

CIPA Connection

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Central Illinois Paralegal Association

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

2009 CIPA Officers

President – Gale Grant, CLA
Vice-President – Celeste Poole
Treasurer – Nichole Byers
Secretary – Denise Risinger
NALA Liaison – Martha Ross, ACP



Member News & Notes

Cindy Fleri graduated from Illinois Central College's Associates in Applied Science Paralegal Program this past December 2011. Congratulations, Cindy!

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TELL US WHAT YOU THINK

about the newsletter. Do you have ideas for future newsletter articles or would you like to write an article for the next newsletter?

Please send your emails to:
chris.thomas.ltuj@statefarm.com with ideas or suggestions.

Thank you.



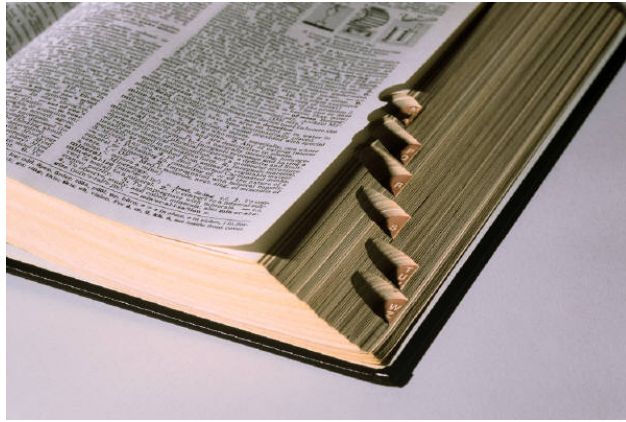
PRESIDENT'S MESSAGE

By: Gale Grant

Paralegals continue to assume new roles and responsibilities in both private law firms and in the corporate law environment. Paralegal tasks may include helping an attorney prepare for a closing, hearing, trial or a corporate meeting. Paralegals may also be called upon to gather background information relative to a case. In addition, paralegals may be asked to help prepare pleadings, motions and affidavits, and to assist attorneys during trials. A paralegal's daily regime may even include being responsible for overseeing the core functions of managing an office. .

A paralegal's duties will vary based upon the environment in which they work. A corporate paralegal's responsibilities will vary from that of a paralegal at a private law firm, whose responsibilities will be different than those of a paralegal employed by the government, and so on.

Varying roles are also found within the Central Illinois Paralegal Association. At any one of our monthly meetings, you may find a government paralegal sitting next to a litigation or intellectual property paralegal, who is sitting across from another paralegal who works an hour away at a private law firm. This diverse environment is what provides the Central Illinois Paralegal Association with its foundation. We, as paralegals, have a wealth of responsibilities and these responsibilities continue to grow, however, it is through our interaction with one another that we continue to expand our expertise within our chosen profession. . I encourage you to attend one of our meetings, network with your peers, get to know us and become better educated regarding the ever-growing and ever-changing role of a paralegal. Learning and growing are always in style.



Legal Lexiconand a bit more . . .

By: Deb Smith

Assize – n (1) a session of a court or council; (2) a law enacted by such a body, usu. one setting the measure, weight, or price of a thing; (3) the procedure provided for by such an enactment; (4) the court that hears cases involving that procedure; (5) a jury trial; or (6) the jury’s finding in such a trial. In short, this word is, historically speaking a chameleon-hued word.

In the plural, (assizes), the term refers to the sessions or sittings of a court, especially of a superior court in England or Wales, held twice a year, at which cases were tried by a judge and jury. The assizes ceased to exist in Great Britain after the Courts Act 1971. *Assise* is a variant spelling generally best avoided.

Chameleon-Hued Words – “In any closely reasoned problem, whether legal or nonlegal, chameleon-hued words are a peril both to clear thought and to lucid expression.” Wesley N. Hobfeld, *Fundamental Legal Conceptions* 35 (1919; repr. 1966). More than one great legal mind has made this observation: “When things are called by the same name it is easy for the mind to slide into an assumption that the verbal identify is accompanied in all its sequence by identity of meaning. *Lowden v. Northwestern Bank & Trust Co.*, 298 U.S. 160, 165 (1936) (per Cardozo, J.). “A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.” *Towne v. Eisner*, 245 U.S. 418, 425 (1918) (per Holmes, J.).

The English language, and therefore the language of the law, teems with words that have many different-sometimes strikingly different-meanings. There are at least two types of chameleon-hued words. The first type consists in words such as *temporal*, which has several distinct meanings; (1) of or relating to time <temporal relations of events>; (2) secular, not spiritual <temporal pastimes>; (3) chronological <temporal sequence>; or (4) of or relating to the temples on the side of one’s skull <temporal lobes>.

Similar words abound in the language, and often they are the most important ones. For example, Frankfurter wrote, “I do not use the term *jurisdiction* because it is a verbal coat of too many colors.” *Inted States v. L.A. Tucker Truck Lines, Inc.*, 344 U.S. 33, 39 (1952) (Frankfurter, J., dissenting). An English judge has said much the same thing about *condition* in contractual contexts. See *The Varenna* [1984] Q.B. 599, 618 (calling it “a chameleon-like word [that] takes on its meanings from its surroundings.”).

The second type consists essentially in words, usually adjectives, that are empty vessels, to be filled with meaning by the reader. Lawyers delight in such terms as *reasonable*, *substantial*, *meaningful*, and *satisfactory*. These terms are often usefully vague, allowing drafters to provide a standard for performance in unforeseen circumstances. It is worth the warning, however, to note that “a competent draftsman would not deliberately pick a word which instead of controlling the context is easily colored by it.” *In re Coe’s Estate*, 201 A.2d 571, 577 (N.J. 1964)

From *A dictionary of Modern Legal Usage*, 2nd Edition, Bryan A. Garner



Illinois Pattern Jury Instructions now available online... Coincidence or CIPA member's push?

By: Denise Risinger

CIPA member, Cindy Fleri, went searching online last December for a full list of the Supreme Court of Illinois' Pattern Jury Instructions.

Prior to December 8, 2011, the only Illinois Pattern Jury Instructions that were available online were those that had been amended. Ms. Fleri, after diligently searching, sent an email to the Supreme Court Library on December 7, 2011, inquiring as to where she could find the complete list of the Jury Instructions.

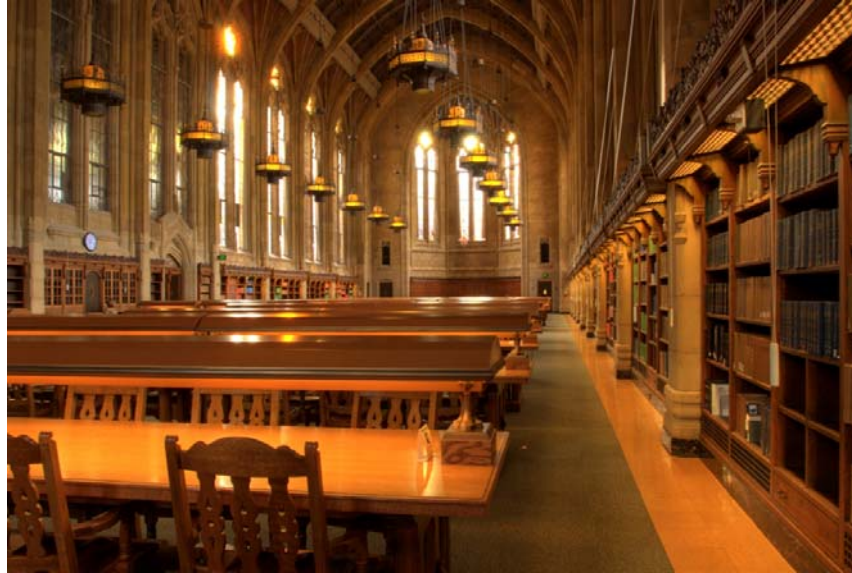
Two days later, on December 9, 2011, Cindy received the following reply from the Supreme Court Library: "As of yesterday (Dec. 8), the Illinois Pattern Jury Instructions – both civil and criminal – are now available in full on the Illinois on the Illinois Courts' web site."

The Jury instructions can be found at:

<http://www.state.il.us/court/CircuitCourt/CivilJuryInstructions/default.asp>

<http://www.state.il.us/court/CircuitCourt/CriminalJuryInstructions/default.asp>

Kudos to Cindy for her diligent search, her recognition that something was missing, and for her inquiry that led to change!



Transcription

By: Jeanette Otis

I've always loved libraries and mysteries, so it's no surprise that I enjoy being a paralegal. Back when I was 12 (1992), I got hooked on genealogical research, and the first ancestor I wanted to find was Phebe Davis, who was born in 1754, married Captain Benjamin Sackett, and lived in Stephentown, Rensselaer County, New York. Charles Weygant, in his The Sacketts of Americaⁱ, listed them as the parents of my ancestor, Daniel Sackett, who married Abigail Smith (lineage unknownⁱⁱ).

Davis remained elusive. One day in 2005, I came across some excerpts from the Diary of George Holcomb on the website StephentownGenealogy.com. George lived near the Sacketts in Stephentown and had written, "Old Widow Phebe Sackett, wife of deceased Benjamin Sackett. Died very suddenly yesterday morn." In 2006, I made a trip out to her and Benjamin's gravesites.

A few years later, I found that George mentioned Benjamin and his sons in entries from the early 1800s, but the references to son Daniel recorded him as living in Troy, which is also in Rensselaer County. Our Daniel Sackett had moved on to western New York by that time.

I tracked down the probate record of the Daniel Sackett who lived in Troy, and who died in Troy in 1845.ⁱⁱⁱ Despite having much difficulty deciphering old records due to handwriting, I figured I'd be able to learn *something*, even if it took me hours.

When I received the will, I had worked in the legal field for approximately six months, and this was the first old court document I had read in that time. As I settled into my favorite chair, armed with notebook, pencil, and a good eraser, I was in for a surprise.

"Said. That's what that word is!" I exclaimed, quite loudly, to the walls. "Said! Said person. Said date. Said County. Said State. Arggggh!"

Other words, which in years past have been undecipherable, popped out at me, and I was actually able to read the 12-page document within an hour. The words:^{iv}

- * heretofore
- * pursuant to the statutes in such case made & provided
- * as aforesaid
- * in manner and form
- * thereupon
- * afterwards

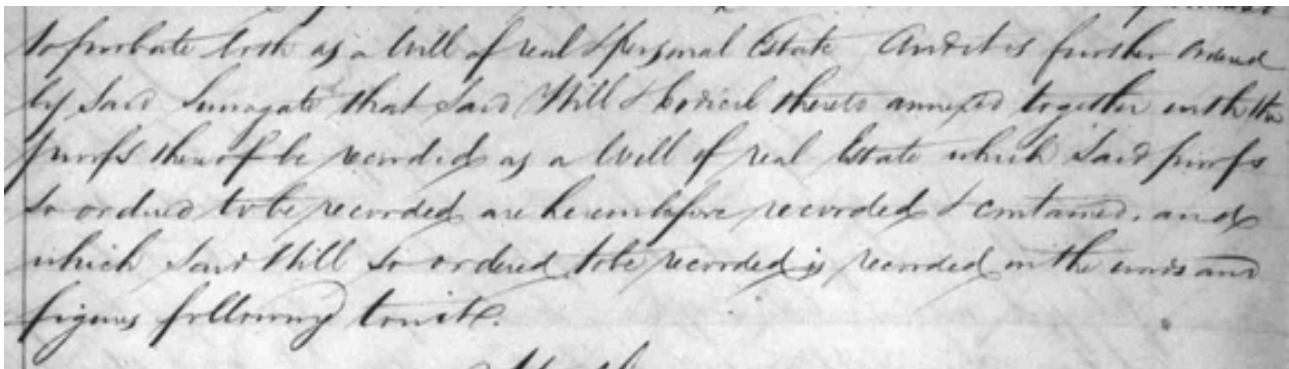
- * that is to say
- * thereof
- * made due & satisfactory proof
- * in pursuance of
- * affidavits
- * whereof

* the hand caused the seal ... to be hereunto applied
* annexed
* abovementioned
* thereon
* thereof
* thereto
* said

* instant
* deponent / depose
* herein
* hereunto
* attesting Witness
* whereas

Old court documents used the most inane constructions, which were riddled with those words. Thankfully, most of the documents I review today in my attorney's general practice are direct and to the point. Nightmarish legal writing^v still exists, but documents as redundant and wordy as this one are a rarity. My favorite example from the will shows just why it's so difficult to read old court documents, especially when compounded by old cursive:

And it is further ordered by said surrogate that said Will & Codicil thereto annexed together with the proofs thereof be recorded as a will of real Estate which said proofs so ordered to be recorded are here and before recorded & contained, and which said will so ordered to be recorded is recorded in the words and figures following to wit^{vi}



In other words, the Surrogate ordered the Will & Codicil recorded, and the recorder did so with all proofs of both.

I was able to determine that the probate file contained weighty evidence that Daniel Sackett of Troy, who married Sarah Pardee and had no issue, was the son of Benjamin Sackett and Phebe Davis, meaning that my Daniel Sackett, who married Abigail Smith, was not their son.

And thereupon said Surrogate did then & there issue a Citation to the Widow and heirs at law & next of kin of the said Daniel Sackett deceased requiring them to appear ...^{vii}

The People of the State of New York by the Grace of God free and independent To [the more than eleven] heirs at Law & next of Kin of Daniel Sackett late of the City of Troy in the County of Rensselaer deceased Greetings: ...^{viii}

All of the names mentioned in the Citation were listed by Weygant as the descendants of Benjamin Sackett and Phebe Davis, supporting the fact that Daniel of Troy is actually Benjamin's son.^{ix}

If not for one of the "heirs and next of kin" challenging the Will and Codicil, I might have chalked up the extensive list as a (rather large) mistake. But Daniel left everything to his wife Sarah, and Mrs. Charles Wheeler challenged the will, indicating some sort of relationship.

Witnesses say Mr. Sackett resided in 7th St in Troy at the time of his death. I believe he was employed in the Rail Road office and had no family except his wife. I have observed Mr. Sackett write frequently. I believe he wrote the Will and Codicil himself and they were executed in my office. Mr. Sackett came to my office with the Will, which was not expected. I saw him execute the Will. From everything I saw or heard he was of sane mind. However, when he executed the Codicil he was infirm but his mental capacity was not impaired at the time he executed the Codicil. He was approximately 56 years of age.

I researched further and tracked down the Statutes of New York in effect in 1845^x, and read about the process and requirements of the Surrogate's Court, in order to determine the requirements of issuing a Citation for probate. So,

being a paralegal has given me a one-up on my research. I still have to figure out if an appeal was filed, but that's another story for another time.

Images and a 12-page transcript of the probate record are available as part of an article on Daniel's surrogate and probate records at the online genealogy site called WeRelate.^{xi}

ⁱ C. H Weygant, *The Sacketts of America, Their Ancestors and Descendants, 1630-1907* (General Books LLC, 2010), <http://books.google.com/books?id=qTpLcAAACAAJ>.

ⁱⁱ I found her father, who was in the Revolutionary War, the same week that I discovered that Captain Benjamin Sackett, also in the Revolutionary War, was not actually my ancestor. Also, our family had always maintained that one of their ancestors was a Mayflower passenger. Within another week after finding Abigail's father, we determined the lineage to Mary Allerton.

ⁱⁱⁱ Sampubco.com: a resource for genealogy researchers trying to locate ancestor information, family history, and historical records, which was created and is maintained by David Samuelson. He sends by either mail or e-mail copies of Wills, Guardianships, Naturalizations, Letters of Administration, Letters Testamentary, Surrogate's Records/Probate Files, Dowers, and Deeds.

^{iv} I also think it is interesting, that back then, they had two different "and" symbols. A lowercase "and", which is most like "+", and an uppercase one — "&".

^v <http://thepartyofthefirstpart.blogspot.com/search/label/Golden%20Gobbledygook%20Award>

^{vi} p. 396

^{vii} p. 386

^{viii} p. 387

^{ix} I went further along this research and ordered the Surrogate Records for both Daniel Sackett of Troy and Benjamin Sackett from Rensselaer County, New York. Benjamin named son Daniel Sackett, of Troy, as his executor. In 1826, when Benjamin died, my Daniel Sackett was married to Abigail, had kids, and was living in either western New York or Pennsylvania, having moved to Pennsylvania by 1829.

^x *The Revised Statutes of the State of New-York, passed during the years one thousand eight hundred and twenty-seven, and one thousand eight hundred and twenty-eight: to which are added, certain former acts which have not been revised. Printed and published under the direction of the revisers, appointed for that purpose.* In Three Volumes. Albany: Printed by Packard and Van Benthuisen. 1829.

^{xi} http://www.werelate.org/wiki/Surrogate_Record_for_Daniel_Sackett_of_Troy



Meet our Treasurer!

By: Denise Risinger

Nichole Byers has been a CIPA member since 2009 and the Treasurer of CIPA for 2011 and 2012. Nichole works at the Bloomington law firm of Mueller & Reece, whose practice focuses on business law, contracts and other civil matters. In addition to having a wonderful husband, Kain, and two terrific children, Blake (14) and Lauren (11), Nichole has an exciting hobby/side-line.

Nichole is also an artist who designs beautiful glass jewelry and glass beads that she creates herself. Her jewelry has been wildly admired by her fellow CIPA colleagues and her donation of a specially designed bracelet for the 2011 CIPA Educational Seminar was a big hit. Several years ago, when Nichole was working part-time at a rubber stamp store in Minnesota (Due to her love of scrapbooking), her boss opened up a separate bead store. Nichole looked at the price that they were charging for the artist-made glass beads and thought, "I can do that!" Her next move was to go online and purchase a book, the necessary supplies, and begin to teach herself this beautiful craft. Eventually, Nichole took classes where she began to hobnob and network with fellow "lampworkers" like herself. (*The term "lampwork" refers to ancient times when glass beads were made by melting glass over the flame of an oil lamp*)

Nichole has her studio at home in her basement. Her torch is mounted to a table and her glass and supplies are near at hand, as well as her kiln. She keeps a television set on for noise as the basement can get a little...well, like a basement.

Nichole makes beads when she can find time, usually on the weekends as she prefers to spend at least 3 to 4 hours, sometimes five hours at a stretch once she gets started. One plain bead may take a little as a few minutes to make, while other, more complex designs with many layers can take at least an hour to complete. This past weekend, Nichole made at least 30-40 beads in anticipation of Valentine's Day.

Her husband and children are very supportive of Nichole's art and the kids have even tried their hand at making beads with the torch.

If you would like to see more of Nichole's handiwork, you can visit her website at:
<http://www.nicholebyers.com/>

If you would like to meet Nichole in person and learn more about her artistic talents, please plan on attending one of our monthly CIPA meetings to say hello!





My Online Job Search as Recent a Paralegal Graduate.....!

By: Cindy Fleri

Unless you grew up with the internet, searching for jobs can leave you exhausted, as there is so much information available it can be difficult to narrow the search. There are numerous websites or search engines available to look through. The obvious website to upload your resume through is *Monster.com*; it seems to be the “search engine” of choice for newspapers and employers. *Monster* also provides a number of suggestions on resume writing, cover letters and interviewing tips. Although *Monster* seems to be the virtual “head hunter” of our day, I’m hesitant to leave all my personal information floating in cyber space. I have found smaller sites such as *Beyond.com*, *Jobchitchat.com*, and various others, but I question how reputable they are.

As a recent graduate, I have spent some time searching for a position that was a good fit for my newly acquired skills. The search term “paralegal” brings a number of positions in the Chicago land area. However, I do not want to move so I am expanding my possibilities to include administrative or office manager type positions. In the meantime, I am also considering some volunteer work to keep my skills sharp.

I am fortunate that I have a part time position at State Farm Insurance in the Customer Response Center (CRC) which provides health insurance benefits and a reasonable amount of income. It also gives me the opportunity to apply for suitable positions that become available internally. The skills I learned in my paralegal classes will also help me in the claim representative role.

I have been reading articles about resumes, cover letters, and suggestions for methods of effective online job searches. In “How to Search for a Job Online,” *The Wall Street Journal*^{xi} had a lot of valuable information and great examples of how to narrow your search. They suggest looking at websites that focus on the industry of interest and if offered, sign up for RSS (Really Simple Syndication) and let the job boards work for you by sending you notifications of suitable positions. Many employer websites allow candidates to set up a profile that can be searched as business needs arise. The article also suggested researching the hiring contact listed in the ad which would allow you to reach out to that individual on a more personalized basis.

As the economy is not in great shape, I truly believe the process is going to take some time. I also believe, as with all paralegal tasks, organization is the key. I am making a syllabus of where I have been, where I am going and when I expect myself to accomplish the task, as well as what task needs follow up. I am continuing to learn as I go and some days are more productive than others in my journey. My professional years of experience along with my recent degree has given me the confidence that I need to sort through the never ending websites to find that special job that is for me. It is a new course of study in the cyber world of finding a job. Perhaps, we should call it Cyber Job Search 101.