

# THE PARALEGAL *Educator*

American Association for Paralegal Education

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REACHING ACROSS BORDERS:  
A Fulbright Semester in Estonia

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**DEADLINES:** March 1, June 1, and November 1. Topics may express opinions or provide information on any matter appearing in *The Paralegal Educator* or otherwise be reasonable related to law, justice, and the education of paralegals. Articles should be approximately 500 words, double-spaced, in Microsoft® Word®, 12-point Times New Roman. Publication and editing of submissions are within the purview of the Editors, President, and Executive Director.

The opinions expressed in *The Paralegal Educator* are those of the authors and are not necessarily those of AAFPE.

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Our front cover picture: Sometimes the thought of paralegal education in countries other than the United States never crosses our minds. AAFPE is beginning to experience international reception of the paralegal concept and is becoming the beneficiary of crossing borders and expanding horizons. This issue’s lead article offers the experience of teaching in another country. In addition, the Association also reaches across the border to welcome Capilano College of British Columbia as a new Associate member from Canada.

## A Fulbright Semester in Estonia

*David J. Smith*

*Associate Professor, Harford Community College  
U.S. Fulbright Scholar,  
Tartu Ülikool (Tartu University)*

This fall I have been privileged to teach at Tartu Ülikool (Tartu University) in Tartu, Estonia. In 2002 I had applied to the U.S. Fulbright Program and was awarded a grant last March. Estonia is a country of 1.4 million people and the most northern of the Baltic states. In 1991, it reemerged as a democratic republic after 51 years of Soviet domination. The capital is Tallinn, a city of about 450,000 people, located on the Gulf of Finland. But the intellectual and cultural center of the country is Tartu, a city of 100,000, in the southeastern part of the country. Tartu is the home of the largest institution of higher education in the country, Tartu Ülikool, with about 10,000 students. It was founded in 1632 by the King of Sweden. At Tartu, I am teaching two courses in different departments. In the political science department I teach a class in peace and conflict studies. This is an interdisciplinary look at issues of peace, violence, and conflict. In the law school, I offer an overview course on conflict resolution.

In September the local chapter of the European Law Students' Association (ELSA), invited me to be their keynote speaker for their fall meeting. I spoke on conflict resolution in the United States and Europe. The Estonia Chapter

includes students from Tartu, but also from two smaller law schools in Tallinn. ELSA has 25,000 members in 200 universities throughout Europe. Prior to my presentation, I toured the Estonian Supreme Court (Riigikohus) (which is located in Tartu) with a group of students. There are 19 justices on the Estonian Supreme Court. The Chief Justice is appointed by the Estonian Legislature (Riigikogu) on recommendation from the President. Associate members are appointed by the Estonian Legislature and recommended by



the Chief Justice. Justices are appointed for life (which actually means 5 years beyond retirement age). For the most part, the court operates like an American final appeals court. The Supreme Court also acts as an intermediate court of appeals. In those instances, members of the court are specially assigned to hear cases in smaller panels. The Supreme Court, like other Estonian governmental institutions, reappeared in 1991 after independence. Most institutions, like the court, had been established about 1919 after the first period of independence. They then were shut down after the

Soviet take over in 1940.

I have 12 students in my conflict resolution class. In Estonia, legal education is undergraduate. This is in the process of changing and will eventually be graduate level throughout Europe. Much of the materials used in Estonian higher education, and in particular law, are in English. Since Estonia recently voted to enter the EU in 2004, learning EU law concepts is critical. These materials, for the most part, are in English. My students' command of English, both writing and speaking, rivals my American students. Most of them have traveled throughout Europe and a few to the United States. In addition, they are all multilingual, speaking in addition to Estonian and English, Russian, and often, Finnish or German. As I write this, next class we start engaging in role playing. Though this might be common in American higher education, role

playing (and other types of experiential learning) is unusual here. Under the Soviet period the legal profession was seen as an instrument of the state and as such lawyers were not expected to advocate or learn practical skills. This is now changing, but slowly.

My wife and two children are with me in Tartu. Our 9-year-old son, Lorenzo, is attending the Tartu International School. The school is small with just 16 students and 6 teachers. It is English based, but for most of the students, English is their second or third language. His fellow classmates are from mostly Nordic countries. Our 4-year-old

*Continued on page 7*



## Our Past, Present and Future

*Diane Pevar*  
*Manor College*

Throughout this year's wonderful annual conference in St. Louis, I received a number of congratulations on being installed as AAfPE's 22nd president. Although I gratefully (and graciously, I hope) accept the kudos and challenges that come with the job, I believe you, the membership of AAfPE, deserve the congratulations.

By choosing membership in AAfPE you receive, of course, the tangible benefits of our publications, conferences, listserv, and educational resources. You also receive the knowledge that you are not alone out there. There are over 400 other AAfPE members willing to network, share knowledge and information and sometimes, just plain old moral support. Today's AAfPE is a vital organization of committed volunteers. By offering to share your expertise, you each assure AAfPE a future of growth and productivity.

The AAfPE Board of Directors is equally committed to ensuring that your AAfPE membership continues

to give you excellent value. Membership dues and annual conference rates will stay the same for the coming year. Educational resources will continue to be reasonably priced. We will begin producing marketing materials and ideas that will help you attract new students, as well as prospective employers for your graduates. The AAfPE Web site will undergo a significant facelift, so that visitors will be able to quickly learn about our organization and your program's place in it. Our newest syllabi will encompass distance learning techniques and our newest publication, now in the planning stages, will help program directors and educators tackle and master today's teaching technologies as well as tomorrow's.

But as we contemplate our current success and our bright future, I would urge each of you to look back to our past — to AAfPE's beginnings. Prior to 1980, the Standing Committee on Legal Assistants of the American Bar Association planned and administered annual conferences for paralegal educators. In 1980, however, at the San Francisco conference, paralegal educators were informed that the ABA would no longer be responsible for these meetings

What would eventually be called the American Association for Paralegal Education was the brainchild of seven educators committed to the creation of an association just for paralegal educators: Therese Cannon, Dale Hobart, Maurice Godin, James McCord, Robert LeClair, Sharrie Hildebrandt, David Sapadin and Janet Kaiser. The original goals of this organization were:

- To set high quality standards in the field for the education of paralegals;
- To promote professional education of educators;
- To participate with the ABA in the approval process of legal assistant programs;
- To plan, support and promote an annual conference and other seminars for paralegal education;
- To provide technical assistance and consultation services to new and ongoing paralegal programs and educators;
- To provide research services on paralegal education and progress and to disseminate such information;
- To serve as spokesman where needed on matters affecting paralegal education and utilization;
- To cooperate with other professional and institutional bodies in promotion of high educational standards for legal assistants

Two decades later we can look back with pride, realizing that we have been true to these goals. We have not lost sight of our need to provide increased access to justice. We continue to strengthen the legal profession with the infusion of highly qualified and trained paralegals. We recognize, and plan for a future where our graduates will need to cope with emerging technologies, the likes of which we have yet to imagine. You, the membership of AAfPE, recognize what needs to be done and are committed to achieving it. Congratulations! ❖



## Reality Hits Home at 30,000 Feet

*Ronald C. Goldfarb*  
Middlesex Community College

While flying home from St. Louis, the enormity of what had happened hit me. I was now President-Elect of the American Association for Paralegal Education. AAFPE, the organization that made it possible for me to go from itinerant adjunct to program director nearly ten years ago. AAFPE, where I had developed so many wonderful friendships. Hey wait, that means that I have to write a column for the *Educator* as President-Elect. Over the past few years, Diane, Joan, Bob, and Kathryn had all written great ones.

About what should I write? I did what I tell students to do. Never lose sight of your audience. Virtually all

those who read this article are paralegal educators and nearly all of those teach at a school that is an AAFPE member. In what would they be interested? I think that they (you) are interested in hearing about how the organization that represents the interests of over 400 programs, around 5,000 teachers and approximately 40,000 students can help you to deal with some of the most pressing problems that you face.

It is unlikely that any of you have not faced economic problems in running your programs. AAFPE continues to try to help you in a number of ways. We have managed to keep our dues and conference registration fees unchanged for a number of years. Many of you have taken advantage of the wonderful CD-ROM's that were produced under the direction of President Diane Pevar. For less than the cost of many textbooks, this AAFPE product provides syllabi for virtually every course imaginable (including assessment tools) as well as various survey instruments.

In tough economic times, institutions look to maximize income, sometimes without considering all of the academic issues that may be involved. I recall

the day when the president of my college called to ask me about a "weekend wonder" program that had approached our continuing education division about setting up shop on our campus. Ten minutes after I delivered a copy of our Policy Statement Regarding Short Term Programs, the proposal was rejected. It was AAFPE that gave me the tool that I needed.

For AAFPE to be able to provide these, and many more, services the help of members is required — you'd be amazed at how much work goes into regional and national meetings. Now that the academic year is about half completed, think about how AAFPE can help you. Are you a new program director and would like a mentor? Contact Elizabeth Mann. Want to participate in our newest publication dealing with technology issues? Contact Diane Pevar. Want to write for the *Educator*? Contact Joan Spadoni. Write for the *Journal*? Contact Ann Dobmeyer. Want to help improve your regional meeting? Contact your regional director.

Who knows, a couple of years from now you may be flying home from a national conference and planning your first article as President Elect. ✦

## MEMBERSHIP REPORT

*Ron Goldfarb*  
Membership Chair

### New Members

The following schools and individuals have become new members since *The Paralegal Educator* was last published.

### Institutional (voting) –

Fayetteville Technical Community College  
Fayetteville, North Carolina  
**Carol Dickey**

Western Kentucky University—  
Bowling Green Community College  
Bowling Green, Kentucky  
**Julie Shadoan**

### Associate –

Capilano College  
North Vancouver, British Columbia, Canada  
**Donna Phillips**

### Sustaining –

Salt Lake Valley College  
Corona del Mar, California  
**Patricia Morrison Heller**

### Individual –

**Kathleen Mack**  
Harrisburg Area Community College  
Dillsburg, Pennsylvania

**Thomas E. McClure**  
Elliott & McClure P.C.  
Bourbonnais, Illinois

## MEMBERSHIP STATISTICS:

December 31, 2003

Institutional	351
Associate	34
Individual	17
Sustaining	9
Honorary	15
<b>TOTAL</b>	<b>426</b>

### DUES 2004

Dues for 2004 will be \$350 for Institutional and Associate members, \$100 for Individual members, and \$400 for Sustaining members. Notices will be sent in September. Dues cover the period from January 1, 2004 to December 31, 2004.



## It's An Honor To Honor...

Ellen Erzen,  
Cuyahoga Community College

*Kathryn L. Myers*  
St. Mary-of-the-Woods College  
and  
*Anita Tebbe*  
Johnson County Community College

Ellen Erzen was the recipient of this year's Honorary Membership award. Why? The answer is very simple and yet very long. It is simple in that AAfPE was and always will be a passion and a labor of love for Ellen. It is long because she contributed constantly and tirelessly to AAfPE.

Until January 2003, when she decided to retire and enjoy family and traveling, Ellen was the program director at Cuyahoga Community College in Cleveland, OH. Ellen directed her program using technological advances far beyond what many of us were doing at the time. She brought that technological advancement to AAfPE.

When she began attending conferences in the 1990s, Ellen jumped feet first into the association activities. Since she began attending, she never met a stranger. Moreover, no one felt like a stranger after meeting Ellen. Her zest for life and for the activities that surrounded AAfPE were always evident.

The list of things Ellen has done for AAfPE would make the best of us tired just reading them, let alone doing them. She was the regional representative for the North Central region, served on several syllabi committees, edited *The Paralegal Educator*, and created the Archives of the association's minutes, to name a few of her accomplishments. In addition, she was a one-woman committee in the

creation of several of the marketing pamphlets available today. Ellen was always happy to work behind the scenes. She made many of us on the board look very good!

No task was too small or too insignificant for Ellen. When something needed to be done, all board members knew Ellen would help. All board members knew the job would be done right. And, not the least of which the Board knew was that the membership would benefit.

It is for these and many other reasons that Ellen Erzen was named AAfPE's Honorary Member for 2002-03. We thank Ellen for all she has given AAfPE and we wish her well in her retirement. ❖

## AAfPE Calendar of Events

### 2004

January 15	<i>Journal of Paralegal Education and Practice</i> manuscripts and abstracts due to Editor-in-Chief
January 30	Membership dues must be paid to be included in the Directory
February 13-15	Board of Director's meeting, Albuquerque, New Mexico
February 15	<i>Journal</i> Editor assigned to work with author
March 1	<i>Educator</i> articles due to Editor-in-Chief for spring issue
March 15	<i>Journal</i> second draft due
March 18-20	Pacific Regional Conference, Honolulu, Hawaii
March 19-20	South East/South Central Regional Conference, New Orleans, Louisiana
March 26-27	North East Regional Conference, Mystic, Connecticut
March 26-27	North Central Regional Conference, Omaha, Nebraska
May 15	<i>Journal</i> final revisions due
June 1	<i>Educator</i> articles due to Editor-in-Chief for fall issue
June 11-13	Board of Director's meeting, Chicago, Illinois
October 20-23	Annual Conference, Hyatt Albuquerque, Albuquerque, New Mexico
November 1	<i>Educator</i> articles due to Editor-in-Chief for winter issue

## Professional Pursuits

**Joni Boucher**, Program Coordinator of the Paralegal Program at Sonoma State University, was honored on November 14, 2003 by Sonoma County Legal Aid at the Sonoma County Bar Association Annual Pro Bono Awards Luncheon for her volunteer work as a Small Claims Court Advisor. In California, self-represented litigants may file actions up to \$5000/year. As a Small Claims Advisor, she assists with the forms, evaluates cases, instructs litigants as to proper court procedure and conduct, advises as to collection methods, and generally tries to ease the burden on the courts. By law, paralegals are allowed to perform this service.

**Daniel G. Cantone, Esq.**, of Cantone Law Firm, P.C., has a Featured Guest article titled, "Ten Tips for Effective Client-Centered Interviewing," appearing in the third edition of both *West's Paralegal Today: The Legal Team At Work*, and *West's Paralegal Today — The Essentials* by Miller and Urisko.

**Clarissa M. Cota, J.D.**, of the Community College of Southern Nevada, was promoted to Director

of Legal Programs. They offer both the Paralegal A.A.S. and Certificate and have just started a Legal Support Specialist Certificate program.

**Dr. Patt Elison-Bowers**, Administrative Director of the Legal Assistant Program at Boise State University has received the BSU Associate Students Distinguished Faculty Award.

**Bruce Hamm**, program director at Syracuse University, was appointed to the certifying board of the National Association of Legal Assistants (NALA). The NALA certifying board oversees content, standards and administration of the Certified Legal Assistant (CLA) certification exam. The CLA is one of the most well known self-regulatory programs of the legal assistant profession, providing professional standards through a national credentialing program.

**Robert J. LeClair**, Chair of the Kapi'olani Community College Legal Education Department and past president of AAfPE, has recently been named Administrator for the Hawaii Justice Foundation. The Foundation distributes the interest earned on attorney client trust accounts in Hawaii and

undertakes other access to justice activities. Last year the Foundation distributed more than \$700,000 to low income legal service providers and other non-profit organizations.

**Kathryn L. Myers**, Coordinator of Paralegal Studies at Saint Mary-of-the-Woods College and past president of AAfPE, recently completed an intensive training program sponsored by the Indiana Continuing Legal Education Forum and is a Civil Mediator in the state of Indiana.

**Thomas Shanahan, J.D.**, Associate Professor at Columbus State Community College, was presented with a Distinguished Teaching Award on May 9, 2003. The award was based upon nomination by students, portfolio evaluation, and four separate classroom observations by faculty from across the college.

**Mary Urisko**, Assistant Director of the Legal Assistant Program at Madonna University, announced that the third edition of the books she co-authored, *West's Paralegal Today: The Legal Team at Work* and *West's Paralegal Today — The Essentials*, were published this fall.




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### A Fulbright Semester in Estonia *continued from page 3*

daughter, Sonya, attends an Estonian kindergarten. Her lack of Estonian language skills is not hampering her experience in the least. Both of my children have quickly made friends and are having experiences that will impact them for life. My wife, Lena, who is a nurse, is spending her time writing, and investigating the use of nurses in Estonia. Her most important job has been, though,

keeping us all on track.

Before I return to the United States in January, we hope to visit more of Estonia and also travel to Riga, the capital of Latvia, and Helsinki, the capital of Finland. Sometime in November I anticipate visiting Uppsala University's Peace Research Center in Sweden.

If you wish to have a life changing international teaching experience, I

highly recommend the Fulbright Program. There are a number of Fulbright options, including the Traditional Scholar Program ([www.cies.org](http://www.cies.org)) and the Teacher and Administrator Program ([www.fulbrightexchanges.org](http://www.fulbrightexchanges.org)). If you have more questions, feel free to email me at [dsmith@harford.edu](mailto:dsmith@harford.edu). Nägemist! (which is, "see you" in Estonian).✦

## Seeking New Heights in Paralegal Education

### A Peek at the 2004 Annual Conference

Albuquerque, New Mexico, will be the venue of the AAFPE 23rd Annual Conference and the Hyatt Regency Albuquerque will be the site of some 25 very diverse and broad-reaching educational sessions when the meeting convenes Wednesday, October 20, 2004. By the time the meeting ends on Saturday, October 23, the participants will have been treated to a full range of pertinent paralegal subjects plus some specialized roundtables and a delightful dose of the American Southwest.

The National Conference Committee, chaired by Kathryn Myers of Saint Mary-of-the-Woods College, has planned a full slate of sessions, all designed to help attendees collect dozens of ideas and concepts to help continue raising the quality and standards of paralegal education. Subjects will range from integration of oral communication skills throughout the curriculum to the use of cyberspace to strengthen programs and teaching to the law and forensic evidence. The issue of ALWD vs. Bluebook will be examined, as will practical approaches to bringing real life ethical issues into the classroom. An objective examination of the worth of student organizations and a probing look at assessment methods, evaluation designs and learning outcomes development will also be offered.

An innovative military roundtable, designed to provide ways and ideas to work with military personnel to enhance their education, will be offered this year and should be

welcome news for those institutions with nearby military installations.

A complete program brochure should be available shortly after this edition of *The Paralegal Educator* reaches you.

AAfPE's excellent hotel room rate is \$129.00, single or double, but the room allocation will fill quickly and it would be best to make your reservation early by calling the hotel at 800-532-1496 or 505-842-1234. The Hyatt Regency, a four-star 20-story hotel, is located at 330 Tijeras Avenue in the center of the city with rooms offering voice mail, telephone dataports, irons and hair dryers. There are also saunas, whirlpools and an exercise room along with a business center.

Albuquerque, one of the Southwest's centers of culture and history, is the scene of many unusual things ranging from unique architecture to ristras to its position as one of the last way points on America's Main Street — the original Route 66. Established in 1706, the original town was set up in the traditional Spanish design with a central plaza bordered with a church, a few government office buildings and some shops and homes. Most of those buildings, in the section now referred to as "Old Town", are still operating as shops, restaurants and churches.

When the railroad arrived in 1880, its position to the east of Albuquerque also created a new city around it and the original town faded only to be annexed later by the new city. Today, the Old Town section offers arts and crafts and is the place where American Indians

## Seeking New Heights in Paralegal Education

American Association for Paralegal Education  
23rd Annual Conference  
October 20-23, 2004 • Albuquerque, New Mexico



and other artisans set up on the sidewalks to sell their hand-made wares. It is also the most popular place to see and buy "ristras", those colorful hand-strung clumps of dried

peppers you may see hanging in windows and from roofs where they are placed for good luck and to signal a welcome to visitors. Of course, there is a second use for these peppers, which are of both red and green variety, and that is for flavoring many Southwestern meals, although many persons uninitiated in such meals are convinced their real purpose is for starting internal digestive system fires. The argument over which is hotter, red or green, will probably never be resolved and partaking sparingly is advised!

Central Avenue, just a couple of blocks from the Hyatt Regency Albuquerque, the conference hotel, is probably the most well-preserved remnant of U.S. Route 66, the historic highway often known as the "Mother Road" or "America's Main Street" and raised to icon status by song and a television series, and once connected Chicago with Los Angeles, much of it now replaced by Interstate 40. The University of New Mexico campus is on Central Avenue and offers an interesting art museum along with a meteorite museum and the Maxwell Museum of Anthropology.

New Mexico is home to some 19 Indian pueblos and two of them are a short trip from Albuquerque. (Should you plan to visit a pueblo, be aware that there are very strict

*Continued on page 17*

## Changes and Challenges

### AAfPE REGIONAL CONFERENCES-SPRING 2004

*Carole Olson*  
*El Centro College*

It's time to start thinking and planning to attend the 2004 AAfPE regional conferences that will be held this spring across the country. Normally, that line would remind those of us who have been faithfully attending AAfPE regional conferences every year that we need to make out hotel reservations and send in our registration fees as usual. In a time when many of us have been hit with budget cut woes, however, it maybe not be possible for us to act in an "as usual" mode. All of us are being challenged to "do more with less". How do we accomplish this? Are there others out there who are willing to share their successful ideas on the subject? Of course there are. These helpful folks will be at the AAfPE regional conferences.

A great deal of planning has already gone into making sure that the AAfPE Spring regionals will be held in interesting locations and will have programs jam-packed with sessions guaranteed to provide educational and practical information on how we can meet these changes and challenges. The Pacific Regional Conference planners, for example, have already announced their conference theme — "Strengthening Your Paralegal Program: Bright Ideas for Tight Budgets."

Not every regional program has been finalized at this time, but sessions on topics such as distance

learning versus on-campus approaches, academic versus technical-occupational credentials, learning outcomes assessment, new curriculum areas, professionalism in the workplace, ABA approval process updates, and more, are likely to be on the various schedules. And remember, you are invited to any or all of these conferences — not just the one for your particular region.

Round up your frontier spirit and head to the **North Central Regional Conference**, being held this year in **Omaha, Nebraska** at the Embassy Suites Hotel in the famous Old Market District on **March 26-27, 2004**. The hotel has guaranteed AAfPE a room rate of \$129.00 plus tax, single or double, until **March 5, 2004**. After that date, rooms and this rate are subject to availability. **Call the hotel directly at 402-346-9000 or call 1-800-EMBASSY.** Please **identify yourself as attending the AAfPE conference**. Reservations may be cancelled up to 72 hours prior to arrival without penalty.

The **North East Regional Conference** will be sailing into **Mystic, Connecticut**, and docking into the Hilton Mystic hotel on **March 26-27, 2004**. Newly renovated, the hotel has guaranteed room rate of \$120.00 plus tax, single or double. Room reservations will be accepted until **March 5, 2004**. After this date, rooms and this rate are subject to availability. To make your reservations at the AAfPE rate, you must **call the hotel directly at 860-572-0731 and identify yourself as attending the AAfPE conference**. Reservations may be cancelled up to 72 hours prior to arrival without penalty.

Take a plane, board a ship, or paddle your own canoe to the

**Pacific Regional Conference** to be held in **Honolulu, Hawaii** at the Sheraton Waikiki on **March 18-20, 2004**. Stay at the Sheraton, right on the world-famous Waikiki Beach. For only \$95.00 plus tax per night (what a deal!!), you can book a room in the Manor Wing. (These rooms have single or double beds only and no views, but they have all the usual hotel room amenities.) For a little luxury, upgrades to the main hotel are available at \$165.00 plus tax, single or double, for city/mountain views or \$180.00 plus tax, single or double, for ocean view rooms. The room rates are guaranteed for two days before and two days after the meeting. Reservations can be made up to **February 1, 2004. (Important note: reservations can be made on the Internet at <http://register.sheraton-waikiki.com>. The password is "AAfPE". Please do not call the hotel. They do not sell these specially rated rooms (Manor Wing) via their toll-free or direct number.)** A one-night deposit is required. The deposit is refundable if notice is received 72 hours in advance or arrival and a cancellation number is obtained. All deposits are charged at the time the reservation is made.

Just the words — New Orleans — are luring the members of the **South Central and South East regions** to come on over to enjoy a little French and Spanish hospitality. This is the first-ever joint meeting and it will be held at the Hampton Inn Downtown/French Quarter, located in the first "skyscraper" built in New Orleans, on **March 19-20, 2004**. The guaranteed room rate of \$139.00 plus tax, single or double, is available until **February 18, 2004**. This room rate does include a daily continental breakfast buffet. To

*Continued on page 10*

## My First Time at an AAFPE Conference

Shannon Donovan, JD, MBA  
Pioneer Pacific College

After traveling all day from Oregon to Missouri and giving the cabbie every last cent I had to cover the cab fare (already thinking up arguments to make to the controller), I checked into the St. Louis Union Station hotel for the 2003 AAFPE National Conference.

Before arriving at the AAFPE conference, I had been a program director for just over a year, been a member of the AAFPE listserv and seen the AAFPE directory, but I had no idea there were so many people involved in paralegal education around the country.

I was nervous attending the conference being so new to paralegal education and not knowing a soul. There was no reason to worry. There were people at the conference who have been in paralegal education for a number of years and others, like me, who are just starting out. I have rarely met such a generous group of people. Everyone was willing to share ideas, assignments, what has worked for them (and what has not), and so much more.

One of the most important things I learned at the conference is that I am not in this alone; the issues I am facing are the same issues people around the country are facing in their programs. I came away with ideas about how to test and assess students more accurately, tips for dealing with difficult people, how to be better organized, and what it takes to obtain ABA approval.

It has been about three weeks since the AAFPE conference and I have used a variety of the ideas I gleaned

from my participation. I have been able to make my students appreciate the fact that they were taking MY tests by recounting the challenges faced by students on some of YOUR tests.

I came to the conference wanting to learn more about ABA approval since my school has decided to pursue it. When I arrived I thought I could get a few tips on how to make the process easier. After all, the application doesn't look harder than some of the grant applications I've worked on in the past, how hard could it be? I left the conference knowing just how hard it could be. Thank you for those of you who opened my eyes, and to those of you who encouraged me. Mary Lou, if you are reading this, expect to hear from me regularly after the first of the year.

Since the conference I have not cleaned off my desk every night as was suggested in the organization session, but my piles are more organized and it is possible to see that there is wood grain on the top of one of my two desks. Granted, this may have occurred because our accrediting body was here on a visit two weeks ago, but I'm willing to give the AAFPE conference credit for the continued cleanliness of my desk. And just because I could not find my timesheet this week because I put it away, does not mean that I hold a grudge against the session presenters.

Aside from everyone's willingness to share ideas, I was impressed with the welcome I received at the conference. The welcome involved being invited to dinner, but only if I would root for the chosen baseball team (it happened to be the Cubs in the group I was with). As I was a "first timer", I have to believe that the national conference during the baseball playoffs is a unique experience. No matter what conference activity was occurring

during a game, I knew the score as well as the inning and who was pitching. I can't say that I know that much about the games when I'm at home with my television turned on.

Now that I have been to an AAFPE conference, I will be doing all that I can to ensure I am able to attend each year. The exchange of ideas and the encouragement I received has been, and will continue to be, invaluable. It was a time to reflect on what we are doing in my program and how we can make it better. It was also a time to relax, be encouraged, and meet people who are facing the same issues as I am on a daily basis. I would encourage all of you who are involved in paralegal education to make it a priority to attend either a national or regional AAFPE conference. It will be well worth the time and money. ❖

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### Changes *continued from page 9*

make your reservations, **call the hotel directly at 1-800-292-0653 and identify yourself as attending the AAP meeting** (they may not recognize AAFPE). After February 18, 2004, rooms and the rate are subject to availability. Reservations may be cancelled up to 72 hours prior to arrival without penalty.

If you have attended AAFPE regional or national conferences in the past, you know that AAFPE is exactly the group to turn to for addressing the always changing, always challenging dilemmas you face in your paralegal education program. So look over this great list of locations for the 2004 AAFPE regional conferences and choose at least one to put down on your Spring 2004 agenda as a number one priority MUST activity. And great ready to hear Howdy ... or Aloha ... or Ahoy ... or Beinvenu! ❖

## Teaching as the Means; Students as the Goal

Elizabeth Mann  
Greenville Technical College

*“To teachers, students are the end products, — all else is a means. Hence there is but one interpretation of high standards in teaching; standards are highest where the maximum number of students — slow learners and fast learners alike — develop to their maximum capacity.”*

Joseph Seidlin

Some of us are beginning a new semester of teaching after a Christmas vacation while others of us are finishing up a hectic term of classes and trying to catch our breath before we start again. Hopefully, we are all spending a little time thinking about how we teach and not just what or who we teach. While some of you have many more years of teaching experience than I do, I would like to offer an idea for consideration. It's what AAfPE does best — we share.

Soon after I first began teaching thirteen years ago, I realized that there are almost always three groups of students in each class. First, there are those students who are going to “get it” no matter who teaches them. They will make “A's” or at least “B's” under almost any circumstances. Second, there are those students who will not “get it” no matter who teaches them. They will not pass the course regardless of what any teacher does. The third group consists of those students for whom we can make a difference. The student who would probably fail the course but for our help; the student who would squeak by with a “C” and we can help bring up to

a “B”; the student who wouldn't even finish the course unless they caught the spark of a really good teacher. We all know what a delight it is to teach that first group of students. We all know what a challenge it is to have that second type of student. But our reason for teaching exists in that third group — the ones who will “get it” with our assistance but probably would not without it.

One of the techniques I have discovered that works well with that third group, I use in only one of my classes. Most of the courses I teach are second year, project-based courses. However, I do teach Torts, which is a first year course where the students tend to be less experienced and less confident. Despite the fact that we have an excellent textbook and I am very comfortable with the material, they are shocked by the gray, fuzzy rules of torts and their first couple of tests reflect that confusion. In the spirit of teaching torts rather than simply assigning grades to their work, I have recently developed a new philosophy. Typically the grades on their second test (on negligence) drop considerably from the first test. When they do, I return them with the questions marked and give them the opportunity to correct the answers they missed with the assistance of both their textbook and their notes. One point is added back to their score for each question they change correctly. If there are true/false questions, they must give me the reason the answer is true or false. I do not announce this activity in advance. I want them to study and make an effort on the test in the first place and if the class as a whole does well, I don't allow corrections. I also do not provide this opportunity on any subsequent tests, and it is usually not necessary.

We all learn something from this exercise. I occasionally learn that I have a bad question because the students cannot get the correct answer even on the second try. However, usually the students learn how to read the questions more carefully, discern the rules of law better, and apply them to fact situations more effectively. The students seem to learn more from correcting their own work than they do from reviewing the test together or any other method I have used. The secondary benefit to this exercise is that the students realize how much I have invested in their truly learning the material, rather than simply taking tests and getting a grade. That factor alone is a tremendous boost to the morale of the class. Another advantage of this technique is that the students seem to hold onto the information better. This class has a cumulative final exam and reworking their tests helps the students retain the material longer and at a higher level. We all win!

Have a term of teaching. I look forward to seeing you in Albuquerque! ❖

*“It is a luxury to learn; but the luxury of learning is not to be compared with the luxury of teaching.”*

R.D. Hitchcock

Elizabeth Mann has been a full-time instructor in the Paralegal Program at Greenville Technical College in South Carolina for the last 13 years. For the 11 years prior to teaching, she practiced law in the area of civil litigation and workers' compensation defense. She teaches torts and several litigation courses and often speaks to paralegals and lawyers about paralegal education. She is a member of the Board of Directors for AAfPE, representing the South East region.

## What an Adjunct Needs from You!

Anita Visentin-Perito  
Quinnipiac University

Adjunct faculty are a critical resource to a successful Legal Studies Program. In fact, adjuncts usually make up the bulk of the teaching staff in any program for professional studies. The reason adjuncts contribute so much to a program is clear: adjuncts bring their experience with the real world to the students. In addition, they provide flexibility in offering different course topics and can meet the demand for night and weekend classes. Any legal studies program wishing to make the most of this resource must consider the differences and challenges presented by employing a part-time professor. For the most part, adjuncts live two lives: teaching is usually done in addition to another demanding career. This is not to say, however, that it takes second place in dedication and importance. More often than not, adjuncts offer a dedication to a legal studies program that exceeds their demands.

Not all adjuncts are created the same however. There are two basic types: (1) the lawyer that works in the real world by day, and is interested in reaching out to students who want to make the law a career; and (2) the lawyer who might be just interested in working part-time, and because of family and other demands, is unable to commit to the rigors of practicing law in the real world. Either type offers benefits for a legal studies program. The "real world" lawyer's contributions might be more obvious, she can offer practical experience, war stories, relate the

professional standard required in the practice of law. The part-time professor can offer those things, but can also offer a more flexible teaching schedule. Certainly, both types of adjuncts offer different perspectives on explaining the law, making it interesting for students, relating it to everyday experiences. In addition, and perhaps most importantly, adjuncts teach students to give back to others the knowledge and experience they have gained through life, and often they do it on a shoestring budget of time and resources.

Not all lawyers or judges make for great teachers; many law school graduates would agree with this fact. Many lawyers think they want to teach because it would be fun, or it would add some depth to their resume, and perhaps because it would be an EASY ego boost. Anyone who teaches well can tell you that it is most certainly not an ego boost, but rather an ego check. Any lawyer who wishes to be an effective adjunct must place her ego out of the equation, since nothing can be more humbling than trying to make topics like subject matter jurisdiction and writing a professional-quality interoffice memorandum fascinating and memorable, and still manage to keep the class awake. More importantly, an adjunct, no matter what she does by day, must be willing to spend time explaining things on a basic level, imposing professional standards, be willing to be flexible in teaching methods, and continuously work on creative ways to explain and practice different aspects of the law.

How can a program director/department chairperson help this incredible resource maintain its strength and increase its value? This answer depends largely on

how an adjunct is treated by the college or university. Remember, adjuncts teach as a second career, even for those of us who are not going into the office all day, there are plenty of demands which still make it a challenge to get it together for class. Like a plant in a garden, failure to nourish and support an adjunct staff can result in a poor product. And for all the value and enhancement an adjunct gives to a Legal Studies program, the requirement for maintaining a good adjunct staff is minimal.

First, adjuncts need to be included. While this may sound like we want to be invited to the party (and that would be fun!) it simply means to offer adjuncts the opportunity to participate in things offered by a college other than teaching. This means any chance an adjunct might get to interact with students, even non-legal studies students. For example, at my university there is a holiday dinner provided for the students where the faculty and staff serve the students; this is a great opportunity to include part-time faculty in something that is fun and presents an opportunity for both the adjunct and the students to see each other in a different light.

In addition, participation in faculty seminars, student government, and clubs should be encouraged. Often participation in these events provides an adjunct with information and connections that enhance an adjunct's ability to teach. The benefit in participating in these types of events is clear: a better connected and informed adjunct makes a better teacher to the students and a more valuable asset to the program.

Even if adjuncts are too busy to take part in many of the activities

*Continued on next page*

Even if adjuncts are too busy to take part in many of the activities and resources offered by a college or university, it helps to know what is going on at the university. This includes information about outside speakers on campus, programs held on the campus, activities sponsored by the college legal studies association or pre-law society. This type of information will enable an adjunct to relate different ideas and opportunities to the class and to encourage students to get involved and benefit from all the opportunities offered by a college.

Adjuncts need involvement in the Legal Studies program direction and development. This can be easily accomplished by a faculty meeting. While faculty meetings are required by the ABA, a faculty meeting does not have to be a boring staff meeting. This is an opportunity to use the skills and experiences from outside the ivory tower to enhance a program. Often adjuncts can contribute insight into what topics might be better received by the students, or might offer different methods of teaching particular topics. Faculty meetings provide adjuncts with the chance to meet and discuss teaching methods and problems and solutions with other faculty (both full and part-time). These meetings

allow faculty that might teach different courses to demonstrate the techniques used and topics covered in a specific course. In addition, faculty meetings provide the program director a chance to discuss grading methods, developing exam questions and essay topics, offer seminars on enhancing teaching with computer skills. For those who can not attend a meeting or seminar, most colleges offer web based communication like Blackboard, with a site created specifically for legal studies faculty. Faculty meetings are a valuable opportunity to keep the lines of communication open between all the members of a Legal Studies department.

Finally, and probably most practically, adjuncts need good resources. The most important resource is a program director or department chair that is available and willing to help. Often, all that is needed is for a director to be clear that asking for help is not only a part of the program director's job, it is welcome and encouraged. Adjunct faculty also needs to have simple things like a photo-copier available, access to computer and a telephone, someone available to solve the odd problem like, "where do I get an overhead projector?" or "how do I

unlock my classroom?" Or "where do I get bluebooks?" An office or a place to meet with students is a treasure any adjunct would relish. A listing of critical college/university personnel could make all the difference in the world to an adjunct.

The wish list of an adjunct is minor; the benefits to the program are immeasurable. The relationship between adjuncts and a thriving legal studies program is a critical one that needs to be constantly monitored and encouraged. Select the right adjuncts and treat your adjuncts right and your Legal Studies program is bound to attract intelligent, accomplished and professional students and faculty. ❖

*\*Anita Visentin-Perito is a part-time faculty member in the Legal Studies Department at Quinnipiac University. She has taught Legal Writing since 1990 and presently teaches both Legal Writing and Introduction to the American Legal System. Anita has also taught Administrative Agencies and helped develop a one semester research and writing course for non-legal studies majors. Anita graduated from Quinnipiac College with a dual degree in English and Legal Studies, and graduated from the University of Bridgeport School of Law in 1988.*

## Is It Time for Encryption?

*Deborah Orlik*

*University of California at Los Angeles*

I always love attending the AAFPE Annual meetings. It's the only opportunity I have to catch up on the news of long-time friends (we don't call them "old friends" now, do we?) and every year I make new friends. One of the highlights of my trip is seeing Bonnie Shane who has taught ethics, among other subjects, at Sinclair C.C. in Ohio for as long as I can remember. She always has an ethical conundrum for me. I

spend the entire 3 or 4 days puzzling over it and usually think of the clever response I should have said well into the flight home. So, this time I thought I'd get the best of Bonnie (nah nah na nah nah) and share it with y'all.

"Encrypt your PDA," she said to me. "It's a confidentiality thing, Deb. You have to encrypt the confidential information in your PDA."

I should have noticed the twinkle in her eye. She was baiting me yet again, but I didn't catch it. Oh yes. Of course. We have to encrypt our PDAs in case they should fall into enemy hands. I thought perhaps this

would be a good time to learn the Iroquois language. Isn't that the one American forces used in WWII?

Confidentiality, as Bonnie knows, is a big deal for me primarily because I hail from California where our law on that subject is so screwed up that even our new Governor can't fix it. Additionally, I'm a big advocate of extremely conservative interpretations of confidentiality requirements irrespective of the prevailing view on public documents. The duty of confidentiality is personal; it's mine, and it means I must never intentionally reveal (in California

*Continued on page 15*

## How to Incorporate External Activities Into Courses for Your Students' Benefit

*Marissa J. Moran,*

*New York City College of Technology, CUNY*

### I. INTRODUCTION: CLASSROOM SETTING FOR INSTRUCTIONAL TECHNIQUES

Each semester, in my legal document preparation course, I tell my students to imagine that the classroom is a legal work environment and they have just begun working as my paralegals/legal assistants. Their grade for this course is based on a series of drafting assignments and a final memo. Thus, they are to approach each assignment with the understanding that I (the professor) am the attorney/employer and they (the students) are the paralegals/employees.

I have always required the students in this course to submit a portfolio of their work product at the end of the semester. This year I have taken it a step further by requiring an electronic portfolio better known as the e-portfolio. Since many of my students are computer savvy, this technology-enhanced addition to the course has caught on with great enthusiasm.

In my writing or critical thinking assignments for my constitutional law course, I generally tell my students to imagine that they are clerking for one of the Supreme Court Justices. This semester I am conducting a lecture in a courtroom so that the students can experience first hand a view from the bench.

### II. INCORPORATING LAW RELATED AND OTHER COLLEGE ACTIVITIES IN THE CLASSROOM

Since I, as well as many other paralegal educators, spend so much of my out of classroom time doing

law related work as well as college related work, I began thinking about ways my students could become aware of these activities and more directly benefit from them. Thus, I have, started to weave through my courses the knowledge and skills I have gained through attendance at law seminars/workshops, pro bono work, and college committee work, just to name a few. The information is presented to the students during lectures that lend themselves to this kind of information.

#### A. COMMITTEE WORK AND STUDENTS:

In my document preparation course, for example, during my discussion of resume building and creation, I mention that being a member of and holding an executive office in a club, College organization, etc. could assist the student when looking for employment. How so?, most will question. I then explain that it is pertinent information that can be placed on a resume and also provides a worthwhile topic of discussion during an interview with a potential employer. The student is then much more attentive to and agreeable with the suggestion of becoming more involved in the College. In that case, both the College and the student are beneficiaries.

I then mention to the students that the more involved they become in organizations and committee work, the more they will be able to find out about other opportunities and networking possibilities. For example, I tell them about how I helped develop and plan a community-based conference hosted at my College regarding youth and violence. One of the many positive aspects of my participation in this conference, was that I was able to meet with Counsel to the Brooklyn Borough President and was informed that I could use their courtroom for one of my class lectures. (This lecture is

slated to take place on Nov. 13). My hope is that my students will gain a different perspective about the role of a judge when they are actually seated at the bench and are rendering their decision on a matter. The view from the bench and the responsibility that comes with the territory of being a judge, I hope, are just some of what they will have gained from this exercise.

Moreover, the students who immerse themselves in College committee work where administrators, deans, faculty, etc. are also members, may get to better know their college leaders and what they do for the students and the College community. In fact, when students call upon professors to write letters of recommendation, or to be a listed reference for them, the student will again benefit. The professor will associate a student with more than a grade and class participation, but have first hand knowledge of the student's leadership skills and abilities. Another bonus, is that the student learns the value of being involved in one's community and giving back.

#### B. VOLUNTEER PRO BONO LEGAL SERVICES:

It is during the course of the semester when I announce to students that it is advisement time and they are to meet with their respective academic advisors regarding courses to select for the upcoming semester, that I introduce the concept of pro bono activities. I mention that prior to the student enrolling in their internship course, the student would be better served if they volunteer their time in one of the many legal clinics our department and its professors are involved in. This serves several purposes for the student. First, the student gains confidence in his or her ability to deal with clients, attorneys and other legal professionals, in advance of his or

*Continued on next page*

her internship course, when they will be working in a legal environment. Secondly, the student gains paralegal work experience with real life clients and the preparation of legal documents for actual cases. The student can recite this on their resume as volunteer paralegal experience. If a student has had no prior legal work experience, this gets the legal work experience started on his or her resume in advance of graduation from College. The student is, therefore, gaining both book knowledge and work experience, which makes him or her more marketable to employers. Further, the students are learning how to deal with legal forms/paperwork, scheduling, clients and court personnel, and well in advance of working for an attorney or firm or government agency. It is truly a win-win situation for the student that requires time, but allows the student to demonstrate their

enthusiasm and dedication to his or her chosen profession.

### C. PROFESSIONAL DEVELOPMENT SEMINARS:

Many of the bar association mandatory continuing legal education courses etc., speak for themselves in terms of the knowledge gained from them and their usefulness in the classroom. One particular favorite tool that I learned about and will be using this semester as a final project in my Constitutional Law course, is to have the class be contributing editors for a classbook/compilation of some critical thinking exercise. The students will also act as the reviewers, designers, etc. It is similar in concept to what we do as educators when we author or publish articles/books. I am hopeful that they will experience the same sense of accomplishment and pride. It will also be useful for me as a demonstration model for future classes.

### III. CONCLUSION

The exposure of our students to, not only the nuts and bolts knowledge of paralegal work, but also the passion and devotion of the dedicated legal professionals whom they are and will be devoting so much of their time and commitment to and with, is an essential asset to the well-rounded and well prepared future paralegal.



\* I have been a paralegal educator since 1994. Upon graduating from law school, I clerked for a federal bankruptcy court judge and then later worked as an associate in two major New York law firms. While working as an associate, I had the pleasure of training and working with many great paralegals. In addition, I worked as a paralegal during college and prior to entering law school. I am also the mother of three boys James, JonPaul and Justin.

### Encryption *continued from page 13*

“at every peril to [myself]”) the confidences and secrets of my client.

Okay. We’re all on board with that, but then came technology. Those of you who are my contemporaries (does the IBM Selectric ring a bell?) might remember when fax machines made their appearance big time in the law office. For some time we scrambled around and wrung our hands in worry about the confidential communicate that accidentally gets faxed to the opposing counsel. We wrote long and legalistic confidentiality warnings and plastered them on all of our cover sheets. We asked our ethics committees for opinions. They opined: “Uh oh!” We wrung (or is that wrang?) some more. After a time, the ABA and most state bar associations allowed as the appropriate thing for the Evil Receiver to do is not read the fax (yeah, right) and return it to the

Negligent Sender. The hand wringing ended but we remain alert and double check that fax number before pushing “send”.

Then it was cell phones whose air wave transmissions can be snatched out of the air and routed to The Dark Side. You know what? Sometimes there are Bad People out there doing bad stuff. It is just as likely that the Bad Lawyers will wiretap your office as hire someone to follow you around and listen in on your cell phone calls. For that matter, with long range listening devices no doubt available through Hammaker Schlemmer, we could listen in ourselves. Again, however, the Bar at large determined that the convenience of technology and the fact that it really does help us represent our clients more efficiently outweighed the benefits of banning cellular confidential communications. And then there was email....

Okay. Here it is: Sometimes we do

stupid stuff. Take the associate who inadvertently left a box of highly confidential documents in an airport parking lot. More recently, the prosecution in the Kobe Bryant case accidentally gave a file folder to the defense opening the door to an attack on the alleged victim’s prior sexual activity. (It didn’t take long for the law-related television dramas to pick up on that one!) So, anyway, inadvertent disclosure happens. But no one has ever suggested that we write our legal documents in code, have they? It has not seriously been considered an option to encrypt our interoffice memos, has it?

So, Bonnie, once again you have given me pause and caused me sleepless nights with your ethics pop quiz, but this time I am confident that I don’t have to run home and learn the encryption protocol for my PDA — even presuming I can find the damned thing. I probably left it in the ladies room after that last deposition... ✦

# EDUCATION

## Participate in Teaching Competition Next Year in Albuquerque

Mary Kubichek  
Casper College

I am writing to encourage you to participate in West's Excellence in Teaching Competition at the 2004 National Conference in Albuquerque, New Mexico, October 20-23.

Here are the rules. (As legal professionals we demand notice.)

- Develop a 15-minute lesson plan that you would actually use in a paralegal class.
- Send me a description of the lesson plan by Friday, August 6, 2004.  
*kubichcek@caspercollege.edu*
- We will notify you by Tuesday September 7, 2004 if you will compete at the National Conference. In the past everyone who applied was allowed to compete. If there are more than 6 applicants, the decision regarding who will compete will be based on the relevance of the lesson plan in enhancing paralegal skills and knowledge. In other words, do not bring your lecture on *Marbury v. Madison* and the current application of a Writ of *Mandamus* and do not depend totally on audience participation.
- Bring any handouts, etc. that you require with you.
- Present your lesson plan to your colleagues and a panel of judges.
- Your colleagues will fill out feedback sheets regarding your presentation.
- A panel of former winners will judge you using a detailed rubric. (See draft below.)
- You win \$500.00 from West.
- You write a thank you note to West.
- Your school loves you.
- You spend the money.
- You have a great justification for funds to attend the National conference forever because you will judge this competition. ✚

### WEST'S EXCELLENCE IN TEACHING RUBRIC 2004

<b>Audience Analysis</b>	<ul style="list-style-type: none"> <li>• Topic Appropriate to Paralegal Students</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Audience Analysis Application</b>	<ul style="list-style-type: none"> <li>• Explanation of Relevance of Skill or Concept to Paralegal Students</li> <li>• Application to Paralegal Skills, Knowledge or Job Competencies</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Topic</b>	<ul style="list-style-type: none"> <li>• Topic Development and Explanation</li> <li>• Clarity</li> <li>• Sequential Explanation</li> <li>• Conforms to Time Limit</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Organizational Skills</b>	<ul style="list-style-type: none"> <li>• Attention Step</li> <li>• Internal Summaries</li> <li>• Smooth Transitions</li> <li>• Summary</li> <li>• Visual and Organizational Cues</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Support Materials</b>	<ul style="list-style-type: none"> <li>• Effective use of Handouts, Visual Technology, etc.</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Pedagogical Skills Preparation</b>	<ul style="list-style-type: none"> <li>• Level of Preparation</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Cross References</b>	<ul style="list-style-type: none"> <li>• Clear Statement of Lesson Plan Objectives</li> <li>• Ties Lesson Plan to Program Objectives</li> <li>• Activates Students' Prior Knowledge by Linking Concepts or Skills to Familiar Concepts or Skills</li> <li>• Reference to Assessment to be used at a later time</li> <li>• Reference to Sample Student Work Products</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Advanced Thinking</b>	<ul style="list-style-type: none"> <li>• Encourages Independent Thinking and Understanding Rather than Rote Learning of Facts</li> <li>• Stimulates Student Interest</li> <li>• Challenging Material</li> <li>• High Expectations</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Verbal Delivery</b>	<ul style="list-style-type: none"> <li>• Clear and Appropriate Language</li> <li>• Extemporaneous Delivery</li> <li>• Appropriate Humor</li> <li>• Enthusiasm</li> </ul>	1 2 3 4 5 6 7 8 9 10
<b>Nonverbal Delivery</b>	<ul style="list-style-type: none"> <li>• Use of Notes/Outline</li> <li>• Eye Contact</li> <li>• Facial Expressions</li> <li>• Posture</li> <li>• Movement</li> <li>• Gestures</li> <li>• Vocal Variety</li> <li>• Appropriate Dress</li> </ul>	1 2 3 4 5 6 7 8 9 10

**Conference 2004** *continued from page 8*

rules regarding photography.)

Albuquerque is probably best known these days for its remarkable hot air balloon activity. Balloonists from all over the world congregate here for the annual nine-day International Balloon Festival and the mass ascensions are a sight to behold as the skies are suddenly filled with hundreds of highly colorful balloons. Those with airborne adventure in their hearts can (for a price) take a balloon ride and participate in the fun as a number of pilots based in the area will take on passengers.

In October, the temperatures range, on average, from 72 during the day to 45 at night.

Join us for a jam-packed, fun-filled Conference, October 20-23, 2004. Please visit the AAFPE web site at [www.aafpe.org](http://www.aafpe.org) for more information.

## Annual Conference AIRFARE INFORMATION

Just before press time, Southwest Airlines, the leading air carrier into Albuquerque, eliminated all special meeting fares in their belief that better fares could be found on the airline's web site, [www.southwest.com](http://www.southwest.com). As a result, AAFPE has obtained a special fare arrangement with the second leading carrier for Albuquerque, American Airlines.

For the best deal, check Southwest's web site first and then call American at 1-800-433-1790 (you must use this phone number as American's discounted fares will not be available on the Internet). Give the American agent the authorization number 97H4AC. Generally, there will be a 5% discount off the lowest published fare and 10% off all other fares. If you book and ticket 30 days or more in advance, the discount off the lowest fare will be 10% to 15% on American and American Eagle to and from Albuquerque between October 15 and October 25. There is also a special rental car arrangement with Avis. The American agent has the details. Make your plans early as seats may be limited.

## WANTED: Model Syllabi Task Force Volunteers

*Carolyn Smoot, Southern Illinois University*

Are you interested in serving on a model syllabi task force? In order for these projects to succeed each year, we need your help. We were able to offer four model syllabi this year because of the dedicated work of many AAFPE members. Please let us know, by email or telephone, if you are interested in sharing your current syllabi or your knowledge by joining the task forces that will review and/or write these documents. This is a great way for you to get involved in AAFPE. If you signed up for a task force at the St. Louis Conference, we have your name and we will be contacting you. If you were not at the conference or didn't sign up, please do so now. We can use your expertise.

We are revising two syllabi this year: Business Organizations and Interviewing and Investigation. In addition, we are adding two new syllabi: American Indian Law and a Model Syllabi on Transitioning a Course from Traditional to Online Format. One of the great benefits of AAFPE membership is access to great products every year. Volunteer your time and talent to help make these syllabi a wonderful addition to our collection. Please review the following contact information:

Carolyn Smoot, *Business Organizations, Interviewing and Investigations*, telephone (618) 453-1230, email [csmoot@siu.edu](mailto:csmoot@siu.edu)

Ted Maloney, *American Indian Law*, telephone (360) 416-7774, email [maloney@skagit.ctc.edu](mailto:maloney@skagit.ctc.edu)

Diane Pevar, *Model on Transitioning a Course from Traditional to Online Format*, telephone (215) 885-2360 x259, email [jdpev@aol.com](mailto:jdpev@aol.com)

## The Use of “Low Stakes” Writing in Legal Studies

Franklin Moore

Bronx Community College,  
City University of New York

### Introduction

If anyone doubts that the import of ‘Writing Across the Curriculum’ (WAC) in current pedagogical theory and practice, I suggest imputing the term into a google or other Internet search engine.<sup>1</sup> Seemingly, every major university, has a WAC program, a WAC coordinator and many are demanding implementation in all curricula. Those of us in legal studies have met this trend with some resistance and incredulity. “All of our courses are writing intensive,” expressed a fellow legal educator with whom I attended a WAC conference last year. “They just don’t understand the law,” my colleague continued. The “they” referred to the Administration. The conference concluded with an “open forum,” which became quite contentious and can best be summarized by a comment from another participant, this time a Biology professor. “Why should we be forced to clean up the mess created when the English Department abrogated its natural function and obligation to teach writing?” queried the scientist to a roar of applause.

Despite some resistance of my own, I have come to be convinced that we in Legal/Paralegal Studies can gain from the use of WAC techniques and theories. Clearly, most legal courses are writing intensive. We have students write pleadings, contracts, wills, partnership agreements, research

memoranda, and briefs. Exams are of the essay variety. The list is endless, and so sometimes is our disappointment with the inability of even our bright students to write well. Rather than blame the English Department for its alleged failures, following the conference, I decided to implement some of the ideas gleaned from WAC.<sup>2</sup> The purpose of this article is not to serve as an exhaustive treatise on the subject, but rather to focus on one aspect of WAC, namely the use of low stakes writing assignments, and how that use can improve student performance.

### Low Stakes Writing:

While legal courses are writing intensive, traditionally the writing assignments have been high stakes. In other words, students are required to draft a document, respond to an essay question, prepare a will, whatever the assignment; the student will spend great effort preparing it and the instructor will spend great effort reviewing it. In the end, the student’s grade will figure heavily into the final semester score. We remember this process — procrastination, followed by panic, followed by coffee, followed by printing the document ten minutes before the deadline. This high stakes form of writing has its place, but I suggest that using lower stakes assignments, in addition to these high stakes assignments will improve the overall learning and performance of your students.

Low stakes writing is what the name implies. Assignments are given that will have little or no weight in determining the student’s final grade.<sup>3</sup> They are designed to assess student learning, to enhance learning and most importantly to me, to encourage legal reasoning and thinking. If successful they

prepare the student for high stakes writing and demystify the writing process, preparing the student for the real world. What follows is a brief description of the ways I have implemented low stakes writing to achieve each of its major goals:

### Assessment/ Learning Enhancement:

Do your students understand the material? You assign the text; you lecture; you illicit appropriate responses to questions, often from a core group of active students, and you think all is well. That is you think so until you read the first exams. This is when you notice that a large number of your students failed to grasp a particular point. Low stakes writing can help you identify this problem before the examination. At the end of each class or so, you can ask the students to respond to a particular question. The One Minute Essay<sup>4</sup>— have the students take a minute to write an explanation of a key point in your lecture (e.g. “what does the phrase ‘best interest of the child’ mean?” “What is proximate cause?” etc.) In many ways these are pop quizzes that you are not going to grade. Going through this process serves several purposes: **1) it reinforces learning** — having a student take pen to paper and repeat what they have just heard or read, creates active learning and requires that the student process the information. **2) It provides practical skill of writing** — it demystifies the writing process—students become accustomed to writing on a daily basis; this can desensitize them against the common phobias associated with the writing process and 3) it gives the instructor feedback as to his/her effectiveness.<sup>5</sup> If half the class failed to grasp a point, the instructor can revisit it in the following class and

perhaps make adjustments for the future.

## Enhancing Critical Thinking:

A primary goal of all legal education, be it at the graduate or undergraduate level, is to teach legal/critical reasoning. When I was in law school, we were told that, “we’ll teach you to think like a lawyer.” There is a way of looking at the world from a uniquely legal perspective — to spot issues, to see the ‘slippery slope,’ to understand the policy arguments behind the law and be able to apply those policies to unforeseen situations. This is what makes a good attorney and it is also what makes a good legal assistant. Too many students approach the law as if it was a science. They expect a list, a long list, of rules handed down from the founders as if on Mt. Sinai. The law, they expect is solid, clear and unchangeable. It is our duty as legal educators to dissuade our students of these misconceptions. Law is not solid; it is fluid; it waxes and wanes. What must be taught is not a list of rules, but rather a way of thinking. Low-stakes writing assignments can serve as a powerful tool in this regard. I have begun using low stakes writing to improve the critical reasoning power of my students. Two exercises that I have developed follow:

### 1) WHY ARE WE DOING THIS?

In most of my classes I try to stress the importance of policy arguments. I explain that the law is more than a set of rules. It is a reflection of the goals, the aspirations, the dreams and sometimes the nightmares and prejudices of a society. Behind every law there is a policy — there is a goal — there is a

reason. If the student understands that reason, he or she is more likely to understand the law.

With this in mind, after the students have read a case, a statute or other “rule,” I ask them to take four or five minutes to write an answer to the following question: Why did the legislature pass this law? What was the problem that they wanted to fix? I then read some of the responses to the class, and allow these to serve as the jumping off point for the discussion. As students begin to see the law as a collection of policies of our society, I find that they are far more capable of applying the law to other fact scenarios. The use of these low-stakes writing assignments actively involves the students and impresses upon them the ability to reason critically.

### 2) THERE OUGHT TO BE A LAW!

Another low stakes writing assignment that I have utilized to effect, in legal writing classes, is to begin the class with the instruction: “In the past week or so, I bet somebody was rude, mean, unhelpful or otherwise p\*\*\*\*\* you off. Think of one that you think we should pass a law to prevent. Describe the problem and how you would solve it.” After about five minutes, I collect the papers and we read them. I, with the participation of the class, pick one, and we as a class begin to draft the “law.” Each proposal is explored not only as to whether it would solve the “problem,” but also what else it might prevent. Is the rule worse than the problem?

## Conclusion

As a final note, I will state that when I first began implementing these changes into my classroom, students routinely objected. “It’s too hard; I did not read the material; I do not know what to write,” etc. However, by the end of the semester, students just as routinely comment that the class was much more exciting and useful, because of these techniques. The utilization of low-stakes writing into the legal curriculum can enhance the learning environment of your classroom. There is no exact prescription for every professor and every class. Each of us needs to develop our own approaches. As you do, I encourage you to experiment and explore and have fun. ✦

<sup>1</sup> A recent limited Google search of “writing across the curriculum” returned more than 31,000 hits.

<sup>2</sup> For those of you seeking a thorough discussion of WAC and the theories underpinning it, I refer you to Bean, *Engaging Ideas: The Professor’s Guide to Integrating Writing, Critical Thinking and Active Learning in the Classroom*, Jossey-Bass Publishers, San Francisco (2001).

<sup>3</sup> Indeed often the assignments are not “graded” at all.

<sup>4</sup> The One-minute Essay is a well-known technique in WAC. For more information “Microtheme Strategies for Developing Cognitive Skills,” John C. Bean, Dean Drenk, and F.D. Lee, published in *Teaching Writing in All Disciplines* 12 (December 1982) in the Jossey-Bass series *New Directions for Teaching and Learning*.

<sup>5</sup> *Tools for Teaching*, Davis, B.G., Jossey-Bass; San Francisco, 1993.

\*Professor Franklin Moore received his J.D. degree from the University of Oregon. After practicing civil litigation law for 10 years he joined the faculty of Bronx Community College, a part of the City University of New York, in 1998 as an Adjunct Professor. Since Fall 2000 he has been a full time Assistant Professor.

# ORGANIZATION UPDATES

## American Bar Association

*Peggy C. Wallace*  
Staff Counsel

*to the Standing Committee on Paralegals*

The ABA Standing Committee on Paralegals and its Approval Commission are pleased to welcome three new members at the start of the 2003-2004 Association year. Joining the Standing Committee is Richard D. Lee, a leader in the development and implementation of innovative education and training for the legal profession. Mr. Lee was Director of California Continuing Education of the Bar (CEB), in Berkeley, CA, a nonprofit arm of the University of California and State Bar of California dedicated to providing courses and practice materials to California attorneys. He is also a former law professor, having taught at the University of California, Davis, School of Law, Temple University, Golden Gate University and Georgetown University Law Center's special program for foreign lawyers.

Joining the Approval Commission are Pamela Riddick Cobb and Kathy Jordan.

Ms. Cobb, a paralegal at Husch & Eppenberger LLC in Memphis, TN serves as a representative of the National Association of Legal Assistants. Ms. Jordan, a paralegal at Hemenway & Barnes in Boston, MA serves as the National Federation of Paralegal Associations' representative.

D. Jeffrey Campbell, Managing Principal of Porzio, Bromberg & Newman, P.C., Morristown, New Jersey, will again serve as Chair of the Standing Committee for the coming year and Katherine Currier has been appointed to serve another year as Chair of the Approval Commission. The Standing Committee and Approval Commission welcome their new colleagues and look forward to a busy year.

As terms of office rotate, Standing Committee member Pamela E. Barker, Milwaukee, WI, and Approval Commission members Pamela J. Bailey, Pittsburgh, PA, and Nancy Heller, Columbus, OH, completed their terms in August.

As you might expect, revising the Guidelines for the Approval of Paralegal Education Programs meant revised report forms. The forms are posted on the Standing Committee's web site ([www.abaparalegals.org](http://www.abaparalegals.org)) for your convenience. We expect that you may have questions about the revised forms. Please contact Merrilou Rauch, Approval Process Manager ([rauchm@staff.abanet.org](mailto:rauchm@staff.abanet.org) or (312) 988-5617) with any questions or comments.

The Standing Committee and Approval Commission recently met in Chicago for their joint fall meeting. In addition to attending to matters on their regular agenda, the joint meeting presents an opportunity for the two groups to come together to discuss timely issues involving the education and effective utilization of paralegals. ❖

## Legal Assistant Management Association

*Annette M. Schlaf*  
Immediate Past President

LAMA held its 2003 conference in November in St. Louis at the Hyatt Regency at Union Station. Our theme was "Putting Knowledge to Work: Exploring Strategies for Excellence." We enjoyed the wonderful surroundings at Union Station and were fortunate to have a wonderful slate of speakers. We also held a Leadership Development Seminar at the start of the conference.

We recently held elections and our new board met for the first time immediately following the conference. Our new president is Christy Stouffer and our new

president-elect is Gary Melhuish.

At our annual conference, we kicked off a Member-Get-a-Member campaign in order to increase our membership numbers in all membership categories. By November 2004, we hope to have a member in every U.S. state and Canadian province. Also on the membership front, we are pleased to report that we have just established a chapter in Southern California, bringing our chapter count to 20. Earlier this year, the board voted to create a separate fee structure for government/not-for-profit members. We hope to increase our membership in this area.

We continue to make plans for our 20th Anniversary to be celebrated throughout the year and to culminate at our annual conference in Montreal in 2004. One goal of our membership campaign is to have 200 regular attendees at our annual conference. The 20th Anniversary Task Force has been hard at work this past year making arrangements for our celebration.

Next spring, we are planning our third Management Training Seminar and we have selected Los Angeles as the location. This seminar is geared toward new managers and covers a wide range of topics and issues new managers face. More details on this seminar will be distributed soon.

We are also busy planning for our 2004 Compensation Survey, which will be produced again in partnership with Altman Weil, Inc. Past surveys have been replete with useful information on seven types of positions from legal assistant manager to legal assistant clerk/project assistant.

In order to continue to enhance our communication with our members, we also recently released our monthly e-newsletter, *At a Glance*. This communication tool will keep members abreast of board activities and news within the organization.

Earlier this year, LAMA surveyed its membership regarding the proposal by the Department of Labor to modernize the regulations defining the exemptions from the Fair Labor Standards Act. We did submit a response to the DOL proposal based upon the results of that survey. We continue to monitor the status of these proposals.

2003 has been a busy year for LAMA and I am proud to have served as president.

*Annette M. Schlaf is Immediate Past President of the Legal Assistant Management Association as well as Manager of Legal Assistants at Baker Botts L.L.P. in Houston, TX.*

## National Association of Legal Assistants

*Kenneth Frakes*

### Iowa High Court Approves 'Certified Legal Assistants'

A recent opinion by the Iowa Supreme Court Board of Professional Ethics and Conduct permits paralegals to use "Certified Legal Assistant" to identify themselves, and makes a statement in favor of NALA certification.

The new opinion is a victory in the NALA-affiliated Iowa Association of Legal Assistants' long-running effort to convince the court to change its 1988 opinion which did not permit legal assistants to use "Certified Legal Assistant" in signatures on law firm correspondence and paperwork.

In a September 15, 2003, letter to legal counsel David L. Hammer, of Hammer, Simon & Jensen, the Iowa high court acknowledged the documentation they received attesting to the rigid requirements to be certified, and accepted the "desirability of encouraging legal assistants to achieve such certification."

In reversing its prior opinion, the

Board spelled out in the letter that "...it is desirable for legal assistants to achieve certification by the National Association of Legal Assistants and that they be able to indicate such certification. It is therefore the opinion of the Board that a legal assistant to an Iowa lawyer or law firm who has met the certification requirements of the National Association of Legal Assistants may add "Certified Legal Assistant" where his or her name properly appears, but not "CLA" alone.

The Board was explicit that using the letters "CLA" as an identifying credential is not proper. This is consistent with ethical opinions and rules throughout the nation regarding CLA and other professional credentials. Use of the initials CLA or CP without a clear indication of non-lawyer status may be confusing to the public. The terms "Certified Legal Assistant" or "Certified Paralegal" or another title indicating the non-lawyer status is required.

### Nevada Supreme Court Affirms Screening for Non-Lawyers

In another high court decision favorably affecting paralegals, the Nevada Supreme Court in November overruled their prior prohibition against screening for non-lawyers. Nevada was in a minority of jurisdictions that did not allow screening for non-lawyers moving from private firm to private firm.

In granting a petition to rescind their 1997 ruling in *Ciaffone v. District Court*, which supported a court order disqualifying a firm because one of their legal assistants formerly worked for opposing counsel, the Supreme Court overruled their prohibition against screening for non-lawyer employees. The Court also clarified their original ruling, stating, "mere opportunity to access confidential information does not merit

disqualification."

The justices sided with information in an amicus brief pointing out that most professional legal ethics commentators, ethics tribunals, and courts have said that non-lawyer screening is permissible. The amicus brief was filed by the National Association of Legal Assistants, the NALA-affiliated Sierra Nevada Association of Paralegals, and the National Association of Legal Secretaries of Washoe County.

### 2004 Convention Plans

Plans for the 29th annual NALA Convention, July 14-17, 2004, in Reno, NV, are almost complete. Keynote speaker for the convention will be Magistrate Judge Valerie P. Cooke, of the U.S. District Court, Nevada.

Judge Cooke was previously a partner in the firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich, and Hicks, where she specialized in creditors' rights and commercial litigation. She also served as vice-chair of the Nevada Tax Commission, and was a member of the Nevada Judicial Discipline Commission until her appointment to the bench.

The popular "Institute" format of intensive attention to detail that builds each day to a comprehensive conclusion on the final day has been expanded for 2004 to include Contract Law. The educational program thus far includes:

**Alternative Dispute Resolution Institute**—The Hon. Jeffrey Wolfe, U.S. Administrative Law Judge in Tulsa, OK, will present this pragmatic multiple-day approach to dispute resolution processes.

**Probate & Estate Planning Institute**—Edward L. Armstrong, principal in the firm of Edward L. Armstrong, St. Louis, MO, will present this intensive treatment of Probate and Estate issues.

*Continued on next page*

**Contract Law Institute**—Mark Milker, a Vermont attorney with extensive experience in all aspects of contract practice, will offer a different perspective on contracts titled, “As You Like It...”

**Essential Skills**—Virginia Koerselman, J.D.; Karen Sanders-West, CLAS/J.D.; and Kay Kasic, CLA, will present this popular program featuring a concentrated CLA Short Course curriculum. These instructors are well known authorities in their subject fields, and are regular faculty members for the nationwide CLA Short Course.

**Corporate Law Track**—Featuring presentations on the “Sarbanes-Oxley Act of 2002,” by Matt Hrebec, Lansing, MI, attorney with the firm of Foster, Swift, Collins & Smith; “Mergers & Acquisitions” by Michael V. Bonacorsa, attorney with the New York office of Thelen Reid & Priest; and “Protecting a Corporation—or Piercing its Veil,” by Jennifer S. Eden, a Florida attorney in private practice.

**Real Estate Law Track**—Mike Kleese, state legal counsel and underwriter with First American Corporation’s Missoula, MT, offices, will present “Title Review & Risk Reduction through Title Insurance;” David L. Robertson, sole practitioner attorney in California, will present “Due Diligence in Acquisition of Undeveloped Real Estate;” and Glenn Leier, attorney with the Portland, OR, office of McKeown and Brindle, will present “Landlord-Tenant Law.”

Further convention details are posted at the NALA Web site ([www.nala.org](http://www.nala.org)) as they become available. The convention announcement brochure, including registration form, is scheduled to mail early in 2004. ❖

## National Federation of Paralegal Associations

*Dianna L Smiley, RP*  
President

I want to first thank all of the wonderful people I recently met at the annual convention in St. Louis. It also afforded me the opportunity to get to talk with people that I had previously met and get to know them better. Pat Lyons, NFPA’s Education Coordinator and I were made to feel so welcome and we really enjoyed talking to you about NFPA and all that we have to offer you as educators, as well as your students. It is one of my goals that AAFPE and NFPA continue to grow and develop our relationship. I believe that there are many things that our associations could do together to promote the paralegal profession. The Conclave also met during that time and while there aren’t any burning issues, it is certainly always interesting and thought-provoking to sit at the table with so many others who work tirelessly to promote the paralegal profession and to learn of their issues, concerns and individual association projects and developments.

The past six months have been a very exciting time for NFPA. We have made many changes and we believe some very positive strides in our organization. I encourage you to pick up a recent edition of *The National Paralegal Reporter* and see the exciting new look and feel of our magazine. It certainly showcases the many talents and skills of paralegals. We’ve added lots of color, graphics and pizzazz!

Our new Web site will go live on November 10, 2003 (just before this goes to press). We are working to update the look as well as make it easier to access information.

Some of the features that won’t change will be our continued emphasis on education. NFPA continues its partnership with West to provide links for on-line courses as well as courses through CALE and, of course, our own on-line seminars which are the equivalent of 1 hour of continuing education.

Recent NFPA events include a PACE Ambassador’s conference held in Indianapolis, PACE seminar in Chicago, and Leadership Conference in Indianapolis. All of these events were very well attended and received. Our NFPA members work very hard at sharing their knowledge and skills with others so that we can individually advance our careers, as well as collectively advance our profession.

The Middle Tennessee Paralegal Association is busy working on the details of our annual convention beginning April 1, 2004. Music City is going to be a great place for a convention. We will offer an evening of dining and dancing at the renowned Wild Horse Saloon on Friday. The local association is putting together some wonderful CLE topics and great luncheon speakers. Please check the NFPA Web site: [paralegals.org](http://paralegals.org) for more information to be posted in the coming weeks.

The NFPA Winter Board meeting will be held in Las Vegas, Nevada. The Board chose this location because it is relatively inexpensive for air travel and so that we can check out possible locations for our 2005 annual convention. The Paralegal Association of Southern Nevada will be hosting the next convention and it seemed a perfect opportunity to provide a site check, with the assistance of the local association and our management company. Sometimes, this can be such a tedious job! ❖



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