

CAROLINA PARALEGAL NEWS

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MARCH 2009 ISSUE

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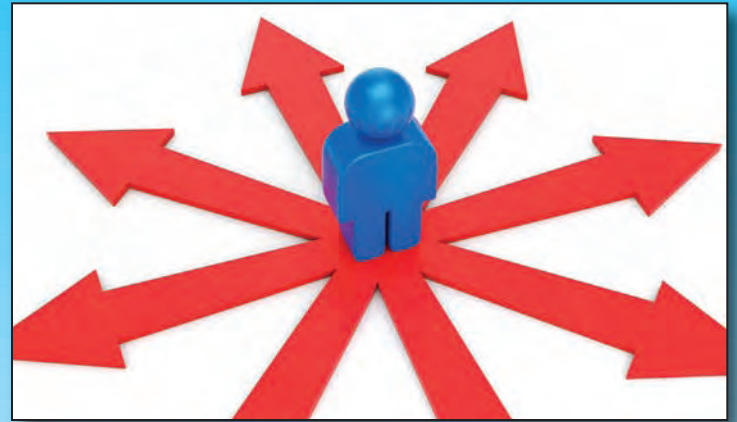
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LETTERS HOME

Paralegals help soldiers become citizens

By Staff Sgt. KRISTIAN HALL, Special to CPN

Normally, military paralegals are not charged with the task of helping coordinate the naturalization paperwork to make fellow soldiers American citizens. It is usually handled within the administrative department of units, but because we have the knowledge of the procedure and documents, we qualify as subject-matter experts.

One of my paralegals, Spc. Ryan Stack, helped with coordinating and instructing four soldiers under Battalion 3-142 AHB, an assault helicopter battalion from the New York National Guard, on how to properly inquire, apply and interview to become full American citizens. These soldiers were under our task force, which helped with the naturalization ceremony.

The ceremony naturalized 253 soldiers to become full American citizens. These men and women not only joined our armed services to help protect freedom and human rights, they have now become true Americans.

Stack did a great job corresponding between his administrative section, the officer in charge and the soldiers. Once things were finalized, he made sure they knew their interview dates and the date of the ceremony itself. He was instrumental in providing the information, attending it and documenting it with photographs.

In terms of our actual work: I'm not at liberty to discuss any open cases or the details of what we've done so far, but I can let you know what kind of trends and issues that we see.

First off, we usually see the basics — disrespect, reporting late for duty or violations of some orders. We have a general order that doesn't allow us to do certain things in Iraq, mostly related to alcohol, drugs, pornography and such. Every once in awhile, a soldier will violate this policy.

Overall, our military justice issues have not been overwhelming. We've had a few Article 15 disciplinary procedures since we've been here, but not enough business to keep us slammed. With the help of two other paralegals, this office runs smoothly and is timely.

We do a lot of legal assistance work, helping soldiers with things like powers of attorney, wills, notarizing documents, divorce research, marriage, child custody and taxes.

Another thing that keeps us busy is administrative law. We help the chain of command prepare boards, admin separations, flight-evaluation boards, investigations and review fiscal and pricing requests for materials and products.

In great news, one of my other paralegal specialists, Spc. Leah Rowell, was



Military paralegals helped prepare soldiers to be naturalized as full American citizens at a recent ceremony in Iraq. Overall, 253 soldiers became citizens.

recently named Soldier of the Quarter.

It's similar to an employee-of-the-month competition in the workplace, but in Rowell's case, she had to go before senior enlisted soldiers — usually sergeants in high ranks — and present herself in a military fashion. That includes performing drills and answering questions in reference to her job or any other military procedure.

She won against four other soldiers at the company level and won again at the brigade level.

A Fayetteville native, Rowell got to go home for some rest and relaxation and, upon her return, received the Army Achievement Award from the company and the Army Commendation Medal from the brigade commander.

This is a pretty prestigious honor for a young soldier in the beginning of her military career. As her supervisor, I am very proud.

Editor's note: National Guard Staff Sgt. Kristian Hall is serving as correspondent to Carolina Paralegal News while he is deployed for a second time in Iraq. In this column, Hall discusses how military paralegals helped prepare soldiers for naturalization and a special award received by one of his paralegal specialists. He will contribute future columns to CPN as time permits.

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Pink slip paranoia: Recession worries paralegals

By **DIANA SMITH, CPN Staff Writer**
diana.smith@nc.lawyersweekly.com

Some called it Black Thursday. Others dubbed it the legal world's version of the Valentine's Day massacre.

Just two days before Cupid's annual visit, some of the country's major law firms, including four with offices in North Carolina, laid off over 1,000 attorneys, paralegals and support staff.

It's a large-scale example of what paralegals in both Carolinas are beginning to experience — the erosion of job security in a recession that forecasters predict won't end soon.

"There's a lot of fear out there," said Christina Lee, third vice president of the Metrolina Paralegal Association in Charlotte, N.C.

Lee, who maintains the association's job bank, said the anxiety is warranted. Increasingly, she's hearing from members who've been handed pink slips.

And she can't help them. "We've had only one job posting since July," she said. "We used to get five or six per month. I'm constantly getting e-mails asking why there aren't any jobs. All I can tell people is what the staffing companies are telling me. It's a tough market out there."

Paralegal layoffs may not come as a surprise in Charlotte's large firms, many of which handle banking and financial work in the city that's been nicknamed Wall Street South.

In January, Parker Poe Adams & Bernstein, with offices in both Carolinas, laid off 28 employees, including four paralegals. The firm is not releasing



Lee



Estrin



Pope

information about which offices took the hits.

But the sinking economy has also threatened paralegals in smaller firms, particularly nonprofit ones like South Carolina Legal Services, which relies heavily on grant funding from the S.C. Bar Foundation to bolster its payroll.

Earlier this year, budget cuts forced S.C. Legal Services to lay off 12 non-attorney staff members. Half of them were paralegals.

"We made the decision to start with non-attorney staff, but we may be forced to lay off attorneys and more non-attorney staff in the next grant cycle," said Andrea Loney, the agency's executive director.

Legal Aid of North Carolina has also taken significant funding cuts, but paralegals have fared somewhat better.

LANC has not had to eliminate paralegal positions yet. The agency even

added five paralegals — some part-time — in its call center last year.

That's because staff were willing to take a reduction in benefits so they could keep their jobs, said George Hausen, executive director.

"We were either looking at layoffs or a 3 percent pay deduction across the board," he said. "But instead of that, we opted for a forbearance on contributions to the 401(k). That saved the jobs."

Some LANC part-time attorneys weren't so lucky — 20 were laid off.

Benefits packages changed for some paralegals in the Palmetto State as well, according to Sharon Wotherspoon, a legal assistant at Nelson Mullins Riley & Scarborough in Columbia and president of Legal Staff Professionals of South Carolina.

At LSPSC's recent state meeting, chapter members discussed the increasing number of paralegals who are giving up their health insurance in order to remain employed.

Law firms, big and small, have also stopped paying registration and seminar fees for continuing education, Wotherspoon told Carolina Paralegal News.

"That's fine. We can understand," she said. "If we can keep our jobs, we can scrape around and find the money we need to attend our seminars."

Wotherspoon said she has heard no talk of reducing benefits at Nelson Mullins. Senior partner Ed Mullins Jr. added there have been no recession-related layoffs either.

"We've been told we won't be getting a raise, which again, is fine. We've still got a job," Wotherspoon said.

More work, same pay

As reassuring as that may be, paralegals feel the pinch not only in their pocketbooks, but in their increasingly heavy workloads. According to a recent article in the *ABA Journal*, cutbacks at some law firms now leave one support staff member for every four lawyers.

According to Tammie Pope, president of the Palmetto Paralegal Association, the extra work is a relief rather than a burden for many paralegals.

"Everybody, everywhere, is just thankful they have a job," she said. "If I have stuff to take home on the weekend, I'll gladly take it because it's a lot better than not having any at all."

Like Lee in the Tar Heel State, Pope said job postings in South Carolina have been scarce in recent months. Occasional openings pop up in smaller areas like Rock Hill or North Augusta, but not in bigger cities like Columbia, she added.

And even the most highly qualified or veteran paralegals have no promise of job security, said Chere Estrin, editor-in-chief of *KNOW, The Magazine for Paralegals* and author of nine career guides for paralegals (see sidebar page 5).

"One friend in Atlanta was recently telling me she had taken a job at a large firm and had moved up the ladder to [be] a litigation support coordinator," Estrin said. "We were plotting her career along and she e-mailed me two hours

later and said 'I just got laid off.'

"They're falling like brave soldiers out there. I've been in this field a long time and I've never seen it this bad, not even after 9/11."

To complicate matters, paralegal layoffs are happening in all kinds of firms.

"It's starting to spread to the areas that people thought were safe," Estrin said. "Originally, [layoffs] were mostly in corporate, real estate, securities and all of that. We didn't see it much in employment law, litigation and bankruptcy. And now we're seeing it even in litigation and technology."

As a result, paralegals are searching for work wherever they can find it, said Lee of the Metrolina Paralegal Association.

"I think some people are trying to find contract work, trying to do something out of their homes or trying to find temporary, floating positions," she said. "But temporary assignments don't pay the bills."

The upside

Despite uncertain economic times, the death of the paralegal profession is not imminent, experts say.

Indeed, job-shuffling is inevitable, but paralegals can increase their marketability by leveraging their knowledge and experience, according to Marge Dover, executive director of the National Association of Legal Assistants.

"Firms would naturally look to hiring paralegals instead of attorneys in many instances," Dover said in an e-mail to Carolina Paralegal News. "If the firm does not need someone to give legal advice and can bill paralegal time at market rates, it simply makes more sense to hire the paralegal."

But that's only if paralegals work hard to demonstrate their value, Estrin cautioned.

While firms often have a structured program that increases new associates' responsibilities over time, paralegals typically don't get that same natural advantage, she explained.

"If paralegals don't take it upon themselves to move up this invisible ladder and keep performing at the same level but being paid on a lockstep basis — meaning not paid for performance but paid for years in the field — then what happens is they make themselves very likely candidates for layoffs," she said.

"And I've seen it over and over again."

So what to do?

Paralegals can lessen their chances of termination by diversifying their knowledge among multiple practice areas, Estrin advised.

"Sometimes people rely too heavily on a firm to train them," she said. "And those days are long gone."

While some firms still do provide on-the-job training, many more now seek to hire paralegals whose résumés already boast advanced credentials like certifications or paralegal degrees.

Picking up on that trend, North Carolina developed a State Bar-approved certification program in 2004, and South Carolina is considering whether to develop a registration process for paralegals.

Designations like those, along with certifications that paralegals can earn through national organizations like NALA and NFPA, are attractive to employers seeking to hire quickly, Estrin said.

"Start writing. Take classes. Start teaching. Get your name out beyond the firm," she urged. "People say, 'Go knock on doors, smile, be a team player, do a good job' and all of this vague, fuzzy stuff."

"Trust me, that's not going to get you noticed. You're supposed to do a good job, so why would that get you recognized?"

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Bad economy can be a good time to reinvent yourself

By **DIANA SMITH, CPN Staff Writer**
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“Ride the horse in the direction it’s going.”

That’s what former paralegal administrator Chere Estrin says to paralegals when they come to her in career crises.

It’s job advice that applies no matter what the circumstances.

But with the country in recession and news of layoffs dominating headlines, it’s a suggestion many paralegals may find useful in order to save their jobs — or even to find alternative ones.

“This is the first time the legal field has seen layoffs in the thousands,” said California-based Estrin, author of nine career guides for paralegals and editor-in-chief of *KNOW, the Magazine for Paralegals* and *SUE, for Women in Litigation*.

“If you take into account there are a million lawyers, that number doesn’t seem critical. But a number of firms are laying off just to protect themselves, so it’s hard to say who’s in trouble and who’s not.”

A lot of the career pointers that Estrin offers to paralegals seem intuitive — seize all opportunities to get continuing education, flaunt a snazzy résumé that displays a paralegal degree or advanced certifications, teach classes and write articles.

But with an increasingly competitive job market, Estrin herself provides a different career example for paralegals who want to diversify. Several years ago, she took her paralegal knowledge and channeled it into a perhaps atypical, yet relevant, field.

Unlike what laid-off paralegals are struggling with today, Estrin was not forced out of her job. She voluntarily began the shift when she tired of law

office work.

“I’ve always been an entrepreneur in my heart,” she said. “I really wanted my own business.”

It began slowly.

First, Estrin ran a paralegal-staffing agency, which she later sold to a large corporation and became an executive in its legal division. Later, she moved to another company and started its legal-staffing division.

But she still wanted to strike out on her own. That’s when she founded EstrinLegalEd, a seminar business for paralegals. She ventured on to create *KNOW* in 2008.

All of those enterprises

came with inherent opportunities and risks, of course. What if they didn’t work?

Estrin flipped and ended up on both sides of that coin. She filed for bankruptcy on the seminar business last Christmas Eve, a move that rocked her to the core.

“I didn’t stop crying for two weeks,” she said. “I can’t blame it all on the economy. Like all things, there are things that I could probably

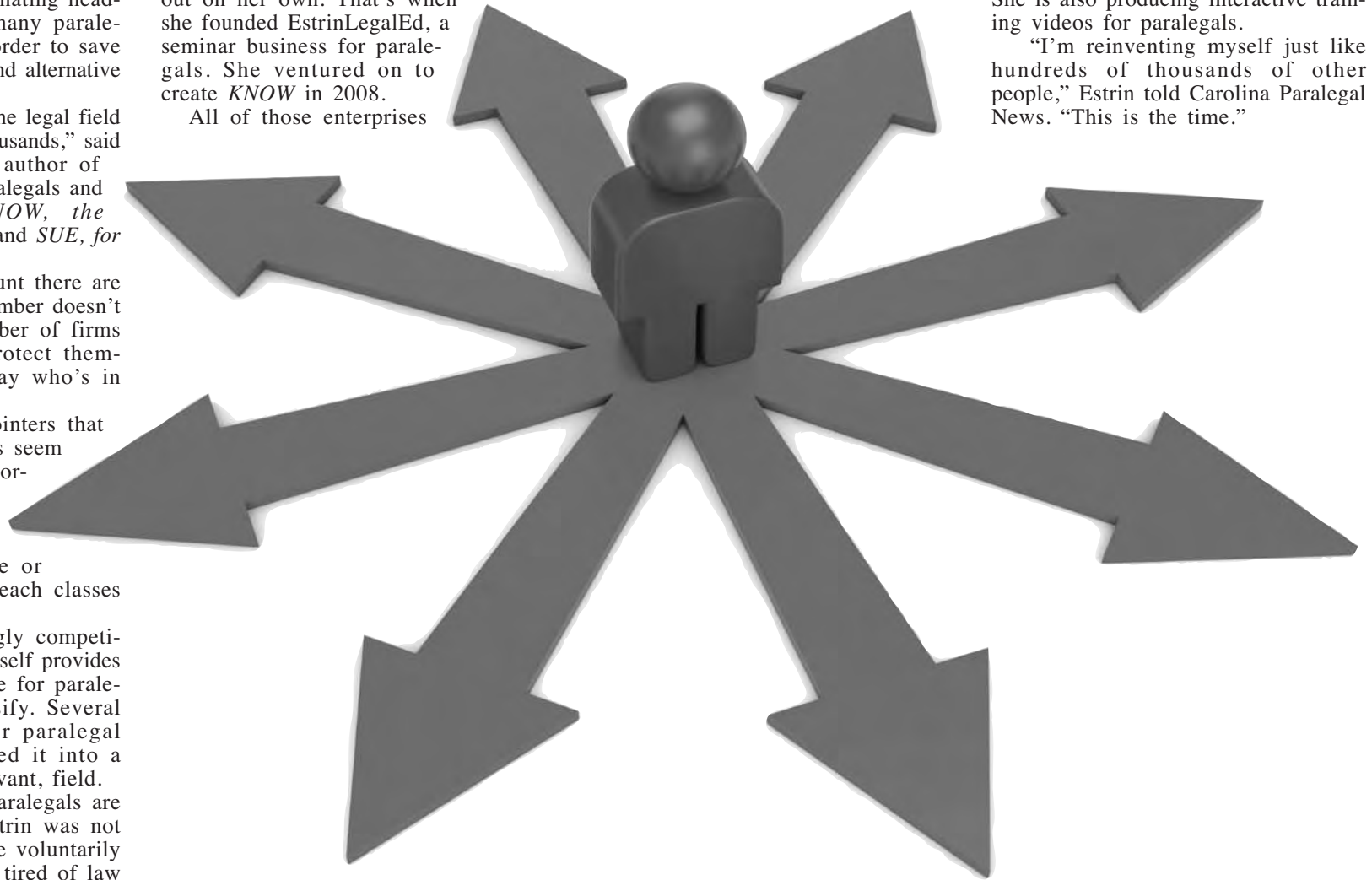
have done differently.”

On the plus side: *KNOW* is doing well.

And as hard as it was to close the seminar business, Estrin is heeding the advice she gives to other paralegals. She’s on the horse, and she’s riding it.

She launched *SUE* this year. Also on the horizon is a publication geared to attorneys called *Get a Life*, which focuses on work/life balance issues. She is also producing interactive training videos for paralegals.

“I’m reinventing myself just like hundreds of thousands of other people,” Estrin told Carolina Paralegal News. “This is the time.”



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NCAJ mulls giving legal assistants board vote

By DIANA SMITH, CPN Staff Writer
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Leaders of the N.C. Advocates for Justice have decided to move forward with a proposal for legal assistants to have a vote on its board of governors.

In a unanimous vote, the board recently recommended "giving a vote, and not just a voice, to the chair of the legal assistants division," said Dick Taylor, NCAJ's chief executive officer.

The chair of the 485-member division currently has a seat on the board but no voting power.

The proposal, set forth by the organization's membership committee, received support from NCAJ president Peggy Abrams.

"Our legal assistants division and the legal assistants who work for us ... are just as committed to the mission of the N.C. Advocates for Justice as our lawyer-members are and care deeply about the issues that the board considers," Abrams said. "We felt that it was long overdue that they have a vote on the board."

According to Taylor, the NCAJ has traditionally given the chair of each new section a vote on the board when it is created.

Although the LAD was formed in 1983, Abrams said the topic of paralegal voting did not really surface until the NCAJ decided to change its name from the N.C. Academy of Trial Lawyers last year.

"When we went to look at the provisions in order to make sure we were doing the correct thing with the name change, we realized that [the LAD

'Our legal assistants division and the legal assistants who work for us ... are just as committed to the mission of the N.C. Advocates for Justice as our lawyer-members are and care deeply about the issues that the board considers. We felt that it was long overdue that they have a vote on the board.'

Peggy Abrams, NCAJ president

chair] couldn't vote," Abrams said. "People knew it all along, but it hadn't been as important as something like the name change would have been."

"And they cared a lot about it. The LAD really wanted to support the name change and was disappointed that they weren't able to do that."

Gaining the vote will require majority approval from the NCAJ's membership when it convenes for its annual meeting in June.

It also will require an amendment to the NCAJ's bylaws so that legal assistants can hold office and vote.

According to Abrams, tweaking the language in the bylaws is common and occurs whenever a new section or division is formed. The organization currently has 14 sections and four divisions.

Taylor said the idea of an amendment did not appear to engender concerns among board members.

"It was completely non-controver-

sial," he said. "The board thought that these people are valuable, and their point of view is valuable, and they ought to vote and participate."

Karen Parrish, chair of the LAD, said that the board has always been supportive and that having a vote would be an added bonus.

"It's really a vote of confidence to us as paralegals," she said. "We are professionals and a professional group. It's just an honor to me and what I do for them to take recognition of us."

The bid to give paralegals voting power in a legal organization is not new in North Carolina.

Last year, a committee of the N.C. Bar Association voted down a proposal for its paralegal division to have a vote on its board of governors — an action that, if approved, would have been a first for U.S. bar associations.

"There was a lot of rationale for the decision," NCBA executive director

Allan Head said in a February 2008 interview with Carolina Paralegal News. "We feel like [paralegals] are already actively involved, and we feel like there are more things we can involve them in and the opportunity to vote was not critical at this time."

Although they didn't get the vote, the bar association did open up access for paralegals to participate on the executive committee and the audit and finance committee. The bar association already had paralegal liaisons in all 28 of its specialized sections.

In February, Head told Carolina Paralegal News that there have been no further discussions about paralegal voting at the NCBA since the proposal was turned down.

Abrams said she does not anticipate any resistance from NCAJ members about giving voting power to the LAD.

Paralegals will not, however, gain the right to vote as part of the membership.

"Candidly, there would probably be resistance if we were asking a legal assistant to have all the rights of an attorney-member because that would enable them to become president of the organization," Abrams said. "I do not think that will happen."

Parrish, the LAD chair, said division members are not currently thinking about that issue anyway.

"We're just honored to have the opportunity," she said. "Anything we do to give back would be much appreciated, and just by participating we become better paralegals and better workers for our attorneys."

Editor's note: Staff writer Guy Loranger contributed to this report.

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Staying late, missing lunches helps Orangeburg paralegal 'save the day'

Sonia L. Hunt is a paralegal with Horger, Barnwell & Reid in Orangeburg, S.C. She has worked in the field for 26 years and is active in several state and national paralegal associations.

CPN: What's the biggest challenge facing today's paralegal?

Hunt: Keeping up with the ever-changing aspects of the legal profession.

CPN: Could law firms function without the paralegal profession?

Hunt: Yes, law firms could function without the use of paralegals, but the attorneys would be putting in more hours for work which could be done by a paralegal.

CPN: Do you think paralegals need greater recognition from the Bar?

Hunt: Yes. All too often we are still referred to as a secretary and not given the recognition for the advanced education we have received.

CPN: How long have you been a paralegal?

Hunt: I started as a legal secretary in the field in 1983 and obtained my paralegal certificate in 1994.

Q&A WITH SONIA HUNT

CPN: What area of law do you concentrate in?

Hunt: The attorney that I work for has a practice which includes estates, wills, commercial real estate, residential real estate and litigation.

CPN: What do you like best about your job?

Hunt: The interesting legal questions and problems that surround real property because estates were not probated.

CPN: What paralegal organizations, national, state or local, are you member of and what positions do you hold in them?

Hunt: National Association of Legal Staff Professionals, Legal Staff Professionals of South Carolina and Legal Staff Professionals of Orangeburg. I am currently the treasurer for Legal Staff Professionals of Orangeburg and financial review chairperson for Legal Staff Professionals of

South Carolina.

CPN: Which of your job skills are you proudest of?

Hunt: My ability to deal with the public in a way that will make them appreciate the work the attorney does for them.

CPN: Have you ever "saved the day" at work? If so, how?

Hunt: Many times over the last 26 years, but I would have to say it was because of my willingness to stay and make sure the task was completed even if it required staying late or missing lunch.

CPN: What are your personal goals as a paralegal for the coming year?

Hunt: I try not to set goals for the year that I know will not be accomplished. What I would like to try to accomplish in the coming year is to attend seminars relating to probate work and commercial real estate so that I can be of more benefit to my boss.

CPN: Where would we likely find you on the weekends?

Hunt: With my family and at church.



Sonia Hunt

CPN: Your favorite vacation spot?

Hunt: I love to go to the mountains with family and friends.

CPN: Last movie you went to?

Hunt: "The Incredible Hulk."

Need help determining if a signature is legit?

By HAYWOOD STARLING, Special to CPN

During the examination of documents for a particular case, paralegals and attorneys sometimes run across signatures that purport to be from the same person, yet look slightly different.

In some circumstances, a specialist may need to be hired to provide an expert opinion. Haywood R. Starling, a certified questioned-document examiner and former supervisor of questioned documents for the State Bureau of Investigation in Raleigh, N.C., offers the following tips for paralegals and attorneys to use when evaluating suspicious writing.

First steps

- Ask the client to provide 25 examples of his or her genuine signature in your presence. Get both left and right hand signatures.

- Evaluate the line quality of the original signature against the questionable one. Forgers usually fail in this area because he or she must resort to slow drawing, not natural writing. Look for slowly drawn lines, pen stops,



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retracing, letter patching, abrupt changes of direction and lack of symmetry.

- Look at how the signature appears

on the questioned document. A forged signature could have been transposed by computer or through a cut-and-paste procedure.

ITEM OF INTEREST

Retaining an examiner

- Negotiate fees and check for a conflict of interest.
- Provide the original or a high-quality copy of the questioned document along with the genuine signatures and six known signatures from unrelated documents such as a driver's license or Social Security card.

The examiner will evaluate the documents based on a variety of criteria, including but not limited to letter form, line quality, muscular habits, skill, connecting strokes, proportional letter heights of upper-case and lower-case letters, slant, spacing and changes in line pressure. After that, he or she will offer an opinion about the signature.

Editor's note: Starling is a certified questioned document examiner and the former supervisor of questioned documents for the State Bureau of Investigation in Raleigh, N.C. Questions for Starling? Call 919-787-4440.



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Ensure client confidentiality by attention to detail, patience

By ANNETTE CHURCH, CPN Columnist

The Rules of Professional Conduct for North Carolina clearly presents the laws and directives which attorneys and non-lawyer assistants must comply. Two rules are of fundamental significance: Rule 1.6, which addresses confidentiality of information, and Rule 5.3, which covers responsibilities regarding non-lawyer assistants.

Those of us working in a law office or similarly entrusted job of responsibility recognize the expectation of confidentiality in matters related to the attorney-client relationship.

To underscore the magnitude of the role of confidentiality within a law office, new staff members are frequently required to sign a confidentiality agreement. However, even in the absence of such an agreement, the confidentiality rules are applicable to all attorneys and staff.

A primary component of the client-lawyer relationship is the expected assurance that the client's information, whether it be matters of communication, case details, work product or data acquired during representation, is private and cannot be disseminated without the client's informed consent, or as stated in the *Rules of Professional Conduct*, "except as authorized or required by the *Rules of Professional Conduct* or other law."

YOU ARE THE LINK!

The safeguarding of a client's information continues when it is being transmitted by any method. Steps must be taken to minimize any disclosure of confidential information and to prevent a client's data from ending up with an unintended recipient.

The Rules of Professional Conduct addresses all such matters, stating: "This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy."

An example of reasonable expectation of privacy occurs when providing client information by facsimile. Confirm and re-confirm the facsimile number you are going to use a client's case-sensitive documents.

Rule 5.3, titled "Responsibilities Regarding Non-lawyer Assistants" in *The Rules of Professional Conduct* details confidentiality issues applicable for us who work in a law office and are not attorneys. Rule 5.3(a) states:

"A lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm or organization shall make reasonable efforts to ensure that the

firm or organization has in effect measures giving reasonable assurance that the non-lawyer's conduct is compatible with the professional obligations of the lawyer."

Therefore, as legal assistants or paralegals, we must abide by the confidentiality guidelines established for attorneys within the state where we work.

Our approach to the matter of confidentiality must remain a priority. Certainly this is a basic principle understood within our profession. However, can you recall an example when a breach of confidentiality transpired within your workplace?

The most wide-ranging occurrences of such breaches are typically the result of carelessness. Distractions stealthily tiptoe into the workday. In an effort to accomplish the variety of tasks assigned, a misspoken or overheard conversation, a number entered incorrectly to the facsimile machine or a client's case file or related documents inadvertently left exposed can happen.

Do not hesitate to invest the extra time to preserve each client's right to confidentiality and thereby avoid any unwanted consequences.

Remember what you already know to be important: Take a break. How many times have we read or heard about the value of taking several deep



Annette Church

breaths, stretching, walking or some other productive stress-relieving activities? By doing so, we can better maintain a higher degree of focus.

I recognize it is easier to say you will weave stress-relieving practices into your routine until you are in the middle of a hectic day. And frankly, I have needed the nudge of a caring co-worker to remind me to take a breather at times. Consider placing something in front of you that prompts you to do whatever works best to lessen your stress. You will equip yourself to continue working with less jeopardy of a blunder.

Editor's note: Church is an N.C. State Bar-certified paralegal with Ted A. Greve and Associates of Charlotte.



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Paralegal always eager to go to work at county attorney's office

Laretha Clark serves as vice president of North Carolina's Cumberland County Paralegal Association and is a real estate paralegal in the County Attorney's Office.

Q&A WITH LARETHA CLARK

CPN: *What's the biggest challenge facing today's paralegal?*

Clark: Getting the respect and recognition they deserve based on their education, training and skills.

That can [be shown by] being consistently referred to as paralegals — and not lumped in with legal assistants, office assistants and legal secretaries — and by enabling them to use their whole range of education in the legal field instead of being treated as “one-trick ponies” in the real estate, estate and criminal fields.

CPN: *How long have you been a paralegal?*

Clark: I graduated from Fayetteville Tech in 1996 and started working within days of graduation, so I have been a paralegal for a few months shy of 13 years.

CPN: *What area of law do you concentrate in?*

Clark: I am a real estate paralegal. While at Fayetteville Tech, I once had a title-search exercise that would not come together for me no matter how hard I tried until I realized that my measurements were off by less than an inch.

After that, I was hooked.

CPN: *What institution do you work for?*

Clark: I work with the wonderful people in the Cumberland County Attorney's Office.

CPN: *What do you like best about your job?*

Clark: The people I work with. The county attorney, Grainger R. Barrett, has done everything he can to make this place feel like a second home. I have worked here since 2003 and have never said, “I do not want to go to work today.”

I must add the work that I do is at a level far beyond what I ever thought I would get to do. I handle all real estate matters, which sometimes means I get to help citizens buy property from our surplus list or redeem property that was lost in tax foreclosure. I also help them borrow money through the community-development program to help get needed repairs for their homes.

CPN: *Have you ever “saved the day” at work? If so, how?*

Clark: I was given a writ of sale to

perform a title search prior to sale. As I was conducting the search, I realized that the signatures were not the same.

I showed the attorney all the documents, which prompted him to put a halt on the writ. It was apparent the person who signed the loan documents and had the judgment against him had taken the property owner's identity. I located the owner in another state and his property was saved.

I not only saved the day at work, but helped the property owner hold on to his property and exposed a bad guy.

CPN: *How many members does your organization have?*

Clark: Cumberland County Paralegal Association has 57 members.

CPN: *How often do you meet?*

Clark: The association meets on the second Thursday of each month for lunch at different locations. Last year, as a trial run, we held a night lecture for paralegals who find it difficult to get away during the day. The lecture may be extended to once every quarter in the future.

CPN: *Any special events coming up?*

Clark: On April 18, CCPA is sponsoring its 18th annual Educational Seminar Agenda from 8 a.m. to 4:30 p.m. at Fayetteville Technical Community College. Visit www.ccpa.com for details.



Laretha Clark

CPN: *What one or two items are at the top of your agenda as vice president?*

Clark: My task is to see that the paralegals in CCPA and surrounding areas have an opportunity to advance their understanding through continuing education. I also work with the president to promote the association and recruit new members.

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Is it a want or a need?

By **CHERYL LEONE**, Special to CPN
 ckleone@catalystgroupinc.com

Since everyone else in the United States has given advice on the economy, the recession and how to make it through, I thought I should get my two cents in — though, in candor, my two cents is being used to help Wall Street, banks and auto makers.

We are indeed in difficult times. We are at an all-time high stress level because we are now living in fear of the unknown. When you are working, living and making decisions in fear, you lose.

I am like everyone else. I have a child who has lost a job. I have another child who is retrenching her business, holding onto her staff, but cutting costs as much as she can to make sure no jobs are lost.

Paralegals were just last year considered a top-10 field for the next 10 years. Now, no careers are safe and it simply causes you to wonder how you can leverage who and what you are into something that can make you feel safe.

Law firms are worried, but I am finding owners to be very protective of their staff. In return, I think those who hold leadership positions, such as paralegals, need to start seeing how they can help keep their firms efficient so they can stay the course.

If you believe the law firm owner is concerned, then ask for a meeting. Find out how you or any of the staff can help. Now is the time to do 150 percent

SOARING EAGLES

if you can within the firm.

If ever there is a time to be client-satisfying, it is now. Every client counts in today's world and you have to put forth as much effort as possible to justify why they hire your firm.

A high-performance paralegal will always be part of the solution. Being proactive in your law firm is better than being no-active.

I personally believe it is also a time that you band together. If people are working with stress from personal financial conditions, can you find a way to provide a safe forum at work where everyone can talk openly about their fears once in a while?

No one needs to fix someone else's problems, but I also think these are unusual times and sometimes just talking helps. There is nothing to be ashamed of where you find yourself right now. For a change, I can guarantee you that you are not alone.

If the worst thing happens, (i.e., you get laid off), immediately think of a response. Can you do contract work? Believe me, your firm needs the help if they have reached the point of layoffs. Contract work is better than no work at all.

Can you think of anything you can be doing now to subsidize future conditions? I had someone call me and ask if I needed help with extra typing, etc.

I thought it was interesting that this person is truly very busy but was willing to take on anything to close the gap between the fear and some stability.

You absolutely must face the truth. Avoiding whether you are financially solvent does nothing but increase your stress level. It is better to know what you owe than to think you know.

Create a budget that is pared down to the bone. Start making an assumption that it is possible to become a one-income household or a no-income household. What would you do?

Knowledge is what will keep you sane. Don't stick your head in the sand and pretend things will get better. Start becoming more financially savvy.

I tell people to play the what-if game. What if you are laid off? Tell me what steps you could take to help stabilize yourself. Again, fear of the unknown is worse than fear of the known.

On my reminder board in my kitchen I have written this: Is it a want or a need? We apply this standard to every decision we now make or concerning any money we get ready to spend beyond normal living expenses.

And circle the wagons. In some respects, I think it is ironic that something this devastating is bringing families together to help each other out. No one is immune and you have to be open and honest with each other.

Finally, I want to tell you my belief. I do think it is going to get worse. But I also believe it is going to get better



Cheryl Leone

and, when it does, we are going to be on a much more sound footing.

I believe that we are getting a handle on what is happening and our strength is that we know we can get through this. That is called hope. If you live in fear, you will lose. If you recognize the fear but live with hope, you win.

Editor's note: Leone, a speaker and writer, is one of the principals in Catalyst Group, Inc., a national professional development company in Raleigh, N.C. She mentors and coaches lawyers and paralegals in personal and professional development. Soaring Eagles is the term she applies to paralegals in her speeches and writings. Her Web site is www.catalystgroupinc.com. Career tips can be found by visiting www.lawfirm-coachblog.com.

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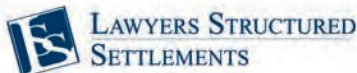
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Paralegal: NALA exam is tough but worth it

By JACQUELINE THURMAN, Special to CPN

Jacqueline Thurman is a North Carolina-certified paralegal with Robinson Elliot Smith in Charlotte. She recently passed the rigorous certification exam offered by the National Association of Legal Assistants. Here, Thurman describes her decision-making process and experience with the test.

I want to share this story in the hopes it may encourage others in the paralegal profession. When I first began working as a paralegal, I heard about [NALA]'s CLA exam. I knew it was a nationally recognized certification that carried significance in every state.

I remember thinking, "Do I really want to take this exam?"

I inquired with other paralegals about their thoughts on the exam. They attested that it is not easy. I heard many horror stories, especially about the judgment and analytical section. Some stated they simply ran out of time to complete the test.

Again, I asked myself, "Do I really

TESTIMONIAL

want to take this exam?"

After thinking of every excuse not to take it, I decided to go for it. I decided to sit for the exam in December 2008, which gave me 10 months to prepare on a consistent basis.

The first thing I needed was a plan. I knew if I went at it haphazardly, I would not stick to it, much less actually succeed in getting prepared.

The next thing I did was decide what four areas of substantive law to be tested on. I chose what I was familiar with: litigation, criminal law, business organization and family law.

I decided to study three nights per week.

Because I heard the judgment and analytical section was so difficult, I decided to enroll in a NALA review course on the subject just to have all my bases covered. Having all the study and practice exams behind me, I felt very optimistic that I would pass the exam.

On a cold Friday in December 2008, there I sat with my pencils and my nerves. I took a deep breath and gave myself a quick pep talk. I made it through the two-day testing, but then the real anxiety started.

After a seemingly interminable six-week wait, the letter from NALA finally appeared in my mailbox. I sat in my den for a few minutes before I decided to open the envelope. When my eyes fell on the word "congratulations," I read no further.

I immediately called my mother and told her I passed and we both were overwhelmed with joy. The next day, as I sat at my desk and added "CP" (certified paralegal) to my name, I felt a tremendous amount of relief, pride and gratitude.

Then I thought of a quote by Helen Keller: "Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence."

So, to my fellow paralegals, I say: "If you have hope and confidence, you can achieve whatever you set your mind to."



Jacqueline Thurman

Paralegal found her niche during high school debate – playing devil's advocate

By CYNDRY ADAMS, Special to CPN

Cyndy Adams is a North Carolina-certified paralegal at the Lewis E. Waddell Jr. Law Office in Newton. She is also a board member for the Catawba Valley Paralegal Association and head of its Web site and publicity committee. Here, Adams describes what prompted her to become a paralegal.

My high school debate coach once said I had "found my niche." She told me my ability to see the black and white of an issue, extract the facts and argue my points with zeal and passion was a gift.

I remember her words and believe that whatever success I may have achieved in the legal profession is ingrained in my desire to flesh out both sides and argue and defend my side with true conviction.

My first (ad)venture in the legal

LIFE STORY

world was trial by fire, but the knowledge I gained in the nearly 10 years at a large firm in Greensboro has served me well.

I worked in accounting long before computers were commonplace, so time-keeping and billing were done manually. Later, the practice acquired an IBM mainframe with individual PCs. Daily data backups were on 5¼-inch floppy disks fed into a large console.

Non-attorneys were "legal secretaries." The term "paralegal" was foreign.

Eventually, I returned to Catawba County, where I worked for 10 years at a small firm practicing family, criminal and corporate law.

At this firm, I gained a wealth of experience as a domestic paralegal. I

learned many valuable lessons taught by an experienced, well-respected attorney, including properly drafting pleadings, preparing discovery requests and acceptable courtroom decorum.

As a paralegal, I can't give legal advice, but am frequently asked to do so. A persistent client once said, "Can you just give me a little hint? That wouldn't be giving advice." Another caller insisted, "I think I know the answer, so I'll say a list of choices and you just cough when I hit the right one."

I joined the N.C. Bar Association's legal assistants division in 1998, its debut year. I served as editor for the *LAD News* from 1999-2000. Now known as the paralegal division, the section has grown and changed, just as the profession itself has matured and flourished.

In 2001, I joined the Lewis E. Waddell Jr. Law Office in Newton, where my focus is family law.

I was certified by the N.C. State Bar in December 2005. That following May, I graduated with honors from Western Piedmont Community College in Morganton, earning an AAS in paralegal technology.

In 2008, I was honored when a teacher, attorney and accomplished author at WPCC included an article I wrote regarding discovery in his civil litigation textbook.

Last year, I also joined the newly formed Catawba Valley Paralegal Association, where I serve as a board member and chair the Web site and publicity committee.

I wish that my debate coach were still with us. I believe she would be proud of me.

Still intrigued and challenged by the law, I remain a devil's advocate. I strive to see all sides of a story, learn the facts and argue my points with passion and conviction.

Haywood R. Starling

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Carolina Paralegal News wants to know what's on your list of community care projects. Are you serving the needs of the poor? Visiting the elderly and infirm? Providing holiday gifts to children and adults who might otherwise not get any? Whatever the service, if it's provided by paralegals or a paralegal association, let us know what it is and how it's making the world a better place. We'll run your responses in a special feature in *Carolina Paralegal News*. And who knows? Maybe your community project will be the inspiration for someone else's.

Keep those organizational skills sharp

By CHRISTINE HUGHES, Dolan Media Newswires

A perusal of current want ads will suggest that “strong computer skills” is a priority when it comes to qualifications for a legal secretary. But organizational skills are still mentioned more than once when employers describe what they are looking for in a prospective applicant.

I found terms such as “must be organized” and “strong execution of organizational skills” at the top of the list in some of the job listings I viewed. Because I wanted to address organizational skills in this article, I was curious if employers were still stressing the need for organizational skills in their job descriptions.

It was interesting to see that computer skills seemed to be something more employers were stressing with terms like “solid computer skills,” “advanced computer skills” and “computer savvy.” And, in fact, in many of the want ads, “organizational skills” were not even mentioned. Perhaps employers today consider that good computer skills entail using the computer for organization as well.

As a litigation secretary or paralegal, organizational skills are imperative. There are several computer tools and programs you can use to aid you. However, there are some things that just fall within the old-fashioned concept of organizing.

A case-management chart is a great way to organize the flow of information coming across your desk. The chart I use is organized as follows:

- The first column is for the “case name and type.” I also add our firm’s

matter number and the names of our attorneys working on the case in this column.

- The second column is for “client contact” information. I include distinct information such as the client’s file number and secretary or assistant information in this column.

- The third column is for “opposing counsel” contact information. The fourth column is for the “court and case number” information. I sometimes include the judge’s name and clerk information in this column.

- The fifth column is for “early case-assessment report” deadlines. Many clients request these assessments within 30 days after receiving their file.

- The sixth column is for “motion for summary judgment deadlines.” These dates are taken from the scheduling orders.

- The seventh column is for “plaintiff settlement demand/responses.” Any settlement offers and the date of the offer are listed in this column.

- And the eighth and last column is for “other deadlines.” In this column I note the date of the original petition, the answer date, Rule 16 Orders, Rule 26(a)(1) deadlines, tender of defense information, scheduling conference dates, discovery response due dates, requests for extension of time and information regarding mediation dates and ADR conferences. I also include all other dates from the scheduling orders and any other miscellaneous notations on change of judges or other matters.

When I prepare the case-management

COMMENTARY

chart, I also include all cases the partner manages. As a supervising attorney, there may be several associates working with the partner on the various cases. Since I work with a defense-oriented attorney, the entries for the cases are then arranged in alphabetical order by plaintiff.

When there is a question about a case, I usually have the information at my fingertips. It is much easier to look at my case-management chart than to log in to the electronic case files filing system and check the docket or to look in the file or search the system for information.

I am copied on all of the partner’s ECF notices from the federal court. When I receive that notice, I print out the e-mail cover sheet and the document being filed. I then save a PDF copy from the ECF site to my hard drive.

If you save a copy at this point you will have a “file-stamped” copy for your file site system. Otherwise, it has been my experience that if I look at the pleading from the docket later, the file-stamp information does not appear on the copy.

Once the PDF copy of the file-stamped copy is on my hard drive, I click and drag it to the “final pleadings” folder for that matter in my Outlook file site. I docket any deadline dates using the Outlook calendar and copy all attorneys working on the case.

This entire process only takes a few minutes. The hard copy can go to file, your electronic copy is filed in file site and the information from the pleading is

recorded on your case-management chart.

Consistency in this practice contributes to an excellent way to organize the flow of information coming across a litigation secretary’s desk.

As you manage this influx of information, you learn more and more about the cases managed by the attorney you assist. Since you will have access to the docketed deadlines and reminders, you can keep abreast of those deadlines and become a backup to ensure that no deadlines are missed.

The attorney may ask you if an answer has been filed in a case, and it will take you only a second to check your chart and respond. He may ask you to send contact information for opposing counsel to a neutral mediator. Again, you have the information right in front of you and can send that information within minutes, if not seconds, after he has requested it.

After a case has settled or is dismissed, keep the information but transfer it to a “closed cases” chart. This way you can keep the current case-management chart as lean as possible.

I have mentioned before that in today’s economic climate, legal secretaries need to become more and more resourceful when it comes to proactively finding ways of increasing their value to their employers. A “strong execution of organization skills” along with “advanced computer skills” are ways of showing your employer that you have a sincere interest in helping the team provide the client with effective and efficient services.

Editor’s note: This article originally appeared in the *Kansas City Daily Record*, which is also owned by Dolan Media Co.

Letter to the Editor

In the most recent issue of Carolina Paralegal News, I was interviewed for the article, “The Battle of the Names.”

Within that article I was quoted as having said, “If you ask any paralegal or legal assistant, I would think most of them would say you would demean them if you called them a legal secretary.”

What I actually said was that I personally do not like the word “secretary” — that I prefer the terms “assistant” or “administrative assistant.”

I would never say that being called a legal secretary is demeaning. Legal secretaries are an integral and valuable part of the practice of law. I began the job I have now as a “legal secretary,” and I know there are many paralegals out there who also started their careers as “legal secretaries.”

If the printing of this statement has caused ill feelings by any support staff, I apologize.

Patti Clapper
Chapel Hill, N.C.

Correction and Clarification

The January 2009 issue of Carolina Paralegal News incorrectly displayed a photo of Patti Clapper on page 5 next to a quotation that should have been attributed to Lee Owens. Also, Clapper should have been quoted as saying there is no difference between the titles of legal assistant and paralegal, but there is a difference between NALA certification and NCCP certification.



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NORTH CAROLINA

Metrolina Paralegal Association

Upcoming events:

- Monthly membership meetings: Second Thursday of each month.
- April 9: Elections for 2009-2010 officers.
- May 14: Installation of 2009-2010 officers.

Asheville Area Paralegal Association

Upcoming events:

- Monthly membership meetings: First Thursday of each month, alternating between 11:30 a.m. lunch meetings and 5:30 p.m. dinner meetings.
- Topics vary from meeting to meeting. They are posted online at www.aapaonline.net. RSVP with menu selection is needed.

Legal Support Staff of Asheville

Upcoming events:

- Monthly meetings will be held on the third Thursday of each month at the law offices of Northup, McConnell & Sizemore, 123 Biltmore Ave., Asheville. No membership necessary to attend. Contact Susan D. Austin at sda@northupmccconnell.com for details.
- May 1-3: Annual meeting and educational seminar will be held in Charlotte at The Blake Hotel.

Catawba Valley Paralegal Association

Upcoming events:

- Monthly meetings are held the second Tuesday of each month at 6 p.m. at various locations. Membership is open to paralegals, legal assistants, legal secretaries, attorneys, students enrolled in paralegal programs of study, paralegal educators, employees of judicial entities and other recognized legal agencies.

For more information, visit <http://www.catawbavalleyparalegalassoc.org>.

Cumberland County Paralegal Association

Upcoming events:

- Monthly membership meetings: Second Thursday of each month at 12:30 p.m. at various locations. Visit www.ccpa.org for details.
- April 18: Seminar at Fayetteville Technical Community College from 8 a.m. to 4:30 p.m. The seminar will take place in the Career and Business Industries building and attendees will be eligible for five hours of general CPE credits and one hour of ethics credit, all of which count toward NALA credits as well. Contact Vice President Laretha Clark for details at lclark@co.cumberland.nc.us for details.

Guilford Paralegal Association

Upcoming events:

- GPA meets on the second Tuesday of every month in either

Greensboro or High Point. Meetings are open to any attorneys, legal support staff and others connected to the legal profession. Visit GPA's Web site at www.guilfordparalegalassociation.org for information on meetings, events and local continuing education opportunities.

- May 2: Third Annual Spring Seminar, Doubletree Hotel, 3030 High Point Blvd., Greensboro. Plans are underway for a full-day event offering six hours of CPE for N.C.-certified paralegals.

Raleigh-Wake Paralegal Association

Upcoming events:

- RWPA meets the second Wednesday of the month at the Holiday Inn off Glenwood Avenue in Raleigh from 12:30 to 1:30 p.m. Featured at each luncheon are guest speakers from a variety of practice areas and local businesses. Contact Crissie Curtis at ccurtis@youngmoorelaw.com for membership information.

North Carolina Bar Association Paralegal Division

Upcoming events:

- April 4: North Carolina Certified Paralegal Review Course at the Bar Center in Cary. Registration begins at 8:30 a.m. The full-day event will enable attendees to earn six CLE credits.
- The NCBA Paralegal Division recently launched a series of continu-

ing paralegal education programs for 2009. View <http://legalassistantsdivision.ncbar.org> for information.

North Carolina Paralegal Association, Inc.

Notes:

- Members Roxanne M. Church and Jacqueline M. Thurman recently became certified paralegals by the National Association of Legal Assistants.
- Any paralegal association that is interested in becoming an affiliate of NCPA may contact affiliates director Teresa Stacey at tas@vernonlaw.com.
- NCPA is now on Facebook and MySpace. Contact Beverly King at bev@tissuelaw.com if you have trouble locating NCPA on Facebook. For MySpace questions, e-mail Erin Galloway at eburris@earthlink.net.

Research Triangle Paralegal Association

Upcoming events:

- Research Triangle Paralegal Association meetings occur the third Wednesday of June, August and October. A holiday meeting will occur in December.
- RTPA regularly supports Interact of Wake County and challenges you and your firms or companies to get involved. Visit www.interactofwake.org. Please see our Web site at www.rtpanc.org for additional information about upcoming meetings and events.

SOUTH CAROLINA

S.C. Upstate Paralegal Association

Upcoming events:

- Educational luncheon meetings are held on the second Thursday of the month at 12:30 p.m. at the Poinsett Club, 807 E. Washington St., Greenville.
- SCUPA recently inducted its new officers for 2009. They are: Lee Owens, president; Sean Thacker, first vice president; Melissia Ford, second vice president; Diana Petrice, secretary; Barbara Galerno, treasurer; Marianna Jackson, NALA liaison; and Liz Scharf, second vice president-publications.
- SCUPA members recently participated in the Greenville Legal Leaders

fundraiser, which raised money to benefit the Western Carolinas Muscular Dystrophy Association. The association's goal was to raise \$800, which would send one child with muscular dystrophy to the MDA Summer Camp in York.

Through raffles and office competitions, SCUPA ultimately raised \$1,146 for the charity. With a \$250 collection, President Lee Owens raised the most money individually. In addition, documentation company Legal Eagle donated a \$655 dollar basket to be raffled during the fundraising effort.

Legal Staff Professionals of Greenville

Upcoming events:

- LSPG's regular membership meetings are on the third Wednesday of every month from 12:30 to 1:30 p.m. at the Poinsett Club. The meetings offer educational speakers and

one half-hour of CLE credit. For reservations, contact Myra Culbertson at 864-239-5959 or at mculbertson@wcsr.com or Laura Harling at 864-232-8722 or at laurabharling@yahoo.com.

- For membership inquiries, contact Laura Harling at 864-232-8722 or laurabharling@yahoo.com. Please visit our Web site, www.lspg.org, for updates and additional information.

Legal Staff Professionals of South Carolina

Upcoming events:

- April 24-26: 44th Annual Meeting and Education Conference, Holiday Inn Hotel & Suites, Two Notch Road at I-77, Columbia. The registration deadline is April 3. There is a \$10 fee for late registration.
- July 31-Aug. 2: Region 4 Annual Conference and LSPSC summer

membership meeting, Mulberry Inn, Savannah, Ga.

Notes:

- For LSPSC information, please contact Tara Jean Prevatte at 864-271-7940 or visit our Web site at www.lspsc.org.

Charleston Association of Legal Assistants

Upcoming events:

- Membership meetings are held the third Wednesday of each month. The April meeting will take place at Southend Brewery in Charleston.
- The association recently implemented a scholarship program for students at Trident Technical Community College and Miller-Motte Technical College. The deadline for applications is May 31. For more information, visit www.charlestonlegalassistants.org.

NATIONAL

National Association of Legal Assistants

Upcoming events:

- July 8-11: 34th Annual Convention, San Diego Convention Center & Visitors Bureau, San Diego.

Visit <http://www.nala.org/events.htm> for more information.

National Federation of Paralegal Associations, Inc.

Upcoming events:

- A calendar of upcoming events and Webcasts can be found at <http://www.paralegals.org/calendar.cfm>.
- The PACE Standards

Commission has approved a one-time amnesty period for any former RP who has not renewed his or her credential. Until the end of April 2009, expired RPs can submit a renewal application without having to petition the commission for a waiver. Visit NFPA's Web site for more information. With specific questions, contact Anne Price at vpdp@paralegals.org.

SEND US YOUR NEWS:

Carolina Paralegal News is happy to publish announcements of upcoming events, association anniversaries or meetings scheduled for your paralegal organization. Please e-mail your news to diana.smith@nc.lawyer-weekly.com by April 27 for the next issue.

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Time Served: Legal secretary pens tell-all 'novel'

From STAFF REPORTS, Dolan Media Newswires

Sandra Lee's 20-plus years working at large Boston law firms ended abruptly in 2005 when she collapsed as a result of chronic fatigue syndrome. Afterward, she started a journal as a way of processing her time as a legal secretary and paralegal.

"It was basically a tool for venting and understanding things," she says.

That diary turned into an 88-page novel called *Time Served*, which was published in January by Publish America. Although the book is fictional, Lee says she either experienced or witnessed everything she wrote about. Mostly, she says, the book is an expose of law firm culture.

"It's not healthy in so many ways," she says of that culture. "It's very tightly controlled ... It felt a little like indentured servitude."

Although Lee, 43, will not name the five firms at which she worked, she says they are among the top 10 largest general practice firms in the city.

She describes an environment in all the firms as one in which legal support staffers are overworked, under-appreciated and generally mistreated. Lee lays

the blame squarely on what she describes as poorly trained managers.

"It's not intended to be a law-firm basher," she says of her book. "It's basically to heighten the awareness about the mismanagement of law firms."

The other purpose of *Time Served*, she adds, is to "inspire workers nationwide who feel they are in unhealthy working environments to get out before it is too late, before it takes a toll on your health."

In tandem with her new book, Lee also has a new action figure.

The idea was hatched after Lee called Herobuilders.com in Oxford, Conn., to order a Sarah Palin doll modeled after the Republican vice presidential nominee.

She ended up talking about her new book with the owner of Herobuilders, who liked the idea of a secretary action figure, along the lines of "Joe the Plumber," and fashioned one using Lee's photo. She also recorded lines for the doll including the following zingers: "Get your own coffee; I'm not a waitress" and "My hours are 9 to 5."

"I just think it's something fun for secretaries or administrative assistants to have," Lee says.



11th Circuit says paralegal can't get attorney fees in overtime suit

By LAWYERS USA STAFF, Dolan Media Newswires

A paralegal isn't entitled to attorney fees in a lawsuit for unpaid overtime because she didn't provide pre-suit notice of her claim to her former employer, the 11th Circuit has ruled.

The plaintiff worked for the defendant as a paralegal. She left the firm and sued for unpaid overtime under the Fair Labor Standards Act.

Without admitting liability, the defendant agreed to settle the overtime suit for \$3,500 plus any attorney fees and costs ordered by the district court.

The district court refused to award attorney fees on the ground that the plaintiff afforded no notice of her claim before filing suit.

The 11th Circuit decided that denial

of fees was well within the district court's discretion, explaining that the "plaintiff's lawyer slavishly followed his client's instructions and — without a word to defendants in advance — just sued his fellow lawyers. As the district court saw it, this conscious disregard for lawyer-to-lawyer collegiality and civility caused (among other things) the judiciary to waste significant time and resources on unnecessary litigation and stood in stark contrast to the behavior expected of an officer of the court. The district court refused to reward — and thereby to encourage — uncivil conduct by awarding plaintiff attorney fees or costs."

The March 3 case is *Sahyers v. Prugh, Holliday & Karatinos*, No. 08-10848.

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