

THE ALLIANCE ECHO

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American Alliance of Paralegals, Inc.*

www.aapipara.org

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PRESIDENT'S MESSAGE

Outgoing President – Gwen Minnier CLAS

Have two years passed already? It seems like just yesterday when a group of innovative paralegals met in Phoenix and the American Alliance of Paralegals was born. I was honored to be chosen as the first president and was even more fortunate to have such a dynamic and diverse board to work with during my term.

The Alliance has enjoyed some real accomplishments during the past two years, including two very successful conferences in Las Vegas and the implementation of the certification program. Our membership has continued to grow and we have a great quarterly newsletter. The website was up and running within weeks of our formation, and will have a complete face-lift in the next few weeks.

I'm privileged to be affiliated with dedicated and talented paralegals from the Alliance. During my personal appearances and at the seminars I present, many of you have heard me stress that networking and mentoring can lead you to success as a paralegal. I'm lucky to be part of a great networking group (the Alliance) and to have an extraordinary mentor who also serves on the Alliance board. She keeps me going during those, "What am I doing here?" days. Additionally, I have many other friends and colleagues to contact when I need help, reassurance or just a friendly face.

I hope all of you have similar networks. If not, start developing them, beginning with the Alliance and your colleagues. If you have already established your own networks, I challenge you to reach out to a paralegal who does not have a good support network or mentor. I guarantee that both of you will benefit from the experience.

Thanks for your support during the past two years and I look forward to interacting with all of you in different ways in the future.

PRESIDENT'S MESSAGE

Incoming President – Debbie Repass RP

I hope everyone had a wonderful holiday season. I extend to each of you my best wishes for a healthy and prosperous 2005. As we usher in the New Year, the Alliance will begin with some new items. The certification program begins January 1. Information and application forms are available on the web site.

Speaking of the web site, the Alliance will be updating its web site with a new look, format and user-friendly atmosphere, to more effectively serve the members. It is the main tool for the Alliance to communicate with the legal community and the public and must be maintained at a high level. The enhanced site will be maintained more regularly with events, issues on regulation and current news affecting the legal community. We welcome your contributions to our web site as well as our quarterly newsletter, *The Alliance Echo*.

The recent survey of members validated the Alliance's continued emphasis on education, so we will hold our third Annual Meeting and Education Conference in September or October. However, the members asked us to trade in the bright lights of Las Vegas for the land of the rising sun. We will look forward to seeing all of you in Phoenix later this year.

Our profession as a whole is changing, and you are a member of the association for the future. The Alliance has come a long way in a very short time, but we still have a long way to go. We need your help. Make it one of your New Year's resolutions to become more involved in the Alliance.

If you like to write articles or have articles you have written and would like to submit them to *The Alliance* for publication, contact Karen Ray at kray@gtxinc.com.

ANNUAL MEETING ELECTION RESULTS
Terms to begin January 1, 2005

President - Debbie Repass RP
Vice President - Lee Davis
Secretary - Karen Ray
Treasurer - Theresa Prater RP
National Affairs Director - Marie Koster
Education Director - Deborah McKinney RP
Membership Director - Carolyn Saenz

PARALEGAL REGULATION IN
WISCONSIN – WHERE ARE WE TODAY?

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In 1993, Wisconsin set out on the road to establish the paralegal profession as a viable and structured profession. We supported and adopted model guidelines that assisted our organization in developing formal paralegal regulation. Our preferred form of regulation was that of mandatory licensure of paralegals. We set out rules of practice, education, work experience and continuing legal education, all of which are components of a legitimized profession.

In 1996 the State Bar Paralegal Task Force was formed in response to information gleaned from legal needs studies, commission hearings and in response to the Paralegal Association's incursion in to the world of the State legislature. Since 1996, the Task Force has worked diligently to create, prepare and present the regulatory proposal to the State Bar Board of Governors, Office of Lawyer Regulation and Board of Bar Examiners. We have also approached and educated special interest groups, the Supreme Court and paralegal educators' organizations.

In June of 2000, the State Bar Board of Governors approved the report of the Task Force by an overwhelming majority, with some recommended modifications. In December 2002, those modifications to the Rules of Professional Conduct were completed, and

adopted by the Task Force. It was not necessary for our committee to resubmit this information to the Board of Governors.

In March 2003 the Directors of the Office of Lawyer Regulation and Board of Bar Examiners presented the Task Force proposal to their respective Boards of Directors. The Task Force filed their petition and report with the Wisconsin Supreme Court in February 2004. It is the belief of the Task Force members that the Supreme Court will consider the proposal favorably if all representative groups involved in the delivery of legal services in Wisconsin are in support of the proposal.

Historically, states that have proposed paralegal regulation have fit in to a couple different categories. One, those who crafted their regulation plans within the confines of a limited group of individuals, and did not make their proposal widely known until after completion, and those who allowed lawyers and legislators to craft their regulatory plan, with little input from paralegals themselves. On the one hand, this approach has either led to a failure to gain sufficient support for the proposal, or regulation that is so poorly done, as to provide little or no benefit to the paralegal profession in that state.

Wisconsin set out on this course being aggressively open and forthright on our proposal. The Task Force prepared articles for the *Wisconsin Lawyer* and *Wisconsin Opinions*. Members of the Task Force were interviewed by a variety of other print media, as well. We have made presentations to paralegal, lawyer and paralegal educator groups. The Task Force had its own web page on the Wisconsin Bar website, which provided a great resource to those who had questions about the development and progress of the Task Force. Currently, the final report of the Paralegal Task Force may be found at wisbar.org, under the heading of Reports & Surveys, then Other Reports & Surveys.

On October 27, 2004, the Wisconsin Supreme Court held a public hearing on the petition for paralegal licensure. The Court will consider the content of the final report, the oral comments made by those present and render their decision on whether to accept the proposal, reject the same or make recommendations for modifications of the proposal.

Excerpts from an article entitled “THE VALUE OF AN EDUCATED PARALEGAL” by Kathryn L. Myers, Coordinator, Paralegal Studies, Saint Mary-of-the-Woods College.

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A major element that distinguishes a professional person engaged in law is education. Without education, paralegals lack that important professional element.

The American Bar Association (ABA) created a special committee on legal assistants in 1967. The committee was recently renamed the “Standing Committee on Paralegals.” The early work of this committee was to promote the idea that educated non-lawyers could perform many of the functions that lawyers would otherwise have to perform and that they could do so at a lower cost to the client. At the same time, the ABA realized that if paralegals were going to be employed in large numbers by lawyers, they would need formal education. The ABA adopted guidelines for the approval of paralegal educational programs in 1974. Today there are more than 250 approved programs. The Standing Committee has adopted a definition of a “paralegal”, has created associate membership for paralegals in the ABA, has compiled a *Guide for the Utilization of Paralegal Services*, and is now developing a standardized model Continuing Legal Education program for lawyers on the utilization of paralegals.

The first paralegal educational programs started in the early 1970’s. In 1982, the American Association for Paralegal Education (AAfPE), the only national association for paralegal educators, was founded to promote quality paralegal education and to provide a voice for paralegal educators. AAfPE currently has nearly 500 members from more than 350 institutions. It promotes education as the key to the success of anyone working in the legal profession. AAfPE believes that education is a necessary component for the enhancement of the profession, and is a benchmark that employers can identify to hire and promote paralegals.

Formal education provides the “why” something is done a certain way. It gives the students another view of the world and/or their methods of operation. It provides a combination of theory and skill that, when coupled appropriately, creates a solid frame of reference for immediate use. What is needed, and required of any

profession, is this combination of the theory and the skill. Anyone can be taught to perform a particular task. However, understanding the theory, or the “why” behind the task, allows the individual to become a thinking entity. This combination is the foundation of knowledge for a valuable paralegal.

In today’s world, legal information is dynamic. Nothing remains the same. New statutes and cases change previous holdings and laws. The best way to stay abreast of change is education. Education brings forth the knowledge of tomorrow and combines that knowledge with the past. Knowing the past prevents professionals from making the same mistakes in the future. Being current in the legal field makes the professional a better public servant. Knowing the “why” allows paralegals to make better informed choices, that encourages lawyers to delegate more challenging work assignments and give greater responsibilities to paralegals.

There are basically three sources of knowledge for paralegals. The best source of this knowledge comes from college classes, whether in the classroom or on-line. Another kind of knowledge comes from professional seminars. Both provide a combination of theory and skill. However, selecting a formal educational program should not be done in a vacuum. A potential student needs to ask questions that go to the quality of the paralegal education.

Two solid standards against which all programs can be measured are whether the program is approved by the ABA and/or whether it is a member of AAfPE. Other questions for the student to ask are i) how long has the program been in existence, ii) what kind of courses are offered; iii) what is the education of the instructors; iv) and what type of materials (texts, syllabi, handouts) are available? Having instructors who have expertise in the subject matter, as well as those who have worked with paralegals, is important. If a course of study cannot answer those questions, a potential student might want to reconsider whether the course will give a good return on the investment of time and money.

Professional seminars provide another type of legal education. Often a proprietary company will offer these seminars. Sometimes legal seminars are offered through paralegal associations, such as AAfPE, Legal Assistant

Management Association, National Federation of Paralegal Associations, American Alliance of Paralegals, or the various state bar associations. Here again, the person attending the seminar needs to ask the same kind of questions that would be asked in looking at a formal paralegal educational program.

The third type of knowledge that comes from on-the-job training (OJT) is valuable and necessary. It provides students with every-day experiences that cannot be learned in the classroom. Often OJT is limited to the scope of the office, and frequently provides skills without an understanding of the theory behind those skills. Each lawyer or supervisor will have certain practices and methods of performing tasks, and sometimes OJT can be limited to only a few areas of the law. Nonetheless, OJT is one aspect of becoming a successful paralegal.

Networking opportunities are very important too. Whenever people network, there is an increased exchange of information both of legal knowledge and of personal knowledge. Legal knowledge comes not only from the seminar or classroom information, but also from the personal knowledge of those in the educational setting. Personal knowledge provides a basis for camaraderie among others who may be going through the same work situation, who may know of job opportunities or who may have other avenues of interest. In many firms, paralegals work alone and may not have a strong working relationship with others in the office. Networking provides paralegals with support from others who can say, "You're doing a great job!" Sometimes that praise coming from one's peers can be worth any seminar price. Being visible, no matter what setting might be involved, is of value to the lawyer, and also to the paralegal.

Education is a life-long process that is important for maintaining the quality and currency of any profession. The promotion of quality education is why AAFPE exists and is what AAFPE believes is important for the paralegal profession of today and tomorrow. Possessing a strong educational foundation and continuing that educational process throughout life is a positive, proactive step that every professional can take. Education spells success.

A BIG "THANK YOU" GOES TO THE PARALEGAL ASSOCIATION OF WISCONSIN FOR ITS FINANCIAL SUPPORT OF THE AMERICAN ALLIANCE

"The secret of success is to be like a duck—smooth and unruffled on top, but paddling furiously underneath."

Jacob Braude

IMPORTANT DATES TO REMEMBER:

- January 21, 2005, Paralegal Power Conference, Estrin Prof., Ft. Lauderdale FL
- March 18-19, 2005, AAFPE Regional Conference, Salem MA
- March 31-April 2, 2005, AAFPE Regional Conferences, Seattle WA and Fort Worth TX
- April 1-2, 2005, AAFPE Regional Conferences, Chicago IL and Raleigh NC
- April 28, 2005, NFPA Conference and Annual Meeting, Las Vegas NV
- May 5-7, 2005, Equal Justice Conference, Atlanta GA

DEPONET has recently joined the American Alliance as a sponsor/vendor. Geraldine A. DeAngelis is the contact for legal referral services. E-mail – gdeangelis@deponet.com
Be sure to utilize the services of our vendors.

AAFP COMMISSION MEMBERS

APPOINTED – the Board of Directors of the American Alliance is pleased to announce that the following persons have been appointed to serve, effective January 1, 2005. The initial terms will be staggered, with the renewal terms being for three years.

- One-year term – Kathryn L. Myers, paralegal educator
- Two-year term – Kathey Mehle, former board member
- Three-year term – Lee Davis, board member

OTHER “STUFF”

The Supreme Court of Wisconsin met on December 16, 2004 to discuss Rule #04-03, *In the Matter of the Licensure and Regulation of Paralegals*. Observers were not permitted to participate in the conference, or discuss the petition. The American Alliance will keep you posted on any developments regarding this new Rule.

The Ohio Supreme Court recently ruled (on December 15, 2004) that nonlawyers handling workers’ compensation cases are not illegally practicing law. The case, *Cleveland Bar v. CompManagement* was brought by the Cleveland Bar and the ruling in May 2004 found that the company was engaging in the unauthorized practice of law.

Justice Alice Robie Resnick wrote the majority opinion (5-2 decision) referenced that using lawyers for such matters would frustrate the goals and purpose of the workers’ compensation system. Another victory for paralegals!

NAME CHANGES

The Legal Assistant Management Association recently voted to change its organization’s name to the International Paralegal Management Association, effective January 2005.

The Legal Assistants Section of the State Bar of Michigan voted in October 2004 on a bylaw amendment to change the name of the section from “Legal Assistants” to “Paralegal.” Although the name change was proposed, the bylaws were not amended because a majority vote (2/3rd) was not received. (*Editor’s note – does this mean a continued “polarization” of opinions as to the term used to describe our profession?*)

PARALEGAL “BOO BOOS?”

The American Bar Association recently reported on a case involving a docketing error made by a paralegal. (abanet.org/journal/ereport/dec3boies.html)

Boies law firm discovered that it had missed a deadline and applied to the U.S. District Court for the Central District of California for a 30-day extension for an “excusable neglect or good cause.” After the Court granted an extension, the other party argued that the extension was unwarranted.

The Court concluded that delegating calendaring to a paralegal as not per se inexcusable neglect and the Boies firm was able to save its appeal.

In another case *Goldman v. Cotter*, 781 N.Y.S.2d 28, 2004 N.Y. Slip Op. 06347, the paralegal at the law firm representing the landlord failed to file or serve opposition papers to the tenant’s motion to confirm the referee’s report recommending the award of attorney’s fees, costs, etc.

“HELP WANTED”

Education Committee

Want to really make a difference in the paralegal field? Use your talents as a writer and your paralegal knowledge to educate local bars and attorneys on the value of paralegal education. We need your help in writing articles for publication in local bar magazines, national bar association literature, and paralegal education association publications. Become a member of the Education Committee by contacting Deborah Baer-McKinney at dbm@corsbassett.com.

Web Site Committee

Need a break from those boring documents that you stare at all day long? Want something fun to look at, and a new challenge? Then volunteer for the Website Committee. We need one or a few members who are willing to continuously update the calendar, issues on regulation and new events that affect the legal community. If you are interested in this committee, send an e-mail to president@aapipara.org.

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