



*On*Point

The Premiere Publication for Legal Professionals in the DC Metro Area

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A Message from NCAPA's President

Dear NCAPA Members and Friends,



President
Erica Nantais

I cannot believe we're already so far through the year – time seems to be flying by. Have you had the chance to act on your goals this year? Whether you want to learn more about a new area of law, build your network, take a certification exam, or just get more involved, there's still time! Did you know that the Board still has vacancies that can be filled through the end of the year – why not work on your leadership skills? Did you know that the OnPoint is always looking for writers and editors – a great way to build your resume! Also, did you know whether your colleagues, friends, and legal service providers are members? Introduce them to the association and all of its benefits. Paralegal Week is a great opportunity to open that dialogue.

Speaking of your legal service providers, are you making sure to do business with NCAPA's generous sponsors of this year's events? These are the companies that support the paralegal profession and, in turn, you! Sponsorship is what allows NCAPA to keep your membership dues low and your opportunities high. Sponsors allow us to offer dinner during after-work events, free attendance at socials, and lower ticket prices for the Annual Meeting. How many calls do you receive each week from vendors wanting your time and business? Why not start out by asking them whether they support NCAPA? Many of them might not even know what NCAPA is – what a great chance to tell them about your association and suggest that they get involved! However, those service providers who have helped offset NCAPA's costs to you have already made it clear that they care about supporting professional paralegals and recognize paralegals' importance in the legal world. Who better to call on than the person with whom you've developed a relationship at NCAPA events? Whether it's for

business or just to ask a question, NCAPA's sponsors should be your first resource and you should let them know that their association with NCAPA is the reason you called. The association needs both members and supporters to grow and move forward and who doesn't want NCAPA to be even better?

Did you know that sponsorship can also have a direct impact on your personal career? With the help of our sponsors, NCAPA will be awarding full scholarships for both the Paralegal CORE Competency Exam and the Paralegal Advanced Competency Exam this year. If you've been considering certification through NFPA, now is the time to move toward that goal. Scholarship application packets and all of the information may be found on the website and the deadline for submissions is Wednesday, October 31. I can't wait for our sponsors to hand these scholarships to two very lucky paralegals! As always, I'll look forward to seeing you at an NCAPA event! 🐾

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Articles: *Persons interested in submitting articles or materials for consideration for publication should send inquiries to editor@ncapa.com.*

UPCOMING EVENTS

November 5	NCAPA Board Meeting Carr Maloney P.C. 2000 L Street, NW, Suite 450, Washington, DC 20036
November 17	2012 Pro Bono Opportunity Uncontested Divorce Clinic 4080 Chain Bridge Road, Fairfax, Virginia
November 27	Annual Meeting of the Members and Awards Dinner Beacon Hotel 1615 Rhode Island Avenue, NW Washington, DC 20036
December 3	NCAPA Board Meeting Carr Maloney P.C. 2000 L Street, NW, Suite 450, Washington, DC 20036

Visit www.ncapa.com for more information.

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The New Ethics Rules and You!

ABA Commission on Ethics 20/20

by Daphne Drescher

THIS MONTH, long awaited revisions to the ABA Model Rules of Professional Conduct were approved. These rule revisions are the result of years of study by the ABA Commission on Ethics 20/20, whose task was to evaluate the Model Rules and attorney regulation in light of the far-reaching changes technology has brought to the practice of law.

The revisions to the rules and comments all reflect an understanding of the much greater reliance on technology, electronic communication and electronically stored information in today's law practice.

Here are the highlights.

Competence Regarding Technology

Rule 1.1 Competence. The language of the rule itself hasn't changed. However, many commentators are saying that the change in Comment 8 is a very big deal. It adds to the definition of competence a statement that a lawyer must "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology."

As John Barkett points out, "Lawyers who in the past blindly relied on third-party service providers for electronic discovery, search technology, data storage and security, cloud computing,

and other technology needs will, to provide 'competent' representation, have to conduct a reasonable level of due diligence about what can go wrong in their use of technology to serve client needs."^[1]

Commentators are saying that making an understanding of technology an ethical duty is quite significant, and that this addition will make it harder for lawyers to claim ignorance of technology relevant to their practices when issues arise.

Client Confidentiality and Conflicts of Interest

Rule 1.6 Confidentiality of Information. Two changes of note were made to the rule regarding the confidentiality of client information. The first is the addition of subsection c, which says, "A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of the client." (See Rule 1.6(c) and Comment 18.)

Once again, it's Comment 18 to the Rule that's the real kicker. I think the context of the comment makes it clear that not only must a lawyer seek to guard against inadvertent disclosure, but the lawyer must make efforts to assure that reasonable security measures are in place to protect electronic storage of client data as well.

The other notable change to Rule 1.6 is the addition of subsection (b)(7) relating to "detecting and resolving conflicts of interest." (See Rule 1.6(b)(7) and Comments 13 and 14.) It specifically allows the disclosure of limited information about clients as needed to identify potential conflicts in instances of attorneys changing firms, or firm mergers, and the like. The Comments elaborate on and restrict the kinds of client information that should be shared in such instances, with a view toward assuring attorney-client privilege is maintained.

Added to all this is new language in the definitions of Model Rule 1.0 and Comment 9, making clear that the screening procedures required for conflicts purposes must encompass electronically stored client information.

Rule 4.4 Respect for Rights of Third Persons. Relatedly, a change to the comments to Rule 4.4 clarifies even further a lawyer's duties when receiving electronic documents containing metadata which the lawyer has reason to believe was included unintentionally.

Outsourcing, Cloud Computing, and E-Discovery Vendors

Rule 5.3 Responsibilities Regarding Nonlawyer Assistance. The changes here reflect the fact that law firms have increasingly found a need to outsource projects outside the office, not

only to contractors, but to vendors and service providers. Changes to the comments to Rule 5.3 stress the need for lawyers to vet all such service providers to assure they can comply with the ethical obligations appropriate to the law practice.

I think the context of the new comments make it very clear lawyers have a duty to assure that any vendors, whether investigators, document management companies, e-discovery vendors, or cloud-based storage or backup vendors, are able to safeguard the confidentiality of the client data with which they are entrusted. (See Rule 5.3 and Comments 3 and 4.)


What does all this mean for us?

Obviously any ethical duties belonging to our supervising attorneys belong to legal support professionals as well. After all, we're often at the forefront of researching, vetting and mastering new technology for our firms. And we're often the ones to work directly with those third parties to whom projects

have been outsourced. These model rule amendments raise the stakes for all of us. The new rules make it crucial that we understand any technology we're using, and fully understand the location and accessibility of the electronic data generated, used and stored on behalf of our clients. We share in the responsibility of making

sure our clients' confidential information, whether stored on laptops, smart phones, tablets, or internet-based 3rd party servers ("in the cloud") are secure.

Our own reputations and that of our firms may depend upon it. What's your view? Will these

new ethics rules impact you? 

“The revisions to the rules and comments all reflect an understanding of the much greater reliance on technology, electronic communication and electronically stored information in today’s law practice.”

[1] Barkett, John, June 25, 2012. ABA to Tackle Technology Issues in Model Rules at August Meeting, Law Technology News. <http://www.law.com/jsp/lawtechnologynews/PubArticleFriendlyLTN.jsp?id=120256033509#> (accessed August 28, 2012).

Daphne Drescher is a virtual litigation paralegal and owner of California-based Drescher ProParalegal. She is also an instructor in the Paralegal Degree Program at Empire College. For more information, visit Daphne's website <http://proparalegal.com> where you can subscribe to the free Drescher ProParalegal Newsletter full of litigation practice tips and resources for legal support staff.

Sponsor Spotlight

Name: Theresa Smyth | Employer: U.S. Legal Support, Inc. |

Type of Business: Litigation Support | Years of Legal Service Experience: 7 years

How long has your company been serving the legal community?

Twenty-plus years.

What is the primary focus of your business?

Court Reporting/Deposition Services, Medical Record Retrieval, eDiscovery, Trial Services, and Staffing

What do you find to be the biggest challenge in providing services for the legal community?

Since we are one of the only litigation support vendors who can bundle most of the steps of the Discovery Lifecycle, our biggest challenge is ensuring that new clients are exposed to our unique cost-containment solutions.

What advice can you offer paralegals to help them better communicate their needs and deadlines when engaging the services of your company?

We always ask all pertinent questions up front so that nothing is left to chance, and our clients never have to guess what additional information we may need from them.

What is the most challenging request or project that your company has ever been asked to perform?

We were tasked on a large, multi-party, multi-national IP litigation to handle nine depositions, simultaneously, across the United States, Asia, and Europe, requiring streaming realtime/LiveNote, videography, rough drafts, expedited final transcript delivery, and multiple interpreters. We handled all of it seamlessly. This was part of a one-hundred deposition case all held within 90 days.

Is there anything else you want the NCAPA community to know about your business?

As one of the largest deposition support companies in the world, we have over 40 offices that our clients can use at any time. Our industry-leading LIVE, 24-hour client service makes it easy for our clients to call us for any need they have, anywhere in the world. We are the only litigation support company in the world that is able to bundle services like Court Reporting and Medical Record Retrieval together, providing our clientele with the deepest discounts available in both industries. ➔



Theresa Smyth, U.S. Legal Support

Am I *Just* a Paralegal?

by Jamerra J. Cherry

OVER THE YEARS, I have found that most people who are not familiar with what paralegals do ask the question: “Are you just a paralegal?” I will be honest and admit that I have always found this comment infuriating. My ears would hear, “So what else do you do?” or “Is that your only job?” as if to imply that my daily responsibilities of managing 70 active files and 10 plus attorneys, in addition to my legal administrative duties, were not enough! A couple of years ago, this comment would have angered me, but in 2012 it cannot be considered an insult. Why? Because paralegals have bridged the gap between being “just a paralegal” and becoming managing paralegals. In some large firms, paralegals with 15- 20 years or more experience have taken on the role of managing paralegal teams.

In the past, it was necessary for an attorney to be the lead paralegal manager; this is no longer the case and many firms utilize senior paralegals in this role. Some paralegals have stepped away completely from casework and now deal primarily with managing paralegal departments and groups. Tasks for such a managing paralegal may include recruiting, hiring, preparing office policies and procedures, and performing administrative duties for the firm. The paralegal manager is considered a leader in the office; he or she can be trusted with not only overseeing his or her own work product, but that of other paralegals.

That may mean stepping away from handling his or her own case responsibilities and managing the day-to-day office life and case load of non-senior paralegals. To be a true leader in the office you need to assess your limits. Evaluate whether your talents are most useful in a large, medium, or small firm or with a sole practitioner. The role of the paralegal manager is unique to each environment. A large law firm paralegal may have less case work and more experience overseeing a paralegal team; while in a medium or smaller firm, the paralegal manager will experience more administrative duties and a full case load. The role breakdown of a sole practitioner paralegal does not need to be addressed because we all know such paralegals do it all.

For the seasoned paralegal, keep in mind that your next transition from law office or corporation will not just include paralegal responsibilities. The paralegal pool is not a shallow one. Paralegals have become successful in careers with non-profits and pro bono work, as well as mentoring and teaching. In the famous words of David Frost, “Don’t aim for success if you want it; just do what you love and believe in, and it will come naturally.” As a paralegal you don’t need to measure your success by the hats you wear; measure it by the lives you touch and the ones that touch yours. ➔

The Pro Bono Advantage:

An Interview with Kathleen Crabtree

by Tamara Grant

Why did you choose the paralegal profession?

In college, I was very interested in history and jurisprudence, and it was assumed I would attend law school. However, I had been exposed to many overworked attorneys in my youth, which caused me to equate being a lawyer with the lack of the work-life balance I sought. At the same time, I heard about a new paralegal studies program, which sounded like the perfect match for me. I began working as a paralegal shortly after graduating from a paralegal program with a certificate. Though it has been an ongoing effort to maintain work-life balance, I believe I have more flexibility to leave my job at the office than many of the lawyers I have worked with over the last twenty years.

Share an experience that has affected your career and helped you know that being a paralegal really did make a difference?

I work for a corporation with a General Counsel who highly values our participation in the company's pro bono program. Through the program, we join with Legal Services of Northern Virginia and a local law firm to hold quarterly wills clinics and work with a Domestic Violence - Attorney-of-the-Day Program, where we help clients obtain protective orders.

While these fields are very different than my typical responsibilities of working on contracts, I do find it the most personally rewarding work I perform. The reward arises through the human connection when assisting someone advance their peace of mind through will or advanced medical directive preparation, or in helping them to restore order to their life by obtaining a protective order, with great hope of ending the violence they have encountered in life. Our pro bono clients are incredibly appreciative and respectful of the time we spend together.

Have you seen any significant change in the overall paralegal role since joining the field?

I think the paralegal role has matured in the twenty years I have been in the field. Firms have learned how

to utilize paralegals more effectively, maximizing the use of our capabilities. When I started out, I handled some administrative responsibilities. This work helped me understand the functional day-to-day workings of a law office and taught me the importance of attention to detail that I may have missed otherwise. But when we, as paralegals, demonstrate the full scope of our abilities to our employers, most firms reward paralegals with greater responsibility and more challenging work, which leads to increased efficiency. I think this applies individually, but also to the larger paralegal community. I believe the hard work that paralegals have put in over the years proving our capabilities and value have helped law firms assign workloads, knowing that paralegals are trained and equipped to handle substantive work. As a result, paralegals are valued members of the law practice.

What do you like best about being a paralegal?

I appreciate the versatility of the paralegal role. We may concentrate on a subject matter area, but paralegal training and experience provides us with the tools necessary to handle a wide variety of matters in the office. Working for many different attorneys, each with their own approach to legal practice, arms us with many different views on how to handle any issue. Should a new assignment venture into uncharted territory, we can generally reach into our toolbox, think creatively, and reach out to our paralegal community network to find the process or solution to accomplish the task at hand.

What advice would you give to paralegals entering the profession?

Communicate well with your team and be accountable. Show the attorneys you work with the extent of your paralegal capabilities and invite them to utilize them. Take responsibility for your mistakes and fix them without defending them. Join a paralegal association for great networking opportunities and education. Do pro bono work. Take advantage of all legal education opportunities made available to you. Work to maintain work-life balance—work hard and live fully! 🗡️

George Washington Paralegal Studies Program

NCAPA's First Paralegal Student Association Member

by Christine M. Villarreal, President, and Pascalle Goddard, Vice-President

As paralegal students, we understand that in order to stand out from the crowd, we not only need the practical skills taught to us by respected professors, but we also need the tools of networking, resume building, and continuing education that will allow each of us to build the paralegal career of our dreams. Thus, it is no surprise, that The George Washington University (GWU) Paralegal Studies Program is the first in the District of Columbia to be officially affiliated with the National Capital Area Paralegal Association (NCAPA), a local member of the National Federation of Paralegal Associations (NFPA).

By joining NCAPA, GWU's Paralegal Student Association (PSA) will now have full access to many benefits, including job banks, networking opportunities, social events, discounts on continuing legal education courses, publications, and even *pro bono* volunteer opportunities. Although the NCAPA organizational membership does not cover each individual student member in PSA, it does allow for the executive board of PSA to share with its members all and any beneficial information from NCAPA and NFPA. However, it is the opportunity of earning a CORE Registered Paralegal (CRP) credential from the NFPA that makes supporting this organization vital to all paralegal students.

NFPA does not require membership in order to take the Paralegal CORE Competency exam (PCCE). The PCCE is special in that it is the only available and developed certification exam in the paralegal field today that assesses the knowledge, skills and ability of early-career and entry-level paralegals. In other words, this exam emphasizes that you do not need both the education and experience requirement – you just need to meet one in order to be eligible to take the exam. Therefore, because the GWU Paralegal Studies Program meets the academic requirement for the PCCE, any student upon graduation may take and earn the CRP credential without ever having worked in the legal arena! With the emergence of this exam, inexperienced paralegal students now have an opportunity to boost their resumes as well as honor the reputation of the GWU Paralegal Studies Program.

PSA is excited to announce that a study group will be organized for those who wish to take the PCCE upon graduation. With assistance from program Director, Toni Marsh, the study group will be administered by an experienced tutor, and will accommodate both on campus and distance-learning students via video-conference. Although details have not been finalized, the first study group is tentatively scheduled for Spring 2013, assuming there is sufficient demand. ➔

OnPoint Needs You!

NCAPA members, this is your association and this is your publication, so we want to hear from you. We want to know what you are thinking about, what you are doing, who you are. We are always accepting articles, feature columns, and advertisements. If it has to do with the paralegal profession, we're interested. Just think what a coup it would be to include the fact that you're a professionally-published author on your résumé.

If you're not sure what to write about and you're a member – voting, student, or corporate – just contact us and we can “spotlight” you. We'll provide the questions and you provide your answers and a professional photograph (or logo). Get your name out there, build your personal or professional brand, and make new contacts. Don't be shy and don't delay – send your articles, inquiries, advertisements, and pictures to editor@ncapa.com. The submission deadline for the next issue is December 5, 2012.

How Technology Changed My Business

by Brandon Snesko, President, Same Day Process Service



Brandon Snesko,
Same Day Process Service

Twenty years ago, the slow and sluggish flow of information hindered business and stalled productivity. Today, business owners and companies have adjusted their business models to incorporate the increasingly prominent use of technology in their markets. In the corporate world, a company or small business's ability to adjust to technological advancements is an indication of its longevity. Businesses that cannot or simply refuse to adjust to the contemporary standards will dwindle, increasing the market share for technology updated companies in their absence.

The slow and meticulous nature of legal procedure suggests that instant information and a fast-paced work environment would not be as essential as, for example, commercial markets, making the legal industry seemingly unreceptive to the pace of technological advancements. Surprisingly, the legal industry has incorporated technological innovations into its daily operations. In particular the process serving industry, arguably the most critical part of civil procedure, has become increasingly dependent upon technology. Yet not all process servers or process server companies have adapted to the modern standards, even in the face of recent legislation demanding the use of global positioning systems (GPS).^[1]

[1] § 7. Subchapter 23 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-410 to read as follows: § 20-410 Electronic record of service. A process server licensed pursuant to this subchapter shall carry at all times during the commission of his or her licensed activities and operate at the time process is served or attempted an electronic device that uses a global

As President and Owner of Same Day Process Service in Washington, D.C., I appreciate the positive strides technology has made in relation to my business. It has drastically altered the process serving industry since I opened Same Day Process Service in 2005. Like other successful businesses, my company has integrated technology into its daily operations. It has affected how we market ourselves to potential new clients, communicate with process servers and clients, remain aggregately informed within the office, and operate on a daily basis. By modernizing the business, I have ensured that we will provide exceptional service to our clients and remain competitive in the foreseeable future.

I started process serving back in 1999. From 1999 to 2005, technology and the internet boomed, although its effects were not apparent in process serving. The methods were repetitive and the affidavits we generated were generic. From 2005 on, the technological progress has enabled the process service industry to surpass prior expectations by upgrading operations.



Thanks to these advancements in software, process servers now utilize a smartphone (iPhone, Android, etc.) with GPS to take photos of service locations, enter service information and

positioning system, wi-fi device or other such technology as the Commissioner by rule shall prescribe to electronically establish and record the time, date, and location of service or attempted service. All records created by such electronic device shall be maintained in an electronic database by the process server, or if such process server is acting exclusively as an employee of a process service agency, by the process service agency, for seven (7) years from the date such record is created.

mark the date, time and latitude/longitude of the attempt or service of process. The software promotes transparency and accountability, and is essential for potential contested service. The software is vital to client satisfaction, and GPS is the largest contribution to technological advancement in the process service industry to date.

Use of the GPS in the process service industry was not a natural evolution but rather stemmed from a government mandate. In March of 2010, the New York City Department of Consumer Affairs discovered wide-spread dishonesty amongst process servers, who issued affidavits declaring service, when in fact, they never attempted service of the documents at all. As a result, New York City Council, with the guidance of the Federal Trade Commission, passed legislation mandating GPS verification for all service of process within the five boroughs of New York City. To date, similar legislation has not yet passed in any other local or state legislative body, but many outside of New York, like Same Day Process, have adopted GPS technology into our businesses to enhance client satisfaction and set us apart from other process service companies.

After I started using GPS technology, the improvement in the quality of service I was able to provide for my clients was immediately apparent. Most of the data entry, which used to be manual and tedious, became automated and instantaneous. Clients could examine photos of the locations where the process server completed the job request with coordinates to ensure the validity of the photo. The GPS tracking system also assured me the service was completed correctly. Clients are reassured that I am providing outstanding service and I am confident my business model is not duplicated by other process serving companies in the area.

As a business owner, it is my obligation to provide my clients the best possible service. To do so, I remain well informed on all the latest legislation and technology programs. GPS technology has made my business more proficient, transparent, and accountable. Most importantly, it has increased our national reputation as a premiere process service company. The encouraging changes I have witnessed at Same Day Process Service prove we are moving in the right direction. 🐾

This is a paid advertisement.

Brandon Snesko walked the halls of Congress as a Congressional page before following in his family's footsteps and began serving process in 1999. He soon thereafter became a private investigator (PI) and worked for most of the major process service and private investigation firms in Washington, D.C. and the surrounding metro area.

Brandon is a licensed PI who has specialized in high-profile investigations for private companies, individuals, and the United States Government. Some of his investigations have included: vehicle location for repossession; locating, interviewing, and taping individuals as defendants or witnesses; surveillance of individuals who have threatened government employees and/or government offices; insurance fraud; adultery; custody cases; and corporate evidence recorders.

Brandon is also a founding member and Vice-President of the Mid-Atlantic Process Server Association. Brandon and his father, Tony Snesko, founded Same Day Process Service in 2005 to serve the needs of the 80,000+ attorneys in the DC metro area. In 2010, Brandon was the first process server in the DC area to incorporate serving all legal documents using iPhone and Android smart phones and GPS technology, giving clients complete accountability and transparency.

Brandon enjoys meeting new people in the industry and is responsible for marketing Same Day Process and the company's client relations. Please contact him if you are interested to know about our services in Washington, D.C., Maryland, Virginia, or nationwide service.

Brandon and his wife, Kara, and son, Caleb, are avid Washington Capital hockey fans, (Go CAPS!) and live in Annapolis, MD with their dog, Baxter.



THE DISTRICT OF COLUMBIA
VINCENT C. GRAY, MAYOR

Proclamation



PARALEGAL WEEK

OCTOBER 1 - 5, 2012

WHEREAS, this year marks the 38th Anniversary of Paralegal Week in Washington, D.C.; and

WHEREAS, paralegals are trained professionals who provide legal assistance to attorneys, the court system, the business community, and the public; and

WHEREAS, the National Capital Area Paralegal Association promotes and protects the general professional interests of paralegals in the District of Columbia and outlying metropolitan areas; and

WHEREAS, paralegals who work in Washington, D.C. serve the legal profession and residents admirably and are to be commended for their service;

NOW, THEREFORE, I, THE MAYOR OF THE DISTRICT OF COLUMBIA, do hereby proclaim October 1 - 5, 2012 as "PARALEGAL WEEK" in Washington, D.C., and call upon all the residents of this great city to join me in recognizing the important contributions and dedication of paralegals.



Paralegal Week Events

Watch for more information about NCAPA's Paralegal Week events in the next issue of OnPoint. Remember to support NCAPA sponsors; they support the paralegal profession!

STRIKE OUT! BOWL-A-RAMA

Date: Monday, October 1, 2012
Time: 6:00 to 8:00 p.m.
Location: Lucky Strike Lanes
701 7th Street, NW, Washington, DC

Sponsored by: HENDERSON LEGAL SERVICES

About our sponsor: Henderson Legal Services provides court reporting services and litigation support for corporations, law firms and organizations in every major market across the United States. Their experienced team brings a wealth of knowledge and the processes necessary to help your organization succeed.

Please consider Henderson Legal Services for your next court reporting service and indicate that NCAPA referred you to them.

Paralegal Week Happy Hour

Date: Wednesday, October 3, 2012
Time: 6:00 to 8:00 p.m.
Location: Regional Food and Drink (RFD)
810 7th Street, NW, Washington, DC

Sponsored by: TSG Reporting, Inc.

About our sponsor: TSG Reporting, Inc. ("TSG") provides comprehensive litigation support, offering clients a single point of contact for all litigation needs worldwide. Professional, live client service is available 24 hours a day, enabling TSG to provide the most advanced support and delivery in the industry. TSG is proud to serve clients nationally and internationally. From DC to Los Angeles or New Delhi to London, all depositions are considered local. Service is on time, every time, anywhere in the world. There are no hassles, no hidden fees & never any delays.

Please consider TSG Reporting, Inc. for your next court reporting service and indicate that NCAPA referred you to them.

Member Spotlight

Name: Peter Bennet, Jr. | Employer: Mayer Brown LLP (Washington, D.C. office) | Area(s) of Law or Speciality: Antitrust/IP/ITC | Year(s) of Paralegal Experience: 18

Why did you choose the paralegal profession?

I thought about law school, but then a few of my friends told me about the paralegal profession. In August 1994, I began working as a paralegal, loved it, and have been doing so in one specialty or another ever since.

What is your formal education?

I received a B.A. in History from Hampden-Sydney College in Hampden-Sydney, Virginia, in May of 1992. Then in October 1994, I received my Paralegal Certificate from the Georgetown University Legal Assistant Program in Washington, D.C.

What do you like best about being a paralegal?

Every day there is something different to do. You get to learn about new fields of law, especially in litigation. You are on the cutting edge of technology with e-discovery, document review, and working with contract attorneys and paralegals.

You have to always stay ahead of the game to be respected by your peers and coveted for more work by the attorneys. This is a challenge, but I love a challenge.

Share an experience that has affected your career and helped you know that being a paralegal really did make a difference.

There are so many: stopping privileged documents from being distributed in a large document production; preparing a binder to be used for deposition preparation by the client; or even producing work product that is used by the client in a hearing or at a shareholder meeting. These are all extremely important facets of my job that I get to complete every day. Recently, I was preparing exhibit binders with the help of a few other paralegals, young associates and the help of a trusted litigation support provider.

These binders would be used in trial with witnesses, the opposing counsel and the Judge. All of our hard work paid off when the Judge and other side commented positively on the set up of these binders. It also made our firm and the paralegals look great in the eyes of our client.

What advice would you give to paralegals entering the profession?

Always be ready to try and learn new things. Be flexible. Always have a great can-do attitude for the attorneys that you are working for. If there is something that you can't do to the attorney's liking, be honest, but come up with other solutions. Always come across positively instead of just saying "No."

What have you gained from being a member of NCAPA?

I have gained access to an entire network of experienced paralegals like myself that I can talk to about the profession; learning to grow with it, and also talking openly with them, sharing war stories if things aren't going so well, which happens to everyone.

NCAPA's CLEs and Hot Topic series are second to none, and they are always coming up with new and great topics for its members in the D.C. market. I was honored to be a Board member of NCAPA for two years. I gained leadership experience while pushing the profession forward. 🚀



Peter Bennett, Jr.

Mid-Year Meeting Recap

by Christina Bayley

On Tuesday, July 10, 2012, the National Capital Area Paralegal Association (NCAPA) held its mid-year meeting and social at Recess Lounge, 727 15th Street, NW, Washington, DC 20005, to let members know what NCAPA has been doing the past six months, what we have planned the rest of the year, to solicit feedback from our members, and get to know one another. NCAPA also used the event to raise money to bring Naemy Sillayo, the Director of the Paralegal Program at the University of Bagamoyo in Tanzania, to the American Association for Paralegal Education's Annual Conference held October 10-13, 2012 in Savannah, Georgia. Our dedicated paralegal professionals raised \$135.00 at the event! Additionally, NCAPA held a raffle drawing for a \$25 Amazon gift card, won by Christine Villarreal, President of the Paralegal Student Association at George Washington University!



Pascalle Goddard and Christine Villarreal of the GWU PSA

Erica Nantais, NCAPA President, provided opening and closing remarks. NCAPA's Scholarship Committee reminded members to apply for Paralegal Advanced Competency Exam (PACE) and Paralegal CORE Competency Exam (PCCE) scholarships, and to reach out to the PACE Ambassador, Brandy Swanson, CP, RP, for study groups or study tips. The Continuing Legal Education (CLE) committee requested suggestions for additional CLE courses and host locations.

All members were reminded to utilize and support NCAPA sponsors – without them, it would not be possible to have these great events!

NCAPA also provided information regarding *OnPoint*, our members-only job bank, student outreach program at various local universities, upcoming events such as Paralegal Week, sponsors, and sponsorship opportunities. The *Pro-bono* Committee reminded members to volunteer with this organization and other area legal organizations.

President Erica Nantais, Joe and Nico DiMonte of Planet Depos, and President-Elect Heather Lee, ACP

This year's mid-year meeting was sponsored by Lisa, William (Bill), and Nico DiMonte at Planet Depos. John Kopsidas, their DC Account Executive, was also in attendance. During the meeting, Bill spoke briefly about Planet Depos and how supportive he and Planet Depos are of NCAPA. Again, please remember to



Tima Hawes Talks About Upcoming Events



Christina Bayley Discusses the Importance of Supporting NCAPA Sponsors





Ronald Neblett, Femal James, and Brigid Prescott

support the sponsors that support your profession, and mention that you are a member of NCAPA!

NCAPA attendees ate shrimp skewers, grilled asparagus, fried plantains and guacamole, chocolate, home-made doughnuts, funnel-cakes, and a variety of other delicious foods. The Board received positive feedback about the food, venue, and location.

Thank you to all of the members who attended the mid-year meeting! We look forward to seeing everyone at future events.



Many of the Hard-Working Ladies of the NCAPA Board of Directors

Naemy Sillayo

by Lisa Wiseman

NCAPA IS PROUD TO SPONSOR **NAEMY SILLAYO**, Director of the very first paralegal studies program at the University of Bagamoyo in the United Republic of Tanzania. Naemy is among the first graduates of the program. In her new role as Director, she has been invited to attend the annual conference of the American Association for Paralegal Education (AAfPE) in Savannah, Georgia in October so that she can learn from her American peers and become a part of the American paralegal network.

AAfPE waived the cost of Ms. Sillayo's attendance at the four-day conference and sought donations for the funds needed to allow her to travel from Dar es Salaam to Savannah. Through the donation of CLE proceeds and the donations at the Mid-Year Meeting, NCAPA members have donated \$535.00 toward Ms. Sillayo's expenses. We were recently informed the fundraising goal has been met for Ms. Sillayo's travel to the United States. Thank you to everyone who contributed.



Congratulations to Naemy on her new role! Watch for more about Naemy's exciting new career in future issues of *OnPoint*.

Please see <http://bringnaemytosavannah.blogspot.com/> for more information.

Supreme Court Vindicates Tribal Contract Rights

by *Lloyd Miller*

On June 18, the Supreme Court issued a rare decision favoring Indian Tribes in a one billion dollar case pitting the Tribes against the Bureau of Indian Affairs and the U.S. Indian Health Service. The epic battle had been brewing for over 20 years and asked whether federal contracts with Tribes awarded under the Indian Self-Determination Act are really contracts at all. The government argued that it could pay whatever it wants, whenever it wants, even after the Tribes had fully performed their end of the bargain. Over the years, ten of twelve federal judges who considered the matter had excused the government from liability, so the outcome in the Supreme Court was far from certain. But if the Supreme Court had adopted the view of those lower court judges, it would have meant that tribal contracts are not contracts at all – a result that would have destroyed the foundation of the Indian Self-Determination Act on which Tribes operate one-half of all BIA and IHS operations, and it would have relegated Indian Tribes to second-class contractors.

That was a bridge too far, and the Supreme Court was unwilling to cross it. In an unusual alignment bringing together the Court's most liberal and conservative members – Justices Scalia Thomas, Sotomayor and Kagan – plus Justice Kennedy, the Court resolved the case in the Tribes' favor based strictly on ordinary government contract law principles. The result is precisely what Congress intended.

In fact, the Indian Self-Determination Act was purposely rewritten in June, 1988 to compel the government to award true, binding contracts to the Tribes. The agencies were told to calculate the full amount due under each contract, to pay each tribal contractor that

amount, and to request supplemental appropriations from Congress if agency funds ran out. After all, that's what the government does with every other government contractor, and then-Chairman Daniel Inouye declared that the new amendments would put an end to the past discriminatory treatment suffered by tribal contractors.

Despite the 1988 amendments, the agencies

“That was a bridge too far, and the Supreme Court was unwilling to cross it. In an unusual alignment bringing together the Court's most liberal and conservative members – Justices Scalia Thomas, Sotomayor and Kagan – plus Justice Kennedy, the Court resolved the case in the Tribes' favor based strictly on ordinary government contract law principles. The result is precisely what Congress intended.”

persisted in requesting too few funds to pay all the contracts they signed. Worse yet, they held back from the Tribes how much the Tribes would actually be paid until the contract year was over and the contracts had been fully performed. But the tribal contractors fought back in court, using the new remedies Congress authorized in 1988. In 2005 the Supreme Court ruled for the tribes on an important threshold issue in the “Cherokee” case against the Indian Health Service. Then last year in the “Ramah” class action case against the BIA, the Tenth Circuit Court of Appeals in Denver applied that ruling and agreed that all Tribes were entitled to be paid in full, just like any other government contractor. But by then another appellate court in Washington, D.C. had already ruled in the “Arctic” case that the government could not be held responsible for any underpayments, even though the agency had deliberately refused to ask Congress for sufficient funds to pay the contracts in the first place.

In June the Supreme Court by a 5 to 4 vote upheld the “Ramah” case, reversed the “Arctic” case, and affirmed once again that tribal contractors enjoy all of the same protections that are afforded to other government contractors. No longer can the BIA and IHS simply

declare what they will pay the contractors, much less change that amount from one day to the next. In a payment system that has historically worked only to the disadvantage of tribal contractors, the risk of a funding shortfall is now squarely on the government. Tribes that perform their contracts by running federal clinics, schools and police departments will be entitled to be paid in full for their work.

It is not just Indian Tribes that welcomed the Court’s decision. Even the Boeings and General Electrics of the world were watching. In a rare alliance with Tribes, the U.S. Chamber of Commerce and the National Defense Industrial Association stepped in to the case and urged the Court to uphold the right of all government contractors to be paid in full for services duly rendered. The Court agreed, and the result is a victory for tribal contractors and for the policy of Indian Self-Determination.

The next step is for all Tribes to promptly submit claims to the BIA and IHS. Many have done so, but most have not. And while the process is easy, don’t expect the government to help; the litigation only proved that Tribes must fight their own battles if they are to prevail in the courts. 🗡️

Lloyd Miller is a tribal rights attorney with the Sonosky Chambers firm. He led the Cherokee and Arctic cases and is on the legal team handling the Ramah case. Read more: http://indiancountrytodaymedianetwork.com/ict_sbc/supreme-court-vindicates-tribal-contract-rights.

Attention!

As members of NCAPA, the Board values your opinion. It is your association! The Board will be conducting a brief survey via email mid-November. We ask that you take the time to answer the questions in order for us to serve you better. Thank you!

Student Member Spotlight

Name: Pascalle Goddard | Employer/Educational Program: Hollingsworth LLP/The George Washington University (GWU) Paralegal Studies Program

Why did you choose the paralegal profession?

I chose the paralegal profession after being in the Law Program throughout high school at James Madison High School. I have been in the profession ever since.

After working in the legal profession, why did you choose to enroll in a program in a paralegal educational program?

I've worked in the profession for many years and obtaining a degree in the field is an accomplishment. It will validate my dedication and commitment to the paralegal profession.

What do you like best about the paralegal education program you are attending?

The diversity of the paralegal program at GWU can hardly be limited by choosing just one part of it. The program in its entirety offers a wide variety of courses that are all very informative. Every student will walk away with ingrained information and training that will boost their career.

What type of paralegal position do you hope to find when you complete your paralegal program?


I am a senior paralegal at a midsize litigation firm in a Washington, D.C. My goal is to become a Law Firm Manager with a firm that affords growth and advancement.

How do think your paralegal education will help you in obtaining the paralegal position that you desire?

I intend to achieve the highest level position a paralegal can obtain. I plan to complete a master's degree that will validate my knowledge and commitment to the profession and allow me to advance and achieve managerial positions.

What have you gained from being a member of NCAPA?

Aside from the access to valuable educational offers, training, information sessions and social events, NCAPA offers remarkable connections with other veteran professionals in the field. Being a member of NCAPA affords the opportunity of earning a CORE Registered Paralegal (CRP)

credential from the NFPA. Any dedicated and committed paralegal understands the benefits of earning a CRP credential. NCAPA supports that goal. 



Pascalle Goddard

Scholarship Opportunities Heading Your Way!

by Sandra Guinan and Kathryn Wray, NCAPA's Scholarship Committee Co-Chairs

ARE YOU READY to take the next step in your paralegal career? Have you thought about becoming a certified or registered paralegal? NCAPA can help!

Starting this year, NCAPA will be awarding scholarships for both the Paralegal Core Competency Exam (PCCE) and Paralegal Advanced Competency Exam (PACE). This year the PCCE scholarship will be sponsored by Incorporating Services, Ltd. Listed below are the eligibility requirements for each of the exams to help you determine if you are qualified.

If you have any questions on either the exams or the benefits of becoming a certified or registered paralegal, feel free to send us an email at scholarship@ncapa.com.

Eligibility Requirements to Sit for PCCE:

- Bachelor's degree in any subject, plus a paralegal certificate; no experience or CLE required; or
- Bachelor's degree in paralegal studies; no experience or CLE required; or
- Bachelor's degree in any subject, no paralegal certificate; 6 months of experience and 1 hour of ethics taken in the year preceding the exam application date; or
- Associate's degree in paralegal studies; no experience or CLE required; or
- Associate's degree in any subject, no paralegal certificate; 1 year of experience and 6 hours of CLE, including 1 hour of ethics taken in the year preceding the exam application date; or
- Paralegal certificate from a program that meets or exceeds the requirements set forth in NFPA's Short Term Paralegal Program Position Statement; 1 year of experience and 6 hours of CLE, including 1 hour of ethics, taken in the year preceding the exam application date; or
- High school diploma or GED; 5 years of experience and 12 hours of CLE, including 1 hour of ethics, taken within the 2 years preceding the exam application date.

Eligibility Requirements to Sit for PACE:

- An associate degree in paralegal studies obtained from an institutionally accredited and/or ABA approved paralegal education program; and six (6) years substantive paralegal experience; or
- A bachelor's degree in any course of study obtained from an institutionally accredited school and three (3) years of substantive paralegal experience; or
- A bachelor's degree and completion of a paralegal program with an institutionally accredited school, said paralegal program may be embodied in a bachelor's degree; and two (2) years of substantive paralegal experience; or
- Four (4) years of substantive paralegal experience on or before December 31, 2000.

All NCAPA scholarship application materials for both the PCCE and the PACE are due 5:00 p.m. on Wednesday, October 31, 2012.

Previous NCAPA PACE Scholarship Recipients include:

2007: Heather Howard (Zuckerman Spaeder LLP)

2008: Diana Moltrup (Hogan & Hartson LLP)

2009: Aprille Sherman (MTAG Services, LLC)

2011: Tima Hawes (PCAOB)

Student Liasion Report

by Sandra Setzekorn-Cruz, Director and Student Liaison Coordinator

Washington, D.C. has many educational opportunities for those who are looking to further their studies in the legal field and seek additional credentials as a paralegal. Recently NCAPA representatives were invited to present information on the organization and its activities at two local universities offering paralegal programs.

The George Washington University

NCAPA representatives were invited to speak at the new-student orientation for Graduate Certificate and Master's Degree in Paralegal Studies Programs at The George Washington University. Program Director Toni Marsh, J.D., welcomed the NCAPA representatives.

- NCAPA President Erica Nantais addressed the class of students and spoke about NCAPA and the objectives of the organization.
- Director and Student Liaison Coordinator Sandra Setzekorn-Cruz spoke on the benefits of NCAPA membership.
- D.B. "Brandy" Swanson, CP, RP, NCAPA's Certification Ambassador, explained paralegal certification and spoke about the Paralegal CORE Competency Exam (PCCE) as well as the Paralegal Advanced Competency Exam (PACE).

Georgetown University

Georgetown University invited NCAPA to speak for the second time at its new-student orientation, this time for its Evening Certificate Program in the Paralegal Studies Program. Kelly Holdcraft, Director of the Paralegal Studies Program, welcomed the NCAPA representatives.

- Ms. Setzekorn-Cruz addressed the class of students and spoke about NCAPA, the objectives of the organization, and the benefits of membership.
- Ms. Swanson, CP, RP, explained paralegal certification and spoke about the Paralegal CORE Competency Exam (PCCE) as well as the Paralegal Advanced Competency Exam (PACE).

Benefits of NCAPA Membership

- Networking opportunities and social events;
- NCAPA's Job Bank, where members can post their resumes;
- Continuing Legal Education (CLE) courses;
- Volunteer opportunities with NCAPA's Board of Directors and committees;
- Notice of pro bono activities in the community;
- A subscription to NCAPA's OnPoint;
- Membership in both the National Federation of Paralegal Associations (NFPA) and the Virginia Alliance of Paralegal Associations (VAPA); and
- A subscription to NFPA's National Paralegal Reporter.

Student Membership

NCAPA's Board of Directors encourages paralegal students to join the association, and offers a lower-cost non-voting Student Membership, in addition to its Voting and other types of memberships (see the "Membership" link at www.ncapa.com/membership for information and application forms).

PCCE and PACE Scholarships

NCAPA has established a new PCCE Scholarship, in addition to the Andrea Lupanze, RP, PACE Memorial Scholarship.

Upcoming Speaking Engagements

NCAPA plans to speak at other universities and schools with paralegal programs in the coming months. If you would like NCAPA representatives to speak at your educational institution, please contact us at slcoordinator@ncapa.com.

Get Your Career in Gear

Advice and insight from Stephanie Deckter Sanders of Deckter Consulting

Dear Stephanie,

Q: I have been working hard on my job search using the traditional approach – looking for postings online, networking at events, and identifying people on LinkedIn for informational interviews. Do you have any ideas for some additional, creative approaches I can add into the mix?

**From,
Looking for Something New**

A: I think it is great that you are thinking outside the box! There are lots of ways to be creative in your job search while remaining professional. Here are just a few:

Me and My Shadow

Networking is a great way to learn what it is like to work at a particular place or have a specific job. However, talking about something is no substitute for trying it out. Next time you are talking to a contact who works for an employer of interest, ask them if they would mind having you shadow them for a day. Of course it may take some doing – the contact will of course want to clear it with her employer and you will both have to find a day that works – but it can be a valuable experience.

Shadowing will not only allow you to get a front seat view to what the job takes and the culture of the employer, but will also forge a closer relationship with the contact (spending a full day with someone often has that effect!). As you will be on-site, you will also have an opportunity to meet other employees of the company and thus create a deeper connection to the organization. When an opportunity comes up with that employer, you will have a much better cover letter since you will have even more ammunition for making your pitch as to why they should consider you, and you will also have a group of folks on the inside to help shepherd your application through the human resources process.

Show Your Stuff

As a job searcher, you can now use the Internet to show potential employers that you are up-to-speed on the latest and greatest in their field and/or a particular industry. You can set up a blog where you write and comment about the latest e-Discovery issues. You can start tweeting interesting tidbits about being a paralegal and articles on issues related to supporting the practice of law. You can answer field-related questions on expert sites like Quora and look for opportunities to be quoted by reporters on Help a Reporter Out (HARO). You can even create a YouTube channel where you provide videos that teach other paralegals how to do specific tasks.

Once you have a presence online, then you can work on advertising it! You can send the link to your YouTube channel around to your paralegal friends and those who you met at the last NCAPA event. You can start linking to your blog on your Facebook page. You can start following and re-tweeting other industry folks on Twitter in the hopes that they will follow you in return.

Follow Me, Follow You

Another way to get noticed by potential employers is to follow them on Twitter and LinkedIn. On Twitter, do a search to find out if a particular organization has its own Twitter feed. If individuals associated with that employer are tweeting, follow them too! This is a great way to learn more about the various roles that exist, the individuals, and the organization as a whole. Once you follow these individuals for a while, you can also start engaging in an online conversation by tweeting “at” them (just start your tweet with @ and the person’s handle). Because Twitter can be an online conversation, the person is likely to respond to your tweet and then

he or she will start to recognize you. You can also send a direct message to ask the person some off-line questions or even request an informational interview. If you have been engaged with someone on Twitter before sending a direct message, the person is much more likely to respond.

In a tough economy, having great credentials and a can-do attitude are necessary, but not sufficient. You must find ways to stand out from the crowd and get noticed. I hope you try out the ideas above, but also do not be afraid to think about other ways to learn more about the market for your skills and connect with potential employers. Your next creative idea could be the one that helps you land your dream job!

Best of luck!
–Stephanie

Get Your Career in Gear is written by Stephanie Decker Sanders of Decker Consulting. Stephanie is a career consultant who works with individuals who are in career transition to identify the next step in their career development, improve their networking skills, and prepare for and execute an effective job hunt. Check out her website at www.deckerconsulting.com and follow her on twitter at <http://twitter.com/deckercareers>.

The information in this column is meant to provide generally-applicable career advice only. You should speak with a career consultant for assistance with your personal job search and career development.

TechTalk

by Jamera J. Cherry

YEARS AGO, obtaining a persons' criminal record meant subpoenas, record releases, and visits to the court or local police station. As we journey into 2013, almost all states have online services for running complete criminal history checks, so criminal background checks can be done from your computer. Paralegals who need to provide attorneys with complete background checks can go online and retrieve the information in a matter of minutes. All you need is a state-issued web address, the full name, and date of birth of the accused. Criminal records are public; therefore you will be able to obtain previous criminal actions and convictions, as well as current criminal cases with future court dates. Legal offices use these tools every day in addition to websites such as Lexis-Nexis and Westlaw that provide immediately complaints and other court documents.

The general public has also become familiar with these websites and uses them for obtaining information before hiring child care givers, private contractors, or health care providers. Employers, insurance agencies,

and credit bureaus can also use this information when performing a background check on prospective employees or people seeking lines of credit. One would think the more online criminal information at your fingertips, the better. However another thought can come to mind: how much information is too much?

One hot technology topic for criminal searching right now is the issue of online mug shots. Online mug shots have been debated for a long time. Mug shots are considered public information because they are part of a criminal record. This is a great tool for people in the legal field when trying to identify plaintiffs and defendants. If used in the right way we can all benefit, but what happens when mug shots are published online for public display? Across the country there has been a surge in websites posting mug shots and also showing the criminal record of the accused. When the accused discovers that information has been posted about them on an independent website, they call to ask that the picture and criminal records be deleted.

Most accused can have the mug shots removed without any problems, however, some have reported denied requests or multiple roadblocks to keep them from having their mug shot removed and many are shocked to find out that some of these companies charge a fee for the removal.

Websites like www.unpublishmugshots.com have stepped forward to help. According to that website, the company "... specializes in unpublishing your mug shots from The Published Mugshots.com Database and we help 100's (hundreds) of people a day unpublish their online mug shots." The website also states, "As a courtesy; after the information is unpublished, we request to have the dead links removed from search results on Google. When completed, the link directing traffic to the displayed mug shot on Mugshots.com will no longer appear in Google search results. This ensures that the mug shots from The Published Mugshots Database and criminal records cannot be found by your current employers, future employers, family or friends."

There is no doubt that online research capabilities have made life easier for legal professionals. Assignments that may have taken days to complete ten years ago, only takes ten minutes today. As we

quickly move into the digital age, we also need to take a moment to understand the consequences and lasting effects that electronic information will have on us. The effects can be costly for people who have made bad choices.

A CRIME COMMITTED 5, 10, 15, or even 20 years ago can now be showcased online for everyone to see. The embarrassment of having family, friends, employers, and co-workers introduced to past behavior can be humiliating, and can also damage a person's reputation, employment, or financial status. Independent companies are aware of this predicament and use it as leverage when charging websites to have mug shots and criminal records deleted from their online pages.

We all know that the past can be unforgiving, and the same can be said about the Internet. The Internet has given us a great wealth of knowledge, but with that knowledge comes responsibility. In the famous words of Albert Einstein, "It has become appallingly obvious that our technology has exceeded our humanity." As we go deeper into a completely digital era, who will determine what information is private versus what information is public? Will it be online businesses or the people? You decide. ➔

Jamerra J. Cherry has been a paralegal for thirteen years. Miss Cherry is a senior litigation paralegal with the firm Joseph Greenwald & Laake, P.A. Her specialty areas include civil rights, sexual harassment, job discrimination, and whistleblower litigation. Miss Cherry has written numerous articles for Law.com and was recently published on Lexis.com; she currently serves on the Advisory Board for the CCP Paralegal Studies program in Philadelphia, Pennsylvania, and is a faculty member for the Institute of Paralegal Education.

Washington Metropolitan Area Corporate Counsel Association Announces Finalists for Outstanding Paraprofessional

The Washington Metropolitan Area Corporate Counsel Association (WMACCA) is the regional chapter of the global Association of Corporate Counsel (ACC), serving the professional needs of in-house counsel in Washington, DC, Virginia, and Maryland. The Outstanding Paraprofessional award category is a new addition this year, and recognizes and shows appreciation to paralegals and other paraprofessionals supporting in-house law departments. Winners will be announced at a reception on October 18, 2012.

Outstanding Paraprofessional Finalists:

Jennifer Charney, Senior Trademark Paralegal, Discovery Communications, LLC

Barbara Lee, Paralegal, Blackboard Inc.

Christiane Lourenco, Senior Paralegal, Alion Science and Technology Corporation (*NCAPA member*)

Yvette Retamoza, International/ Regulatory Analyst, The Boeing Company

Congratulations Christiane, and best of luck!

Information obtained from ACC's website (<http://www.acc.com/chapters/wmacca/awards.cfm>).

Increase Your Productivity: The Desk & Dragon Method

by *Jaime Collins*

This article was reprinted with permission from The Paralegal Society™, a forum created to educate, motivate and inspire paralegals. Be sure to check it out at: www.theparalegalsociety.wordpress.com!

Today, we're here to discuss productivity and the happy life. They go hand-in-hand, as far as I can tell. If you have productivity and organization, you are happy in your work life. If you don't, it's highly likely that you feel the law firm walls starting to close in around you.

A friend of mine once told me about a particular method he likes to utilize at work called "Eat the Frog." Each day, once he arrives at the office, he determines what the worst project is that he will need to do that day and he "Eats the Frog," meaning he does the task (to get it over with) and completed. Now, for us as paralegals, it's not quite that simple. We have so many frogs that you may think you've stepped into the Frog Freedom Festival at the Brooklyn Zoo. In some regards, we have limited control over "what" we do because our frogs come with assigned esquires. It's a bit trickier. While I liked the concept of "Eat the Frog," I felt it could use some tweaking for our paralegal world. Therefore, for us (the paralegals at large) it shall be considered the "Slay the Dragon" method. Yep. You have at least one dragon which you know must be slayed today and you will slay it. You with me here? You and one dragon each day. True story.

Next, we'll talk about the desk in your life. Yep, the desk. It's probably wood, but you can't readily tell because it's covered in baskets, file folders, piles, post-its and papers galore. I have to say, I believe the desk's closest cousin is the closet. Huh? What did she say? Yep, that's right, I said it, "Your desk's closest relative is the closet." What in the world am I talking about? Please allow me to elaborate.

Several weeks ago, I found myself in one of those perpetual, paralegal states of chaos. You know the one! It's not that there was anything wrong in particular, as there was no full-on crisis (at least not in that moment) and generally speaking, my work world was running along quite smoothly and life was good. Yet, there are those days when we, as paralegals, seem to allow all of the moving pieces that are swirling around in that invisible air in the periphery that surrounds us to start to make their way into our minds, as we type away on that keyboard. That invisible stress shield comes down and there we find ourselves, in a state of "Oh my gosh...where is that paper I need, there are 30,000 projects and deadlines looming right now, I need to do this, I need to do that, how can I get it all done...and why, oh why, does my happy, little, work world suddenly feel chaotic when nothing at all transpired to shift my stress level and precipitate a minor, inner-office, paralegal, panic attack?" You been there? (No need to respond, that was a rhetorical question – if you work in a law firm).

Anyway, there I found myself, at my desk, thoughts starting to swirl, brain starting to pound (and no, I wasn't having a real aneurysm or anything, just a self-induced one, perhaps). My heart began to beat faster – pitter, patter, pitter, patter – much like a jack hammer at a construction site when there's a \$1 million dollar early completion bonus looming and one day left until D-day. That kind of moment. Perhaps you had one recently? If not, perhaps you will.

Now, next door to my office sits another paralegal whose desk is made of wood (you can actually see it). It's impressively tidy and uber-organized. Now, this isn't to say my office isn't immaculately tidy or my desk isn't organized, because it is. All my co-workers can confirm that my office is a well-decorated and happy place where everything (at least off the desk) is always in its place. In fact, so much so, that they like to annoy me by coming into my happy space and cocking one of my client chairs completely out of place or altering some other happy fixture (in a friendly attempt to irritate me, of course). I always promptly return the item back into its place on my next pass through happy land a/k/a my office. It's a constant battle between my annoyance and their personal amusement. Perhaps I'm a little bit Type-A, I admit it.

However, with regard to my actual desk, I'll admit it's organized in more of a closet fashion. I carry a heavy caseload, so I don't frequently admire the lovely wood sitting beneath it. I can readily find anything you need in my stacks of papers, but over the years, I failed to realize that my desk was broken. Perhaps yours is too, and you just don't know it...yet. Today, I'm sharing my story in the hopes that at least one other paralegal out there in paralegal land will take heed of this life-changing, work lesson and feel compelled to revamp his or her desk life to alleviate the "broken." It can happen. I'm living proof.

So, how was my desk "broken?" Well, having spent the past four years at the same firm, it's become a whole lot like my closet. That is unfortunate. You know how you continue to keep clothes you just don't need, won't wear

(some new with tags and other so old it's like you're holding onto a dream) and the only real reason you aren't getting rid of them is because that would require a lot of time, effort, and endurance in sifting, sorting and reorganizing?

Desk = first cousin to the closet. I told you!

My desk was still neatly organized with piles. In my life, it looks a little something like this:

- (1) discovery pile
- (2) demand pile
- (3) medical request pile; and
- (4) miscellaneous pile.

Besides these, I also have a "what I'm doing today" pile, although I don't always make it all the way down to the wood because I may be just a wee bit overly optimistic when planning that particular pile. In reality, we could refer to that one as the "go-getter pile." On the really fun days, I may even have two of those "go-getter" piles, with one cross stacked on top of the other; the "miracle worker, high priority" pile and the regular "go getter" pile. What fun! And then there are the "needs to be signed" and "outgoing mail" piles, in addition. As I stated above, if you need something, I can promptly find it and I generally know where all my stuff is at any given time. However, it wasn't until that day of person panic that I realized the systems of organization on my desk were broken.

Systems? What systems? I know there used to be systems. Once I started cleaning (and I mean really cleaning) it became readily apparent. I have a 3 tier basket behind me which was basically a fully functioning, dust-bunny collector. Granted, I had some useful items on the bottom two shelves for regular usage, but the top basket? Ha. That was a doozy. I had food coupons which had expired so long ago it was embarrassing, random papers, notes, post its, etc., that I no longer needed, fax confirmations for things so old they were pointless and a multitude of other random, dust-bunny collecting, tree-killing, paper items. (It bears mentioning this was all personal papers, not work papers, which we all love to keep for about 7 years...just to clarify). Other baskets I rarely used or used in a different manner than originally intended. I began to elevate my happiness via the sort and pitch method for about an hour. I re-evaluated each and every tray on my desk to see: (1) if I even used it; (2) if so, if it was being used for its labeled and intended purpose; and (3) if not, what would make more sense for that particular spot? Could I work every dedicated pile into the baskets? Oh yes. You bet I could. Sort and pitch, sort and pitch, sort and pitch. I was on my way to paralegal happiness.

My desk now boasts trays which all serve a very specific and intended purpose, which was clearly determined and set forth, pursuant to the "Slay the Dragon" method. I infused those piles of paper with an assessment of my current reality. Each and every thing now has a place that makes absolute sense for my current work life. Those 6 piles that used to live on my desk just above the striking, cherry, wood-grain desk have made their way into their new, basket homes. Organized? You betcha. Happier paralegal? I'd say "paralegal euphoria" would be a better descriptor! For about the next 14 days that followed, every time I walked into the place, I was doing a personal shout out to myself for my organizational glory and ready to erect a dragon slaying monument in my own honor. It was my desk – and I was taking it back!

To all of the paper pushers out there, I say, take back your desks!!! Take a closer look at those areas on (or in) your desk that you believe to be a first cousin to your closet. Whether you're holding onto a price tag or a dream (or even an Arby's coupon from 2009), the time has come to let...it...go. Dedicate one hour this week (or next) to slaying the dragon, transforming your work space, and getting rid of that wretched, pitter-patter, construction site, jack hammer, heart rate and self-induced aneurysm. It's time to slay the dragon, my friends.

In case you were wondering: My desk is made of wood and my mind is at peace.

Sincerely,

The Dragon Slayer

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