a regular basis, mainly via teleconference. If you wish to be included in any of those meetings, please let me know and we will put you on the "reminder" list.

Also, if you wish to view any minutes of past meetings, we can send you copies, upon request.

Gwen Minnier, CLAS, President

IMPORTANT DATES TO REMEMBER:

- ? **October 1-2, 2004, CLE seminar and annual meeting, American Alliance, Las Vegas, NV**
- ? October 8, 2004, Paralegal Power Conference, Estrin Prof., Chicago, IL,
- ? October 23, 2004, meetings and Conclave AAFPE, Albuquerque, NM
- ? October 27, 2004, public hearings, Supreme Court of Wisconsin
- ? October 29, 2004, conference, Kentucky Paralegal Assoc., Louisville, KY
- ? October 29, 2004, Paralegal Power Conference, Estrin Prof., Sacramento, CA
- ? November 3-6, 2004, annual meeting, LAMA, Montreal, Quebec, Canada
- ? November 20, 2004, conference, ALA, Chicago, IL
- ? December 1-4, 2004, annual conference NLADA, Washington, DC

DON'T FORGET TO VOTE!

Remember that on October 2, 2004 voting members of the American Alliance will need to cast votes for:

- ? Secretary, Director of Education (1-year term)
- ? President, National Affairs/Legislation Director (2 year-term)
- ? Vice President, Treasurer, Membership Director (3-year term)

If you have an interest in running for one of these positions, please send me an e-mail at: Carolyn.saenz@WSLife.com

Viva Las Vegas!!

WHO ARE THESE PEOPLE?

Acronyms and buzzwords abound in today's society. Don't we sometimes feel that we're "out of it" if we don't immediately recognize a term or phrase that seems to roll so easily off other people's tongues?

Here are a few interesting phrases:

Soft I.P. – This is a subset of intellectual property relating to who owns images, words and information.

Custody coach – A consultant who readies a parent for court appearance with advice on how to dress etc.

S.O.D.D.I. defense – Acronym for "Some Other Dude Did It," originating among prosecutors.

Delayering – To fire staff in order to cut overhead.

PPEA – Personal premature exit agreement.

Court strips – Television courtroom shows that run five days a week, e.g., Judge Judy.

Blamestorming – Sitting around in a group discussing who is responsible for a mistake (preferably a deep-pocket defendant).

SO – WHAT IS THIS CONCLAVE?

Established in 1988 by the Legal Assistants' Committee of the American Bar Association, the Conclave is a group of organizations that have an interest in the education and development of paralegals and the profession. The very first meeting took place in Baton Rouge, Louisiana and was facilitated by Ms. Gerry Malone, a partner with Hildebrandt, Inc.

Consisting of seven associations, the present-day Conclave is represented by the American Alliance of Paralegals (AAPI), American Association for Paralegal Education (AAfPE), American Bar Association's Standing Committee on Paralegals, Legal Assistant Management Association (LAMA), National Association of Legal Assistants (NALA), National Federation of Paralegal Associations (NFPA), and the Association of Legal Professionals [formerly

legal secretaries] (NALS).

The Conclave members meet on an annual basis to share information on where their organizations are headed and to try to reach a common goal as to future developments. At the last meeting in October 2003, the Standing Committee announced that it is developing presentations to be made to law firms, corporations and the general public regarding paralegal utilization. The ten Model Guidelines that were originally put into place in 1991 have been updated. Visit the ABA website on paralegals to look at the new guidelines.

As most of you know, when the changes regarding overtime pay were proposed by the Department of Labor, the American Alliance submitted an opinion to DOL. If you wish to see a copy of the opinion letter, please contact the newsletter editor.

NALS implemented its paralegal certification test, and NALA had plans to enhance its educational programs. LAMA conducted a survey and is now going to address the issue of changing its name to the International Paralegal Management Association, at its upcoming annual meeting in Montreal.

The Conclave members recognize that they still are not able to come to a meeting of the minds on the definition of a paralegal.

Deb Repass RP and Lee Davis, directors of the American Alliance, will be attending the next Conclave meeting on October 23, 2004. We invite you to give Deb and Lee input as to your views. A Conclave agenda will be provided as soon as it is available.

STANDING COMMITTEE MOVES ITS OFFICES

The Standing Committee on Paralegals, along with other branches of the ABA, has moved its office. Please change your records to:

Standing Committee on Paralegals
American Bar Association
321 North Clark Street
Chicago, IL 60610-4714
Web site: www.abaparalegals.org

DEPARTMENT OF LABOR – Professional Employee Exemption

The new ruling, which became effective in April, states that “the learned professional exemption . . . does not apply to occupations in which most employees have acquired their skills by experience rather than by advanced specialized instruction.”

The duties of “learned” professionals must be the “performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction.”

The new language in the DOL regulations can be found at 541.301(e)(7).

So, if you are “on the fence” about education for paralegals, perhaps you will be convinced that we must continue to strive for recognition within our profession and that formal education needs to be a part of that recognition.

Note: the revised overtime pay rules became effective August 23, 2004.

WHAT’S IN A NAME?

More than you thought. TALA (formerly the Toledo Association of Legal Assistants) recently changed its name to PANO (Paralegal Association of Northwest Ohio).

It appears that more and more paralegal organizations are trying to distance themselves from the name “legal assistant” and are using the preferred term “paralegal.” Many paralegals, lawyers and other legal professionals view the term “legal assistant” synonymous with that of a legal secretary. “Paralegal” and “legal assistant” are truly not interchangeable.”

Congratulations to PANO for its forward-thinking moves.

INTERESTING WEB SITES & FUN STUFF

Pop-Up Blockers

- www.panicware.com
- www.toolbar.google.com

Your computer’s configuration
www.belarc.com

Compare prices –
www.pricegrabber.com
www.streetprices.com

Convert WP to Word
www.levitjames.com/

Download music
www.k-lite.tk (get “lite” version)

Noise canceling headphones
www.etrronics.com

Reference site
www.bartleby.com

Spyware Killer
www.safer-networking.org/

“Disciplining yourself to do what you know is right and important, although difficult, is the high road to pride, self-esteem and personal satisfaction.”

-Margaret Thatcher

LEGISLATIVE “CORNER”

Mississippi 2004 session laws S.B. 2370 – Prohibited Representations or Advertising

25-33-27 A notary public who is not an attorney licensed to practice law is prohibited from representing or advertising that the notary public is an immigration consultant, **immigration paralegal** or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the board of immigration appeals pursuant to 8 CFR Section 292.2(a-e) or any subsequent federal law. (*Our emphasis added.*)

Ohio – the Board of Commissioners on the Unauthorized Practice of Law recommended to the Ohio Supreme Court that third party administrator (TPA) CompManagement be found liable for engaging in UPL by representing employers in workers’ compensation matters. TPA companies often utilize the services of

paralegals in administrative hearings. The Ohio Supreme Court will hear arguments on this case on August 17, 2004.

Cleveland Bar v. Para-Legals, Inc. The case involves UPL and is set for a Board of Commission hearing on September 15, 2004.

North Carolina 2004 Session Laws H.B. 356. The voluntary certification of paralegals by the North Carolina State Bar becomes effective October 1, 2004.

CONGRATULATIONS TO LEGAL ASSISTANT TODAY'S – 2004 PARALEGAL OF THE YEAR

Barbara S. Wallace RP, has been awarded the magazine's 2004 Paralegal of the year award. Wallace, a corporate paralegal at E.I. du Pont de Nemours and Company in Delaware, was selected by the magazine's editorial advisory board for her tireless efforts and dedication to the advancement of paralegals.

Wallace is a member of the American Alliance as well as the Delaware Association of Paralegals.

Allen F. Mihecoby, CLA, RP and Andréa G. Lupanze, RP were runners up.

PARALEGAL PUBLICATIONS

Carole A. Bruno, Paralegal Author
Home page – www.carolebruno.com

*Lessons from the Top Paralegal Experts:
The 15 most successful Paralegals in America
and what you can learn from them*

Paralegal's Litigation Handbook

Paralegal's Litigation Handbook, 2E

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"TYPOS IN BRIEFS HURT CREDIBILITY"

by Jill Hertz Blaustein, published in *Litigation News*, Volume 29, No. 5, July 2004. ? by the American Bar Association, Reprinted by Permission.

A Pennsylvania lawyer learned recently just how costly sloppy work can be. Due to an over-abundance of typographical errors, U.S. Magistrate Judge Jacob B. Hart awarded the lawyer \$150 an hour for his written work in a successful civil rights case, despite his \$300 per hour standard rate.

How bad were the errors? The lawyer's papers referred to the court as the "United States District Court for the Easter District of Pennsylvania" to which Judge Hart wrote, "Considering the religious persuasion of the presiding officer, the 'Passover District' would have been more appropriate." The lawyer misspelled the judge's name as "Jacon Hart," to which Hart replied, "I appreciate the elevation to what sounds like a character in the *Lord of the Rings*, but alas, I am but a judge." Hart noted many other examples of sloppy work and concluded that the lawyer's "complete lack of care in his written product shows disrespect for the court."

The lesson learned? "Pay attention to the details because they can affect your credibility with the court. A judge might think that, since you have not paid enough attention to the details, maybe you have not paid enough attention to the analysis," says Richard L. Horowitz, Wilmington, DE, Co-Chair of the Section's Pretrial Practice and Discovery Committee.

"This may influence a judge in a close case. If you are sloppy, the judge may not necessarily go with you. The judge may believe that, if you are sloppy in syntax and spelling, you may be sloppy in applying precedent to your case," says Roger B. Greenberg, Houston, Co-Chair, of the Section's Pretrial Practice and Discovery Committee.

The simple bottom line? "Make sure your papers are proofread. The typos in this case cost the attorney much more than proofreading the brief would have cost," says Greenberg. He suggests always running a computer spelling check, proofreading the document yourself, and then having a pair of fresh eyes take a second look.