

The Paraview

Quarterly Publication of the
Metrolina Paralegal Association



2013

FIRST QUARTER EDITION

P.O. Box 36260

Charlotte, NC 28236

www.charlotteareaparalegals.com

In this Issue

Message from the President.... 3

Relevant Materials vs. Legal Fluff... 4-6

Highlights from NALA'S Professional Identity Project Webinar ... 7-9

Do I Really Want to Do This? ... 10-11

New Year Resolutions for Working Professionals... 12-14

What's a Little Stress? ... 15-16

MPA Board Members and Chairpersons... 17

Patrons... 18

Happy New Year! I hope you are enjoying the holidays and are keeping your New Year's resolution!

Linda Lyle, 4th Vice President, resigned from her position for personal reasons, and we thank Linda for her dedicated service to MPA and wish her luck in her new endeavors. Thankfully, Jennifer Sawtell-Day and Leslie Grubb volunteered to plan the Annual Seminar for February - it was another great seminar! Thank you to the members who completed the surveys - we really do read them and take your opinions and comments to heart.

MPA is going through a transitional period. In case you have not been able to attend a membership meeting lately, please be aware that our location has temporarily changed to Robinson Bradshaw & Hinson, located at 101 N. Tryon Street, Suite 1900, in Charlotte. We will let you know as soon as we have found a new (permanent) location. In addition, the board is considering changing the frequency of membership meetings. We greatly appreciate RBH for allowing us to use their space during this transition!

The time for elections is rapidly approaching! If you are interested in running for an office, please speak with a past or present officer for more specific responsibilities. Currently the Executive Committee meets during the lunch hour at RBH on the Wednesday prior to membership meetings; physical attendance is not a requirement, we have board members that attend telephonically.

Relevant Materials vs. Legal Fluff **by Renae Elam, CP, NCCP**

I received what I consider to be one of the best compliments a paralegal could have when a former employer recently told a lawyer interested in hiring me that I had the ability to take a pile of documents, wave a magnet over it and pull out all the relevant material.

It matters not what kind of law you happen to assist with, relevance is the key to success in every legal matter under the sun. If any document, statement, fact, witness, scene, evidence, statute or case is not relevant, it may be useless.

Does that mean your case file will contain only relevant material? Absolutely not. Of course every file will have the necessary administrative documents, but that is not the focus of this article. Our focus is on the art of developing the skill to determine what is relevant material from what is not (the "fluff"), which is an invaluable asset to any lawyer.

A paralegal who wishes to succeed and be held in high esteem by his/her supervising attorney will work to provide services above and beyond what is expected. You will stand head and shoulders above those that are interested in just getting a paycheck. You may be a paralegal who has a case from beginning to end, from setting up the file to the closing of it and everything in between. Or you may be one who performs specific tasks during the life of the case. No matter what your particular assignment may be, you can improve your success by using creative and skillful ways to point out, emphasize, segregate, suggest, highlight or prepare relevant material and services.

Let's define the term "relevant." According to the Federal Rules of Evidence, "Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence when determining the action." Fed. R. Evid. 401 (2011). Outlined below are 5 suggestions for making the relevant stand apart while separating it from the fluff. These suggestions work for both electronic and paper files and for practically any type of case.

1. Organize, organize, organize! For paper files, make sure all correspondence and court filings are maintained in your file according to date with the newest on top. The court filings should always have an index on top with numbered tabs for each separate filing. For electronic files, I like to name the email, letter or fax according to year, month and day, sender, recipient and subject. It looks something like this: 2013.01.14_Ltr_Elam-Smith_Encl_MotDismiss. So you might be wondering, "what does this have to do with relevance?" It is simple. The ability to quickly locate a relevant document will make your job and the attorney's goal easier to accomplish. Attorneys I have worked for love it when I present them with an organized notebook containing clearly indexed and tabbed

materials. In fact, lawyers have frequently asked to use my personal "work notebook" to help ascertain relevant and useful information.

2. Ask questions. Constantly ask questions. Ask questions at each stage of the case. Find out why something is, or is not, important. Once you have this information, you will understand what is going on with the case. Question the attorney to find out what his/her main goal and/or purpose is at this time and make notes for yourself so you know what those goals are. Sticky notes, work notebooks, paralegal work copies, etc. may be needed to remind you and keep the main objectives in front of you. Does she want to settle a civil case as quickly as possible? Does he want to assist a client with setting up a trust for his grandchildren? Does she plan to file a motion to dismiss? Is it a goal to have the client plead guilty? Find out the current goal for each stage of a matter and focus your attention on helping the attorney attain that goal as quickly and effectively as possible.

3. Prepare in advance. If you know the immediate goal in a case, go ahead and prepare the necessary documents. For example, if you know the next step is to draft an answer to a complaint, go ahead and give it your best shot. Don't worry about making it perfect; it is a first draft. The supervising attorney will likely appreciate your taking the initiative and saving her the time it takes to format, plug in the names of the parties, etc. I would usually research what I thought were good affirmative defenses and include them in my answer, and when presenting it to the attorney would tell him, "I put everything but the kitchen sink in here, so feel free to mark out and make changes. It won't hurt my feelings." Other types of advance preparation may include preparing documents needed for limited driving privileges, calling the clerk to obtain a copy of a lien or special proceeding, checking with the judge's office to find out if an order has been signed, etc.

4. Write a memorandum. When a new case comes in, documents have been produced, a deposition transcript has arrived or witness interviews become available, or you are investigating potential expert witnesses, take the time to review the material and draft a brief memo outlining facts that you believe are relevant. Compare the information with what you have previously been provided. Or you may simply wish to provide a memo outlining the new documents or information that are different from what was previously produced. The memo may contain one or two sentences or two or more pages, depending on the project. Whatever the case may be, there could be points or documents you bring to the attorney's attention that have escaped her.

5. Review the statutory rules, laws and procedures. Rules of evidence, jury instructions, local rules and administrative procedures are immensely helpful in determining what is relevant and what is fluff. For example, if you are working as a paralegal for a criminal defense attorney, you will want to know the

elements of the crime the defendant is charged with. When discovery arrives from the prosecutor's office, you will be able to quickly highlight, tab or discuss with the attorney what you have seen that does or does not fit. If you are handling a civil plaintiff's lawsuit, read the procedural statutes and articles that may provide insight into the type of claims that could be included in the complaint. If you have a foreclosure matter, check to see that all of the statutory requirements have been met, such as posting, service and recording. In conclusion, although we have covered only a few suggestions for how to differentiate the relevant from the fluff, you, as the outstanding paralegal you are, will use your judgment, analytical abilities and research skills to provide a valuable service to your organization. Moreover, your attention to detail, your determination to provide quality services, your organizational skills and your interest in the outcome of your cases will make a good impression on your supervising attorney and will result in job satisfaction, appreciation by attorneys and clients, and opportunities for career advancement. Be relevant!

MPA Student Network

Topics and Activities that Connect and Enrich Paralegal Students in the Charlotte Area.

Highlights from NALA's Professional Identity Project Webinar

On January 17, 2013, NALA (National Association of Legal Assistants) hosted a free webinar for paralegal students, recent graduates, and those beginning a paralegal job search. Speakers for the program were Tulsa paralegals, Elizabeth H. Nellis, ACP, and Beverly Pace, ACP.

In case you missed it, here is some of their good advice:

Starting Out as a Paralegal

Don't be discouraged if you don't start out in your dream job, but, at the same time, know yourself well and don't accept the wrong position for you.

Age is not as much of an issue in the legal profession. No matter what your age, the best paralegals are *responsible, reliable* and *respectable* (the Three R's).

Volunteering is a great way to strengthen and develop skills that can be highlighted on a resume or in an interview.

Become affiliated a local paralegal organization that has a job bank and monthly luncheons. Monthly luncheon meetings are the best place to find jobs, network, and make contacts for future projects. [MPA has you covered!]

Get your certification - NCCP, CP, ACP, etc. Having the right certification can level the playing field against another job applicant who has more experience but no credentials.

Nailing the Interview Process

If you have a Facebook page, clean it up before you apply for a job.

Plan out ahead of time what you will say about yourself (qualities, strengths, interests), have a strategy, and PRACTICE what you will say in the mirror or with friends and family.

Relax during the interview.

Listen to the question that is asked, take a moment to understand the question and organize your thoughts, and then answer the question.

Try to focus on your cumulative life experiences, not on your lack of legal experience.

At the end of the interview, ask the interviewer what he/she most appreciated about the prior paralegal who held the position.

Once You Are Employed

Dress for the job you *want*. Seek out consignment stores for great deals on suits and work attire.

Never annoy the support staff! This counsel applies to the law firm/company where you work as well as the local courthouse, etc. Your relations with support staff will make or break you as a paralegal.

Have the mindset of being indispensable to the attorney(s) you work for: assess their personality, how they like to work, and how they think. See the case files through their mind.

Keep the attorney on track and organized.

Document everything you do with a file and NEVER hide a mistake you make with a file. Instead, acknowledge the mistake and go to your attorney with a solution about how to fix it.

Stay away from office politics and gossip. Try to get along with everyone.

Resources

The American Bar Association (ABA) website has a resource page for paralegals:
http://www.americanbar.org/groups/paralegals/resources/benefits_of_aba_membership.html

Check out the NALA website for news and resources for paralegals:
<http://www.nala.org>

**** Summarized by Kelly Humiston, NCCP ****

Do I Really Want to Do This?

By: Tina Wheeler

Sure, we all remember our first internship with a law office. It was what we had studied ourselves silly for, and a chance to prove ourselves. Now, I myself am like the rest of you. I was excited about the opportunity to prove myself, show off my skills, and of course, make a good impression. I wanted to stand out from the rest, and place my mark in the Paralegal world. I just knew this was the right fit for me; but then the internship began along with all of my self-doubts.

The first few weeks were routine, and by that I mean the basic “getting to know you” and “learn the office” things. Of course those little things would go well, I had no doubt. I was very confident about myself and about my abilities. It wasn't until about the middle of my semester when I really had that “what am I doing” moment. I felt like everything began to cave in, and suck me into the darkness. That was when I questioned myself about this career path I had placed myself on, and if I truly was cut out for this career.

Everything I had ever known about who I was, and what I was capable of came into question for me when I sometimes had to redo a task that was given. I understood this was a learning process, but being somewhat of a perfectionist, I was my own worst critic. I was struggling with Math, (not ashamed to admit I am not the best at it), and just keeping up the general pace of juggling six classes and an internship. The real moment peaked when I was faced with a task I personally struggled with; the jail visit. Now, for some it is not that big of a deal. However, for some of us it does tend to create a great deal of anxiety. In some cases, such as my own, I did not realize the anxiety would reach the levels they would.

After I debated with myself, and talked with one of the attorney's in the office, I made the decision to press forward and give it my all. In my short drive to the jail from the office, I was shaking like a leaf, and attempted to sooth my soul with the sounds of music. I just knew I had to try. On that drive was when I questioned if I truly wanted this. I felt these white hot flashes as I fought back the tears. I thought of all the time and energy I had spent getting to where I was. I nearly convinced myself that day to walk away from it all. But that final thought came to mind as I sat in my parked car, freshening myself up so the client would not be more anxious than he was already. It was so clear and so simple: why did I want to be a paralegal to begin with?

Then, it was like the flood gates opened, and my mind raced with all sorts of answers. I wanted to become a paralegal first and foremost to help others. I love to research, and to write. I very much enjoy interacting with people, and

doing what I can to explain things to them. I am very much a people person, and I wanted to be a paralegal to believe in those who need someone to believe in them, and to help them get on the right track. I wanted to be one of the few people who can inspire another that it is never too late. With that, I grabbed the case files and headed inside.

Ultimately, I am thankful for going through that personal experience. It had taught me a lot about me as well as solidified the career choice I made was the right one. This experience had also taught me to pay it forward; much like the paralegal I worked with had done for me. When I am in the position to train an intern, I hope to have patience in walking that person through their experience like I had.



New Year's Resolutions for Working Professionals

by Satyra L. Riggins, CLA

- HAVE MORE FUN. Spend a full lunch hour during something fun at least once a month. I am very guilty of eating lunch at my desk so I plan to make a more conscious effort to get outside this year. I enjoy reading so spending forty-five minutes to an hour browsing in the library would be a welcomed break for me. Whatever you choose to do; make it fun.
- ASK FOR HELP. Recognizing when you need help and asking for it is a sign of strength not weakness. If your office has support services departments such as word processing, practice support, copy services, etc., utilize those services to more efficiently handle your work flow. You cannot do everything; if you try, you will stress yourself unnecessarily.
- BE PROACTIVE. When you know the schedule for a project, start planning for the logistics so that you are not rushed (i.e. stressed) at the project nears completion. This does not always work as there may be things that you are

not able to anticipate but ask as much as possible so you will not be working in a tunnel.

- BE A MENTOR/MENTEE. Cultivate relationships with either less or more experienced colleagues in your field. Schedule lunch or coffee meet ups. A fifteen minute conversation can provide encouragement and perspective that can be helpful for both parties.
- GROW YOUR NETWORK. Use LinkedIn or other professional networking websites as well as professional association meetings (MPA) to grow your contact list. A broad network exposes you to different people with different perspectives which can help in your professional growth.
- UPDATE YOUR RESUME. As you complete new projects or learn new skills over the course of the year, update your resume to reflect what you have done. It's so hard to remember your accomplishments over a long period of time. If you update as you work through the year, you will always have an updated resume in your hands. Even if you have no plans to change positions, having an updated resume is never a bad idea and can help you feel productive about your year.
- EMBRACE OPPORTUNITIES TO LEARN NEW SKILLS. The world is moving at warp speed so learning new skills and technologies is always a good goal to have. If you are unable to take time away from your office to attend a full day of professional development, there are online webinars which you can attend while sitting at your desk. Some webinars are only one hour so you can easily fit them into your work day.

- TAKE TIME TO EAT. When you are handed a huge project that requires many hours of concentrated effort, it is often easy to forget to take a break for lunch or dinner. Keep healthy snacks in your desk so even if you are unable take a full break, at least, you can give your body some fuel to burn so that you do not crash and burn.

What's a Little Stress?

By: Tina Wheeler

Stress in the Paralegal world is like peanut butter to jelly; they go hand in hand. You will never know what a light day at the office will be, and you can never predict what will be waiting for you when the doors open. Many times we find ourselves piling on the stress without a second thought. We attempt to convince ourselves it's not that bad or we will take a vacation next year. But let's be honest with ourselves-we are not super heroes, and we can't continue, eventually we will crash into that preverbal brick wall.

Sure, we have all heard how stress will effect the body, mind and soul. Yet, we are not given realistic, effect tools to relieve our stress. All though it would be wonderful if we could leave the office to go for a jog or a brisk walk; or to sun bathe while reading a book. Reality says that is beyond reasonable, and will not happen as long as you are employed. So what are your alternatives? Here are a few ideas to get you started!

- **Music soothes the soul!** Take your mp3 or radio to work and do what I call "on ignore" for 5 to 10 minutes during your lunch hour or afternoon break. Be sure you have a set of headphones or earbuds so you can block everyone and everything out. Now, pop those headphones or earbuds in, turn the sound up, (just enough to where you cannot hear anything else), then enjoy your lunch or your favorite afternoon snack with your favorite tunes. That's it! I have done this several times myself, and have found it to be a good refreshing way to get me through the rest of my day, as well as help me release the stress built from the day.
- **Stretch baby, stretch!** This is something that can either be done from your chair or break room. From your chair, you can do a slow stretch to the ground by starting from your upright position, and slowly lowering your body toward the floor, as if you are tying a shoe. Take in a deep breath, and release it slow and steady as you move down. If you prefer to stand up, simply find a wall, lean against with your feet shoulder width apart and your knees slightly bent. Start your decent from your shoulders, and allow gravity to slowly pull you down while slowly releasing that deep breath you just took.
- **Play a quick game!** IF your boss is one that is okay with you accessing the internet for your own personal use at work, take a few minutes to play a quick game. My personal favorites are on facebook, (because they are free!), so that's what I generally use. The quick game gives you something

fun to do and allows you to step away from your environment mentally for a few short minutes.

Granted, these 'quick fixes' are not going to relieve your stress alone. I have learned the hard way to take time for yourself at home. Now, for those of you who are reading this, and saying you do not have time because you have kids, understand you are preaching to the choir. Before I decided to become a Paralegal when I grew up, I worked at a large, corporate insurance company as a property claims adjuster, with four kids at home. Of course it is a tad chaotic when you walk through that door, and that's okay. Take a few moments to get everything squared away, then hide. You can take a long hot shower, a bubble bath, or simply change your clothes and vegetate on your bed with the television on for a short bit or call your bestie and talk about your day. Give yourself 20 to 30 minutes.

If you are one of those persons like me who need that physical release, consider taking up a physical activity of some sort. Personally, I took up martial arts. I hit the mat now 3 to 4 times a week, and it feels fantastic! (I am far from being in perfect shape, so don't think you can't do it!) When my kids were younger and still lived at home, martial arts served as a dual purpose; it was a stress relief and a fun activity I could do with the kids. Of course the added benefit of self-defense doesn't hurt either. Try it out sometime! There are a variety of styles that will appeal to your personality, so feel free to explore.

We all have stress that creeps in and over-whelms us from time to time. We are human, after all. But, that doesn't mean we have to allow it to get the best of us. Granted, these ideas I have mentioned may not be to your liking. My goal isn't to get you to be just like me, but to take these ideas and run with them. Find your own little 'quick fix' and your overall stress relief, and live your life to the fullest without all the stress to bring you down.

Board Members and 2012-2013 Executive Committee

President: Candace L. Russell, ACP, NCCP
McGuire Woods, LLP
(704) 343-2044
crussell@mcguirewoods.com

First Vice President: Michelle Kass, CP
Alston & Bird, LLP
(704) 444-1288
michelle.kass@alston.com

Second Vice President (Programs): Penny H. Higdon, NCCP
Robinson, Bradshaw & Hinson
(704) 377-8173
phigdon@rbh.com

Third Vice President (Job Bank): Latavea Cross
Smith Moore Leatherwood, LLP
(704) 384-2617
latavea.cross@smithmoorelaw.com

Audit Chair: Roxanne Crouch, ACP
BB&T Governmental Finance
(704) 954-1703
rcrouch@bbandt.com

Secretary: Carrie J. Marshall
Parker Poe Adams and Bernstein LLP
(704) 335-6652
carriemarshall@parkerpoe.com

Treasurer: Selene Hendricks
Duke Energy Corporation
(704) 382-3247
Selene.Hendricks@duke-energy.com

Historian: Leslie W. Grubb
(704) 323-9589
volfans@yahoo.com

Parliamentarian: Susan G. Randolph,
CLA, NCCP, Robinson, Bradshaw & Hinson
(704) 377-8157
srandolph@rbh.com

NALA Liason: Renae R. Elam, CP, NCCP
RenaeElam@gmail.com

The Paraview Editor: Dani Wisch
Mecklenburg County Public Defender's Office
dani.wisch@mecklenburgcountync.gov

Patron Chair: Jennifer B. Sawtell-Day, CP
Bryan Cave LLP
(704) 749-8944
Jennifer.Sawtell-Day@bryancave.com

Student/School Liason: Kelly Humiston
Alston & Bird
(803) 431-1602
kellybh1001@gmail.com

THANK YOU TO ALL OF OUR PATRON MEMBERS!

☆ Carolina Copy Services, Inc.

☆ Caseworks

☆ Document Technologies, Inc.

☆ Huseby, Inc.

☆ Modus

☆ National Corporate Research, Ltd.

☆ Nova Office Strategies, Inc.

☆ Video South

☆ William Ives Consulting, Inc.

Please visit <http://www.charlotteareaparalegals.com/sponsorship.html> for detailed contact information on each of our patrons.