Embracing E-discovery

Paralegals will have to get ‘nerdy’ to stay competitive

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LAWYERS INSURANCE: INSURANCE FOR YOUR OFFICE, HOME AND LIFE.
Virtual paralegals becoming more common as profession grows

By KIMBERLY M. JOHNSON, Special to CPN

Despite the economic downturn, the legal services field is one the fastest growing employment areas, according to the U.S. Bureau of Labor Statistics. And it's still blossoming. The bureau predicts that employment of paralegals and legal assistants is expected to grow by 28 percent between 2008 and 2018, much faster than the average for all other occupations.

But a decline in a firm or company's business cycle may have employers looking for cost-cutting measures while searching for avenues to increase efficiency. Experts say that one approach is to tap into the virtual paralegal work force.

A virtual paralegal performs the traditional duties and has the same responsibilities of an office paralegal except that he or she is an independent contractor and works from a remote location such as a home office.

Generally, the paralegal also has had years of experience working in a law firm or corporate environment. However, he or she does not have to specialize in a particular area.

Oklahoma paralegal Cathy Ribble said that the virtual paralegal adheres to the American Bar Association definition of a legal assistant or paralegal and has the "the skills and expertise to perform this work in a virtual setting."

They also operate as small business owners, said Michigan-based paralegal Vicki Vosin.

"You are literally in business for yourself and must treat this like a business," she explained. "You have to take care of all the issues of running a business — marketing, attracting clients, billing — and still get your work done."

"You no longer have the benefits package you had as a traditional paralegal...you must cover things like health and life insurance yourself," Vosin said.

Law firm perks

According to some paralegals, hiring a virtual paralegal is a positive way to do business.

"I'm a firm believer that virtual paralegals, virtual legal assistants and virtual assistants are the future of office administration," said virtual assistant Tina Marie Ofson, who operates the Clerical Advantage Virtual Assistance Services.

"One reason [is] that more and more attorneys are going solo and preferring to work from a home office themselves. A virtual paralegal gives them the ability to have the experienced help they need without needing to offer office space, supplies, computers or the taxes and benefits an employee would require."

The virtual expert is a more contemporary model for staffing needs, according to Laurie Mapp, who owns and operates Canada-based Halo Secretarial Services.

"Solo lawyers may find them to be a preferred choice compared to having full-time staff or to doing too much administrative and general work themselves," she said. "Firms large and small may find that virtual paralegals and legal assistants can be a wonderful addition to having full-time staff."

Based in Edmonton, Mapp added that virtual paralegals provide a greater stability and experience level than an employer would find in temporary employees. That reliability is essential when virtual paralegals enter a remote working relationship with an attorney.

"As technology has advanced and we have more ways to connect and perform our work, our titles are evolving again," says freelance virtual paralegal Kris Canady of Sequim, Wash. "We are working in new ways that enhance our virtual ability and reach."

Public and professional awareness of alternative staffing models has also helped the virtual paralegal field grow in popularity.

"Because people are largely connected through multimedia, the World Wide Web and social networking, the visibility of virtual paralegals (and attorneys) has increased immensely. Similarly, as technology has become increasingly available to both businesses and individuals, this group of professionals has expanded as has interest in utilizing their services," said Canady.

Bottom line benefits

With the recession affecting pay scales, many law offices and in-house legal departments of corporations are looking for ways to streamline compensation to workers.

Mapp said that virtual paralegals play an important role in meeting that need. "Many law firms are working to reduce their bottom line and a virtual paralegal is an easy and effective way to do this. If there is no work, then there is no bill from the virtual paralegal, and if the firm is busy they can easily scale up the number of hours the virtual paralegal is providing assistance," she explained.

The other plus for legal employers is that virtual paralegals bill only when they are working. That eliminates the costs associated with having a full-time employee.

This is particularly important to the solo attorney, who needs to pay special attention to cost, Ribble said.

"Contracting with a virtual paralegal allows many tasks to be performed at a lower cost than the solo attorney's normal billing rate," she explained.

Combat isolation with networking

Although virtual paralegals enjoy the benefits of job flexibility and varied tasks, limiting their day-to-day routine to remote communication with employers presents its own set of personal challenges.

Isolation and disconnect are two issues a virtual paralegal encounters, according to Canady, who provides litigation and administrative support to attorneys.

"You do not have the luxury of asking an attorney for an opinion or discussing bottom line benefits...you must cover things like health and life insurance yourself," Vosin said.

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"You do not have the luxury of asking an attorney for an opinion or discussing
The goal of teaching self-mastery is to provide an understanding of our reactions and the tools we need to better control our lives. These principles apply to business settings as much as to your personal lives.

The principles of self-mastery can be placed in four categories, or paradigms, to better simplify our understanding — fear, duty, achievement and integrity. We respond with all four of these paradigms many times during the day.

The goal of self-mastery is to move through the paradigms as fast as you can to arrive at integrity. You can see yourself doing this, the people around you doing this and your business doing this.

Understanding these concepts not only helps you live a more joyful life, but it also will help you become a better leader because you are able to see and help people relate to every day.

This article is about fear.

Fear is an emotional response to a perceived threat and almost always relates to future events, such as worsening of a situation or continuation that is presently happening.

As you are walking your path, you come upon a ravine with a rickety rope bridge across it. You interpret this event based on your beliefs. Based on that interpretation, you develop an emotion.

Based on that emotion, you respond. Your initial response might be fear (i.e., “I can’t get across,” “Someone is out to stop me,” “I will fall,” etc.). If you can recognize yourself or a co-worker responding to the event, you can better understand how to help move beyond fear.

Understand that you will react based on your beliefs, values and feeling of self-worth. The better you define yourself, the better you will understand your reaction and the better your potential for moving out of fear.

There is one more critical concept that is part of self-mastery and needs to be accepted at some level. You are responsible for everything that happens to you. This logic does not always go down well, as it suggests that you are responsible for getting cancer or for a car hitting you. We can discuss this for hours, but we only have a few words left, so let’s cut to the chase.

In self-mastery, you are responsible for your response or reaction to an event, not the event itself. The reason this concept is so critical is because if you are not responsible, you cannot change it.

If you find someone in fear mode and they say something is not their fault, they are not taking any action to move out of that paradigm. They are stuck.

Likewise, if you can recognize that you are in fear mode and have the ability to take ownership of your response, you are ready to move on and the battle is almost won. However, without those critical few steps, no amount of tools or training will help.

This theory has been around for hundreds of years and is well-proven. It is the implementation that is so difficult.

We have spent years trying to define ourselves and many times, outside events threaten to beat us down. Levels of depression, stress and frustration are evident all around us. They key is to understand who you are, not just the theory of self-mastery.

Remember the old adage: “The only thing you have to fear is fear itself”

By CHERYL J. LEONE and DAVID W. FAVOR Special to CPN

Want success? Take ownership of your fears

Betty Parks has spent 29 years working as a paralegal with Laurich & Wiseman in Hilton Head, S.C. She is a member of the Hilton Head Legal Staff Professionals, Legal Staff Professionals of South Carolina and NALS. She also is an affiliate member of the Mortgage Lenders Association.

CPN: How long have you been a paralegal? Parks: Thirty-six years.

CPN: What did you do prior to your career? Parks: I really was just looking for a job and applied for an assistant position with a local attorney. When I walked in, my high school business teacher was working there and I got the job with no problem. I have enjoyed this career for many years.

CPN: What paralegal organizations — national, state or local — are you member of and what positions do you hold in them? Parks: I belong to the Hilton Head Legal Staff Professionals and I now hold the title of treasurer and functional director of education. This membership also includes a membership with LSNSP and NALS.

CPN: When you talk with other paralegals, what are the main concerns or issues they face on a daily basis? Parks: As I work in real estate, the new rules and regulations have made it even harder for us to handle our jobs as quickly as we normally would. That means a lot of frustration from clients and lenders about getting loans processed seems to land on our shoulders.

CPN: If you could name one thing that would most benefit the paralegal profession, what would it be? Parks: Recognition for the work and knowledge we have and bring to the job.

CPN: If you could snap your fingers and create the perfect CLE, what would it be and why? Parks: A lively discussion of problems paralegals have with attorneys.

CPN: Should registration or certification through the S.C. Bar be approved? Parks: I feel it would benefit the paralegals and encourage more certification.

CPN: When were you a kid, what did you want to be when you grew up? Parks: A nurse or working with animals.

CPN: What do you wish you knew when you were getting started in the profession that you know now? Parks: To take more classes and get certification as quickly as possible.

CPN: What is the best thing about your job? Parks: I love my job. The people I work with help me in my stressful days and having clients and lenders that you enjoy working with makes the day go by quicker.

CPN: And what part of your job could you do without? Parks: Stress and time restraints. Also, some clients aren’t very pleasant and you still have to be polite.

CPN: What is one thing, either personally or professionally, are you most proud of? Parks: My paralegal certificate, which I received by going to night school, and working for the same attorney for over 28 years. I am also very proud of raising a son that served in Afghanistan and Iraq and now has joined the National Guard.

CPN: Where would you find you on the weekends? Parks: Reading, working on jigsaw puzzles and church on Sunday.
Thirty years ago, I was a high school senior who was planning to attend Meredith College in Raleigh, N.C. I didn’t know what career I wanted to pursue until a guidance counselor showed me an article about the paralegal profession. The article made the profession sound interesting, and the suggested course load fit with my interests — English, history, political science and other pre-law courses. I decided that this would be my career.

I entered Meredith in August 1980. In one of my first classes, Emily Johnson walked in and introduced herself as the director of a new post-graduate certificate program offered by the college called the legal assistants program (which became the paralegal program some years later). Not only would I be able to attend Meredith for my undergraduate studies, but now the certificate course I would need to prepare for my career would be available locally and not just in Atlanta or Philadelphia, which would otherwise have been my two closest options.

Looking back

The first networking experience that landed me a job occurred while I was a student in the legal assistants program. Clark Brewer, a real estate instructor, walked down to the litigation class during break and announced that his law firm, Young Moore Henderson & Alvis, planned to hire three litigation paralegals and he encouraged us to send in our resumes. I interviewed and started work the week after graduation.

My first job was everything I expected it to be. The law firm was well-respected, the lawyers I worked with were smart (maybe even brilliant) and the work was challenging. Everything I learned in the classroom I was able to do on the job — interview clients, draft legal documents and participate in trials. My skill level grew as the lawyers I worked with entrusted me with more challenging assignments. I worked for this law firm for 10 years.

During those first years of my career, I had many professional successes coupled with several public failures. I learned that the successes are great and make you feel good, but the failures are necessary to build character, to learn how to solve problems and to help you determine who your friends are.

During this time, I was also busy developing my professional profile. I became active in paralegal associations, started teaching at Meredith and began writing and speaking about ethics, law office management and any issues relating to the paralegal profession. I wasn’t interested in just receiving — I wanted to serve. The Meredith program had given much to me that teaching and spending time on campus with students seemed a small price to pay in return.

The people I met through the paralegal associations became my mentors and my friends. As a result of being mentored, I wanted to experience the gift of mentoring others, so I jumped into professional association work. I learned leadership skills, teamwork and how individual desires must sometimes be sacrificed for the good of the organization. I also met people who became lifelong friends as well as professional colleagues who helped my career down the road.

Advice to new paralegals

• Remember that the learning has just begun. For many of you, this isn’t your first career, so you understand that completion of school is a beginning, not an end. Be open to a lifetime of learning. Don’t wait for your lawyer to tell you how to do something — try it yourself. Read the rules, search the form files or brief banks. Take continuing education classes and get certified. Attend seminars in practice areas outside of your own.

• Be original. My career has been varied and successful because I never followed anyone’s path but my own. I was always looking for a challenge outside of the ones provided and I never wanted to be asked to do anything. Some people might sit back and wait for a nominating committee to ask them to serve as president. Not me. If I wanted to be president of an association, I just put myself in the running. I didn’t always win every election, but the few I didn’t win, I usually ended up with a fine consolation prize — exposure to more people and someone in a leadership position who usually asked for my advice and input and contributions in other ways.

• Be bold. Seek jobs where jobs might not exist yet. I’ve had three jobs created with me in mind — where I was able to write my own job description and to use my gifts and abilities. I didn’t know one lawyer before I went to college and obtained my first job in a law firm. I didn’t know any paralegals, but I introduced myself to every paralegal at every meeting or seminar that I attended.

• Set priorities for yourself. I heard a lawyer friend give a speech to a Meredith alumnae group and she said, “You can have it all, just not all at one time.” I believe this is true. The law is a demanding field. We work for Type A personalities who are high achievers and have excelled at everything they have ever done in their lives. Many of us have some of those same traits. Every lawyer I have ever worked with has told me that the bar is perfection — nothing less. And they aren’t kidding.

• Be indispensable. Early in their careers, many people make the mistake of putting all their eggs in one basket. You think you work for one lawyer or one team of lawyers rather than all the lawyers in the firm. The problem with this way of thinking is that lawyers change jobs or change practice areas and you are often left behind. By making yourself indispensable to the law firm, you lessen the chance of this happening. Learn how to do tasks that no one else wants to do. When you don’t have enough work to keep you busy, signal and ask for work — even if it’s in a new area.

• Follow legal trends. In order to make sure our careers are relevant, we need to be aware of what is going on around us. Following trends like globalization, advances in technology and new practice areas will be important. This doesn’t mean that all of you will be working for an international law firm. Many of you will be engaged by one of the thousands of sole practitioners or smaller law offices that populate our states and have jobs that are fulfilling. However, what these trends mean is that if you want a global job, the opportunity is available.

Remember, you have a responsibility to work hard, to be a valued employee and to give back.

Editor’s note: This is excerpted from a graduation speech that Camille Stell delivered to graduates of Meredith College’s paralegal program on May 10 in Raleigh, N.C. Stell is director of client services for Lawyers Mutual Liability Insurance Company of North Carolina and a frequent speaker and author on law office management issues.
**Embracing E-discovery**

By SYLVIA ADCOCK, Special to CPN

“Plaintiff requests that Defendant produce the documents requested to Plaintiff’s counsel of record within thirty (30) days of service.”

That’s been the standard form sent out at the beginning of most civil actions for decades. But one word — document — has taken on a vastly different meaning in recent years. While the word once conjured up images of stacks of paper, memos, reports and letters, it has now broadened to include almost any kind of information that can be stored electronically.

“Something new is popping up all the time,” said Gary Melhuish, manager of litigation support services at Ballard Spahr, a large firm based in Philadelphia.

Just a few weeks ago, Melhuish said, he came across a case involving information that was stored in a copy machine that scans in materials.

“I’d never seen that before,” he said. Increasingly, paralegals — not only those involved in litigation but other specialties as well — are having to stay on their toes to keep up. And although some smaller firms have not had to deal with electronic discovery, or e-discovery, that’s changing fast.

“It’s coming to a small law firm near you,” said Lynne DeVenny, a litigation paralegal with Elliot Pishko Morgan in Winston-Salem, N.C.

“You need to know what e-discovery is. You don’t want to be in a situation where suddenly half the information requested from the other side is coming from cell phones and hard drives, and you don’t know how to deal with it,” she said.

Separating the wheat from the chaff takes time and know-how. Firms will often use specialized data-recovery experts.

In the Carolinas, Legalis, a well-known document management firm, employs “scary smart” graduates of N.C. State University’s computer science program who know how to retrieve electronically stored information while making sure it’s not tainted in any way, said Craig McGannon, the company’s CEO.

Spatiation — the tainting of evidence so that it is rendered useless in court — can become an issue when e-discovery is not handled properly.

For example, if a client is being sued by a former worker claiming unjust firing and says the worker was looking at porn on his office computer, that evidence must be handled carefully.

Turning the computer on after the employee left could taint the evidence. Making sure it’s not tainted in any way, that’s the goal, said McGannon. Paralegals need to know how to handle e-discovery.

Electronically stored information, or ESI, that is “reasonably inaccessible” may have an edge on other information. But the rules also say that certain documents, which could become important to the case, can’t be destroyed.

One obvious and well-documented reason is that people tend to be less discreet in e-mails than in paper documents. (Think Goldman Sachs executive Fabrice Tourre’s e-mail missive that he dumped worthless mortgage securities on “widows and orphans that I ran into at the airport.”)

“The days of ‘I won’t ask for yours if you don’t ask for mine’ are gone,” said Melhuish.

Still, courts are not likely to allow fishing expeditions. In 2007, the federal Rules of Civil Procedure were changed to reflect e-discovery, for the first time making it official that the word “document” includes electronically stored information. But the rules also say that a responding party need not produce ESI that is “reasonably inaccessible.”

Despite the changes, many smaller local firms are behind the times, McGannon said. Paralegals need to make sure their attorneys are aware of how to handle e-discovery.

“They didn’t learn it in law school,” said Chere Estrin, a legal educator who chairs the board of the Organization of Legal Professionals, a nonprofit professional organization.

“If your attorney is over 40, it didn’t exist,” she said.

This summer, the California-based OLP is offering an online interactive course in e-discovery followed by a certification test. “We want to create a formal course … that would show your employer that you’ve gone the extra mile and you know more about this,” Estrin said.

DeVenny, who writes the blog www.practicalparalegalism.com, said paralegals who know how to deal with e-discovery may have an edge on other job candidates.

“If you’re using an outside document management company, do your homework as you would in any vendor situation. Ask around and see who’s well-versed.”

“I could see that as you know the language of law. If you can do that, you can be an effective translator between your attorney and computer specialists.”

Here are some tips for effective e-discovery:

- Know where the data is, whether it’s for your firm’s client or your corporation. Communicate with IT specialists so you’ll know how to narrow down searches.
- If you’re using an outside document management company, do your homework as you would in any vendor situation. Ask around and see who’s well-versed.
- If you or the client is under a litigation hold, make sure memos go to the correct custodians of information so that they know they can’t delete memos.
- Learn the language of technology just as you know the language of law. If you can do that, you can be an effective translator between your attorney and computer specialists.

**With firms laying people off left and right, you can make yourself quite marketable. From a technology standpoint, paralegals are going have to get a little nerdy.**

**Lynne DeVenny, litigation paralegal with Elliot Pishko Morgan**

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Not a lot of ‘Perry Mason moments’ in the law, paralegal says

A North Carolina native, Martha Blackman-Hughes works in the creators’ rights, construction and leasing practice group at Smith Debnam Narram<br>Saints & Myers in Raleigh, N.C. She also has legal experience in medical malpractice, personal injury, legal research and real property.

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

Blackman-Hughes: I am a member of the N.C. Paralegal Association, the paralegal division of the N.C. Bar Association, and the National Association of Legal Assistants.

CPN: When you talk with other paralegals, what are the main concerns or issues they face on a daily basis?

Blackman-Hughes: The first things that they have to do and mind are the same general concerns that most working women have, such as finding time to get it all done, be it at home and at work, and wondering whether there is a better way to balance competing responsibilities. I think that we all struggle a bit with finding the proper balance and keeping a healthy perspective on our personal and professional lives.

CPN: If you could name one thing that would most benefit the paralegal profession, what would it be?

Blackman-Hughes: Some clear, objective measure of ability, whether it is an educational requirement or one established by standardized testing, or a combination of the two. I was very pleased when North Carolina instituted its certification program for paralegals. I believe that quality professional certification is a wonderful opportunity not only to improve and enhance one’s skill set, but also to demonstrate to one’s current or potential employers a commitment to professional excellence and to produce demonstrative evidence of that commitment, beyond the day-to-day work product.

CPN: If you could snap your fingers and create the perfect CLE, what would it be and why?

Blackman-Hughes: Anything that included concrete, real-world instruction on how to get the job done. Theory and philosophy certainly have their place in a paralegal’s education, as I don’t believe it is possible to approach work thoughtfully and intelligently without knowing why something should be done. However, it is no less important to understand how something should be done. I have been frustrated more than once when attending a CLE that gave me little more than a fly-by-overview of a topic. I need to know, for example, what type of document to file, what information needs to be in the document, when to file it, how to fix a filing error and a heads-up on the peculiarities of local rules in certain counties or districts where the document may be filed.

CPN: When you were a kid, what did you want to be when you grew up?

Blackman-Hughes: A veterinarian. My dad was, and is, a modern day Doctor Dolittle, so we had all kinds of animals around while I was growing up. I still have that love of animals today, but thought better of making a career of it.

Blackman-Hughes: I was first employed as a paralegal in 2000, and it has been in my current position for about 19 months.

CPN: What drew you into the career?

Blackman-Hughes: I like that the law is a highly intellectual pursuit. It takes work and continuous study to be good at it. It is at once complex, rigid and structured, but at the same time, flexible and fluid enough to be open to that “good faith argument” for the modification of existing law. It is a very appealing paradox.

Blackman-Hughes: I was first employed as a paralegal in 2000, and it has been in my current position for about 19 months.

CPN: How long have you been a paralegal?

Blackman-Hughes: I am a member of the N.C. Paralegal Association, the paralegal division of the N.C. Bar Association, and the National Association of Legal Assistants.

Blackman-Hughes: A veterinarian. My dad was, and is, a modern day Doctor Dolittle, so we had all kinds of animals around while I was growing up. I still have that love of animals today, but thought better of making a career of it.

Blackman-Hughes: I had two tracks that I led to the law, which I followed, and the other to psychology. I was most interested in the field of social psychology and research. That ties into many areas of the law, too, as we often ask ourselves why people do the things they do and how they can be motivated to modify that behavior. I took the path of helping to enforce consequences for particular behaviors rather than studying the behaviors themselves.

Blackman-Hughes: I had two tracks that I led to the law, which I followed, and the other to psychology. I was most interested in the field of social psychology and research. That ties into many areas of the law, too, as we often ask ourselves why people do the things they do and how they can be motivated to modify that behavior. I took the path of helping to enforce consequences for particular behaviors rather than studying the behaviors themselves.

Blackman-Hughes: Some clear, objective measure of ability, whether it is an educational requirement or one established by standardized testing, or a combination of the two. I was very pleased when North Carolina instituted its certification program for paralegals. I believe that quality professional certification is a wonderful opportunity not only to improve and enhance one’s skill set, but also to demonstrate to one’s current or potential employers a commitment to professional excellence and to produce demonstrative evidence of that commitment, beyond the day-to-day work product.

Blackman-Hughes: I was first employed as a paralegal in 2000, and it has been in my current position for about 19 months.

CPN: What one thing, either personally or professionally, are you most proud of?

Blackman-Hughes: I take a great deal of satisfaction in educational achievements. I do love to learn and to study. No one can ever take away from you what you put inside your own head. I am proud to be a graduate of UNC-Chapel Hill, to have earned a paralegal certificate from Duke University, to have passed the N.C. paralegal certification exam, and, most recently, to have earned my national paralegal certification from NALA.

CPN: What is the best thing about your job?

Blackman-Hughes: Being in the profession that you know now?

Blackman-Hughes: That the law generally moves with all deliberate speed, which means slowly, and that one is unlikely ever to see a “Perry Mason moment” when a defendant spontaneously breaks down and confesses it all. Justice comes carefully and deliberately instead, and a good paralegal has to learn to respect the process and to critically examine what she sees and hears at every step along the way.

Blackman-Hughes: When you were a kid, what did you want to be when you grew up?

Blackman-Hughes: I have been frustrated so often with work ethic and who feel a great sense of responsibility for turning out quality work and achieving favorable outcomes for our clients. I love being part of the winning team at Smith Debnam.

Blackman-Hughes: Getting past Western Boulevard on I-440 on the commute to and from work! Once I get to the building, I’m good. In terms of work, I don’t feel that I am asked to do anything for which I can’t see the purpose and, for the most part, only purposeless tasks annoy me.

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A paralegal with Haysworth Sinkler Boyd in Columbia, S.C., Wynne Potash received her bachelor’s degree in French from the University of South Carolina in 1983. She went on to earn a paralegal certificate in December 1991 from the National Center for Paralegal Training in Atlanta.

Before becoming a paralegal, Potash worked in the banking industry in the area of employee benefits, primarily administering retirement plans. She currently serves as treasurer of the Palmetto Paralegal Association.

CPN: How long have you been a paralegal?
Potash: I have been working as a paralegal since June 1, 1992.

CPN: What drew you into the career of paralegal?
Potash: My dad and brother are both lawyers, and my youngest sister received her paralegal certificate a few years before I did, so certainly familiarity and interest drew me into the career of becoming a paralegal.

CPN: What paralegal organizations national, state or local — are you member of and what positions do you hold in them?
Potash: Through my membership in the Palmetto Paralegal Association in Columbia, S.C., I am a member of the National Federation of Paralegal Associations and the S.C. Alliance of Paralegal Associations, formerly known as the S.C. Alliance of Legal Assistant Associations (SCALAA). I am the current treasurer of PPA, and served in that same position in 2009. I have held various positions in PPA throughout my years as a paralegal including treasurer and first vice president/education committee chair. I was spokesperson of SCALAA in 2001.

CPN: When you talk with other paralegals, what are the main concerns or issues they face on a daily basis?
Potash: Timekeeping, billing and collection goals, keeping pace with technology and communication and confirmation of practices and procedures when working with different attorneys.

CPN: If you could name one thing that would most benefit the paralegal profession, what would it be?
Potash: Being recognized as a professional.

CPN: If you could snap your fingers and create the perfect CLE, what would it be and why?
Potash: Since we know perfection rarely exists, I will go out on a limb and say that a perfect CLE would be one that showcases success in balancing family, children, work and living with joy!

CPN: Should registration or certification through the S.C. Bar be approved?
Potash: When I was spokesperson of SCALAA in 2001, SCALAA focused on opposition of the paralegal profession in South Carolina. As a delegate in 2002 and 2003, I assisted in the drafting and editing of a proposal that SCALAA presented to the S.C. Bar on the establishment of a paralegal/legal assistant division within the Bar. As we know, this was unfortunately rejected. I am optimistic that an opportunity will arise in the near future to once again pursue the registration/certification process, and hopefully, with success.

CPN: When you were a kid, what did you want to be when you grew up?
Potash: A teacher.

CPN: Knowing what you know now, if you weren’t a paralegal, what else would you want to do?
Potash: Not that I profess any expertise in the areas, but I am interested in writing and also nutrition.

CPN: What do you wish you knew when you were getting started in the profession that you know now?
Potash: Never to assume and to always confirm.

CPN: What is the best thing about your job?
Potash: Without a doubt, the people I work for and with. The amount of hours we spend on the job often exceeds the hours we spend at home with our families, so it is a blessing to be part of a wonderful team of attorneys and co-workers.

CPN: And what part of your job could you do without?
Potash: Being a non-exempt employee and having to keep track of hours worked as well as billable hours.

CPN: What one thing, either personally or professionally, are you most proud of?
Potash: I am honored that I have had the opportunity to serve on the executive board of the Palmetto Paralegal Association. Learning to interact and negotiate with many different personalities certainly has been a life lesson for me. I tend to be shy, so this service has helped break the shyness shell and build self-confidence and self-esteem.

CPN: Where would we find you on the weekends?
Potash: At home with my family, enjoying friends and my children’s friends, working on a house or school project and at church.

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**You Are The Link!**

Listen up, paralegals: it’s good for your clients

By ANNETTE CHURCH, Special to CPN

People we know — and others we do not — all seek us out to listen at some point in our lives.

But effective listening rarely comes naturally. Our environments are saturated with countless forms of technology beckoning us. It is made more difficult in today’s world of continuous sounds and rapidly-changing noise-makers.

Skill and effort must be invested to be a successful listener. It takes learning, practice and a most precious commodity: time.

We can all certainly recall someone who is blessed with the gift of being a good listener. Therefore, we also know that on many levels, the investment put forth to be a good listener is well worth our time.

Successful listening calls for you to temporarily suspend the whirlwind of ideas inside your brain. Setting self aside for the benefit of another person is the first step.

Here are some tips:

- Pay attention and have eye contact with the speaker if you are face-to-face with them. Resist any distractions, of which there may be many, and concentrate on what is being said to you.
- Do not interrupt. The best listeners allow the person speaking to complete what they have to say because interruptions likely will break the speaker’s flow of thoughts.
- Avoid jumping in with your own opinion when the person speaking pauses. There will be time to ask any questions you may have after the individual finishes talking. However, you certainly do not want to be totally silent during the conversation.
- One way to acknowledge what has been said to you is to repeat a phrase, particularly if you want clarification. Making brief statements at appropriate intervals will assure the speaker you are listening.

Church

Also key to being a considerate listener is recognizing the barriers which can cause interference. Consider these potential barriers to being a thoughtful listener:

- Preferring to talk rather than listen;
- Feeling the need to provide help and interrupting to offer it;
- Being preoccupied with our own personal thoughts or issues with depression, anger and biases;
- Being distracted by noises such as televisions and cell phones.

Professionally, careful listening is one of the most valuable tools paralegals can have. Keeping your ears open to the client is essential. Of course, it is more difficult on those days when the telephone seems to ring without ceasing. Each client has a need and believes their need is the most pressing — because to them, it is.

Make sure to pause between telephone calls, take a breath and listen with care. Pay attention to details and take notes. Listening with greater effectiveness will lead to fewer mistakes, and each area of your life will benefit as you tweak your listening skills.

Editor’s note: Annette G. Church is an S.C. State Bar-certified paralegal with Ted A. Greve and Associates of Charlotte.
Paralegal Annette Rorie graduated from the University of North Carolina in Charlotte in 1997 with a bachelor’s degree in political science. She went on to work for the law firm of Knox, Breherton, Knox and Godfrey from 1998-2007, where she handled plaintiffs’ work in personal injury and medical malpractice cases. Today, she works for the defense law firm of Hedrick Gardner Kinchelow & Garafolo. She handles workers’ compensation, federal products liability and civil litigation cases.

CPN: How long have you been a paralegal?
Rorie: Almost 12 years.

CPN: What drew you into the career?
Rorie: I took some law classes in college and knew then that I wanted to do something in law.

CPN: What paralegal organizations — national, state or local — are you member of and what positions do you hold in them?
Rorie: I am a certified paralegal through the N.C. State Bar and a member of the paralegal division of the N.C. Academy of Defense Attorneys. I am the current membership chair of the Paralegal Division of the NCADA.

CPN: When you talk with other paralegals, what are the main concerns or issues they face on a daily basis?
Rorie: Most paralegals I talk with are concerned about reaching their billable hours.

CPN: If you could name one thing that would most benefit the paralegal profession, what would it be?
Rorie: I believe it would be that our attorneys utilize us for more substantive work instead of administrative tasks. We are professionals and are more than capable of assisting our attorneys with more complex legal matters.

CPN: If you could snap your fingers and create the perfect CLE, what would it be and why?
Rorie: Anything defense-oriented and with substance. I have had the opportunity of attending the NCADA’s CLEs with the attorneys and find they address more of what I do on a daily basis rather than those CLEs that are more geared to first or second-year paralegals.

CPN: When you were a kid, what did you want to be when you grew up?
Rorie: I wanted to be a school teacher. I had my own playground to play school in and even had textbooks and chalkboards.

CPN: Knowing what you know now, if you weren’t a paralegal, what else would you want to do?
Rorie: I would work in the Pentagon or CIA. I have always had a fascination with our military intelligence and the CIA. I have a strong interest in international studies.

CPN: What do you wish you knew when you were getting started in the profession that you know now?
Rorie: I wish I knew the limits of our profession. As a paralegal, we are not really able to move up the corporate ladder to higher positions other than a senior paralegal.

CPN: What is the best thing about your job?
Rorie: It would have to be the people I work with. I am blessed to work with some really great people who are always willing to lend a helping hand or to answer any questions I may have.

CPN: And what part of your job could you do without?
Rorie: Some days it’s definitely the billable hours.

CPN: What one thing, either personally or professionally, are you most proud of?
Rorie: I am proud of the work I have performed over the last 12 years I have been in the profession. As a paralegal, I believe it is with the utmost importance that we provide the best service we can to our clients and to our attorneys.

CPN: Where would we find you on the weekends?
Rorie: On the weekends, I am usually hanging out with my family or friends or running errands.

Paralegal Annette Rorie graduated from the University of North Carolina in Charlotte in 1997 with a bachelor’s degree in political science. She went on to work for the law firm of Knox, Breherton, Knox and Godfrey from 1998-2007, where she handled plaintiffs’ work in personal injury and medical malpractice cases. Today, she works for the defense law firm of Hedrick Gardner Kinchelow & Garafolo. She handles workers’ compensation, federal products liability and civil litigation cases.

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Russell: New paralegals may have to compromise on salary for experience

Candace Russell is a litigation paralegal with Nexsen Pruet in Charlotte, N.C. She has a bachelor’s degree in criminal justice from Concordia University of Wisconsin and a paralegal certificate from the Milwaukee Business Training Institute.

CPN: How long have you been a paralegal?
Russell: Sixteen years.

CPN: What drew you into the career?
Russell: Prior to attending a paralegal program, I worked in retail management with a variety of women’s specialty clothing stores. I could never stay at one place of employment for long because the companies kept going out of business. The third time around, I recognized the signs of yet another company headed towards bankruptcy and decided to return to school and learn a vocation that would always be needed in some form. And yes, that third company actually filed for bankruptcy while I was attending paralegal school.

CPN: What paralegal organizations—national, state or local—are you member of and what positions do you hold in them?
Russell: I am a member of the National Association of Legal Assistants, N.C. Paralegal Association and the Metrolina Paralegal Association. I am the NALA liaison for the Metrolina Paralegal Association.

CPN: When you talk with other paralegals, what are the main concerns or issues they face on a daily basis?
Russell: Paralegal students that have graduated or are about to graduate are worried about being able to find an entry level position in either a firm or corporation. Paralegals that are employed are concerned about the cost of certification and the cost of attending CLEs because some firms/employers do not pay for professional association membership(s) and/or continuing education.

CPN: If you could name one thing that would most benefit the paralegal profession, what would it be?
Russell: More education and certification would benefit the paralegal profession the most.

Russell: New is a better time than ever to commemorate your achievements with a reprint or a plaque.

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CPN: What do you wish you knew when you were getting started in the profession that you know now?
Russell: It is more of a wish for others starting out in the paralegal profession. I have heard from several recent graduates and people who have changed careers that are having diffuculties finding a position due to not having experience or not being able to accept an offer due to the pay scale not being what they made in a previous industry. This group needs to realize that since they are entering a new profession, they will have to make compromises on pay and possibly other benefits in order to gain experience.

CPN: What one thing, either personally or professionally, are you most proud of?
Russell: Personally, it would have to be my education, because it was in a non-traditional manner. First I earned an associate degree, then a paralegal certificate and finally a bachelor’s degree. I returned to school for the bachelor’s degree partly because I had been turned down for jobs and/or interviews simply because I did not meet the education requirements, although I far exceeded the experience requirements. This is why I encourage everyone to obtain as much education as possible as well as earn [NALA’s] CLA/CP designation and North Carolina’s certified paralegal designation.

Professionally, it would be having been part of a litigation team that was involved with a case that created new law. The matter began as a real estate dispute and a non-binding arbitration, which was appealed to the Milwaukee County Circuit Court, the Court of Appeals of Wisconsin and finally oral argument before the Supreme Court of Wisconsin. The decisions published were in regards to the issue of inadvertently depositing attorney-client privileged documents.

Carolina Paralegal News also offers electronic reprints—specially formatted web pages with original artwork that you can link to from your website. More consumer research and business takes place online today than ever before. Lawyers Weekly will help you meet this need by providing an electronic reprint for use on your website.

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Electronic reprints represent a valuable component for any successful marketing campaign.
North Carolina

Asheville Area Paralegal Association
Upcoming events:
- Monthly membership meetings occur on the third Thursday of each month at 12 p.m. at a downtown Asheville restaurant. Visit www.aaponline.org for meeting details and locations.
- Topics vary from meeting to meeting. They are posted online at www.aaponline.org. RSVP with menu selection is needed.

Notes:
- AAPA welcomes its members to submit articles of interest for potential posting to the association’s website. Send your submissions to Jenny Iaquinto, chair of the publicity committee, at jaquinto@roberts-stevens.com.
- During the spring quarter, AAPA will be collecting donations for the United Way’s Back-to-School drive supply. The association will also support MANNA Food Bank and the Salvation Army in 2010.

Catawba Valley Paralegal Association
Upcoming events:
- Monthly meetings are held the second Tuesday of each month at 5 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.catawbavalleyparalegalas.org.
- July 13: Quarterly social from 6-8 p.m. at the Riverbend Clubhouse in Granite Falls. Admission is a prepared food item to share in the potluck dinner and an in-kind donation for WRC or HSCC. See the “Community Outreach” link on the association’s website to view wish lists. E-mail Lynn Price to let her know what type of food you will be bringing at lyprice@charter.net. Volunteers to help coordinate the event are welcome.

Notes:
- For membership inquiries, contact Cyndy Adams at calamus.ncpa@lewisdelllaw.com or Leah Poovey at lpoovey@FHD-LAW.com.

Cumberland County Paralegal Association
Upcoming events:
- Monthly membership meetings. Second Thursday of each month at 12:30 p.m. at various locations. Visit www.ccpara.com 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 website at www.guilfordparalegalassociation.org for information on meetings, events and local continuing education opportunities.

Legal Support Staff of Asheville
Upcoming events:
- Monthly meetings will be held on the second 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@northupmcconnell.com for details.

Notes:
- For membership inquiries, contact Laura Harling at 864-232-8722 or lauraharling@yahoo.com. Please visit www.hrsg.org for updates and additional information.

Legal Professional Group
Upcoming events:
- Regular social meetings are on the third Wednesday of every month from 12:30 to 1:30 p.m. at the Poynsett Club. The meetings offer educational speakers and one-half hour of CLE credit. For reservations, contact Myra Culbertson at 864-239-5959 or at mcubertson@wcr.com or Laura Harling at 864-232-8722 or at lauraharling@yahoo.com.

Notes:
- For membership inquiries, contact Laura Harling at 864-232-8722 or lauraharling@yahoo.com. Please visit www.hrsg.org for updates and additional information.

Legal Support Staff Professionals of South Carolina
Upcoming events:
- July 30-Aug. 1: Region 4 Annual Meeting and Education and LSFSC summer membership meeting.

Notes:
- For membership inquiries, contact Laura Harling at 864-232-8722 or lauraharling@yahoo.com. Please visit www.hrsg.org for updates and additional information.

Legal Staff Professionals of South Carolina
Upcoming events:
- Regular membership meetings are held on the third Monday of every month at 6:30 p.m. at the law offices of Northup, McConnell & Sizemore, 123 Biltmore Ave., Asheville. No membership necessary to attend. Contact Susan D. Austin at sda@northupmcconnell.com for details.

Notes:
- For membership inquiries, contact Laura Harling at 864-232-8722 or lauraharling@yahoo.com. Please visit www.hrsg.org for updates and additional information.

Legal Staff Professionals of the Lowcountry
Upcoming events:
- Regular membership meetings are held on the third Monday of each month at 12:30 p.m. at Sunfire Grill & Bistro, 1090 Sam Rittenberg Blvd, Charleston. The meetings offer educational speakers and one hour of CLE credit and a short business meeting. For reservations or additional information, please contact Jennifer Cook at (843) 724-1115 or cookjny@aol.com.

Legal Staff Professionals of the Midlands
Upcoming events:
- Regular membership meeting on the second Tuesday of each month at 1:00 p.m., 1320 Main St., Meridian Building, 17th Floor, Columbia. A presentation by a legal education speaker will earn members a half-hour of CLE credit. A short business meeting will follow. Bring your lunch and a friend! For additional information, please contact Jamie Early at 803-422-6813.

National Association of Legal Assistants
Upcoming events:
- July 14-17: 15th annual convention and exhibition at the Hyatt Regency Jacksonville Riverfront Hotel in Jacksonville, Fla.

Notes:
- NALA Campus LIVE provides online educational courses for paralegals. The courses are offered during two sessions per year. The spring session will run through May 25. Twelve to 14 courses offered through the program are recommended as preparation for the certified paralegal examination. For more information, visit www.nala.org.
- Starting in the fall, the NALA certification exam will be computer-based. The new exam format will be available at all NALA testing sites.

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.

South Carolina

Charleston Association of Legal Assistants
Upcoming events:
- Membership meetings are held the third Wednesday of each month.

Notes:
- For questions about RWPA can be directed to Sherry Grady at sherry.grady@kogates.com.

Charleston County Paralegal Association
Upcoming events:
- Educational luncheon meetings are held on the second Tuesday of each month at 12:30 p.m. at the Poinsett Club. The meetings offer educational speakers and one-half hour of CLE credit. For reservations, contact Jamie Early at 803-422-6813.

Notes:
- For 2010, RWPA membership meetings will occur bi-monthly. Meetings will take place from 12:30 to 1:30 p.m. on the second Wednesday of February, April, June, August, October and December at the Holiday Inn, 4100 Glenwood Avenue, Raleigh. Featured at each luncheon are guest speakers from a variety of practice areas and local businesses. The 2010 annual seminar will not be affected by the change and will proceed as scheduled.
- For any questions about RWPA can be directed to Sherry Grady at sherry.grady@kogates.com.

Research Triangle Paralegal Association
Upcoming events:
- Annual meeting.
- The Research Triangle Paralegal Association meetings occur on the third Wednesday of June, August and October. A holiday meeting will occur in December.

Notes:
- RTPA regularly supports Interact of Wake County (www.interactofwake.org) and challenges you and your firms or companies to get involved. Please visit our website at www.rtpauc.org for additional information about upcoming meetings and events.

National Association of Legal Assistants
Upcoming events:
- July 14-17: 15th annual convention and exhibition at the Hyatt Regency Jacksonville Riverfront Hotel in Jacksonville, Fla.

Notes:
- NALA Campus LIVE provides online educational courses for paralegals. The courses are offered during two sessions per year. The spring session will run through May 25. Twelve to 14 courses offered through the program are recommended as preparation for the certified paralegal examination. For more information, visit www.nala.org.
- Starting in the fall, the NALA certification exam will be computer-based. The new exam format will be available at all NALA testing sites.

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.

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.lawyersweekly.com by June 7 for the next issue.
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