



# The PARAVIEW



Photo: United States Supreme Court Building, Washington, DC

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Metrolina Paralegal Association

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Metrolina Paralegal Association  
[www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com)

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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***

To assist members to obtain CLE hours for January 2016  
Recertification with NC State Bar Board of Paralegal Certification

## ***Calling all Writers!***

Want to be published? Have a good short story, poem, anecdote, recipe or article?

Email it to [RenaElam@gmail.com](mailto:RenaElam@gmail.com) for consideration.

If you submit an article on a legal subject or the paralegal profession, we will consider featuring it in an upcoming issue of the Paraview. Won't *that* look good on your résumé?

# Ready, Aim, Fire!



## Enhanced Legal Vocabulary

***res ipsa loquitur*** Latin. (lit. “the thing speaks for itself”) A legal doctrine that a person is presumed to be negligent if that person had exclusive control of whatever caused the injury, even if there is no specific evidence of the negligent act, but the injury would not have occurred without negligence.

**vicarious liability** The doctrine in tort law that holds one person responsible for the failure of another with whom the responsible person has a special relationship, such as employer/employee; parent/child; owner/operator.

**elements (of a crime)** Facts or circumstances that define a crime. Each element must be proven beyond a reasonable doubt for guilt to be established.

***nunc pro tunc*** Latin. (lit., “now for then”) Used to establish retroactivity to a certain date in time.

**show cause (hearing)** A hearing before a court to present reasons why a court order or legal process has been violated and/or why the court should not hold the person in contempt.

## Elementary Civics

### Constitution of the United States

The supreme law of the land is contained in the United States Constitution, which is the legal document that defines our government, establishes laws and protects basic rights of U.S. citizens. Note: the Supreme Court is *not* the supreme law, but is used as a method to interpret the Constitution and other laws.

### Supreme Court Justices

The Supreme Court is made up of Justices that are appointed by the President for life. There is one Chief Justice and the rest are Associate Justices. The Justices currently serving are as follows: John G. Roberts, Jr. (Chief Justice); Antonin Scalia; Anthony M. Kennedy; Clarence Thomas; Ruth Bader Ginsburg; Stephen C. Breyer; Samuel A. Alito, Jr.; Sonia Sotomayor; Elena Kagan.

### Emancipation Proclamation

The Emancipation Proclamation did not end slavery or the Civil War, but consisted of two executive orders issued by President Lincoln. The first Order (9/22/1862) stated that if the Confederate rebels did not end the Civil War by January 1, 1863, all slaves under the Confederacy would be free.

The second Order (1/1/1863) named the states to which the first Order applied, which consisted only of states in the Confederacy. They were: Arkansas, Texas, Louisiana, (excluding certain parishes), Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia.

## **Capitalization Rules**

**From: Texas Law Review Manual on Usage and Style, Twelfth Edition**

### **Adjectives derived from governmental nouns**

Do not capitalize an adjective derived from a governmental noun unless the adjective is itself part of a proper name or a well-known substitute for a proper name.

- congressional, presidential, senatorial, constitutional, executive, federal
- the Congressional Record (proper name)

### **Historical periods and events**

Capitalize the names of historical periods and events. Do not capitalize *century* or *period*.

- the Middle Ages, the French Revolution, the Inquisition, the Progressive Era
- the Stone Age (definite), another ice age (indefinite)
- the nineteenth century, the antebellum period

### **Geographic formations**

Capitalize the names of rivers, lakes, mountains, and oceans.

- Snake River, Lake Erie, Rocky Mountains, Atlantic Ocean

## **Usage, Punctuation & Grammar Tips**

**From: Texas Law Review Manual on Usage and Style, Twelfth Edition**

### **Quotation Marks**

Use quotation marks to set off quotations. If a quotation can stand alone as a complete sentence, it may be formally introduced and preceded by a colon or comma.

Ex: The Court noted, “There is no reason for this rule.”

Quotation marks may also be used to introduce terms of art – words that have a specialized legal meaning or independent legal significance. Do not use quotation marks for subsequent uses of the term.

Ex: Plaintiffs must prove “actual malice.” Either reckless disregard for the truth or knowledge of falsity will show actual malice.

### **Words ending in silent e**

When adding a suffix to a word ending in a silent *e*, check a dictionary for the correct spelling. If the word does not appear with the suffix in the dictionary, then drop the *e* before adding a suffix beginning with a vowel but not before a suffix beginning with a consonant. One notable exception to this rule is the word *judgment*.

Ex.: excitable, shaping, excitement, shapely, judgment

### **Plural form of a compound noun**

To form the plural of a compound noun, pluralize only the noun that increases in number.

Ex: assistant attorneys general, solicitors general, courts-martial

Ex: major generals (*Major* modifies the noun *general*)

# Recent Supreme Court Decisions

## **Obamacare Upheld**

*David King, et al., v. Sylvia Burwell, Secretary of Health and Human Services, et al.,* No. 14-593, Decided June 15, 2015

In an attempt to un hinge the foundation of the Patient Protection and Affordable Care Act (the “ACA” or, the “Act”), the law commonly referred to as Obamacare, four petitioners brought a lawsuit. The petitioners do not want to purchase health insurance and do not want to pay additional taxes for failing to do so. The lawsuit alleges the tax credits available under the Act should not be available in Virginia because it has only a Federal Exchange and did not establish a State Exchange. In its argument, petitioners interpreted the language contained in the Act at 42 U.S.C. §18031 to mean exchanges established by the State and does not include the Federal Exchange, and that this language contradicts language at 26 U.S.C. §36B. The District Court disagreed with the arguments presented and dismissed the case. Petitioners appealed to the Fourth Circuit Court of Appeals, which affirmed the District Court’s decision. Petitioners then appealed to the U.S. Supreme Court. In its conclusion, the Court stated, “Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them. If at all possible, we must interpret the Act in a way that is consistent with the former, and avoids the latter.” The Court then affirmed the judgment of the Fourth Circuit Court of Appeals. Therefore, Obamacare remains in effect.

## **Landmark Civil Rights Decision**

*Obergefell, et al., v. Hodges, Director, Ohio Department of Health, et al.,* No. 14-556. Decided June 26, 2015.

*Decision: Same-sex marriage is now legal in all 50 states*

Petitioners include fourteen same-sex couples and two men whose partners were deceased that brought lawsuits in four states, Ohio, Kentucky, Michigan and Tennessee, alleging that the states violated their Fourteenth Amendment right to marry in their home state and that these rights were also violated because the states refused to recognize same-sex marriages that were performed in states where the marriages were legally licensed and performed. The district courts in each state ruled in Petitioners’ favor, but on appeal the Sixth Circuit Court of Appeals, which consolidated the cases for its review, reversed the judgment favorable to Petitioners. Thereafter, Petitioners appealed to the United States Supreme Court, which accepted the case. In a sharply divided 5-4 ruling, the Court found in favor of the Petitioners.

Section 1 of the Fourteenth Amendment states, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The Court reasoned that this case merited a review of a “claim to liberty,” and discussed four principles that underlie its decision and interpretation of the Constitution.

The four principles reviewed were, (1) liberty, (2) fundamental rights, (3) protecting the rights of families and children, and (4) benefits and duties imposed by marriage.

# 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:**

### **MPA**

[www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com)

### **2015 Fall Fest CLE Seminar**

September 24, 2015

Omni Hotel, Uptown Charlotte

Visit [www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com) for additional details

### **NALA Campus Live**

[www.nala.org/onlineed.aspx](http://www.nala.org/onlineed.aspx)

11/12/15  
noon to 1:30 p.m.

**Ethics and Technology**  
Vicki Voisin, ACP

12/17/15  
11 a.m. to  
1 p.m.

**Judgment and legal Analysis**  
Virginia Koerselman Newman, Esq.

12/11/15  
3 p.m. to  
5 p.m.

**Blue book Review of Citing**  
Mary Kubichek, JD

11/3/15  
3 p.m. to  
5 p.m.

**Civil Litigation: Part 1**  
Karen Sanders-West, ACP, JD

11/10/15  
3 pm. to  
5 p.m.

**Civil Litigation: Part II**  
Karen Sanders-West, ACP, JD

11/17/15  
3 p.m. to  
5 p.m.

**Civil Litigation: Part III**  
Karen Sanders-West, ACP, JD

# Letter from the Editor

It is finally Fall! Wow, what heat we had this summer. It's time to chill a bit and attend MPA's Fall Fest CLE Seminar. Recertification time with the North Carolina State Bar Board of Paralegal Certification is right around the corner. The Metroline Paralegal Association has been hard at work making sure each member is provided the opportunity to obtain the hours needed.

But it's not just that we need the hours. We *need* the education. The law is never stagnant; it changes with the wind. So keeping ourselves current helps maintain our commitment to be paramount in our field and provide our supervising attorneys the best assistance they could imagine. In every way we can conceive in our professional lives, continuing legal education is crucial to our survival and success.

MPA is committed to consistently organizing instructive, necessary and affordable seminars to meet our members' certification needs. In addition to the education received, we have fun! Our Board of Directors and especially our Fourth Vice President (currently Lynn Minton) work tirelessly to schedule and organize these events. Plus, we have been such good patrons of the Omni Hotel in Uptown Charlotte, its event directors make sure we are provided with comfortable and appropriate meeting rooms, fantastic food, beverages and break-time goodies.

It can be a daunting assignment to put together an informative and interesting seminar; and finding the right mix of presenters is no easy task. So when you see Lynn, give her a special "thank you" for all her hard work in lining up speakers to teach us the law, improve our skills and master tricks of the trade we will be sure to use in a practical way.

## Fall Paraview Recipe

### Favorite Spicy Dill Oyster Crackers

1 bag mini oyster crackers, cheapest kind  
1 pkg Hidden Valley Original Buttermilk dressing mix  
1/2 cup vegetable oil (canola for heart health!)  
1 teaspoon dill weed  
1/2 teaspoon garlic powder  
1/4 teaspoon lemon pepper

Heat oven to 325°.

In a measuring cup, pour a little over 1/2 cup vegetable oil. Add the package of dressing mix and the remaining ingredients. Stir to mix well.

In a large bowl, pour the mix over the crackers and stir to coat well.

Spread the crackers on a cookie sheet and scrape all the mixture onto the crackers with a flexible spatula.

Bake for 10 minutes, stir, and bake an additional 10 minutes.

Makes a great snack treat for the holidays!

# Happenings

## **MPA 2015 Fall Fest CLE Seminar**

September 24, 2015

Omni Hotel, Uptown Charlotte

Visit [www.charlotteareaparalegals.com](http://www.charlotteareaparalegals.com) for additional details

**6 hours of CLE credits is only \$95 for MPA members**

**Includes lunch and snacks (can't beat that)**

## **Belk Theater at Blumenthal Performing Arts Center**

### **Beauty and the Beast**

Sept. 29 through Oct. 4

Presented by Blumenthal Performing Arts

[www.blumenthalarts.org](http://www.blumenthalarts.org)

## **Comedy Zone**

Located at the Music Factory

Oct. 7, 2015 – 8:00 p.m.

### **Crazy Ex Girlfriend's Night Out**

Free Advance Screening and Pop-Up Mart of local vendors

## **Spirit Square Street Jam (Free admittance)**

### **Hip-Hop and Breakin' Convention Family-friendly festival**

October 10, 2015 – 10 a.m. to 4 p.m.

[www.blumenthalarts.org](http://www.blumenthalarts.org)

## **MPA at Walk Now for Autism Speaks**

Saturday, October 17, 2015

zMAX Dragway in Concord, NC

Contact Alicia Mitchell-Mercer for details

[Alicia.Mercer2014@gmail.com](mailto:Alicia.Mercer2014@gmail.com)

## **Carolina Panthers Season Schedule**

Sept. 13 – WIN! Panthers 20, Jaguars 9

Sept. 27 – 1:00 p.m. Saints at Panthers

Oct. 4 – 1:00 p.m. Panthers at Buccaneers

Oct. 18 – 4:05 p.m. Panthers at Seahawks

Oct. 25 – 8:30 p.m. Eagles at Panthers

Nov. 2 – 8:30 p.m. Colts at Panthers

Nov. 8 – 1:00 p.m. Packers at Panthers

Nov. 15 – 1:00 p.m. Panthers at Titans

Nov. 22 – 1:00 p.m. Redskins at Panthers

Nov. 26 – 4:30 p.m. Panthers at Cowboys

Dec. 6 – 1:00 p.m. Panthers at Saints

Dec. 13 – 1:00 p.m. Falcons at Panthers

Dec. 20 – 1:00 p.m. Panthers at Giants

Dec. 27 – 1:00 p.m. Panthers at Falcons

Jan. 3 – 1:00 p.m. Buccaneers at Panthers

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