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*Teaching
Bluebook*

*Reactions to
Albuquerque*

*Book
Clubs*

*2005
Regionals*

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

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Survival Technique: Integrating a Legal Studies Minor Into Your Program

Michael L. Boyer

University of Alaska Southeast

Increasing enrollments was the greatest challenge I faced as a new program director. One successful strategy I used to meet this challenge was implementing a Legal Studies Minor and integrating it with our paralegal program. Below I've shared some of the insights regarding the process that may assist other AAFPE members.

In my first semester as director, enrollment in our program was low, with two exceptions. Introduction to Law was popular and drew students from outside the program, and Business Law was at capacity with business majors. Our more specific paralegal courses only garnered an average of five students. My dean even called me in to discuss canceling courses with low enrollment.

I developed some marketing strategies to attract more students, but I also realized our location—a city of 30,000 accessible only by air and water—would probably not provide enough paralegal students to fill all courses. Still, I needed to increase my numbers for the health and survival of the program. Additional urgency was added to the situation because our university, like many around the country, was experiencing budgetary uncertainty.

Despite this uncertainty, I was sure of one thing: many students had a strong interest in law. I met dozens of students on our small campus who were very interested in law as

a course of study. They just lacked a way to channel that interest into their bachelor's degree programs. My challenge, then, was to somehow meet that demand by getting those students into our law classes without adversely impacting our paralegal program. The solution I arrived at was to devise an 18 credit Legal Studies Minor composed of courses already offered in the paralegal program. I used our advisory committee, students, and adjuncts to assist in the design of the program, so the proposal was well planned when it went before the university's curriculum committee.

While the Legal Studies Minor is not a novel idea, linking it with a paralegal program is less common. Internet searches for "legal studies minor," for example, yield dozens of results. However, the bulk of the programs are integrated with justice, political science or some amalgam of social sciences. Paralegal programs and paralegal educators are less frequently part of the typical four-year degree curriculum. Breaking into that curriculum is challenging, but there are strong arguments for inclusion. It could easily be argued that every educated citizen ought to have a working knowledge of our legal system, especially in the United States, where we call on citizens to confront complex legal issues as jurors and voters.

Our fellow faculty (and administrators) from other disciplines are seldom well informed about legal education. Therefore, they can be skeptical about proposals related to legal education. Correcting this gap in information is critical for paralegal educators considering a Legal Studies Minor. Networking with

faculty from other disciplines is a crucial first step. Some of the specific activities that improved my rapport with faculty outside my department included co-authoring articles, cross-listing courses, and just sharing my publications, articles of interest, and class content. Law pervades every aspect of our modern lives. It is up to paralegal educators to show their colleagues how other disciplines intersect with law. While I engaged my fellow faculty in the intrinsic value of shared ideas, I believe these contacts were invaluable in gaining credibility and acceptance for the minor.

A Legal Studies Minor can give courses already being offered a wider audience. The content and balance of theory and practice also need not change to accommodate non-paralegal students. I have noticed students that have already embarked on the minor have been quite open to practical exercises (drafting, mock trials, etc.). I found many bachelor's degree students are eager for a practical minor than can offset a less practical major (e.g., liberal arts). Furthermore, if students seeking a four-year degree can minor in business, engineering, or computer science, then it stands to reason that a practical course of legal study could also be an option.

One unexpected benefit of the minor is that it has allowed our paralegal graduates (with an A.A.S.) to utilize their law credits when they pursue a four-year degree. Graduates with the A.A.S. in Paralegal Studies can flow seamlessly into a bachelor's degree and already have their minor fulfilled. Conversely, bachelor's degree students who opt for a shorter two-year degree can flow

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The Future of AAFPE Is Bright!

Ronald C. Goldfarb
Middlesex County College

You may recall that last year at this time I wrote about the realization that I was President-elect of the American Association for Paralegal Education. Imagine how I felt this year coming home from Albuquerque! What an honor! What a responsibility!

Before considering all that had to be done, I did allow myself the luxury of enjoying the memory of the conference that had just ended. Yes, attendance was high, the sessions were great, our exhibitors and sponsors supported us as they had never before, and there were few visible seams caused by the change in management. But what was the high point? The realization that these good results came from the hard work of AAFPE members. People who were my professional colleagues and personal friends had volunteered, collectively, thousands of hours of their time and effort.

A great deal of the credit for the overall success of the conference goes to Kathryn Myers who chaired the National Conference Committee, along with Committee members, Nick Riggs, Joyce Birdoff (the first AAFPE member I ever met), Carole Olson, and Vitonio San Juan. I am grateful for the Teaching Competition organized by Mary Kubichek, the leadership shown by Diane Pevar, Joan Spadoni, and Bill Mulkeen, the strategic vision of Bur Sienkiewicz and the execution of that vision by Jo Sienkiewicz. Additional thanks and credit go to all of the people who worked so hard to make the regional conferences a success. You have seen the names of these people mentioned in connection with AAFPE activities for many years. They have been and continue to be the backbone of the organization.

To assure AAFPE's future, I was so happy to welcome new members to the Board of Directors: Joy Smucker as Secretary, Pam Bailey as Certificate Programs Representative, Marissa Campbell as Director of the South East Region, and Ed Quist as Director of the South Central Region. As we go forward, I urge each one of you to consider volunteering when you see calls for participation. There are many opportunities for you to get involved short of running for office. Write for the Educator, work on a regional meeting, or serve on a committee — all of these activities are required for a better and stronger AAFPE.

In order for the Board to fully understand the needs of the

membership and plan accordingly, one of the activities at the open forums during the conference was a discussion to determine the pressing concerns of paralegal educators. We all then had an opportunity to rank the issues in order of priority by the use of our famous "colored dots." After combining a few areas that were very similar, close to a dozen areas were identified. What, you may ask, happened to that list?

At the conclusion of the annual conference, it has been traditional for the "new" Board to meet briefly to discuss the conference and to assign activities to be accomplished prior to the February Board meeting. This year we did things a bit differently and met well into the evening. The purpose of the extended time was to begin a formal strategic planning process, and, with the help of Kent Van Amburg of Talley Management Group, we are on our way. As part of the process, every issue raised as the open forums was considered; none were discarded, and a number will have goals, objectives, and activities developed when we continue in February. Each member of the Board has agreed to arrive on Thursday rather than Friday so that we can devote another half day to the process and still get through the normal agenda.

The future for AAFPE is bright because the membership is enthusiastic and active. I look forward to sharing more thoughts and news with you during the coming year. ❖



New AAFPE Initiatives in 2005

William J. Mulkeen

Essex County College, Newark, NJ

Let me begin this first column as President-Elect by thanking all those members who have supported my AAFPE elections to the Board and now to the position of President-Elect. I am honored to have your support and confidence and I pledge my very best efforts to AAFPE and its members in the years ahead.

Sometime during the recent annual conference in Albuquerque I was talking to a few people when someone in the group said that coming to the AAFPE annual conference each year was like coming to a wonderful family reunion. And indeed it is! And for those who attend the regional meetings, I'm sure those "mini-reunions" evoke the same feelings. Seeing people who have now become wonderful friends and acquaintances, attending thought provoking educational sessions and being in an atmosphere where general devotion to paralegal education is the norm is what the conference is all about. We leave our "annual reunion" feeling renewed and energized, and personally and professionally fulfilled.

In our thoughts and among the most discussed issues as we leave the

conference each year are the questions of how can we maintain the level of feelings that we have experienced and how are we going to implement and sustain all those wonderful thoughts and ideas that renewed our spirit during those four days. So the questions become not just how can we individually maintain our level of enthusiasm and devotion but also what can and should the Association be doing on a continuing basis throughout the year. I wish the answers were simple but we know that they are not.

I do think, however, that our AAFPE Board has begun some very significant initiatives to answer those questions and address those issues. The Board's new Strategic Planning Initiatives will change the Association and affect all of the members for years to come. In this high intensity and quickly changing world we live and work in, the need to keep abreast of the ever changing content, procedures and requirements of our profession keeps even the most "cutting edge" members of our membership working feverishly to identify and address the issues and stay on course. In the world of paralegal education, it is the Board's belief that AAFPE must lead the way. Our association must be the gold standard, the "go-to top tier" organization in the world of paralegal ideas and issues. Our strategic planning initiatives will examine the status of AAFPE and its members, assess their needs and aspirations, and chart the course for the future. AAFPE President Ron Goldfarb has asked me to Chair this important effort. I can assure you that the Board will immediately look to AAFPE's most important asset, the membership. In the coming months we will be coming to each of you and asking you to assist. We need your help, your

thoughts and concerns, and yes, your criticisms and suggestions.

Together as we reshape and improve our association into one that is ready to meet the challenges of this 21st century, we will address the concerns of our members, establish new partnerships with our publishers and our vendors, and renew our relationships with our friends and associates in the various legal associations and entities that have been a long and supportive part of AAFPE history. As we close in on AAFPE's 25th Anniversary, we hope that our publications will become even more timely and vibrant and that our regional and national conferences will always present what the members need to maintain their excellent programs of paralegal education. We look to AAFPE being the "gold standard" and know we can get there with the help of our talented and dedicated membership. These will be exciting times and with your help and dedication we will succeed. ❖

Survival Technique

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into our paralegal program by applying the credits they accumulated pursuing the minor. Our minor consists of the following courses:

Intro to Law	3cr
Criminal Law	3cr
Personal Injury & Property Damage	3cr
Contracts	3cr
Business Organization or Family Law	3cr
Administrative Law or Constitutional Law	3cr
	18 credits

If you have any questions or comments, please email me at michael.boyer@uas.alaska.edu. ❖

PROFESSIONAL PURSUITS

The Paralegal Program at Mercer County Community College — one of the first paralegal programs in the state of New Jersey — is celebrating 25 years of American Bar Association approval this fall. After 28 years, **James (Jim) F. Rowe** will be retiring in January. Jim is a long-time member of AAFPE with more than 30 years of experience in paralegal education. Jim was replaced as Coordinator of the Paralegal Program at Mercer by **Mark McCormick** in the Fall of 2003. Mark had previously served as Coordinator of the Paralegal Studies Program at Community College of Philadelphia and has nearly 20 years of experience in paralegal education. Mark was promoted to Dean of the Division of Business and Technology (in which the Paralegal Program is housed) at Mercer on July 1, 2004. The new Coordinator is **Eric M. Perkins**, formerly the Vice President for Administration and Finance at Mercer.

Marilyn Tayler of Montclair State University was selected by the American Immigration Lawyers Association as the chairperson of their 2005 National Conference on Immigration Law for Paralegals. The conference will take place in March 2005 in Washington, D.C.

Effective Fall 2004, **Joan Marler** of Gainesville College was promoted to Associate Professor.

Marisa S. Campbell of Meredith College has been appointed by the North Carolina State Bar to the Board of Paralegal Certification. The Board of Paralegal Certification has jurisdiction over the certification of paralegals in North Carolina. The Board was created in October 2004.

MEMBERSHIP REPORT

William Mulkeen
Membership Chair

New Members

AAfPE is pleased to welcome the following new member since *The Paralegal Educator* was last published:

Associate

Newman University
Wichita, KS
John Conlee

MEMBERSHIP STATISTICS:

As of December 1, 2004

Institutional	342
Associate	32
Individual	17
Sustaining	8
Honorary	15
Total	414

Membership Dues Note

Don't forget that dues must be paid (received by headquarters) by January 31, 2004 for listing in the 2005 Membership Directory.

Members will be receiving their user I.D.s and passwords for the new website shortly. The general access password and user id will be out of service January 1, 2005.

CALL FOR TASK FORCE MEMBERS

Plans are underway to continue the expansion of AAFPE's Educational Library with the addition of 2 new CDs for Fall 2005. In order for these projects to succeed we need your help and expertise. This is a great way to get involved with AAFPE.

AAfPE will be presenting 5 syllabi on the 2005 Model Syllabi Supplement. Each task force is coordinated by a chair who receives help and support of an AAFPE board member. To join a task force, all you need to do is share your current syllabus and be willing to review a draft of the model synthesized from the contributions.

Please contact Marissa Campbell, telephone 919-760-2855, campbellma@meredith.edu if you are interested in contributing to the *Employment Law* model syllabus task force.

Please contact Carolyn Smoot, telephone 618-453-1230, csmoot@siu.edu if you are interested in contributing to the *Torts or Administrative Law* model syllabi task forces.

Please contact Diane Pevar, telephone 215-885-2360, dpevar@manor.edu if you are interested in contributing to the *Intellectual Property or Environmental Law* model syllabi task forces.

In addition to the Model Syllabi CD, AAFPE will be producing a Model Surveys CD that will include student satisfaction, graduate, employer, market assessment and distance learning surveys. If you have a survey that you would like to share, please contact Diane Pevar at the telephone or e-mail above.

“Is This the Contracts Class?” — Reflections on Teaching Contract Law in the Computer Lab

*Jan Karenina Jemison, J. D.,
M.B.A.,*

California State University-Hayward

For the past four years, I’ve incorporated weekly computer-based exercises in my Contracts class. The initial pedagogical goal was to develop a course that seamlessly integrated legal principles, applicable California law, and real-world applications. The practical goal was to reduce the amount of paper I was duplicating for weekly distribution. The purpose of this article is to explain the approach, detail the technology, evaluate the results, and contemplate the future.

My pre-technology class was tiered so that every module included legal principles, interactive exercises, and practical examples. I copied statutes, cases, articles, hypos, and sample documents for weekly distribution. However, the results were mixed. While the students appreciated the scope of the class coverage, there was a persistently wary look in their eyes as they attempted to organize the weekly pile of supplemental materials. They also had difficulty finding adequate desk space to simultaneously review different documents.

Fortunately, our Paralegal Program Director Conswella Byrd had been encouraging us to incorporate technology into our course structure. I sought her help and that

of our resident technology genius Sylvester Donaldson (*sdonelson@csuhayward.edu*). Together we designed an easy-to-use system. As a confirmed Luddite, who can neither identify nor use most technologies, I needed a system that was reliable, accessible, and non-distracting. The current system has four key features: (1) One laptop or computer console with Internet access per student; (2) Two computer consoles, projectors, and screens in the front of the classroom; (3) Technical support personnel available prior to and during the class to assist with any problems; and (4) Exclusive use of free websites.

When students enter the classroom, they see on one screen a topic outline of the upcoming lecture and on the other screen a related website. As the class proceeds, the on-screen substantive law information shifts to include course material such as definitions, illustrative examples, suggested formats or comparative charts. The second screen displays my computer screen, as we go to various websites.

The inter-play between lecture, classroom exercise, and technology can be demonstrated by the following example. During the first class, I provide an overview of the course content and technology. I begin with mutual introductions, a review of the course syllabus, and a discussion of program policies. Next, I explain that the course will be tiered to cover basic legal principles (textbook), applicable California law (handouts and websites), and practical applications (handouts and websites). Then, I begin with the first chapter that provides a comprehensive introduction to the

legal principles discussed later. On the first screen is a topic outline that mirrors the chapter subheadings. As we reach each subheading, a summary concept is displayed. On the second screen, I first guide the students to the corresponding California statutory provisions. Later, I introduce them to the Security and Exchange Commission’s Edgar (“Edgar”) database and have them locate a contract. Edgar contains the contracts of most companies, and students are always eager to search for executive compensation and other interesting contracts. We spend the remainder of the class discussing their contracts. Their homework assignment is to read the next chapter, download a hard copy of their contract, and analyze it. Specifically, they are to describe the offer and analyze its validity.

The benefits of using this system have greatly outweighed its disadvantages. Those benefits include: (1) Increased student confidence and computer skills; (2) Improved individual and group problem solving skills; (3) Enhanced legal analysis; (4) Significantly reduced duplicating costs; (5) Improved the coverage of difficult topics such as Articles 2 and 9 of the U.C.C.; (6) Individualized and broadened the scope of the instructional materials; (7) Given instantaneous access to updated statutes, regulations, and filing requirements; and (8) Provided students with free resources that they can use as professionals. The major disadvantages are students surfing the web during class and complaints about the size of the computer consoles. Also, when we meet in the computer lab, students dislike the fact that no food or

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Contracts Class?

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beverages are allowed. However, there is an adjacent break room where they can eat and drink.

As I contemplate the future, I want to upgrade the system to include individual testing, additional free websites, and streaming videos of paralegals discussing practical applications. Eventually, I'll struggle with transferring this course to a

distance learning format. However, for the time being I'm satisfied that a Luddite has embraced technology in a way that has benefited students, improved her teaching skills, and reduced program costs. ❖

Jan Jemison is an attorney who advises small businesses and tax-exempt corporations. She is also the LEOP Fellow at the University of California Hastings College of the Law and a program development

consultant with the American Bar Association's Council on Legal Education Opportunity Thurgood Marshall Legal Education Opportunity Program. She is a graduate of U. C. Hastings College of the Law (J.D.), Chapman University (M.B.A.), and Virginia State University (B. S.). If you have comments or would like additional information please email jemisonj@uchastings.edu.

Ten Ideas to Help You Teach the Bluebook

Walter A. Wright

Texas State University

- Emphasize the Practitioners' Notes. Paralegals will rarely write anything other than a court document or legal memorandum.
- Point out the Quick Reference for Court Documents and Legal Memoranda at the back of the Bluebook. Contrast it with the Quick Reference for Law Review Footnotes at the front of the *Bluebook*.
- Point out the organization of the Bluebook on the back cover. Note that Rules 1-9 are general rules that apply to all authorities. Rules 10-21 apply to specific types of authorities.
- Encourage the students to believe that the Index at the back of the *Bluebook* is their best friend. Advise them that before they use the Index, they should know the type of authority they want to cite (e.g., legal periodical, Restatement, case, statute).
- When the students find the rule that governs the type of authority they want to cite, they should review the general citation formats at the beginning of the rule, then quickly review the entire rule. The quick review will inform them of the peculiarities of the rule (e.g., the differences between consecutively paginated and non-consecutively paginated legal periodicals).
- As the students read a rule, they should become familiar with the Tables that accompany the rule. The students should realize that the Tables contain important additional rules. Abbreviations for the same word can differ from Table to Table (e.g., the words "college" and "entertainment" in Tables 6 and 14). Table 13 (months) is seldom mentioned as an accompanying Table.
- Provide the students with multiple opportunities to practice *Bluebook* citation. Make the assignments more complex over time. For sample assignments, please contact me at ww05@txstate.edu.
- Do not replace your Bluebook until it falls apart. If the students observe you using an old, worn *Bluebook*, they will receive the message that you use it frequently.
- Let the students know there are "Bluebook Fanatics" in the world, and you never know when you will run into one. The *Bluebook* Fanatic is a former law review editor (particularly a footnote editor), now a prominent lawyer or judge, who places a very high value on *Bluebook* knowledge. The *Bluebook* Fanatic will respect nothing you write unless your citations are correct.
- Let the students know that if they become sophisticated *Bluebook* users, they will earn respect (and sometimes promotions and raises) in their legal environments. ❖

Walter A. Wright is an associate professor in the Legal Studies Program of the Department of Political Science at Texas State University in San Marcos, Texas. He teaches courses in law and alternative dispute resolution, and his primary research interest is mediation. He is a published author in the United States, several Latin American countries, and China. An attorney, mediator, and arbitrator, he received B.A. and J.D. degrees from the University of Houston and an LL.M. in International Legal Studies from New York University.

California Dreamin' (Part 2)

Allan M. Tow
Suffolk University

In 1989, the California State Bar created the Commission on Legal Technicians to appraise the role of independent paralegals in the “overwhelming unmet need” for legal services. Behind the scenes, the force driving this study was the phenomenon of independent storefront operations providing paralegal services proliferating in Southern California. Unconnected with licensed attorneys, these operations charged fees for preparing legal forms and other papers which their “clients” then filed pro se. This prompted consumer advocates as well as the organized bar into legislative action. In fact, the initial legislative proposals envisioned a limited licensure scheme to be administered by the California Department of Consumer Affairs acting under the guidance of an advisory board comprising of two paralegals and one attorney. However, due to heavy opposition from the organized bar and the National Association of Legal Assistants, the limited licensure aspect was deleted. The California State Bar also succeeded in deleting a provision which would have prohibited disbarred or suspended attorneys from becoming paralegals. With NALA’s continued opposition to licensure even in limited form, the paralegals’ ranks remain divided against a united and organized bar. What remains for the California law to regulate is merely the word “paralegal.”

With similar regulatory proposals suffering worse fates in Hawaii, New Jersey, and Wisconsin, there is

occasion for paralegal educators to pause. The good news is that many practicing attorneys in California have concluded that paralegal regulation and the new CLE requirements has created an increased awareness for expanding legal assistant training programs. The bad news is that the California experience has exposed both the continuing rift within the paralegal profession, and the enduring suspicion of the host profession whenever the notion of limited licensure arises. As a final result, nothing is actually regulated except who can use the title paralegal. What we are left with is the sober wisdom that effective paralegal regulation necessarily involves the notion of limited licensure. For it makes little sense to regulate solely the person without licensing that person to engage in a regulated activity such as the practice of law, if even just part of it.

Early on, observers of the paralegal movement pointed out that the regulation of professional activity requires two things. First, it identifies the general scope of activity subject to regulation. Second, it licenses the persons who are thereby permitted to engage in that defined activity in accordance with defined educational standards and governmentally sanctioned competency examinations. For example, the practice of medicine has an identified scope of professional activity. Doctors are licensed as such to engage in the practice of medicine as a result of meeting well-defined educational standards and passing board examinations. Similarly, the practice of law is an identified (albeit vaguely) professional activity. Lawyers are licensed to practice law after successful completion of both law school and a bar exam. The

same is true of electricians, plumbers, hairdressers, and licensed drivers for that matter. Thus, missing (actually deleted) from the California paralegal law as well as other ill-fated attempts was a delineation of a scope of activity requiring a license. Paralegals are “licensed” under the California law for only their education or experience or both, but not for anything they do as such.

Viewing the various interests at stake provides a clearer perspective of the licensing and regulation morass. Paramount among those is the public interest which is three pronged. First, there is need for public protection against the harm that may come from incompetent practitioners. Second, there is clearly an unmet public need for the provision of legal services. And finally, there is the public concern for the high cost of quality legal services. Attorneys are, of course, concerned with protecting the scope of activities that comprises their livelihood — the authorized practice of law. Lastly, paralegals are interested in an official form of recognition as professionals. And perhaps the same is true for their educators. With the law’s express recognition of educational criteria as its primary if not sole practical effect, could it be that those educators who are proponents of laws such as California’s are acting in large part only for themselves? So it then becomes clear that the California law in its final form was as incomplete in its aims as an effective regulatory or licensing scheme by dignifying paralegals only on the basis of education or experience or both. The public interest in consumer protection was a driving force, yet the bar remained unyielding and stolidly

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California Dreamin'

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protectionist. And the educators missed an opportunity to educate. Thus, the inquiry remains: what is there to do to do about paralegals?

Our colleague, Lisa Newcity, recently revived the notion of drawing an analogy between paralegals and physicians assistants ("PA's"). Using the Rhode Island statutory model for licensing PA's, Professor Newcity noticed that the PA's do indeed practice medicine, providing limited direct services such as making elementary diagnoses, performing diagnostic procedures, and prescribing and distributing medication directly to patients. At the same time, PA's are supervised personally by physicians or institutionally by health maintenance organizations, hospitals or other licensed health care facilities such as nursing homes. PA's have succeeded as licensed professionals because their ability to practice medicine in routine and non-complex matters has helped to increase access to affordable health care. However, the prevalence of health insurance and modern concepts of managed care has factored largely in the growth of licensed non-physicians. The economic dictates of powerful and disinterested third party payors of the services provided by these licensed professionals have been the driving force in the medical profession. Thus, insurance

companies have been instrumental in the shaping the growth of licensed non-physicians in the health care world because of their independence from the profession and their overriding concern for cost containment. In the legal world, no parallel entity or incentive exists outside of the prepaid legal service plans. For that reason, it becomes very obvious why pro bono legal services offices were the first to utilize paralegals as a cost effective measure for the delivery of legal services to the poor.

Absent the proliferation of prepaid legal services plans, or even more unlikely, the socialization of legal services, there is no economic force that can similarly propel the effective licensing of paralegals. It is simply a matter of economics. The focus of an effective licensing or regulation of paralegals should be on the organized bar. Perhaps it is our role as educators (coincidentally mostly attorneys), to educate not only our prospective paralegals, but also our brethren (and sisters) of the bar. Our charge, should we decide to take it up, would be to convince the organized bar that the meaningful and effective licensing of paralegals for the practice of law (albeit limited) would inure to their economic benefit as well as to the public interest. More significantly we should also refine and advocate the development of systems for third party payors of legal services

for the benefit of everyone. Otherwise we may be just California Dreamin'. ❖

Allan M. Tow, received his B.A., *cum laude* (Anthropology & Linguistics) from Brandeis University, and his J.D., *cum laude* from Boston College Law School. He is an Associate Professor in the Legal Studies Program at Suffolk University, Boston, Massachusetts. He has successfully litigated several pro bono cases in the First Circuit Court of Appeals and the United States Supreme Court. He has also authored several articles appearing in the *Journal* and the *The Paralegal Educator*.

BIBLIOGRAPHY

- Cal. Bus. & Prof. Code §§6450 - 6454 (2004)
- Mary Flaherty, Associate Professor, Suffolk University, for the phrase, "Fungible Myrmidon".
- Michigan Bar Association, Looking Closely At The Role Of Paralegals: The California, New Jersey and Wisconsin Experiences, 80 *Michigan Bar Journal* 56, Mar. 2001.
- Ann Birkhaus, Letter to the Editor, California or Bust, 87 *A.B.A. Journal* 13, Jun. 2001
- Lisa L. Newcity, Has The Time Come For Paralegal Regulation In Rhode Island?, 50 *Rhode Island Bar Association Journal* 13, Sept./Oct. 2001.
- Kirstin Simonson, Paralegal Requirements Tighten in 2004, 45 *Orange County Lawyer* 8, Nov. 2004.
- Maria A. Warren, *Regulating Paralegals in California: Dealing With The Vagaries of AB1761*, 27 *SAN FRANCISCO ATT'Y* 41, June/July 2001.

See *The Paralegal Educator (Fall 2004)* if you would like to read Part 1.

Don't forget to update your records and those in your business office to show AAfPE's new mailing address, telephone number and fax:

AAfPE, 19 Mantua Road, Mt. Royal, New Jersey 08091

Telephone: 856-423-2829 Fax: 856-423-3420

Uncover the Treasures of AAFPE in Tampa – October 19-22, 2005

Kathryn L. Myers

*Saint Mary-of-the-Woods College
Chair, National Conference Committee*

It will not be long before you will have the opportunity to meet with your peers in sunny Tampa for AAFPE's 24th annual conference. This year Chelsea Campbell from Lehman College, Marissa Campbell from Meredith College, Nicholas Riggs from Sullivan University, and Joan Spadoni from Bay Path College join me on the National Conference Committee. The committee started working before the final gavel sounded in Albuquerque and the preliminary program in place. We are in the process of gathering speakers. So, what is in store for you?

For your first consideration, there are the sessions. We have created three tracks. First, there is a track of valuable sessions to aid the new program directors/faculty. We will highlight the Newcomer Orientation, Grant Writing, Utilization of Advisory Boards, Student Options/National Organizations for Paralegals, Adjuncts, and Creating Quality PowerPoint Presentations.

The second track will focus on sessions designed to facilitate application for ABA approval and reappraisal. These sessions will include Regulation, Diversity across the Curriculum, Preparing for an ABA Site Visit, Legal Issues involving the Americans with Disabilities Act, Web-based Surveys, Publish or Perish: Meeting ABA and College Requirements, and Testing Tools.

The final track will incorporate technology and advanced teaching concepts. Those sessions will include Software Theater Premier, Teaching Competition, Using Law in Media, Alternative Teaching Methods, Bioethics, Partnering with the Military, and Marketing.

We will have several roundtables throughout the conference. The distance education roundtable, LEX, Authors' Roundtable, regional issues, and roundtables for certificate, associate and bachelor degree programs will offer attendees an opportunity to discuss issues of importance and to network with others who have similar interests and/or issues.

This isn't all so keep watching the listserv and your mail for more!

Your second consideration is the location: Tampa, Florida. I have it on good authority that there will not be any hurricanes while we are there!

So, what is Tampa about? Spanish explorer Ponce de Leon first arrived in the Tampa Bay area in 1513, but the Spaniards focused their attention on settling eastern Florida and left the western areas alone. The territory became

part of the United States in 1845. Throughout its development, famous people and entities played important roles in Tampa. You will hear and see names such as Henry B. Plant, Vicente Martinez Ybor, Percival Ellicott Fansler, Tony Jannus, and McDill Air Force Base.

Henry B. Plant built his 1884 railroad extension to the Hillsborough River that provided access to new areas within the territory. He built lavish hotels along his rail line to attract visitors. But, Tampa's success was not solely the result of tourism. It succeeded due to commerce along the Tampa Bay and the Hillsborough River.

Tampa's port began with the mining and shipping industries that prompted a boom of growth and wealth that lasted through the 1890s. Now it is the seventh largest port in the nation. Mining occurred when phosphates were discovered nearby in the late 1880s. Today phosphate shipping is supplemented by trading in shrimp. A pleasure cruise line operates from Tampa Bay as well.

Founded in 1886 by Vicente Martinez Ybor, Ybor City became

Continued on next page



Tampa *continued from page 11*

“the cigar capital of the world” by 1900. The factories were worked by mostly Cuban cigar makers and to a lesser degree by Italians and

Spaniards. From the steps of Ybor’s factory, José Martí, sometimes called the George Washington of Cuba, exhorted the cigar workers to take up arms against Spain in the late 1800s. By the early 1950s, however, the cigar factories were gone.

Today, Hispanic culture enlivens Ybor City, which covers about two square miles between Nebraska Avenue, 22nd Street, Columbus Drive and East Broadway. Ybor City is one of only three National Historic Landmark Districts located in the State of Florida. Cobblestone streets and huge old cigar factory buildings make up this historic and legendary town. Ybor, revitalized in the late 1990s, attracts visitors due to its wide variety of shops, restaurants, clubs, and galleries.

The military has also had an ongoing role in Tampa’s development. In 1824, only two months after the arrival of the first American settler, four companies of the U.S. Army established Fort Brooke to protect the strategic harbor at Tampa Bay. After Florida became a state, intense development of the Tampa Bay region began. The area grew steadily in spite of the blockade and Federal occupation during the Civil War. The city was also the primary outfitting and embarkation port for U.S. troops bound for Cuba during the Spanish-American War. Today the U.S. Operations Command is headquartered nearby at MacDill Air Force Base.



The airline industry has quite a history here, too. In 1914 Percival Ellicott Fansler introduced the world’s first scheduled commercial

airline service with the St. Petersburg-Tampa Airboat Line. Piloting the airline’s Benoist “flying boat” was Tony Jannus, the namesake of the Tony Jannus Award presented each year by the Tampa Chamber of Commerce for

achievement in commercial aviation.

The advent of the automobile soon clipped Jannus’ wings but the airline was responsible for a large settlement wave that occurred 1923-26. Many subdivisions were built during this era; one of the most notable was Davis Island,

a man-made island created by D.P. Davis. The elegant homes Davis built remain some of Tampa’s loveliest. You can find out more about Tampa at www.tampagov.net/guide_for_visitors.asp.

Lastly, our hotel is the Hyatt Regency Tampa, Two Tampa City Center, 813-225-1234; fax 813-273-0234, 1-800-233-1234. It is located four blocks from the Tampa Convention Center. A trolley is accessible Monday through Friday, 6 a.m. to 6 p.m. For more information, please visit the website at www.hyatt.com.

Even though we have just left Albuquerque, the national conference committee has been quite busy. Stay tuned — we’ll have more to report in the coming months! For now, why not mark your calendars and plan for a trip to Tampa in October? AAfPE needs you! ❖

2005 AAfPE Calendar of Events

January 1	Membership dues must be paid to access the members only side of the AAfPE website
January 31	Membership dues must be paid to be included in the AAfPE 2005 Directory
February 10-13	Board of Directors meeting, Hyatt Regency Tampa, Tampa, Florida
March 1	<i>Educator</i> articles due to Editor-in-Chief for spring issue
March 18-19	North East Regional Conference, Salem, Massachusetts
March 31-April 2	Pacific Regional Conference, Seattle, Washington
April 1-2	North Central Regional Conference, Chicago, Illinois
April 1	South Central Regional Conference, Fort Worth, Texas
April 1-2	South East Regional Conference, Raleigh, North Carolina
June 1	<i>Educator</i> articles due to Editor-in-Chief for fall issue
June 10-12	Board of Directors meeting, Chicago, Illinois
October 19-22	National Conference, Hyatt Regency Tampa, Tampa, Florida
November 1	<i>Educator</i> articles due to Editor-in-Chief for winter issue

A Newbie's Perspective on AAFPE – Or, What I Did in Albuquerque!

Lynn D. Lisk

University of Arkansas – Fort Smith

First of all, for those of you unfamiliar with computer “geek speak”, a “newbie” is a person who has joined an internet gaming forum, but who’s gaming or computer skills are in short supply and/or whose online etiquette is seriously lacking. Last week, I felt like a newbie while attending my first (hopefully of many) AAFPE conference in Albuquerque, New Mexico. I think I had my etiquette down, but my skill at the game of being a Paralegal Program Director was clearly underdeveloped (and probably still is). However, like a good online gaming forum does for its newbies, AAFPE enabled me to meet those skills with helpful people and great educational sessions. Just like internet gaming forums, I found that the more skilled and experienced the person was, the more willing he/she was to share his or her tips, tricks and experience.

I had been a Program Director for eighty days when I arrived at the conference and was feeling just a little apprehensive. Within my first forty-five days on the job, I had been required to prepare an interim ABA report on my program while simultaneously trying to recruit adjunct faculty to come teach classes that were going to start in just three weeks and get ready for the classes I would be teaching. After fifteen years of private practice, focused on personal injury and criminal defense litigation, I was like a fish out of water in the academic environment. I knew I

wanted to do the job, but I was wondering intently, “How do I do the job.” It was in this period I learned that my school had already signed me up to attend the conference in Albuquerque and I received my first issue of *The Paralegal Educator*.

I read that issue from cover-to-cover and then went back and re-read some of the material. I knew I had found the group that had the information and knowledge I needed to help me and I was going to meet them. How do I tap into that knowledge was my only question. I arrived in Albuquerque and checked into the hotel about thirty minutes before the “1st Time Attendees” session began. So I walked into that session not knowing a single person and completely at a loss as to what to expect. What I found was a great group of people and AAFPE leaders who were determined to do anything they could to make sure

I understood what AAFPE was all about. I learned how AAFPE could help me deal with my students, the ABA, my school’s administration and the multiple other issues that attend to my position. I left that meeting thinking that if all the other sessions were this informative, this will be a highly educational and useful conference for me. However, it was after that meeting that the true value of AAFPE came home to me.

I went to the reception and talked to the vendors a little about their offerings, got my free “stuff” (I’m drinking coffee out of one of the great cups that NALS gave me as I write this) and invited myself to sit at a table with some people from New Jersey. It began to sink in then that AAFPE is made up of a great group of people. The ladies (I’m sorry, I don’t remember their names) gave me the “lowdown” on how to get the most out of the

Continued on next page

AAfPE's Newest Publication – The Technology Journal

In order to better assist our members as they enter the sometimes confusing world of educational technology, AAFPE will begin publication, late this fall, of *The AAFPE Technology Journal*, an online publication available to AAFPE members through our website.

Technology has brought with it many serious issues for educational institutions including implementation, cost and management of distance learning, what technology should be taught to paralegal students, and how to incorporate technology into our programs while maintaining accreditations.

These issues and many like them are the heart and soul of the new *AAfPE Technology Journal*. We will be presenting new teaching ideas, new models of computerized instruction, new hardware, new software...but we will also be providing you with what AAFPE does best...support. By covering a broad range of topics and highlighting different levels of technology, our editorial board hopes to provide valuable information to all AAFPE members.

If you are technologically knowledgeable, please consider sharing your ideas through publication in the *Tech Journal*. If you want to learn about certain topics or weigh in on certain issues we want to hear from you as well. To contribute to our newest publication contact Diane Pevar at dpevar@manor.edu.

What I Did in Albuquerque

continued from page 13

conference: go to the sessions and don't be afraid to talk to anyone. I took their advice to heart and when I left them, I headed down to the lobby bar to get a beer and see who else I could meet in a social setting. The first two people I met, Bruce Hamm of Syracuse University in New York, and Susan Howery of Yavapai College in Arizona, confirmed that I was in the right place. They invited me to sit with them and, on finding out I was a "newbie", they immediately set about introducing me to other people and telling me what to expect. If I asked a question about

how to run my program or what I should do, they were not only quick to share their experiences, but also helpful in getting input from others. More than that, they were personable and fun and went out of their way to welcome me to AAfPE. Through them I met Jean from Illinois, Melody from Missouri, Michael and Joy from Washington, Carol from Idaho, Darrel from California and a whole host of others too numerous to mention. Every person I met made me feel welcome and a part of the group.

In sum, by the time I left the conference on Saturday, I was full of ideas and had a better

understanding of how I was going to do this job. I had an understanding of assessment and evaluation (thanks Susan), how to deal with the ABA (thanks Michael and Bruce), what it was going to take to set up a four year program (thanks Melody), good teaching ideas (thanks Jean), how to deal with administration issues (thanks again Jean), how to have fun in the teaching process (thanks Darrel). I had new friends and had even learned to Salsa dance (thanks Joy) and that having a southern accent was not such a bad thing (thanks Carol and Joy). You can bet I'll return next year, but thanks to AAfPE and these great people, I won't be a newbie anymore. ❖

Taking Flight with AAfPE in Albuquerque

Chuck Wolfe, J.D.

National American University

There were many reasons I ended up in Albuquerque. The brochure was colorful and suggested a warmer climate. The conference provided a chance to visit family in the area on the company dime (even though I would pay to see this sibling). Plus, as a new paralegal program director, these five days provided a much-needed break from the classroom and computer. So I headed Southwest by Southwest Airlines with a bag of peanuts, a murder-filled novel and minimal expectations for my first AAfPE conference.

I arrived on Tuesday night to take advantage of the Online Tool Box seminar scheduled for Wednesday morning. Because of certain technology challenges, we couldn't access the Internet. This made it difficult to learn about "online" instruction. It was like getting a flat

tire on the first 100 miles of your summer trip to the shore.

Despite the setback, the seminar leaders never panicked (at least not in public) and the attendees took everything in stride. Together we limped along on our doughnut spare and finished the seminar. Everyone left with some innovative resources and a great story. AAfPE immediately announced it would refund the cost of the seminar. My first impression of AAfPE was positive.

When I picked up my registration kit that afternoon, I received two items that immediately personalized the conference. One was a name tag with a bright orange ribbon that identified me as a "first timer" to everyone in New Mexico. The other was a hand written note from the AAfPE Board inviting to a "first time attendee" meeting. After checking into my room, I slapped on my ribbon and proceeded to the Fiesta Room with other orange-tagged individuals.

This initial session was terrific. In a structure similar to speed dating, we rotated tables every eight minutes to meet with various representatives of AAfPE. I learned about the organization's history, the role of the Executive Director, the all-important Listserv, model syllabi and much more. It also introduced me to individuals on a first-name basis. This was extremely helpful in developing relationships and contacts over the course of the next few days. I was invited to dinner and other informal gatherings, not as a stranger, but as an AAfPE friend and colleague. I always felt welcome wherever I went.

Like many other attendees, I was seeking some specific information at the conference. I wanted to understand the ABA approval process, learn about student organizations, and discuss internships. Not only did the break-out sessions address a comprehensive range of issues, including most of mine, but individuals were more than willing

Continued on next page

CONFERENCE SNAPSHOTS



AAfPE members rise to new heights in Albuquerque!

Taking Flight *continued from page 14*

to share ideas and experiences. The general sessions were open and candid, often addressing sensitive but important topics. The informal discussions were equally helpful. Several current and past directors took time to answer questions and provide insight.

As a paralegal director at a proprietary school, I was also impressed by the diversity of program types at the conference. There was no “us” and “them” division or mentality. Each school may present unique challenges, but

I witnessed a collective commitment to excellence in paralegal education. This encourages me to get more involved on both a regional and national basis. I know there will be resources and support regardless of my program’s particular needs or situation.

The lessons and benefits from the annual conference are too numerous to share. I have already implemented several ideas into my program, including suggestions from the ABA as I prepare for the approval process. I am going to

use some AAFPE resources in my curriculum next term. The Listserv clogs my inbox but is well worth it. There was fun and laughter with new friends and stories to remain unwritten. The memories will have to do. I even became a Red Sox fan (at least for this year).

The annual conference promised to seek new heights in paralegal education. I arrived in Albuquerque without a flight plan for my program but left on board with an exceptional organization. I look forward to the journey and hope to see you in Tampa. ❖

THE 2005 REGIONAL CONFERENCES

Diane Pevar, Manor College

Spring brings with it many pleasurable experiences, including newly budding trees, the smell of freshly mown grass, and the fact that the academic year is almost over. But before you begin cleaning off your desk and choosing a novel to read at the beach, be sure to attend one, or more, of AAFPE's upcoming regional conferences, reconnect with friends and colleagues, and gather new and exciting ideas to use in your paralegal program. This year's regional conferences are in great locations and promise exceptional programs.

The **North East Regional Conference** will be held **March 18-19, 2005**, in the fascinating town of Salem, Massachusetts at the historic Hawthorne Hotel. While the atmosphere may be magical, the agenda promises to be timely and full of new ideas and concepts for paralegal educators. Sessions on electronic filing, outsourcing of paralegal jobs, standards in paralegal education, teaching forensic evidence, and training on Blackboard and WebCt are planned. Also planned are a visit to the House of the Seven Gables and a few other Salem-themed activities. To make hotel reservations, contact the Hawthorne Hotel directly at 978-744-4080. For further information about this conference, please contact Lillian Harris at lharris@brookdale.cc.nj.us or Bryna Misiura at bmisiura@governo.com.

Across the country in Seattle, Washington, the **Pacific Regional Conference** will be held on **March 31-April 2, 2005** at the Red Lion Hotel. Don't let the magnificent scenery of Puget Sound, the snow covered Olympics, Lake Washington, Mount Rainier and the Cascade Mountains distract you too much, because the educational program is packed with important and useful information. The 21st century paralegal will play a key role in improving access to justice, understanding the importance of multicultural competence and having the appropriate technology skills that today's legal profession demands. These topics and a keynote address by the president of the Washington State Bar Association will highlight this regional conference. For further information about this conference, please contact Joy Smucker at jsmucker@highline.edu.

The **South East Regional Conference** will be held in Raleigh, North Carolina March 31-April 2, 2005. The conference, titled "New Opportunities in Paralegal Education," will focus on the expansion of paralegal programs through continuing education and distance learning, as well as preparing students for the workplace, networking with paralegal associations and paralegal regulation. For further information about this conference, please contact Marissa Campbell at capbellma@meredith.edu.

The **North Central Regional Conference** will blow into Chicago on **April 1-2, 2005**. The centrally located Radisson Hotel on East Huron Street is located just steps from the Magnificent Mile renowned for world-class shopping, cultural and architectural landmarks. The educational program will consist of timely topics in paralegal education including academic portfolios, innovative delivery systems, and electronic filing in federal court. A dynamic speaker and certified life coach will discuss "The Art of Questions: Teaching Students to Think & Link." For further information about this conference, please contact Carolyn Smooth at csmoot@siu.edu.

The **South Central Regional Conference** promises a fun and information packed day. On **April 1, 2005**, Tarrant County College in Fort Worth, Texas will be "Rounding Up Paralegal Educators" for great presentations and discussions on the latest trends and issues in paralegal education. After the conference, attendees can enjoy the amazing variety of museums and cultural attractions that Fort Worth and its legendary past offer. For further information about this conference, please contact Ed Quist at ed.quist@lamarpa.edu

More information, as well as registration forms, for all of AAFPE's regional conferences are available at www.aafpe.org or by contacting AAFPE headquarters at 856-423-3215.



A Paralegal Educator's CD Library

1. **AAfPE Model Syllabi & Model Surveys** **Member Price: \$95.00** **Non-member price: \$395.00**
The original CD containing 23 model syllabi plus three surveys. A must for your resource library! (NOTE: These are .pdf files.)
Model Syllabi: Administrative Law (1996), Alternate Dispute Resolution (1997), Bankruptcy Creditor's Rights (1998), Business Organizations (1994), Constitutional Law (1996), Contract Law (1999), Elder Law (1997), Employment Law (1995), Environmental Law (1995), Family Law (1994), Interviewing and Investigation (1995), Introduction to Law (2000), Introduction to Paralegalism (1993), Law Practice Management (1996), Law Office Computer Applications (1998), Legal Ethics and Professional Responsibility (1998), Legal Research & Writing (1993), Legal Research & Writing & CALR (2001), Litigation (2000), Paralegal Internship (1998), Probate and Estate Administration (1994), Real Estate Law (1993), Tort Law (1996), Wills, Trusts, and Estate Planning (1995) **Model Surveys:** Employer Survey, Graduate Survey, Student Satisfaction Assessment
2. **AAfPE 2002 Model Syllabi Supplement** **Member Price: \$30.00** **Non-member price: \$60.00**
Contains Introduction to Paralegalism, Estate Planning & Administration and Introduction to Legal Nurse Consulting. (Editable .doc files)
3. **AAfPE 2003 Model Syllabi Supplement** **Member Price: \$30.00** **Non-member price: \$60.00**
Contains Criminal Law & Procedure, Family Law, Real Estate Law, Sports and Entertainment Law. (Editable .doc files)
4. **AAfPE Model Exit Assessment Tools** **Member Price: \$85.00** **Non-member price: \$170.00**
Contains: Core Competencies, Model Capstone Syllabi: Advanced Paralegalism, Advanced Research & Writing, Applied Law Office Technology, Model Portfolio Requirements, Model Internship Requirements, PLUS Comprehensive Exit Assessment Test with Key and Grading Rubrics. (Editable .doc files)
5. **Papers from the 2003 AAfPE Regional Conferences** **Member Price: \$45.00** **Non-member price: \$90.00**
A compendium of papers presented at AAfPE's 2003 North Central, North East, Pacific and South East Regional Conferences covering a broad range of topics. (Editable .doc files)
- NEW!** 6. **2004 Model Syllabi Supplement** **Member Price: \$30.00** **Non-member price: \$60.00**
Contains: Business Organizations (revised 2004), Interviewing and Investigation (revised 2004), American Indian Law (new) and Model Primer on Transitioning to online (new). (Editable .doc files)
- NEW!** 7. **2004 Education Series - The Virtual Law Office** **Member Price: \$95.00** **Non-member price: \$195.00**
Contains: The Virtual Law Office (new) and Classroom Projects (new). (Editable .doc files)

TITLE	Quantity	Member	Non-Member	Total
1. Model Syllabi/Model Surveys	@	\$95.00	\$395.00	
2. 2002 Syllabi Supplement	@	30.00	60.00	
3. 2003 Syllabi Supplement	@	30.00	60.00	
4. Exit Assessment Tools	@	85.00	170.00	
5. Regional Meeting Papers (2003)	@	45.00	90.00	
6. 2004 Syllabi Supplement	@	30.00	60.00	
7. The Virtual Law Office	@	95.00	195.00	
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The Articulation Game: Play Ball! (Part 1)

Dr. Bob Diotalevi, Esq.

LL.M., Florida Gulf Coast University

This is a two-part article dealing with articulation. In Part One we will examine the basics of articulation and how it can benefit legal-related programs.

I. INTRODUCTION: WHAT IS ARTICULATION AND WHY SHOULD I PLAY?

Well, it is not really a game in the true sense, but some people treat it as such. Often they consider it like a game of chance, going back and forth, hither and yon, hoping to reach the finish line or beat the odds, you know, just like rolling dice. But articulation can be a rewarding experience. The goal of articulation is reaching a mutually satisfactory agreement between two institutions toward the affording of quality curriculum to students, often those going from the 2-year to 4-year school. As such I will speak in those terms for this article.

First, an articulation agreement needs to spell out essential terms (i.e. what is important to both entities should be put down on paper). For example, FGCU includes the following five key points within the Legal Studies articulation agreement per state-mandated and institutional policies (the entire agreement as well as related appendix appears in Part Two of this piece. It uses a fictional XXX Community College as the articulated school):

A. As part of acceptance into the FGCU B.S. in Legal Studies Program, a student must have received an Associate in Science degree from XXX Community College which

includes the completion of certain program core course work as set forth in Appendix A.

- B. A minimum grade point average of 2.0 on all previous coursework is required for acceptance into FGCU.
- C. Any student admitted into FGCU from the XXX COMMUNITY COLLEGE Legal Assisting/Paralegal Program and following the specifications in Appendix A of this agreement will be accepted into the FGCU Legal Studies Program as a Junior. Once accepted at FGCU, the student will need to successfully complete a minimum of 48 credits at FGCU at a 3000 level or higher. Students must also satisfy the state-mandated 36 hour general education requirement. Students may complete their general education requirements in the following manner:
- (1) Prior to admission to FGCU as evidenced by an official transcript so noted, or
 - (2) while enrolled at FGCU as an upper division student by meeting FGCU general education requirements, or
 - (3) after admission to FGCU as evidenced by an official transcript so noted.
- D. FGCU will accept in transfer a maximum of 72 credit hours from the XXX CC's student's Associate of Science degree in Legal Assisting/Paralegal and general education coursework.
- E. Students remain subject to all other state and FGCU admission and graduation requirements as specified in the FGCU catalog.

Such a pact typically provides that certain courses have been determined to be comparable

offerings at another educational institution and an agreement has been reached to that effect. It is a means of students obtaining a direct line to the baccalaureate-granting institution and an assurance for placement in courses. In turn the associate-granting institution promotes the four-year school, directs students to it, etc. Students should of course get guidance through the process from both institutions. It is a good idea for the associate-degree college to create a chart or logically flowing handout for the student to follow serving as a roadmap toward the goal of obtaining the two degrees.

Articulation's success depends on a positive attitude between the two partners, their administrations, the faculty involved and of course the students. It is a collaborative effort; in essence it is a marriage between two houses.

A good articulation agreement:

- Avoids duplication of instruction and repetition of previously-taken classes,
- Affords new opportunities for higher learning with upper-level courses including live and/or Internet-based offerings,
- Improves student career readiness with the acquisition of new skills,
- Provides a way for students to earn an advanced degree in a more streamlined fashion,
- Gives overall confidence to the student regarding future schooling and/or job placement, and
- Shows the community that there is strength in scholastic unity
- Acts as written evidence as a contract binding two institutions in a common purpose

Continued on next page

Articulation Game

continued from page 18

II. The Game's Afoot

We can think of it in terms of baseball. Consider the sport of articulation in 9 innings of play, as follows:

1. **Taking the Field:** conduct curriculum comparisons and research the other institution
2. **Throwing out the first pitch:** start talking and get dialogue going between the institutions
3. **The Concession Stand:** working out the game rules usually calls for give and take, giving concessions and maintaining stands
4. **Creating a seamless playing field:** Focus on the uniqueness of each institution and work with them individually to blend the two schools as best as possible into a good fit.
5. **Running the bases:** Getting all the team players on your side (The Program Chairs, Deans, Provosts, Staff Attorneys, Presidents, etc., etc., etc.).
6. **Going ahead for good in the 9th inning:** Getting final approval.
7. **Post Game Wrap-Up:** distribution of program materials, attending college fairs, etc. Broadcast each side fairly!
8. **Game Rule Review and Revision:** Change may be a good thing! Look into and be aware of it.
9. **Enjoy the win!** (stay focused, but take some time to savor the moment of victory).

I may be biased, but I believe that it really pays for students to have a

four-year degree. See "Census: More degrees equal bigger bucks," at <http://fyi.cnn.com/2002/fyi/teachers.ednews/07/18/degree.dollars.ap/index.html> (CCN.com, July 18, 2002). In this regard it is important that the two-year ball club not be concerned about being squeezed out of the game. And, the four-year ball club must respect the goals and efforts of the two-year organization which serves as a major league base of knowledge. Both should ultimately realize that articulation builds each institutional student base as well. Of course, for both, such an agreement aids the student in achieving more in his/her scholastic life. It tends to break down barriers between institutions, promotes communication and team building between faculty members and

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AAfPE EDUCATIONAL LIBRARY

Why reinvent the wheel? Do you need a model syllabus, a survey, or perhaps a classroom project or an exit assessment? The AAfPE Education Library has a variety of CD Resources to help you and you faculty.

- The 2001 Model Syllabi and Survey CD contains the original 24 AAfPE model syllabi (with outcomes assessment) and 3 model surveys (graduate, employer and student satisfaction.)
- The 2002 Model Syllabi Supplement contains revisions of the Introduction to Paralegalism and Estate Planning and Administration syllabi and a new syllabus for Introduction to Legal Nurse Consulting.
- The 2003 Model Supplement Syllabi contains revisions of the Real Estate Law and Family Law syllabi and new syllabi on Sports and Entertainment Law and Criminal Law and Procedure.
- The 2004 Model Syllabi Supplement contains revisions of Business Organizations and Interviewing and Investigation, as well as two very new additions to our model syllabi collection: Native American Law and A Model for Transitioning a Traditional Delivery Course to Online.
- AAfPE's Exit Assessment CD contains capstone syllabi on Advanced Paralegalism, Advanced Research and Writing, Applied Law Office Technology, as well as Portfolio and Internship models and a comprehensive exit assessment examination.
- The Practical Classroom Projects CD contains 146 alternative assessment projects and The Virtual Law Office.

For more information about the content and cost of these CD's, contact AAfPE headquarters or use the order form on page 17 this issue of *The Paralegal Educator* or go to the AAfPE Web site at www.aaafpe.org.

Book Club Used to Facilitate Learning

A book discussion sponsored by the University of Hartford Paralegal Association

By Janice E. Favreau

What's black and yellow, portrays a disjointed picture of the Mona Lisa composed of cut outs, pine needles, egg shells, instant coffee mixed with creamer and represents the nightmares, fears, dreams and aspirations of eleven women, nine of whom are or were incarcerated? Give up? It's a powerful anthology of stories entitled *Couldn't Keep it to Myself* — "Testimonies from our Imprisoned Sisters" written by these women, nine of whom are or were inmates of the York Correctional Facility in Niantic, Connecticut. Their powerful stories, pulled together by award-winning author and Oprah Winfrey book club choice, Wally Lamb, who acted as both their mentor and teacher when he volunteered to facilitate an on-going writing workshop in the York Prison. This choice became the source of a powerful book discussion held by the University of Hartford Student Paralegal Association this past May. We invited two of the authors who have been subsequently released to join us and to read parts of their stories for us. Moving, riveting, sad, funny — these are just a few of the adjectives our attendees had to say afterwards. Surprisingly, many of those in the audience were truly moved to share something from their own life as a result.

We are a small student paralegal association still searching for our "groove" and determining the paths we would like to take as a membership. Our organization has

hosted and participated in a number of "paralegal" type events, from round table discussions with "real working" paralegals to pro bono events and field trips as well. But, we wanted to do something special for the end of the year, something social where we could just enjoy each other's company. Our facilitator, Deb Boyle, suggested a book discussion. "A book discussion?" While some of us were enthusiastic, others of us thought, "oh no" NOT more reading! "Don't we do enough in class?" Well, we went with the idea and decided to extend our invitation to the entire student body as well as the local paralegal organization. We had an incredible turnout of participants, and no one left the room unmoved. Although our book selection had a "law" connection, albeit criminal justice, the stories were of real women who struggled with any number of demons, as children or adults, through drugs or violence, but who through it all were still people — people just like us.

How did the book come about? An initially reluctant Wally Lamb, who normally keeps an index card next to his phone with a script that he uses to decline when asked to participate in various causes in order to preserve his family and writing time, couldn't find his card that day when the call came in from the prison librarian, Marge Cohen. She told him that there had been several suicides and attempted suicides at the prison that had triggered an epidemic of despair. Marge asked Wally Lamb to run the workshop because she thought it might be a useful coping tool for the women, and since he couldn't find his index card that day, he told Marge that he would visit.

At the end of his first visit, and after being "checked out" as the guy who was on Oprah, one woman asked him if he would come back, and he thought about the his index card which was back in his office. He agreed to return and gave a short assignment.

During his next visit 15 of the 30 chairs were empty, but of the women who came back, they wound up returning over and over again because they found themselves on a journey of expression and self-awareness.

To quote Wally Lamb (p. 9):

"To Imprison a woman is to remove her voice from the world, but many female inmates have been silenced by life long before the transport van carries them from the courthouse to the correctional facility; as little girls, violated by sexual or parental abuse. Or as women, battered by boyfriends or husbands..."

"Incest and domestic violence cut across the economic divide, women of all means are schooled in silence. Of the 11 contributors to this volume, 8 have been battered and 9 have been sexually abused, a statistic that reflects the norm for incarcerated women."

Their essays, then, are victories against voicelessness — miracles in print.

The idea of the women getting their stories published was a miracle, but it was a miracle that started a hailstorm of controversy.

A few years back, David Berkowitz the infamous "Son of Sam" serial killer signed a book deal about the story of his murderous spree. New

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Book Club

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York State then passed a law allowing victims of a person incarcerated for the crime access to the profits. The scope of the law was further narrowed in 1992, so that if an author made only an incidental or indirect reference to the crime, then the profits could fall outside the "profits from crime" definition. (Wally Lamb, Notes to the Reader) The Federal government and 40 other states including Connecticut followed suit.

The contributors to this anthology have not written directly about the crimes for which they were convicted. Any reference is incidental to the story they wish to tell.

When Harper Collins, Lamb's publisher, agreed to do a book, they bought the book for \$75,000, or \$5,600 for each of the women who would receive the money when they were released. Lamb had made sure that the prison and state officials were notified about the book deal with Harper Collins, but he didn't hear a word until a few days before the books hit the stores. Instead of embracing their accomplishment, the State of Connecticut went after the women and the program with a vengeance. Connecticut Attorney General, Richard Blumenthal invoked a vaguely worded law that allows the State to go after inmates for the cost of their incarceration, and he sent them bills of \$117 for every day they would spend in prison. Blumenthal said he had no choice but to enforce the law that allows the State to go after any inmate who comes into money while in or out of prison, whether through inheritance, lottery winnings,

proceeds from their crimes or financial windfall. Why did the State feel that the women could pay for their entire cost of incarceration? Because, Blumenthal said, "they were writing a book with a best-selling, prize-winning author... [A]nd the state felt they might have the means to pay for their incarceration." www.cbsnews.com. (accessed May 7, 2004).

The women were sent bills that ranged from \$139,000 to \$913,000.

Both Wally Lamb and Harper Collins tried to convince the attorney general to drop or settle the lawsuits for more than a year.

Finally the literary organization PEN, an organization sponsored by Paul Newman, that takes up the cause of persecuted writers around the world, became involved and suggested that one of the still imprisoned authors be nominated for a major award. Lamb wanted to nominate the whole group, but he had to choose one, so he chose Barbara Lane. She is serving 10 years on a manslaughter charge for killing her husband after years of verbal, physical and emotional abuse. (The state, by the way, sent Barbara Lane a bill for \$339,505 (\$117.00 a day) for the cost of her incarceration so far.)

The PEN prize was established by actor Paul Newman and author A.E. Hotchner to honor a U.S. resident, "who has fought courageously, despite adversity, to safeguard this country's First Amendment right to freedom of expression."

So, what did the State of Connecticut do? It suspended the writing program, banished Wally Lamb from returning, confiscated the women's computer disks and

chastised prison employees for their involvement. This stems apparently from the fact that Dorthula Green, principal of the York's school program, had not been properly informed that Lane had been nominated for the PEN award.

At PEN's behest, *60 Minutes* got involved and began asking questions and made requests for interviews. Almost immediately the state began backpedaling. Blumenthal remarked that destruction of property, particularly written property, is totally unacceptable.

Theresa Lantz, the commissioner of the Connecticut Department of Corrections, now says it was a big misunderstanding. Instead she says, "We're very proud of the program. We're very appreciative of Wally Lamb's work for the last five years. I think it definitely has a rehabilitative impact." www.cbsnews.com. (accessed May 7, 2004)

Lantz also says there was "no attempt" to shut down the program, "but basically to get everybody back together to talk about, you know, communication" www.cbsnews.com (accessed May 7, 2004)

Finally a few days before the *60 Minutes* interview, Blumenthal held a news conference to announce that the writing program had been reinstated and the lawsuits seeking millions of dollars from the writers were being dropped, after concluding that the money the women had received from the book was minimal and had been earned through a rehabilitative program.

"The women weren't profiting from their crimes. They didn't write about them. Instead, they wrote about their lives."

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Book Club *continued from page 21*

www.cbsnews.com/sections/60minutes/main3415.shtml
(accessed May 9, 2004)

Each woman will now pay the state \$500, most of which will go back to the writing program. Attorney General Blumenthal also notes that he will try to change the current state law that would “exclude income earned from rehabilitative activity or training while in prison, or following an inmate’s release.” (“ParaPhrase,” Central Connecticut Paralegal Association, May 2004, p. 11)

The book notes also indicate that Interval House, a shelter for battered women and their children in Hartford, will share as an equal partner in the revenues from this book.

In a final note, Mr. Lamb was the recipient of the Connecticut Bar Association’s 2004 Public Service Award.

What started out as a nice “social event” for our group, instead opened our eyes and widened our perspectives about a group of women who many might see as nothing more than criminals, not

worthy or deserving of a second chance. We wondered what would the two former inmates, now authors and our guests be like? How would you expect a former inmate to look or act? Maybe just like you and me? These two women were warm, friendly, well dressed and articulate. We learned that they too have hopes and dreams and long for a better life — just like us. We also relearned a lesson that day — don’t judge a book by its cover, and don’t make assumptions based on stereotypes.

E-Reserves and the Immigration Law Paradigm

Marilyn R. Tayler
Montclair State University

Have you used e-reserves? This wonderful tool, available through the libraries of many colleges and universities allows you to put materials on reserve in electronic form.¹ The scanned-in materials are available on the library’s web site to all students who know the instructor’s password. This tool is excellent because:

- It shifts the responsibility to the student to print an article or excerpt, rather than requiring the professor to produce copies.
- It helps to build a paperless classroom.
- It enables students who want to read more than the minimum to examine additional supplemental materials.

- It enables students to collaborate asynchronously, by sharing materials that they later discuss via e-mail or Discussion Board.
- If students have trouble — or claim to have trouble — printing the material on Electronic Reserves, there is still a hard copy available through traditional Reserves.²

There are many vendors of Electronic Reserves systems³ and each institution implements Electronic Reserves differently. At Montclair State, for example, faculty members can easily create an Electronic Reserves list for each course, by filling out the appropriate application and providing a hard copy of all documents requested for inclusion. Students enrolled in a particular course can access the Electronic Reserve materials through the Library’s home page by choosing the link to “E-Reserves”; selecting the Course, Department, Instructor, or Document Title; keying in the

instructor’s course password (which is case sensitive); and clicking on “Accept terms” to accept the terms for viewing the materials. Students can then view the list of supplemental materials for the course and click on the supplemental materials by title.

An Adobe Acrobat Reader is required to print the materials from PDF format. Most libraries provide a link so that students can download a free copy of Acrobat Reader. In viewing E-Reserves documents on Adobe Readers, students are cautioned that the materials may not look very clear on the computer screen but they print out very clearly. The E-Reserves page listing the article also offers help for those who are having difficulty viewing the PDF format.

No matter how an institution implements Electronic Reserves, it is mandatory to adhere to applicable copyright law. Following rules of copyright law, Electronic Reserves are removed from availability at the

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E-Reserves *continued from page 22*

end of one semester, just as the paper copies are.

The United States Code establishes the "fair use" doctrine, whereby the reproduction of copyrighted works for certain limited, educational purposes is not considered to infringe upon the rights of the copyright holder so long as the use conforms to the following four criteria:

- the purpose and character of the use, whether it is for commercial or for nonprofit educational purposes
- the nature of the copyrighted work
- the amount and substantiality of the part used in relation to the complete work
- the effect of the use upon the market for the value of the copyrighted work.⁴

How would Electronic Reserves work in a typical Paralegal course? In Immigration Law, for example, no matter how recent the text⁵, the law moves very swiftly. In less than a year, the Immigration and Naturalization Service has disappeared into the Department of Homeland Security, together with portions of over 20 different agencies and services. Laws, reporting arrangements and the like have all changed. The agency name, for example, has changed three times, moving from I.N.S., to B.C.I.S. and most recently to U.S.C.I.S. Security concerns, the war in Iraq, updated forms, new practices, and up-to-the minute news stories could not all be included in the text, which had been published only a bare few months before the course began. These are posted via E-Reserves. Additionally, E-Reserves provides

feature articles, diagrams and fact sheets — otherwise difficult to access — that deal with issues as diverse as cross-cultural communication and dual nationality.

Students in Immigration Law are also required to participate in a small-group family law project. Each group develops its own fact pattern, all forms, cover letter and supporting documentation to obtain residence for the souse of the U.S. citizen who arrived as a visitor from another country. E-Reserves provides an optimal location to post resources such as sample cover letters, checklists, instructions, and documents that would not otherwise be readily available.

In sum, Electronic Reserves provides an outstanding opportunity for faculty members to reduce photocopying, devote their valuable time to more substantive and creative course preparation, and empower students to take responsibility for research at the touch of a button. ❖

Dr. Marilyn Tayler has been a paralegal educator for over 25 years and has been an active member of AAFPE since the inception of the organization. She has served as the founding chair of the Department of Legal Studies and the Administrative Director of the Justice Studies Program at Montclair State University, where she is a Full Professor. Since the 1980s, Dr. Tayler has been a pioneer in the use of technology for paralegal education, garnering private, state, and national funding to support the infusion of technology into the paralegal curriculum.

REFERENCES

- ¹The Association of Research Libraries cites among the pioneers in Electronic Reserves the libraries at Colorado State University, Marist University, Northwestern University and San Diego State University as pioneers in E-Reserves. See <http://www.arl.org/index.html>.
- ²Some library websites suggest that students use Internet Explorer, as certain features may not work well with Netscape. The author has personally used Netscape exclusively without difficulties.
- ³Montclair State University's vendor is Docutek Corporation, one of many such vendors. The Association of Research Libraries lists other vendors of E-Reserve products including U.S. and Canadian Copyright Clearance agencies as well as CANOCOPY and Nouseoft. *Ibid*. The website for Manhattanville College Library, <http://www.mville.edu/library> elaborates extensively on guidelines for the developers of Electronic Reserve sites.
- ⁴When more extensive or different use is required, Eden-Webster Library in St. Louis, Mo., for example, states: Copyright permission is required when an item is needed for more than one semester; when multiple articles from one journal issue are needed, and when an out-of-print book needs to go on reserve. Addresses for copyright holders can be found at <http://acqweb.library.vanderbilt.edu/acqweb/pubr.html>. Information about publishers can also be found through the Copyright Clearance Center (<http://www.copyright.com/Services/ECCSacademic.asp>).
- ⁵The basic text used was *Selected Fundamentals of Immigration Law and Practice*, 2003-2004 Edition, published by the American Immigration Lawyers Association.

American Bar Association

Peggy C. Wallace

Staff Counsel, Standing Committee on Paralegals

The Standing Committee is pleased to announce the publication of the second edition of *ABA Approval: A Reference Manual for Paralegal Educators*. The *Reference Manual* serves as a complete guide to the ABA approval process and is designed to help program directors seeking approval and reapproval to better understand all aspects of the ABA Guidelines for the Approval of Paralegal Education Programs and the approval process. The *Reference Manual* can be ordered from the Standing Committee's Web site at <http://www.abanet.org/legalservices/publications/legalassistants.html>.

If you have not visited the Standing Committee's Web site recently, you will find a few changes when you do so. We have recently added a new section to the Web site specifically for lawyers. Titled "Information for Lawyers: How Paralegals Can Improve Your Practice," the information ranges from an explanation of the ABA's involvement in paralegal education to suggestions for improving a lawyer's practice using qualified paralegals. The information is presented in a question and answer format, and includes links to the Model Guidelines for the Utilization of Paralegal Services, the Guidelines for the Approval of Paralegal Education Programs, paralegal organizations and state codes. We invite you to view the pages at: <http://www.abanet.org/legalservices/paralegals/lawyers.html>. In addition to the new material

available in the Lawyer's section, considerable effort has been made to make information on the approval process and forms easier to find. We've updated the page with a "quick links" section, so finding the specific form you need is now easier. Please take a moment to check out the new information and format at: <http://www.abanet.org/legalservices/legalassistants/process.html>. The Standing Committee invites your comments and suggestions for making the Web site a source of current information for anyone interested in ABA approved programs, the process of approval and utilization of qualified paralegals. ❖

Legal Assistant Management Association

Gary Melhuish

LAMAPresident

The Legal Assistant Management Association held its 20th Annual Meeting and Exposition in Montreal November 3 – 6, 2004. A record number of members attended the conference. The conference program focused on the language of management and offered periodic reminders of the history of the association. On Friday evening of the conference, the 20th Anniversary Task Force held a reception which highlighted the achievements of the organization and the important political, social and athletic events of each year.

During the Annual Meeting, the membership overwhelmingly voted to change the name of the

organization to the International Paralegal Management Association (the IPMA). This vote was the culmination of an extensive review of the titles legal assistant and paralegal and recommendations by the Title Task Force and the Board of Directors to change the name of the association. This name change takes effect on January 1, 2005.

Other changes announced at the annual meeting included: the name of the association magazine will now be *Paralegal Management*, the web site address will now be www.paralegalmanagement.org and the headquarters phone number will be 404-292-IPMA. Special thanks from the Board to the association volunteers and the staff at headquarters for their ongoing work in implementing the numerous changes necessitated by the membership vote.

LAMA began 2004 with the establishment of a Community Service Committee. Our chapters participated in a variety of activities such as programs that raise money for children with cancer, preparing dinner for individuals staying at Ronald McDonald House and assisting in running a charity 5K run with proceeds benefiting the American Heart Association.

The Board of Directors spent much of 2004 conducting strategic discussions regarding the structure of the committees and how to best deliver services and information to the membership. The outcome was a redesign of the committee structure and the creation of new committees to focus on issues such as surveys and awards/recognition. Additionally, the Board created a task-based volunteer system. Rather than volunteering for a committee, members are being encouraged to sign up for a

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particular task. It is anticipated that members will be better able to match their time and interests with the needs of the organization when making a choice on volunteering.

Our task force report on the recent revisions to the Department of Labor regulations regarding overtime compensation is complete. A group of paralegal managers spent numerous hours reviewing and summarizing the potential impact that these new federal requirements may have on the paralegal profession. The report is available on the IPMA Web site.

IPMA will hold its fourth annual Skills for New Managers Workshop in Chicago in April 2005. This workshop gives participants a wealth of information on the supervision, training and recruiting of paralegals and other legal support personnel. Experienced managers who have attended in the past have found that this workshop offers a great review of important issues in supervising a paralegal program. ❖

National Association of Legal Assistants

Kenneth L. Frakes

SURVEY RESULTS ON LINE

Results of the 2004 National Utilization and Compensation Survey, done from June 1 through August 31, 2004, may now be seen at the NALA Web site. This report stems from the first Web-based assessment of paralegal work environment, duties and responsibilities, billing rates and compensation levels of legal assistants since the biennial survey

was initiated in 1986.

There were 1,350 responses from 47 states, Puerto Rico, the Virgin Islands, and the District of Columbia used for the report. Females constituted 96 percent of the respondents, 71 percent were NALA members, and 73 percent held the CLA credential. The average age of participants was 45, and they reported about 17 years of legal experience.

Individual sections of the complete survey may be downloaded in PDF format.

'CP' SERVICE MARK OFFICIALLY NALA'S Approval of NALA's application for ownership of the "CP" service mark, signifying Certified Paralegal, has been granted by the U.S. Patent and Trademark Office. Formal notice was given late in July that the mark was formally registered to NALA on July 20, 2004.

The Association filed in 2003 to protect the CP service mark for those who prefer the term "paralegal" rather than "legal assistant." Since the terms are synonymous, choice of which credential to use is purely a matter of personal preference. Registration of the CP mark by NALA ensures the integrity of the credential earned by those who pass the rigorous certification examination.

A CP pin is now available at NALA Headquarters, and the CLA certificate has been redesigned to use either the CLA or CP credential. Certificates for specialty certification also are now designed to use either CLA or CP, but it should be noted that the initials "CPS" cannot be used—they are a service mark of another entity to indicate "Certified Professional

Secretary." The term "specialty" is also specific, because various state and employer ethical codes and procedures may preclude use of the term "specialist."

Details regarding proper use of the CLA or CP marks are presented on the NALA Web site at www.nala.org.

NALA CAMPUS LIVE! TAKES OFF

More than 50 participants have logged on for NALA Campus LIVE! courses since the fall session was launched on September 2. Participants have been pleased with the smoothness of the technology, and course evaluations have been positive.

Comments taken from on-line evaluations include such exuberant remarks as, "Hurray to the Information Highway, and to the people at NALA for making it available to take this course." This particular respondent also noted that, "The fact that I'm sitting here in my New York office and have no interruptions from class members or co-workers is a great thing."

Many of the participants have expressed interest in taking more LIVE! courses, and the winter session will be ready on February 1 with courses in ethics, 401(k) basics, trial preparation, business organizations, discovery/investigation, and probate. The fall session brochure describing courses, presenters, and schedules will be mailed to members and others interested in this innovative CLE program. Information is also available at nalacampus.com.

Sharon Werner, CLA, who chaired the NALA Campus LIVE! program through initial development and

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ORGANIZATION UPDATES

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launch, has stepped aside in that role in order to fulfill her new responsibilities as treasurer of NALA. New co-chairs of the program are Michelle Doyle, CLA, of Jackson, WY, and Dawnne Linnenbrink, CLAS, of Junction City, OR.

2005 KEYNOTE SPEAKER NAMED

The Hon. Carol A. Beier, newest member of the Kansas Supreme Court, has been chosen to deliver the keynote address for NALA's 30th Annual Convention next July in Kansas City, MO. Her speech will be on "The Road to Peace: Marrying the Ethics of Care and Justice."

Justice Beier was a judge for the Kansas Court of Appeals when she was named to the Supreme Court in September 2003, and formerly was an attorney focusing on commercial disputes and health care law with the Foulston & Siefkin law firm in Wichita.

Before joining the Wichita firm, she was a staff attorney at the National Women's Law Center, and an attorney with Arent, Fox, Kintner, Plotkin and Kahn in Washington, DC. She also has been a teacher, and worked as an editor at the *Kansas City Times* before attending law school. She has written a number of legal publications and is an experienced speaker.

She earned her BS and law degrees from the University of Kansas, and also holds an LLM in the Judicial Process from the University of Virginia School of Law's Graduate Program for Judges. Her professional association memberships include the American Bar Association, American Judicature Society, National Association of Women Judges,

Kansas Bar Association, the D.C. Bar, Kansas Women Attorneys Association, Wichita and Topeka Bar Associations, the Wichita and Topeka Women Attorneys Associations, and the Institute of Judicial Administration of the New York University School of Law.

She is a past officer and board member of statewide and city women's bars, has chaired and served on numerous bar committees, as well as on the boards of several community organizations.

ADR NOW AT NALA CAMPUS

Alternative Methods of Dispute Resolution is now available as a course in four modules at NALA Campus (www.nalacampus.com). The course offers a broad view of the various methods and processes used to resolve disputes, their attributes, and how individual methods are integrated into a dispute resolution strategy.

The course is a condensed version of the book, *Alternative Methods of Dispute Resolution*, by Martin A. Frey, Professor Emeritus of Law with The University of Tulsa College of Law. The text is available from the NALA bookstore online, and portions are reproduced in the NALA Campus course with permission of Delmar Learning, a division of Thomson Learning (www.thomsonrights.com).

The course takes students from design and evaluation of ADR strategies through unilateral/bilateral action, and neutral third-party evaluation and adjudication processes. Each module features an audio lecture with text, supporting graphics to illustrate lecture points, and a test to assess comprehension.

Soon to be added to the NALA Campus schedule of courses is Paralegal Practice Before the Social Security Administration, drawn from the book *Social Security Disability and the Legal Professional* by Jeffrey S. Wolfe, U.S. Administrative Law Judge, and Lisa B. Proszek, Attorney, both of Tulsa. ❖

National Federation of Paralegal Associations

Dianna Smiley, RP
NFPA President

I want to first say what a pleasure it is to have attended the Annual convention in Albuquerque. It is always a pleasure to be able to meet new program directors and instructors, provide information and answer questions about NFPA, and renew acquaintances. I also had the opportunity to attend several of the seminars, all of which had wonderful information that I can pass on to the teachers at my paralegal school. (I am still working on them joining AAFPE). Thank you especially to Diane Pevar and Ron Goldfarb for their warm hospitality. I will be visiting North Carolina in March/April 2005 and am looking forward to attending the Region meeting in North Carolina. NFPA has several members who will be attending the Pacific Region meeting in Seattle, Washington at that same time.

NFPA is very excited to announce that two new associations have been approved for membership. The first is the Carolina Paralegal Association, headquartered in Sumter, South Carolina. The second is the Navy Legalmen Association. Several branches of the US Armed Forces are working with schools,

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AAfPE, the ABA, as well as NFPA to determine how their JAG school can be approved for credits, as well as how the legalmen (the military version of paralegal) may pursue an education while in the service. The military, as a whole, and the legalmen, individually, are very concerned that they will have transferable skills as well as the increasing educational requirements for them to seek paralegal jobs when they leave the service. I believe this is a fabulous opportunity for all of us to work together to provide resources, networking and information between our organizations and with the military.

NFPA is very excited about our upcoming convention in Las Vegas, Nevada, April 28-May1, 2005. We are staying at the Golden Nugget on the "old strip." This facility has been completely remodeled to reflect what it looked like 50 years ago. The Paralegal Association of

Southern Nevada is putting together a great series of continuing education and luncheon speakers. There will also be a PACE seminar. NFPA will also be offering workshops and other sessions for our members to assist their members, enhance their leadership skills, and increase professionalism.

As you are aware there is a good deal of paralegal-related discussion around the country regarding regulation and licensure, as well as the issue of exempt/non-exempt. The debate continues in several jurisdictions regarding legal document preparers, as well as defining the scope of paralegal education and duties. NFPA continues to monitor all of these issues and provide it to our members in a timely manner. The NFPA Board just approved a list of Frequently Asked Questions with regard to the Fair Labor Standards Act. That information has been posted to the NFPA Web site. We will also be linking that information

to the ABA's position statement. We continue to monitor the issue of out-sourcing of legal work to off-shore companies. At the writing of this article, there is no hard information that any significant changes or impact have been felt. However, should anything change in this regard, NFPA will immediately notify its members to determine if a position should be taken on this issue.

As always, I invite AAfPE members to utilize the NFPA Web site and to let NFPA know if there is anything with which we can assist you to give you students, current information about NFPA, PACE and the ever-evolving paralegal profession.

I look forward to a wonderful continuing relationship with AAfPE and its members in the coming year, and I would like to extend NFPA's hospitality to Ron Goldfarb and any other AAfPE members who will be attending the NFPA Annual convention in Las Vegas. ❖

Articulation Game

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administrations, increases enrollment due to the attractiveness of the arrangement, and creates a more unified and organized educational effort all around. Finally, an articulation agreement provides faster turn around time for students to enter the workforce because often the arrangement actually cuts down the number of hours and extra cost required if the student had to obtain both degrees separately.

In Part Two, we will discuss how one institution has employed such an agreement to its advantage. Working samples, insight and play-

by-play will be provided. See you at the next arena. ❖

Dr. Bob Diotalevi, Esq., LL.M., is Program Coordinator and Associate Professor at Florida Gulf Coast University in Fort Myers, Florida. Bob has been a lawyer for nineteen (19) years as a member of the Massachusetts and Florida bars. He possesses four (4) degrees and has been internationally published. In 2004 Bob, along with other internationally known professors, co-authored a textbook, entitled *Electronic Theses and Dissertations: A Sourcebook for Educators, Students and Librarians*. Marcel Dekker, Inc., of New York is the publisher.

Bob's works have been published in SMU School of Law's Computer Law Review and Technology Journal, The Paralegal Educator, The Journal of Paralegal Education and Practice, and The Online Journal of Distance Learning Administration. He also serves as an editor for The Online Journal of Distance Learning Administration and The Journal of Paralegal Education and Practice. Bob presents at national and regional law-related conferences such as AAfPE as well as at various colleges and law schools around the country.

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