



The PARALEGAL *Educator*

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THE FUTURE IS NOW

Come to the 25th Annual AAFPE Conference
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EXECUTIVE DIRECTOR:

Jone R. Sienkiewicz, CMP, CAE
(856) 423-2829 Fax: (856) 423-3420
E-mail: info@aafpe.org

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ADVERTISING RATES: (856) 423-2829

EDITORIAL STAFF:

Elizabeth Nobis, Editor-In-Chief
Lansing Community College
(517) 483-1503

Linda A. Spagnola, Editor
Union County College
(908) 709-7171

PUBLISHER: American Association for Paralegal Education
19 Mantua Road
Mt. Royal, New Jersey 08061
(856) 423-2829

Articles and letters to the editor are invited and should be submitted to:

Elizabeth Nobis, Editor-In-Chief
Lansing Community College
(517) 483-1503, Fax: (517) 483-9740
E-mail: nobise@lcc.edu

DEADLINES: March 1, June 1, and November 1. Topics may express opinions or provide information on any matter appearing in *The Paralegal Educator* or otherwise be reasonably related to law, justice, and the education of paralegals. Articles should be approximately 750 words, single-spaced, in Microsoft® Word®, 12-point Times New Roman. Publication and editing of submissions are within the purview of the Editors, President, and Executive Director.

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ON THE COVER: AAFPE's conference slogan, "The Future is Now," is embodied in Spring's new growth.

2004 US 674 ¶ 39: Case Law Citation in the Computer Age*

by Ellen Boegel, St. John's University

¶11 Access to case law has been an important part of the American legal system since Lord Coke's reports were imported from England in the 17th century. While Lord Coke and his progeny of private reporters gradually gave way to more systematic volumes, such as West's and various official reports, these reporters now are being supplanted by the Internet and electronic databases.

¶12 This dramatic change in the way we access case law has led practitioners, researchers, scholars, judges, state reporters and others to advocate for a dramatic change in the way we cite published and "unpublished" cases. They have proposed a "public-domain," "medium-neutral" or "electronic" system of citation (similar to that used for statutes) that would eliminate our centuries-old reliance on print reporters, reduce the size of the average law office library to that of a single laptop, and wrest control of judicial decisions away from proprietary vendors.

¶13 The advantages of this system are obvious to the cost-conscious managing partner or public-interest lawyer. Books require space, CD-ROM's need updates, and for-profit electronic databases, such as Lexis and Westlaw, are expensive; but government (and numerous other) websites are free. In addition, public domain citation can facilitate the use of

It cannot be disputed that computers have replaced most books in the average law office library.

unpublished cases, i.e., those not selected for inclusion in official reporters. If every judicial decision can be cited and retrieved without reliance on reporters or fee-based services, legal research costs will decrease dramatically and accessibility will increase dramatically.

THE CALL FOR PUBLIC DOMAIN CITATION

¶14 Understanding the history of the public domain citation debate explains the arguments for public domain citation and the variations in public domain citation format that have developed over the last decade; it also may shed light on how the legal community should proceed in the future. We are all familiar with the traditional method of case citation — volume and page references to printed reporters. For public domain citation advocates, this reliance on paper references is ludicrous in a world dominated by electronic data.

¶15 It cannot be disputed that computers have replaced most books in the average law office library. A recent survey conducted by the American Bar Association concluded that the majority of lawyers access case law electronically.* Even scholars and law review authors are succumbing to the convenience of electronic research;† and the New York State Law Reporting Bureau, the office responsible for printing

New York's official reports, proudly proclaims that it rarely uses print reporters.‡ With the exception of *The Bluebook*, *ALWD Citation Manual*, and a 1993 *New York State Bar Journal* article, all sources for this article were accessed via computer. Nevertheless, despite the indisputable dominance of computer-assisted legal research, current citation convention still requires citation to print documents whenever available. It also requires citation to the exact version of a document the researcher has reviewed. This forces legal researchers to either commit intellectual dishonesty or duplicate their work by locating print reporters after electronically accessing source material.

¶16 Another argument for public domain citation is that most jurisdictions do not publish their own decisions. Many states, as well as the federal district and circuit courts, rely on West to print their opinions; but judicial decisions are public documents and, by law (such as the E-Government Act of 2002), must be available to the public free of charge. Proponents of public domain citation argue that case law citation should not be forced to rely upon costly privately published versions of public documents. The main purpose of any citation system is to help users locate referenced materials. Although fee-based legal research services accurately

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Case Law *Continued*

locate and retrieve volume and page citations, government websites generally do not have that capability. The websites federal courts are required to maintain allow users to search for decisions by case name or docket number, but they cannot search by official reporter citation. Indeed, federal cases usually are posted when they are decided by the courts, which is before they are edited for publication and assigned traditional volume and page citations. Even if a decision can be located on a government website, there is little practical use in being able to read it for free if one also needs to pay Lexis or Westlaw to cite the decision or to find specific page references. Requiring citation to bound reporters undermines the stated purpose of public access to judicial decisions — to “improve the quality and *use* of ... information.”⁵

¶17 Furthermore, traditional citation to cases not yet published relies on cumbersome references to slip opinions or docket numbers. These references are worthless to the electronic researcher because they usually are not recognized by Lexis and Westlaw, the dominant electronic legal research search engines. In addition, although Lexis and Westlaw each assign electronic citation to cases awaiting publication, neither recognizes the other’s references. Thus, they are ineffective as universal citations. Although pay-as-you-go plans do make these services more affordable than in the past, the point is that no one should have to rely on private servers to cite

public documents available on free government websites. Moreover, even after traditional print citations are available on Lexis and Westlaw, often within a few weeks of a decision’s issuance, these initial postings usually do not include page breaks until months after the case becomes available. This makes them inadequate for pinpoint citation. In short, judicial decisions now are instantly available on free government websites and legal researchers want free, reliable instant citation. A rift has formed between standard citation format and research practices. Public domain citation seeks to bridge that gap.

HISTORY OF PUBLIC DOMAIN CITATION

¶18 Legal researchers have been searching for ways to make electronic citation easier for more than a decade. The New York State Bar Association supported a form of public domain citation, referred to then as “electronic citation,” as early as 1992. In 1994 Louisiana became the first state to adopt public domain citation. The American Association of Law Libraries began work on its *Universal Citation Guide* that same year and, in 1996, the ABA called on “[a]ll jurisdictions [to] adopt a system for official citation to case reports that is equally effective for printed case reports and for case reports electronically published...”⁶ Maine facilitated public domain citation beginning in 1997. After a five-year debate, the Supreme Court of Wisconsin adopted public domain citation in 1999. The American Association of Law Libraries’ *Universal Citation*

Guide first became available in 2000. The ABA’s commitment to universal citation was reaffirmed in 2003. Fourteen states, the United States Court of Appeals for the Sixth Circuit, and the United States District Court for South Dakota now require, allow or encourage some form of public domain citation.

FORMS OF PUBLIC DOMAIN CITATION

¶19 Under the current print reporter citation system, control over citation references (volume and page numbers) rests with legal publishers and not with the issuing courts. Public domain citation, like that in the title of this article, 2004 U.S. 674 ¶ 39, puts citation references firmly in the hands of the issuing court. The cite, 2004 US 674 ¶ 39, is a fictitious cite to a fictitious United States Supreme Court case, but it follows the form set forth in the *Universal Citation Guide*. “2004” is the year of decision; “US” indicates the issuing court; “674” is a unique, court-issued decision identifier; and “¶ 39” indicates that the referenced material can be found at paragraph 39. Maine, Montana, New Mexico, North Dakota, Oklahoma, Ohio, South Dakota, Utah, Wisconsin, Wyoming, the United States District Court for the District of South Dakota, and the United States Court of Appeals for the Sixth Circuit utilize this type of system. Louisiana and Mississippi have adopted a different format that relies on a court-issued docket number rather than a unique decision identifier. Although public domain citation forms vary, they all encompass the

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MESSAGE FROM THE PRESIDENT

The Future is Now and you have every opportunity to be part of it during this coming year.

Having served on the AAFPE Board of Directors in several capacities over the past eight years or so, I often heard my predecessors talk about the pressures of so little time to accomplish all the things they wanted to do and I was determined not to feel that way. Well, so far so good, not because of any magic solution I have concocted, but rather because of the terrific Board of Directors that I am privileged to work with as well as our Executive Director and the highly professional Talley Management Company. Together we have created an excellent working team that in recent months has come together to lay the foundation for an exciting future for AAFPE and its members.

Our new *Educator* was well received by all and as each new edition arrives in your mailbox, you will see more and more cutting edge articles as well as new and expanded features. Please consider being a part of this publication. Your articles and submissions are very important to the success of this effort. Student writing ability is a recurring problem, so we created the Writing Task Force. The Writing Task Force's work will culminate in a hands-on session at the annual meeting. Your participation in this initiative is welcome and will insure its success.

Last month we reached out to over 150 prospective new

members' programs that we feel would qualify for one of our membership categories. This effort was possible because of the assistance of many members who identified programs in their areas that were not members and also through the sharing of information from our supporting publishers. If you know of any other prospective members, please advise our management company at info@aafpe.org. We continue to grow and to reflect the changing face of paralegal education as we welcome these new quality programs. Each application is carefully screened according to our existing standards and criteria.

Our Board of Directors met in New Orleans in early February at the Intercontinental Hotel, site of our 25th Anniversary Conference next October. The Board meets each February at the site of the following fall's conference. I'm happy to report that the hotel is in excellent condition with beautifully appointed guest rooms and elegant meeting spaces. It is one of the finest venues we have ever experienced. New Orleans is now bursting with activity with many of the restaurants, galleries, shops and attractions open or about to open for business. The French Quarter and some adjacent areas were largely spared the destruction that was visited upon other areas of the city, particularly the Lower Ninth Ward. In preparation for our



AAfPE President
William J. Mulkeen
Essex County College

conference, our colleague and New Orleans resident, Nancy Wagner, formerly with the Tulane University program, has agreed to write a recurring series of articles entitled "Nancy's New Orleans." Nancy will suggest some reading material that will give you a "feel" for the heart and soul of New Orleans. The remaining articles will acquaint us with the literature, the sights, the quaint off-the-beaten-track attractions, the shops, galleries and of course the fabulous restaurants, bars and clubs that make New Orleans so special.

As you know, we have adopted the slogan "The Future is Now" for our upcoming conference and indeed for all of our current efforts. We have made the inclusion of technology a major focus of the conference. While the usual cutting edge sessions will be presented, there will be numerous sessions offering technology-based initiatives. Our Technology Task Force has just about completed the outline and foundation of these initiatives and will soon be asking for your assistance in developing and presenting them.

Probably the most important development in the every day

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AAfPE President-Elect
Hedi Nasheri
Kent State University

As I was sitting on the plane headed back from New Orleans, two things were going through my head. My first thought was what a great site New Orleans will be for our 2006 conference. Our hotel, The Intercontinental, is situated within walking distance of the French Quarter, which based on my walk from the hotel, is packed with the usual excitement despite the tragic events of last fall. The nightlife seemed as active as in the past with the jazz bars, restaurants, and night clubs filled with locals and tourists alike. Just after we left, the huge Harrah's Casino — located a few minutes from the hotel — reopened.

The second thought going through my head was our 2007 conference in Baltimore. It is never too early to start planning and with that thought in mind, I think that it is important to provide an opportunity through a formal call for abstracts/papers at our 2007 conference for all our members to be able to present their work: whether theoretical in nature, as works in progress, or our usual wonderful practical teaching and administrative sessions. Our conference theme is "Paralegal Education and Practice in a Global Legal Market." Some new topic areas for our 2007 conference are listed on the Call

MESSAGE FROM THE PRESIDENT-ELECT

One of our goals as educators will be to adapt legal education to the nature of contemporary (and always changing) legal practice.

for Abstracts and Papers found on the next page in this issue.

An important issue for us as educators to address is the issue of offshoring of paralegal work. No one expects this practice to slow and even as offshoring firms integrate more Americans into their operations, the pressure on big public companies to cut labor costs is intensifying. As the quality of services from India and other countries continues to rise, more major companies, and perhaps even law firms, are likely to look overseas. This is an issue that will affect all of us and we should explore it in Baltimore.

We have to look to the future and determine what changes we see coming in the next twenty years that will impact our students and the workforce they will enter. I often ask myself what will the practice of law look like twenty years from now? Will law firms exist in their present form? What effect will the growing use of technology have on the practice? Again, issues to discuss at all of our meetings.

One of our goals as educators will be to adapt legal education to the nature of contemporary (and always changing) legal practice. We must also begin to prepare students for a transnational practice in which they regularly encounter problems that involve more than one legal system. Familiarity with rigorous and directed legal training to produce paralegals who are ready to

practice in the global legal environment of the 21st century will be a challenging task for all of us.

Looking to the future also requires us to address AAFPE's scholarly journal and the future direction of our journal. We held discussions related to the journal at our February Board meeting in which we discussed additional publishing options. We need a journal that meets the needs of our members, is affordable, and enhances the scholarly reputation of AAFPE. I have formed a committee on the future direction of our journal to look and study this issue carefully with the help of the membership and to make a recommendation to the board and membership as to what direction would be appropriate to move toward.

Ron Goldfarb has generously volunteered to head this committee. Ron, along with several AAFPE members who had expressed an interest in getting involved with the journal, will make up the initial group. I also would like to ask additional members who are interested in publishing articles in scholarly journals to get involved. If you would like to serve on this committee please contact me or Ron directly. The first meeting of this committee will be held at our national conference in New Orleans in October 2006.

I look forward to seeing you all in New Orleans. ■

BALTIMORE 2007 ANNUAL CONFERENCE

THEME

Paralegal Education and Practice in a Global Legal Market

ABSTRACT SUBMISSION

Title of Your Presentation:

BALTIMORE 2007 CALL FOR ABSTRACTS/PAPERS

TOPIC AREAS:

- Trends and Issues in Paralegal Education and Practice in the Global Economy
- Issues Related to Licensure and Governmental Regulation of Paralegals
- Looking to the Future: What Changes Do You See Coming
- Immigration Law
- 'Offshoring' of Paralegal work; Job gains or losses
- Unauthorized Practice of Law
- Legal Research on International Law Issues Using the Internet
- Electronic Filing
- Electronic Discovery
- Attracting and Retaining Paralegal Students
- The Ethical Utilization of Paralegals
- Hot Trends in Paralegal Education and Practice

Name:

Institutional Affiliations:

Address:

Phone:

Fax:

Email:

Abstracts should be e-mailed to Kathryn Myers <kmyers@smwc.edu> or mailed to: Kathryn Myers, Paralegal Studies, Saint Mary-of-the-Woods College, Guerin Hall, Saint Mary-of-the-Woods, IN 47876, Phone: (812) 535-5235, Fax: (812) 535 5177

Case Law *Continued*

essential requirement of any good citation — accurate identification of referenced material — and the additional public domain requirement of universal accessibility. A case with public domain citation references assigned by the court upon issuance will retain those references whether transferred to print, government website, or fee-based electronic database.

OPPOSITION TO PUBLIC DOMAIN CITATION

¶10 Nevertheless, there has been strong resistance to public domain citation. West, the largest legal publisher in the country, was an early opponent. Legal research maven Robert C. Berring has argued that public domain citation threatens the integrity of case law and fosters reliance on transient and often unreliable websites.†† The strength of the reporter system is its permanence and reliability. Undermining that system weakens an important pillar of our legal system. By definition, a public domain citation can be used whether a case is accessed by book or computer; it makes no pretense of emanating from any particular source. A case cited using a public domain format could come from an official reporter or from a private website constructed by a delusional, frustrated serial litigant who fabricates and posts his own decisions. An unwary public domain researcher could be fooled into citing unreliable sources. In the age of computer-assisted legal research the old maxim *caveat emptor* takes on new meaning — “Let the citer beware!” Ending our reliance on print reporters (and trusted fee-based databases) may reduce the

The strength of the reporter system is its permanence and reliability. Undermining that system weakens an important pillar of our legal system.

cost of accessing case law, but the price is paid by assuming a greater responsibility for verifying the authenticity of cited material. The risk of citing unreliable material is reduced if the courts themselves maintain case law databases using public domain citation. This currently is being done in several jurisdictions.

¶11 Some state court websites provide amazing free, public-access services. The Oklahoma site, www.oscn.net/applications/oscn/start.asp?viewType=LIBRARY, permits researchers to use official citations, docket numbers, case names, or terms and connectors to search and access all Oklahoma cases, Supreme Court cases from Utah and Wyoming, U.S. Supreme Court, and Tenth Circuit U.S. Court of Appeals cases. It also includes the ability to check the subsequent history of cases and statutes by clicking on the “citationize” button on the website. This provides users with hyperlinks to all court cases within the database that have cited the original document. Of course not every state has the resources to maintain such a useful website. Indeed, Prof. Berring has warned the legal community against relying on the government to preserve our legal resources.

¶12 Another problem with public domain citation is that it requires input from the issuing court. A unique case identifier must be assigned to each decision and internal pagination, or paragraph numbers, must be inserted. The various jurisdictions that have

adopted public domain citation have handled this problem differently, but it has not been found to be exceptionally burdensome. The increasing use of portable document formats that produce exact electronic versions of print materials may eliminate this step in the process.

¶14 Finally, public domain citation is developing in a somewhat uneven and inconsistent manner. Despite the best efforts of the American Bar Association and the American Association of Law Libraries, we have no national public domain citation system. The eighteenth edition of *The Bluebook* provides a public domain citation format, but does not require it, and various groups and courts recommend different formats. For example, a published decision from the United States Court of Appeals for the Fifth Circuit, with pinpoint citation, would be cited as 1997 US App (5th) 33 ¶ 17 according to the *Universal Citation Guide*; it would be cited as 1997 5Cir 33, ¶ 17 according to the format most recently recommended by the ABA; and it would be cited as 1997 FED App. 33P at 3 (5th Cir.), if following the format utilized by the United States Court of Appeals for the Sixth Circuit. It is impossible to determine the format required by *The Bluebook* because rules are not given for federal court designations. This lack of uniformity is a significant obstacle to those working to replace traditional reporter citation. Yet, it is an obstacle that

Continued on next page

Case Law *Continued*

many believe must be overcome. As the ABA's Standing Committee on Technology and Information Systems has stated, "A universal citation system ... will benefit the legal profession and the public as technology makes increasing amounts of information available electronically."^{‡‡}

¶15 Regardless of one's opinion regarding public domain citation, it is undisputed that the computer age has changed the way in which we access case law. The written decision, so important to the legal system since before Lord Coke's day, has swelled into a sea of information that has swamped the reporter system it created. There may be no easy answer to our citation conundrum, but it does seem clear that the time has come to recognize our dependence on computer-assisted legal research and to adopt a citation system that acknowledges this dependence. The increased use of electronic briefs, complete with hyperlinks to cited materials, may make this issue even more urgent. Despite the ease of accessibility provided by these portals, there always will be a need to verify references. Reliable electronic depositories supported by public domain

citation may be the answer.

¶16 Until that day arrives, paralegals should be aware that various forms of public domain citation exist throughout the country. So if you see a citation to 94-2345, p.7 (La.App. 1 Cir. 7/15/94), 2005 FED App. 0208P (6th Cir), or 2003-CA-02003-SCT (¶1) (Miss. 2004), you will not be baffled by these heretofore unknown glyphs, you will go straight to your computer and website of choice and enjoy the freedom of public domain access. ■

The author is an Assistant Professor in the College of Professional Studies at St. John's University, Staten Island, New York. She would like to thank her student, Jeanna Della Ragione, for her assistance in researching materials for this article. With the exception of The Bluebook and ALWD Citation Manual all sources for this article were accessed via computer. Various electronic databases and Internet sites were accessed and cited in order to demonstrate citation format differences. Paragraph numbers were inserted in the text to illustrate how documents can be formatted to facilitate universal citation.*

*Catherine Sanders Reach, et al., *Feasibility and Viability of the Digital Library in a Private Law Firm*, 95 Law Libr. J. 369, 374 (2003), 95 LLIBJ 369 (Westlaw).

†Mary Rumsey & April Schwartz, *Paper versus Electronic Sources for Law Review Cite Checking: Should Paper be the Gold Standard?*, 97 Law Libr. J. 31, 37-39, ¶¶19, 26-29 (2005), Lexis Academic Universe, Law Reviews file.

‡"But How are their Decisions to be Known?" Celebrating 200 Years of Official New York State Law Reporting (New York State Law Reporting Bureau 2004), at 48. http://www.courts.state.ny.us/reporter/history/page_48.htm (last visited February 28, 2006).

§Paperwork Reduction Act of 1995, 44 U.S.C. 3501(4) (emphasis added).

**1996 ABA House of Delegates Universal Citation Resolution, <http://www.lawtechnology.org/research/citation/resolution.html> (last visited February 28, 2006). (Although the ABA's law technology website homepage, www.abanet.org/tech/ltrc/research/citation (last visited February 28, 2006), lists the resolution as the "1997 House of Delegates Universal Citation Resolution", the resolution itself states that it was adopted in 1996).

†† Robert C. Berring, *On Not Throwing Out the Baby: Planning the Future of Legal Information*, 83 Cal. L. Rev. 615, 632, (1995), Lexis-Nexis Academic Universe, Law Reviews file.

‡‡ ABA Standing Committee on Technology and Information Systems' Report on Universal Citation Facilitation (2003), <http://www.abanet.org/tech/ltrc/research/citation/2003report.html> (last visited February 28, 2006).

President's Column *Continued*

lives of contemporary paralegals is the inclusion of technology in their core activities. Employers are looking to hire technologically proficient paralegals, paralegals that understand and know how to use the current editions of major software programs. As educators, we will be expected to provide instruction in these areas. At our annual conference, participants will learn about these

technologies, what they are, how to use them, how to include them in the curriculum and most importantly, learn how to teach them. Specific sessions will "train the trainers." We will be reaching out to all interested AAFPE members who wish to develop these initiatives and participate in these efforts.

So, indeed "The Future is Now" and I believe that the National

Conference Committee, the Board of Directors and all those involved in creating these initiatives have captured the spirit embodied in our slogan. Much work remains and in the very near future, your participation will be requested. Please join us as we shape AAFPE's future and in the process shape our own futures and the futures of our programs. See you soon! ■

BOARD OF DIRECTORS NOMINATION FORM

Notice of Nomination

I nominate the following individuals:

President-elect (three-year term)

Director, North East Region (three-year term)

Director, Associate Programs (three-year term)

Director, Pacific Region (three year term)

Director, Baccalaureate Programs (three-year term)

AAfPE Nominee to the ABA Approval Commission - Associate Program Representative

(one-year term with possible reappointment to a maximum of three years beginning August 2007)

I am the designated representative of an institutional member of AAfPE in good standing.

Name

Institution

Signature

Date

- Elections will be held during the Annual Conference in New Orleans, LA, October 11-14, 2006.
- Campaign statements are due to AAfPE headquarters by **June 1, 2006**.
- Candidates for ABA Approval Commission should also submit a resume.

Please return this form no later than **June 1, 2006**, along with your candidate statement of approximately 500 words, to AAfPE headquarters at:

American Association for Paralegal Education
19 Mantua Road
Mt. Royal, NJ 08061

MEMBERSHIP REPORT Hedi Nasheri, Membership Chair

NEW MEMBERS

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

Institutional

New Hampshire Technical Institute
Concord, NH

Sustaining

Shelley Esposito
Thomson Delmar Learning
Clifton Park, NY

MEMBERSHIP STATISTICS

As of March 30, 2006

Institutional	339
Associate	39
Individual	34
Sustaining	12
Affiliate	2
Honorary	17
Total	446

Legal Studies Department Commencement: Student Reflections



Christine Lissitzyn, University of Hartford

The course was one of the most exciting I have ever taught — largely because of the real-life contributions of these extraordinary women.

The following are excerpts from a commencement ceremony for students who received their Bachelor's in Science in Legal Studies from the University of Hartford in December of 2006. These students are all adult learners, who overcame many obstacles to complete their degrees. Four of the students — Phuong, Lisa, Kate, and Janice were in my Law, Medicine and Morality class in the spring of 2005. The course was one of the most exciting I have ever taught — largely because of the real-life contributions of these extraordinary women.

Phuong reminded the class that we were approaching bioethical questions, like the right to die, from a distinctly western perspective. She gently taught us the principles of Buddhism and opened up a new world. Lisa brought her fine-honed questioning to every class. She was concerned about genetic testing and what holds people back from being tested. On a personal level, she told us about a "type A" manager in her hospital who was suddenly reduced by illness to a debilitated state. "What is quality of life?" she asked? Kate looked at surrogacy from the standpoint of a woman who is

paid to bear a child she will not raise. Her ability to see the "slippery slope" was helpful in ensuring a fair debate to many issues where students had already made up their minds. Janice told us about the accident in which her three-year-old son ended up in a wheelchair and which turned her into an activist for the disabled. She researched living wills and discovered that a few states deposit them with the secretary of state so that a hospital would have instant access to them. Janice then took the idea to the Connecticut Secretary of the State, convinced her of its merit, and was present at the press conference when the bill was introduced.

Here are excerpts of each woman's reflections on the topic of her journey to receive her degree and the people who most influenced her education. We have found this approach far more meaningful than a typical "commencement speech." It is our students' opportunity to reflect on their achievements and encourage others in the program.

JANICE:

It has taken me ten years to reach a goal that I have held all my life: seven years to earn my Associate Degree and three years to obtain my Bachelor's Degree. During this time, many supporters have offered words of encouragement

and admiration for my desire to achieve this goal. ...

My personal cheerleaders ranged from my disabled son, who didn't have the opportunity to come visit me from his group home as often as he would have liked on weekends because I had homework, but who was so proud of me he repeatedly asked to sit in the front row on the day of my graduation ceremony so that he could be the loudest cheerleader that I had, to my dear friend who told me over and over how much pride he felt in my desire and commitment to complete the education I did not have the opportunity for when I was younger...

I am the child of parents who achieved only elementary school level educations and who worked hard blue-collar jobs all their lives. When I was 18 and wanted to attend college, they could not afford to send me, nor did they understand my desire to attend. But the belief that I would achieve this goal some day burned within me, until one day 20 years later, I enrolled in my first college class.

... If I answer the question of who influenced me the most, I would have to answer, "myself." This is not an egotistical answer, because no one can achieve any goal they set out for themselves if they do not believe, believe that they

Continued on next page

Reflections *Continued*

want it, believe that they can do it and believe that they are worthy of it. Although at times the belief gets weak or distracted along the way ... it is the belief in one's heart that brings the goal home.

LISA:

...I looked back and realized that there were many, many women who inspired my returning to school. Among them were the numerous female physicians with whom I had the privilege to work who taught me that women can achieve their goals and still succeed at being a wife, a mother, a sister and a friend.

Two women that I have been friends with for more than fifteen years not only inspired me to go back to school, but... unknowingly became my mentors over the past seven years. For them, I am truly grateful ... These are two very successful women in their own right: one completed her Masters in Business Administration while working a full-time job as a manager in a purchasing department; the other, a Registered Nurse, went on to obtain her law degree, and is currently a vice-president in the medical insurance industry. ...Both women were always available — lending a shoulder to cry on when I became frustrated with courses or didn't understand a concept and would be ready to give in and give up.

One important piece of advice I can give anyone going back to school is to find that friend that will mentor you — a friend who will support you, encourage you and give you the confidence you

The length of time that it has taken me should tell you that it can be done and that you should hang in there and continue your pursuit.

need to continue when you think that you made a mistake and can't move forward, or when you just want to call it quits. Find a friend who will get tough with you and tell you to "suck it up" when you don't want to hear it.

I leave you with the statement that my friends gave to me seven years ago that became my mantra. "One day you will wake up and be sixty years old whether you have a degree or not." I believe that every person in this room tonight would prefer to be sixty with a degree and the confidence to know that any goal is obtainable when you put your mind to it.

KATE:

As an individual who has been working in the legal field for over 33 years, 27 in a paralegal capacity, I can honestly say that my formal education has positively impacted my performance...

Back in 1978, had I not been pursuing a certificate in legal studies, even though I already possessed an associate degree in the legal secretarial science field and had six years of experience, I would never have been promoted from legal secretary to paralegal. ...In particular the class I took years ago in Ethics still plays a very significant role. Working in the corporate and securities law fields, my attendance at board meetings, and direct access to

corporate documents and highly confidential information, require that I maintain high ethical standards — that I not be involved in insider trading, that I keep confidential the information that I hear. Imparting my knowledge to business clients must be done very carefully so as not to be construed as giving legal advice.

I venture to say that I have probably been in pursuit of my Bachelor's degree longer than any other student in the program. Now, that's not necessarily anything to brag about. ... But the length of time that it has taken me should tell you that it can be done and that you should hang in there and continue your pursuit. I never thought graduating would mean that much to me and I wasn't even going to attend my graduation or even this ceremony. But I am certainly glad that I did. Attending graduation and this ceremony add a true closure and self-acknowledgment that I have actually accomplished something important in my life....

My fellow students probably had the greatest impact on driving me to complete my education. In particular, Janice, Lisa and Phuong directly influenced me over the past couple of years. ... These three students brought such life to several of the classes I was in. They were always prepared and

Continued on next page

Reflections *Continued*

fully participated, which made class time go by faster and kept the class alive and moving. Their presentations, work product and participation made me want to compete with them. They were role models for me. When I looked at them and saw how accomplished they were, how they worked full-time, participated in outside activities, maintained their families, and worked through significant personal life challenges, it inspired me to continue my education - to finally finish up. If they could do it, I could do it.

My advice is to stay focused and continue chipping away at your degree. Do not get discouraged. Have faith in yourself!!

PHUONG:

Going to college started out as an expectation for me — something a high school graduate should do, something I have to do not for myself but for everyone else. Then it became a goal: I must finish college because I need a good-paying job. It was not until I entered the Legal Studies program that my goal turned into a passion and desire.

...The professors know how to draw out the best of your potential and guide you when you need help. They also give out hugs. I remember one night in the Senior Seminar when Christine looked at me at the end of class and came over and said, "You look like you need a hug." You will never know what that meant to me.

Yes, I needed a lot of them. As all of you know, it's not only difficult physically to balance life and school work, but it's also an emotional drain. You feel like your day never ends — rush from work to school, dinner to homework... I think back and wonder how I ever managed. Although it was a long and tough journey, I would not have chosen any other path than this one.

BONITA:

When I received Christine's email two days after our last class and eleven days after the commencement ceremony, I said, "Oh my God, I need to write another paper for Christine!" I started to panic because I was breathing easier because I thought I was finished. And then after reading the email for the second time, the words began to sink in "... willing to write," "...willing to write." And it was a question: "Would you be willing to write?" And I breathed easier because it was not a mandatory assignment. So I thought about it and replied that I would be

willing to write something for today's ceremony...

Christine asked who has had the most influence on my education and why. And my reply: first, I give honor and glory to the Almighty God for allowing me to complete this journey, because I believe that with Him, all things are possible. And I really feel blessed to have been able to step out on faith to complete my courses for my certificate and degree. ... Even when things were not going well or if I was feeling a little overwhelmed, I was never overwhelmed spiritually and I always had my family and friends. The inspiration to continue and finish was always there. After all of these years, my education goals are not only a professional achievement to enhance my resume, but a personal accomplishment as well. ■

Christine Lissitzyn is Associate Professor and Program Manager of the Legal Studies Program in the College of Arts & Sciences, University of Hartford. She can be reached at lissitzyn@hartford.edu.

AAfPE Calendar of Events

2006

October 11-14 **25th National Conference**
Intercontinental Hotel, New Orleans, LA

2007

October 24-27 **26th National Conference**
Wyndham Baltimore
Inner Harbor, Baltimore, MD

The Role of Paralegals in Patent Law



Lynette Noblitt, Eastern Kentucky University

THE GROWTH OF PATENT LAW AND THE NEED TO EDUCATE PATENT PARALEGALS

Patent law is one of the most rapidly growing fields of law and is predicted to continue to grow in the coming decade as corporations and other entities continue to be more aggressive and sophisticated in their enforcement of patent rights. As paralegal educators, we must prepare our students to undertake pivotal roles in the patent field. This is no small task. Patent law is a complex field that requires not only understanding of both administrative regulations and federal laws, but also a strong background in scientific knowledge and critical thinking. Indeed, the patent paralegal of tomorrow must be prepared to tackle cases involving both rapidly changing laws and technologies.

As in many other fields, paralegals have become increasingly important to the practice of patent law. Paralegal expertise substantially reduces client costs and allows patent agents and attorneys to practice more effectively and efficiently. The patent paralegal's role extends from the preliminary prior art search process through the entire patent prosecution process and beyond. Once a patent issues, paralegals are often responsible for maintenance, e.g., paying United States Patent and Trademark Office (USPTO) fees, and play a pivotal role in the licensing process. In litigation, the patent paralegal's role requires specialized knowledge of patent laws and scientific and technical information beyond that of general litigation paralegals.

Continued on next page

Tennessee Higher Education Commission

Anita Tebbe, Johnson County Community College, Chair of Approval Commission, American Bar Association

Sorting through emails is a time consuming task. But the recent email that I received from Gwynne Hutton, Program Coordinator of Southwest Tennessee Community College Paralegal Studies Program, was a message that I did not delete quickly.

"I wanted to let you know how grateful I am for the letter that the Approval Commission sent to Betty Dandridge Johnson, Director of Policy, Planning and Research at the Tennessee Higher Education Commission. I received an email where she stated that the governing boards along with the Commission staff have agreed to include ABA on the approved list of accrediting agencies for the 2005-2010 cycle. She further

stated that after reviewing the materials provided by the ABA, a decision was made to include this agency for the paralegal programs.

"I know that this is a big relief for the program directors of Tennessee who have ABA approved programs. Thanks again. Gwynne Hutton."

The catalyst for the ABA's involvement in this matter started in October 2005. Program Director Paul Ray, Chattanooga State Technical Community College, informed Katherine Currier, who was chairing an ABA site visit to Chattanooga, that the Tennessee Higher Commission would not accept ABA approval for accreditation. With the help of

former educational consultant Teri Cannon, the Approval Commission wrote a detailed letter to the Tennessee Higher Education Commission, outlining the challenging ABA approval process.

Congratulations to the seven Tennessee ABA approved programs affected by the proposed action: Chattanooga State Technical Community College; Pellissippi State Community College; Roane State Community College; Southwest Tennessee Community College; Volunteer State Community College; University of Memphis; and Walters State Community College. Keep up your impressive work! ■

Reflections *Continued*

THE ROLE OF THE PATENT PARALEGAL

The role of the patent paralegal begins even prior to drafting and filing a patent application. Because patent prosecution (the process by which one obtains a patent) can be an extremely expensive and time-consuming ordeal, clients are often advised to conduct detailed searches of prior art (previous inventions and technology) prior to beginning the patent application process. Patent paralegals are often called upon to conduct preliminary patent searches that patent attorneys and agents will review and use as a basis for further searches. To perform such preliminary searches, patent paralegals must have a basic understanding of the pertinent technology and know how to search the USPTO's and other fee-based websites using a variety of search methods, including relevant technical classifications and subclassifications. Patent paralegals must also review the Official Gazette (a USPTO publication listing recently issued patent claims and accompanying drawings) for claims that might prevent their client from applying for a patent.

Once the preliminary search is complete, the prosecution of a patent can take almost three years, often with at least one USPTO office action requiring further research and a response. During this grueling three-year process, paralegals are pivotal every step of the way. While drafting patent claims (specific boundaries of an invention) and the specification (information that

As the number of patents issued continues to skyrocket, so does the number of disputes relating to issues of patent infringement, invalidity, and enforceability.

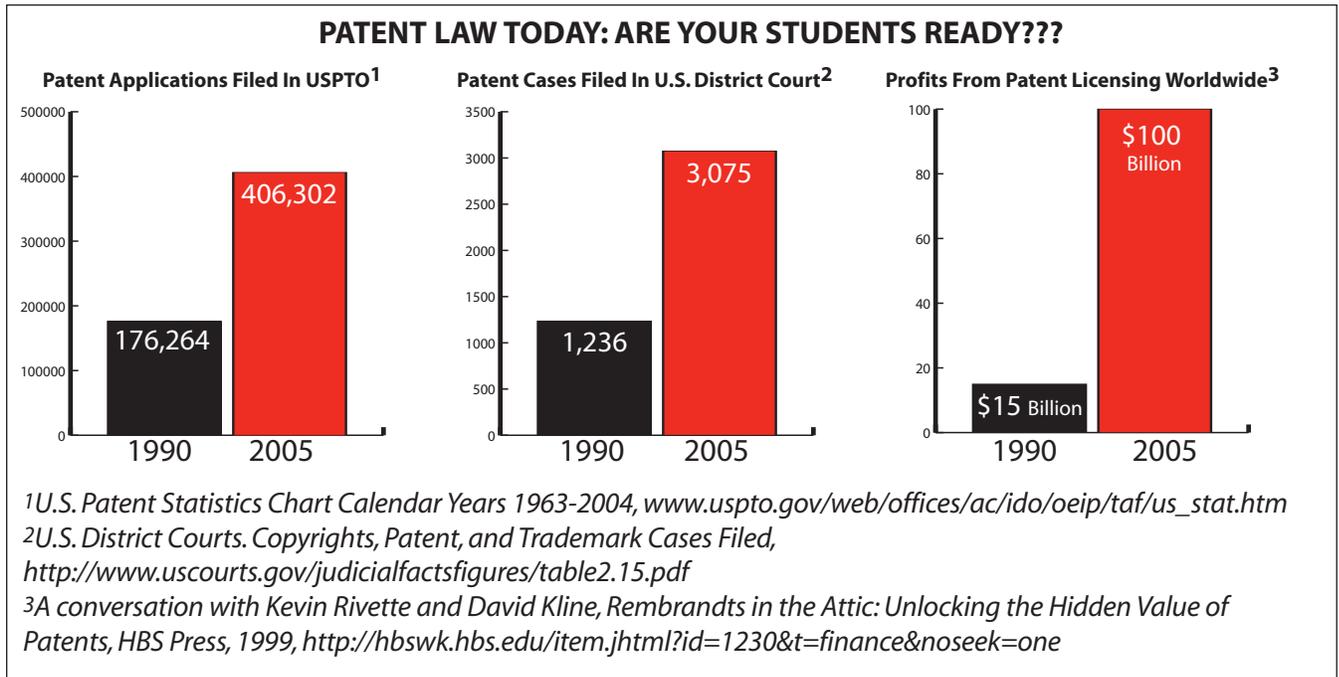
sufficiently discloses the invention to a person of ordinary skill in the art) is the role of agent/attorney, paralegals have important roles in other aspects of patent prosecution. Patent paralegals often assist in preparing drawings for the USPTO, making sure such drawings not only comply with technical requirements (i.e., size, shape, symbol), but also disclose the novel or patentable aspects of the invention. Patent paralegals work with attorneys and agents to ensure that all prior art in the Information Disclosure Statement is well-organized and includes appropriate translations. Patent paralegals must also have a solid foundation in other areas of property law since they are often called upon to file documents identifying inventorship, assignment, and other chain-of-title issues. Similar to other fields of law, patent paralegals must also be well-versed in USPTO traditional and electronic filing procedures.

Once a patent is issued, the work of the patent paralegal does not end, but changes focus. Indeed, paralegals are essential for corporations and other entities to maintain patent rights. In the current climate of constant corporate mergers and acquisitions, paralegals are needed to file required changes of address and/or ownership of patents with the USPTO. In addition, entities often depend upon paralegals to organize and maintain patent filing fee

information so that no patent is allowed to lapse for lack of payment. Paralegals are also often called upon to police patent marking of commercial products, a requirement for collecting damages for later patent infringement.

As the number of patents issued continues to skyrocket, so does the number of disputes relating to issues of patent infringement, invalidity, and enforceability. When faced with patent litigation, firms often call upon paralegals with patent training to assist. Some organizations depend upon paralegals to search Internet and other sources and to be the primary source of infringement investigation. While many aspects of patent litigation are similar to other litigation in the federal court system, the unique, complex nature of patent law requires specialized training. During the course of patent litigation, patent paralegals often work closely with expert witnesses and assist in organizing documents for expert review and as appendices to expert reports. Patent paralegals are also involved in drafting specialized patent jury instructions and protective orders for confidential technical documents. In patent jury trials, patent paralegals are also called upon to assemble claim charts, glossaries, graphics, and other documents and other items that assist juries in understanding the technology and applicable law.

Continued on next page



THE IMPORTANCE OF SCIENTIFIC AND GENERAL EDUCATION FOR PARALEGALS

Rapid technical and scientific innovation is changing nearly every facet of our society. The growth in patents is but one example of this change and can serve as both the greatest asset and challenge for paralegal educators. While such rapid growth in these fields provides numerous employment opportunities for our students, it also places greater demands on educators to prepare students for such fields. It is readily apparent that those individuals entering the fields must not only have “traditional” paralegal training in the law, but must also possess a broad working knowledge of scientific terminology and principles.

The American Bar Association has long supported a broad base of liberal arts education, including science education, for paralegals. While some students dismiss such general education as secondary to paralegal studies or even a waste of time, paralegal educators must review our curricula to ensure that our students have the basic tools for — and just as importantly, the appropriate attitude toward — science that are necessary to succeed. To prepare students for future careers in patent law, paralegal educators must not only offer courses focusing on the laws and regulations relating to patent prosecution, litigation, and licensing, but also develop a supporting curriculum of science and technology courses that strives for both scientific literacy and curiosity. ■

Lynnette Noblitt is Director of the Paralegal Program and an Associate Professor in the Department of Government at Eastern Kentucky University. Ms. Noblitt received a Bachelor of Science degree in Molecular Biophysics and Biochemistry from Yale University in 1995. She received a Juris Doctorate degree from The University of Michigan Law School and a Masters of Science degree in Biological Chemistry from the University of Michigan Rackham Graduate School in 1999. Ms. Noblitt practiced intellectual property law at the Fish & Neave Intellectual Property Group of Ropes & Gray in New York, New York from 1999-2005. You may contact Ms. Noblitt at lynnette.noblitt@eku.edu or (859)622-1025.

Adobe Acrobat: Its Importance to Paralegal Educators



Greg Krehel, CaseSoft

Adobe System's ubiquitous Acrobat software is something almost all paralegal educators have encountered. It comes in three primary versions, the free Reader, Standard version and the Professional version. Today's trial team members and paralegals are

working with one or more of these versions every day, so the importance of understanding these tools and how to teach their use to paralegal students becomes critical to today's paralegal educator.

Adobe Systems has distributed over 500 million copies of the free Reader version of Acrobat as part of its successful effort to make the PDF format the de facto standard for electronic documents. As its name suggests, Adobe Reader lets you view and print PDFs others have created. All versions of Acrobat, including the Reader, offer sophisticated printing options with which you may be familiar. One example: Acrobat makes it easy to print multiple document pages on a single sheet of paper, similar to the condensed printing option offered by electronic transcript programs. There are numerous other applications available.

Searching is an Acrobat feature that's critical for trial teams and available in all versions, including Reader. Acrobat's Search feature enables a paralegal to hunt through a single PDF or an entire collection of PDFs to locate all instances where a word or phrase appears. Search options appear on Acrobat's view menu. In addition, all versions of Acrobat, including Reader, offer a Full Screen mode that transforms Acrobat into a simple presentation tool.

Part of what has made Acrobat so successful is its support for "Plug-Ins" — product extensions developed by companies other than Adobe Systems. Plug-Ins are available for bates numbering, redacting and other common litigation tasks. Case analysis systems, such as CaseSoft's "Send to CaseMap" Plug-In for Acrobat, works with all versions of Acrobat, including the Reader. This Plug-in allows the user to cull critical passages from PDFs to instantly create new facts in the CaseMap case analysis program. One click on the fact in CaseMap reopens the PDF and takes you back to the page from which the fact was sent. The ability to understand and work with these

Today's trial team members and paralegals are working with one or more of these versions every day.

systems is an ability that employers now expect from paralegals. CaseSoft, like other similar systems, features tight integration with Adobe Acrobat and over fifteen other litigation support tools familiar to paralegals.

There are many features of the standard and professional versions that will become increasingly important for paralegals to be familiar with in order to remain a critical part of the litigation team. In addition to viewing, printing and searching PDFs, users can create and modify PDFs, perform optical character recognition, add notations, create PDFs of email, make PDFs of web pages and entire web sites and organize flexible ways of viewing the PDFs on their systems. For example, the organizer lets a paralegal view PDFs by history. One click displays the PDFs that were opened today, yesterday, in the last week, the last two weeks or even in the past year. Acrobat Professional can be used to create an index of the text found in PDFs, dramatically enhancing the speed of searches for words and phrases within the text. Acrobat Professional even provides for the creation of PDFs that will activate commenting capabilities for the users of the Reader. Numerous other capabilities exist that enable the litigation team to function at peak capability.

Let me conclude by offering two ways to learn more about how Adobe Acrobat can be used to enhance your litigation knowledge:

View the free online Acrobat tutorials taught by David Masters. David's "Introduction to PDFs," "Acrobat 101," and "Acrobat 201" are available 24/7 at www.casesoft.com/webinar.htm.

Adobe Systems has a section of the Acrobat website devoted to legal professionals. You can visit it at <http://www.adobe.com/products/acrobat/legal.html> ■

Greg Krehel is CEO of CaseSoft (www.casesoft.com). CaseSoft has become an active participant in AAfPE conferences. CaseSoft develops five software tools for trial teams, including its case analysis product, CaseMap. Paralegals nationwide are becoming familiar with and using these tools on a daily basis.

THE OMNISCIENT MENTOR

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Liz Nobis — nobise@lcc.edu. Liz will forward them to the "O.M." and promises to protect your privacy.

DEAR O.M.:

Our state recently suffered the ravages of TORT REFORM. Attorneys are losing work on all fronts as the largest county in our area has limited criminal appointments to a handful of attorneys. The change in bankruptcy law has also closed many practices. With many lawyers and firms packing up shop or, at least, greatly downsizing, how in the world can I find work for my students? Can I tell them that this state of affairs is only temporary and that hope springs eternal in the human breast? Have any other states seen such drastic changes and, if so, how long does it take for the tide to turn?

Yes, I am asking you to predict the future, but you are THE OMNISCIENT MENTOR, so I am sure you can handle it.

Seriously, thank you for any help you can provide. Tense in Texas

DEAR TENSE IN TEXAS,

Thanks for writing. I polished off my crystal ball, and the message that surfaced to the top includes the following suggestions:

Develop courses and internships in Alternative Dispute Resolution (ADR). Many medical clinics and other organizations now require compulsory arbitration, and paralegal students can use their ADR and traditional litigation skills for both sides in these situations.

Tort reform places caps on lawsuits but does not prevent them. Attorneys still need paralegals to perform discovery on both sides so that the plaintiffs can reach the cap and the defense can minimize the amount.

Regarding the changes in the bankruptcy laws, the

law now requires consumer debt counseling, and consumer consulting firms are hiring paralegals to conduct intake interviews and process the paperwork.

When firms hire fewer paralegals, it is vital that new hires and current employees have unique skills. Employees must stand above others with interpersonal skills, office skills and extraordinary paralegal skills. Students and graduates must find their niche. I call it the business marriage. They must find their special skills to get or keep their jobs — whether it is to be the IT person, the best in document control or extraordinary with that "special" client.

You should also spend time presenting nontraditional careers. Have graduates who work in insurance, human resources, publishing, criminal justice, federal and state agencies, business, corporations, nonprofits etc. speak to current students. Have students and displaced graduates attend job fairs outside of the legal area.

Use your college placement office to help with your displaced and current students in rewriting their resumes for the new market. Service learning is also a way for students to experience different options.

The legal profession is constantly evolving. Many of us remember when the paralegal profession did not exist as a profession. (Many of us also remember carbon paper copies.) Your students and graduates have to evolve. They may not get jobs in 200 lawyer firms defending big retainer clients, but they may become the IT persons in that firm and keep their jobs. The new graduate may be the administrative assistant for a battered spouse nonprofit organization.

Have your students discover their unique abilities, give them skills and help them discover why they want to work, and they will find jobs to support themselves and satisfy their souls.

I hope this helps.
O.M.



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! **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 (Editable .doc files)
- 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)
- 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** **Member Price: \$95.00** **Non-member price: \$195.00**
 – The Virtual Law Office Contains: The Virtual Law Office (new) and Classroom Projects. (Editable .doc files)
- NEW! 8. 2005 AAfPE Model Syllabi Supplement** **Member Price: \$35.00** **Non-member price: \$65.00**
 An update to the original CD on Administrative Law (revision and update); Employment Law (revision and update); Environmental Law (revision and update); Tort Law (revision and update); and new for 2005 — Intellectual Property. (Editable .doc files)

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5. Regional Meeting Papers (2003)		@	45.00	90.00	
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The First Annual Paralegal Manager's Institute

Shelley Esposito, Thomson Delmar Learning/West Legal Studies

The American Lawyer held the Annual Paralegal Manager's Institute conference in New York this March; it was a first-time event, but hopefully a long-term tradition that acknowledges the increasingly changing makeup and role of professional paralegals. Esteemed authors Carole Bruno and Chere Estrin spoke at the conference, lending their expertise to the agenda that focused on the future of the profession overall, recruitment and training of these professionals, their pivotal role in areas such as e-discovery, and implications for paralegal education.

Carole Bruno opened the conference with a detailed presentation on how to most effectively use paralegals in the workplace. Perhaps one of the best recommendations Carole made was to take inventory of the skills every paralegal had and tap into those skills not currently being used to their fullest. Ultimately, the manager would "create a talent bank" at the workplace. To get to this point, she advised all those in the community to develop high standards for hiring, training, and

The recurring theme for the conference, however, was the importance of hiring and using tech-savvy paralegal professionals.

staffing. She especially recommended budgeting for continuing legal education for staff paralegals, especially to ensure they were trained in the latest technology. A more advanced, tech-savvy staff would lead to better utilization of resources, greater client satisfaction, and increased profits to the firm/business/organization on the whole. I think this is also useful advice for paralegal education and I'm proud to be a member of an organization like AAFPE that continually recommends similar action items: advocating high standards overall; ensuring that programs tap into the strengths of both the student and educator population by regularly assessing skills; recommending internship or capstone courses (and suggesting ways to structure them so that students have the opportunity and practice to truly sell themselves and their greatest strengths); and proposing courses in the latest technology so that graduates are ahead of the curve and can be productive from the first day on the job.

Chere Estrin's presentation echoed many of these same sentiments, but she elaborated on the evolving student and professional population—and how we must be flexible to meet their changing needs. What does the future hold? Well, for one we'll see our population ageing, with Baby Boomers projected to comprise 17% of our workforce in 2010. Latinos are expected to comprise 21% of our population by 2020. And at least 3 million more women than men will attend college in the next 10 years. This of course has ramifications not only for professionals, but also for paralegal education. More adult learners will be taking courses and earning specialized degrees in paralegal studies. The community will have to be more cognizant of different learning styles. Diversity issues will come to the forefront not only with different age groups, but also with different cultures. Educators will increasingly have to engage learners who have varied commitments, languages, values, and goals. Similarly, thought

Continued on next page

PROFESSIONAL PURSUITS

Therese Cannon has accepted a position as Associate Director of the Western Association of Schools and Colleges, Senior Commission. She announced her resignation from all ABA activities, effective April 1, 2006.

Dr. Joel Fishman, Assistant Director for Lawyer Services, Allegheny County (PA) Law Library and legal research instructor for Duquesne University Paralegal Institute,

won the 2005 Connie E. Bolden Publications Award from the State Court and County Special Interest Section of the American Association of Law Libraries.

Kathryn L. Myers, Coordinator of Paralegal Studies at Saint Mary-of-the-Woods College and past president of AAFPE, received the Alumnae Faculty Leadership Award for 2005-06. She received a \$1,500 grant for professional development. ■

Institute *Continued*

should also be given to what kinds of clients these graduates will be working with and what kinds of law professionals will be working in. Perhaps programs should incorporate more material on diversity in their curricula, increase importance on learning a second language and becoming a more global citizen, or add an elective in Elder Law.

The recurring theme for the conference, however, was the importance of hiring and using tech-savvy paralegal professionals. The legal profession will demand paralegals skilled in new software and practices (especially in electronic discovery); the community can make the biggest impact by incorporating technology throughout the curriculum and making it an integral part of a student's studies. AAFPE's new Technology Task Force, and the thrust to create new Core Competencies in Technology, will be instrumental in achieving this goal. As we will reaffirm in New Orleans: The Future is Now. By giving students the tools they need now to be essential members of the litigation team, or Information Managers, or Global Communicators, we create a ready-made talent bank of professionals at every program. ■

Shelley Esposito is the Acquisitions Editor at Thomson Delmar Learning/West Legal Studies. West Legal Studies has been publishing texts, technology, and other resources for paralegal students and professionals for over 20 years. She also serves on the Publications Editorial Board for AAFPE. Shelley can be contacted at shelley.esposito@thomson.com.

Today's Reality: Effective Electronic Data Management

Alana ROSE, Duquesne University Paralegal Institute

A few years ago when law firms requested discovery documents, they expected and received paper. Traditionally, attorneys have asked to receive either a copy or a printout of all of the documents to be produced. This entailed staff time to sort through the paper and index the documents. As you can imagine, this is a very labor-intensive process which begs the questions: Have all of the documents been reviewed? Has all of the relevant data been captured?

Today, document productions not only include paper, but also electronically created documents as well. These productions are being distributed on CDs, DVDs or hard drives. Welcome to the electronic data discovery era!

E-data or e-discovery, as the practice has been termed, has become one of the fastest-growing concerns to law firms. If your recent graduates or current students have not received an electronic production, it is very likely that they will in the near future. What will they do with this kind of information? How will they sort through it and conduct a review?

There are different methods for managing e-data, and a firm's chosen course of action can greatly impact the success and cost of electronic review. E-data does not necessarily come from a forensic review; it may come from the client or, without warning, as

As educators it is critical that we know the latest developments in the legal marketplace. Our students are better served when we can sensitize them to the new world they will encounter as practicing paralegals. This article is a step in that direction.

Pam Bailey,
Publications Committee Chair

part of opposing production. Receipt of e-data via CD/DVD or hard drive, without any clue as to its contents, presents a firm with the challenge of determining how best to manage the collection.

Consider this: nearly 90 percent of all information generated by business today is digital and nearly 70 percent of that data may never be printed. Almost every new computer purchased today has a minimum hard drive capacity of 20 gigabytes of storage — that means that at least six million pages of electronic documents can exist on a hard drive that makes its way into a case. Of those pages, only a small subset may be relevant to the case at hand. The burden to a law firm then is to decide the best method through which to review and cull all the data.

The need for firms to effectively manage and review the data has

Continued on next page

Reality *Continued*

prompted some of the top litigation support software companies, like Summation and Concordance, to develop e-discovery consoles within their packages. These consoles are designed to process many kinds of data, including Outlook and Lotus Notes, and offer the firm a solution to conduct the initial review of the collection. Additional capabilities include marking documents for privilege and production. The packages allow for full-text searching of all of the text of the documents and the metadata as well. (Metadata is the additional information that may be found in a document, such as author, date created, etc.) If the production consists solely of paper-produced documents, this is information that the firm will not see. The data is preserved in its native file format (application that it was created in such as Word or Excel) and, when time to produce, can be converted to an image (TIFF). It can be printed or exported to a web-based briefcase for production.

However, in matters where there are thousands upon thousands of documents and a document could be at least four pages, a pre-review of the collection might better serve the firm.

Even with the latest advancements in litigation support software, service bureaus have invested heavily in e-discovery software packages that allow them to process millions of pages of electronic data and e-mail messages daily. The process

Working closely with service firms is key to managing the first electronic discovery production.

includes converting that data to a TIFF image format, extracting all of its text, metadata and field information (such as author, recipient, cc, docdate, etc.) and then exporting that information to be loaded into the firm's litigation support package of choice. In the absence of such software, a free viewer can be distributed on CD to the firm. These packages allow service bureaus to provide several e-discovery management solutions to the firm.

OPTION 1

A chosen service bureau processes the CD, DVD or hard drive to capture the native file information and provides the law firm with a complete listing of documents including each document's metadata. During this initial "pre-save" process, Outlook/Lotus Notes e-mail files that have been processed can be copied to a CD and delivered to the firm to load into its litigation support package. This initial pre-review of e-mail allows the firm to select only the relevant information for conversion to image. For the electronic documents, the service bureau will provide a list to the firm detailing the document types and number of documents. The law firm then decides which documents are relevant. The service bureau can print (if necessary) or convert only the relevant documents to an image format and provide the information to the firm.

OPTION 2

The service bureau conducts a review of the data and provides the law firm with a detailed listing of all the documents and file types that should be processed. The firm is then responsible for selecting which file types to process or electing to process all the files and file types.

It is not uncommon for firms to have everything converted up front and then cull through the data. Conducting the initial pre-review and asking the service bureau to provide the data prior to converting all will save valuable time and expense. Irrelevant documents will no longer crowd the firm's database or take up valuable space on its servers.

Most companies and firms are not familiar with the details of the electronic discovery process. They may not realize that they need assistance until they receive a CD or hard drive full of documents. Working closely with service firms is key to managing the first electronic discovery production. Processes to consider are:

- Analyzing data (forensic expert)
- Retrieving data (forensic expert)
- Converting between different media and file formats
- Extracting text and data from documents
- Creating images of the documents with a CD to load information into a litigation support package
- Printing documents

Continued on next page

Reality *Continued*

- Archiving documents
- Production set assistance

Every firm manages the electronic discovery process differently. By taking advantage of the advances in technology and the growing expertise of specialized service bureaus, a firm can find the process that not only fits the experience and size of its staff, but can also save valuable time and money. ■

Alana Rose is a former paralegal and manager of imaging and technology for a litigation support technology firm. She is a certified SummationiBlaze trainer/reseller and an instructor of litigation support technology at Duquesne University Paralegal Institute in Pittsburgh, PA. She also trains others in Concordance, Trial Director, Sanction, and LiveNote. She is a litigation technology support

consultant and frequently provides CLE workshops for practicing paralegals. She is a member of AAFPE's Publications Editorial Board.

Constitution Day: An Opportunity for Paralegal Educators to Design Creative Law Learning Activities for the Entire College/University Community

Marissa J. Moran, New York City College of Technology

ONE COLLEGE'S INITIATIVES

On August 30, 2005, the Provost of my college, New York City College of Technology ("City Tech" or the "College") and I met to discuss some student testing related issues. During the course of our conversation she asked if I would be interested in initiating activities for Constitution Day at the College. I was pleased to have been asked to become involved in this special day and immediately began to think of various ways of getting our students, faculty, staff and administration actively participating in it as well.

The U.S. Constitution has been a special and important document to me, even at a young age. My first memory of our courts and the legal system consists of a welcoming American flag and a man in a long black robe. You see, I attended my father's citizenship

Constitution Day Mandate

On September 17, 1787 the delegates to the Philadelphia Convention completed and signed the U.S. Constitution. To commemorate this momentous event in our country's history, a law was passed designating September 17th as Constitution Day, formerly known as Citizenship Day. Pursuant to this law, institutions of higher education are required to hold educational programs on the U.S. Constitution on or around September 17th.

hearing, and I believe that it was at that moment in time that my interest in the law began. My father's impressive knowledge of the history of our country, something we who are born here often take for granted, his devotion to its ideals, freedoms, rights, values and most importantly his respect and admiration for the people who created this government as well as the people who gave and give their lives fighting for its

continuance has always made me proud to be an American and proud of the democracy I was fortunate to have been born in.

With only twenty days to plan, organize and actually schedule the Constitution Day event, I thought of three activities that could easily be implemented. First, have everyone dress in red, white or blue on that day. Second, get our littlest citizens in on the activities

Continued on next page

Constitution Day *Continued*

(City Tech has a Children's Center facility) by reading a story based on some aspect of the Constitution in a read aloud session. The book "We the Kids" written by David Catrow was chosen. The third idea was to have an enlarged version of the U.S. Constitution on display in a well-trafficked area, thus allowing for those in the college community to sign their names like the delegates had done over 200 years ago.

DEVELOPING INSTRUCTIONAL INTERACTIVE LEARNING ASSIGNMENTS

The next plan was to design creative critical thinking assignments and possibly use technology to accomplish this goal. Thus came the idea to create an electronic compilation of personal reflections on the Constitution. Students, faculty, and administrators were among the contributors as well as a State Senator and our Borough

President. Some of these excerpts are provided (see inset below). Through the efforts of one of my colleagues, who is the Director of E-Portfolio at the College, a PowerPoint presentation of this compilation of reflections was created with accompanying constitutional music and was shown at various points throughout the day.

Another vehicle to showcase student work was through the use of display boards. My Introduction

We the People of New York City College of Technology as well as our local and state government and community leaders, do hereby share our thoughts, ideas and beliefs regarding the Constitution, the Supreme Law of the Land of our great nation, on this September 20, 2005, known as Constitution Day.

"As we celebrate Constitution Day in the United States of America, we must remember that it was our founding fathers who created this great nation we live in. With the signing of the Constitution, the greatest democracy that has ever been created on the face of this earth was established. It was our founding fathers who have guaranteed our rights and our liberties. God Bless America now and forever."

State Senator Martin J. Golden, 22nd District

"Having devoted my life to public service, I can say that few documents affirm the enormous responsibility of that role more than our Constitution. It is truly humbling to build on and strengthen the centuries-old foundation of democracy in a place like Brooklyn that is as close as you can get to the American Dream. The Founding Fathers might not have envisioned bagels, cheesecake, and falafel, but Brooklyn's diversity, equality, and opportunity are exactly what they had in mind!"

President Marty Markowitz, Brooklyn Borough

"When our Constitution was written more than 200 years ago, almost nothing resembled the way we live now. This was largely a country of farmers. Most men had very little education; women had even less or none at all. Slavery was an important part of the American economy, not only in the South but here in New York City. Except for the African Americans who were brought as slaves, there was little diversity. Nevertheless, the founders' vision, embodied in this document and in the institutions it set forth, was that it was possible to balance the common good with individual freedoms. It took many years before equal rights were extended to former slaves, and even longer before women had the vote, but the founders gave us the mechanism to achieve these things—something they themselves may not have foreseen. With each extension of individual freedom and equality, the common good was enriched. Now, so many years later, we cannot possibly understand all that was in the minds of the founders. When I read the words that begin the document that they gave us, however, and look at the diverse human beings now represented by those words, "We, the people of the United States," I believe that although the Constitution's signers never imagined this, their vision made it possible, and they would be proud of it."

Bonne August, Acting Provost and Vice President for Academic Affairs for New York City College of Technology

Constitution Day *Continued*

to Paralegal Studies class work included original poetry creations based on Constitutional themes, “Ask the Founding Fathers A Question” and “What Qualities Should A Good Leader Possess” memos. My Legal Document Preparation, Legal Research II and Constitutional Law classes also contributed writing assignments based on such concepts and ideas as liberty, democracy and freedom, just to name a few. Other display boards were designed to pay tribute to our three branches of government. The board for the Executive Branch included a timeline of the Presidents from the 1930s until today with inspiring portions of inaugural addresses, or great speeches given by these presidents. In honor of the Judiciary Branch a “Law Is Cool” theme board was designed. Also, a “Picture You Here” feature — showing a vacant seat on the Supreme Court — was another aspect of this display board. A Legislative current event board with historical highlights was dedicated to our Congress and Senate leaders as well as world leaders such as Martin Luther King.

ELEMENTARY SCHOOL OUTREACH

Also on display on Constitution Day were two giant American Flags made of cutout handprints of children to affirm their commitment to the U.S. Constitution, and two scrolls depicting the Preamble to the U.S. Constitution in “pictures” to help explain these words. The works of

art were all created by children in grades Kindergarten through five from local public elementary schools that I visited and read to and with whom I discussed the Constitution.

SEPTEMBER 20, 2005 — CONSTITUTION DAY AT CITY TECH

On the actual day at City Tech a schedule of events was planned.

The heart of the day or main event was the actual reading of select portions of our U.S. Constitution and then reciting the meaning (in plain English) of that particular Article or Amendment. The reading hour began with everyone in the audience reciting the Preamble. Thereafter, students, faculty, staff, administrators and one of our writing fellows all took turns reading from the Constitution on stage in the Atrium Amphitheater, also dubbed Constitutional Hall for that day.

Some college students role-played during the “You Be The Judge Hour,” when facts from real life cases were read by them and the audience had to decide the outcome in that matter. The student-judge then revealed the actual decision in the case. Students even donned the robes of a judge to get a truer appreciation for the responsibility that comes with this job. Factual posters on Constitutional Law declaring, “Did You Know?” were hung in various places throughout the college so that everyone could test their knowledge of the U.S.

Constitution. Trivia crossword puzzles and fact sheets were available to instructors to utilize in their individual classes if they chose. Constitutional Law based tapes and movies were also shown throughout the day for anyone who wanted to stop by at their convenience and when their schedule allowed between or after classes and meetings.

REFLECTION

The vision for diverse and multi-level participation in the Constitutional theme events became a reality. The fun based day of learning, with a variety of type of activities from which members of the entire college community were able to choose, allowed everyone to become more familiar with the U.S. Constitution and its relevance in our daily lives. After the event was concluded, my tremendous respect for the awe-inspiring work of our founding fathers was that much greater. Reflecting upon the events leading up to that day as well as the day itself, I came away feeling that we at City Tech had created a piece of our own constitutional history. ■

Marissa J. Moran is an associate professor in the Department of Law & Paralegal Studies at New York City College of Technology. If you would like to receive any of the assignments she developed in conjunction with Constitution Day, you may do so by emailing Prof. Moran at mmoran@citytech.cuny.edu.

Nancy's New Orleans

Nancy Wagner, Local Host.

Thank you, AAFPE, for sticking with New Orleans as the host city for the 25th annual conference. There are few cities that can rival New Orleans as a meeting site. We have it all—history that comes alive on every corner, food that makes your tongue do the happy dance, and music that sets even the staidest feet to tapping—all within walking distance of the Intercontinental. And the shopping!

I'm honored that Bill Mulkeen asked me to pen a column designed to share what makes New Orleans a not-to-be-missed destination. Between now and October, I'll introduce you to my favorite Walking Tours, Restaurants, Bookstores, Historical Houses, Museums, and Best Places to Sip a Martini.

For the first column, it seemed natural to begin with books about New Orleans. We're all educators, used to turning to the written word for instruction. So...Ready, Set, Read!

Any traveler can and probably should pick up a general guide such as a Frommer's or Fodor's, but "Nancy's New Orleans" seeks to identify tomes that reveal New Orleans in a way that only an insider can. While compiling my list, I consulted with Britton Trice, owner of Garden District Book Shop. The first title off his lips was the first one on my own list: *A Confederacy of Dunces*, by John Kennedy Toole.

I first read Toole's Pulitzer Prize-winning novel when I lived in California and had no notion of setting foot in the state of Louisiana. I laughed till I cried. And sometimes the tears flowed sans the laughter. After I moved to New Orleans and re-read the tale of Ignatius J. Reilly, I recognized its palette of characters, neighborhoods and ethnicities and knew that Toole was indeed a genius of characterization.



For a colorfully-told history lesson, pick up John Chase's *Frenchmen. Desire. Good Children...And Other Streets of New Orleans!* You'll be able to impress your colleagues as you stroll back from dinner on Dumaine Street and casually let drop that the street was named after one of Louis XIV's bastard sons. You'll also understand why there's a statue of Bienville in the Quarter and why Bourbon Street is so-named. And you thought it had something to do with liquor!

The Future is NOW



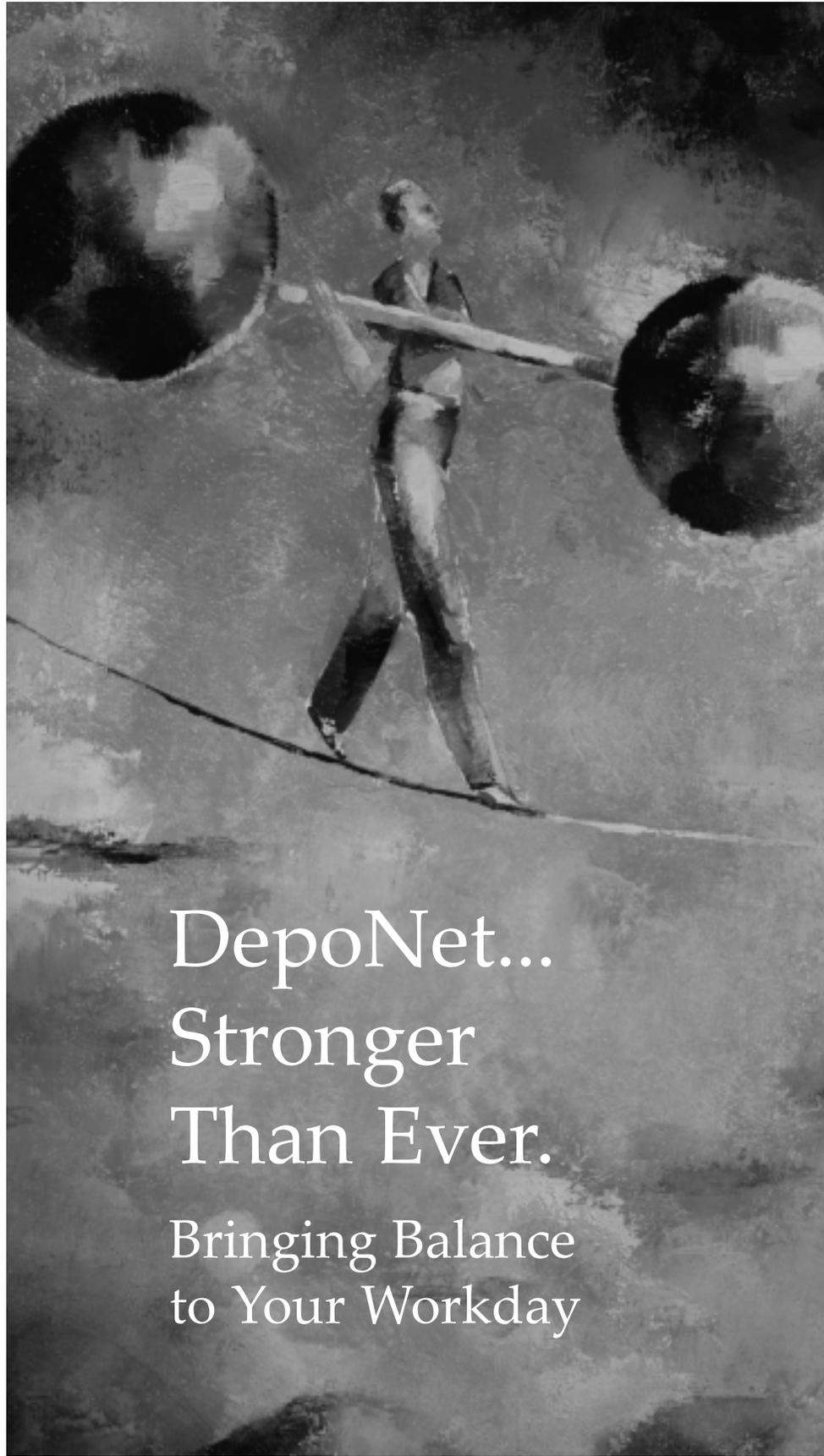
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For the visual learners out there, Britton recommends *New Orleans in Photographs*, by Sharon Keating. The vivid scenes of Jackson Square, the Mississippi River, and Pontalba Apartments will whet your appetite almost as much as the menu from Galatoire's.

If you're too busy to read before embarking on your flight to Louis Armstrong International Airport, tuck a copy of *Very New Orleans: A Celebration of History, Culture, and Cajun Country Charm* by artist Diana Hollingsworth Gessler into your carry-on. In charming watercolors, Gessler defines many of the city's favorites, from beignets to gumbo to zydeco.

For anyone who wants to understand what life was like in the city following Hurricane Katrina, Chris Rose's collection of columns written for *The Times-Picayune* is a must-read. *1 Dead in Attic* may bring tears to your eyes but it will also help you understand what makes New Orleans so worth saving.

So many books! So little time! If you can't find any of the above titles in your local store, please visit www.gardendistrictbookshop.com and Britton will be happy to ship your order. Until next time, *laissez les bons temps rouler!* ■



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AAfPE HEADQUARTERS

**Jone R. Sienkiewicz
Executive Director**
AAfPE Headquarters
19 Mantua Road
Mt. Royal, NJ 08061
856-423-2829
Fax: 856-423-3420
jsienkiewicz@talley.com

American Association for Paralegal Education

19 Mantua Road

Mt. Royal, New Jersey 08061

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