



THE PARAVIEW



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Winter 2013

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FINDING THE PERFECT PARALEGAL JOB

Job seekers understand the current state of employment in this country. Unemployment is up; job placement is down. And even the legal profession has not been immune to this problem. Law firms and companies are being very specific on the skills and level of expertise needed for entry-level paralegals. What was once a relatively easy profession to break into, has now become one that involves innovation and determination in landing that perfect paralegal job.

Being very active in national and local paralegal organizations, as well as in social media giants like LinkedIn and Twitter, I have seen the heartache of recent graduates lamenting over not being able to secure a paralegal position. Besides networking and professional department recommendations, I always recommend to those “beginners,” seek out temporary employment. What can be perceived as a scary prospect can actually be the door to a great opportunity – a permanent position.

Sharpen Those Skills

It’s important to remember that while you are seeking a position, keep your skills sharp. Attend continuing legal education opportunities and fine tune your organizational skills. Demonstrating to a prospective employer that you are on top of current legal issues can set you apart from your peers who don’t have those CLE hours under their belt. Remember, you don’t have to have to be certified to benefit from CLE!



What’s the Name of That Company?

When you take a temporary assignment, remember to research the employer. Find out things like what area of law they practice, what outside interests the attorneys have, and who their clients are. This information can be easily found on the firm’s website or other social media. It can sound a bit creepy, online stalking your potential employer, but researching the company can help you determine if it will be a right fit, should you secure a permanent position with them.

If you find it is a perfect fit, demonstrate your eagerness to work for them. Show up ten minutes early before your scheduled start time and dress professionally. Offer to assist in tasks

and projects and express your professional independence. Easy things like this demonstrate to the employer that you are an active team player and can be readily relied upon.

I'm Too Good for That Position!

When you are seeking a permanent position, do not automatically reject a job or task that you may perceive as a step backward or beneath you. There are many “temp”-ting possibilities out there that can actually be the stepping stone to your dream job, such as these.



Legal Secretary

Many paralegals have started their careers as a legal secretary. What was once a job of straight typing and filing, is now a position that involves many of the skills and traits paralegals must have in order to succeed. If you are in a location where there are no paralegal positions available, but plenty of temporary legal secretary jobs, then consider this role. It is a great way to get your “foot in the door” and help determine if that employer is a good fit for you or not.

Legal Clerk (a.k.a. “runner”)

I proudly admit this was my first legal job. And from this position I learned a lot. I learned the logistics of how things were filed at the courthouse, became friends with the court clerk, and networked with other law firms and lawyers. I worked very closely with paralegals in our firm and ultimately begin “shadowing” a paralegal, working as her assistant. Because of these skills and networking opportunities, I was offered a permanent paralegal position at another firm. The legal clerk position wasn’t a glamorous job, but one full of learning opportunities and skills needed in order for me to succeed.

File Clerk

Many mid-size to large firms have a file clerk that works exclusively maintaining case files and documents. What can be perceived as a thankless job is actually one that requires extensive organizational skills. Temping as a file clerk is a great way for an entry-level paralegal to gain working knowledge of a firm’s procedure for handling a case.

Receptionist

You’re probably thinking, “What is he talking about? Me, take a receptionist job?” I know it sounds crazy, but if you have never worked in a law firm before, temping as a receptionist is a

great way to get exposure to how a law firm operates. It also requires nerves of steel, exceptional organizational skills and a professional personality. Again, these are all talents required of a professional paralegal. The receptionist is the first person a potential client or attorney sees and speaks to when entering a firm. As such, a receptionist can have the ability to make or break a firm.

Firm Librarian

You've taken that legal research and writing course through your college or technical school, so what better way to demonstrate your knowledge and skills of the sources of law than by performing the role of firm librarian? Either working as the firm librarian or as an assistant to the librarian, temping in this role is a great way to demonstrate to your potential employer your knowledge of the law and exceptional organizational skills.

Remember, temporary employment can assist you in avoiding lengthy gaps in employment. When you are seeking a permanent position, it is better to have several temporary assignments on your resume than large gaps of time where you were unemployed. Employers are more likely to offer a permanent position to someone who can demonstrate their determination to

obtain gainful employment, than to someone who cannot show their desire to work. Also, when working in a temporary environment, make sure that you can adapt to different personalities. Just like in any community, a law firm or corporation will have a multitude of personalities; some good, some bad. In order to succeed and secure that dream job, you must be able to demonstrate your ability to get along with even the most difficult personality.

There are many different "temp"-ting possibilities available out there that can assist you in securing that permanent job; from front desk receptionist to file room clerk, from runner to junior assistant to a senior paralegal. The possibilities are innumerable. The key is using your determination, innovation and dedication in order to land the perfect paralegal job.

Source:

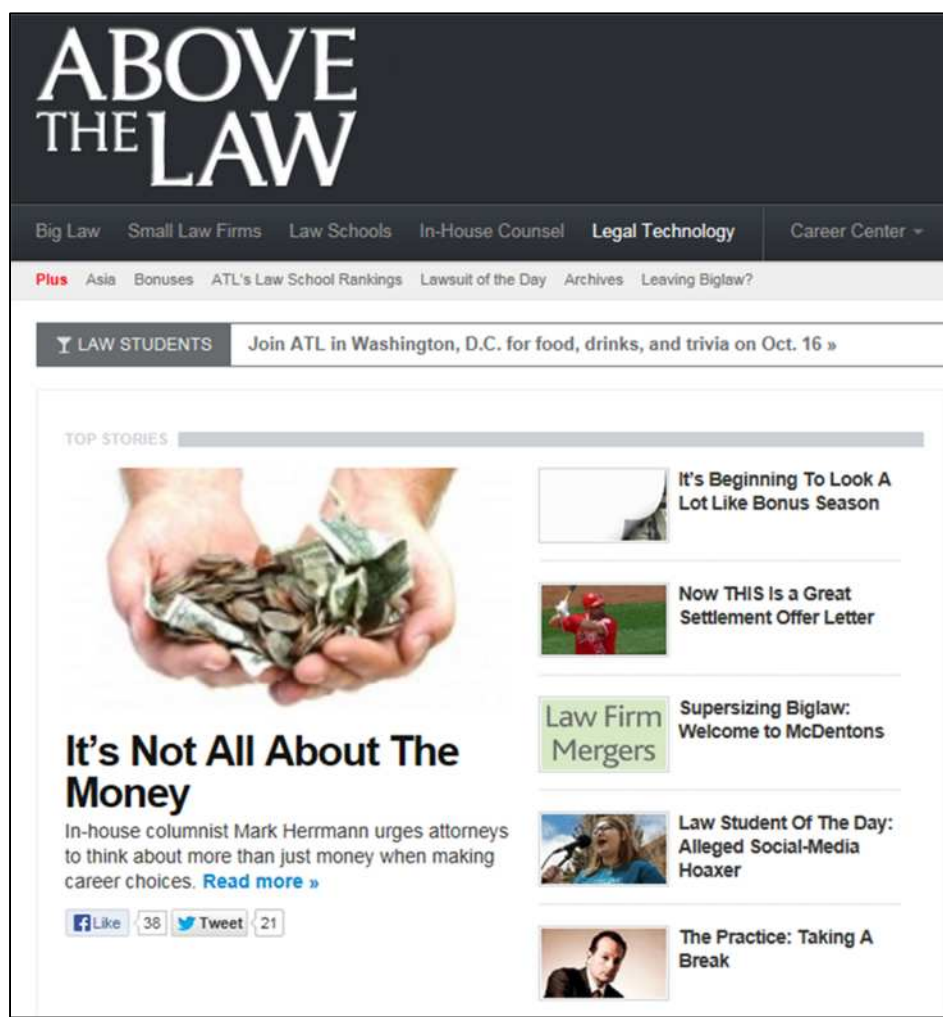
Carl H. Morrison, II, PP-SC, AACP

NALA Facts & Findings, Career Chronicle 2012

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HELPFUL WEBSITE: WINTER SELECTION



“Helpful” might be a stretch, but this website can certainly provide some much needed humor on a bad day. The site is run by the only handful of attorneys in the world that are able to laugh at themselves.

While it may be 95% tongue in cheek, the website provides the public service of distributing factual information, and is sometimes ahead of the “regular” media.

A recent example is the article entitled “Lindsay Lohan Is Reportedly Asking Her Lawyers About Going After Grand Theft Auto 5 for Unsanctioned Portrayal”, claiming they used her image on the game cover (they didn’t) and that one of the characters in the game has experiences “similar” to Lohan’s actual experiences (it does, but really now, is Lindsay the only celebrity to steal from their friends)?

What’s not to like about a website that makes gossip [sort of] relevant to the law?

PRACTICE AREA SPOTLIGHT: LABOR AND EMPLOYMENT LAW

Welcome to the second edition of an ongoing series focusing on one of the many practice areas encompassed by the paralegal profession. This Paraview, we will take a look at the contentious world of labor and employment law.

Labor law (also referred to as employment law) mediates the relationship between workers (employees), employers, trade unions and the government. Collective labor law relates to the tripartite relationship between employee, employer and union, while individual labor law concerns employees' rights at work and through the contract for work.



The most common labor/employment infractions include discrimination (age, gender, race, religion, national origin, disability and sexual orientation), sexual harassment, wrongful termination, workers' compensation claims, employee benefits, protection and enforcement of family and medical leave rights, workplace health and safety and whistleblower retaliation protection.

Relevant legislation includes the following:

Americans with Disabilities Act (ADA) – The ADA that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services.

Fair Labor Standards Act (FLSA) - The Act establishes standards for minimum wages, overtime pay, recordkeeping, and child labor.

Family Medical Leave Act (FMLA) - The FMLA provides a means for employees to balance their work and family responsibilities by taking unpaid leave for certain reasons. The Act is intended

to promote the stability and economic security of families as well as the nation's interest in preserving the integrity of families.

Occupational Safety and Health Act (OSHA) - The Act assigns OSHA two regulatory functions: setting standards and conducting inspections to ensure that employers are providing safe and healthful workplaces. OSHA standards may require that employers adopt certain practices, means, methods, or processes reasonably necessary and appropriate to protect workers on the job. Employers must become familiar with the standards applicable to their establishments and eliminate hazards

Governmental regulatory agencies involved in labor and employment issues include the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice (DOJ) and the U.S. Department of Labor (DOL).

Notable Employment and Labor litigation

Dukes v. WalMart (Race discrimination)

Betty Dukes, a greeter at a California Walmart, was the lead plaintiff in the largest class-action lawsuit in U.S. history, representing a proposed class of more than a million women. Filed in 2001, the suit alleging that Walmart management discriminated against women over pay and promotions and violated the Civil Rights Act of 1964. In 2011, the Supreme Court ruled in a 5-4 decision that the lawsuit could not proceed, the conservative majority arguing that members of the huge class didn't share enough in common as plaintiffs.

Source:

Dave Jamieson, Huffington Post, June 20, 2012

Hill v. Clarence Thomas (Sexual Harassment)

During confirmation hearings for the appointment of conservative Supreme Court Justice Clarence Thomas in 1991, accusations of sexual harassment against Thomas were brought by a University of Oklahoma law professor named Anita Hill, who had once worked for him at the Equal Employment Opportunities Commission. Hill alleged that Thomas had subjected her to comments of a lurid sexual nature and that his behavior was "unbefitting an individual who will be a member of the Court." After an investigation and hearing, Thomas's appointment was narrowly confirmed by the Senate.

Source:

Wikipedia.org/wiki/Clarence_Thomas

EEOC v. Henry's Turkey Service (ADA discrimination)

A jury in Iowa agreed with the EEOC that Hill County Farms, doing business as Henry's Turkey Service, subjected a group of 32 men with intellectual disabilities to severe abuse and discrimination for a period between 2007 and 2009, after 20 years of similar mistreatment. The

EEOC presented evidence that for years the owners and staffers of Henry's Turkey subjected the workers to abusive verbal and physical harassment, restricted their freedom of movement, failed to provide adequate medical care when needed and imposed harsh terms and conditions of employment such as requiring them to live in deplorable and sub-standard living conditions. Verbal abuses included frequently referring to the workers as "retarded," "dumb ass" and "stupid." Class members reported acts of physical abuse including hitting, kicking, at least one case of handcuffing, and forcing the disabled workers to carry heavy weights as punishment. The jury awarded the class \$240 million in damages, the largest verdict in the EEOC's history.

Source:

<http://www.eeoc.gov/eeoc/newsroom/release/5-1-13b.cfm>

OSHA v. SeaWorld (Unsafe Working Conditions)

In August 2010, the U.S. Occupational Safety and Health Administration (OSHA) fined SeaWorld \$75,000 for three safety violations, saying it had exposed its trainers to a hazardous environment and violated a part of the Occupational Safety and Health Act known as the general duty clause. OSHA, a part of the Labor Department, demanded SeaWorld make certain changes, notably, physically separating the killer whale trainers from the orcas during show performances. Ken Welsch, an administrative law judge of the Occupational Safety and Health Review Commission, in 2012 upheld the OSHA citations but downgraded one of them to "serious" from "willful," effectively reducing the fine to \$12,000 from \$75,000. In appealing Welsch's decision, SeaWorld argued OSHA's fine was premised on an overly broad view and "novel application" of the general duty clause, which mandates that employers keep their workplaces free from "recognized" hazards. "The clause cannot be used to force a company to change the very product that it offers the public, and the business it is in," SeaWorld wrote. "The clause is no more an instrument for supervising the interactions between whales and humans at SeaWorld, than it is a charter to prohibit blocking and tackling in the NFL or to post speed limits on the NASCAR circuit."

Source:

Carolyn Kolker, Reuters, October 29, 2013



ETHICS CORNER

City Faces Ethical Dilemma After Arrest of City Attorney

HENDERSON, Nev. -- Henderson City Attorney Elizabeth Quillin prosecutes criminals. But she found herself on the other side of the courtroom after being charged with a DUI arrest. Quillin faces three charges: hit and run, driving under the influence and having an open container.

Because Quillin's co-workers can't prosecute her, the case creates a conflict of interest for the city. She will have to face a judge somewhere else. Quillin has an upcoming date in court in Henderson Municipal Court. After that, where her case moves forward is up in the air. The Attorney General's Office says situations like this don't happen too often, but when they do it creates a big dilemma.

According to the arrest report, the 51-year-old lost control of her Lexus, ran off the road near Paseo Verde and Carnegie, hit a fire hydrant, a boulder and two trees. Quillin also sideswiped another car. Police say Quillin got out of her car and started walking away. She allegedly smelled of alcohol and had slurred speech.

The Nevada Ethics Commission is the watchdog for those in public office, making sure they don't use their position to benefit themselves personally. Executive Director Caren Jenkins says that while Quillin didn't, there is a problem with who will hear her case because the City of Henderson can't. "Obviously, she has a conflict of interest in representing the government against herself and I don't think there's a clear cut answer as to who should be in that position."

Source:
8newsnow.com



#LAWYERPROBLEMS

The ten worst things about a career as a lawyer:

1. High Stress

Deadlines, billing pressures, client demands, long hours, changing laws and other demands all combine to make the practice of law one of the most stressful jobs on the planet. Throw in rising business pressures, evolving legal technologies and climbing law school debt, and it's no wonder that lawyers are stressed.

2. Long Hours

Rising workloads and shrinking staff translate into more work hours for lawyers. In addition, the demands of global law practice mean many lawyers must be available to clients around the clock. Today's lawyers work longer and harder than ever and 50+ hour work weeks are not uncommon. In addition to billing hours, today's competitive environment has forced lawyers to spend more time on client development and business management activities. As a result, many lawyers complain of a lack of work-life balance.

3. Job Dissatisfaction

The stress and demands of law practice have fueled high levels of career dissatisfaction among members of the bar. Depression and suicide are common among lawyers and forty-four percent of lawyers recently surveyed by the American Bar Association said they would not recommend the profession to a young person.

4. Soaring Law School Debt

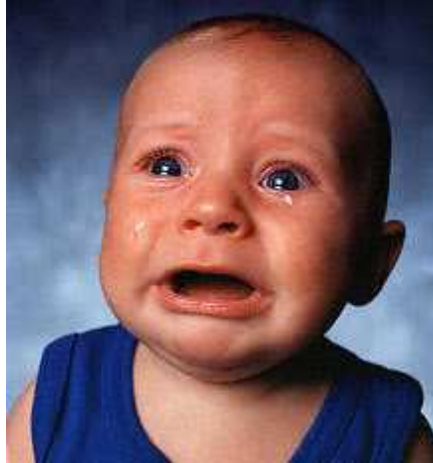
The cost of a law school education has outpaced inflation in recent years. Tuition at even mediocre law schools can cost up to \$43,000 a year and six-figure law school debt is not uncommon. In today's cut-throat job market, new grads often do not earn enough to repay law school debt and a law degree is no longer a ticket to financial security.

5. Competitive Job Market

Job openings for lawyers have plunged, but law schools are not dialing back enrollment. Increased competitive pressures have forced many lawyers to settle for less-than-ideal employment or change careers altogether. Today's lawyers face one of the bleakest job markets in history; record numbers of jobs have been cut and salaries have plummeted. A steady supply of lawyers coupled with declining demand has caused many legal professionals to rethink the value of a law degree.

6. Client Pressures

In this time of grave economic uncertainty, clients are more conscious of their legal spending. After years of billing hikes that well-exceeded inflation, clients are demanding more value for their dollar and are forcing lawyers to keep billing rates reasonable. The market will no longer tolerate expensive lawyers to perform tasks that can be accomplished more cheaply, quickly and efficiently by technology or by other professionals, such as paralegals.



7. Changing Legal Paradigms

The practice of law is changing dramatically and lawyers no longer have a monopoly on the law. From legal document technicians to virtual law offices to legal self-help websites, today's lawyers face competition from a variety of non-lawyer sources.

8. Technology

Technology has transformed law practice and, like or not, lawyers must become proficient in a wide range of technology platforms from document review and management tools to spreadsheet, presentation and billing software. Even as lawyers become more tech-savvy, the market trend toward commoditization threatens to swallow jobs as lawyers are replaced by technology in effort to deliver legal services more cheaply and efficiently.

9. Legal Process Outsourcing

It's not a trend; the outsourcing of legal work to foreign lands is an economic reality. As more legal work is sent to low-wage workforces overseas or regional delivery centers onshore, many traditional lawyer jobs are being eroded or displaced altogether.

10. Poor Public Image

Q: "What do you call 10,000 lawyers at the bottom of the sea?" A: "A good start." This popular lawyer joke underscores the low public perception of lawyers that is prevalent in today's society. Although widespread distrust of lawyers has existed since ancient times, rising billing rates, frivolous lawsuits and sensational news stories of lawyers behaving poorly do little to raise the public image of attorneys.

Source:

Sally Kane

About.com: Legal Careers

<http://legalcareers.about.com/od/legalcareerbasics/tp/10-Worst-Things-About-A-Career-As-A-Lawyer.htm>

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NORTH CAROLINA LEGAL NEWS



September 13, 2013

United States Attorney General Fox recently urged the U.S. Food and Drug Administration (FDA) to place restrictions on the advertising and ingredients of the popular and highly-addictive product electronic cigarettes (“e-cigarettes”). Unlike traditional tobacco products, there are no federal age restrictions that would prevent children from obtaining e-cigarettes. Noting the growing use of e-cigarettes, and the prevalence of advertising, AG Fox highlighted the need to protect youth from becoming addicted to nicotine through the use of these new products. North Carolina passed a state law on June 19, 2013 prohibiting E-Cigarette sales to minors.

September 29, 2013

The Justice Department will sue North Carolina over the state’s new voting law, the latest move by the Obama administration to counter a U.S. Supreme Court ruling that officials have said threatens the voting rights of minorities. Under the new law, North Carolina residents are required to show a photo ID at polling places. The law was signed by the state’s Republican governor last month, and civil right groups moved quickly to challenge it. They said that the law’s requirements will make it harder to vote and that racial minorities will be disproportionately affected because they are less likely to have the forms of photo ID required by the law. In their suit, the Advancement Project and the North Carolina NAACP also argued that voter fraud is not a significant problem in the state.

December 4, 2013

The North Carolina Court of Appeals ruled *State v. Dahlquist* that the four to five hours that the arresting officer estimated would have elapsed had he first traveled to the intake center at the jail to obtain a search warrant and then taken the a suspect DUI defendant to the hospital for a blood draw constituted an exigency sufficient to excuse the Fourth Amendment’s warrant requirement. The opinion stated that while it found an exigency in this case, officers should consider amending their post-arrest procedures in future cases, including rather than estimating wait times based on past experience, calling magistrates’ offices and hospitals to obtain current information about wait times.

December 5, 2013

The American Legislative Exchange Council (“ALEC”), a business-backed, limited-government group that counts House Speaker Thom Tillis as a leader is exerting increasing influence in North Carolina. Newly disclosed ALEC documents show 54 out of 170 North Carolina lawmakers as members through June, or roughly one-third of the General Assembly. The two North Carolina lawmakers who serve on the national board of directors – Tillis and Asheville Rep. Tim Moffitt – are named in the documents as key potential fundraisers for a major donor campaign.

UPCOMING CLEs

Date(s)	Sponsor	Location	Offerings	Cost
January 2014 (date(s) flexible)	NALA	Local testing center	Certified Paralegal Examination	\$250 (members) \$275 (non-members)
February 21, 2014	MPA	Charlotte, NC	5 hours general 1 hour ethics	\$125 (members) \$150 (non-members)
July 23-25, 2014	NALA	Charleston, SC	1-7 hours general	\$510 (members) \$565 (non-members)

VOLUNTEERS NEEDED!

Once again MPA is partnering with the Girl Scouts and Mecklenburg County Superior Court Judge Hugh Lewis to promote the paralegal profession to high school girl scouts. Please contact Candace Russell (crussell@mcguirewoods.com; 704-343-2044) to sign-up.

Saturday, February 1, 2014 (9:30 AM to noon)

Volunteers are needed for a discussion panel (please be prepared to speak about your responsibilities, education requirements and why you chose to become a paralegal). Will be held on the UNCC Center City Campus.

Tuesday February 18, 2014 (Noon to 8:15 PM)

Courthouse Tour/Mock Trial event will follow the schedule listed below. Volunteers can assist for limited periods of time if your schedule does not allow you to give the entire afternoon and evening. Parking is not provided; if you plan to attend the entire day, parking would cost approximately \$12.00.

Noon -12:30 PM	Arrive on the 9th floor of the Courthouse for lunch
12:30 -1:15 PM	Lunch in the large conference room of the 9th floor of the Courthouse which includes a brief introductory meeting with law students, paralegals, members of the Young Lawyers' Division and Judges.
1:15 – 2:00 PM	Courthouse tour
2:00 – 4:00 PM	Court observations
4:00 – 4:30 PM	Sheriff's K-9 Unit demonstration
4:30 – 6:00 PM	Mock Court training
6:00 – 6:30 PM	Pizza Dinner
6:30 – 8:00 PM	Mock Trial
8:00 – 8:15 PM	Exit courthouse



QUOTE(S) OF THE DAY

Some interesting quotes from real court transcripts:

ATTORNEY: The youngest son, the 20-year-old, how old is he?

WITNESS: He's 20, much like your IQ.

ATTORNEY: What gear were you in at the moment of the impact?

WITNESS: Gucci sweats and Reeboks.

ATTORNEY: She had three children, right?

WITNESS: Yes.

ATTORNEY: How many were boys?

WITNESS: None.

ATTORNEY: Were there any girls?

WITNESS: Your Honor, I think I need a different attorney. Can I get a new attorney?

ATTORNEY: This myasthenia gravis, does it affect your memory at all?

WITNESS: Yes.

ATTORNEY: And in what ways does it affect your memory?

WITNESS: I forget.

ATTORNEY: You forget? Can you give us an example of something you forgot?

ATTORNEY: Now doctor, isn't it true that when a person dies in his sleep, he doesn't know about it until the next morning?

WITNESS: Did you actually pass the bar exam?

ATTORNEY: Is your appearance here this morning pursuant to a deposition notice which I sent to your attorney?

WITNESS: No, this is how I dress when I go to work.



2013-2014 MPA PATRONS

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 <p>Jeanne Carnahan, Vice President, Sales Jeanne@nationalcorp.com (800) 483-1140 www.nationalcorp.com</p>	 <p><i>Metrolina Paralegal Association's Fall Fest CLE Seminar Special!</i></p> <p>\$125 registered agent in any state <small>regularly \$169</small></p> <p>Email Terry at tburns@parasec.com to learn more! Fall Fest CLE Seminar Special expires December 31, 2013.</p> <p>800.533.7272 - www.parasec.com</p>
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