

# THE ALLIANCE ECHO

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

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

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## PRESIDENT'S MESSAGE

The American Alliance has some exciting events planned for this year, including the annual 2004 continuing legal education seminar in Las Vegas, NV on October 1st. We will be using the same hotel as last year—the Embassy Suites—which has very comfortable facilities and is very close to the famous “Strip.” The seminar will include topics on Ethics, E-Commerce, with an update on the regulation of paralegals for the lunchtime presentation. As we did last year, the seminar will be geared towards the more experienced paralegal, since the voting members of the American Alliance are required to have a minimum of six years’ experience and/or education. The annual meeting and election of directors will take place the following day, Saturday October 2<sup>nd</sup>. Be sure to mark your calendars for these events. Come and meet your peers, the Board of Directors, and find out more about the American Alliance.

Several of our members continue to work diligently within their local organizations and are active with other national paralegal groups. By sharing information and exchanging ideas with NALA and NFPA, we can continue to keep you informed on what’s going on in our profession.

Paralegals from Ohio recently advised me that the subject of certification will be discussed at their upcoming statewide meeting. The five Ohio associations are working with their state bar organization to find out how receptive a type of specialty certification might be. Kentucky paralegals are looking at writing their own regulatory exam which may or may not take into account the CLA or RP designations.

The states of Hawaii and Wisconsin are again looking at the definition of paralegals, with a view towards some type of regulation. As you

can see, the American Alliance is very much “in tune” with what’s going on.

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, again, we can send you copies, upon request.

*Gwen Minnier, CLAS, President*

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## DATES TO REMEMBER:

- April 23-24, 2004, Paralegal Super-Conference, Estrin Professional Careers, Los Angeles, CA
- May 17-20, 2004 annual conference ALA, Philadelphia, PA
- July 14, 2004, annual meeting NALA, Reno, NV
- **October 1-2, 2004, CLE seminar and annual meeting, American Alliance, Las Vegas, NV**
- October 23, 2004, AAfPE and Conclave meetings, Albuquerque, NM
- October 29, 2004, Kentucky Paralegal Conference, Louisville, KY
- October 31, 2004, People to People, South Africa. Contact Beth King RP at [beth.king@Jordanschrader.com](mailto:beth.king@Jordanschrader.com)
- November 3-6, 2004, annual meeting, LAMA, Montreal, Quebec, Canada

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## WATCH THOSE SIGNATURE BLOCKS—

Paralegals reviewing contracts should pay attention to all details, especially when individuals or officers are to sign contracts on behalf of their companies. In a recent case *Zukel v. Great West Managers, LLC*, the

purchase contract contained an irregular signature block, with language related to the personal guarantee as to the fulfillment of the contract. However the signature line said "By Jane Doe, Managing Member." There was some ambiguity in determining whether or not there was a personal guarantee, and it took legal action by the parties to sort things out.

So—paralegals beware—make sure the language in the body of a contract parallels the language in the signature lines.

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**OUTSOURCING—ANOTHER VIEW POINT**

As I sit at my desk pondering national activities in the paralegal arena I can't help but consider how, sometimes, other bigger issues suddenly become more important.

Many of you know that I am a native of Madrid, Spain. The world's attention was focused on March 11 ("Europe's 9/11," as labeled by *Newsweek*) in the Spanish capital, after the insane bombings, allegedly by Al-Qaida, of several commuter trains and train stations. I was starved for news about my loved ones back home, until all of them were able to confirm that they were OK via e-mail or telephone. Understandably, my paralegal "interests" and activities were set-aside for a few days.

We are seeing now the political repercussions of global terrorism, which regrettably are placing the United States in an awkward situation with its allies and well wishers. This is obviously not the proper forum to discuss the different angles and politics of the American martial "endeavors" around the globe. However, these changes may shed some perspective on a hot topic that paralegals are ardently discussing lately: outsourcing.

Many American paralegals are concerned that paralegal jobs will be lost if more and more employers in the legal field start sending paralegal projects abroad to be completed by foreign legal assistants who charge very little for their work. The bottom line is that America supports a capitalist market which naturally seeks higher returns with lower investments. My point is that we should not be surprised or outraged about outsourcing legal services. We all have gotten used to buying cheaper foreign products and services, from cars to clothing and

food, from credit card companies to travel agencies services. What's different about paralegal services?

I actually see the issue of outsourcing paralegal services more as an opportunity and a challenge than as a threat to our profession. Perhaps paralegals across the US will not only find a way to stick together and present a single, united front; but strive to offer even superior and more specialized services thus consolidating our profession into a truly distinct partner in the delivery of legal services. We can let the "outsourced" legal assistants do the less substantive and clerical work. That's how the market works: as good as it sounds, in a capitalist market we cannot have our cake and eat it too. So, if we want to show real leadership in our profession, let's do it by accepting the views of others and the rules of the market.

*José Pedro Santos is Senior Paralegal at the Cincinnati law firm of Benjamin, Yocum & Heather, LLC*

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**PARALEGALS WORKING IN THE BUSINESS COMMUNITY**

*By: Kathey Mehle, Board member of the American Alliance*

Paralegal opportunities are abundant in the business community. The profession has generally been geared to paralegals working in a traditional setting in law firms and working with attorneys, but there are other avenues for paralegal students to consider. Many businesses hire paralegals because the cost is less and legal needs can be met by employing a paralegal. However, paralegals do not practice law or give legal advice, unless specifically authorized by statute or court authority. Although non-traditional paralegals do not practice law, the insight they provide to the business community is invaluable.

There are a variety of businesses which employ paralegals, such as banks, insurance companies, churches, corporations, governments, entertainment companies, educational institutions, non-profit organizations and investment companies. Paralegal involvement in the business community has significantly escalated over the years. Generally, the same tasks performed by

traditional paralegals can also be performed by paralegals working in the business community. Basic skills such as collecting and organizing information, drafting legal documents, researching and evaluation of documents are utilized by the paralegal employed in the business community.

One reason that paralegals leave law firms and turn to the business community as an alternative means of employment is because of higher salaries and increased responsibilities, job satisfaction and the general working environment.

To understand how paralegals help the business community, let's look at the different areas in which paralegals can work and the things that they can do.

Working in the entertainment industry, paralegals can handle business affairs, negotiate deals, and participate in the development stage by acquiring scripts and books. Other tasks include drafting contracts, literary option purchase agreements, life story rights agreements and negotiate closing of deals. When a project is acquired, paralegals can negotiate between the network and the writer and review all the network documents with the client. A paralegal can prepare production packets (documents related to the upper line of people such as stars and directors). The production company handles the lower line people. The paralegal is expected to review location agreements, equipment agreements, licensing credits and composes and guild agreements. The setting up and closing down of the production is handled by the paralegal.

The corporate/transaction paralegal can also be an asset to the business community. Duties such as acquisition and sale of businesses are a large part of the responsibilities, as well as preparation and filing documents with the Securities and Exchange Commission and state securities departments. The paralegal prepares routine documents for corporations such as minutes and resolutions and performs due diligence reviews. Other types of transactions include working with real estate attorneys and conducting factual research. Corporate work includes dissolution and joint ventures, security liens and copyright and trademark assignments.

The technology paralegal prepares databases for organizing and retrieving information.

Because many companies have large database systems, the paralegal is responsible for training for the coders and writing operation manuals.

The small business paralegal specializes in analyzing small businesses, investigating small business bookkeeping and working with accountants. The litigation skills that a traditional paralegal brings to this work are an asset to the job.

The non-profit organization utilizes paralegals in many different aspects. For example the paralegal can work with organizations receiving monies from estates, along with bequests and trusts. Non-profit groups utilize the paralegal in fundraising programs that seek estate related gifts. Other basic skills include interviewing, research, recruiting volunteers, developing volunteer programs, implementing fund-raising campaigns and writing press releases.

As paralegals expand their knowledge in different areas, they continue to rely on the basic skills acquired in the traditional jobs.

Paralegal education should continue to teach the basic skills mentioned above so that paralegals will be equipped to move from the traditional law firm into the business community.

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**WE HAVE A STAR AMONGST US!**

Our "own" Marian Crapanzano, paralegal at Kantrowitz Goldhamer & Grifman PC, and her daughter are featured in the May issue of *Woman's Day* magazine. They are a part of the mother/ daughter makeover. Be sure to pick up a copy.

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Laurie Mansell Reich RP, recently helped the Advisory Board of the Duquesne University Paralegal Institute rewrite the position description for the Board.

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**THANKS** to the former Northern Ohio Paralegal Association which made a monetary donation to the American Alliance. The funds will be earmarked for paralegal education. Unfortunately NOPA dissolved its organization last year.

**MAKING A PRESENTATION – USE THAT TIME WISELY**

- Follow your outline – it will help you from getting “lost”
- Don’t go passed the time allotted to you. People will start to yawn.
- The audience will assess your presentation and compare you with others they have seen and heard. Look at what you can do to make yourself stand out.
- Don’t just stand there! Move around, animate the discussion, use a flip chart, or put some interesting “stuff” on the overhead screen.
- Don’t get caught in your own jargon, unless it is the same jargon that the audience understands. If the audience doesn’t understand what you are saying they will tune you out.
- Be prepared to answer questions even if it is after the presentation is complete. Know your material backwards and forwards.
- If you get an objection or encounter an argumentative person, be prepared to concede a small point in order to win a bigger one.
- Add some pizzazz! Be exciting. People in an audience will never admit it, but they like to be entertained.

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**SUPREME COURT OF VIRGINIA LOOKS AT PRO SE LITIGANT FORMS**

The Supreme Court of Virginia will be looking for comment on its proposed UPL Rule 10. This proposal states that clerks may assist pro se claimants to fill out forms, but they cannot select the form for the claimant.

Some clerks are concerned that they may be accused of giving the wrong information to the litigant, by assisting with filling in the blanks on various legal forms; and will they be questioned on the unauthorized practice of law.

I wonder if this means that the clerks will be covered by the court’s liability coverage?

**AMERICAN ALLIANCE BOARD TO PROPOSE CHANGES TO BYLAWS**

The American Alliance is proposing to change its bylaws to reduce the Board from eleven members to seven. The purpose of the change is to give the Board greater flexibility in making decisions. The American Alliance is anxious to establish more working committees and to increase the communication between it and the members. The current proposal for the offices will be for a three-year staggered term beginning as follows:

President	Term to expire 2006
Vice President	Term to expire 2007
Secretary	Term to expire 2005
Treasurer	Term to expire 2007
National Affairs/Legislation Director	
	Term to expire 2006
Membership Director	Term to expire 2007
Education Director	Term to expire 2005

If you wish to comment on this; or if you have an interest in being on the American Alliance Board, please let us know.

The second annual meeting will be held in Las Vegas on October 2, 2004 at the Embassy Suites Hotel. Proxy information and ballots will be sent to all voting members prior to the call to order of the meeting.

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**DISTINGUISHED FACULTY TO SPEAK AT AMERICAN ALLIANCE SEMINAR – OCTOBER 1, 2004.**

**Thomas E. Spahn** from the firm of McGuire Woods will discuss ethical guidance for paralegals, attorney-client privilege and work-product doctrine as these issues apply to paralegals. Mr. Spahn is a distinguished speaker and has presented over 400 seminars worldwide.

**Jenna F. Karadbil** from the firm of Lewis & Roca will speak on e-commerce and give information on intellectual property, taxation, cyber squatting and privacy issues.

Be sure to watch for your seminar brochure and sign up early.

## **AAfPE REGIONAL CONFERENCE HELD IN HAWAII**

*By: Kathey Mehle and B.J. Wade, Directors of the American Alliance*

The American Association for Paralegal Education, AAfPE, recently held its 2004 Pacific Region Conference in Honolulu, Hawaii. Kapi'olani Community College and its program director, Robert Leclair, former AAfPE president, hosted the conference.

The theme of the conference was "Strengthening Your Paralegal Program: Bright Ideas for Tight Budgets."

The keynote speaker, John Morton, Ed.D. and Chancellor of Kapi'olani Community College, addressed the pressures that many paralegal program directors receive from national universities, distance education, short-term paralegal programs, under-prepared students and changing accreditation requirements.

The conference attendees also discussed the changing nature of the students enrolling in many paralegal programs, and how these students have difficulties with basic skills such as reading, analysis and writing.

Joining the educators on discussions panels were the American Alliance Vice President, Billie J. Wade and Board member Kathey Mehle. Wade addressed the issue of paralegals working with their local judiciary, while Mehle spoke about paralegals in the business community. Other paralegals presenting at the conference included NFPA officers, Dianna Smiley RP, President and Beth King RP, Region I Director, and NALS Regional Director, Rose Carter. Guest paralegal speakers and facilitators were Sybil Taylor Aytch RP and Garth Harris CLA of Phoenix, Arizona, and Nohea Naka'ahiki RP of Scotts Valley, California.

Other topics included "Generating Income for your Paralegal program from Community Sources." The speakers described how they have derived significant income from local lawyers and paralegals in their communities by offering a series of non-credit seminars facilitated through the use of software programs such as Summation and electronic discovery.

Hawaii paralegals, Larry Holu, supervising paralegal at Hawaii Child Support Enforcement;

Carolann Rowe, from Legal Aid Society of Hawaii; and Barbara Ritchie, an independent contract paralegal, made presentations on "Creative Job Opportunities for Paralegals." Holu, Rowe and Ritchie provided ideas for program directors in the placement of their graduates in meaningful employment.

Attendees commented on the success of the conference and how it generated many ideas and fruitful discussions. Working together to define and refine the paralegal profession were the ultimate goals for everyone.

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## **AMERICAN ALLIANCE PROPOSING CERTIFICATION OF PARALEGALS**

The Board of Directors is putting the final touches on a proposal to begin a voluntary certification program for the experienced paralegal. The American Alliance believes that minimum criteria need to be established for persons who are employed as paralegals.

While the American Alliance does not plan to become an "exclusionary" organization, it does wish to recognize that formal education in paralegal studies should be a goal for all experienced paralegals. "Even though a paralegal may have gained a great deal of knowledge and developed special skills through experience, this alone should only be a part of any paralegal's formal education", said Gwen Minnier, CLAS, President of the American Alliance. "All paralegals should stretch themselves and continue their education through formal programs as well as on-the-job training."

A certification board will be established to review applications and award the certification. The program is expected to be implemented this summer.

**GOT ANY NEWS? DROP ME A NOTE:**  
[Carolyn.saenz@westernsouthernlife.com](mailto:Carolyn.saenz@westernsouthernlife.com)

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