



The PARAVIEW



Quarterly Publication of the
Metrolina Paralegal Association

Spring 2016 Edition

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A Paralegal's Motto

If I don't know how to do it, I will figure it out!

MPA's Quarterly Goal

Implementing suggestions and new procedures for a better MPA!

Calling all Members!

The Metrolina Paralegal Association invites all members in good standing to apply for vacant Executive Board positions. *Board membership entitles the member to attend one MPA seminar per year without cost.* Members are encouraged to contact MPA for additional information on becoming a member of the Executive Board.

Ready, Aim, Fire!



Enhanced Legal Vocabulary: Latin Landing

ad valorem: according to the value; example: an *ad valorem* tax

bona fide: good faith

caveat: beware, a warning

de bene esse: of well being; conditionally, provisionally or in anticipation of future need

et sequential (et seq.): and as follows

facto: in fact, in or by the law

gravis: serious, of importance

habendum clause: that part of a deed which begins, “to have and to hold;” defines extent of ownership

infra: beneath, below

jure divino: by divine right

locus delicti: the place of the crime or of the tort

mandamus: we command; a writ used to compel an official to perform an act which he/she is required to perform

nolo contendere: I will not contest it

ore tenus: by word of mouth, orally, as in a motion *ore tenus*

pro rata: according to the rate or proportion

quantum meruit: so much as he deserved; the reasonable value of goods or services

res judicata: a thing (matter) adjudged

stare decisis: to abide by decided cases

tenere: to hold, to keep

ultra vires: without power, beyond the powers of

vis-à-vis: one who (that which) is face-to-face with another

March: Celebrating Women's History Month

In the United States, women who have made an historical impact are celebrated during the month of March. In this issue of the Paraview, we will recognize North Carolina women that have impacted our culture by means of their intelligence, fortitude, steadfastness and vision.

We realize that the paralegal profession is largely comprised of women, so we believe it is appropriate for our newsletter to promote our profession as one that has been extremely important in recent women's history and in encouraging professional woman for the future. To all of our paralegal "sisters," we say, "Well Done!" and "Keep up the Good Work!"

North Carolina Women of Recognition:

Dolley Madison – a North Carolina native who became a beloved first lady, the wife of President James Madison. Before her husband was elected, she became a popular figure in American political and social circles while Mr. Madison served as President Jefferson's Secretary of State. Dolley became an icon to women through her social graces, which were admired and emulated the world over. Although it was widely frowned upon for women to insert themselves into politics during those times, Dolley used her charm and position to advance her husband's career and to raise money for important causes, such as the Lewis and Clark Expedition. Her love of country peaked when she risked her life in order to save the portrait of George Washington when the British demolished the White House during the War of 1812. For more on Dolley Madison, visit: <http://www.history.com/topics/first-ladies/dolley-madison> and <https://www.whitehouse.gov/1600/first-ladies/dolleymadison>.

Eliza Jane Pratt – the first woman to represent North Carolina in the United States House of Representatives. Eliza worked as an administrative assistant to N.C. Congressman William Hammer, and after his death became an aide to several Representatives from North Carolina. She became knowledgeable of the needs and desires of the people in her district, and thus was elected in a landslide victory to the 79th Congress. She later worked for several federal agencies, and afterward returned to North Carolina taking a position as an executive for the North Carolina Telephone Company.

Read more on Ms. Pratt here: <http://history.house.gov/People/Detail/19896>

Loretta Lynch – The Honorable Loretta Lynch is a Greensboro, N.C. native, who is now serving as the first African-American female United States Attorney General. Ms. Lynch was appointed by President Obama in November, 2014 after Attorney General Eric Holder announced his resignation. A 1984 graduate of Harvard Law School, she worked in private practice until becoming an Assistant United States Attorney in New York. In 1999 President Clinton appointed her as United States Attorney for the Eastern District of New York, and President Obama again appointed her in 2010. Soon after taking the oath of office as Attorney General, Ms. Lynch announced the Department of Justice indictment of 14 officials from the Fédération Internationale de Football Association (FIFA), and later a superseding indictment against 16 additional defendants. The indictments included the corruption charges of racketeering and bribery. More on Ms. Lynch may be found at these websites:

<http://www.justice.gov/ag/meet-attorney-general>

<http://www.biography.com/people/loretta-lynch>.

Roberta Flack – a famous musician and songstress from Asheville, North Carolina, Grammy Award winner and humanitarian, Roberta Flack remains an icon in the music industry. At the age of 15 she received a scholarship to Howard University to study music. Some of her most famous recordings include "The First Time Ever I Saw Your Face," "Killing Me Softly With His Song," and "Where is the Love." Ms. Flack continues to perform and is in partnership with the Hyde Leadership Charter School in the Bronx, New York that accepts disadvantaged students at no cost. Visit Roberta Flack's website here: <http://www.robertaflack.com>.

For additional information on women's history, visit the National Women's History Project website at <http://www.nwhp.org>.

Recent Changes to FAA Registration Rules For Unmanned Aircraft Systems (UAS) [Popularly called, “Drones”]

The Federal Aviation Administration (FAA) has set new rules for UAS, effective December 21, 2015. Registration before February 19, 2016 is now required for all UAS that meet certain weight, use and ownership requirements.

Listed below are the requirements:

- The UAS’s owner must be at least 13 years old. If a child under 13 owns a qualifying UAS, someone over the age of 13 must complete the registration.
- The UAS’s owner must be a citizen of the United States or a permanent legal resident.
- All UAS that weigh more than 0.55 lbs. but less than 55 lbs must be registered using the online Aircraft Registry process.
- Other UAS must be registered using paper forms if the UAS: 1) is used commercially; 2) is used for something other than recreation or hobby; 3) weighs more than 55 pounds; 4) is going to be flown outside the U.S.
- Registration costs \$5.00. An E-mail address, credit or debit card and a physical and mailing address are required for registration.
- The registration number is valid for 3 years and must be marked on all UAS.
- For complete instructions, forms, frequently asked questions, etc., visit this website: <https://www.faa.gov/uas/registration>

LegalZoom and House Bill 436: Proposed changes to N.C. Gen. Stat. § 84-2.1 and 84-10.1 Unauthorized Practice of Law

LegalZoom.com, Inc. is a company that operates a website offering legal services and downloadable legal forms including wills, estate planning documents, powers of attorney, trusts, and business formation documents to consumers. In 2011, LegalZoom filed a lawsuit in Wake County, North Carolina for a declaratory judgment in its favor stating that it is not engaged in the unauthorized practice of law (11-CVS-15111, Wake Co. Superior court). As paralegals, we are very familiar with this law because our profession necessarily involves assisting attorneys in their practice of law. Our education and training continually emphasizes that a paralegal may not engage in the unauthorized practice of law.

A consent judgment between the North Carolina Business Court and LegalZoom was entered on October 22, 2015. The North Carolina State Bar has agreed to support changes to the language of Chapter 84 of the North Carolina General Statutes in an effort to accommodate this consent judgment.

House Bill 436 is entitled, “An Act to Further Define the Term “Practice law” for the purpose of protecting members of the public from serious harm resulting from the unauthorized practice of law by a person who is not a trained and licensed attorney.”

As of this writing, the additional language contained in House Bill 436 reads, in part, as follows:

§ 84-2.1 “Practice law” defined

(b)(2) The operation of a Web site by a provider that offers consumers access to interactive software that generates a legal document based on the consumer’s answers to questions presented by the software, provided that all of the following are satisfied:

a. The consumer is provided a means to see the blank template or the final, completed document before finalizing a purchase of that document.

b. An attorney licensed to practice law in the State of North Carolina has reviewed each blank template offered to North Carolina consumers, including each and every potential part thereof that may appear in the completed document. The name and address of each reviewing attorney must be kept on file by the provider and provided to the consumer upon written request.

c. The provider must communicate to the consumer that the forms or templates are not a substitute for the advice or services of an attorney.

d. The provider discloses its legal name and physical location and address to the consumer.

e. The provider does not disclaim any warranties or liability and does not limit the recovery of damages or other remedies by the consumer.

f. The provider does not require the consumer to agree to jurisdiction or venue in any state other than North Carolina for the resolution of disputes between the provider and the consumer.

For the NC General Assembly’s progress on the bill and its full text, visit:

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=H0436>

For additional online articles about LegalZoom, visit:

<http://thompsonhall.com/legalzoom-wills-are-cheap-but-not-worth-the-risk>

<http://johnlocke.org/newsletters/research/2015-12-03-kc7ntecq11ssal7ptb7si98af5-legal-update.html>

http://www.abajournal.com/news/article/legalzoom_gets_ok_to_operate_in_uk_as_alternative_business_structure

MPA 2016 Annual CLE Seminar Highlights

Introduction

The MPA seminars typically provide us with all the CLE credits we need to renew our North Carolina paralegal certification, but this year's annual seminar gave us *so much more!*

The seminar was held on Thursday, February 25, the day the influx of CIAA attendees began in Charlotte. However, since our seminar started early in the day, the effect on our participants was minimal.

Attendance peaked at 115, and nearly everyone stayed to the very end, even if they only needed 4 of the 6 credits.

The Omni Hotel, as we have experienced for a few years now, provided very comfortable accommodations, scrumptious and plentiful food and beverages, and exceptional professional staff that was available to see to our every need.

Our special thanks go to Lynn Minton, Carrie Marshall and the rest of the MPA board for all your hard work in putting together this wonderful seminar.

What Did We Learn?

Future Medicals in 2016 & the Medicare Secondary Payer Statute

The introductory speaker, **John Cattie**, got us started with an upbeat and interesting presentation on future medicals and the latest update to the Medicare Secondary Payer Statute. One important point that caught my attention was that any tort, Worker's Comp or other settlement agreement that affects the future medical needs of a Medicare recipient should address the anticipated costs of those medicals and include a provision for payment by the individual responsible for paying the amounts included in the settlement.

The full Life Cycle of a digital forensic Collection in the Litigation Context

Clark Walton provided interesting tidbits in the second presentation, especially when it relates to iPhones and other personal electronic devices. Particularly, obtaining data from the iPhone 4 and below is easy, but 5c and above contain privacy features that make getting the same data difficult, if not impossible. Older models will disable the phone, but the newest phones *erase* the data if you attempt to enter a passcode that is wrong 10 times. One last takeaway...in response to a question from an attendee, we learned that there is *no expectation of privacy* in the phones that require a thumbprint to gain access, whereas a passcode is protected by privacy laws.

Ethics – Ethical Practice Prevents Malpractice

What would a CLE be without an ethics hour? Besides being a requirement, the ethics hour leaves us with valuable information related to how we must behave when providing assistance to attorneys related to legal matters. **Warren Savage** from Lawyer's Mutual reminded us that attorney supervision is vital to making sure we do not engage in the unauthorized practice of law. However, there are some unscrupulous attorneys that will *blame the paralegal* for their blunders. If you find yourself working for one of these attorneys, my advice would be to *Run, Forest, Run...far, far away!*

Evolving Laws of Electronic Discovery and How to build a Courtroom Ready Preservation Process

Robert Draper from DTI covered e-Discovery updates to the Rules of Civil Procedure that went into effect on December 1, 2015. Notably, the definition of e-Discovery has changed and the rules have been tweaked to allow attorneys the opportunity to determine how much e-Discovery they will have to handle during the initial attorney's conference.

Process Service and Today's Paralegal

Did you ever imagine what a process server must endure to perform his or her assignment? **Ruth Reynolds** provided us with a delightful, heartfelt and enlightening glimpse into the life of a process server. Ruth successfully pointed out that, if we are tasked with hiring a process server, make sure the server is reputable and acts according to the law in the state where process is to be served.

Mediation and Arbitration: Practical, Strategical, and Ethical Considerations

Wrapping up the day was **Jason McGrath**, who delivered a helpful handout to go with his delivery of considerations to keep in mind for mediation and arbitration. A bit of information that you may use in the future is the knowledge that, in North Carolina, an arbitrator has the power to issue subpoenas and to extend that power to the parties.

Need CLE Credits?

The **North Carolina State Bar Board of Paralegal Certification** requires certified paralegals to obtain 6 hours of continuing paralegal education annually, of which 1 hour must be an ethics course. Certifications are renewed at the beginning of the year, and now requires proof of attendance, so be sure to hang on to those signed course documents.

The **National Association of Legal Assistants (NALA)** renews its paralegal certifications every five years, counting from the date of the original certification. Although it does not always require proof of attendance, it conducts random audits and you may need to prove attendance, so again, be sure to keep up with the required signed certificates of attendance.

CLE Opportunities:

NALA 2016 Conference & Expo

July 13-15, 2016

Paris, Las Vegas Casino & Hotel

Las Vegas, NV

For additional information:

<https://www.nala.org/conferences/2016-nala-conference-expo>

Letter from the Editor

Dear Fellow MPA Members,

The year 2016 is proving to be a very good year! Panthers went to the Super Bowl, and although they lost, we encourage them to *keep pounding!*

We had a fantastic Annual CLE Seminar on February 25 with an attendance of 115, and the MPA was selected to present its Member Exchange Proposal at the 2016 NALA Convention and Expo (see details below in our News & Happenings section).

Another great thing that happened is that the MPA circulated a survey among its members, and the Board held a special meeting to discuss the results and to devise a plan to further assist its members to accomplish professional goals. The discussion continued for several weeks. We know you appreciate our efforts and will like the organizational updates we will make in the coming months. One of the changes we agreed upon is to entertain submissions for a new logo. Please see information for the **logo contest** on page 11 of this Paraview.

Please visit our website at www.charlotteareaparalegals.com.

Spring Paraview Recipe

Stir-Fried Chicken with Cashew Nuts

2 large, boneless, skinless chicken breasts cubed into 1-inch pieces
1/4 cup dry sherry
1/4 cup soy sauce
1 Tbsp. plus 1 tsp. corn starch
1 Tbsp. dark corn syrup
1 Tbsp. white vinegar
1/4 cup peanut oil
1/2 cup green pepper, cut into 1/2 inch pieces
1/2 cup cashew nuts
2 Tbsp. onion, cut into half-slices
2 cloves minced garlic
1/4 tsp. ground ginger
1 cup long-grain rice

Cook rice according to package directions

Stir together sherry, soy sauce, cornstarch and 1/4 cup water.

Fully coat the bottom of a heated skillet with the peanut oil and heat on high for about 2 minutes.

Stir-fry the chicken for 2-3 minutes until the chicken turns white. Move it to the outside perimeter of the skillet and add the green peppers and cashew nuts to the center, stir-frying for about 30 seconds. Push them to the perimeter and add the onion, garlic and ginger to the center, stir-frying for 1 minute.

Add the sherry mixture and bring all ingredients together with the sauce. Cook for 1 minute.

Serve over the cooked rice.

News & Happenings

North Carolina Certified Paralegal Exam

For those interested in taking the North Carolina State Bar's Paralegal Certification Exam, the Fall exam will be held October 8, 2016. The deadline for registration is August 5, 2016. If you plan to take the exam, you can download a copy of the study guide, which includes application instructions, here:

<http://www.nccertifiedparalegal.org/forms/study%20guide.pdf>

Good luck!

National Association of Legal Assistants (NALA)

2016 NALA Conference & Expo

Vegas Baby!

The 2016 NALA Conference & Expo will be held at the fabulous Paris Las Vegas Casino and Hotel July 13-15, 2016.

Special announcement! Your wonderful paralegal organization, the MPA, has been selected as a presenter for the Member Exchange at the NALA convention. A copy of the acceptance letter is pasted below.

November 4, 2015
Member Exchange Proposal
Dear Susan:

Thank you and Alicia Mitchell-Mercer so much for submitting a proposal to make a Member Exchange Presentation at the 2016 NALA Annual Convention, Institutes and Exhibition in Las Vegas, Nevada. It gives me great pleasure to inform you both that your presentation, "Legal Project Management - Showcasing the Value of a Paralegal" has been selected as one of three to be presented Thursday, July 14, 2016. Please note that you may only have a maximum of 2 presenters.

Your presentation should be approximately one hour long. Please make a note on your calendar that we will need your speaker handout materials by March 1, 2016. Please send your materials to Mariah Williams at NALA Headquarters, 7666 E. 61st, Suite 315, Tulsa, OK 74133 or mwilliams@nala.org. We prefer that this material be provided to us electronically or on disk – acceptable formats are Word, WordPerfect, PDF, and PowerPoint. Also, if you need any audio-visual equipment for your presentation, please advise Mariah and she will make arrangements to have it available.

Registration fees for convention courses are waived for Member Exchange presenters. There is no other compensation, honorarium, or expense reimbursement. You are eligible for CLE credits during convention.

Again, congratulations on your selection as a presenter. I am very much looking forward to your presentation, and to seeing you in Las Vegas, Nevada. Please do not hesitate to contact me at njordahl@rumberger.com if you have any questions.

Sincerely,
NATIONAL ASSOCIATION OF LEGAL ASSISTANTS, INC.
Nancy L. Jordahl, ACP, FRP
Chair, Continuing Educational Council

MPA Logo Contest!

Cash Prize: \$250.00

The current Metrolina Paralegal Association Logo:



The MPA invites *you* to create a new logo!

The Metrolina Paralegal Association Executive Board has approved a cash prize to be awarded to the *MPA member* that submits the winning logo.

Note: *Members only* are allowed to enter the contest.

How To Enter:

1. Create a unique logo for the Metrolina Paralegal Association.
2. E-mail submissions *in JPEG* format to metrolinaparalegal@gmail.com.
3. Submissions *must be received* by June 1, 2016.
4. You will receive a release of all rights to the logo.
5. Sign, scan and E-mail the release to metrolinaparalegal@gmail.com.

What happens next:

1. The MPA Executive Board will deliberate and determine which, if any, of the submissions will be considered for use by the MPA.
2. If a submission is chosen to be the official logo of the MPA, the winner will be notified via E-mail and the winner will be announced in an upcoming edition of the Paraview and on the MPA website.
3. If no winning logo is selected, the contest will be repeated at a date to be determined by the Board.
4. Once a winning logo has been chosen, the winner will receive a \$250.00 prize.

Important Legal Information:

By E-mailing a submission to the Metrolina Paralegal Association, the entrant agrees that the submission becomes the property of the Metrolina Paralegal Association. Upon receipt, the Metrolina Paralegal Association owns all rights, including, but not limited to, the use, publication, and ownership of all copyright and trademark protections. The creators of all submitted logos forfeit ownership, copyrights and trademarks to the Metrolina Paralegal Association. All entrants must sign and return a release of all rights to the logo in favor of the Metrolina Paralegal Association before the submission will be considered for the contest.

Entertainment

Theater Charlotte

501 Queens Road, Charlotte, NC
<http://theatrecharlotte.org>

The Miracle Worker

Mar. 18 through Apr. 3, 2016

The Addams Family

May 13 through May 29, 2016

PNC Music Pavilion

707 Pavilion Blvd., Charlotte, NC

Duran Duran

Paper Gods Tour

April 16, 2016

7:00 p.m.

<http://www.ticketmaster.com/Duran-Duran-tickets/artist/734969>

The Charlotte Knights

Take me out to the ball game!

BB&T Ballpark

324 South Mint Street

Charlotte, NC 28202

2016 season schedule:

http://www.milb.com/documents/3/9/6/149416396/2016_Schedule_Printable_PDF_af4erv3d.pdf

The Charlotte Hornets

Time Warner Cable Arena

333 East Trade Street

Charlotte, NC 28202

2015-2016 season schedule:

<http://i.cdn.turner.com/drpf/nba/hornets/sites/default/files/15-16-schedule-list.pdf>

The Charlotte Symphony Summer Pops Series

Symphony Park

Southpark Mall

4400 Sharon Rd.

Charlotte, NC 28211

Calendar and Summer Pops Information:

<http://www.charlottesymphony.org/events/month/06/year/2015/>

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A Word About Our Patron Sponsors

We appreciate your patronage! Our organization would not be the same without you. Your membership means a lot to us. You bring energy, fun, excitement and variety to our membership. We love having you attend our general membership meetings, and of course the highlight for all of us is your wonderful displays and the carefully constructed information you provide at our seminars.

So, we say, "thank you," to our Patron Sponsors, and we look forward to seeing you all at our upcoming events.



FY 2015-2017

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