

# CIPA Connection

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## Central Illinois Paralegal Association

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

### 2009 CIPA Officers

**President** – Crystal Thomas

**President-Elect** – Gale Grant

**Treasurer** – Peter Paoli, CLA

**Secretary** – Elizabeth Kamarer

**NALA Liaison** – Debi D. Taylor, CLA



### Member News & Notes

We are happy to report that Lisa Craghead is back at work after her surgery and recovery.

**WELCOME BACK Lisa!**

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### TELL US WHAT YOU THINK

The newsletter committee would like to know what you think about the newsletter. Does it cover the areas you are interested in? Do you have suggestions or ideas? Is there something you would like to see that we are not giving you?

Please send your emails to [www.ciparalegal.org](http://www.ciparalegal.org) with any ideas or suggestions.

Thank you.



## **OBAMA'S FIRST JUDICIAL NOMINATION DOES NOT REFLECT CHANGE**

By Thomas E. McClure, Director of Legal Studies, Illinois State University

Presidents George W. Bush and Bill Clinton each appointed over 300 federal judges. President Obama has begun to make his mark on the makeup of the judiciary. When Obama assumed office, there were 62 vacancies in the district courts and circuit courts of appeals.

In March, he offered his first judicial nomination. It was for a seat on the Seventh Circuit Court of Appeals. The Seventh Circuit reviews the decisions of federal district courts located in Illinois, Indiana, and Wisconsin.

This opening was created last year when Judge Ripple of Indiana retired and assumed senior status. Although there is no requirement that the seat be filled by another Hoosier, it is not unusual for the president to nominate a candidate from the same state as the retiring judge.

Last fall, President Bush nominated United States District Court Judge Philip Simon of Indiana for the position. The Senate failed to vote on this matter before Bush left office. The nomination died. President Obama has nominated U.S. District Court Judge David Hamilton of Indiana for this position.

Despite his presidential campaign theme of change, Obama's nominee appears to be a conventional candidate. Indeed, Judge Hamilton possesses many of the characteristics common to the ten sitting members of the Seventh Circuit Court of Appeals.

An examination of the judges currently serving on the Seventh Circuit bench reveals a pattern of traits. [See the chart detailing the traits and background of Seventh Circuit Judges.] Four attended prestigious undergraduate institutions, five graduated from top twenty law schools, and two attained advanced degrees beyond their law degree. Seven served as law clerks to judges following their graduation from law school. Eight worked for the federal government. Seven taught as either full time faculty or as adjuncts. Six were federal district court judges, and three were state court judges. Nine of the current ten judges are white, and a majority is male.

The candidate's age is a consideration when Obama makes his selections. Following the 2008 presidential election, I spoke with a U.S. District Court Judge from Chicago. She graduated from Northwestern Law School and served as a judicial law clerk for a Seventh Circuit Judge. President Clinton nominated her to the district court. I asked her the likelihood of a Seventh Circuit appointment in her future. She replied that it wasn't going to happen because she was in her mid-sixties. She told me that she expected the president to appoint judges much younger than her. At the time of their appointment, the current members of the Seventh Circuit were in their late thirties, forties, or fifties.

Judge Hamilton possesses many of the characteristics of the sitting Seventh Circuit jurists. He is a white male in his early fifties. This nominee has judicial experience as both a judicial law clerk to a Seventh Circuit Judge and as a U.S. District Court Judge. He has a prestigious academic pedigree, having received his undergraduate degree from Haverford College and his law degree from Yale. He was appointed to the district court by a president of the same party as the president who is seeking to elevate him to the court of appeals.

His background differs from the current Seventh Circuit judges in that he did not have federal service outside of his judicial positions. Moreover, he has not taught at the law school or undergraduate level. All in all, Judge Hamilton shares more characteristics with the Seventh Circuit bench than not.

Judge David Hamilton has an impressive resume. However, his nomination does not appear to reflect a dramatic change from the status quo.

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## TRAITS & BACKGROUND OF CURRENT 7th CIRCUIT JUDGES

### Race or Ethnicity

9 White  
1 African American

### Gender

6 Males  
4 Females

### Age at Appointment

35-39	1	45-49	3
40-44	3	50-54	1
56-59	1		

### Prior Judicial Service

6 U.S. District Judges  
3 State court judges  
7 Judicial law clerks

### Education

4 Prestige undergraduate  
5 Top 20 law school  
2 Advanced degree beyond JD 1 Adjunct professor

### Academic Career

3 Tenure/tenure track law professor  
3 Adjunct professor of law

### Federal Government Employment

4 Assistant U.S. Attorneys  
2 Other U.S. Department of Justice service  
2 Attorney at other federal agency

# CLEs NOT JUST FOR CLAs: Encouraging Continuing Legal Education For the 21<sup>st</sup> Century Paralegal

By Peter G. Paoli, CP

The legal community has grown significantly over the last 30 years as has the paralegal profession. The advent of changing social issues, advanced technology, and new laws have created new jobs necessary to meet these challenges that are perfect for paralegals. Due to the nature of our professions the more the title of paralegal expands, the more diverse the individual's background becomes (e.g., degree v. certificate or experience). This diversification is a critical component of who we are and it must be considered when we ask ourselves: (1) how do we assure the attorneys who hire us that we possess the highest degree of competency; and, (2) how can we assure ourselves that we will be properly utilized in our field? The answer to these two questions does not lie with mandatory licensing/regulation. Instead, the answer comes from paralegals themselves understanding that their professional training is not done with the completion of their initial job qualifications. Therefore, it is absolutely imperative that all paralegals be encouraged to continue their legal education.

## **Mandatory regulation will only cost the profession valuable paralegals.**

A review of the paralegal profession abroad shows that only one country has undertaken steps to mandate licensing of its paralegals. In Ontario, Canada, the legislature recently passed the *Access to Justice Act* and tasked the Law Society of Upper Canada to develop a program to license paralegals with certain limitations to certain individuals working in fields (or job descriptions) that do not require licensing.<sup>1</sup> The applicants are required to fill out an application, pass a licensing examination, tender a certificate of good character, and pay a fee. The purpose is to assure the "people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct."

There has been a long standing debate in the United States regarding licensing/regulation. Some reasons to support regulation include: (1) it would provide the public with a minimum qualifications from those working on their cases; (2) it would give a broader enforcement of ethics; (3) it would bring clarification between the titles "legal assistant" and

"legal secretary"; (4) it would help avoid bringing untrained individuals into the profession; and (5) it would generally help attorneys.<sup>2</sup>

Arguments against regulation include: (1) it would create an unwieldy bureaucracy that would limit the flexibility and discretion employers need in hiring those candidates they believe most closely match the standards and expectations of their businesses and clients; (2) it would unnecessarily restrict who would be classified as a paralegal; (3) it could affect firms from collecting court-approved fees for paralegals who do not meet the criteria required by regulation; (4) it would increase the cost of paralegals to employers; and (5) it would not allow for the growth of the paralegal profession nor encourage the utilization of paralegal services.<sup>3</sup>

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<sup>1</sup> Please visit the web site [www.lsuc.on.ca](http://www.lsuc.on.ca) for more information on the Law Society of Upper Canada and paralegal licensing; also see, [www.paralegaladvice.com/regulation.htm](http://www.paralegaladvice.com/regulation.htm) for additional information on the Access to Justice Act.

<sup>2</sup> See, A. Johnson, "Reacting to Regulation," *Legal Assistant Today*, (November/December 2007)([www.legalassistanttoday.com](http://www.legalassistanttoday.com)), provides a good survey breakdown; and L. Racette, CLA, "The State of Paralegal Regulation in NH," *New Hampshire Bar Association*, (June 1, 2002)([www.nhbar.org](http://www.nhbar.org)), provides a good breakdown of the pros and cons of regulation.

<sup>3</sup> See Press Release – "Leading Paralegal Management Association Releases Revised Position on Paralegal Regulation," by the International Paralegal Management Association, (June 22, 2008)([www.paralegalmanagement.org](http://www.paralegalmanagement.org)) and V. Voisin, "Issues Related to Licensure and Governmental Regulation of Paralegals," published by the National Association of Legal Assistants, (December 14, 1998)([www.nala.org](http://www.nala.org)).

While both sides provide good reasons for their positions, there is a problem with mandatory licensing a group of individuals with a broad array of education and experience. There are many highly qualified paralegals that could lose their jobs because their training falls short of what someone else believes minimally serves the public. The answer to paralegal competency does not come from mandatory licensing.

### **Voluntary certification is a good step in the right direction.**

Currently, there are two nationally recognized voluntary certifications in the United States that have already taken the first big step in paralegal education. The National Association of Legal Assistants established the Certified Legal Assistant's program (CLA) in 1976 as one means to recognize competent paralegals who have proven a successful knowledge of the law, ethics, grammar, research, and analytical thinking. The NFPA followed in 1994 with the implementation of the Paralegal Advanced Competency Exam (PACE).<sup>4</sup> These programs have not only served to build confidence in the legal community; they have served as a prestigious award to those who have earned the credentials. Both certifications require members to continue their legal education where NALA demands 50 CLE hours every five years and NFPA requires 12 CLE hours every two years. The benefit of recertifying these members is essential to the practice of law where attorneys have the opportunity to employ paralegals who not only bring their initial education to the firm, but continue the learning process regularly. However, CLEs should not be limited to certified paralegals only.

### **Encourage CLEs for ALL Paralegals**

Encouraging all paralegals to seek continuing legal education credits is beneficial for a number of reasons.

#### ***(A) The cost to take a few CLEs yearly would be less of a strain to an employer than paying a licensing fee.***

One argument that stands out with licensing is the cost to the paralegal or the employer. This has really never been an issue for me whenever I informed the attorney that I needed time to attend a seminar for my CLEs they were very supportive. CLEs are not difficult to find and now paralegals can acquire them through national organizations, local paralegal chapters, and even on-line (for those limited to classes because of geography). CLEs are also affordable and in some cases five or more credit hours can be acquired in a single day or a week depending on the function.

I have found that most attorneys are unaware of CLE requirements for certified paralegals, and they were actually impressed when they found out because they knew they would be benefitting from this as well. In fact, paralegals keeping their employers apprised of their training give their attorneys the opportunity to give suggestions on areas they want the paralegal to learn more about.

#### ***(B) CLEs are a good way to refresh a paralegals understanding of ethics.***

Another benefit to CLEs is the availability of continuing lessons in ethics. Paralegals that come from an accredited paralegal training program certainly have to take at least one course in legal ethics. But what about those paralegals who did not attend a paralegal study program? Also, there is a problem where some of us become so comfortable doing our jobs, that we often make the mistake of being overly confident we are maintaining a high level of ethics. Ethics is a very complicated area and the rules the professional conduct can sometimes be very gray in certain situations. A paralegal taking a CLE course in ethics would have the benefit of having ethics rules better explained and be provided examples to understand them more clearly.

#### ***(C) CLEs allow paralegals to remain current in their fields.***

Arguably, most law firms will have literature noting their current areas of practice, but that alone does not guarantee it will be available or even known to the paralegal. Many attorneys may presume that since the paralegal is not licensed to practice law that they do not need to know the current holdings by the courts or Acts of the legislature. A paralegal voluntarily seeking coursework in their field allows them to grow professionally and gives them the chance to show their boss they have an interest in understanding the field they work in.

#### ***(D) CLEs also give paralegals the opportunity to learn about other aspects of the law.***

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<sup>4</sup> Please visit the web sites [www.nala.org](http://www.nala.org) and [www.paralegals.org](http://www.paralegals.org) for more information on NALA and the NFPA certification programs.

Many paralegals are generalists and serve attorneys in various areas of the law. I worked as a generalist for two years doing predominantly research and writing for roughly 30 different attorneys. This firm practiced in the areas of litigation, business organizations, banking, estate planning, and telecommunications. I thrived on the projects I received, but admittedly there were times where I had to familiarize myself quickly in a unique aspect of the law. CLEs are very beneficial for paralegal generalists where they can sit for an hour or two with an expert in a unique field and get a good background as well as great on-line and hardbound resource materials to assist them on their next project.

***(E) CLEs encourage certification***

A final benefit for paralegals taking CLEs is it puts them in contact with other paralegals who have decided to participate in a voluntary certification program. I cannot emphasize the benefit I have received since I earned my CLA designation. However, it took the encouragement of another CLA to build up my confidence to set out and prepare for the exam. Many paralegals do not necessarily understand what an accomplishment the CLA or the ACP designations are to a NALA member, but this can change through the encouragement received while attending a course or a seminar. This also comes by encouraging NALA members to get involved with annual seminars offered both nationally and locally (through affiliated groups).

**Conclusion**

I swore I was finished with school when I completed graduate school a decade ago. The economy and job prospects in my field had other intentions and I returned for my paralegal certificate two years later. I learned a valuable lesson changing professions, and acquired an exciting career I never expected. Never deny yourself the ability to continue your education. Our initial training sets us up for our career, but it is the subsequent growth of our practical skills, experience, and education that make us paralegals.

## Networking Sites: A Paralegal's Friend or Foe?

By Julie Mann, Paralegal Student

When President Crystal Thomas asked me to compose an article for the April newsletter, my first thought was I am not a paralegal yet, and thus, do not have any "real" working experience to draw from in connection to the legal arena. Yes, I have plenty of educational experience, as I am currently enrolled in Kaplan University, to attain my BS in Paralegal Studies. I have approximately one year remaining to earn this degree. However, through counseling from the Legal Studies Career Specialist at Kaplan, in combination with my own efforts, I am attempting to find a position in the legal field prior to my graduation date. Two of the various means of obtaining employment in the law genre, besides a strong resume, that have been recommended by my specialist are such social networks as LinkedIn and Twitter.

As a person seeking employment in a lackluster economy, I have firsthand experience in the difficulties associated with such a quest. Social networking sites, such as Twitter, Facebook, MySpace, and LinkedIn offer hope to people in my current situation. However, is this false hope? How truly effective are these websites at finding individuals employment?

These websites not only offer provides services for those in the business market, but are also frequently used by legal professionals concerning the job market. I am aware of several fellow Legal Studies peers and attorneys who have active accounts on these websites. Trusted sources have informed me that these websites are viable avenues to seek out employment in the legal arena. Yet, doubt remains in my mind. I understand how these online social networks can keep individuals connected to one another, and in theory, market them better to potential employers. However, in my opinion, social networking sites, such as MySpace, Facebook, and Twitter, lack the professional atmosphere of websites similar to LinkedIn, and tend to be aimed more towards socializing with friends, more so than networking with potential employers.

My concern with the idea of networking via the internet is this: Is it truly worth the time and effort? I admit that I do not have a MySpace or Facebook account, primarily due to lack of interest. I have perused both sites, as my son and daughter each have an account on one of the networking sites. Since I am attempting as many ways as possible to find employment in the legal arena, I did sign up for an account on Twitter and LinkedIn. Since signing up on Twitter, I have only visited the site twice. Frankly, I am disappointed in what the site is garnering me. The return for my time and effort has provided me with no real benefit. The few individuals I was "following" left rather boring "tweets," and as such, were not providing me with any help whatsoever in attaining my goal of employment in the legal field. Personally, I equate Twitter with a blog, and not a viable employment avenue.

In my opinion, LinkedIn is the best of the networks that I have experienced at providing an individual opportunity for employment, and especially in the legal field. To me, there are more applicable ways to utilize this site that could provide a user with employment opportunities. I have received several invitations to join other users' networks, which are grouped into similar employment experiences, as opposed to simply social likes and dislikes. LinkedIn contains various professional groups that cater to different types of businesses, and a user should be able to find one to fit his or her own needs.

Returning to my original point: Is it truly worth the time and effort, from what I have seen, the answer lies somewhere in the middle. Yes, there are certain advantages associated with these services, such as advertising one's knowledge, skills, and abilities (KSA), which are crucial in obtaining a lucrative employment position. Others also utilize these sites to keep in touch with fellow legal colleagues. However, the majority of users are unable to find employment via these services. The main use for these sites is simply socializing with family and friends, and therefore, serves little purpose in the professional legal arena. Certainly these internet services show promise in helping employers find employees, and vice versa, but, presently, they have yet to reach their true potential in aiding members of the legal profession.

## Form Document Foibles

By Denise Risinger

Way, way back when I was pursuing my paralegal certificate, a fellow student in one of my classes worked for a reputable law firm in the city. The senior paralegal was training my classmate how to access form letters from the network pool of the firm's letters to save time and have consistency with content. The very first form letter that the senior paralegal pulled up had for its salutation:

### **Dear Sir of Madam:**

The paralegal-in-training was silent for as long as she could be upon recognizing the mistake (1.2 seconds) and then alerted the senior paralegal to the "of instead of "or." The "of" had been in that form letter for more than two years, according to copies of letters in client files. Worse yet, the "of" wasn't limited to the senior paralegal's personal letter template, but all of the secretaries templates of that letter, also.

The lesson in this true story is that it is very worthwhile to revisit those form documents that we automatically go to when drafting our various enclosure letters, demand letters, attorney liens, contracts and other form documents. Some computer grammar programs may have caught the mistakes, but spell check programs will not.

Client confidentiality is a concern in these rapidly changing technological times. One must exercise caution when using a form letter and carefully remove the client name and case numbers. It would be best to use a blank template each time to be safe. Paralegals take pride in paying attention to detail. We strive to do a great job and catch errors before they leave the office. I know that the next time I use a template, I will keep in mind the above story as I do not want to be the subject of the next form letter foible story.



## **20<sup>th</sup> Anniversary Seminar - New Emerging Decade**

By Debi D. Taylor, CLA

September 18, 2009, is shaping up to be a very exciting day! Once again, the DoubleTree Hotel on Veteran's Parkway in Bloomington will host the seminar beginning at 8:00 am. Should you need a room reservation, please call the hotel directly at 309/664-6446. The special group rate is \$109 and reservations must be made by August 27<sup>th</sup>.

The Seminar Committee is thrilled and honored to announce that the Keynote Address will be presented by National Association of Legal Assistants President Linda J. Wolf, ACP.

We have also secured nationally known speaker James S. Wilber of Altman Weil, Inc., from Milwaukee who will convey Ways Paralegals can Help Develop their Attorneys for Proper Utilization.

Jody Cooper of the McLean County Circuit Court will present an issue regarding Drug Court.

Attorney Pamela Kersten will enlighten us on the topic of Sweepstakes and their ramifications. A special presentation on "green issues" will also be a highlight this year.

Thomas E. McClure, Director of Legal Studies, Illinois State University, will conduct an interactive Ethics presentation.

Five (5) hours of Continuing Legal Education have been applied for including one hour of professional responsibility credit.

We anticipate sending the Seminar Brochure and Registration Form via e-mail soon so please watch for it and help spread the word!



## A Full Educational Program

- Litigation Institute (Mock Trial)
- Human Resources Institute
- Branding
- Inside the 'Federal Triangle' with Hollywood Guilds
- New Media and the Guilds
- Love, Divorce, and Paralegals
- Preparing for Temporary Orders
- The Military Family
- Immigration: A-to-Zs of H-1Bs
- Asbestos Litigation
- Navigating the Environmental Maze
- Inadvertently Disclosed Privileged Documents

### Member Exchange Presentations

- International Transactions
  - Catherine R. Durgin, *ACP*
  - Mary L. Theroux, *ACP*
- Social Networking: Not Just for Kids
  - Vicki Voisin, *ACP*

### Affiliates Exchange

- Increasing Your Association's Visibility in Your Community
  - San Diego Paralegal Association
- How to Organize a Successful and Profitable Seminar with Emphasis on Review for the CLA/CP Exam
  - Tennessee Paralegal Association

Details at [www.nala.org](http://www.nala.org) (*Register Online*)



THE ASSOCIATION OF LEGAL ASSISTANTS • PARALEGALS

1516 South Boston, Suite 200 • Tulsa, OK 74119 • 918.587.6828 • [www.nala.org](http://www.nala.org)