

The Paraview

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Metrolina Paralegal Association



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PRESIDENT'S MESSAGE:

Welcome to Metrolina Paralegal Association! My name is Penny Higdon, NCCP, and I am the President of Metrolina Paralegal Association ("MPA") for 2013-2015. I look forward to serving our members as President. MPA strives to be the premier paralegal association for all paralegals, and to assist paralegals to reach their educational level and networking needs.

The MPA will be shaking up meeting times and places this year. There will be no general membership meetings in July or August. Be on the lookout for information on a meet and greet in August – after-hours in the Southpark area. Hope to see you there!

Please keep in mind that we are here to serve MPA's members! Therefore, if you have any comments, ideas and/or suggestions, please do not hesitate to contact me or one of the Executive Committee members.

We are still searching for a Public Relations/Communications Coordinator and a Student/School Relationship Liaison – position descriptions may be found on our website, www.charlotteareaparalegals.com. If you are interested, please contact any board member.

Thank you for your interest in MPA, and I look forward to meeting you at one of our upcoming events.

*Penny Higdon, NCCP
President*

MPA PARALEGAL OF THE YEAR: CHERYL SMITH



Q & A with Cheryl Smith, 2013 MPA Paralegal of the Year

1. When did you join MPA, and what job position did you hold at the time?

Not sure how long I have been a member - but at least 20 years - I was President from 2000-2002; I have served as Bar liaison for several years, serving on the CLE committee with the Mecklenburg County Bar; and I was Nominations Chair 2003-2004.

2. How has the MPA benefited you over the years?

Networking - getting to know other paralegals and vendors - is huge! In order to do an outstanding job, you need to have contacts. We don't know everything, but are expected to. Having contacts helps to fulfill that expectation.

3. You are both NALA and NC certified. How important is certification (both NALA and NC) to a paralegal?

I am not NALA certified - at the time I looked into the program, it was not needed for employment. I had the experience, so further certification was not necessary. I am NC certified - grandfathered in, thankfully! For 2013 and beyond, paralegals seeking employment should take the extra step and get certified - NALA is helpful, but NCCP is expected, especially with the larger law firms. Certification is an indication to the employer that you are committed to your profession and that you have taken the extra step to study for and complete the requirements for the certification. I encourage my students to keep their textbooks in order to help them prepare for the state certification exam. Most all of them do plan to take the exam after completing the program.

4. With what subjects on the NC Paralegal Certification Exam do examinees have the most trouble, and what advice would you offer to those preparing for the exam?

I have no idea what subjects present the most problems on the test. Candidates preparing for the state exam should look at the examples of test questions on

the NCCP website and review the areas that the test will cover - again listed on the website. I would venture to say that most, if not all of the paralegal programs do have a study session(s) in preparation for the NCCP exam. The test is prepared with inexperienced paralegals in mind - what they should know coming out of a paralegal program.

5. Aside from obtaining certification, what practical advice would you give to paralegals who want to advance their careers?

Practical advice - read, read and then read some more. Join listservs in your practice area, attend inhouse CLE presentations, attend MPA CLE presentations. Even if it is not your practice area, at least having a working knowledge of other practice areas. i.e., corporate folks should know what is required to prevent litigation and litigation folks should know the structure of an entity - who was supposed to sign and did they have the authority to sign loan documents. Just because you passed the certification exam doesn't mean that learning should stop - quite the contrary. Your attorneys depend on you to keep up with changes in the legal arena. Volunteer to take on a project in an area that you may not be quite familiar with - with the caveat that you aren't familiar, but would like to learn more about it. Attorneys love it when you volunteer for projects!

6. Please name one vital skill for becoming an outstanding a paralegal, and explain why it is vital.

Readiness - if there is such a word. Acquiring the skill of juggling several projects at once is a skill that is not intuitive unless you practice. Mindreading is another skill that is held in high esteem! Being proactive instead of reactive will endear you to your team and win brownie points by the buckets. There are other vital skills too numerous to list.

7. What accomplishments in a paralegal position you have held:

- a. Were the most rewarding?**
- b. Benefited you the most?**
- c. Benefited your law firm the most?**

I have been with McGuireWoods and its predecessor firm for almost 30 years and prior to that with a couple of law firms in Arkansas and Tennessee for another 7 years.

During those years I have been fortunate to work with some superb lawyers and to have been on project teams working on transactions that were very complex. Most recently, I have worked with a particular client for a number of years, seeing that client merge and grow into an international entity. The relationships that were created and remain today have helped me catapult my career into something I would not have dreamed of doing 30 years ago. You have to be patient and watch for openings into areas of law that suddenly become "hot" and volunteer to learn about those areas. In 1992, when the Securities and Exchange Commission decided that all filings with that agency would be accomplished electronically, I volunteered to learn how we could help our clients with the electronic filings. Today, a lot of my time is spent ferrating out examples of different types of transactions, locating go-bys for all practice areas. The more you work with it, the better you become. Patience and perseverance - it always works.

MPA PARALEGAL OF THE YEAR: NOMINEES



From left to right: Carrie Marshall, Selene Hendricks, and Cheryl Smith
Not pictured Maya Coffield

CARRIE MARSHALL

Carrie is a litigation paralegal at Parker Poe Adams & Bernstein. Per her attorneys, she “is highly sought-after in the litigation practice group because of her skills as well as her energetic and cheerful approach to her work. She has proven herself capable in electronic discovery, complex filings, and trial support. She offers creative solutions to difficult document and data collection issues and is not afraid to speak up in meetings. Carrie takes ownership of each and every one of her cases. Her loyalty and work ethic are unparalleled.”

SELENE HENDRICKS

Selene works in the state regulatory legal group at Duke Energy. Per her attorneys, “Selene has repeatedly been mistaken for an attorney who works for me. She carries herself with such professionalism and grace, and is so knowledgeable about the subject matter, it is easy to see how people can be confused. She is an excellent writer who often completes associate-level tasks under my supervision, resulting in considerable savings to our outside counsel budget. In addition to her busy schedule and caseload, Selene is a constant resource for others by showing them the ropes in a field that is highly specialized and not at all intuitive.

MAYA COFFIELD

Maya is an intellectual property paralegal at Clements Barnard. Per her attorneys, “Maya has only been an Intellectual Property paralegal for three years, but she has the knowledge of a twenty-year veteran. She is a voracious reader of various IP law blogs and keeps current on the latest reported cases. Maya was hired as a U.S. patent paralegal but was so efficient that she was asked to assist with foreign patent, trademark and copyright filings as well. She is our “jack of all trade” paralegal who can handle any responsibility assigned to her.”

Meredith Pollette Memorial Scholarship winner: Andrea Poore



Andrea Poore (left) and Mary Willard (former MPA president and friend of Meredith Pollette)

Andrea Poore is the 2013 recipient of the Meredith R. Pollette Memorial Scholarship. Andrea is a student at UNCC. She received a \$300 scholarship as well as a one-year associate membership in MPA. Congratulations, Andrea!! Below are excerpts from her winning essay.

During my undergraduate years I attended, what was at the time, a small college in southern West Virginia. It was a known fact that if you completed your degree in December, you had to return in May of the following year in order to participate in the beloved graduation ceremony. I found myself as a candidate for graduation in the month of December and I had known of many others that were in the same situation. I began scheduling meetings within various on-campus social groups and making rounds in the cafeteria, as this time period was Pre-Twitter and Pre-Facebook, to research and ascertain how many students preferred a December graduation ceremony rather than returning in May.

After reviewing college policy and finding no reason provided, I scheduled an appointment with the Academic Dean/Vice President of the college. I knew that if I was to be taken seriously I needed to be prepared. I expanded my research to include statistics from the

Office of the Registrar as to how many students were anticipated to graduate in December, then a venue on campus that would accommodate the number of students and guests that would also save on cost of renting a facility, vendors for graduation supplies who could accommodate in the timeframe allowed and a price the average student could afford, and the schedules of the Chair or Vice Chair of each department for participation in the ceremony. I then prepared all of my documentation, price information, schedules, and my argument for presentation to the Academic Dean/Vice President.

As we started the meeting, I lead with asking the simple question that started it all, "Sir, is there a reason we don't have a graduation ceremony in December?" After the Academic Dean informed me that there was no reason due to policy or any other that he was aware of he said, "You are the first person in all my years to ask me that."

As I concluded he said, "This is impressive. I will bring this up in my next meeting with the President." The then college agreed to conduct a December graduation ceremony, and though the school has since become a University, they still conduct a December Graduation ceremony.

This achievement provided me with several transferable skills that will also assist me in serving several of the duties that tend to accompany the responsibilities of a paralegal. Preparing to present an argument for a graduation ceremony required me to use research skills, interviewing techniques, document preparation, budgeting, location of proper vendors, scheduling of various sorts, communications with a diverse population and proposing a way to meet deadlines much like the duties I will be required to perform as a paralegal.



The Amazing Story of the Victoria Bowler Scholarship at CPCC

By: Tina Bower

Recently, I had the opportunity to learn about a new scholarship being offered through CPCC; the Victoria Bowler Memorial Scholarship. I had also learned the story behind the creation of this memorial scholarship, and am proud to be able to share this story with you.

Victoria always thought things through. In high school, she carefully picked her college and degree in Marketing. However, when she was well over half way through her degree, she realized that was not the career for her. She had an interest in law, but was still a tad gun shy about jumping into law school. When she discussed this with her parents, they were a bit taken back, as any parent would be. However, she had a plan. Victoria did the sensible thing and finished her Marketing degree before exploring her options in the legal field. She discussed her plans with her parents and after her graduation, proceeded to attend CPCC. That was when she discovered the world of the Paralegal.

After graduating from CPCC, Victoria found her way into the Paralegal world at Stiles, Byrum and Horne. Outside of the office Victoria's passion and drive allowed her to become a very active figure in many charitable organizations. When Victoria was taken from this world April 14, 2012, a huge void was left. This void was not something her family wished to exist, and wanted to do something to keep her cheerful and loving spirit alive. With that, the family set out to establish a memorial scholarship in her name, something they knew she would have wanted.

The family chose CPCC's Paralegal Program because CPCC was where Victoria really found her way in the world. She also had a strong passion and a respect for the college, so that made the decision obvious when it came to selecting a college to establish the scholarship.

The family decided early on the recipients' criteria and in 2013 awarded the first two recipients of the Victoria Bowler Memorial Scholarship.

This year Timeka Griffin and James Bolden were selected. Both recipients have found themselves displaced as a result of downsizing, and both have compelling stories. Timeka is a hard working mom who moved to Charlotte 18 years ago trying to help make a better life for her family. Because of downsizing, Timeka found herself looking in other directions to find a stable career. She began her educational quest at CPCC in the Paralegal department, and is now a proud graduate of the program. With the support and love from her family, along with her strong faith, she will persevere. James Bolden is the second recipient of the scholarship. James had several different jobs over the past couple of years after becoming a disabled veteran with the U.S. Navy. James is set to graduate in December of 2013, and plans to make his way as a negotiator/mediator as well as working with various other organizations. His focus will be underprivileged, underserved and disabled veterans.

Aside from the attention over the recipients of the first scholarship winners, the Victoria Bowler Memorial Scholarship has gained attention from others as well. In my chat with Marilyn Bowler, I learned the Metrolina Paralegal Association, or MPA, had unanimously voted to sell tickets at their annual Fallfest, and to split the proceeds between the Victoria Bowler Memorial Scholarship and A Child's Place. Other donations have flooded in as well from individuals wanting to contribute, and to keep her spirit alive and thriving throughout our community.

If anyone wishes to contribute, you may do so by sending your tax deductible donation to Central Piedmont Community College Foundation, P.O.Box 35009, Charlotte, NC 28235-5009. Please specify your donation is for the Victoria Bowler Memorial Scholarship. If you wish to speak with someone directly about this scholarship, you may contact by phone 704-330-6869 or by email Brenda.lea@cpcc.edu.

THE MPA AND SERVANT LEADERSHIP

by

Penny Higdon

Those of you that know me, know I have a college-aged daughter of whom I am very proud. She is fortunate to be involved in a program at NCSU called the Caldwell Fellows. The Caldwell Fellows is an organization dedicated to creating servant leaders. Right about now, you may be asking yourself – much as I did when she applied for the program - what is a servant leader?

Servant leadership is a philosophy and set of practices that enriches the lives of individuals, builds better organizations and ultimately creates a more just and caring world. (www.greenleaf.org) The phrase “servant-leadership” appeared in a 1970 essay, *The Servant as Leader*, by Robert K. Greenleaf. He defines a servant-leader as someone who is a “servant first...It begins with the natural feeling that one wants to serve, to serve *first*. Then conscious choice brings one to aspire to lead.”

In thinking about this concept of servant leadership, I wondered how I could implement it in my life. I have been a member of various organizations, even held board positions, but had I ever been a servant leader?

At this point, I need to back-track a little. In 2005, I was a newly minted North Carolina Certified Paralegal and would now be required to sit for CLE hours every year. Enter April Ritter, long-time MPA member and Board member. She pointed out that one of the advantages of being an MPA member was the twice yearly seminars – get all of your CLE hours in one day. I was sold, but it would be three years before I ran for a position on the Executive Board.

Many of us have the desire to serve, but may not know the best use of our talents and time. With two children, their various school and after-school activities, as well as a job, I did not feel like I could volunteer effectively. Enter April Ritter again - an MPA board position was open – would I be interested in running? The meetings would be during lunch, I would not be taking time away from family obligations, so in 2008, I became an MPA board member.

Since 2008, I have served on the Board as Parliamentarian, First Vice President and Second Vice President. In every position, I felt I was serving the organization – that was what I had signed on to do, right? Then along comes this concept of servant leadership...was I just serving on the board, was I leading or was I a servant leader?

The difference for me came in my tenure as Second Vice President. This position was outside my comfort zone and really made me grow, as a person and as an MPA member and Board member. Seeking that growth was my “conscious choice...to aspire to lead.” My hope is that I will continue on this journey of growth and be an effective servant leader in my current position as President and beyond.

So, is service or servant leadership only for Board members? Not at all. As a member, your commitment to an organization is your first act of service. You, as an MPA member, may then make a “conscious choice” to solicit membership of the paralegals in your firm or organization. Servant leadership at all levels of an organization builds a strong organization.

Since I titled this article, The MPA and Servant Leadership, I hope you are inspired to become a servant leader for the MPA. However, if I have inspired you at all, I will be happy.

HAIL TO THE CHIEFS! (PAST MPA PRESIDENTS)



(from left to right: Sue Zielnski, Victoria Kern, Gayle Green, Mary Willard, Cheryl Smith, Kathleen Morgoch, Antoine Robinson, and Candace Russell)



Finding Free Legal Research Sites & Case Law

By: Jennifer B. Sawtell-Day, *CP*

I was recently asked to draft a PowerPoint Presentation that focused on finding free legal research sites and case law, as well as any Apps for iPhones, iPads, Androids, etc. (are there Apps for that?). I was amazed at what is out there and I thought I'd share my findings with you.

For those non-litigation based paralegals, it is important to know that when drafting a brief to the court, there are two recognized sources of law: Primary Authority and Secondary Authority. Primary Authority is statements of law that are binding upon courts, government and individuals. These statements may consist of verbatim text of statutes, regulations, court orders and court decisions. They are generated by legislatures, courts and administrative agencies. Secondary Authority are statements that offer explanation and commentary on the law by scholars and practitioners that helps explain the application of the law to a specific issue (think Law Reviews and treatises).

Most of us, when we think of Legal Research sites, we think of Westlaw and/or Lexis. Those are great, fee-based sites and are used by many firms, but did you know you can find the same case law (primary authority) and law review articles (secondary authority) for free? You can! Here are some sites I found.

- Law Engine <http://thelawengine.com>
- Emory Univ. School of Law <http://library.law.emory.edu/electronic-resources/free-legal-web-resources>
- Cornell University Law School Legal Information Institute http://www.law.cornell.edu/lii/get_the_law
- Georgetown Law <http://law.georgetown.edu/library/research/guides>
- The Public Library of Law <http://www.plol.org>

- Justia <http://www.justia.com>
- University of Virginia Library http://guides.lib.virginia.edu/administrative_decisions
- George Mason University School of Law <http://www.law.gmu.edu/library/research>
- National Ass'n of Secretaries of State <http://www.administrativerules.org>
- Google Scholar <http://scholar.google.com>
- Loislaw <http://estore.loislaw.com>
- Versuslaw <http://www.versuslaw.com>

There are also softwares available to paying members of the NC and SC Bar Associations called FastCase (NC), <http://www.fastcase.com> and CaseMaker (SC), <http://www.lawriter.net> . FastCase's database includes primary law from all 50 states, as well as deep coverage going back to 1 U.S. 1, 1 F.2d 1, 1 F.Supp 1 and 1 B.R. 1; it also includes case law statutes, regulations, court rules and constitutions, as well as newspaper archives, legal forms and PACER filings. Casemaker provides free online legal research services for dues-paying attorney members. It allows users to search and browse a variety of legal information such as statutes, regulations and case law on the web.

Lastly, did you know "*there's an App for that?*" Of course there is! It is 2013, after all. Some of these apps are free if you have a subscription to the service and some apps are under \$10.00. Here's a list of some of the more popular, mobile-friendly ones.

- LexisMobile <http://w3.lexis.com>
- LexisNexis Get Cases and Shepardize (iTunes; Free)
- WestLawNext Mobile <https://1.next.westlaw.com>
- Fastcase <http://www.fastcase.com>
- LawStack (iTunes App; \$1.99 - \$8.99)
- PocketJustice (iTunes App; \$4.99 - \$8.99)
- OpenRegs (iTunes App; Free)

P-Latin by Renae Elam, CP, NCCP

P-Latin? As in, Pig- Latin? No, I mean P-Latin, or Latin phrases commonly seen and used by legal professionals. Or, *Paralegal Latin*, if you will.

Have you ever seen a Latin term in a pleading or a motion and continued reading as if you knew or could figure out what it meant without looking it up? It is not that difficult to not only understand what we are reading, but to incorporate appropriate Latin terms or phrases into our work product.

I have kept an index-card file with Latin terms and their definitions since I began studying for the NALA Certification exam a number of years ago, and I still use it for quick reference in conjunction with Black's Law Dictionary and Internet usage searches.

Let's take a few minutes to examine 10 frequently used Latin phrases with which every paralegal should become familiar.

1. *et al* - Perhaps the most commonly used Latin term. It is an abbreviation for "et alii," which means, "and others."

2. *pro se* - "appearing for oneself, personally." This simply means that a party does not have an attorney and has chosen to handle the case for himself or herself.

3. *pro hac vice* - We see this term when an out-of-state attorney wishes to appear in our state in a case. Normally a local attorney must submit an application, notice or motion for the out-of-state attorney to appear "pro hac vice," or, literally, "for this occasion." It allows the attorney to establish an appearance in a case in a state where he or she is not licensed to practice law.

4. *lis pendens* - There are two important words here. "Pendens" literally means "pending." "Lis pendens" means "litigation pending." For example, a lis pendens filed with real estate records to notify the world that the real estate is involved in litigation.

5. *ad litem* - as in "Guardian ad litem," which literally means, "guardian for this litigation." So, "ad litem," means "for the suit," or, "for the litigation."

6. *in limine* - Mainly used in the context of a Motion in Limine. "In limine" simply indicates that the action is taken "in the beginning, threshold." So the Motion in Limine is filed at the beginning, or just before, a trial.

7. *ex parte* - "One side only, by or for one party only." If a motion or other court filing is done "ex parte," it means the other side has no say in the matter, at least for this particular motion.

8. *in camera* - Have you ever filed something that is "in camera and under seal?" In camera simply means "in the chamber," which means it is not in open court, but is seen only by the judge. Privilege logs are commonly filed "in camera."

9. *nunc pro tunc* - Which means, "now for then." If something is filed nunc pro tunc, it could mean there has been a clerical error in a previous order and the current filing is being filed to correct the error.

10. *pro bono* - "Free of charge, without cost." If an attorney handles a case "pro bono," it means he or she is providing legal services free of charge.

When you come across a Latin term or phrase (and you will!), take the time to look it up and become familiar with its usual meaning and also the reason it is being used in the legal writing in which you have seen it. It is helpful to keep a dictionary of legal terms handy, or save one to your "favorites" on the Internet for quick reference. Additionally, it is helpful to discuss Latin terms with your supervising attorney to become familiar with the circumstances under which he or she uses them. *Bona fortuna!* ("Good Luck!")



10 Tips to Tame That To Do List By Vicki Voisin, ACP

Do you run out of day before you run out of list? Does your to-do list just get longer and longer? Are you overwhelmed by what you think you have to do tomorrow and the day after and the day after? It never ends, right?

If this sounds like your story, then you need to heed these 10 tips to get that list under control:

1. **Ask: How can I make my to do list more user friendly?** One way is to use action words to describe your tasks. Instead of “Sharon” write “Call Sharon” and add her telephone number. You’re more likely to do a task faster if you already have the information you need.
2. **Ask: What has to be done?** Be sure you understand the task and exactly what has to be done. What is really expected of you? How far do you need to take the task for it to be good enough?
3. **Ask: What would happen if I took this task off my list?** If your answer is “Nothing,” strike it off and move on.
4. **Ask: Have there been any negative consequences because this task hasn’t been done?** Would it be so terrible if it didn’t get done? If your answer is “No,” it probably doesn’t have to be done and you can cross it off.
5. **Ask: What really needs to be done?** How far do I need to take this task? Aim for simplicity and do only what has to be done.
6. **Ask: When does this need to be completed?** Always establish a deadline when you’re given a task. This is the No. 1 consideration for prioritizing your list.

7. **Ask: Am I the only one who can do this task?** Lighten up! If someone else is available, better suited or more qualified, delegate.
8. **Ask: How long has this task been on my list?** If your answer is 6-12 months (or more), you probably will not do it. Further, it probably doesn't need to be done. Save yourself the guilt: cross it off!
9. **Ask: Is this task worth doing?** Are the costs (in time, money, stress, etc.) associated with doing this task worth the reward? No? Remove it.
10. **Ask: Is this something I said I'd never do?** Create a list of things NOT to do. Say "NO" to tasks on that list. This way, a lot of things won't make it to your list in the first place.

Always remember: You are in charge of your to-do list.

- You decide what goes on it.
- You decide when things will be done.
- You decide if something really isn't important.
- You decide how much and how well a task will be done.

The bottom line? You have to pay attention to your to-do list so it doesn't overshadow the things you really enjoy in your life. You get to decide that, too!

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© 2013 Vicki Voisin, Inc. Vicki Voisin, "The Paralegal Mentor", delivers simple strategies for paralegals and other professionals to create success and satisfaction by setting goals and determining the direction they will take their careers. Vicki spotlights resources, organizational tips, ethics issues, and other areas of continuing education to help paralegals and others reach their full potential. She is the co-author of *The Professional Paralegal: A Guide to Finding a Job and Career Success*. Vicki publishes *Paralegal Strategies*, a weekly e-newsletter for paralegals, and hosts *The Paralegal Voice*, a monthly podcast produced by Legal Talk Network.

More information is available at [www.paralegalmentor.com](http://www.paralegalmentor.com) where subscribers receive Vicki's *151 Tips for Your Career Success*.

## eDiscovery in the Paralegal World

By Tina Bower

E-discovery is a rather new tool that has come to light with the dawning of new technology. Some of us have heard of it; some have not. eDiscovery is the electronic documentation that is produced for the purpose of discovery. This includes things such as email, word documents, spreadsheets, and audio video to name a few. It takes someone with the knowhow and patience to review these large volumes of information stored within the electronic documents.

So why are they so important? Well, in today's world, a lot of information is passed and stored electronically. Many pieces of information needed in discovery can and will be found within the electronically stored information. Because technology has come so far, a lot of information can be stored in a smaller space. As a result, many persons as well as companies have found it to be not only cost-effective but convenient to store a large number of documents and information electronically. This process can be very costly and time-consuming for not only the law office, but for the client as well. Extracting this type of information requires one to be able to extract and analyze through a digital forensic process. The information then may need to be converted so it can be easily viewed. However, this lengthy and costly process has produced success for those who have used it. Take for instance the recent mortgage scandal. One of the defendants facing some serious charges was found not guilty as a result of the information found during the eDiscovery.

Granted, eDiscovery can be extremely time-consuming as well as costly, but is necessary in today's electronic age. It is also something that could make or break a case. For us paralegals, it can be a great tool to possess under our belts. Rather than your attorney or law firm hiring an outside source to process the eDiscovery, imagine how cost-effective it would be to have you and/or one of the other paralegals in your office qualified to process the eDiscovery documents. Not only would it help your attorney or firm save money and profits, but it would also help save your clients money as well, and we all know how important that can be.

If I have piqued your interest, and you are curious how to get more training, let me share that with you now. There are a number of places you can turn to for eDiscovery training. It is really difficult to suggest one, but here are a few different sources you could check into:

- Access Data FTK-FREE  
<http://www.accessdata.com/training/courses#.UbtvdvnVCS0>
- Guidance-\$150 <https://www.guidancesoftware.com/computer-forensics-training-encep-certification.htm>
- ISFCE-\$395 <https://www.isfce.com/certification.htm>

Granted, this list is not all of the places that offer eDiscovery training, but it is a start. If you wish to become certified or just trained on how to perform the eDiscovery, I would suggest investigating these places as well as others before you proceed. You may also wish to present this to your attorney or firm to see if there would be an interest in providing the course for you and your other co-workers as additional training. Staying current and ahead of all technology is and always will be one of the keys for success in the paralegal world.



## **NALA Certifying Board Announces New Examination Specifications**

The NALA Certifying Board has announced new specifications for the Certified Paralegal examination effective with the September 2013 testing window. These modifications are based on a careful and detailed analysis of the findings of the 2012 Job Task Analysis study conducted by the Board in consultation with PSI Psychometric Consulting Services.

The new examination specifications call for minor adjustments to the number of points per topic within all sections of the examination. No new topics were introduced in any examination area.

The most significant modification is the elimination of several practice area tests under the Substantive Law section. The Job Task Analysis study demonstrated that, on a nationwide basis, a low percentage of paralegals utilize the knowledge and skills tested by these practice area examination sections on a regular and routine basis in the workplace.

In addition, the option to test in certain specialty practice areas will no longer be available to examinees. All examinees will take the same Substantive Law section of the examination, as is the case with all other sections of the Certified Paralegal examination.

Effective with the September 2013 testing, the Substantive Law section will consist of questions on the following subjects:

- American Legal System
- Civil Litigation
- Business Organizations
- Contracts

With these modifications, the Certifying Board listened to member and nonmember paralegals, and applied findings of the Job Task Analysis study to the exam specifications. The Certifying Board strives to link the Certified Paralegal examination directly to the day to day duties and responsibilities of paralegals in the workplace. The modifications announced for the September 2013 examination are a continued effort to ensure the Certified Paralegal examination remains an accurate and relevant reflection of the duties and responsibilities of today's paralegals.

A detailed list of specifications for the Certified Paralegal examination may be found on the NALA web site under "Certification/Certified Paralegal Exam Description" as well as a more detailed statement of these modifications.

Please contact NALA Headquarters if you have any questions. [www.nala.org](http://www.nala.org)

**Did You Choose Your Practice Area, or Did Your Practice Area Choose You?**  
**by Linda Gassmann, NCCP**

*When you first began working as a paralegal, did you know what practice area you wanted to work in?*

*Do you like what you're doing all day in your current paralegal job?*

*If you don't like the practice area you're currently working in, how easy is it to move into a new area?*

These are all questions I asked myself when I started on my paralegal journey.

When I was young, I naively assumed that most attorneys were litigators, researching and building their cases and spending most of their time in courtrooms. I had never given much thought to all of the various areas of law in which one could practice. Then later, as a residential realtor, I worked with attorneys who specialized in Real Property law, and I participated in residential real estate closings literally on the other side of the table. When I first started my paralegal program, I didn't know that certain fields of law even existed: Elder law, Intellectual Property law, Tribal law, to name a few. I realized then that there are a whole group of practice areas I had never even thought of, and that many attorneys don't even step foot into a courtroom.

After receiving my paralegal certificate, my initial focus area was on Family law. I'm not married and I have no children, so I thought I could be fully objective and not get too emotional about each case. However, as it turns out, the first legal job I was offered (and which I happily accepted!), was at a reputable local Immigration law firm. I knew nothing about Immigration law other than heated issues in the news. While there, I learned everything I needed to know about immigration to do my job well.

Maybe you accepted the first legal job you were offered (and who could blame you in this economy?) So you fell into your current practice area by default. Or maybe you had the luxury of time and held out for an opportunity in your chosen practice area. Either way, there are bound to be some things you like and some things you don't like about your current job.

As [Harrison Barnes, Esq.](#) states in his article on [www.bcgsearch.com](http://www.bcgsearch.com) entitled "*Changing Your Practice Area*":

“In a lot of respects, the path attorneys take to joining a particular practice area is nothing short of insane. Most attorneys interview for summer-associate jobs, take the best summer job they can get, and join a particular firm without much thought as to what practice area they will be in.”

Although his article is geared towards attorneys, I believe this applies to paralegals as well. Especially in this economy, we often take the first legal position we are offered, thankful to have a job, paying no mind to whether the position is in the ideal practice area of our choice.

So, what if you truly wish you were doing something different every day than you are currently doing? What if you are a corporate paralegal, but really want to be in a courtroom daily? What if you have a passion for commercial real estate, but you are working in a small law firm specializing in wills and trusts? What if you work for a solo practitioner's family law practice, but you want to work in the legal department of a global corporation?

Barnes goes on to say:

“It is difficult to switch [practice areas](#), but it can be done. Your ability to switch practice areas will depend upon your academic background, the length of time you have practiced, the law firm you are with, the condition of the legal-job market, the market demand of the practice areas you want to leave and enter, your geographic location, and perhaps pure luck.”

There are so many factors to consider when switching jobs, let alone, when switching entire practice areas. Think long and hard about your personal “brand”, how you choose to define yourself, what gets you excited, and what makes you proud. Before making a blind leap, realize that there is so much more to a job than just the salary. This change is not to be taken lightly and you want to make sure that you not only will be happier in a new practice area, but also that this new area compliments your skills and interests for the long haul.

If you are not satisfied with the job duties of your current position, how do you go about changing your practice area? Like any important decision, it takes thought, focus, planning, perhaps additional training, and, like Harrison Barnes, Esq. said above, a little pure luck couldn't hurt either. Here are a few ideas to get you started:

1. **Take CLE classes in the practice area you are interested in.** As paralegals, many of us are required to take a certain number of hours of CLE (Continuing Legal Education) per year in order to keep our certification status. Try to find some CLE offerings in the areas of law that you're interested in. Even if you take more than your required number of hours, you should be able to find classes in your new practice area of interest.
2. **Network and explore new relationships.** We have so many avenues available to us to connect with paralegals in other practice areas and in other cities. Try websites, such as LinkedIn.com or Meetup.com. Join local and state-wide legal associations and get involved and meet other members. Reach out to paralegals already working in the practice areas you are interested in. Invite them to lunch or out for coffee, or a friendly phone call, if they're in another city. They can be a great resource for you. They can give you insight into that practice area you'd like to move to and they can let you know what it is really like to work in that area day-to-day.
3. **Through your networking, try to find a mentor.** A mentor is a wonderful asset to your career. This can be another paralegal or even an attorney with whom you choose to develop a professional relationship. Mentors are wonderful people to brainstorm with, share your thoughts and ideas with, and they can offer advice and guide you along your path.
4. **If possible, do an internship or volunteer in the practice area you are interested in.** You can gain exposure to and meet people already working in your area of interest. The

experience you gain and the people that you meet in this new practice area will be very valuable in assisting you to secure a new paralegal position in your new practice area of interest.

5. **Research and read.** Then research and read some more. Go to a law library or search online for relevant information and cases in your new practice area. While reading through the information you find, think about how the important issues resonate with you. If you truly get excited, this could be the right path for you.

You can probably think of many other ways to make this transition successful. There are so many opportunities available for you to be truly happy and fulfilled with your working life.

# A Paralegal in a Non-profit

By Rosa Portilla



(Rosa at fundraiser)



(Rosa at job training)

Nearly every county in North Carolina has a crisis center for victims of domestic abuse. They hire people with all levels of skills, from Public Administration, Paralegals, Clerical, Accountants, Social Workers and more. Everyone is in need of volunteers and donations. In recent years, education has become a big part of domestic abuse/violence and sexual assault assistance. They also recognize that men can be victims of domestic violence and need assistance as well. These centers and the people who staff them and volunteer are crucial help to those who are in danger of harm.

HAVEN of Lee County (Help Abuse and Violence End Now) opened in 1985 in an old home in downtown Sanford where it could house "16 women and children"

(haveninleecounty.org). Its offices moved in 1996 to a building downtown. Its mission was to help women and children in abusive and violent relationships and to help women who experienced sexual assault.

In 2009, when Paralegal Rosa Portilla walked into HAVEN for the first time she found a cramped one story building with a few rooms for privacy in downtown Sanford that served as the offices for staff; women and children were housed off-site. In 2011 with the help of donations, volunteers and fundraisers, HAVEN moved to a larger and newer building with security so the clients can stay on site with many advantages. The office and shelter are now located in the same building-a twenty-nine bed facility where women and their children can stay up to ninety days. Abused men are housed elsewhere. It is located close to the police station and is in a much safer location. Tutors for the children and counseling are all available on site.

Though Rosa had dreams of going to law school, she chose to pursue an Associate's degree in Paralegal Science at Central Carolina Community College-Sanford Campus. It was an alternative to enormous cost and time of undergraduate school then law school. She also discovered she was pregnant and wanted to be able to provide for her child in a career that paid more than minimum wage. It was a life changing decision. It was a start. It was also a life changing decision that she would take great pride in and do to the best of her ability.

Her interest in the Criminal Justice/Legal System was the processes of the criminal mind; she wanted to understand the physiology behind the criminal mind. She wanted to understand what motivated one person to hurt other people and how they could do it. She also had an interest in immigration law. Being Latina and proud of her heritage, she saw a need in the community and nation at large, for immigration law and was fascinated by the complexities of immigration.

In October of 2009, halfway through her degree program, Rosa took her internship course. She secured an internship with HAVEN (Helping Abuse and Violence End Now) in Lee County, one of the dozens of abuse shelters in North Carolina. As is her style with everything, she tackled the duties given her as an intern with vigor and

enthusiasm. She spent much of her time answering phones, talking to clients, becoming familiar with the legal documents filed with court, most commonly the protective order 50B and 50C.

In Rosa, HAVEN found a vibrant, intelligent, and genuinely caring young paralegal with an inquisitive and agile mind: she was also an asset to the Hispanic community, understanding not only the language, but the customs and concerns as well. In HAVEN, Rosa found a sector of the public that desperately needed her help. She also found her niche, her calling in life: assisting the battered and sexually assaulted women of all ages, races, backgrounds and socioeconomic status', she could help them wend their way through the complex and intimidating legal system, stand by them in court, and find resources available to them. Though she was not working with the complex physiology of the criminal mind she was witnessing the handiwork of domestic abuse and sexual assault, the mental and physical damage that cannot be fixed with a bandage and an apology.

As an intern, she displayed passion, determination, and curiosity about every aspect of the shelter and domestic abuse and sexual assault. Having experienced both physical abuse and sexual assault as a child, Rosa had great empathy and understanding for the clients. Before she completed her internship, the director (name withheld on request), impressed with the fresh faced, energetic paralegal offered her a position as Shelter Case Manager which she readily accepted. Months before completion of her degree and her graduation in May 2010, Rosa assumed the duties that would lead to a long and challenging career. It is a frustrating, painful, draining, and very gratifying career. In her four years with HAVEN, she has worked as Shelter Case Manager, Volunteer Coordinator, Latina Services, Sexual Assault Coordinator, and Court Services Advocate-her current position.

Like the rest of the staff, her days are unpredictable, rarely routine. Though her working hours are technically 8 am to 5 pm, Monday through Friday, she will work whenever needed. She spends the rest of her time talking with clients, answering phones and filling out endless paperwork. Promoting awareness is very important part of HAVEN's mission. The HAVEN family organizes fundraisers, vigils and a variety of community events to raise awareness and funds for the cause. Rosa does her part in speaking to high schools students, the Paralegal students at CCCC, and other community

events to raise awareness of domestic abuse, date rape, and sexual assault. The one thing she does not want to do is take on any type of managing role such as director or management. "I like working with the clients" she says.

Rosa is one of two Legal Assistants working at HAVEN. One works with the children while Rosa works with the Court Advocate. As Court Advocate, she is not required to work under the supervision of an attorney when assisting clients fill out or file civil documents that the clients could do themselves, namely protective orders 50B or 50C. On most Mondays and Wednesdays from 9 to noon she accompanies clients to court, she talking them through every step, providing emotional support for those clients who are victimized and scared and do not know what to expect from, or don't understand, the court system. She spends much of her time in both civil and criminal court being a supportive handholding advocate. She will speak to the Assistant District Attorney on the client's behalf when the client decides to drop abuse charges or amend child support. She is always careful not to offer legal advice; she is a consummate professional paralegal. She does have to seek the supervision of a local attorney when filling out complaints or other legal documents.

When asked if she likes her job, she replies without hesitation, "I love it!" It shows in her job performance, the way she handles clients and her unending energy and enthusiasm to help.

Asked if she hates anything about her job, she had to think for a moment. "Yes. I hate it when a woman returns to the abuser time and time again." One woman in particular, of whom Rosa is particularly fond, has turned to Rosa several times after suffering domestic abuse from her partner. It is clear this breaks Rosa's heart and makes her very sad and a bit angry.

She recalls the worst case she worked on so far. One night, called to the hospital to comfort a victim of severe domestic violence, she found a woman whose face was almost unrecognizable. She had suffered a severe beating. Tragically, the woman's young son witnessed his father abusing his mother. The young woman almost immediately indicated that she knew Rosa. Rosa could not recognize the woman due to the damage

done to her face, which included a clear outline of a footprint. The young woman told her, "We went to school together!" This touched and hurt Rosa because she remembered the girl as beautiful and bubbly, a nice girl. She was impressed by the strength the client displayed after being victimized and the determination of the woman to see her abuser punished and kept away from her.

Thankfully, Rosa has never lost a client to domestic abuse though she has witnessed the horrific effects of the controlling brutality and violence. She has seen the bruises, the cuts, the fear, the loss of self-esteem, and the devastating effects of sexual assault. What makes Rosa special is her willingness to be the soothing voice, the hand to hold, or the shoulder to cry on for women who have been beaten, battered, even belittled for so long they are left with no self-esteem. When a victim is thrust into a foreign and intimidating world of judges, documents and courtrooms to face the person they loved, the person who broke them, and is the same person they fear, Rosa is there for them even if she decides to continue her education.

Interview with Rosa Portilla, Paralegal with HAVEN in Lee County June 2013.

*Haven's website ( <http://www.haveninleecounty.org>) outlines the objectives of the shelter:*

*Staff members accompany clients to civil and criminal court dates, as well as provides assistance in filing for Domestic Violence Protection Orders (also called 50B orders). Staff members can also provide support to clients during hospital visits that result from domestic or sexual violence.*

#### *Emotional Support*

*We offer emotional support and counseling for those affected by domestic violence and/or sexual assault. We understand that the effects of violence are devastating. We can help by offering clients and their families support, counseling, life skills classes, and referral information.*

#### *Referral Information*

*Our agency works closely with other local agencies so that we can offer our clients all available information.*

#### *Shelter*

*We operate a safe shelter for survivors of domestic violence and sexual abuse--for adult survivors and their children. Names of all residents are confidential.*

#### *Bilingual Counseling / Outreach*

*Lee County has a growing Hispanic population. In order to meet their needs, we have bilingual counselors as well as materials in Spanish.*

#### *Professional Training and Community Education*

*At HAVEN in Lee County, we believe that educating the community on the issues of domestic violence and sexual assault is essential. Our agency offers a variety of presentations and trainings.*

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