



THE PARAVIEW



Quarterly Publication of the
Metrolina Paralegal Association

Fall 2013

Metrolina Paralegal Association
www.charlotteareaparalegals.com

MESSAGE FROM THE EDITOR

Welcome to the fall edition of The Paraview, now under new management (me). Please feel free to send me any suggestions for things you would like to see in our next quarterly newsletter in January 2014. Apologies for the extensive use of pictures in this edition; filler is a new editor's best friend. Hope you enjoy!

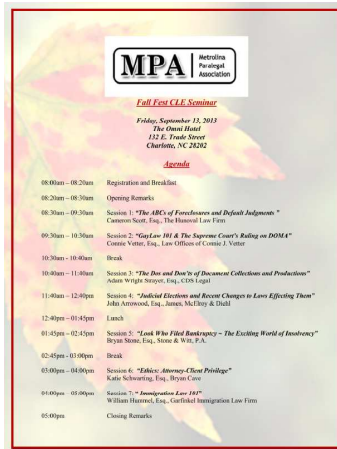
Michelle Kass, CP
MPA Parliamentarian and Paraview Editor

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UPCOMING MPA MEETINGS

October 18	Robinson Bradshaw
November 14	Robinson Bradshaw
December 12	Christmas social (TBA)



FALL FEST 2013

The MPA held its annual “Fall Fest” CLE seminar on Friday, September 13, 2013 at the Omni Hotel in uptown Charlotte. There were over 110 attendees. Eight patrons were also at the seminar, including Nova, Huseby, Parasec, Envision Discovery, Carolina Copy, National Corporate Research and CaseWorks.

Speaker highlights included an engaging presentation by Connie Vetter, who spoke on Gay Law regarding adoptions, parenting agreements, wills/trusts and the Supreme Court’s recent ruling on the Defense of Marriage Act. Another entertaining speaker was Bryan Witt of Stone and Witt, P.A. He spoke on bankruptcy (not usually an exciting subject), but he was funny and definitely kept everyone’s attention. We were honored to have retired Judge John S. Arrowood speak regarding judicial elections in North Carolina and recent changes to same. The ethics speaker, Katie Schwarting of Bryan Cave did a great job with a dry topic and had the group laughing while learning what NOT to say in emails and other communications.

Lunch was mahi mahi and beef tenderloin with green bean salad, rice and steamed vegetables. Lots of gift cards were given away (Starbucks, Old Navy, TJ Maxx, Outback, gas cards) and Huseby gave away a bottle of wine. Dessert was served during afternoon break and included mini cupcakes and brownies, which definitely helped the attendees make it through the post-lunch slump.

Yet another successful Fall Fest! Special thanks to Jennifer Sawtell-Day for taking the lead organizing the event and to Renae Elam for providing invaluable assistance in lining up our speakers. We hope to see you at the next seminar in February 2014!



VIRTUAL PARALEGALS: COULD YOU BE ONE?

The buzzword “virtual paralegal” is popular with paralegals, attorneys, legal recruiters, and legal vendors, but, beyond the popularity of the catchphrase, virtual paralegals are becoming a major subset of the paralegal community. Paralegals and attorneys throughout the country are watching this growing trend.

We are familiar with the definition of a paralegal or legal assistant adopted by NALA and the American Bar Association. Virtual paralegals meet this definition as those qualified by education, training or work experience doing specifically delegated substantive legal work for a responsible lawyer.

Beyond fulfilling the explicit skills, expertise, and responsibilities of the formal definition, virtual paralegals are able to meet these criteria in a virtual setting. Many work from fully equipped remote offices as independent contractors.

With a lingering recession in the United States, attorneys and law firms are seeking ways to reduce legal costs for their clients while enhancing their own income. Many, for the first time, reevaluating the pros and cons of outsourcing. Contracting work to outside companies and freelancers rather than performing those services in-house can be attractive.



Virtual Paralegals Add Value

Sadly, some firms are outsourcing legal work to international companies when many of our own paralegals are looking for employment. Paralegals who can provide services virtually add another layer of value that may encourage more outsourcing on our own shores. The legal services industry could help rebuild our domestic economy while saving money for themselves and their clients.

Paralegals have worked on a contract basis instead of salary and benefits for a number of years. These paralegals often travel to offices maintained by law firms to help during times of heavy work or to fill in while a regular paralegal is out of office. Now, however, technology has made it possible for paralegals to provide their services through a virtual environment. *(cont.)*

Many paralegals want the mobile and flexible lifestyle enjoyed by many attorneys. They want work-life balance, flexibility, and more control over their destinies while they earn a paycheck. Working as a virtual paralegal offers many of these rewards, while saving employers the cost of office and parking spaces (among other cost saving advantages).

Definition

The terms “freelance” and “virtual” are sometimes used interchangeably, but the terms are not necessarily synonymous. Both freelance and virtual paralegals work independently on an as-needed basis. They both build professional networks and negotiate fees for services on a contract basis. Freelance paralegals, however, often perform services in law offices maintained by the attorneys responsible for the work.

Virtual paralegals, on the other hand, rarely meet face-to-face with the attorneys for whom they work. Virtual paralegals’ services are usually requested by e-mail or telephone, and documents and information are exchanged via the Internet.

Virtual Paralegal Business

Becoming independent business owners to provide services virtually is a natural progression for many paralegals who want to grow beyond the limits of traditional employment. A key benefit of being an independent business owner is being responsible for your own calendar. Time commitments become your decision.

My own foray into this field was to create Digital Paralegal Services, LLC, which brings attorneys together with virtual paralegals to fulfill the needs of both. We do not provide paralegal services to the general public and take great pains to avoid even the appearance of unauthorized practice of law. Our first action when an attorney wishes to use our service is to verify that the attorney is, in fact, licensed to practice in the United States.

There are many seminars, webinars and books on establishing virtual businesses, but no materials uniquely addressing the work of a paralegal. Enlisting a virtual paralegal mentor is advisable.

Numerous blogs by attorneys and paralegals are available in many areas of law, and interesting and relevant articles can be found through Twitter™. You can establish an online profile on LinkedIn™, and joining relevant LinkedIn Groups can target special interests. Paralegals and attorneys are also networking on Facebook™.

Learning in this new field of endeavor often comes through trial and error. Learning from mistakes is much like what you have learned to do differently to make your next case, project, or deadline a better experience.

Staying abreast of technology is critical and can be a difficult and arduous task that does not happen without a firm grasp of your goals and strategic planning. Management of your online presence is essential and intellectual property rights must be protected as well. (*cont.*)

It is important to test your technology and procedures with each new attorney before relying solely on that technology and protocol for communication. Computer software on your hard drive or using “software as a service” (SaaS) involves many preference settings that might lead to missed deadlines if procedures are not safely and carefully established.

Resources and Requisites

Knowing when to ask a question and how to find the right answers can be as important as knowing the answers themselves, and it is immeasurably better than “knowing” the wrong answers. Addressing confidentiality and security concerns is mandatory.

After a year in operation, Digital Paralegal Services now has collaborative publications with such notable paralegals as former NALA President Vicki Voisin, ACP (Sixty-Six Solid Tips from Your Virtual Paralegal Success Team). Direct access to Westlaw has been established, and other paralegals, law libraries, and legal vendors are reprinting blogs. There is also an electronic newsletter (Connect with Cathy) that could be helpful to those wanting to try the virtual paralegal route.

An exciting Digital Paralegal Services project on the horizon is to establish a referral network for NALA Certified Paralegals who want to work virtually. New business is often generated through referrals by other professionals. Attorneys are seeking virtual paralegals with specialized skills in specific geographical regions. While a virtual paralegal can target attorneys throughout the nation, narrowing the market to a particular area of specialization is likely to yield more inquiries and higher billing rates.

Opinions vary concerning experience requirements to work independently as a virtual paralegal. That experience period could be as short as three years or as long as 10 or 15 years. If you meet the education, training, and legal experience prerequisites for NALA certification, then you should be able to confidently consider virtual work.

Establishing a profitable business is a long-term effort, and not everyone has the drive or the skills to work towards such a goal. It is also not for the faint of heart. Serious inquiries and contracts for virtual paralegal services may take months to materialize.

Ironically, success in this brave new world is not assured if you are virtually certain that it is what you want to do. To make your leap of faith, you should be absolutely certain, and then seek out the resources to help you make the connections and secure the work. It can be most rewarding.

Source:

Cathy L. Ribble, CP

NALA Facts & Findings, Career Chronicle 2010

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NEW MPA WEBSITE COMING SOON

On October 1, the MPA will launch a new website using the free website hosting service Weebly.



The new website will have the same features that our current website has: member directory; job bank; info on events, NALA, patrons, and the MPA scholarship, and access to the Paraview. It will also have a PayPal feature so that members can renew their membership and pay for seminars online. Look for a launch announcement in your mailbox soon!

NATIONAL LAW FIRMS WITH CHARLOTTE OFFICES

(Based on Number of Attorneys)

Firm	Charlotte rank (2013)	National rank (2012)
Alston & Bird	4 (100 attys)	38 (806 attys)
Bryan Cave	9 (16 attys)	29 (884 attys)
Littler Mendelson	10 (14 attys)	33 (850 attys)
McGuireWoods	2 (185 attys)	26 (918 attys)
Moore & Van Allen	1 (281 attys)	154 (272 attys)
Nelson Mullins	8 (20 attys)	106 (414 attys)
Nexsen Pruet	7 (25 attys)	216 (184 attys)
Parker Poe	5 (98 attys)	195 (205 attys)
Robinson Bradshaw	3 (130 attys)	296 (133 attys)
Womble Carlyle	6 (66 attys)	82 (491 attys)

HELPFUL WEBSITE: FALL SELECTION

www.e-secretaryofstate.com

The screenshot shows the homepage of e-SecretaryOfState.com. The header features the logo and a waving American flag. Below the header, a banner states: "e-SecretaryOfState.com is your online link to the Secretary of State offices in every state!" It is brought to you as a free public service by InCorp Services, Inc. and includes a "SHARE" button with social media icons. The main content is a table with columns for Jurisdiction, Governing Agency, Phone, Fax, and Email. Each row represents a state and includes a state flag icon, contact details, and links to the state's website, forms, tax forms, statutes, and entity search.

Jurisdiction	Governing Agency	Phone	Fax	Email
Alabama 	Alabama Secretary of State PO Box 5616 Montgomery, AL 36103-5616	(334) 242-5324	(334) 240-3138	rebecca.morris@sos.alabama.gov
Website	Forms	Tax Forms	Statutes	Entity Search
Alaska 	Alaska Department of Commerce, Community, and Economic Development PO Box 110806 Juneau, AK 99811	(907) 465-2550	(907) 465-2974	corporations@alaska.gov
Website	Forms	Tax Forms	Statutes	Entity Search
Arizona 	Arizona Corporation Commission 1300 West Washington Street Phoenix, AZ 85007-2929	(602) 542-3026	(602) 542-4990	
Website	Forms	Tax Forms	Statutes	Entity Search

- Provided free by InCorp Services, Inc. (Registered Agents and MPA sponsor)
- Has links to each state's individual SOS websites
- Has links for forms, statutes and entity searches for each state
- The state flags wave!

ETHICS CORNER

Disqualified Law Firm Failed to Erect Ethical Wall for Legal Assistant

The Texas Supreme Court ordered that plaintiff's counsel in a medical malpractice case be disqualified because the firm did not take reasonable steps to ensure that a legal assistant formerly employed by the defendant's counsel did not have access to the case.

Central to the issue was whether a legal assistant at Magallanes & Hinojosa had worked on the *Leal* case while employed by opposing counsel, Brin & Brin, P.C., and whether Magallanes & Hinojosa took reasonable measures to ensure that the assistant would not work on the case.

Despite signing a confidentiality agreement with Brin & Brin before she left, and being reminded by her new employer not to work on cases she had worked on with her former employer, the Court found that the legal assistant handled correspondence, took calls and copied sensitive documents in the *Leal* case, and disqualified Magallanes & Hinojosa as counsel.

Source:

The Brownsville Herald



Situations with Possible Ethical Dilemmas

- A neighbor stops by to ask if her landlord is violating the terms of her lease.
- An attorney asks you to notarize a document that was not signed in your presence.
- A witness you are prepping to testify at a trial seems unsure of an answer and the attorney “suggests” what the witness might want to say.
- A friend asks you to help them fill out a divorce form.

Participating in any of these situations may constitute the rendering of legal advice and/or engaging in the unauthorized practice of law. If you have any doubts as to whether what you have been asked to do is ethical for a paralegal, you can consult NALA’s Code of Ethics and Professional Responsibility at www.nala.org/code.aspx.

#LAWYERPROBLEMS

Some of the more amusing excerpts from two articles debating the flaws of associates and partners, each from the others' perspectives:

- “Many of you young associates...want to be treated like much-loved house pets, praised for your cuteness and cleverness, and understood and forgiven when you do the legal equivalent of peeing on the rug.”
- “Business casual is a mistake”; plaid shirts and khakis make an attorney “look more like a regular guy and less authoritative”; women who “dress like Barbie dolls get treated like Barbie dolls.”
- “Entering your time is not some pesky ministerial inconvenience...it is not the same as making your bed or picking up your toys.”
- “I often wonder whether the decrease in writing skills is the result of the younger generation of lawyers being hooked on the Internet, familiar with only quick reads and the use of abbreviations in communications.”
- Partners “can bawl [associates] out, and we must not respond. When we make our best excuses, that just enrages the partner more.”
- “Our academic records were good enough that you hired us to practice alongside you...so why do you treat us as if we are imbeciles with a shred of common sense?”
- “Rather than gloat to your significant other about your latest big win—reminding us that you have a personal life and we don’t—how about taking us out for a drink to tell us about it?”
- “We also think we are entitled to some personal life. No, let me say it differently: We need a personal life to be effective lawyers. Don’t presume us to be there just for our face time.”

The best part of the entire situation is that these two work for the same firm in the same office, Baker & McKenzie in Miami. That must make for the occasional awkward elevator ride.

Sources:

Lee Stapleton, Esq., “I Don’t Feel Your Pain: A Partner’s View of Associates”

Joseph J. Mamounas, Esq., “Fire and Ice: An Associates’ View of Partners”



UPCOMING CLE OPPORTUNITIES

Date(s)	Sponsor	Location	Offerings	Cost
October 11, 2013	SCUPA	Greenville, SC	6 hours general, 1 hour ethics	\$159 (members) \$179 (non-members)
October 24, 2013	NALA	Online	Advanced Ethics	\$80 (members) \$105 (non-members)
November 7, 2013	NALA	Online	Ethics and Technology	\$80 (members) \$105 (non-members)
November 15, 2013	NALA	Online	Legal Research	\$80 (members) \$105 (non-members)
December 5, 2013	NALA	Online	Techno-Ethics: Ethical Challenges with New Technology	\$80 (members) \$105 (non-members)
December 9, 2013	NALA	Online	Whose Cloud is it Anyway?	\$80 (members) \$105 (non-members)
February 2014	MPA	Charlotte, NC	5 hours general, 1 hour ethics	\$125 (members) \$150 (non-members)



QUOTE OF THE DAY

"If I had to make a decision about keeping her as a paralegal or as my wife, I don't know what choice I would make."

~Kentucky attorney Donald K. Brown, Jr. credits his wife, paralegal and "unofficial jury consultant" Cheryl Parrot with his 28 medical malpractice case winning streak since 1999.

PRACTICE AREA SPOTLIGHT: WHITE COLLAR CRIME

Welcome to the first chapter of an ongoing series focusing on the many facets of the Paralegal profession. This Paraview, we will take a look at the nefarious and deceitful world of white-collar crime.

Lying, cheating, and stealing. That's white-collar crime in a nutshell. The term—reportedly coined in 1939—is now synonymous with the full range of frauds committed by business and government professionals.

Ah, the rich getting richer illegally. Greed is good, as long as you don't get caught.

The most well-known white-collar crimes include asset forfeiture, money laundering, bankruptcy fraud, corporate fraud, financial institution fraud, health care fraud, hedge fund fraud, insurance fraud, mass marketing fraud, mortgage fraud, piracy/intellectual property theft and securities and commodities fraud. Widely publicized white-collar cases include the Enron and Tyco scandals, the Bernie Madoff Ponzi scheme and the Martha Stewart insider trading case.

The most common white collar crime is the Ponzi scheme. Named after Charles Ponzi, who tricked thousands of New Englanders into investing in a postage stamp speculation scheme in the 1920s, a Ponzi scheme is an investment fraud that involves the payment of purported returns to existing investors from funds contributed by new investors. Ponzi schemes usually claim the ability to generate high returns with little or no risk, which makes them particularly attractive to greedy investors. These schemes tend to collapse when a large number of investors ask to cash out. Oftentimes, as in the case of Bernie Madoff, the majority of the collected funds have been spent by the fraudster and investors receive little or no compensation for their investments. So much for the promise of low risk, high return. Always remember, if it sounds too good to be true, it usually is!

Most white collar crimes are prosecuted by the government, which considers the nature of the crime and information from the arresting officers' police report to determine if and what charges to file. For felonies, prosecutors sometimes use grand juries to make the charging decisions. Grand juries are comprised of 15-23 randomly selected individuals who consider the evidence and decide if and what charges should be filed. If found guilty, punishments, also called sentences, can be set by trial juries or judges. Sentencing judges or trial juries can consider several factors in determining the punishment, including the nature of the crime, input from the prosecutor (for serious felonies), defendant's criminal history (or lack thereof), and defendant's social, economic, and other personal circumstances. Sentences can include compensation payment(s) to victim, community service, fines, incarceration in jail (shorter term), incarceration in prison, aka "country club prisons" (longer term) and probation. (cont.)

Famous White-Collar Criminals: Crimes Charged and Sentences Imposed

Charles Ponzi – Postal reply coupon scheme (1920)

- Indicted for forgery, mail fraud (federal)
- Pled guilty to a single count of fraud, sentenced to 5 years in federal prison, served 3 1/2
- Indicted for larceny (state), sentenced to and served 9 years in state prison
- Deported to Italy in 1934

Michael Milken – the Junk Bond King (1989)

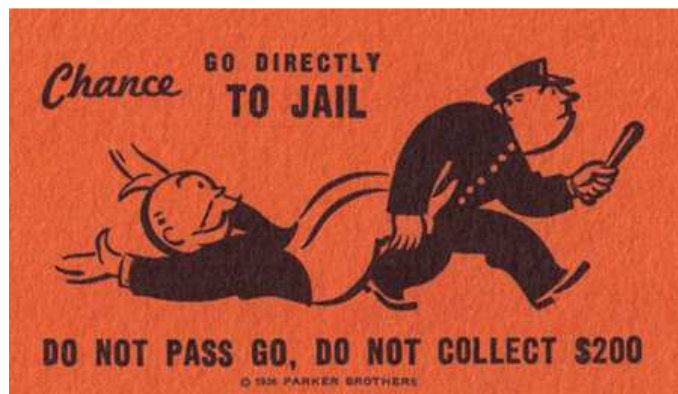
- Indicted for racketeering and securities fraud
- Pled guilty to securities and reporting violations but not to racketeering or insider trading
- Ten years in prison (later reduced to two years for cooperating against former colleagues and good behavior)
- Fined \$600 million
- Permanently barred from the securities industry by the Securities and Exchange Commission

Ken Lay – Enron (2001)

- Indicted by a grand jury for securities fraud and related charges
- Found guilty of 10 counts against him
- Faced 20-30 years in prison; never sentenced due to death by heart attack
- Federal district court judge who presided over the case vacated Lay's conviction

Martha Stewart – Imclone (2004)

- Indicted for securities fraud and obstruction of justice
- Found guilty in March 2004 of conspiracy, obstruction of an agency proceeding, and making false statements to federal investigators
- Sentenced to a five-month term in a federal correctional facility and a two-year period of supervised release (to include five months of electronic monitoring)
- Fined \$30,000
- Ordered to disgorge \$58,062 in civil case and fined \$137,019 (three times the loss avoided)
- Five-year ban from serving as a director, CEO, CFO, or any other officer role responsible for preparing, auditing, or disclosing financial results of any public company



NORTH CAROLINA LEGAL NEWS



June 26, 2013

The "Healthy Marriage Act" was signed into law by Governor Pat McCrory, requiring married couples who want to get divorced stay together two years before they can legally go their separate ways. The previous waiting period was one year, during which the couple must have "lived separate and apart." Both parties in the divorce would also be required to complete a set of counseling courses on improving "communication skills" and "conflict resolution."

July 25, 2013

Governor Pat McCrory signed into law a regulatory reform bill compiling numerous different provisions used to restrict voting in other states. By a vote of 32-14, the GOP-controlled Senate signed off on a measure that would require photo ID at the polls, cut early voting by a week, end same-day voter registration, and abolish a popular high-school civics program that helps students register before their 18th birthdays.

August 12, 2013

Governor Pat McCrory signed a statewide bill that granted students in the state the right to an attorney in campus courts. Under the Students & Administration Act, students who attend North Carolina's public universities have the right to be represented by a licensed attorney or non-attorney advocate. The law is the first of its kind in the United States.

August 25, 2013

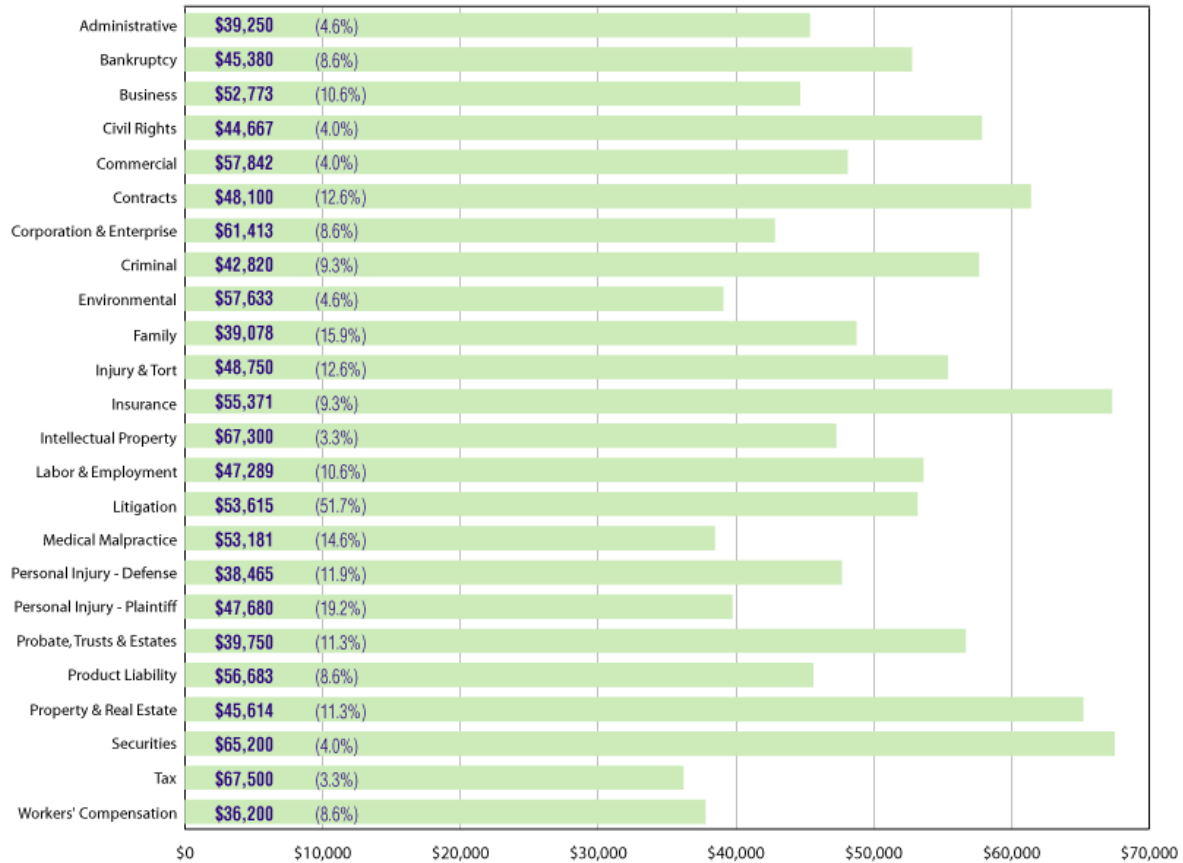
North Carolina became the seventh state to prohibit its judges from considering Islamic law after Governor Pat McCrory allowed the bill to become law without formally signing it. McCrory called the law "unnecessary," but declined to veto it. The state joins Arizona, Kansas, Louisiana, Oklahoma, South Dakota, and Tennessee. Supporters hailed the bill as an important safeguard that protects the American legal system from foreign laws that are incompatible with the U.S. Constitution, while critics argued that the bill's only purpose is to encourage anti-Muslim hatred because the Constitution already overrides foreign laws.

September 3, 2013

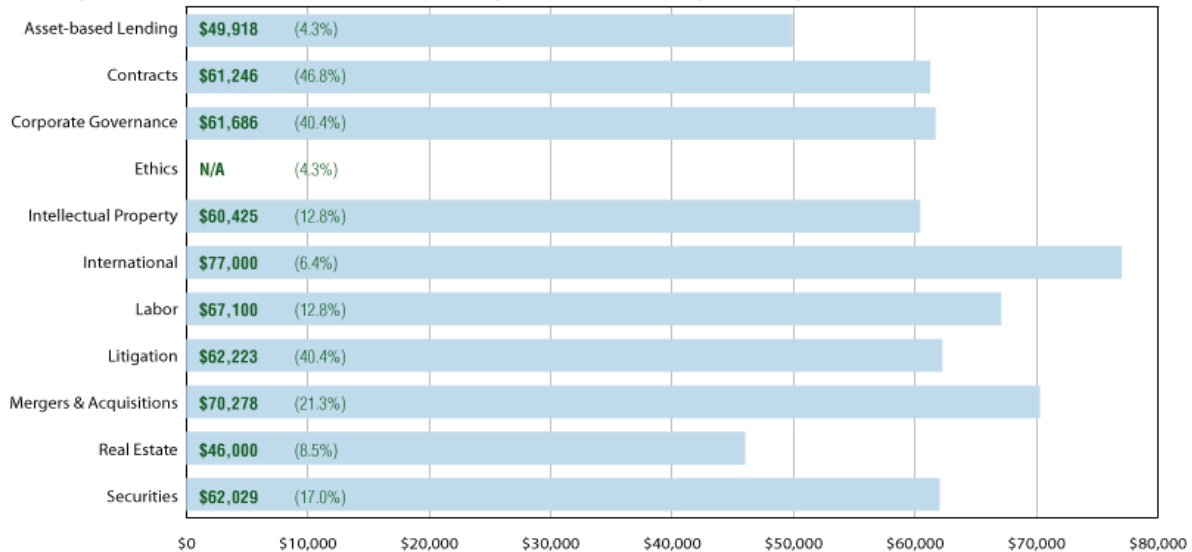
North Carolina this week became the third state to forbid law enforcement from destroying unclaimed firearms and weapons collected in gun buybacks. In many states, weapons seized in criminal investigations or buybacks are destroyed — recycled or shredded into tiny pieces of metal — unless they're evidence in a crime or useful for law enforcement purposes, like officer training. Other states allow authorities to sell them to federally licensed firearms dealers for resale, as long as they're in safe working order.

STATISTICS OF INTEREST

Average Salary by Specialty for Those Working in a Law Firm Setting



Average Salary by Specialty for Those Working in a Corporate Legal Setting



2013-2014 MPA PATRONS

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