

CIPA Connection

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Central Illinois Paralegal Association

An Affiliate of the National Association of Legal Assistants, Inc.



Winner! Winner! We have a Winner!

Congratulations to Jackie McKinnis, CLA, for proposing the new name of the CIPA newsletter! Effective with this issue, the newsletter will be titled "CIPA Connection."

The newsletter committee voted via secret ballot and was not informed of the name of the person suggesting the newsletter name. Gone, but not forgotten, is *The Informant* (with a nod to thugs everywhere).

Tell us, Don Pardo, what has Jackie won? She has won a gift certificate good for an overnight stay and breakfast for two at the Doubletree Hotel on Brickyard Drive in lovely Bloomington, IL. Just miles from the stately campus of both Illinois State University and Illinois Wesleyan University, the Doubletree boasts scenic views of both Veteran's Parkway and Mercer Avenue.

Sorry, Jackie, the certificate is not redeemable for cash and is not available on New Year's Eve. However, please use it any other time between August 2006 and July 2007 subject to availability. (Being paralegals and all, we wanted to be sure and include the legal jargon).

Thanks to everyone who participated. We received some excellent suggestions and appreciate your participation.

President's Message

In November, 1987, a group of forward-thinking paralegals in central Illinois saw a need for formal organization. Their vision was to create an organization that would serve the unique professional needs of local paralegals, encourage paralegal certification and continuing education, provide networking and fellowship opportunities designed for paralegals, and promote the relatively new paralegal profession within the central Illinois legal community. The Central Illinois Paralegal Association was formed as the object of that vision.

Thanks to the professional commitment of our founders and the example they set for those of us who have come after them, the Central Illinois Paralegal Association (CIPA) is a strong, positive force within the local legal community. Over the years, we have remained true to the objectives that the founders put into place. Many, many local paralegals have received both professional and personal benefits from their membership in CIPA.

CIPA's long affiliation with the National Association of Legal Assistants (NALA) has aided it in providing quality programs for paralegals seeking the Certified Legal Assistant/Certified Paralegal designation, as well as subject-specific programs for those who seek to further their knowledge in specific legal areas. CIPA's well-known Annual Education Seminar is a highly anticipated and well-attended event designed for the specific needs of paralegals. But it is just one of the many educational and networking offerings provided by CIPA to both members and non-members.

During 2007, CIPA will be celebrating our 20th anniversary. Among other activities, we will highlight and honor the vision and foresight of our charter members: Darlene Johnson, Donna Beattie, Melanie Baker, Deb Monke, Marla Gaines-Starke, and Donna Riviere. I cordially invite the participation of all CIPA members and all interested central Illinois paralegals!

Martha Ross, CP
President

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NALA News: APC Program Pre-Opening as of July 19, 2006:

The new NALA specialty certification program is up and running and combines the power of the internet with the power of self-directed learning. The new Advanced Paralegal Certification program was launched with an initial offering of advanced certification courses on the subjects of Contracts Administration/Contracts Management, Social Security Disability (new specialty!), and Discovery. These new courses offer a web-based, curriculum-based certification process and replace the former CLA Specialty (CLAS) program. Additional courses on Land Use, Litigation areas, Intellectual Property areas, and more are expected to be offered soon. Watch this newsletter and your NALA mail for further announcements!

To register for one of the new programs, visit www.nala.org; or the new APC website, www.nala-apc.org. Please contact me if you have any questions.

Reminder: Current CLA's and CP's earn CLE credit and obtain the Advanced Certified Paralegal (ACP) certification with completion of an APC course!!

NALA Campus LIVE! Fall 2006 courses are also now available. See www.nalacampus.com for more information. Interesting new topics include:

- Using Legal Nurse Consultants Effectively;
- HIPAA Privacy;
- Using Paralegals as Jury Consultants;
- Lease Purchase Financing;
- Elder Law Issues-Intermediate;
- Workers' Compensation Law Overview; and
- Product Liability Litigation for Paralegals.

There are also courses to prepare for the CLA/CP exam. Leadership and computer skills are also covered topics.

Lisa Craghead, CLA
CIPA NALA Liaison



Have you been looking for the Central Illinois Paralegal Association on the web? We have just redesigned our website and invite you to log on! You will find all the information you need to stay in touch: our upcoming seminar brochure, our meeting calendar, our direct contact information, and our newly-revived newsletter.

Don't wait another minute! Log on to www.ciparalegal.org to see what's new, what's fresh, and how you can get involved.

The Central Illinois Paralegal Association – Celebrating our 19th year. By: Amber Lilly



Member News & Notes

Two more of our revered colleagues have passed the NALA certification exam. The members include, but are not limited to, our esteemed President Martha Ross, CP, and our dearly departed friend who now lives in the Iowa cornfield, Amber Lilly, CLA.

(Ok, she doesn't actually live *in* Iowa or *in* the cornfield but you get the idea).

These ladies spent numerous hours of study time away from their families, pets, and Harley's to accomplish this outstanding achievement.

Three cheers to the newest associates with initials after their name!



Dear Polly Paralegal,

A member of my department has a community candy jar on her desk. We all take turns replenishing the treats because we appreciate her kindness. Our problem is several members of other units stop by repeatedly and raid the dish and I do not use the word "raid" lightly. Before you make the obvious suggestion, yes, we have brought this to their attention and, sadly, it seems to go right over their heads. How do we nicely handle these candy bandits without starting World War III?

Signed,
Candy Lady

Readers: How would you handle this situation? If you have advice for Candy Lady, please send your advice to Polly Paralegal in care of cipa@ciparalegal.org. Responses will be published in the October newsletter.

SEND POLLY YOUR QUESTIONS – Maybe she'll use your question in the next issue -- cipa@ciparalegal.org

“Mrs. President: *From Martha to Laura*”

By: Debi D. Taylor

Have you been to Springfield lately? If you haven't visited The Abraham Lincoln Presidential Library and Museum, it most certainly should be on your list of things to do this year. The Museum itself, a 200,000 square-foot state-of-the-art complex, is absolutely spectacular. I promise you, there are items of interest for a five year-old, an 85 year-old and every year in-between.

There are two theatres. Both utilize “ghosts” as your hosts to take you back to an era when Lincoln was a boy, his formative years, his life in the White House, and his assassination. Indeed, Lincoln's life story in its entirety is thoroughly captured by these high tech theatres. They are very “Disneyesque” and absolutely capture your attention and keep you mesmerized throughout the presentation. You really believe you have been transformed back to the 1800's.

Experience the lives of America's First Ladies through hundreds of historic artifacts, original gowns, and White House furnishings. This collection is a special exhibit on display until October 29, 2006. There is no separate admission charge for this presentation. It contains a dress worn by each of the First Ladies. Interestingly, the only First Lady who does not have a dress on display is Jacquelyn Kennedy. We were told that all of her dresses are currently on display touring with other exhibits.

Also, this is not the exhibit that was at the Museum of Natural History in Chicago recently nor is it the same exhibit as the Smithsonian. Each First Lady has a signboard that contains information about when the dress was worn, but most interestingly, details about her life that I had never read in a history book before. Therefore, it was not the “same ol', same ol'.” I would highly recommend spending the day touring this Museum and “feeling” the history around you. Yes, you can actually “feel” it.

This First Ladies Collection is titled “Mrs. President: *From Martha to Laura*” and is well worth the trip to Springfield. Of course, the day would not be complete without touring the Lincoln home which is located at 8th and Jackson Streets or visiting the 117-foot tall granite tomb located in Oak Ridge Cemetery on Walnut Street across from the airport.

For further information about the library and museum please contact: (800) 610-2094.

BEWARE. OLD ILLINOIS CASELAW MAY BE A THING OF THE PAST

By: Peter Paoli

I was recently asked to prepare a memorandum in opposition to a motion to dismiss. I pulled the caselaw and noticed that a 1924 Illinois appellate court decision was cited. In Shephardizing the case, I found that the First District ruled the case was not binding to the court and had no precedential value because it was decided prior to 1935. See *Board of Education, Granite City Community Unit School Dist. No. 9 v. Sered, et al.*, 2006 WL 408235; 2006 Ill. App. LEXIS 103; 179 L.R.R.M. 2243 (Ill.App. 1 Dist. Feb. 22, 2006). I was not aware such a rule on older caselaw existed. Additional research found U.S. Supreme Court decision, *Graham v. White-Phillips Co., Inc.* 296 U.S.; 56 S.Ct. 21 (1935), which referenced an Illinois statute (Smith-Hurd Ann. St. Ill. c. 37 s 41) that set the precedence.

Many CIPA readers do not work in the field of litigation; however, precedent such as this is always good to know. It is not uncommon for either an attorney or a paralegal to research and review caselaw that is of no precedential value. In these circumstances, a paralegal having knowledge of this rule would be an asset to a supervising attorney who might not otherwise be aware of it. (Especially if it presents an available objection that she or he may not have realized beforehand!) Following is more Illinois caselaw which was rejected by the reviewing courts in part because they were ruled on prior to 1935:

Sklodowski v. Countrywide Home Loans, Inc., 358 Ill.App.3d 696; 832 N.E.2d 189; 295 Ill.Dec. 38, 43 (1st Dist. 2005).
Basham v. Hunt, et al., 332 Ill.App.3d 980; 773 N.E.2d 1213; 266 Ill.Dec. 143 (1st Dist. 2002).

Universal Underwriters Insurance Co., et al. v. Long, et al., 215 Ill.App. 3d 396; 574 N.E.2d 1284; 158 Ill.Dec. 891 (4th Dist. 1991).



VOLUNTEERING FOR THE CAUSE

By: Peter Paoli

On Friday, July 28, 2006, NALA President Debra Monke, ACP, turned over the reins of her position to Tita Brewster, ACP. In her farewell address she noted that while she had informed the NALA Board that morning she was retiring from volunteer work, it was more of a sabbatical. Deb pointed out to the almost 200 paralegals in the room that our profession was not limited solely to the work done at the office, but also our willingness to volunteer our time to continue to develop our profession for ourselves and our colleagues. Some examples of volunteering she used included attendees who volunteered to use their vacation time, and even their own money, to attend the annual convention, and membership with a local affiliated paralegal organization. It is through the free giving of a professional's time that our profession has grown and prospered for nearly four decades.

It is not surprising that this would be an emphasis of Deb's speech when you consider how she has spent the past 26 years in the profession. Since 1985, her participation in the leadership of NALA has included her service as Regional Director, Treasurer, Secretary, Vice-President, and eventually NALA's 17th President. In addition to her work with NALA, Deb further co-founded CIPA in March 1988, which was recognized at the national convention. She has served on various councils in Illinois to promote and to develop the education of paralegals as well as national committees for NALA. She has volunteered to do all of this, and more, in addition to maintaining her responsibilities at State Farm Insurance Companies.

The issue of volunteering was evident at this year's convention. NALA set up a number of tables to enlist volunteers to support the national organization. Some examples of this included participation on the NALA Certifying Board and Advanced Paralegal Certification Board for the CLA program and advanced certification programs; leadership through election to the NALA Board of Directors; and involvement with the Continuing Education Council. Deb noted in her address that volunteering extended beyond NALA to local involvement with affiliated organizations nationwide. A significant portion of the convention floor was arranged with tables from numerous NALA affiliates from California to Florida.

Volunteering for our profession does not stop with our activities as members to our organizations, but is also done through our professional achievements and our election to seek continuing legal education. The CLA/CP designation is not mandatory. According to the 2006 NALA Annual Report, 13,509 paralegals have received the credential in the 30 years of the program. Sixty-two percent of that number (8,382) currently holds certifications with 327 CLA/CPs and 30 APCs working in Region Five¹. This number is significant to Deb's message as it represents 13,509 individuals who, for almost three decades, have given their personal time to study and prepare for the examination, and later to have to travel a fair distance (in our recent case Sugar Grove, Illinois) to sit for two brutal days of testing. Why would anyone of sound mind do this? They do it because it gives them a sense of pride as well as provides the examinee an exceptional refresher to all he/she learned (and probably forgot) in paralegal school that, in turn, benefits the employer. The time volunteered to become a successful CLA/CP candidate also benefits all of us by adding another number to the national list of certified paralegals around the country, and further educates the legal community about our achievements. I wish I could say my experience preparing and taking the CLA exam was fun, but I cannot. However, I can say it has been one of the best decisions I have made since I started my career.

For some, paralegal school was years ago and some lessons we learned then have changed in time due to statute and case law, technology, and even new areas of law to deal with ever changing societal issues. Members of NALA or CIPA know this, and strive to keep current in our fields by attending CLE sessions, seminars, and even four day out-of-state conventions.

Being a paralegal is an exciting field, but the individual cannot make that career by limiting herself/himself to only 40 hours a week of work. I thoroughly enjoyed my first paralegal convention as well as the time I got to spend with CIPA members who joined me to view the gators. I certainly hope more CIPA members will come to New Orleans in 2007 for the 32nd Annual Convention and help proudly represent our organization.

¹ Region 5 is made up of NALA membership in Indiana, Michigan, Wisconsin, Illinois, Kentucky, and Ohio. For more information on the demographics, activities, and status of our region, contact the newly elected Region 5 Director, Cheryl Snider, ACP, cheryl.snider@dana.com.

We are an exceptional organization made up of fine members who show our colleagues nationwide that we support Deb's spirit of volunteerism in order to better ourselves, paralegals in general, and the legal community as a whole. I have never been known for having exceptional note taking skills, but I will leave you with the best paraphrasing I can of the new president, Tita Brewster, ACP, who described all of us (after receiving her personal validation from California's "governor") that 'We are the best in what we do. We show this through our membership with [NALA] (and its affiliates), and we prove it daily.'

LEXICOGRAPHICAL LESSONS

By: Peter Paoli

A key tool in our profession is the gift of knowing words. Whether dealing with attorneys, judges, or legal assistants, we establish ourselves with the level of vocabulary used to communicate (i.e. in conversations or in writing). Legal Assistants should, therefore, take the extra time to familiarize ourselves with a broad array of vocabulary. Below is a short list of terms that might be helpful in this process.

Anomaly *n* deviation from the normal order, form, or rule; abnormality

Decorum *n* politeness or appropriateness of conduct or behavior

Hyperbole *n* an exaggerated statement, often used as a figure of speech

Onerous *adj* troubling, burdensome

Case-in-Chief. The evidence presented at trial by the party with the burden of proof; the part of a trial in which a party presents evidence to support its claim or defense.

Ex gratia. As a favor; not legally necessary.

In custodia legis. In the custody of the law.

Indorsement. The placing of a signature, sometimes with an additional notation, on the back of a negotiable instrument to transfer or guarantee the instrument or to acknowledge payment; the signature or notation itself.

Omnibus clause. A provision in an automobile-insurance policy that extends coverage to all drivers operating the insured vehicle with the owner's permission.

Stare decisis. The doctrine of precedent, under which it is necessary for a court to follow earlier judicial decisions when the same points arise again in litigation.

Selections and definitions from Anne Curtis, *Word Smart for the GRE*, [New York, Random House, Inc. 2003] and Garner, *Black's Law Dictionary* (2nd Pocket Ed. 1996)





ORGANIC LABELING

By: Elizabeth Woodard

Organic food is becoming popular. Grocery stores now have exclusive organic-designated sections. Struggling small-scale farmers are focusing their attention on the benefits of organic agriculture which is environmentally, economically, and socially sustainable. What exactly does “organic” mean when it appears on a food label? Considerable controversy over usage and product labeling among global competitors has escalated because of regulation standards. Consumers realize how much of our food is imported from all over the world.

Organic label usage and packaging in the United States is certified by the U.S. Department of Agriculture (“USDA”). The USDA agents must certify that: “Any food bearing the organic seal has been produced and processed in accordance with national standards in the form of regulations promulgated by the USDA under its National Organic Program.”¹

In order for food and food products to be eligible to use the term “organic,” there are three categories:

1. **100% Organic:** The “USDA Organic” seal may be used to advertise and label food and food products that contain only organically produced ingredients excluding water and salt.
2. **Organic:** The “USDA Organic” seal may be used to advertise and label food and food products that consist of at least 95% organically produced ingredients excluding water and salt. The remaining 5% of ingredients are “nonagricultural” substances approved on a national list or non-organically produced agricultural products that are not commercially available in organic form.
3. **Made with organic ingredients:** May be used to label and advertise processed food products that contain at least 70% percent organic ingredients. The term “organic” may not appear on the front of the package or in advertising, but individual ingredients that are produced organically may be listed as such on the ingredients statement located on the side panel of the package. The “USDA Organic” seal may not be used.

It takes three years without using chemicals for a farm to be certified 100% organic. A 30 ft. border strip encompassing the farm protects against leaching. The farm is inspected one time per year and genetically modified organisms are not allowed. There are some chemicals, such as gypsum, that can be used on corn. Explore the natural cycle, from seed to plant, grown and ground into food, fed to free range chickens that lay eggs, etc.

Thanks to consumer education, we read the fine print on products today. Consumers are willing to pay more for organic food realizing livestock farmed in factories are given large amounts of antibiotics to live in an unnatural environment. Consumers believe these conditions raise the stress level which is transmitted to milk and meat. Pesticides are used on approximately 67% of production agriculture and consumers believe organic is natural and healthier. Supply and demand for organic products is also a pricing factor.



¹ See <http://www.ams.usda.gov/nop/indexIE.htm>