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# THE PARALEGAL *Educator*

American Association for Paralegal Education

Volume 21, No. 2

Fall 2007



## *ACROSS THE GLOBE*

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October 24-27, 2007 in Baltimore, Maryland



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**ON THE COVER:** You will find an international flavor to the tracks at this year's Conference that will encourage attendees to think and act globally.

# 2007 AAFPE Conference

## Baltimore • October 24–27, 2007

### Are You Baltimore Bound? Tools, Teaching and Technology are Waiting for You!

Kathryn L. Myers, National Conference Chair

Saint Mary-of-the-Woods College

**P**ack your bags. Arrange to cover your classes with adjuncts or by assigning massive quantities of homework (okay, maybe not massive quantities). Make your reservations if you haven't already done so. Get ready to meet your peers in Baltimore October 24-27, 2007. It is right around the corner! The National Conference committee, Nicholas Riggs from Sullivan University and Joan Spadoni from Bay Path College, along with me, has worked hard to make your Conference a reality and are anxious to welcome you to Charm City.

#### PRE- AND POST-CONFERENCE SESSIONS

This year you can walk away with certifications in a specific software application or at least gain a deeper offering of knowledge with the variety of pre- and post-conference technology sessions we are offering. Adobe®, SmartDraw®, Abacus®, and Kroll Ontrack® have partnered with us to bring you some serious learning opportunities. Seating is limited but the experience isn't. If you cannot make these extra sessions part of this year's Conference, please know that we will strive to continue bringing you important tools for your use. Here is a reminder about those extra workshops.

On Wednesday prior to the conference, we will offer *SmartDraw Toolbox and Adobe Training*. *SmartDraw Toolbox* includes a full licensed version of SmartDraw for you. There is a \$75 additional registration fee and it is limited to participants with laptop computers. Todd Savitt will present.

*Adobe Training* will cover, for example, how to draft reports to the ABA in PDF. This training will be an additional \$95 registration fee and also is limited to participants with laptop computers. Rick Borenstein from Adobe Systems Incorporated will present.

On Saturday, *Abacus Toolbox* and *Kroll Ontrack* will be offered. *Abacus Toolbox* is a two day training after which you will obtain Certified Trainer status. The training covers things such as calendar, time/billing, and accounting. There is a \$100 additional registration fee and space is limited. *Kroll Ontrack*, also a two-day certified training session, will teach you how to create CLE programs for your area attorneys. This session also has a \$100 additional registration fee and limited space. It is important to remember that both days must be attended in their entirety in order to receive the training certificate.

#### CONFERENCE SESSIONS

If you cannot find something to attend this year, we quit! We have more sessions and more speakers than ever before. At the same time, we have maintained the "track" concept as the foundation of the program. Here are just a few of our sessions — enough to whet your appetite. To emphasize our global thrust based on our theme, *Across the Globe* — *Paralegal Practice and Education*, you will find an international flavor to the tracks this year that will encourage attendees to think and act globally in the classroom and in marketing. New program directors and faculty will find a track geared toward useful information for daily survival such as *Motivating Adjuncts*, *Dual Enrollments*, *Learning Modalities*, and working with *Advisory Boards*. A second track looks at the future with technology, software sessions, and other "geekie" things such as ESI, Quality Online Education, and e-Discovery. Teaching tips and tricks is a track that provides writing workshops, practical projects, and other classroom concepts. And then we grouped everything else, such as creative program options, roundtables and workshops of general interest. We will also have a session by leaders of sister

*Continued on next page*

## Conference *Continued*

national organizations. Does this cover all of the sessions? Of course it does not. Grab a brochure and make your own plans for attendance.

### ABA

Of course, the ABA will be a presence at the conference. The ABA Approval, Reapproval, and Interim Report sessions will return as well as the Open Forum. In addition, there will be a session to help you create your needs assessment pieces in your ABA process. Another group of our peers will offer ABA tips on converting a traditional class to online delivery.

### TECHNOLOGY

This year we have many software vendors who have volunteered to host sessions on their products. We are very pleased to spotlight the following vendors in sessions throughout the conference on Thursday and Friday.

- *Dragon Naturally Speaking* — Presenter: TBA
- *Abacus* — Presenter: Bob Elliott
- *Livenote/CaseSoft* — Presenters: Bob Wiss and Pam Marty
- *CaseMap* — Presenter: Ivan Browning
- *SoftPro Real Estate Software*
- *Sanction* — Presenter: Mike Hahn
- *TimeMap* — Presenter: Ivan Browning

### AAfPE BUSINESS

Even though we offer these wonderful sessions, the main purpose of this time together is the business that we must conduct to maintain the healthy life of our organization. On Thursday we will have a brown

bag lunch in regional settings. Here we can discuss our regional meetings and any business that is important to us. On Friday we will meet for the business meeting (not at 8:00 a.m. this year!), where we will elect the board members who will carry us into the next year. Congratulations to all candidates who are running this year. Each of you is a winner. If you are not running for the Board, why not think about it? The future of AAfPE lies with you.

### NETWORKING

Talking with peers, learning classroom tips, making contacts and developing strong working relationships is an intrinsic reward that provides numerous benefits. We also have sessions on Friday afternoon for the different program types the Association has so that you can air concerns or discuss matters that might affect only your program.

### BALTIMORE

Each of the recent *Paralegal Educator* issues has at least one article on the city and its attractions. Today, visitors enjoy Harborplace, which features a host of specialty stores and restaurants in two waterfront pavilions. The National Aquarium in Baltimore is another point of interest. Baltimore is renowned for its Inner Harbor, charming neighborhoods, outstanding regional cuisine, world-class arts and theater, and a wealth of historical and cultural destinations. We have an off-site event on Thursday evening so that you can enjoy some of what Baltimore has to offer.



### ACCOMMODATIONS

Lastly, our hotel is the Sheraton Baltimore City Center, 101 West Fayette Street, Baltimore, Maryland 21201; Phone: 410-752-1100

The National Conference committee has been quite busy. Plan to attend this exciting and educational conference October 24-27, 2007. Come early and participate in the pre-conference sessions and stay late for two more training sessions. We look forward to seeing you in Baltimore! ■

*Kathryn L. Myers is an Associate Professor and the Coordinator of Paralegal Studies at Saint Mary-of-the-Woods College. She has been involved in paralegal education since 1982. She has been active in the American Association for Paralegal Education, since 1989. She co-hosted a regional meeting in Indianapolis in 1990 and 2001, was regional reporter in 1990, was co-editor of The Paralegal Educator in 1991-93, co-hosted the 1995 Annual Conference in Indianapolis, and was editor of The Paralegal Educator 1998-99. She was on the Board of Directors as secretary 1997-99, President-elect 1999-2000, President 2000-01, and Immediate Past President 2001-02. She has been the chairperson of the National Conference committee since 2001. She was a member of committees that created the model syllabi for several courses and the Core Competencies.*

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## MESSAGE FROM THE PRESIDENT

### The next five years will be an optimum time for AAFPE

I had the pleasure of attending the North Central Regional meeting in Chicago subsequent to our February Board meeting in Baltimore. Of course as usual this was a fabulous meeting, both in content and attendance. Most of my activities after our February Board meeting and prior to our June Board meeting in Chicago centered around two major events. First, with the help of our management company, I organized a strategic planning session which took place at our Chicago Board meeting this past June. Second, I worked with our National Conference Committee in planning our Conference and securing keynote speakers whose expertise related to our global theme in Baltimore. With the assistance of Gregg Tally and members of our Board of Directors we managed to have what I would characterize as one of our most productive Board meetings. We all gathered in Chicago earlier than we normally meet to commence our Board meetings on Friday and had set aside an entire afternoon for our strategic planning session. The remainder of the weekend consisted of a full agenda with usual topics that needed to be addressed.

Engaging in strategic planning will be an ongoing process for AAFPE. In fact, I have already

dedicated a portion of our October 2007 Board meeting in Baltimore for a continuation of our Chicago strategic planning discussions. Among topics that were discussed in Chicago were the results of our last round of strategic planning in Tampa and more recent issues that AAFPE as an organization has addressed. Issues relating to membership, the size of our organization, our role as educators and our visibility in the field were discussed at length.

Developing our strategic planning processes was a major initiative for the past several years and continues to show results. I strongly believe that the next five years will be an optimum time for AAFPE's growth as an organization and potentially tapping areas which will translate into membership expansion and growth. We need to strengthen and enhance our scholarly approach to the field that will enhance our credibility and visibility at our respective academic institutions as well as the paralegal field. We need global outreach and possible cooperation with other sister organizations nationally and internationally. And finally, and most importantly, we need to focus on activities that will help grow our membership.

By now you all have seen and



AAFPE President  
**Hedi Nasheri**  
Kent State University

received the Baltimore Conference brochure. A tremendous amount of planning and work went into this year's Conference. I have received positive feedback from some of you commending us for putting this year's program together. I really believe that we will have another excellent Conference this October with two keynote speakers who are recognized figures in the global legal market as well as in academic circles which will add a special touch given the scope of our sessions and topics. Our Baltimore Conference is designed to provide us with information that will help us as educators to prepare our students for the global legal environment of the 21st century. Due to student mobility, we must prepare them for various settings. As the paralegal profession marches into the future, there are demands and new challenges that we as educators must address that requires us to have a wider global perspective. I look forward to seeing you in Baltimore. ■

## MESSAGE FROM THE PRESIDENT-ELECT



AAfPE President-Elect  
**Marisa Campbell**  
Meredith College

### Processes and Procedures

I had a wonderful time at the Southeast Regional Conference in Lexington, Kentucky. In reading the reports of the Regional Directors, it looks like there were great programs throughout the country. The Regional Conferences are a great way to learn and to network with paralegal program directors and instructors in your area. The hosts for the conferences and the Regional Directors deserve tremendous kudos for their time and efforts for good sessions, good food and good company. Thank you all!

We are getting ready for the Annual Conference in Baltimore – and I cannot wait. The conference brochure is filled with great sessions. How can I pick between so many good sessions? I was impressed by the number of “how-to” sessions listed. I am always looking for sessions that provide me with materials that I can immediately use. There is a great balance of “strategic” and “tactical” sessions. This year’s international theme is so very timely. These national conferences somehow keep getting better!

For the past few months I have been busy as a member of a task force re-creating the Board Manual. I may be the only person

in the world who is actually excited about a processes and procedures manual, but this has been a tremendously satisfying endeavor. This should bring greater continuity from one Board to another and help to orient new Board members more quickly. Processes established one year would have a record for the next. Committees and their processes and procedures will be outlined. The manual should be completed by October. Joy Smucker and Ed Quist have been leaders in this endeavor and all of the Board members have participated. Thanks also goes to Kathryn Myers who forwarded old copies of Association documents that had been out of use for a few years. The documents that she forwarded form the core of the new manual.

Over the course of the next year, a committee will be formed and will create recommendations about our definition of what constitutes a program that is in “substantial compliance” with the ABA guidelines. I struggle with this every time I read an application for AAFPE membership. I know that I am certainly not the first President-Elect who has grappled with this issue. The goal is for the committee to provide recommendations for the

Association at the annual meeting in Dallas in 2009. There will be many opportunities for input from members. Your feedback is critical. Each member of this Association has a unique background and experiences that can provide tremendous guidance as we look at this issue. This may lead to a very sophisticated definition or it may simply lead to better guidance for future Presidents-Elect. The results will be based on a consensus of the membership and with deliberation in which all voices are heard.

If you have any questions or concerns about the fall Conference, please feel free to contact me or any member of the Board of Directors. I believe it is going to be a great Conference. I know that my program benefits tremendously from my participation in AAFPE and my attendance at the conferences. Have a great summer; I look forward to seeing you all in Baltimore in October! ■

## Reflections on Leadership

William J. Mulkeen, Thomas Edison State College



This fall at the end of the AAFPE Annual Conference, I will be doing something new — heading directly home on Saturday. For almost a decade I have served on the AAFPE Board in one capacity or another, so Saturday afternoons at the Conference meant the first meeting of the new Board of Directors and not the first plane out of town. AAFPE bylaws provide that completing the term of Past President means an end to Board service of at least one year. This year I'll be packed and heading out of Baltimore.

I will certainly remain an active AAFPE member and I can say for certain that the Board continues in good hands. AAFPE has always been blessed with members who contribute their time and energies to sustaining the growth and well-being of the Association. The Association has weathered every storm, financial and otherwise, because of the dedication of these Board members and the support they have been given by the membership. I'm sure this will continue, but I do wish to leave the Board with some thoughts for everyone.

I remember several years ago when the continued existence of the organization was questionable, little reserves left in the bank, major national tragedies affecting conference attendance and serious funding problems among member institutions.

There is a real need for AAFPE members to get involved in committees, attend regional and annual meetings, and to give presentations at these meetings.

Governing and sustaining AAFPE is serious business and demands well qualified people. Even in those instances where a member was nominated from the floor with little or no experience, we were collectively able to educate the new member and carry on the business of the Board. Other organizations have survived in the same manner but most organizations now realize that with the more complicated issues facing all of us, there is a need for qualified and experienced leadership at every level including the entry level. More than just enthusiasm and dedication are needed. Our colleagues at NALA have instituted a formal leadership development program that we should examine. There is a real need for AAFPE members to get involved in committees, attend regional and annual meetings and to give presentations at these meetings. Membership on the Board should follow those endeavors. An active participation in Board matters is always the best preparation for AAFPE executive leadership.

Consider what a Board member is confronted with on a regular basis. Our excellent Annual Conference Committee has been

headed by Kathryn Myers for the past several years. Her experience on committees, as a presenter, a Board member and AAFPE President allows her to do the spectacular job she does each year in directing this committee and reporting to the Board. Mistakes by an inexperienced member in the Annual Conference planning would have an enormous effect on the viability of our organization. Having an experienced treasurer like Ed Husted calls our attention to every important detail that we cannot overlook. In the quickly developing and critically important area of technology, having a highly experienced member like Tom Goldman heading the Board's Technology Task Force is crucial to the progress and currency that we must have not only as an organization but also as individual program directors. In addition to their selfless dedication, each Board member brings to the table some expertise, some experience, and some point of view that in the end enriches all of us.

Not everyone wants to be involved in AAFPE leadership, but for those who do we must

*Continued on next page*

## Reflections *Continued*

establish a process that enables members to become the effective leaders of tomorrow. While our management company, Talley Management, provides us with the support and guidance we need on the every day affairs of the Association as well as helping with the planning and direction we are considering, AAFPE cannot continue as the strong and guiding voice of paralegal education without effective leadership. I hope that all members, particularly our newest members, follow in the paths of the great leaders who have shaped and guided our organization. Too much has been done by too many to demand anything less. ■

*William J. Mulkeen is the Immediate Past President of AAFPE, and is the Director of Legal Studies at Thomas Edison State College and can be reached by e-mail at [paralegal@tesc.edu](mailto:paralegal@tesc.edu).*

## AAfPE Calendar of Events

### 2007

**October 24-27**  
**26th Annual Conference**  
Baltimore, MD

**November 1**  
**Educator** articles due to Chair of the Publications Editorial Board for the Winter issue

### 2008

**February 22-24**  
**Board of Directors Meeting**  
Dallas, TX

**March 1, 2007**  
**Educator** articles due to Chair of the Publications Editorial Board for the Spring issue

**March 28-29**  
**North Central Regional Meeting**  
Cleveland, OH

**April 3-5**  
**Pacific Regional Meeting**  
Las Vegas, NV

**April 4-5**  
**South Central Regional Meeting**  
Baton Rouge, LA

**April 11-12 (tentative)**  
**Northeast Regional Meeting**  
Tarrytown, NY

**April 11-12 (tentative)**  
**Southeast Regional Meeting**  
Nashville, TN

**June 1**  
**Educator** articles due to Chair of the Publications Editorial Board for the Fall issue

**June 27-29**  
**Board of Directors Meeting**  
Newark, NJ

**October 15-18**  
**27th Annual Conference**  
Dallas, TX

**November 1**  
**Educator** articles due to Chair of the Publications Editorial Board for the Winter issue

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# CANDIDATE STATEMENTS

THE FOLLOWING PEOPLE ARE CANDIDATES FOR POSITIONS ON THE AAFPE BOARD OF DIRECTORS FOR 2007-2008

## PRESIDENT-ELECT

### Carolyn Smoot

Southern Illinois University

I am very excited and honored to be nominated as president-elect. I've been a member of AAFPE for nine years and have served on the Board of Directors as North Central Regional Director for 4.5 years. I was first elected to that position in 2002 and was re-elected to the same position in 2005. AAFPE has given me an invaluable amount of information and support in my position as Director of Paralegal Studies at Southern Illinois University. When speaking with new members of AAFPE, I tell them that the boost that they need to keep current and enthused in their positions as paralegal educators is to come to the National AAFPE Conference each fall and the Regional Conference each spring. Without the information I receive at our conferences, through our listserv, and through my friendships with many very knowledgeable paralegal educators, I could not have done the job that I have for the university that employs me. I thank AAFPE for its support.

I am pleased to have had the opportunity to support AAFPE by serving as a Regional Director and Board Member. I have experienced AAFPE's growing pains and been involved with strategic planning for the future. I am proud to say that I believe our organization is stronger than ever, even in light of financial

challenges that many of our institutions have faced in the past few years. I understand the time and commitment it takes to serve on the Board. I believe I am equipped to serve as president-elect with my knowledge of our organization and my participation in the decision-making process, the familiarity with many of the AAFPE members, and with my own experiences teaching for 17 years and directing the SIU program for the past 9 years.

One of my goals is to be sure that as many people as possible can be a part of the organization and feel that this organization is theirs and that their participation counts. A second goal is to continue the contacts AAFPE has developed with software companies and see that the support we offer our members develops in a way that makes technology most accessible to the instructors. Lastly, I want each member to find the help and support that he or she needs to be a successful paralegal educator. I have not only learned a great deal from my membership in AAFPE, but I have made wonderful friendships as well. It is my hope that everyone can experience this same kind of support and friendships. I encourage you to e-mail me ([csmoot@siu.edu](mailto:csmoot@siu.edu)) with any questions that you might have regarding my stand on issues and concerns regarding AAFPE. I ask

for your vote in the upcoming election for the position of president-elect and will count it a privilege to serve you in this capacity.

## SECRETARY

### Joy Smucker

Highline Community College

It would be both an honor and a privilege to serve AAFPE as Secretary. Since becoming a full-time paralegal instructor at Highline Community College in Des Moines, Washington, I have been actively involved in AAFPE and its initiatives to promote high standards for paralegal education. AAFPE has been invaluable to my and my Department's professional development. The organization has been an unparalleled resource in strengthening and sustaining Highline's ABA-approved Paralegal Program.

AAFPE, its members, and its goals have played essential roles in maintaining the integrity of the paralegal profession. As the current Secretary, I have enjoyed assuming a leadership role in developing the future of our organization, representing the opinions of its members, and ensuring its continued success.

As an educator, I have focused on international opportunities and initiatives, faculty and student learning communities, cross-disciplinary learning, and access to justice projects. As a paralegal

*Continued on next page*

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## Candidate Statements *Continued*

educator, I continually advocate for legal paraprofessionals. I have volunteered to chair the Washington State Bar Association's Legal Assistants Committee. I have served on numerous AAFPE national and regional conference panels. With the support of my colleagues, I have convinced my institution to be the host college for two regional conferences.

All of my AAFPE experiences have been special to me. Over the past 13 years, I have thoroughly enjoyed the professional and personal relationships that have blossomed as a result of AAFPE's leadership. I would be fortunate to continue volunteering my experience, skills, and enthusiasm to the AAFPE Board of Directors, and to serve the membership in achieving its objectives. Thank you in advance for your support.

### **PACIFIC REGION**

#### **Ruth Harrison**

Yavapai College

I have been involved in paralegal education at Yavapai College for thirteen years, first as an adjunct instructor and then as a full-time instructor for the last 10 of those years. I was promoted to the Paralegal Program Director position last year. My very first exposure to AAFPE was at the Kansas City Annual Conference and I remember thinking that I was very impressed with the quality of the conference offerings, overwhelmed with how much I had yet to learn about teaching, thoroughly entertained

by the brave souls riding the mechanical bull in front of their colleagues, and absolutely mesmerized by the very tiny Anita Tebbe's command of certain activities. As Susan Howery introduced me around, I was also struck by how friendly and welcoming the people at the conference were, in particular, the Board members. I have attended every Annual and Pacific Regional Conference since Kansas City and continue to be able to say that I have learned something valuable, met someone new and helped at the Annual Business Meetings as part of Anita's team of marshals - until I became a voting member of AAFPE (as I said, she can be mesmerizing).

I am currently a member of our local County Bar Association Continuing Education Committee, a member of the Yavapai College Curriculum Committee and Instructional Council, and am the student club advisor for the Paralegal Association of Yavapai. Our student club has been extremely successful raising money for scholarships the last 4 years and is beginning to partner with our local bar association to present CLE programs and to work on community service projects. I was a member of the faculty senate for 4 years.

I have certainly enjoyed my involvement thus far with AAFPE and feel that it is time that I become involved at a higher level. I would like to become one of those welcoming Board members who help make this such a

fantastic organization to belong to. I also want to be involved in ensuring that AAFPE has the opportunity to continue to grow as a viable, productive organization, and that our focus is on quality paralegal education. If elected I will work hard to represent the voice of the Pacific Region members.

My vision for AAFPE is to continue to see the Association develop in a way that mirrors the evolution of the legal system, especially with respect to technological developments, while still maintaining our high standards. I believe that we must be leaders with respect to technology if we are to ensure that our students are cutting-edge and indispensable to the practice of law.

### **SOUTH CENTRAL REGION DIRECTOR**

#### **Ed Quist**

Lamar State College-Port Arthur

For the past eight years I have been a member of, and actively participated in, AAFPE. I am currently serving as the South Central Regional Director and have made every effort to see that our small region receives the same services and benefits as other larger regions. I am the Paralegal Program Coordinator and a tenured faculty member at Lamar State College-Port Arthur, in southeast Texas, and have been associated with paralegal education for nearly eighteen years.

*Continued on next page*

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## Candidate Statements *Continued*

I have appreciated your generosity in allowing me to serve on the Board of Directors for the past three years and, if re-elected, I would do my best to continue to represent the interests of our region and AAFPE.

### **SOUTHEAST REGION DIRECTOR**

#### **Virgil Costley**

DeKalb Technical College.

I am Program Coordinator for Paralegal Education at DeKalb Technical College. DeKalb Tech is a 2 year institution and we offer a paralegal studies program at two locations.

#### **WHY I AM SEEKING THIS POSITION:**

My entire adult professional life has been spent in positions of servant leadership and I believe that this has prepared me to serve AAFPE and advance paralegal education in the United States.

**QUALIFICATIONS:** I have been a member of the State Bar of Georgia since 1967 and was its youngest member when I was admitted.

I created the paralegal program at DeKalb Tech in 2002 after I retired from over 20 years as a juvenile court judge hearing juvenile, family and criminal matters. From 1984-1985, I was President of the Georgia Council of Juvenile Court Judges, served on the Judicial Council of Georgia and the Criminal Justice Coordinating Council. From 1991-1997, I was a Trustee of the National Council of Juvenile and Family Court Judges. At NCJFCJ, I chaired the

Committee for Learning Disabilities and the Committee for Permanency Planning.

I have served as Executive Director of the National Association for Foster Care Reviewers and while in that position assisted the House Ways and Means Committee in drafting a position paper on the impact of the Adoption and Safe Families Act on social services and judicial systems. I also provided input into regulations for implementation of the Safe Families Act.

I have lectured to educators, social service personnel, lawyers and judges on a variety of issues for over 30 years in over 25 states.

After graduating from law school and completing my tour of duty with the Office of the Judge Advocate General, U.S. Air Force, I returned to Georgia, where, in addition to my legal and judicial service, I have been active in reforming juvenile justice, child welfare and mental health systems. I assisted Human Rights Watch when they were preparing a lawsuit against the State of Georgia's Department of Juvenile Justice and Children's Rights, Inc. of New York when they were preparing a lawsuit against the Georgia Department of Family and Children's Services.

I was recognized by my peers at DeKalb Tech as the outstanding college leader for 2006 and I serve on a number of committees that provide development and leadership advice to the College President.

**VISION FOR AAFPE:** I have found AAFPE to be the best organization of its kind and benefit greatly every day from its membership and programs. It is my desire to continue the traditions of AAFPE, but I think the organization can be more responsive to its members and to the changing nature of the law and paralegal education. The legal world needs personnel who are well-educated in the intellectual, practical and technological needs of the future. I want to help provide this leadership.

Thank you for allowing me this opportunity to serve.

#### **Joan H. Marler**

Gainesville State College

Timing is everything. I had only been in paralegal education for five years at Gainesville State College when I decided to run for AAFPE Treasurer in 2000. After I was elected, I served for three years and learned so much more than I even thought I would about our organization. It was during my tenure as Treasurer that we changed management companies. This was no small feat! Our new Executive Director had a totally different accounting system and both of us had a steep learning curve before we finally had everything set up and in sync. It was exhausting. I chose not to run for re-election because I had so much on my plate for the next few years that I knew I couldn't make another three-year commitment to AAFPE.

*Continued on next page*

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## Candidate Statements *Continued*

Well, it's been a busy three years. There's been a wedding, two grandchildren, four graduations, and a college search. Both my husband and stepson were deployed to Iraq. I went through a promotion and a successful ABA re-approval process. Then to top things off, I moved my 87-year-old mother from Florida to Gainesville. Whew!

I now have time again for AAFPE. So much is happening in paralegal education it is difficult to know on which area to concentrate. Many states are struggling with paralegal regulation/licensing. Many earnestly believe that globalization is the future for the paralegal profession and that AAFPE should once again have a scholarly journal. Some of us are experiencing declining enrollment due to competition from online, career, or non-accredited programs. There is just so much going on now.

I was appointed this January to fill the unexpired term as the Southeast regional representative. When I attended the February Board meeting in Baltimore, I felt like I was back home. But mainly, I felt invigorated and renewed. I have lived in the Southeast all of my life. I was born in Florida; attended high school in South Carolina; college in Georgia and law school in Florida. I lived nine years in Louisiana and then came back to Georgia in 1992. I recently helped conduct our regional conference in Lexington, Kentucky. I met many wonderful new people

there and the conference was very successful. Hopefully next year in Nashville will be even better. If elected, I will work very hard for you. I have the energy, the experience, and commitment to represent our Southeast region. Whatever issues are important to you, I will strive to the best of my ability to present to the Board and work toward resolution. AAFPE is a wonderful organization comprised of many talented people. I would like to serve again. So I ask for your vote and your support.

### **ABA APPROVAL COMMISSION – CERTIFICATE PROGRAM REPRESENTATIVE**

#### **Tracy M. Kaiser**

Manor College

I began practicing as a paralegal in 1992, and joined the adjunct faculty of Manor College Legal Studies in 1997. When Manor Legal Studies began to offer its post-baccalaureate certificate program, I accepted the role of Academic Advisor to these students. In 2005 I retired from my career as a paralegal and accepted the position of Education Coordinator at Manor. In this capacity I not only teach paralegal courses, but I also conduct Open Houses, mentor the Externship program, compile reports regarding the employment statistics of our graduates and continue to act as Academic Advisor to the certificate students. In addition, I developed and am responsible for proctoring the three online courses offered to

the Manor Legal Studies students. Manor College is an ABA-approved institution, with our re-approval most recently being granted just this year. I have been involved in the ABA approval process twice: first as an adjunct and now as an administrator.

I believe I will bring a unique perspective to the Commission as someone who attended an ABA approved institution (The Philadelphia Institute) to earn a post-baccalaureate certificate, practiced as a paralegal for 13 years and has taught at an ABA-approved school for 10 years. This combination of experience, along with my work on the AAFPE Model Syllabi committees and dedication to the AAFPE mission, will qualify me as a viable candidate to represent AAFPE on the ABA Approval Commission – Certificate Programs.

Thank you for your consideration.

# INDIVIDUAL VOTING PROXY

## Pursuant to Section 3.5 of the AAFPE Bylaws

The undersigned, as the designated representative for: \_\_\_\_\_,

appoints: \_\_\_\_\_

its proxy and \_\_\_\_\_

as its alternate proxy, with full power of substitution, to attend the annual meeting of voting members of the American Association for Paralegal Education to be held on Friday, October 26, 2007, at The Sheraton Baltimore Center City Hotel, 101 West Fayette Street, Baltimore, Maryland, and to vote at the meeting, with all the power the undersigned would possess if present in person, on such business as may properly come before the meeting.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

Please copy and return your form no later than **October 1, 2007** to:

AAfPE Headquarters  
19 Mantua Road, Mt. Royal, NJ 08061  
Telephone: 856.423.2829 Fax: 856.423.3420  
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## Professionalism, Communication and Leadership: Soft Skills in a Global and Diverse World

Joy Smucker, Highline Community College

Doing business in the United States, compared to when many of us entered the legal profession, has changed. It is imperative that we, as educational practitioners, prepare our students not only by teaching them substantive and practical legal principles, but also to prepare them for the workplace by teaching soft skills in the classroom. Soft skills include effective communication, leadership, time management, teamwork, critical thinking, and the ability to work in a culturally diverse workplace. This list is not exhaustive. The U.S. Department of Labor also lists soft skill examples such as responsibility, self-esteem, integrity and honesty, as well as the ability to mentor others.

While I am passionate about the importance of learning, modeling and teaching the assets that define soft skills, the very word “soft” appears to trivialize traits like leadership, cultural competence, respect, communication, honesty and integrity. In casual conversations, some of my respected colleagues have referred to soft skills as superficial. This implies that soft skills cannot be measured and may be viewed as insignificant attributes. Yet, in my experience, employers crave program graduates who have demonstrated soft skills. In order to advance the importance of soft skills training, I suggest that the

term “professionalism” be substituted for soft skills. As paralegal educators we must integrate these skills into every one of our courses.

In *The Wall Street Journal Online*, “Top Schools Struggle to Teach ‘Soft Skills’” Ronald Alsop discussed the importance of a “soft skills” education.

“[R]ecruiters rated schools on a variety of attributes, and then rated the attributes in terms of how important they are in a job candidate. Topping the list of 24 attributes are communication and interpersonal skills and the ability to work well in teams. Close behind: leadership potential, ranked No. 6. . . . Schools produce graduates with analytical horsepower and solid command of the basics. . . . but soft skills such as communication, leadership and a team mentality sometimes receive cursory treatment.”

Soft skills may appear trivial, yet they may determine whether an individual is offered a job or is a person who gets the job done. Carnegie Mellon’s Graduate School of Business Administration recently hired an etiquette consultant “to teach students how to hold a wine glass and plate and still shake hands at receptions, and how many drinks are acceptable at business events (answer: just one).”

Three key characteristics that make global managers successful



include: “(1) a belief that differences matter; (2) openness to new and different ideas; and (3) cognitive complexity, or the ability to focus on both the “hard” and “soft” metrics in an organization — the hard quantitative side along with the softer, people side,” (Harvard Business School, “Soft Skills of Global Managers”).

As educators of legal professionals, we need to embrace our own respect for the breadth and depth of soft skills. We may need to revisit our own perceptions of soft skills, continue to educate ourselves on how to teach the art of professionalism, and explore how we may effectively prepare our students to exhibit traits such as leadership, cultural competency, integrity, mentoring, and teamwork. We have an obligation to model successfully these skills while advising as to the importance of demonstrating these qualities in the workplace.

Instruction in the area of professionalism is vital for student success in the ever-changing, increasingly complex, and challenging diverse and global world of the legal profession. AAFPE can serve as the perfect forum for further discussion on why identifying those soft skills, professional skills, are important in our communities and places of

*Continued on next page*

## Soft Skills *Continued*

employment, how to effectively teach them and promoting life-long learning opportunities to enhance them as our society continues to change.

I invite you to the Annual Conference's concurrent session entitled "Professionalism, Communication and Leadership in a Global and Diverse World" that will be held on Thursday, October 25 at 12:30 p.m. Panelists will conduct an interactive session to discuss how AAFPE and its members, as a team of leaders, can

address professionalism. I look forward to seeing you at the Annual Conference, which is certain to be an excellent opportunity for continuing professional development. ■

*Joy Smucker, J.D., is the chair of the Business Division at Highline Community College, located in Des Moines, Washington, 15 miles south of Seattle, Washington. Prior to her election to the chair position, Joy was the department coordinator of the Paralegal Department and the Business Information Technology Department. Both of these departments are located in the*

*Business Division. She received her J.D. from the University of Puget Sound School of Law in 1978 and she has taught in the paralegal program at Highline Community College since 1994.*

*Joy was elected to serve as the secretary of AAFPE in October of 2004 and she was the conference host for the AAFPE Pacific Regional conference in Seattle, 2005. She has presented on panels at AAFPE conferences at the national and regional level. Topics that she has presented include service learning, international human rights law, creative teaching methods and community justice.*

## Paralegal Practice in a Global Legal Market

Nancy B. Heller, RP

Senior Litigation Paralegal, Vorys, Sater, Seymour and Pease LLP, Columbus, Ohio

**G**lobalization is a process by which we have begun to standardize work worldwide. In the legal sphere, we have begun to develop a global infrastructure through technology such as the World Wide Web, electronic communication mechanisms, wireless technology as well as other means. The practice of law has been greatly impacted by globalization, including the use of a variety of off-shore services which can significantly contribute to reduced costs to clients.

In 1998, before globalization became a buzz word, I had the opportunity to work on a matter for a client which spanned the globe and took me to work in Hong Kong. Before planning the work to be undertaken abroad, it was necessary to formulate our game plan here in the United

States. The goals and objectives were established on a global basis. The scope of the project involved a large document sweep encompassing interviews of employees, the collection of relevant documents from locations both in the U.S. and abroad, and the review, analysis and maintenance of those documents and information electronically.

Once our game plan was set, the next step was to put the appropriate players on the field. A team of lawyers and paralegals was organized to begin our tasks. Third-party vendors were contacted and retained for the electronic portion of the work as well as for staffing needs abroad. A detailed written protocol was developed to ensure consistency in the breadth and depth of the

project. As soon as the work in each of the U.S.

locations was scheduled and coordinated, it was time to think and apply the protocol globally.

The first item we needed to address was the issue of staffing. We determined that we needed approximately ten contract paralegals, or individuals with paralegal skills, to assist us in conducting the interviews of employees and gathering the necessary documents. While I'd always been able to find other paralegals through my PACO, NFPA or ABA professional networks, I found that my networks did not quite stretch as far as Hong Kong. I did recall a legal staffing firm in California that I used on another



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## Global Market *Continued*

large matter in that state; I started by contacting them because they were a long-standing, known and reliable resource in my third-party vendor collection.

This particular legal staffing firm had a professional relationship with a staffing firm in Hong Kong, so they could meet our staffing needs. While none of the contract employees was known as a “paralegal,” each possessed the qualities and background needed to get the job done. Many had accounting backgrounds and their orientation to detail and precision made them a perfect fit for this job. We specifically requested that all ten be English-speaking, as well as some who also spoke Chinese so we would not need to hire an interpreter. We had learned that while many of the employees in the company spoke English, some did not. We also set specific guidelines about the project such as the location of the work, the hours of work and a brief description of what the work would require. Hong Kong is a huge city so the location of the work definitely was a factor. It was beneficial to be able to utilize a legal staffing firm from the U.S. to obtain the specific staffing we needed and to monitor the work. A representative from the staffing firm would call to check in each week which was very much appreciated and like a welcome call from home.

The next item to consider was the processing of documents and information electronically by a third-party vendor. (In 1998, we inaccurately assumed that Hong

Kong would be on the cutting edge of scanning, imaging and electronic information storage systems and steps ahead of where we were in the United States.) We interviewed a number of service companies and selected one which was an international company, hoping that if problems or questions arose, they could work with their U.S. counterparts. While in Hong Kong, we maintained constant contact with our vendor to ensure that the goals and objectives were clearly understood and that their work was proceeding. We learned that when working in a foreign culture, it is always beneficial to clarify and confirm on a routine and regular basis.

Before going over for the first of two trips we were briefed on some of the cultural and business practices in Hong Kong. It's important to know the culture in which you will be working and living so that you can conduct yourself and your work appropriately. For instance, we were told that the practice of exchanging business cards is done as part of the introduction to an individual and presented with both hands when meeting, so we went over well-stocked. We were also informed that our client, in addition to many businesses, operated on Saturdays from 9:00 a.m. until 1:00 p.m. as part of the regular work week and to expect to work accordingly.

Upon arrival in Hong Kong, we spent the first couple of days planning and coordinating the work we would undertake in conjunction with the temporary contract employees we had hired.

We made sure that we had introductions to the key employees with whom we would be working and began to establish our rapport with them. We held a briefing meeting with the ten contract employees to review the protocol and made sure that they understood the goals and objectives of the project. Not only did we review the substantive portions of the protocol, but we reviewed ethical issues of confidentiality, attorney-client privilege and work product privilege which were new concepts to them. All were asked, as were our third-party vendors, to sign a Confidentiality Agreement.

We learned very quickly that many things in this culture were taken literally, so we needed to adjust accordingly. While all of our contract employees were Chinese, many had been schooled in Australia and had Australian accents, and a good command of the English language. We had to adjust to the accent.

We conducted our work over the next couple of months with great success, and surprisingly, with very few bumps in the road. We made sure that we met with each of the contract employees on a daily basis to clarify, confirm and respond to any questions or concerns. Living and working in Asia was a tremendous opportunity and experience as well as a challenging one. It was important for us to remain flexible, yet in control at all times. While there was definitely a cultural difference, we made every effort to “fit in” and make the most

*Continued on next page*

## Global Market *Continued*

of our time and our experience in Hong Kong.

In retrospect, working in Asia was really much the same as working on home turf. We were, of course, working in an area of a major metropolitan city which had been modernized in many ways. Those who worked in the business

district in Hong Kong where we worked did not seem much different from us. Although some of the particular types of personnel or services were not readily available, we were able to retain the assistance of personnel and services uniquely qualified to suit our needs and fulfill the goals of the project. Bridging the gap with U.S. counterparts was vital.

This was an experience that required thinking "outside the box," which I found to be both challenging and rewarding. ■

*Nancy B. Heller is a senior litigation paralegal with Vorys, Sater, Seymour and Pease LLP in Columbus, Ohio. Ms. Heller has worked as a paralegal for the past 30 years. She can be reached by e-mail at nbheller@vssp.com.*

## What's in a Name: the "Bilingual" Paralegal

Marilyn R. Tayler, Montclair State University

When a law firm advertises for a "bilingual paralegal," what is really expected? Despite increasing globalization, many, if not most, people continue to mistake fluency in two languages for the ability to interpret and translate between those two languages. The skills involved are very different. While fluency in both languages is required for translators and interpreters, that fluency is only a building block for translation and interpretation skills. The bilingual paralegal is expected to have the ability to bridge the linguistic and cultural differences between the languages.

Translation generally refers to the written process and interpretation to the oral process of communication across languages and cultures. A translator or interpreter must be able to convey the meaning of words, the level of language, slang, four-syllable words and in some cases the importance of non-verbal cues.<sup>1</sup> The linguistic and cultural intermediary must be sensitive to regional differences within a

The bilingual paralegal is expected to have the ability to bridge the linguistic and cultural differences between the languages.



common language: Castilian Spanish vs. South American Spanish or Parisian French vs. Haitian Creole or Canadian French.

For example, a paralegal may understand the American legal system and the Spanish legal system. He may be able to write legal documents in one or both systems. However, the meaning of the same words is different in a civil law legal system and a common law legal system. In contrast to a common law system, in a civil law system such as that of Spain, a trial may not be an adversarial proceeding, case law may not have precedential value, and legal treatises, *doctrina*, carry far more weight. If the word "trial" is interpreted between English and Spanish, the Spanish speaker will envision a completely different proceeding, although the word that describes it is the same in both languages.

These nuances are often lost in situations where a law office hires a paralegal because he is bilingual. The employer believes that the employee will be able to be a language intermediary, where the employee is often, at best, fluent in the two languages. Even worse, in court settings such as landlord-tenant and other civil proceedings where a court interpreter is not legally mandated, obtaining justice is a challenge. Many years ago, I observed a court proceeding where a landlord was attempting to evict a Spanish-speaking tenant and the only person in court who was bilingual was the landlord!

It was these difficulties which, over 20 years ago, prompted me to obtain grant funding for a project called "Language Access to Legal Assistance." This project grew into a bilingual paralegal

*Continued on next page*

## Bilingual *Continued*

program and a text entitled *Skills for Bilingual Legal Personnel*.<sup>2</sup>

The skills emphasized are: cultural fluency, informal translation and informal interpretation. This requires a study of both legal systems as well as specialized training in translation and interpretation in courses apart from language courses.<sup>3</sup>

In both oral interpreting and written translation the bilingual paralegal must be aware of the plain meaning of words, phrases and concepts, as well as the legal and linguistic nuances involved in the two languages. Then, as a further step, the bilingual paralegal must be able to communicate all of these across languages and cultures. It is important to emphasize that the skills taught in a semester course are not a substitute for the more extensive professional training of a skilled legal interpreter or translator. However, they do provide essential skills for bilingual personnel in law office situations. Without teaching an awareness of the need for linguistic and cultural intermediary skills, separate and apart from fluency in the two languages involved, faculty are contributing to the problem rather than the solution.

An added dimension is cultural fluency, where the bilingual paralegal is familiar with the client's cultural background.

In all cultures, non-verbal cues or gestures are critical. For example, if an American client does not look the attorney in the eye, the supposition is that the client has something to hide. In other

cultures such a non-verbal cue is a sign of respect for authority. If there is not a linguistic and cultural intermediary to help the attorney understand this, the non-verbal interpretation will be wrong. Conversely, the client may suppose that the direct stare of the American attorney is accusatory or threatening. Linguistic and cultural mediation is necessary.

While the bilingual paralegal can work with attorney and non-English-speaking client to create an atmosphere of trust and comfort, this can also go too far. Sometimes the client will tell the bilingual paralegal something and ask that it not be communicated to the attorney. The bilingual paralegal must make it clear that his or her role is to be an intermediary and that everything that is said must be conveyed to the attorney.<sup>4</sup>

With proper training and education, the bilingual paralegal plays a pivotal role in the delivery of legal services to non-English-speaking clients and contributes to equal access to justice for linguistic minorities.

Ed: While *Skills for Bilingual Legal Personnel* is now out of print, the book is now available through [www.iabooks.com](http://www.iabooks.com). The e-mail for the distributor is [sales@iabooks.com](mailto:sales@iabooks.com) and its website is [www.iabooks.com](http://www.iabooks.com). ■

<sup>1</sup> See Marilyn R. Tayler and Norma C. Connolly, "Cross-Cultural Client Contact: Achieving Effective Communication," *New Jersey Lawyer*, Issue Devoted to Immigration Law, No. 227 (April 2004), pp. 45-50; a version of this article was reprinted in *Immigration Law Today* (March/April 2005), pp. 44-50. See also Marilyn R. Tayler, "Language and Law: A Judicious Combination," *The Forum* (Baton

Rouge, LA), Year 22, No. 1 (Spring 2000), p. 23.

<sup>2</sup> Marilyn R. Tayler [formerly Frankenthaler]. *Skills for Bilingual Legal Personnel*. (M. Gonzalez, et al., authors). 2nd ed., 1985, Scott, Foresman and Co. First published by South-Western Publishers, 1982. 286 pp. plus Instructor's Manual, 1983. 120 pp.

<sup>3</sup> See *Translating and Interpreting as Professions*, Background Report #21 of the New Jersey Supreme Court Task Force on Interpreter and Translation Services (Marilyn Frankenthaler Principal Author and Editor). 1983. 128 pp. See also Marilyn R. Tayler and Roda P. Roberts, "Development of Legal Interpreter Education in New Jersey" in *Interpreting—Yesterday, Today, and Tomorrow*. David and Margareta Bowen, eds. State University of New York at Binghamton, *American Translators Association Scholarly Monograph Series, Vol. IV*, 1990, pp. 70-80. Marilyn R. Tayler, "Training Programs for Legal Interpretation." *Proceedings of the Second Annual Institute for Court Interpreters*. Admin. Office of the Courts of New Jersey, Pub. #4 (August 1990), pp. 79-87.

<sup>4</sup> See generally Marilyn Frankenthaler [now Tayler], "Language Access to Legal Assistance: The Bilingual paralegal," *Legal Assistants Update '80* (American Bar Assn.), Vol. 1 (1980), pp. 73-80. Reprinted in *Retrospective 1983*, the *Journal of the American Association for Paralegal Education* (1983).

*Marilyn R. Tayler is Professor in the Department of Political Science and Law at Montclair State University. She holds a Ph.D. in Spanish and a J.D. For many years she was the director of the New Jersey Legal Interpretation Project, designed to develop curriculum for the education of legal interpreters and translators. She has also written extensively on the right to a court interpreter and was a member of the New Jersey Supreme Court Task Force on Interpreting and Translation Services in the 1980s, which led to the establishment of the State Office of Interpretation and Translation.*

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# Internationalizing or Globalizing the Curriculum

Judy Gibbs, Avila University

## What is internationalizing or globalizing the curriculum?

When I did a literature search I found that it can mean many different things. There was an article on an online class where business students in New Jersey were paired with business students in Hungary to do group assignments.<sup>1</sup> There were articles about teaching respect for other cultures. There was an article about taking a global view in a traditional American History course.<sup>2</sup> There were articles on preparing students for careers in a global business environment. There was an article about American social work students discussing social issues with their overseas e-mail pen pals.<sup>3</sup> So it seems that internationalization or globalization can be any effort that promotes student learning about the world beyond the U. S. borders or offers a global perspective on events or issues.

## Why internationalize or globalize your curriculum?

I won't waste your time making the case that we live in a global economy. Anyone who reads the labels on their clothes, food, electronics, etc. already knows that. Students need to know about other countries and their cultures if they are going to be effective in their careers, even if they never work outside the United States or never work for a business that operates outside the United States. According to the most recent Census, 11% of the U.S. population or 32.5 million

Our paralegal students will be assisting these foreign born clients. Knowing and showing respect for the client's culture is an essential "soft skill."

people were foreign born. 52% of those 32.5 million people were born in Latin America, 26% were born in Asia, 14% were born in Europe and the remaining 8% were born in other regions such as Africa and Oceania.<sup>4</sup> The national buying power of Hispanics is projected by the Selig Center for Economic Growth to exceed a trillion dollars by 2008. The buying power of Asian consumers is projected to reach \$526 billion by 2008.<sup>5</sup> How do I know those fun facts? They were in an article in the Missouri Bar Association's publication entitled "Marketing to Foreign Born Clients."<sup>6</sup> In this article Ms. Ivanichvili makes the point that unlike immigrants in the past, immigrants today tend to keep their sense of cultural identity, native language and customs and will need legal services as they use their buying power to own their own businesses, obtain mortgages, and buy homes and otherwise participate in the economy. Our paralegal students will be assisting these foreign born clients. Knowing and showing respect for the client's culture is an essential "soft skill." Our students will also be working within an increasingly diverse work force and understanding and respecting other team members' cultures will be important to their success. I was

recently surprised when a friend was worried that a man was a terrorist simply because he was wearing a turban. I'd like to think my students who have the benefit of education would not jump to such conclusions and could respectfully interact with the man.

## Why did I internationalize my curriculum?

Even with a small program, I have seen an increase in foreign born students and I have had to handle language and cultural issues. I became curious as I taught the United States legal system to foreign born students what legal systems were like in other countries. As I taught Employment Law, and talked about the United States struggle with sexual orientation issues, I began wondering how other countries deal with discrimination on the basis of sexual orientation. As I showed the ABA videos on the American legal system for the 400th time and a judge said something like, "The United States legal system is not perfect, but it is the best system in the entire world," I began to wonder if that statement was true or if the statement was just chauvinistic.

## How did I internationalize my curriculum?

In a word, gradually. First, as any lawyer would do, I looked around

*Continued on next page*

## 10 Things *Continued*

to see if someone else had already done the hard work. I talked to the book representatives at our AAFPE Conference and they found good resources for me. Prentice Hall has a small book entitled *Law of Global Commerce: A Tour* which provides the basics about Romano-Germanic Law, English Law, Islamic Nations Law, Indian, Chinese and Japanese Law and some of the commercial treaties and international organizations. It is a great way to wade into a very different legal reality. Thomson Publishers has a good International Business Law textbook that is very helpful in understanding the legal issues in doing business outside the protections of the U.S. legal system. West Publishing Co. has several law school texts dedicated to specific international law areas.

I next checked my local law school library and found a whole section of books on foreign law that I could read between helping my students with their legal research class assignments. In the summers, I accompanied Tucker Wright when he took students to London legal sites and I tagged along with my Business Department Chair when he presented a paper at a business conference in Hungary. I wandered off to The Hague and the European Courts of Justice in Luxembourg by myself. I got first-hand experience with Russian Courts when I adopted my daughter. Anything I learned I added to my courses whenever it

seemed to fit. If students wanted ideas for research projects or extra credit, I steered them toward international subjects. I joined our local International Trade Club and International Relations Council and attended their meetings and seminars. I developed an International Business Law Course for paralegal and business students and found attorneys who are helping clients do business in China and elsewhere to teach it. I also found that Lexis Nexis Academic Universe had Canadian and European Union Law on the Basic Research data base. I used it and other Internet sources to research how other countries deal with employment discrimination issues and presented a paper titled "International Employment Law for Business" at a conference in Montreaux, Switzerland. Now when I talk about age discrimination in my Employment Law class, I tell my students that protection from age discrimination in the UK starts at age 18, that the European Union protects transgender employees and that South Africa has laws against sexual orientation discrimination in employment.

### **What are you doing to internationalize or globalize the curriculum?**

We will have a session at the AAFPE Conference specifically addressing this issue. I will share my experience and I hope to learn what others are doing. My email is [judy.gibbs@avila.edu](mailto:judy.gibbs@avila.edu) ■

- 1 "Web Enhanced Course Internationalizes Business Curriculum." Distance Education Report, Volume 9, no.3, p.6 (Feb.2005)
- 2 See Guarneri "Internationalizing the United States Survey Course: American History for a Global Age," The History Teacher, Volume 36, no.1, p.37 (November 2002)
- 3 See Johnson, "Globalization from below: using the internet to internationalize social work education" Journal of Social Work Education, Volume35,no3, p. 377 (Fall 1999)
- 4 See [http://www.census.gov/PressRelease/www/releases/archives/foreignborn\\_populaton/000815.html](http://www.census.gov/PressRelease/www/releases/archives/foreignborn_populaton/000815.html)
- 5 See Humphreys, "The Multi cultural Economy 2003: America's Minority Buying Power," Selig Center for Economic Growth, University of Georgia, available at <http://www.selig.uga.edu/forecast/GBEC/GBEC032Q.pdf>
- 6 See Ivanichvili, Marketing to Foreign-Born Clients, *Precedent*, Volume 1, p.30, (Winter 2007).

*Judy Gibbs, J.D., is an Associate Professor of Business at Avila University in Kansas City, Missouri. She has been a Paralegal Program Director for 22 years. She served on the AAFPE Board of Directors for 10 years in various offices including President. She has served on the ABA Approval Commission and has recently been reappointed. She teaches Business and Paralegal courses including Employment Law and International Business Law. She is a member of the ABA's International Law Section and Employment Law Section.*



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Left: Palace of Justice in Paris, France. Right: War Crimes Tribunal for the former Yugoslavia, The Hague, Netherlands

## Study Abroad — More Than Academics

Thomas E. Wright, Roger Williams University

In today's world our society is affected more and more by international affairs and legal decisions. American students need to gain a fuller appreciation of the effect of international law.

Studying abroad will dispel a number of myths that have been created in the United States.

**Myth #1 - The procedures in the United States (U.S.) and the United Kingdom (U.K.) systems are the same due to their common law background.** In reality, this procedure in the U.K. is much more structured and prudent. Jury selections are mainly conducted by the judge. Jurors are allowed to take notes and are presented with a trial notebook with exhibits to refer to during the trial.

**Myth #2 - There are no longer jury trials in the U.K. and Europe.** Jury trials are still required for criminal felony cases in both the U.K. and Europe. Civil juries are still allowed for defendants' cases in the U.K., but no longer in Civil Law countries. Criminal juries are unique in France, because the jury consists of nine lay people and three judges, and the juries can ask questions of the witnesses through the judge.

**Myth #3 - Defendants in Civil**

**Law Countries are presumed guilty.** This notion went out with the French Revolution. Criminal defendants are presumed innocent in all proceedings.

**Myth #4 - The government brings criminal charges in Europe.** While there are no longer Grand Juries in the U.K. and Europe, criminal cases in Civil Law countries are initiated, in many cases, by a judge under the inquisitional system. The judge conducts the investigation, can hold suspects or witnesses in jail and can bring the actual charges forward with the assistance of the prosecutor's office. In criminal cases, victims can intervene for civil damages. The inquisitional, not advocacy, system abounds in Europe.

**Myth #5 - International Courts have little effect on U.S. political interests.** While the International Court of Justice (ICJ) in The Hague, in the Netherlands, has no enforcement mechanisms, it does have influence through public opinion. An example is a recent case involving Mexican defendants

on death row who were not afforded the right to seek counsel from their embassy in violation of the Vienna Convention. President Bush accepted the decision and ordered states to give the defendants new hearings. President Bush's decision to enforce the ICJ order may have a hidden reason. How can the U.S. ask China to obey international sanctions, especially in the area of air pollution and human rights, without the U.S. obeying them also?

**Myth #6 - American corporate interests cannot be affected by European Courts.** The European Court of Justice, which sits in Luxembourg, is the judicial arm of the European Union. The European Union has regulatory authority over the many American companies stationed in Europe. The purchase in 1996 of Gillette by Procter and Gamble required European Union approval. The European Court of Justice can have a profound effect on American companies abroad as it enforces all the rules and

*Continued on next page*

## Study Abroad *Continued*

regulations of the European Union. The European Court of Justice has the power to reverse decisions of national courts such as those in England and France.

### **Myth #7 - There are no international tribunals to settle disputes between**

### **Americans and foreign individuals or corporations.**

While there is no international civil court that can resolve civil disputes, most disagreements are settled by international arbitrators. The oldest is the Permanent Court of Arbitrators which came into existence in the early 1900s and sits in the Peace Palace in The Hague with the International Court of Justice, which began in 1945. The most prestigious court in Europe is the International Court of Arbitrators which has its base in Paris, France, but holds hearings all over the world. Also, the American Arbitration Association has an international section. Many of those cases are in the billion of euros and have the usual advantages of arbitration, less costly than trial and are quick and confidential. And, in most cases, they are binding.

### **Myth #8 - American intellectual and other property rights cannot be protected in Europe.**

The World Trade Organization (WTO) which is centered in Geneva, Switzerland, handles intellectual property and commercial disputes and can

enter orders of violations. On June 27, 2005, the WTO ruled for the United States regarding a duty on memory chips imported from South Korea. Conversely, a WTO arbitrators panel ruled against the U. S. on a Mexican pipe trade dispute on June 20, 2005. The U.S. is also using the



**Peace Palace, International Court of Justice, The Hague, Netherlands**

WTO to bring a case against the European Union over European subsidies to the manufacturers of Airbus. This dispute involves billions of dollars.

### **Myth #9 - Legal interests of U.S. companies cannot be protected by the European Union.**

On May 4, 2005, Eastman Kodak Company received approval by the European Union to complete the War Crimes Tribunal for the former Yugoslavia which was established by the United Nations to handle cases involving genocide and war crimes in the Yugoslav civil wars. The most notorious of the defendants is former Serbian President, Slobodan Milosovic, who was on trial for 3 years. This court sits in The Hague, and the trials are presided over by three judges with no jury. Most defense

attorneys are court appointed and include many American defense attorneys.

### **Studying abroad teaches the effect of International Law on U. S. businesses.**

A visit to the Court of Arbitration in The Hague, the International Court of Arbitrators in Paris, the European Court of Justice in Luxembourg, and the World Trade Association in Geneva enhances the appreciation of the effect these tribunals have on American businesses. These tribunals render decisions regarding mergers, intellectual property disputes, and other commercial matters involving millions of dollars. There is no single international court so these business disputes are usually brought to these bodies.

Many disputes are heard by the International Court of Arbitration in Paris whose results are guided by the New York Convention where arbitrators' decisions must be accepted and enforced by national courts who have signed the Treaty which includes the major industrial countries with the exception of Germany.

### **Studying abroad teaches the historical background of our laws.**

Travel abroad will bring paralegal students in contact with the mother of the Common Law of England and the effects of the civil code in France on our system. It is important to study the historical background of both common and civil law to appreciate the basis of American law.

*Continued on next page*

## Study Abroad *Continued*

### **Studying abroad teaches cultural awareness.**

Study abroad also exposes a student to a myriad of cultural venues and activities, museums, and World War II sites, including the Holocaust Museum in London. Some of the greatest works of art in the world are displayed in the museums in London, Paris and Brussels.

### **Studying abroad helps students improve the U.S. legal system.**

Attending court sessions and speaking to lawyers and judges abroad can help develop suggestions on how to improve our legal system. Issues arise as to whether or not the contingency fee arrangement in the U.S. serves to clog the system versus the system in England, where contingency fees are frowned upon. In the English courts jurors are allowed to not only take notes, but are given a trial notebook to review. In many U.S. courts jurors are not allowed to do this. Students may study the following issues. Should we adopt the British system where the losing party is assessed attorney fees from the winning party? Even when allowed to do so by statute, American judges are reluctant to assess attorney fees and court expenses against the losing party. Should we adopt a system of annual audits of clients' accounts as practiced by the Law Society in England? Should we abolish grand juries as has been done both in the U.K. and continental Europe? Should we adopt the French system of having both lay persons and

judges sit on criminal juries and render a decision?

### **Studying abroad allows students to share their experiences with foreign students.**

Students traveling abroad have a great opportunity in cities such as London and Paris to share experiences with foreign students. This is especially true in Paris where one is fortunate enough to have the Sorbonne, and where thousands of students from all over the world are sipping coffee in the coffee shops.

### **Studying abroad allows students to more fully understand foreign courts and systems.**

Traveling abroad will enhance students' knowledge of the operation of the European Court of Justice where many major decisions affect not only European companies but American companies situated in Europe. In The Hague sits the International Court of Justice, where a visit will inform students that while the Court does not render too many decisions, it does have some effect on political questions and jurisdictional issues. It further enhances the need for a civil international court, because individuals cannot bring an action in the International Court of Justice in The Hague. Recently an International Criminal Court was established to handle crimes against humanity and other serious matters. To date the U.S. is not a party to this Court, but the Court is functioning and is hearing cases. The court that is different than any that exist in the U.S. is the European Court of



**Memorial at Runnymede, England, site of the signing of the Magna Carta**

Human Rights in Strasbourg, France. It has jurisdiction over the deprivation of civil rights in 46 countries in Europe and it can overrule a decision of a national court. The Court has been handling thousands of cases that possibly would never be filed or adjudicated in the U.S.

### **Studying abroad will help students analyze the death penalty.**

Europeans, especially the English, have a great problem understanding why the U.S. enforces the death penalty which has been eliminated for decades in both England and France. In the European Union a country cannot become a member if it still has the death penalty. Student discussion with others on this matter will many times bring about a different outlook on the situation. Also, the system of criminal justice in Europe encourages rehabilitation versus the philosophy in the United States of punishment. Discussions on this issue can enhance one's appreciation for the views of others.

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## Study Abroad *Continued*

### Studying abroad exposes students to the history of Europe.

Merely traveling through Europe exposes a student to a variety of historical venues: the fields of Runnymede where the Magna Carta was signed; London with its Roman walls and Temple Church where the Knights Templar met during the Crusades. By traveling through continental Europe one can fully appreciate the gravity of World War I by visiting the Verdun, and World War II by visiting the Museum of Bastone and the World War II American Cemetery

in Luxembourg. A visit to Fort Breendonk in Brussels, a former concentration camp debarkation area, with a cable car used for transport to the death camps still in front of the gates, reminds us of a sad part of history.

### Studying abroad allows students to visit American law firms in Europe.

It is interesting to visit American law firms in Europe to discuss not only their operation but the local law in the region. A New York-based firm has an office in Brussels, Belgium and has been most gracious in allowing visits

by students. However, while most American firms hire American lawyers, they hire locals to do secretarial and paralegal work. ■

*Tucker Wright, J.D., is a Full Professor at the School of Justice Studies, Roger Williams University, Bristol, RI. He has been an instructor for 25 years, was a Paralegal Director for 10 years and is the full time faculty liaison to the ABA. He served on the ABA Approval Commission and has written several manuscripts for use in class such as Introduction to Law, Law in Contemporary Society, Capstone and Sports Law.*

## Legal Insiders' Europe and Great Britain

Anne Lukas, Ursuline College

One of my life's greatest pleasures has been leading travel adventures. I never feel more fully alive than when all of my resources are put to the test on foreign soil. Traditional overseas travel is exciting enough, but it can't compare to meeting people in their own cultural and professional life styles. I have always relished the excuse of offering legal seminars, since this has provided an appropriate and respectable way of peeking behind the curtain to catch a glimpse of real life in the most interesting cities in the world. During these seminars, my groups have mingled with barristers, solicitors, "clarks," legal executives, property conveyancers and paralegals in London, Paris and Rome.

### LONDON HIGHLIGHTS

In 2004, across the street from the centuries old Royal Courts of Justice and down the street from the Old Bailey, à la Rumpole, we assembled in a beautiful remodeled old office of the Outer Temple Chambers on the Strand. We learned about the legal system as well as the roles and education of the barrister, solicitor and legal executive (the British phrase for paralegal). A representative from the Institute of Legal Executives spoke about education for paralegals in Great Britain. Paralegals can specialize in and receive education and/or licensure for several areas similar to those in the United States, such as real estate and "conveyancing," advocacy, domestic relations, employment



and pensions, "clinical negligence" and health care, "commercial and professional negligence," criminal law and human rights.

Later, we viewed civil proceedings and criminal trials in the centuries-old Royal Courts of Justice and the Old Bailey. For lunch, we dined in the 400-year-old dining hall within the Middle Temple. Only barristers — and their Yankee legal friends — are permitted admission there. Even my long-time friend, Pauline, the English solicitor, was not allowed in. In order to become a barrister, each law student, or "pupil barrister," is required a certain

*Continued on next page*

## Insiders *Continued*

number of dinners there during the course of his or her education. This requirement, followed for hundreds of years, may have been to ensure financial support for the institution and/or networking opportunities for the student. Once law school studies and testing are completed, a barrister must wear a white horsehair wig and black gown for all formal court appearances. This is being debated now in Great Britain, but still being practiced. The attire is not required for solicitors.



A vivid highlight for me was on our 1995 trip, during our post-seminar discussions with the director in charge of ethics at the Law Society of England and Wales, the bar association for solicitors. She was wrestling with the issue of how to manage confidentiality and alcoholism amongst their members. I shared information on Ohio's excellent intervention program information and put her in contact with the state's key representative. I learned later that she actually adopted much of Ohio's unique approach for England and Wales.

### PARIS HIGHLIGHTS

During our visit in 1997, Parisian attorneys, *avocats*, spent a lot of

time educating us about their concerns regarding employee relations and strikes because the laws strongly protect employees. This has made firing individuals almost impossible in France. Businesses are very cautious about hiring anyone. While vacations in France and Great Britain are a generous 5 weeks, more than the typical 2 - 4 weeks in the U.S., people I met who work in law firms are becoming more and more like American workaholics. Their days begin later than ours at 9:00 or 9:30 a.m., but they often work until 7:00 p.m. and later.

### ROME HIGHLIGHTS

While in Rome in 1998, we did as the Romans, and walked into their very casual municipal trials, which were conducted without court reporters. It amazed us how small the courtrooms were, dwarfed further by the big judge's bench. All the lawyers and their clients stood around the judge in high states of disarray with loud, ubiquitous chatter, taking their own notes for the formal record. We later sat in a 300-year-old conference room in a villa in Rome to learn about international commerce issues. My favorite encounter was in a suburban law firm. One of the firm partners, a warm, fatherly teddy-bear of a man, managed his small, young firm like a second family. His son, a real estate practitioner, informed us of the constant problems they addressed due to Italian laws governing property. The Italian government requires owners to sell to the government any property that yields antiquities at a severely deflated price. It is a major problem in Rome since it

is difficult for anyone to dig a building foundation without unearthing Roman or early Christian artifacts or pottery from 2000 years ago. These were discoveries that their clients did NOT want to find. What an interesting problem.

### PREPARATION TIPS FOR TOUR LEADERSHIP

To develop trips of this type, one really must love to travel, enjoy planning and work well with diverse personalities. One should be willing to learn about cultural differences and be ready to adjust to them, often on the spot. It is helpful to expect to be prepared to work long hours to plan details and inform potential travelers about the trip. It really does become a second job for several weeks.

In my opinion, going with a tour director/guide from the destination is very important and helpful. Your stress is considerably diminished if an experienced guide is with you each step of the way. Often language and custom can be impossible barriers. Additionally, a good tour director works as your team mate, consulting with you to determine expectations and to try to meet them. They are especially helpful in medical and other emergencies. Finally, I believe that it is generally best if you organize a tour to a city/country which you have visited before. It helps you to plan a much more appropriate and fun trip.

### LEGAL SEMINAR PLANNING

I suggest that when you set up legal seminars, it is best to arrange

*Continued on next page*

## Insiders *Continued*

them in large cities where legal practice is sophisticated enough to offer a variety of practice areas (Rome or Milan, for example, rather than Venice, which is primarily a tourist city). I have learned that it makes sense to

schedule the seminars earlier in the trip rather than the last few days. People find it much harder to devote an afternoon to law, when Paris or London beckons and there are only a few days left.

While, educational travel does not provide a relaxing vacation, it is

an exciting and challenging experience, and just might change your life! ■

*Anne Lukas, J.D., a paralegal educator for 13 years, is now the Executive Director of the Ursuline College Accelerated Program and is working on plans for a trip in July, 2008!*

## Jewish and Christian Holocaust Journey June 14-26, 2006

Anne Lukas, Ursuline College

Last summer, I had the privilege of leading a group of 14 Christians and 10 Jews to Poland, Italy and Israel for an unforgettable educational tour. Mr. Shalmi Barmore, former Holocaust Education Director of Yad Vashem, was our educational director. Our group visited Warsaw, Lodz, Krakow, several small towns and the Auschwitz Concentration Camp in Poland. We also visited Rome and Assisi in Italy, and Jerusalem. A major highlight of the journey was our meeting with Christian rescuers in Krakow and Assisi.

At Auschwitz, we saw the overwhelming evidence of man's inhumanity to man. The area included where thousands were selected for life or death, the planks of wood where victims slept up to 8 in a row during freezing winter nights, photos of the abandoned, starving and bewildered children, thousands of suitcases, eyeglasses, shoes, many baby shoes and pounds of human hair (used to stuff mattresses). The Nazis had been unable to destroy this evidence before the camp was liberated.

I keep returning to images of the children, perhaps my cousins, who were torn from their parents and parents who had to make monstrous choices, such as whether to continue to live or keep their children alive.

My personal hero is Janusz Korczak, the Jewish educator who stayed with a group of orphaned children in Warsaw until the Nazis forced him and the children to the gas chambers. With his fame, he had many offers to escape and could easily have abandoned the children. He refused to leave them, comforting them with his presence as they walked together to the end.

Many Poles were anti-Semitic. Some Poles turned Jews over to the SS and others rejoiced at the mass murders, while taking over



Jewish homes. This happened to my own family in both Warsaw and the small town of Chmielnik, Poland. My father fled Warsaw, never to see any of his family members alive again. His sisters Rachel, Rivka and Pola and his 51-year-old mother and brother-in-law were killed. (The family name of Lukawiec was shortened to Lukas in the United States.) My mother was also the only surviving member of her family. Two brothers, her mother and stepfather and two nieces were all killed.

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## Auschwitz *Continued*

After the War, my mother returned to her home town of Chmielnik, where her family dwelling had been taken over by Polish neighbors. They did not welcome her back. In fact, while waiting for the court hearing that would return the property to her; she was nearly killed in an attack at the residence hall where she was staying with several other Jews during the infamous Kielce Pogrom. It is probable that my grandmothers, aunts, uncles and cousins either died of starvation and disease, were worked to death, were shot or were gassed at Treblinka, the central killing camp for both Warsaw and Chmielnik.

I was comforted in my loss when we met Pauline Plaksej, 82, in Krakow. Pauline was a Christian teenager in a small town during the War. She related a story about an abandoned four-year-old Jewish child, who had begged for food. The Nazis had already occupied the town and threatened the townspeople with death if they helped Jews in any way. A woman Pauline knew took pity on the child and gave him some food. A Nazi saw her and instantly shot both her and the child, killing them. Everyone was terrified. Despite this, Pauline's family gave shelter to several Jews until they could escape to the nearby forest. She was not seeking fame and attention, but told us that it was "the right thing to do." Her brave family was honored by Yad Vashem, the Holocaust memorial in Jerusalem after the War.



On our visit to Assisi, Italy, we met a gentle 92-year-old priest, Don Aldo Brunacci. With the assistance of two others, he had saved at least 200 Jews by hiding them in his monastery and at the nearby St. Clare's Convent. We were very fortunate to have been able to meet him. Walking the medieval pathways of Assisi today, one hardly notices the doorway to these places of rescue during the Holocaust. While no Jews had been residents prior to

the war, every Jew who entered the town was assisted to avoid deportation. No one in the entire town let it slip that this rescue operation was going on, yet many were aware of it.

Eventually the Nazis found out about Father Brunacci's efforts and arrested, interrogated and imprisoned him. I was impressed by his complete humility and the clear look of goodness in his eyes.

*Continued on next page*

## Auschwitz *Continued*



Anne and her husband and son in front of her mother's old home in Poland.

A book on this, *Assisi Underground*, had been the subject of a movie during the 1970s. Thus, Assisi, where St. Francis had worked for the underprivileged, became known as a quiet haven for displaced, homeless Jews who

had fled for their lives during the war.

Father Brunacci, too, was honored by Yad Vashem.

Finally, we visited Jerusalem. Jews have lived in Jerusalem for over three thousand years, long before Christianity and Islam existed. Walking the holy places, we traveled to the past and followed the Fourteen Stations of the Cross. We prayed at the

Western Wall, the last remaining fragment of the Second Temple and saw the tomb of King David. Our visit to Yad Vashem included a walk through the Garden of the Righteous, which commemorated the Christians who had risked

their lives to help Jews during the Holocaust. We walked into the dark, candle-lit hall with a million lights to commemorate the one and one half million children who had died.

After all we had seen we were grateful that Jews now have a place where they can practice their faith freely. Especially with images of Auschwitz in our heads, it was extremely clear to both the Jewish and Christian participants why Israel needs to be vigilant against threats of violence and destruction by extremists. The world needs to learn the lesson of tolerance.

I am committed to leading these journeys as long as I can. I am planning the next one for 2008. If you are interested in getting information for yourself or your students, please contact me at (216) 570-3222 or [alukas@ursuline.edu](mailto:alukas@ursuline.edu). ■

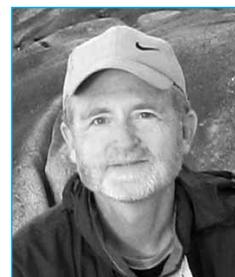
## Teaching in China

Ted Maloney, Skagit Valley College

For 17 years I watched enviously from the sidelines as exchange teachers from Beijing Foreign Studies University came to Skagit Valley College, and my colleagues traveled to China. The idea of teaching in China for an extended period was attractive, but raised a host of professional and practical questions for my wife Kathy and me. As the sole full-time faculty member and director of the paralegal program, how could I manage to leave for a year? Who would rent our house? Where would we store our stuff? What

would our families think about this crazy idea?

Thanks to Kathy's careful preparation, generous support from family, friends and colleagues, and simple good luck, things finally came together. In August 2005 we found ourselves boarding a plane to Beijing for a one-year teaching exchange. As the plane climbed, our questions and worries faded. But we suddenly faced a daunting question we had managed to suppress, how would we survive a



whole year in China?

Our fears were eased a bit as we were warmly greeted at the airport by Richard, a Chinese teacher assigned to help the new "foreign experts" get adjusted. Being the newest teacher, he was assigned to baby-sit the

*Continued on next page*

## China *Continued*

foreigners. Despite Richard's welcome and orientation, and notwithstanding classes on Chinese language and culture before we left home, we were soon wondering if the people who told us "you guys are crazy — China?" might be right after all. For the first few LONG weeks we felt helpless and isolated when faced with the simplest of things, where and what to eat, how to shop and is there any western food anywhere?

Now I am about to complete the second year of my "one-year" exchange, so, yes, things did get better. Midway into the exchange I began to feel regret at how soon I would be leaving China, the friends, the food, the students and the new adventures yet to be experienced. To my great delight, no replacement from my college came forward so my request to extend my exchange another year was granted. While I thoroughly enjoyed teaching the English majors during my first year, I had originally been promised an opportunity to teach in the university's law and diplomacy departments; after all, I had never taught ESL before. Thanks to some *guanxi* (connections) with a BFSU dean, I was hired by both departments to teach full-time the second year.

Both departments were at key turning points, branching out to form their own schools. As a result, I was excited to join the faculty of BFSU's first law school and first diplomacy school. My law students were a special delight, eager to learn about the American legal system from an American lawyer.

Being part of the law school gave me many opportunities to get acquainted with the Chinese legal system. Among the highlights was lunch with Chinese Supreme Court justices, meeting with lawyers at the first-ever migrant worker legal aid office in China, and serving as a moot court judge for an international competition. One of my fellow jurists was a Beijing lawyer who uses paralegals in his firm and believes paralegal education, which does not formally exist, is a key to the future of legal practice in China.

I have a good impression of Chinese students. The first time I entered a classroom to teach the students burst into applause — that had never happened in 17 years of teaching. Students are hard-working and serious, with good, and some even great, English skills. Many of them have better writing skills than my American students back home, and are more expert about technical grammar rules than I am. The language and analytical abilities of these undergraduate law students — there are no post-graduate law schools — was especially impressive.

We have made many Chinese friends, both in and out of the classroom. Our friends took us to dinner, helped us shop, and just generally made us feel we were special. Foreigners are still a bit of a rare commodity in China, even in Beijing, so we had more than a few "celebrity" moments which were great fun. On our first visit to the university's English Corner, students swarmed us like paparazzi. At the Beijing zoo Kathy had an infant suddenly dropped

into her arms by a man who began to quickly walk away. Our fear of instant adoption was brief, as he turned and took a photo of the stunned but relieved foreigners (OK, Kathy would have kept him). Only the pandas got more attention that day at the zoo.

We have had other adventures we would never have experienced at home. We were often recruited on the street by casting scouts to do TV commercials. To date, I have acted in five commercials — visualize Bill Murray in *Lost in Translation* — and two TV shows, all for extremely low pay, but not bad by Chinese standards. Our American voices have been dubbed for artistic and teaching recordings. One time we were fashion models for what we were told was a catalog shoot for outdoor wear to be sold in Europe. Only later did we learn the clothing was to be counterfeited and sold in China.

Another benefit of living in China is the exchange rate. Prices are dirt cheap for many things, not just pirated knock-offs. Recently I took two friends to lunch, and later two other friends to dinner, at restaurants of average to better quality. The total bill for both meals and 6 people was \$10.00. Similar bargains, and you WILL bargain, exist for clothing and other items that can be found at many street markets throughout the city.

Generous vacation time gave us the chance to travel widely in China. We've seen the incredible beauty and devastating poverty of the Western provinces, the Hawaiian-like resort island of

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## China *Continued*

Hainan, and the gleaming metropolis of Shanghai. We've lived with a countryside family in a home with no heat, no indoor plumbing and a detached kitchen with a straw-fed cooking stove. In rural areas especially we were watched intently and followed closely by jaw-dropped locals who had never seen foreigners up close. Everywhere we went we were warmly welcomed and generously fed.

What is it like living and working in a communist country? China is a land of contradictions: a socialist state run by a communist party with an emerging market economy. People's everyday lives are focused on everyday things, earning a living and enjoying life. They are interested in politics and angry about official corruption but avoid criticism of the Party, some due to fear, others out of a fierce loyalty to country and a distrust of Western views. In a developing nation of 1.3 billion and limited resources there is a high premium on survival. Pedestrians are moving targets for automobiles on city streets, and on sidewalks, where a honk that you're about to be run over is courtesy enough. Pushing and shoving and queue-jumping

offend only foreigners. And yet you will be hosted elaborately at meals and nearly escorted to your doorstep on your departure. It is these contradictions that baffle and intrigue outsiders, perhaps the yin and yang of Chinese philosophy in practice.

What do I bring back to my paralegal program and students from this journey? Just like the contradictions of China, our world is both big and small at the same time. Chinese students are fascinated by things Western, but cautious about what they adopt. They have a keen curiosity about American students and what they think of China and the Chinese. I tell them, unfortunately, that most of my students don't even think about China, much less have preconceived notions. I hope my American students will join these Chinese young people who are developing into global citizens.

Teaching in China is not for everyone. Financially, it would have been nearly impossible without my college's sabbatical funding for 2/3 of my regular salary, plus my BFSU pay. Living in China requires a great deal of flexibility and a high threshold for frustration, as the legacy of decades of state control still persists in government

institutions, including the university. But these "problems" are also a part of the charm, allowing me to live a life so unlike anything I have known. For those who are ready for it, it is an adventure not to be missed. ■

*Ted Maloney is the founding director and full-time tenured faculty member of the ABA-approved Skagit Valley College Paralegal Program, in Mount Vernon, Washington. He is a past chair of the Washington State Bar Association's Legal Assistants Committee, and has served on the Board of Directors of the American Association for Paralegal Education (AAfPE). Ted graduated from the University of Notre Dame Law School in 1978. He practiced law in Washington for 18 years, primarily representing Indian tribal governments in federal and tribal courts. In Spring 2002 he completed a 3-month sabbatical tour of Western and Eastern Europe, studying political and legal institutions. Besides paralegal classes, Ted teaches courses on government and international relations at Skagit. He is just returning from two years as Skagit's exchange faculty in China at Beijing Foreign Studies University, where he taught in the School of Law and School of International Relations and Diplomacy.*

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## Two Educator Perspectives on Legal Research Methods

### LAPTOP OR LIBRARY? CHOOSE YOUR LEGAL RESEARCH WEAPON

Ellen Boegel, St. John's University

According to ABA Guidelines for the Approval of Paralegal Education Programs (G-601G and J) ABA-approved programs must provide access to both print and

electronic resources, and teach both traditional and electronic research methods. Individual professors teaching various courses, however, may exercise discretion when determining whether to emphasize print or electronic research. My preference is for electronic research.

### Employment Opportunities

Employers for whom my students will work have stopped keeping books. Storage and maintenance of print resources are expensive; electronic resources are current and portable. Growing public

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## Methods *Continued*

access and the variety of proprietary payment plans have increased the flexibility and reduced the cost of computer-assisted legal research. Most small firms keep updated print copies of frequently used statutes, regulations, and reference books, but they do not keep case reporters, full federal and state statutory volumes or digests. A student must know how to research using electronic resources because print resources are not available.

### Student Preferences

Students are more comfortable using computers than they are using books. Students like completing assignments any time, any day, from any location. Electronic research allows a student with a wireless laptop to research from the beach while on spring break, or, more realistically, while on their lunch break at a nearby coffeehouse. Libraries have limited hours and a fixed location. Libraries also have only one copy of most materials. Students are frustrated when a necessary book is in use, misshelved, damaged or stolen.

### Availability of Electronic Resources

Students need not have access to

Lexis or Westlaw to conduct electronic legal research. Numerous free and reliable websites contain case law databases and useful search engines. The Oklahoma State Court Network, <http://www.oscn.net/applications/oscn/search.asp?simple=true>, for example, provides an extensive searchable database of all Oklahoma state legal materials and some Utah, Wyoming, and federal materials. The website even offers a free "citationize" feature that performs a cite checking function similar to Keycite or Shepard's. The New York State Court website, [www.courts.state.ny.us/reporter](http://www.courts.state.ny.us/reporter), allows users to access and search Westlaw's database of New York cases. The California Court website provides similar access to its cases via the LexisNexis database, <http://www.lexisnexis.com/clients/CACourts/>.

### Sample Assignment

A good assignment for a legal research course is to find a recent appellate court decision involving school district liability for playground injuries. Students use computer-assisted legal research, log on to an appropriate resource, select a database, type in a few keywords, school and playground for example, and wait a few seconds for the results. This

assignment, including log on time to my school's LexisNexis Academic Universe account, took me under two minutes. It took approximately the same time using New York's free search engine.

In contrast, students using traditional research methods must travel to the library, find the appropriate digest series, locate the correct volume, wait until other students given the same assignment are finished with it, flip pages until an appropriate reference is found, write down the case citation, locate the appropriate reporter, and then wait until other students are finished with the volume to read the case. Using print resources, the school playground liability assignment, minus waiting time, took me 17 minutes to complete.

An added bonus to electronic research is that assignments can be given in a computer classroom so the professor can monitor each student's progress and offer assistance when necessary. This ensures that the student who submits the research results actually conducted the research. I teach my students how to use print resources to perform legal research because I must, but my preference, and theirs, is to perform tasks as they would in a law office, electronically.

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## BOOK AND PRINT VERSUS SCREEN AND TYPE

Marissa J. Moran, *New York City College of Technology*

The world of research, in general, and legal research, specifically, is

big enough to allow for both the traditional method of manual book research and electronic research to co-exist.

We must, as educators, encourage and guide our students in their

use of technology for legal research just as we do with the manual method of research. For the most part, our students have grown up with technology and are quite comfortable relying

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## Methods *Continued*

upon it to assist them in finding necessary information on virtually any topic. However, as with any method of research, students must be cautioned about limitations they may encounter.

Remember in law school, the countless frustrating hours spent in the library looking for missing case books or incorrectly filed/shelved books or finding the book only to discover that the case you needed had been carefully carved out of the book. Due to computerized research, such issues should no longer occur and these problems associated with legal research resolved. If we were keeping score, that would be one point for electronic research.

Finding information quickly is great, however, the source or authority for such information must be scrutinized, and more so with electronic resources. One need only think of disclaimers surrounding websites or posts — “we are not responsible for the content/information provided by the author ...” Although there is the promise of speed, time and labor must be spent formulating accurate search queries before embarking on electronic research, as the acronym GIGO (Garbage In, Garbage Out) reminds us. What this speed should provide is more time to devote to analysis and actual legal writing. Although owning personal computers has become commonplace, not every student owns one, let alone a laptop. That’s one point for technology and two points for traditional research.

Reading from a screen may save time and paper by allowing the viewer a quick read and turn-around response. However, with longer documents, such as cases and the legislative history that accompanies statutory law, a hard copy is easier to work from. When asked to review a book proposal, you may provide the commentary via the computer; but it is a hard copy you read from when you review a chapter. Law publishers realize the benefits of both tradition and technology, and so should we. Score one for traditional research.

Depending upon where your students work most likely will determine which method of research they utilize. Cost considerations are always a factor and whether it is economically prudent to conduct electronic or manual research may depend on how quickly and accurately the student researcher obtains the desired result. Printed materials and updates are costly and may be outdated before they even hit the shelves. With electronic research there is sometimes a miscommunication of rushed information or a too quick perusal of the latest updates which sacrifices analysis.

It would seem wise then for our students to have knowledge as to how to perform manual and electronic research, and be articulate and demonstrate the reasons why, if given a choice, computerized research may be a more efficient use of their time. No matter where your students may work, at the very least, if they are knowledgeable in electronic research, it should be the research

of choice when finding the most up-to-date law. So as to scoring, it’s a draw, but let’s not keep score.

As educators preparing our students for the 21st century practice of law, we need to be responsible with the knowledge and type of skills we teach. By empowering students with both traditional research and electronic research skills we will enable them to have options to enhance their abilities with the best that both worlds of research have to offer. ■

*Ellen K. Boegel teaches basic and advanced legal research and writing at the Staten Island Campus of St. John's University. She is the Assistant Director of the Legal Studies Program. She holds a J.D. from The George Washington University and has written on legal citation and church/state issues.*

*Marissa J. Moran is an associate professor at New York City College of Technology (“City Tech”) in the Dept. of Law & Paralegal Studies. After graduating from law school, she clerked for the chief Federal Bankruptcy Judge in the Southern District of New York and later worked as an associate in the New York law firms Kaye, Scholer, Fierman, Hays & Handler and Emmet, Marvin & Martin. Marissa has served as chair of the Legislative Committee of City Tech’s governance body, chair of the Faculty-Student Disciplinary Committee, and has been a guest speaker and organizer of City Tech conferences cosponsored with the Brooklyn DA’s Office. She has three sons, James, JonPaul and Justin.*

## Professional Development Tips

Laura Alfano, Virginia College Online

We tend to acquire professional development hours because we have to. Our institutions require it, our accrediting bodies require it, and our professional organizations require it. The problem we face is to provide training for the instructors who teach our students that will not only satisfy the requirements, but also be convenient and of practical use to the faculty.

Making training convenient is important. Instructors, like students, have limited amounts of time. They have families and lives. Many are working outside the educational environment in their fields. Somehow, they plan classes, teach, grade and counsel students. Trying to fit professional development into an already busy schedule is a challenge. If the training sessions are convenient, faculty members are more likely to attend.

One way to make professional development convenient is to plan it in conjunction with faculty meetings. Most departments meet, at least, quarterly. If a part of the faculty meeting is devoted to training, the professional development requirement of the school can be met without the instructors squeezing out time for a second meeting. Material can be made available prior to the training session, which will save time and allow discussion or application of the information during the actual meeting.

Another way to provide convenient training is to make it

available online. Online instruction provides training at a time convenient for each individual. Most instructors have the computer skills necessary to complete professional development material provided in this way. If the school does not have an online component, material can be posted on a website like [www.NiceNet.org](http://www.NiceNet.org). This site is free to educators.

A simple online learning technique is to send information out prior to a meeting via email. Include articles, links, teaching tips and attachments. Teachers can review the material at their leisure and discuss it at the training session.

Choose topics that apply to instructors' classes. Faculty members will be more interested if there is an easier way to grade a project, a more effective way to review for an exam or a better way to handle disruptions.

Ask teachers to share. Each one can submit a rubric, for example, which has worked in his or her class. Make copies and ask teachers to compare the rubrics prior to the professional development portion of the meeting. Then, during the meeting, groups can construct a rubric that uses all of the "best parts" of the ones they have reviewed.

Instructors can submit their best activities or games. Compile them into a booklet. Have each teacher give a 5-minute demonstration of the activity so that faculty members can participate. This



technique will help teachers remember the activities and choose the ones that will work for them in the classroom.

If one faculty member has a particular strength, he or she can be responsible for a professional development topic. For example, if a teacher does an excellent job of asking higher order questions, ask the teacher to prepare a short presentation about higher order thinking and give examples of how to ask questions to promote that kind of thought.

Getting professional development hours should not be something that the faculty members dread or something that instructors do because they have to. Training should be something they look forward to attending because it is convenient, practical, and makes them better and more enthusiastic teachers. ■

*Laura Alfano, J.D., M.Ed., is the Program Director for Criminal Justice and Paralegal Studies at Virginia College Online, and has taught Paralegal courses for over 10 years. Laura has been an educator for 35 years, and a trial lawyer for 16 years. She has served on the editorial board for AAFPE and on the board for the Solo and Small Firms section of the Alabama Bar Association. She writes and speaks about faculty training issues and paralegal training.*

## Smile for the Camera: Taping the Mock Interview

Deborah Boyle, University of Hartford

They say that a picture is worth a thousand words. This was the premise that led me to the idea of having students in my Career Management and Advancement class practice their interviewing skills while being video taped. What better learning experience than to actually see yourself in one of the most important moments in your life, trying to impress the interviewer to hire you for your first paralegal job.

When they received the assignment, students were less than enthusiastic. Most had not been interviewed in many years and were not looking forward to doing so in front of their classmates while being video taped. I immediately saw the need to help them feel prepared and comfortable in this unfamiliar setting. We worked on creating professional legal cover letters and résumés, as well as reviewing many articles on interviewing skills. We explored various traditional and non-traditional paralegal jobs and analyzed salary surveys. As the date got closer we invited a paralegal recruiter into the class to discuss interviewing techniques. She shared with students interview situations and they brainstormed in groups how to respond to various questions. We discussed the importance of having prepared a canned speech to the question, "Tell me more about yourself."

Part of the learning process is to be able to critique others as well as yourself. An important part of this exercise was to have students prepare comments on each

others' interviews and then critique themselves. I prepared a peer review comment sheet where students provided feedback on the interviewee's dress and voice tone, how the student did in answering and asking questions of the interviewer and areas of strength and improvement. We discussed how valuable it is to have the feedback of others because we are sometimes oblivious to our own errors. We created a spirit of teamwork so students felt comfortable offering constructive written comments.

The night of the interviews finally arrived and students came dressed for their first (mock) paralegal interviews. You could feel the nervous tension in the room as they took their seats and waited their turn. The paralegal recruiter spent 10 minutes interviewing each student while we video taped the interview and their classmates completed the peer review comment sheets. When class ended you could hear the collective sigh of relief. They had "survived" their interview experience! Students went home with their fellow classmate's peer review comment sheets to review and reflect upon.

I had the task of making individual DVD's for each student of his/her 10 minute interview. With the help of the technology department, we were able to use video editing software to edit out each interview and burn a DVD for each student of just his/her interview. The real learning could now begin as students watched



themselves and identified strengths and weaknesses.

One of their final assignments for the class was to apply for a mock paralegal position using a job advertisement I provided. They were to:

- Create a cover letter and résumé specific to this job.
- Write out the steps they would take to prepare for the interview and provide information they had uncovered from their research. They were encouraged to look at their Meyers Briggs personality style, identified earlier in the semester, to see if they would be a good fit for the position.
- Evaluate the DVD of the mock interview, including the following:
  - What was the hardest question asked? Were they satisfied with their answer? Write an alternative answer that could have been given.
  - Which question did they answer the best? Why?
  - Critique their own interview using the critique sheet that classmates had used in class.
  - Write a canned but flexible speech to the question, "Tell me more about yourself."
  - Write five good questions to ask during the interview.

The students' critiques were insightful and interesting to read. Many commented on their body

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## Smile *Continued*

language and how they had presented themselves during the interview. The importance of having the interview on DVD became apparent and a wonderful learning tool. Several students commented that an area of improvement was in not saying "um," "like," "ya know" and other similar terms repetitively during the interview. They did not realize they were using these phrases so frequently. Several students commented on posture and the need to sit up straight at all times. They also critiqued their answers

to questions and ways they could improve on the next interview, which hopefully will be for a real paralegal job.

Finally, as part of the class evaluation I asked students to grade this assignment. All gave it an A or A+. One student commented, "It was painful to watch but very helpful." Overall this was a great learning experience for students and well worth the time and effort on my part. ■

*Deborah Boyle, NFPA, PACE Registered Paralegal, is the Program*

*Manager and an instructor in the Paralegal Studies Department at the University of Hartford in Connecticut. She has taught paralegal courses for over 10 years and worked as a paralegal for 17 years in the Greater Hartford area. She teaches a variety of paralegal courses and coordinates the legal internship program. Deborah is an active member of the Central Connecticut Paralegal Association and Connecticut Bar Association's Paralegal Committee. She has presented at regional AAFPE meetings and authored an article for the Journal of Paralegal Education and Practice.*

## Teaching Legal Writing Online

Glenn Barnes and Brian Halsey, Peirce College

Teaching students how to write as legal professionals is one of the greatest challenges we face as educators. This article will demonstrate, through one legal writing course, strategies and methods that may be used to try to meet this challenge.

Our aim is to examine some of the practical methods we use at Peirce College, along with using standardized formats, to achieve significantly improving student writing skills.

The strategy we have adopted is to incrementally advance writing skills from fundamental, objective, informational writing, case briefs, to more advanced, positional, and persuasive exercises and adversarial memoranda, by making the appropriate tools easily available to our students and by stressing practice with common legal writing problems.

In this article we will focus on the strategies and methods used in our online sophomore level Legal Writing II course. It is true that the online delivery system poses certain distinctive problems, but we have found that the same strategies and methods are directly applicable to our on-campus classes, or can be easily adapted to such.

Although our LWII students have already had the benefit of an introductory three credit course in legal writing, we have found that many problems persist including struggles with basic grammar and sentence structure, paragraph structure, citation, legal analysis and legal reasoning. Many students are intimidated by any kind of writing, much less professional legal writing, due in large part to serious deficiencies in their primary and secondary education. We have found that by

creatively repeating the same basics taught in our freshman legal writing class, while at the same time slowly increasing the complexity of the writing assignments, we significantly improve the skills of most of our students.

While progressing from drafting case briefs to adversarial memoranda, the student faces continuous grammar exercises that focus and re-focus on particular categories of significant grammatical errors: subject/verb agreement, punctuation, legalese, slang, double negatives, parallelism, passive/active voice, nominalization, possessive pronouns, and commonly misused words. In the beginning of the course all grammar problems are

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## Online *Continued*

explicitly categorized for the student and a sample precedes each group of homework problems or quiz questions. Constant repetition of distinctive problems and illustrative samples serve an obvious and crucial purpose. Repetition with explanation results in familiarity. Familiarity results in competence. And competence results in confidence. Transforming the bewildered and often intimidated legal writing student into a more confident writer is the result of this process.

We have divided the course into seven units. It is easily adaptable to a 14 or 15 week semester or an accelerated program. Each unit

includes assigned readings, two online asynchronous threaded discussions, which become classroom exercises in an on-campus run of the course, and a writing project which may be comprised of multiple mini-projects. A final project, an adversarial memorandum, on behalf of the hypothetical client is due at the end of the course.

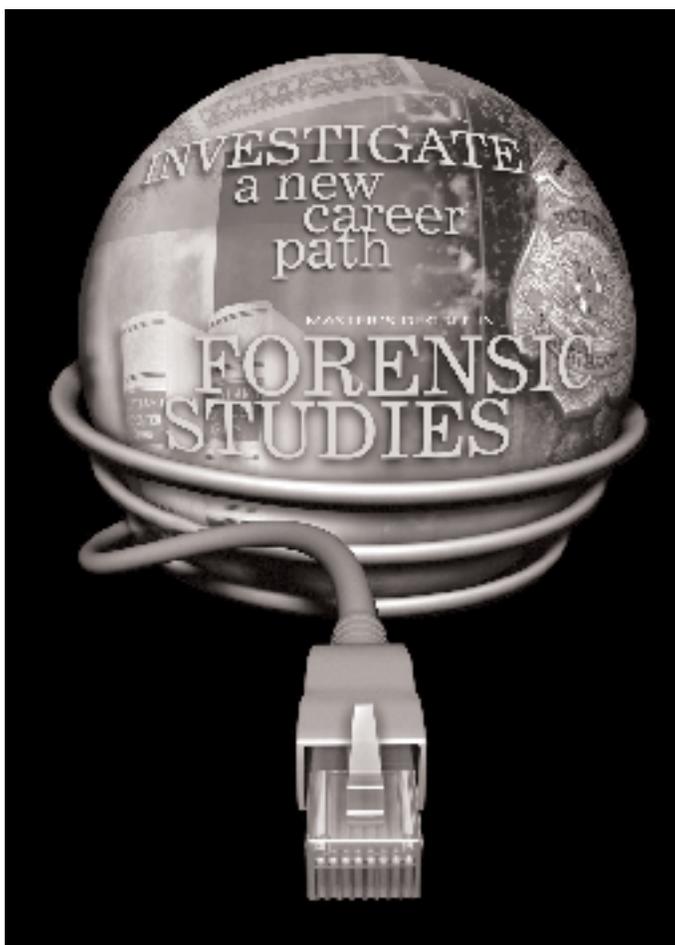
The focus of this course is strictly on the development of writing rather than research skills. The students are told they will be doing no legal research in this class and that they may not use cases or forms beyond those made available to them to complete their assignments.

The course uses five cases to

show the development, over 40 years, of a particular tort under Pennsylvania law. The cases proceed from a reasoned rejection of the tort to a better reasoned recognition of this tort. The five cases are uploaded into a common online folder at the beginning of the course, or distributed as handouts for the on-campus course.

In addition, at least one week prior to their related assignments, students are given a sample case brief, a sample complaint, a sample set of interrogatories and a sample adversarial memorandum. None of the samples are directly related to the hypothetical client's case or to any

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## Online *Continued*

actual student assignments. They merely illustrate the proper standardized formats.

Before examining each of the seven units in more detail to see how these strategies and methods are used in actual practice, we would like to state that a close reading and comprehensive critique of a student's writing project provides a one-on-one, teacher student opportunity to raise the student's awareness of the strengths and problems in that student's writing.

### UNIT ASSIGNMENTS

#### Unit One

1. Students are given a hypothetical story that informs students of most, though not all, of the course's writing projects. The story is a personal injury case involving an entire family and is presented as a summary of a client interview. It helps to have an emotionally compelling story that is not entirely straightforward in its legal implications. Whatever its subject matter, the story should be fashioned to hold student interest and to stir up thoughtful and thought-provoking debate.
2. Introductory textbook chapters are assigned covering the structure of our judicial system, the types of legal authority, primary binding, primary persuasive, etc., and certain fundamental concepts of the legal writing process, audience, purpose, and a review of citation basics.
3. Written assignments require students to understand the basic concepts of these introductory chapters by answering chapter

questions on legal authority. The idea is to assure that students understand the social importance and precedential value of the cases they will be reading and briefing.

4. Students are given one short and simple case that is unrelated to the class hypothetical. *Fenton v. Quaboag Country Club, Inc.*, 353 Mass. 534, 233 N.E.2d 216 (1968) or *Webster v. Blue Ship Tea Room, Inc.*, 347 Mass. 421, 198 N.E.2d 309 (1964) have been used for their simplicity and the peculiar charm of the judge's prose. On the two threaded discussion boards, students are asked to summarize the key facts of their case and to state its legal issue. Students are directed to the three- page "Case Briefing Tips," our own guide to case briefing that addresses many of the common problems we have found students have when briefing cases. This is made available in a shared online class folder. They are encouraged to revise their own posts and to graciously comment and revise other students' posts. As might be expected, few do the latter. The professor responds to these posts with encouragement, critical commentary and, at times, some suggestions for revision.
5. Students are given a fifteen question multiple-choice grammar quiz covering subject-verb agreement, punctuation and legalese. An illustrative example precedes the questions in each category. Although this quiz is graded, students are informed that the grade is not included in the student's final grade point average. The quiz is a "self practice" quiz, taking away a part of the fear and loathing

many grammatically-challenged students feel when working on graded grammar problems. The quiz is not optional, however, and students are told that they will lose 5 points on a future project such as Week 6's graded and counted Grammar Handout, if they fail to complete this or either of the other two next self-practice grammar quizzes.

#### Unit Two

1. An announcement is posted giving examples of the fact summary and issues from the Unit One discussion boards.
2. Students read textbook chapters on briefing cases and are again directed to read the Case Briefing Tips.
3. Students are given a sample case brief on either the Fenton or Webster cases, whichever case was not used in Unit One. This allows students to visually review the finished product, confirm our standardized case brief format and closely examine the content of each case brief component.
4. On the first Unit Two discussion board, students are asked to read a well-written passage from Justice Cardozo's majority opinion in the famous *Palsgraf* case, and a very poorly written passage from an early Pennsylvania case that they will be briefing. Each student is asked to choose which passage is better written, give the reasons for such a conclusion and to revise the worst of the two passages. This gives the student valuable practice reviewing critically samples of good and bad prose and, as to the latter, recognizing and revising such problems as legalistic redundancies, run-on

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## Online *Continued*

sentences, double negatives, and mixed metaphors. On the second discussion board, after reading the first two of the five cases related to our hypothetical client, students are asked to summarize what these cases generally tell us about negligence law and how these cases relate to our hypothetical client's story. The professor reviews all posts for grammar and spelling, praising and correcting, all the while nudging the student into an understanding of the elements of negligence law, as they relate to the client's case.

4. Students read and brief the first two of the five cases they are given relating to the client's case. As to the strategy of repetition and familiarity, it should be noted that students in this class have already drafted at least two or three case briefs in their previous legal writing and legal research classes.
5. Students are given access to an audio lecture and corresponding PDF transcript on case briefing.
6. Students are asked to revise 25 categorized textbook grammar problems, including exercises on subject-verb agreement, punctuation, legalese, parallelism, and the passive/active voice. This is a graded exercise and not one of the self-practice quizzes.

### Unit Three

1. Students read textbook chapters on drafting internal and adversarial legal memoranda, focusing on the fact, issue and conclusion sections.
2. On the first discussion board students are asked to define the

doctrine of *respondeat superior* and explain how that doctrine may apply to the hypothetical client's case, and to analyze further the client's case in light of the law of negligence. On the second discussion board, students respond to particular questions concerning the two cases they will be reading and briefing this week and to apply the holdings and underlying rationale of these cases to the client's case.

3. Students read and brief the next two assigned cases that further develop Pennsylvania law concerning the client's case.
4. Students are given a sample adversarial memorandum and directed to begin working on the caption, title, and facts sections of the final project.
5. Students are given a 15 question non-multiple-choice, self-practice grammar quiz covering double negatives, parallelism and passive/active voice. An illustrative example precedes each category.

### Unit Four

1. Students read textbook chapters on: (a) the IRAC method and on how to draft the analysis and argument sections of internal and adversarial legal memoranda; (b) legal citations including pinpoint citations and the use of parentheses, and (c) drafting complaints.
2. Students complete textbook exercises on (a) identifying the IRAC components of various paragraphs, and (b) citation form.
3. Students read and brief the last of the five cases relating to the client.
4. On the first discussion board

the students discuss the component parts of a complaint. Again, as to our announced strategy of repetition and familiarity, it should be noted that students in this class have already drafted at least one other complaint in their civil litigation class.

5. On the second discussion board, students are asked to discuss the facts, holding, and reasoning of the case briefed this week and to relate these to the client's case. They are also asked to select at least five passages from the five cases they have now briefed which may be used to support the client's case and to quote these passages using proper pinpoint citations.
5. Students draft an outline of the argument section of their final project adversarial memorandum. Students are informed that though this outline will not be graded, five points will be deducted from their final project grade if it is not handed in on time.
7. Students are given access to audio lectures and corresponding PDF transcripts on drafting complaints and adversarial memoranda.
8. A sample complaint is made available to the students.
9. A sample adversarial memorandum is made available to the students.

### Unit Five

1. Students read textbook chapters on persuasive strategies on adversarial memoranda and on drafting discovery, particularly interrogatories.
2. Students draft a simple one count complaint on behalf of the client.

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## Online *Continued*

3. Students are given a 20 question non-multiple-choice self-practice grammar quiz covering slang, nominalization, possessive pronouns and commonly misused words. An illustrative example precedes each category.
4. An audio lecture and transcript on drafting interrogatories is made available to the student.
5. A sample set of interrogatories is made available to the student.
6. Students complete a rough first draft of the caption, title, facts, issues presented, argument, conclusion and relief requested sections of the final project memorandum. Students are informed that though this draft will not be graded, ten points will be deducted from their final project grades if it is not handed in.

### Unit Six

1. Students read textbook chapters on grammar and on drafting a request for admissions.
2. Students draft a set of 15 interrogatories, accompanied by a set of definitions and instructions, on behalf of the client.
3. On the first discussion board students are asked to draft at least five interrogatories on behalf of the hypothetical defendant and to explain the purpose of each interrogatory. They are also urged to revise their own or other students' posted interrogatories.
4. On the second discussion board students are asked to draft at least five requests for admissions on behalf of the defendant and to explain the

purpose of each request. They are also urged to revise their own or other students' posted interrogatories.

5. Students review the professor-annotated rough drafts of their memoranda.
6. Students are given access to audio lectures and corresponding PDF transcripts on drafting interrogatories.

### Unit Seven

1. Students complete additional assigned readings on grammar.
2. On the first discussion board students are asked to submit at least three sentences from their previous work in this class, their five case briefs, discussion board postings, complaint or interrogatories that are good examples of bad sentences. They must explain why these sentences are defective and then revise them.
3. On the second discussion board students are asked to write, using concise, error free prose, what they believe will be the judicial fate of the client and why.
4. Students complete a 50 question Grammar Handout covering all the grammar categories on which they have previously worked. These categories are not explicitly labeled for the purposes of this exercise. The Grammar Handout is graded and the grade counts.
5. Students submit their completed final projects.

Undergraduate legal studies educators must always keep in mind that their students are neither lawyers nor law school students. Our expectations must appropriately fit the educational, professional, and personal

developmental levels of our students. Such obvious truths make all the more surprising and gratifying the number of professionally accomplished papers we receive each semester from top students. But it is even more gratifying to see the measurably improving writing skills of our average and especially our initially struggling students. From our experience, repeated practice with clearly identified categories of grammar problems and the repeated use of standardized and easily available templates for common legal writing assignments have been two of the measurably successful methods employed in our legal writing program. Finally, the opportunity to use these newly developing skills in increasingly complex practical application exercises provides the stage upon which our once intimidated student to show off, perhaps for the first time. Our process allows our students to learn to write and gain self esteem about their legal writing skills. ■

*Brian Halsey is a Pennsylvania and New Jersey attorney. He is a Professor of Legal Studies at Peirce College in Philadelphia, Pennsylvania. He received his J.D. from Widener University School of Law and LL.M. from Villanova University School of Law. He can be reached at [bhalsey@peirce.edu](mailto:bhalsey@peirce.edu).*

*Glenn Barnes is a Pennsylvania and Massachusetts attorney. He is an Associate Professor of Legal Studies at Peirce College in Philadelphia, Pennsylvania. He received his B.A. from Cornell University and his J.D. from Suffolk University Law School. He can be reached at [gdbarnes@peirce.edu](mailto:gdbarnes@peirce.edu).*

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# COPY RIGHT ©LICKS:

## ©opyright Law in the Digital ©lassroom

Robert N. Diotalevi, Florida Gulf Coast University

Copyright law is once again at the forefront of education. The traditional classroom as well as the “Information Super Highway” used for online delivery of instruction offers a plethora of useful information, much of it as copyrighted material. There has been recent copyright legislation enacted, including the *TEACH Act*, concerning copyright. This work provides an overview of the latest in law and addresses related issues.

### OVERVIEW OF COPYRIGHT

#### Myths and Mistakes

There are many misconceptions about copyright law. For example, many believe that one needs to provide notice in order to possess a copyrighted work,<sup>1</sup> or that registration is necessary or that photocopying requires express permission from the author in all cases. Mistakes also abound as to the defense of copyrights as well as thoughts of the dreaded “copyright police” coming to arrest against alleged infringement violations.<sup>2</sup> Copyright law is simply misunderstood.

There is no physicality associated with copyright protection. A copyright is a type of intellectual property, wherein intangible rights are attached to the owner if certain rules are followed. It is reminiscent of our federal or state constitutional protections. For example, even though a copy of the Constitution could burn in a

fire we would not lose the fundamental freedoms contained therein. A closer examination reveals that there are several privileges afforded by copyright law.

#### What is copyright law?

There are numerous authors who have addressed the subject of copyright law,<sup>3</sup> because it has been around for most of our country’s existence. In fact, the fundamental basis of copyright law stems from the United States Constitution. In Article 1, Section 8, clause 8 we find that the Founding Fathers wished to promote science and the useful arts by securing an exclusive right to writings. Unfortunately, they did not explain themselves. Perhaps the most important statute in the area of copyright is the *Copyright Act of 1976* (The Copyright Act)<sup>4</sup> which provides the basic framework for all of our present statutes.

Section 106 of the Copyright Act provides the owner of a copyright certain exclusive rights. In general they include five safeguards:

1. Reproduction of the copyrighted work,
2. Preparation of derivative works (adaptations) based upon the copyrighted material,
3. Distribution of the work,
4. Performance of the work publicly, and
5. Displaying of the work publicly.<sup>5</sup>

Copyright is a legal device. One must carefully examine several factors in order to determine whether or not copyright law is applicable.<sup>6</sup> Note that copyrights, for the most part, are protected under federal law rather than state laws.

#### Originality

A major requirement in copyright law is that the work be original in order to be afforded copyright protection. The work’s creator must independently conceive the work. In *Feist Publications, Inc. v. Rural Tel. Ser. Co.*, the U.S. Supreme Court explained that the primary objective of copyright law is “not to reward the labor of authors, but [t]o promote the Progress of Science and useful Arts . . .”<sup>7</sup> The Court determined that the printed white telephone directory lacked the element of originality and therefore was not protected under copyright. However the test is not one of uniqueness or novelty. For example, assume a teacher in Orlando writes an article called “Understanding Copyright Law” while another teacher in Omaha has just completed a very similar article with the same name. Neither knows of the other’s efforts. Both instructors have created an original work; hence copyright protection is afforded to each of them. Courts would, of course, look very closely at works that seemed to mirror others or were an outright verbatim copy, as

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## ©copyright *Continued*

the likelihood of violation is clearer in these circumstances.

### **Expression and Fixation**

A key factor is expression. All authors, including those online, must be aware that copyright law affords protection to expressions rather than ideas.<sup>8</sup> Several works that do not enjoy such afforded protection include titles, names, slogans, symbols, designs, lettering, coloring, improvisational speeches, unrecorded performances, concepts, devices, systems, methods and calendars. Many times other legal protections such as trademark, trade name and patent come into play. Examples of copyrightable material include original, tangible forms of poetry, literature, motion pictures, sound recordings, computer programming, music, videos, plays, photographs, drawings and the like. The work also needs to be fixed. It is so when its embodiment

*is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is 'fixed' for purposes of this title if a fixation of the work is being made simultaneously with its transmission.*<sup>9</sup>

Just about any form of original expression qualifies as a tangible medium. This includes a computer's random access memory (RAM) as well as notes

hurriedly penned upon the back of a table napkin. When dealing with cyberspace there is a multitude of issues, such as downloading or copying onto discs and hard drives. Care must be taken to avoid activities that may constitute a violation of fixed, tangible expressions covered by copyright law. These would include copying and/or using someone's work outright but the problem is that copyright takes so many different forms. For example, it has been argued that downloading itself constitutes copying and may very well be an infringement. The faxing of a document qualifies as copying, although many agree that mere transmission is not fixation.<sup>10</sup> Case law is sparse in these areas. Nevertheless one thing is certain: the Internet will provide many issues for courts to decide as a result of our advancing technological capabilities.

### **FORMALITIES**

#### **Ownership, Registration and Duration**

Ownership rights attach whenever one's expression is fixed in a tangible medium. No other action is necessary to obtain such privileges. Thus, usually the people who create the expression own the copyright thereto, but there are exceptions. For example, if an employee in the course of his or her employment does such a work, the employer owns the copyright of it. Additionally, if the creator sells the copyright it becomes the property of the business or person who purchases it. Faculty should be careful in reading contracts as well as faculty

handbook language that may be incorporated by reference into contractual agreements regarding copyright ownership.

It is often surprising to educators that no major protocol exists to obtain copyright protection.<sup>11</sup> It is no longer necessary to provide notice (discussed below), however, registration is advisable. Registration is the process by which one informs the U.S. Copyright Office of copyright ownership. The Copyright Office provides the necessary forms.<sup>12</sup> One must only fill out the paperwork, send a small fee and a copy of the expression. Registration assists in protecting one's rights, enjoining others and obtaining statutory and civil remedies. In fact, registration is required in order to bring an infringement suit.<sup>13</sup>

Traditionally, copyright protection lasted for an artist's lifetime plus fifty years. In 1998 President Clinton signed "The Sonny Bono Copyright Term Extension Act," a measure extending the term an additional twenty years.<sup>14</sup> If the work is *for hire*, that is, it is done in the course of employment, the copyright lasts 95 years after publication or 120 years after creation, whichever is shorter. Publication includes sales, leasing, freely giving away and public distribution.

#### **Notice**

Most are familiar with the old copyright notification symbols. They usually contain a C in a circular symbol, or the actual word copyright, with the date and name of the owner. Example:

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## © copyright *Continued*

*Copyright (or ©) 1997 Bill Kane.*

In March 1989 the United States joined the Berne Convention for the Protection of Literary and Artistic Works.<sup>15</sup> This multinational treaty provided copyright mutual protection and made notice symbols obsolete. By joining Berne, the United States and member nations recognize and respect each other's laws at least minimally.

## DEFENSES

### Overview

There are several defenses available for those who have allegedly violated copyright. These defenses include, but are not limited to:

- The work is in the public domain. For example, federal documents are not afforded the protections of copyright law,
- The copyright may be expired, or the holder may have forfeited his or her rights in the work, or
- The copyright holder may have granted another permission to use the work,
- Fair Use.

### The Fair Use Doctrine

Fair use<sup>16</sup> is also an exception to normal copyright legalities. It allows, in a limited manner, use of copyrighted protected materials in items for purposes of parody, news reports, comedic acts and, of course, most important for those in academia, research and education. The law considers four factors in determining if fair use is applicable as a defense. They are:

1. the purpose and character of the use, including whether use is of a commercial nature or is for

2. the nature of the copyrighted work,
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole, and
4. the effect of the use upon the potential market for or value of the copyrighted work (emphasis added).<sup>17</sup>

The determination of fair use is made on a case by case basis. The case of *Campbell v. Acuff-Rose Music, Inc.*<sup>18</sup> demonstrates this. The Court corrected two common lower courts errors. The first error was the treatment of the "market effect" factor as being the most important. The other error was to give copyrighted works class treatment by holding, for example, that since the copying of material from one book is infringement, copying from all books is infringement. The Court stressed that simple piracy is to be distinguished from those raising reasonable contentions of fair use. The Supreme Court reversed the Sixth Circuit Court, claiming that it erred in finding copyright infringement against 2 Live Crew. The petitioners were band members Luther R. Campbell, Christopher Wongwon, Mark Ross, and David Hobbs. The group parodied Roy Orbison's "Oh, Pretty Woman" in a song Campbell entitled "Pretty Woman." After nearly a quarter of a million copies of the recording had been sold, Acuff-Rose sued 2 Live Crew and its record company, Luke Skywalker Records.

The following determinations were made:

- 1) The purpose and character of the use was a parody,
- 2) The nature of the copyrighted song does not prevent commercial use of a parody,
- 3) The portion used was only the necessary amount, as no more of the lyrics were taken than was necessary in relation to the parodic purpose, and
- 4) The parody was unlikely to have a large effect on the marketplace.<sup>19</sup>

Fair use still remains a viable option for educators; but as more faculty desire to use copyrighted works for courses there seems to be the need for easier ways for materials to be digitized and transmitted.

### THE TEACH ACT

On November 2, 2002, President Bush signed into law the *21st Century Department of Justice Appropriations Authorization Act* (H.R. 2215), which includes the *Technology, Education, and Copyright Harmonization (TEACH) Act of 2001* with technical amendments to the *Copyright Act*.<sup>20</sup> On March 13, 2001 the United States Senate Judiciary Committee met to discuss the measure, S. 487, (the Copyright Technical Corrections Act, previously introduced as H.R. 614). Senators Hatch of Utah and Leahy of Vermont co-wrote the bill in order to amend sections 112 and 110 of Title 17 of the United States Code.<sup>21</sup> It gives credence to the report by Marybeth Peters, Register of Copyrights, to extend fair use in regard to distance education. It was meant to be an effort to simulate the face-to-face instruction exception. The Senate

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## ©copyright *Continued*

passed the measure in June 2001.<sup>22</sup> Section 110 of the *U.S. Copyright Act* includes ten subsections. However, subsections one and two have the most impact regarding the new law.<sup>23</sup>

The *TEACH Act* calls for safeguards against retention or distribution of copies other than as needed to teach and against interference with technological measures used by the copyright owner as well as permitting institutions to upload a copyrighted work onto a server under specific instances as defined by the Act and set out below. This will afford opportunities to allow certain schools to show audio-visual works via Internet and other related means. Let us examine how this is to be achieved.

The *TEACH Act* repeals the former Section 110(2) which allowed educators the performance of limited works as well as transmissions to classroom settings. Thus, present concerns regarding digital or computerized transmissions required a change in the law. The Act extends Section 110 by allowing the performance and display of more works in the distance educational realm, by analog (physical) as well as digital means.<sup>24</sup>

The Act also amends Section 110(2) to broaden permitted uses to include the performance of any work by "reasonable and limited" portions. It also eliminates the need for a physical classroom, a neutral application regarding medium of information transmission, so to speak. Again

the act clears up instructional activities exempted in Section 110(2) as applicable to analog and digital transmissions allowing, in a limited fashion, the reproduction and distribution of copies created as part of the automated process of digital transmissions. It also applies technological measures for unauthorized use and access thereto and permits safeguards for copyright owners by requiring institutions using the exemption to promote compliance with copyright law.<sup>25</sup> Such groups as The American Library Association, The Association of American Universities and The American Association of University Professors have praised the measure.<sup>26</sup>

However, the act is far from sweeping and certainly not a cure-all for educators. It provides flexibility only for accredited, non-profit educational institutions as part of "mediated instructional activities" to utilize Internet sources in the provision of copyrighted materials to distance education students. This means that the materials used directly relate to and/or is for assistance in teaching the particular subject matter or course content. *TEACH* affords rights and protections in comparison to typical face-to-face displays, but in somewhat of a limited manner.<sup>27</sup> There are indeed qualifications to the applicability of the new law. The following nine points summarize them:

1. When digitizing analog works, the law mandates that no digital version is available, and it must be free from technological protections that would prevent

- their uses as authorized,
2. Performances and displays must be related to mediated instructional activities, i.e., those which are an integral part of the class experience,
3. Materials may be uploaded onto a server to be disseminated only to students enrolled in a secure course in accordance with Section 110,
4. Materials cannot be for the public, especially while the regular course is not in session; they should be made available during "class time,"
5. Retention of materials by the institution is permitted to the extent it is necessary for asynchronous instruction thereof,
6. The Act amends Section 112 regarding ephemeral recordings, i.e., copies can be kept solely for transmission purposes pursuant to Section 110(2),
7. Faculty involved in the process must be educated about copyright law as well as control/supervise the activities involved,
8. Supervision and policing by the school and instructor are deemed crucial to protect the rights of the copyright holder regarding performance or display at the institution, and
9. The institution must provide notice that materials are or may be copyrighted as well as informational materials concerning copyright law.<sup>28</sup>

There are many helpful checklists for insuring compliance with *TEACH* found at several institutionally based web sites.<sup>29</sup>

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## CONCLUSION

Over the last few years the copyright road has taken several twists. The TEACH Act will face various tests in courtrooms across the country and among the issues is the applicability of the fair use exception so relied upon by educators and others. It is unclear how this new piece of legislation will affect copyright in the future. Perhaps amendments or even further statutory guidelines will be needed by the Congress to alleviate concerns. Only time will tell how these measures will ultimately affect our educational activities in the information age.

## ENDNOTES

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4. 17 U.S.C. § 101 et seq. (1994). Amendments to Copyright Act since 1976 can be found at <http://www.loc.gov/copyright/title17/>.
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13. See Thomas G. Field, Copyright for Computer Authors, Franklin Pierce Law Center, <http://www.fplc.edu/tfield/copySof.htm>.
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17. 510 U.S. 569, 114 S. Ct. 1164 (1994). See also Circular 21 (p. 8), Reproduction of Copyrighted Works by Educators and Librarians, U.S. Government Printing Office, Washington, D.C., 1995.
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24. See The U.S. Copyright Office at <http://www.copyright.gov/title17/92chap1.html#110> (scroll down to section 110), The Copyright Management Center at Indiana University-Purdue University at [http://www.copyright.iupui.edu/sec110\(2\).htm](http://www.copyright.iupui.edu/sec110(2).htm) and Cornell University School of Law's Legal Information Institute at <http://www4.law.cornell.edu/uscode/17/110.html>.
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- <http://www.unc.edu/~unclng/TEACH.htm>.
26. See The Association of American Universities at <http://www.aau.edu/intellect/S487Ltr5.17.01.html> as well as <http://www.aau.edu/intellect/SA487Tet6.27.01.html>. See also The American Association of Law Libraries at <http://www.ll.georgetown.edu/aallwas/h/ib0720013.html>. The American Library Association's Washington Office has a paper written by Professor Kenneth Crews, Director of The Copyright Management Center, Indiana University School of Law-Indianapolis, at <http://www.ala.org/washoff/teach.html>.
27. The type and amount of materials proscribed by the new law consist of whole performances of non-dramatic literary and musical works; "reasonable and limited" portions of dramatic literary, musical, or audiovisual work; and displays of works, such as images, in amounts similar to typical displays in face-to-face teaching (i.e. stills, e.g.). See

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*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 twenty (20)*

*years as a member of the Massachusetts and Florida bars. He possesses four (4) degrees and has been internationally published. Bob, along with other internationally known professors, have 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. He is presently working on "The Florida Paralegal," a textbook with Attorney William Statsky, to be published by Thomson Publishing in 2007. Bob was a professional broadcaster for eight (8) years and held managerial positions in radio.*

## Scholarly Journal Future to be Voted at Baltimore Meeting

Ron Goldfarb and Christine Lissitzyn, co-chairs, Scholarly Journal Committee

As many of you know, for many years AAFPE had a refereed publication, the *Journal of Paralegal Education and Practice*. It flourished for nearly two decades, but, despite a superb editorial staff and some fine contributing authors, it ceased publication in 2004.

One of the main reasons for that action was the lack of sufficient contribution to support a double-blind refereed scholarly journal. With an acceptance rate approaching 75%, many authors who needed to publish in order to advance their academic careers found it difficult to convince their deans that the *Journal of Paralegal Education and Practice* was sufficiently selective to qualify as a

scholarly publication. The problem was exacerbated by the fact that nearly all of the submissions came from our members, rather than the larger academic and legal communities.

A corollary of this was that circulation for the *Journal* was confined almost exclusively to our members with just a few of our member institution libraries taking additional subscriptions. This factor also served to diminish the prestige of the *Journal* and kept it from being widely known and cited.

The need for a scholarly journal was obvious to most as it is one of



the hallmarks of a first-rank academic organization. Further, a widely distributed and respected journal was seen as a way to greatly expand and diversify our membership roster with its related income stream. It was also an item that was discussed at various strategic planning sessions.

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## Journal *Continued*

The AAFPE Board of Directors began exploring various options in order to provide a financially viable journal that met the needs of our members and the greater legal community that we serve. To that end several members of the Board reached out to the publishing community seeking advice and possible outlets. In particular, President Hedi Nasheri, a frequent contributor to several journals, spoke with representatives of a number of prominent internationally known publishers. Extensive discussions and negotiations were held between a committee of the Board and several publishers during the summer of 2005 and a proposal was brought to the membership at our annual meeting in Tampa.

At the meeting, it became apparent that a number of members were not in favor of the proposition. It also appeared that most of the concern fell into three categories. Financial, can we afford it? Philosophical, should the journal be international in scope? And pragmatic, how does it help us? The proposal was pulled from consideration and it was agreed that a survey would be developed and the results analyzed to help determine the wishes of the members. As that proposal was very much a one-time opportunity, revival of the journal will likely require discussions with a number of publishers experienced with scholarly journals.

Reviewing the results of the forty-

three (43) that we received to the survey containing the 14 following, paraphrased, statements, it is apparent that there are several areas where there is widespread agreement:

- *We should have a peer-reviewed scholarly journal* – 86.8% of those who expressed an opinion on this question,
- *The journal should include articles on both domestic and global issues impacting our areas of interest* – 86.5%,
- *We should budget for reasonable startup and operational costs* – 85%,
- *I am willing to write articles for publication in the journal* – 82.9%,
- *We should partner with a publisher experienced with scholarly journals* – 82.0%,
- *A well done journal can be used to attract more members* – 80.5%,
- *The journal is seen as an important membership benefit* – 78.0%.

The extent of agreement with each of the following statements is significant, but below that of the statements above:

- *I would be willing to serve on the journal editorial board* – 77.1%,
- *The journal should include articles of interest to all legal professionals* – 75.0%,
- *I believe that a journal can be sold to nonmember subscribers such as law firms and law school libraries* – 72.9%,
- *The journal should not be restricted solely to issues related to paralegal education* – 71.0%.

While a majority of those agreed with each of the following statements, the extent of agreement is significantly below that of either of the above two categories:

- *The existence of a scholarly journal may lead to more schools offering baccalaureate programs in paralegal studies* – 61.6%,
- *The journal should include articles of the scholarship of learning and teaching involving other disciplines* – 59.5%,
- *I need to publish in order to gain tenure and/or promotion* – 52.9%.

The AAFPE Board of Directors is now considering the next course of action. At its last Board meeting in February 2007, the Board decided to put the issue of proceeding to revive the scholarly journal to a vote of the full membership at the annual meeting in Baltimore. At present, the board expects to present the following options to a vote:

1. Proceed with writing a business plan to revive publishing a scholarly journal that would solicit articles from authors both inside and outside AAFPE to be marketed both inside and outside AAFPE. The business plan would identify:
  - AAFPE leadership who will research and write the business plan,
  - the range of topics that the journal would publish,
  - such paid editorial or other staff as required,
  - indications of interest from potential authors,

*Continued on next page*

## Journal *Continued*

- expected start-up costs to be funded by AAFPE,
- a plan of financial results to break-even point,
- indication of interest from a likely publisher,
- source of sponsorship funds, AAFPE, funds, or a combination,
- years to the point of profitability.

Such business plan would be presented to a subsequent vote of the membership once final costs and revenue are known or better estimated.

2. Do not proceed with plans to revive publishing a scholarly journal at this time.

*Ronald Goldfarb served as AAFPE President 2004-2005, and is Vice*

*President for Legal and External Affairs at Middlesex County College in Edison, New Jersey. He can be reached by e-mail at [ronald\\_goldfarb@middlesexcc.edu](mailto:ronald_goldfarb@middlesexcc.edu). Christine Lissitzyn is Associate Professor and Program Manager of the Legal Studies Program in the College of Arts and Sciences, University of Hartford. She can be reached by e-mail at [Lissitzyn@hartford.edu](mailto:Lissitzyn@hartford.edu).*

## The Role of Research

David L. Weiden, Indiana University-Purdue University Indianapolis

I've been asked to write a few words about the role of research in paralegal education. Published research, of course, is crucial for obtaining tenure at most four-year universities and colleges. However, many of AAFPE's members are employed at teaching-focused institutions, and thus conducting research is quite understandably not a priority for these instructors. Indeed, there appears to be some confusion about the research process among some AAFPE members. Therefore, the purpose of this essay is to serve as a brief introduction to the research and publication process, as well as argue for a larger role for research in the discipline of paralegal studies.

Let me begin with my contention that research is vital for our discipline. As noted above, conducting original research is exceptionally important for those paralegal instructors on the tenure track at a research university or for those whose programs are housed in a separate academic department (such as a political

science or business department) where colleagues from other disciplines will judge the tenure applicant's record. For these instructors, obtaining tenure will be difficult without an established track record of published work.

However, I'll argue that conducting and publishing original research is important for all paralegal instructors, not just those at research universities, because of the need to avoid marginalization within the academy, and in order to become a fully autonomous discipline. Regarding marginalization, I'm sure that many, if not most, paralegal instructors at four-year universities have experienced some degree of condescension from colleagues who possess the Ph.D. degree. Furthermore, paralegal and legal studies programs are frequently underfunded, compared to more established fields. It may be that these attitudes are driven, at least in part, by the perception that paralegal instructors are not "real scholars," and therefore not deserving of either respect or



funding. Quite frankly, the only way to combat these stereotypes is to present a solid research record, both at the individual and disciplinary level. I hope that, over time, the accumulation of strong, cutting-edge original research will mark the emergence of paralegal studies as an autonomous discipline—one that is not dependent on the law schools and lawyer practitioners to set the scholarly agenda.

In addition, conducting original research has other benefits for professors at all levels. I suggest that performing scholarly research allows us to broaden and enrich our teaching, because our students benefit from discussions of our research (as well as participating in the research process when possible). Also, original research allows us to shape the field for current

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## Research *Continued*

paralegal practitioners, just as law professors expand the boundaries for attorney practitioners through their scholarly work. In summary, conducting scholarly research is good for the discipline of paralegal studies as well as beneficial for the individual instructor.

However, extolling the benefits of research leaves two questions open: what type of research is most appropriate for legal studies scholars, and which outlets are most appropriate for publication of this work? Turning first to varieties of research, I note, at the risk of oversimplification, that research can be classified into two general types: normative and positive. Normative research can be thought of as advocacy research, in that it seeks to argue that a particular state of affairs should exist, rather than explain why some phenomenon does exist, which is termed positive (or scientific) research. For example, a law professor may write a normative law review article arguing for a new statute governing electronic discovery methods, while a social scientist may write an article in the positive tradition explaining how and why the current law came to exist. For another example, a political scientist may conduct positive research quantifying the decrease in the number of civil trials and constructing a mathematical model explaining why that drop occurred, while a law professor might approach the same topic by writing a normative piece arguing that the use of alternative dispute resolution should be increased.

My own preference, due to my political science training, is for positive research. However, I understand that the vast majority of paralegal faculty members are not trained in the scientific method or positive research, and therefore normative research is the appropriate choice for most legal studies researchers. Indeed, those instructors who served as members on a law journal in law school are already familiar with normative work, even though they may not have known it by that designation. Thus, I'm suggesting that the appropriate style of research for paralegal faculty is to follow the law review model of normative research. Generally, law review articles start with an overview of the existing law in a particular area, point out the inconsistencies therein, and then close with a suggestion as to how the law should develop. It's important to note that I am recommending paralegal studies researchers do not confine themselves solely to legal issues regarding paralegals (although such work is very appropriate, of course). Nearly all AAFPE members are trained as attorneys and have substantial experience in the law; in my view, there's no reason that commenting on the law should be reserved exclusively for law professors.

Finally, a brief note regarding pedagogical research. Textbooks, casebooks, and articles containing teaching techniques are all valid avenues for research (indeed, I have published pedagogical work myself), but faculty should be aware that, at many universities, this type of work will not count towards tenure. The assumption by many in the academy is that pedagogical research is not

serious work because it does not engage in substantive societal questions. While I disagree with this characterization, it is likely to persist for the foreseeable future.

Finally, the question remains: which publication outlets are most appropriate for legal studies research? The obvious answer is AAFPE's professional journal, if the association decides to resume its publication. However, I'd suggest that paralegal faculty also consider submitting research to academic law reviews and law journals (not professional bar association newsletters or journals). Academic law journals are the natural home for normative legal research, and there are additional advantages (and one large disadvantage) to publishing in them. The first advantage is that, to be honest, it is fairly easy to have an article accepted for publication in a law journal somewhere. The reason for this is that there are many, many law journals (most law schools have at least three or four, and many schools host considerably more), and only so many articles being considered in any given cycle. This is not to say that it is easy to get published in the *Yale Law Journal*, but rather that a home can be found for most articles in some law journal. A second advantage is that law journals allow multiple submissions. This means that a researcher can simultaneously send a finished article to dozens of law journals and wait for an acceptance. In the rest of the academy, this is unheard of, and a scholar can only send an article to one journal at a time. As you can imagine, the practice of multiple submissions greatly speeds up

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## Research *Continued*

the publishing process, which is a great benefit when one is on a five-year tenure clock.

The disadvantage to publishing in academic law reviews is that these journals are not peer-reviewed, and therefore most research universities will not count these publications towards tenure. A word of explanation: the term "peer-reviewed" refers to the practice followed in almost all journals (except law reviews) wherein an article submitted for publication is sent out to other scholars in the field for anonymous review. These anonymous reviewers examine the article for quality and relevance, and recommend

publication, revision, or rejection. This process guarantees that a peer-reviewed article has been examined by peers in the same discipline and is of high quality. By contrast, a law review article is reviewed by the student editorial board, not by peers, and therefore it is not viewed with the same respect as a peer-reviewed work. The fact that law journal articles are not peer-reviewed is an unfortunate but unavoidable fact. Therefore, I recommend paralegal faculty make the argument to administrators and colleagues that their position is analogous to law professors, and therefore law review articles should be allowed for tenure.

I hope that this brief review of the research and publication process

has been useful and can help to start a dialogue about the role of research in our discipline. Again, I believe that a greater focus upon research will strengthen the field overall, and benefit all AAFPE members and paralegal faculty. In addition, there can be great personal satisfaction in conducting research and becoming part of the scholarly conversation. ■

*David L. Weiden, J.D., Ph.D., is the program director at Indiana University-Purdue University Indianapolis and an assistant professor of political science. He is the co-author of Sorcerers' Apprentices: 100 Years of Law Clerks at the United States Supreme Court (New York University Press, 2006).*

## Changin' Times

Anita Tebbe, ABA Approval Commission Chair With Assistance From Susan Howery, ABA Approval Commission Member

**"Change is inevitable, except from a vending machine." That is certainly a light-hearted quote to start a serious article about some significant changes concerning the "Guidelines for the Approval of Paralegal Education Programs."**

The ABA Approval Commission, Educational Consultants, and Staff continue to listen to your valuable input on ways to streamline the "Guidelines" in order to keep them relevant. But listening is not enough. Action must follow.

Let me mention four significant revisions to the "Guidelines" which will be implemented on September 1, 2008:

- Modifying the content and format of exhibits, which accompany the initial, interim and re-approval reports;
- Increasing the number of electronic library resources,

which can satisfy the library resources, G-601 (adding law dictionary and local and state bar journals to the already existing electronic versions of Shepard's Citations and legal encyclopedia);

- Reducing the number of interim reports between site visits from the current two report requirement (second and fourth year during a seven year cycle) to one three year report requirement during the seven year cycle; and
- Altering the emphasis of the critical assessment piece of the initial, interim and re-approval reports.

The most significant of these changes is #4: the revision of the important assessment piece. Approval Commissioner Susan Howery is providing strong leadership as chair of the Assessment Subcommittee, assisted by impressive members Scott Hauert, Sybil Taylor Aytch, and Bob Van Der Velde. The subcommittee has shared their extensive research of current trends of national educational techniques, which encourages more flexibility in measuring students' success. "One size does not fit all."

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## Changing *Continued*

For a number of years, regional accrediting agencies have required schools to develop sound assessment plans. Schools must have a process in place and be able to demonstrate how the information obtained “closes the loop.” In other words, what the institution is doing with the data gathered in order to improve students’ learning.

The current “Guidelines” require that there be evaluation of students, graduates, employers of graduates, and the legal community’s utilization of paralegals. Most paralegal programs have relied heavily on surveys to accomplish this challenging task. But this method has drawbacks: it is not reflecting what the larger institution is doing; the surveys are yielding poor results and are expensive to conduct; and they are not measuring learning outcomes in an effective and efficient manner.

The new assessment “Guidelines” will state: “The program must have an organized plan for evaluation, review and improvement of the program. There must be regular assessment of the extent to which a program meets its stated goals and objectives. (Underlined parts indicate new language.) Please note that G-201 A, already requires that “the program must have clearly defined, publicly stated goals and explicit objectives stated in terms of the educational results to be achieved.”

To implement this revised Assessment piece, the revised “Guidelines” will be reworded: “Assessment and evaluation may

be accomplished through assessment tools that best measure the program’s goals and objectives. The adequacy of the assessment will be evaluated by:

- 1) The quality of assessment instruments and methodology;
- 2) The frequency with which assessment is conducted;
- 3) The degree of participation, such as the response rate, so as to ensure the validity and reliability of the assessment findings;
- 4) The extent to which input is sought from graduates, employers, students, advisory committees, faculty, school administrators and a cross-section of the members of the legal community;
- 5) The written summary and analysis of the assessment findings;
- 6) The extent to which the results are shared with the advisory committee, faculty, administrators and others; and
- 7) The extent to which assessment findings are used to make changes in the program.

This revision will provide flexibility for the programs without emphasizing surveys as the chief means of assessment. This reflects the national trend by allowing schools to prove that they are achieving student and program successes using a variety of tools, such as focus groups, national certification exams, common assignments, interviews, capstone courses, portfolios, exit surveys, placement data, informal polling, self-assessment, and internships evaluations.

In order to better understand this different approach to assessment,

training will begin at the AAFPE National Conference in Baltimore. Susan Howery and her committee will be giving an outstanding presentation on Assessment. If at all possible, please plan to attend this excellent session. Also on Wednesday afternoon at the ABA general introductory sessions and Friday afternoon at the Open Forum, this assessment piece and other modifications to the “Guidelines” will be discussed. (Laura Barnard, one of the newer ABA commissioners and an AAFPE representative, will be giving a presentation in Baltimore on converting traditional courses to distance education courses—another session not to miss!)

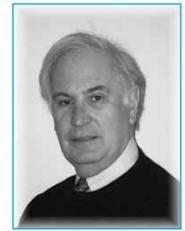
The ABA Approval Commission is grateful to the wonderful hospitality that AAFPE extends to us. During the entire Conference, the ABA staff will be available in a conference room to answer individual questions or you might want to take time to just stop by and say hello to Peggy, Mattie and Jennifer. We look forward to seeing you in the beautiful city of Baltimore soon.

“I cannot say whether things will get better if we change. What I can say is they must change if they are to get better.” ■

*Anita Tebbe has an undergraduate degree in history, masters degree in Education, and a law degree. She is a licensed attorney in Kansas. Anita has been director of the Johnson County Community College Paralegal/Legal Nurse Consultant Program for 20 years. She is currently chair of the American Bar Association Approval Commission. She has also served on the American Association for Paralegal Education board and is a past AAFPE president.*

# Technology Task Force Report

Thomas Goldman, Chair, Thomas Edison State College



A significant number of program directors have contacted me with regard to the implementation of technology across the curriculum. A common theme is that they have been advised to incorporate computers and technology in more than a single course on technology. I have been asked for suggested assignments. What follows is a list of suggestions for individual courses. Hopefully this will be a starting point for discussion within each individual program and you will share, on our list serve, your assignments and implementations. When you create specific assignments, please make them available through the information exchange at our annual meeting.

The specific applications are based upon the use of the Internet and the demo software on the first revised AAFPE software DVD currently available and the expected revision that will be distributed at the annual meeting in October.

## GENERIC ASSIGNMENTS:

1. Have students create a master list for all courses of the Web addresses they have found and used in completing all of their assignments. Ask them to categorize these based on the areas of law and type of assignments.
2. Have the students create a list of the Web addresses for the specific offices and information available in the local courts where they may work, including minor judiciary courts, state court and US District Court. Have them annotate the list indicating available forms.

## SPECIFIC ASSIGNMENTS:

Course	Assignment
Family law	<ol style="list-style-type: none"><li>1. Use the internet to obtain the local rules and forms used for family law matters including child support and equitable distribution.</li><li>2. Prepare an electronic spreadsheet that reflects the official forms for calculating the budgets or other financial information required.</li><li>3. Prepare a database of names for everyone in all classes and simulate a conflict check where each class is a separate lawsuit.</li></ol>
Civil practice	<ol style="list-style-type: none"><li>1. Organize a case study of a civil case using a case management software program and create a time line using an automatic time line program or a graphics program.</li><li>2. Prepare a trial presentation using a trial presentation software program.</li><li>3. Prepare exhibits for a case simulation using a graphics creation program.</li></ol>
Wills trusts and estates	<ol style="list-style-type: none"><li>1. Use the Internet to access the Internal Revenue Service website and download the forms and instructions for filing a federal 706 return.</li><li>2. Obtain state inheritance return forms and instructions.</li><li>3. Use an electronic spreadsheet to prepare a simulated court accounting for a small estate.</li><li>4. Create an electronic spreadsheet with formulas and columns that replicate the local state inheritance tax returns.</li></ol>

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## Task Force Report *Continued*

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|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Corporations and partnerships                    | <ol style="list-style-type: none"><li>1. Use the Internet to access the appropriate state agency to obtain a current list of the requirements for filing a for-profit corporation.</li><li>2. Download the documents necessary for the incorporation, and if they were available complete the forms on line and print them.</li></ol>                                                                                                                                                                                                                                                                                                                                                                         |
| Creditor/debtor's rights and bankruptcy remedies | <ol style="list-style-type: none"><li>1. Use the Internet to check on the available information in the local federal Bankruptcy Court including information on bankrupt filings.</li><li>2. Obtain forms on line for filing a proof of claim.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Negligence in personal injury                    | <ol style="list-style-type: none"><li>1. Use Google Earth to obtain a photograph of the location of an accident case reported in the local daily newspaper.</li><li>2. Prepare a time line for a personal injury case study.</li><li>3. Use the Internet to obtain the specific weather forecast including precipitation for a specific location where an accident may have occurred, such as outside of the college entrance.</li></ol>                                                                                                                                                                                                                                                                      |
| Commercial law                                   | <ol style="list-style-type: none"><li>1. Use the mail merge feature of a word processor to create and merge a list of names and addresses for a collection letter.</li><li>2. Use the internet to obtain a copy of the federal and any state fair collection practice legislation.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Legal research and writing                       | <ol style="list-style-type: none"><li>1. Conduct legal research, using the same search query, with each of the available subscription online legal research tools and at least two of the free online services and prepare a comparison of the available information.</li><li>2. Detail the steps taken and the sources available for access to the current Federal Rules of Civil Procedure.</li></ol>                                                                                                                                                                                                                                                                                                       |
| Internship/co-op                                 | <ol style="list-style-type: none"><li>1. Use a time keeping program to track the time spent in the internship work co-op together with the activities performed.</li><li>2. Create a word processor template for reporting weekly activity.</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Introduction to paralegal studies                | <ol style="list-style-type: none"><li>1. Research specific ethics questions regarding UPL, or other relevant topics, at the American Bar Association site for the model rules of professional conduct and the local or State Bar for ethics opinions.</li><li>2. Use time keeping software to record time spent with regard to the course including travel, study, class attendance and other related efforts and prepare a printed bill to the instructor.</li><li>3. Use a calendar program to establish deadlines and important dates during the course of the semester, representing test states as statute of limitations items.</li><li>4. Use a word processor to prepare a personal resume.</li></ol> |
| Paralegal accounting and taxation                | <ol style="list-style-type: none"><li>1. Obtain copies of state, local, and federal tax returns for individuals and for businesses.</li><li>2. Create an electronic spreadsheet that simulates the information and as a calculations law in an income tax return form.</li><li>3. Create an electronic spreadsheet for a balance sheet and income statement.</li><li>4. Use the Internet to determine the current rates for employment tax withholding for your jurisdiction.</li></ol>                                                                                                                                                                                                                       |

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### REVISED AAFPE SOFTWARE DEMO DISK CONTENTS

- AbacusLaw
- Abacus Accounting
- Tabs3
- Practice Master
- Lexis Nexis CaseSoft
- CaseMap
- TimeMap
- TextMap
- NoteMap
- DepoPrep
- Sanction II.8
- CT Summation iBlaze
- SmartDraw 2007 Legal

*Thomas Goldman is the Director of Graduate Legal Studies at Thomas Edison State College. He can be reached by e-mail at [goldmant@tfgoldman.com](mailto:goldmant@tfgoldman.com).*

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## Am I Really a “Newbie”? Or: What Goes Around Comes Around

Joan H. Marler, Gainesville State College

In the last edition of *The Paralegal Educator*, Christine Lissitzyn did a great job in her article on the “New Kid on the Board” of describing what the board actually does at our meetings. So my article will take a different slant.

I was also asked to write an article for *The Educator* because I am a “Newbie” on the AAFPE Board of Directors. I was appointed by President Hedi Nasheri in February to fill the unexpired term of President-Elect, Marisa Campbell, who was the Southeast Regional Director on the Board. Well, I’ve been called a lot of names in my life but “Newbie” isn’t one of them. I guess, technically, I am a new member on the Board. But, as some of you will recall, I served previously for three years as AAFPE Treasurer. So I guess I’m in a special category: “Newest Oldest Returning Board Member.”

I believe that having previously been on the Board gives me a

rather unique view and understanding of the current Board. Some things change, and some things remain the same. First of all, when I arrived at my “first” meeting in Baltimore, several members were there with whom I had served previously. So, with them, it was like coming home to old friends. We had an automatic bond (be it good or bad!). There were also a lot of new faces to me. After introductions, we all set about the various tasks at hand that needed to be addressed at this meeting. At least this was familiar. We got down to business pretty quickly and everyone participated and contributed to the issues and final decisions. This much stayed the same; you work your butt off at Board meetings.

After work, we all go to dinner together and this is where the old and the new mix yet stay the same. The truly new members are still asking a lot of questions and seeking advice from the old

members. From the new members, I found out about their everyday lives, spouses, children, etc. From the old members, we got caught up on what colleges our children are now going to or had already graduated from, etc. Found out some new stuff too. I think this is what I missed most when I was not on the Board — the camaraderie. Yes, we have our differences and discussions can get pretty heated at times. But generally, we enjoy being on the Board and being with each other. Because the bottom line is — we all really love AAFPE and want it to be the best it can be. That is what everyone strives and works for together.

P.S. On a personal note, I’m not quite sure yet whether or not I miss Ron Goldfarb’s incessant singing and humming at the Board meetings. So, while it is quieter, it does somehow feel strange to not have him around this time. ■

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## Baltimore's Best Places, The Sequel

Hillary Michaud, Villa Julie College

As the 2007 National AAFPE Conference steadily approaches, I am pleased to offer the sequel to my article in the last edition of *The Paralegal Educator*. In that article I discussed some of the best places to visit while in Baltimore. With this article, I will let you know where to go to eat, drink and be merry. Of the many great options you have, here are some of the local favorites.

Within walking distance of the conference hotel, located within the Inner Harbor, you will find Harborplace and the Gallery. Harborplace is right on the water, and includes many restaurants and shops. The Gallery is across the street from Harborplace, and contains more restaurants, shops, and a fine hotel. You can grab a quick meal, either in a restaurant or in a food court, at either Harborplace or the Gallery. A list of the most popular local dining spots follows.

For casual dining, Phillips Harborplace Restaurant, located at 301 Light Street, offers a wide variety of menu options, but Maryland seafood is its specialty. The Cheesecake Factory, located at 201 E. Pratt Street, is another popular casual dining spot. Within the same building as the Cheesecake Factory, you will find both the California Pizza Kitchen and the M & S Grille. All of these spots are popular with tourists and stay pretty busy, so do not be surprised if you have to wait for a table. There is shopping all around, so you can put your name on the list for a table, shop for souvenirs for the family back home, and then go eat.

For less casual, but not yet formal dining, you have several great options, as well. The Rusty Scupper Restaurant is situated right on the water, over on the Federal Hill side of the Inner Harbor. It is located at 402 Key Highway. This is a good place for seafood. Another great place for seafood is Legal Sea Foods, Inc., located at 100 E. Pratt Street. McCormick & Schmick's, located at 711 Eastern Avenue at Pier V, is another popular seafood spot.

If it is lunch you seek, besides the casual dining spots already noted, the spot for lunching with the local businessmen is Burke's Café & Comedy Factory, located at 36 Light Street, across the street from the Legg Mason building. Come back on Friday or Saturday night for a live comedy show. J. Paul's Dining Salon on the water at Harborplace also offers a nice lunch menu. (It was at lunch there that I met my husband, so I recommend it!)

Little Italy is another wonderful spot to dine and drink near Baltimore's Inner Harbor. Though you could walk there, I recommend you take a short cab ride. Chiapparelli's is my favorite restaurant in Baltimore's Little Italy. It is located at 237 S. High Street. Sabatino's is another good one, found at 901 Fawn Street. For the best cannolis and other great Italian desserts, visit Viccaro's Italian Pastry Shop at 222 Albemarle Street.

If it is fine dining you desire, there are many famous steak houses to be found in Baltimore's Inner Harbor. The newest to come to Baltimore is The Capital Grille. Located at 500 E. Pratt Street, this

restaurant has a fine wine selection not to be beat. Morton's of Chicago is located at 300 S. Charles Street, and is another great place for fine steaks and seafood. Ruth's Chris Steak House has two locations in the area, one at 711 Eastern Avenue at Pier 5, and another at 600 Water Street, near Port Discovery.

No matter where you eat, remember that Baltimore is known for its Maryland blue crabs. We serve them many ways. Whether hard shell, soft shell, in sandwiches, soups or cakes, you must try our crabs. Maryland crab soup (though I prefer the local cream of crab soup) and crab cakes are our most famous dishes. Crab cakes in other places just are not the same, not even similar, really. One tip — the finer the restaurant where you order crab cakes, the better.

If you do not know it yet, you will quickly learn that salt and pepper have a serious competitor in our town. While we serve crab many ways, we serve everything with Old Bay. Seasoning, that is. Just a "dash" of trivia. Baltimore is the home of Old Bay Seasoning, and the Chesapeake Bay is the inspiration for its name.

After sightseeing and dinner, if you are looking for a place to wind down (or up), there are several places I can recommend. In the Inner Harbor, The Power Plant is a one-stop nightlife experience. Located at 34 Market Place, it is home to many restaurants, shops, and nightlife venues. In The Power Plant, you can have a drink at one of several pubs, have a smoke at a cigar bar, sing along at a piano lounge, dance until the wee hours with young folk, shoot hoops at the

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## Baltimore *Continued*

country's first ESPN Zone, have a late night burger at the Hard Rock Café, or browse the books at Barnes & Noble. To get there, walk toward the huge building on the waterfront with the large power stacks and the giant guitar on top.

To see another side of Baltimore at night, Fells Point is a great place to go. You have already seen it if you watched the Meg Ryan movie "Sleepless in Seattle." In the scene where Meg is outside her home, looking over the water, the view is Fells Point. An old seaport, this

quaint part of town features brick-lined streets leading to loads of shops, bars and restaurants. One of my colleagues highly recommends Henninger's Tavern at 1812 Bank Street (order the fried oysters and Henninger's Fighting Fish), John Steven Ltd., at 1899 Thames Street (order the crab cakes and jumbo steamed shrimp), and the Black Olive at 814 S. Bond Street (for seafood so fresh the establishment does not bother to open in the winter). Get there by taxi or water taxi from the Inner Harbor.

I sincerely hope that you enjoy this year's conference and have a

wonderful stay while in Charm City. Remember to eat some crab, see some of our sights, and that Old Bay is not just for seafood anymore! Welcome to Baltimore and this year's National AAFPE Conference. ■

*Hillary J. Michaud, Esq., CPA, is the coordinator of the Paralegal Studies Program at Villa Julie College located in Owings Mills, Maryland. Prior to entering the field of education, Hillary served as legal counsel to The Coca-Cola Company and as an Assistant Baltimore City Solicitor. She lives in Baltimore with her husband and two children.*

## TEACHING COMPETITION

Thomson Delmar Learning/ West Legal Studies is again sponsoring the Excellence in Teaching Award during our National Conference in Baltimore. Win \$500 by presenting your best lesson plan. This year's Teaching Competition is Thursday October 25, 2007 from 10:00 - 11:15 a.m.

### APPLICATION AND SUGGESTIONS

**Contact Mary Kubichek at [kubichek@caspercollege.edu](mailto:kubichek@caspercollege.edu) or (307) 268-2618 by September 12, 2007.**

- Describe your topic in a paragraph.
- Your topic must be one that you would teach paralegal students not faculty.
- The first four who meet the above time-line and criteria will compete.
- Get help and suggestions from Mary Kubichek.
- If you have handouts, bring 50.
- If you need PowerPoint equipment, a lap top, an easel, etc. you must make your own arrangements. AAFPE cannot supply or pay for these.
- Your presentation will be judged on your teaching not on audience participation. (With only ten minutes you do not have time for audience participation.)
- Try.
- Use the rubric to prepare.
- Prepare a ten minute presentation that would be appropriate for paralegal students.
- Your peers want to be able to steal your presentation to use in their classes.
- Use examples.
- Imagine yourself as a student in this class.
- Practice.
- Enjoy.

### ADJUDICATION

- All audience members will provide feedback comments to each contestant.
- Each participant will receive a separate color-coded rubric to be filled out for each participant.
- Former winners will determine the winner based on the rubric.

# Thomson Delmar Learning/West Legal Studies Excellence in Teaching Rubric 2007

	Assign points 1 – 10 with 10 the highest.			
	Contestant #1:	Contestant #2	Contestant #3	Contestant #4
	Topic:	Topic:	Topic:	Topic:
Introduction	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Application	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Topic	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Organizational Skills	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Support Materials	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Preparation	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Assessment	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Pedagogy	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Advanced Thinking	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
Verbal Delivery and Nonverbal Delivery	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
At the end of the contest rank contestants 1 – 4, 1 being the best.	1 2 3 4	1 2 3 4	1 2 3 4	1 2 3 4
Comments: Anything constructive. The contestants will only receive their column.				

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## THE OMNISCIENT MENTOR

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Pamela Bailey — [bailey@duq.edu](mailto:bailey@duq.edu). Pam will forward them to the "O.M." and promises to protect your privacy.

### DEAR O.M.,

I have been teaching legal research and writing for 18 years at an ABA Approved Junior College Paralegal Program. We teach two semesters of research and writing. Students write three interoffice memos. The first semester students may choose from a dozen scenarios. In the second semester on the first day of class the students are assigned to use their purchased NITA negligence case and apply assigned local cases. The final research assignment is to write a memo on a topic on their choosing. I encourage students to do a first draft for these memos and other projects. They are due at a non-negotiable time. Students are given two weeks from the time I return their projects to return them to me.

My problem is that I need to determine the benefits of first drafts. Many students turn in "stream of consciousness" works or invent their own cites. I spend hours on each draft and often my comments are ignored. I need suggestions on how not to waste my time and make my students better writers.

*Overwhelmed in Orlando*

### DEAR OVERWHELMED,

Your problem reminds me of one of my mantras: I teach for free, I grade for my salary. After years of suffering wretched and inadequate first drafts I have some suggestions which may help. First drafts are vital to a student's improvement. If you only make comments on the final product students do not internalize them. They have completed the assignment and few realize that they will need to apply these specific corrections in the future. Many students even fail to pick up final projects. Students must realize the benefits of a first draft and that their grade will significantly improve if they complete the first draft or that they will receive credit or weighted points for the first draft. I use the rubric that I use for the final project to grade the first draft and assign and record a grade. Students may accept this grade or turn in a revision within a non-negotiable time. I don't regrade an A paper, I have my limits.

I do encounter F-minus first drafts. I am still struggling with what to do when I spend more time grading drafts than the students spent writing them. At this point in my career I can tell if a student doesn't get it or is being lazy. I grade the struggling student's draft. I return the lazy draft and tell the student they can do a final draft on their own. I also remind students that their attorneys will not spend time correcting their slovenly drafted work and they will be sentenced to a life time of bates stamping.

I require that parts of the memo be turned in by stages, facts, issue, topic sentences, copies of cases, natural language and terms and connected queries. While this rewards students for completing these assignments it does not guarantee first draft success. I give students a handout with generic predraft suggestions:

- Your actual first draft is not the first draft that you submit to me.
- You must follow the rubric.
- You must refer to the samples.
- You must follow other directions, such as font size, page numbers and format.
- Treat the submitted first draft as a submission for publication.
- Your paper must stand on its own. The writer must assume that the reader has not read the cases.

*Continued on next page*

## BEHAVIOR REQUIREMENTS FOR PARALEGAL PROGRAM

- Have someone edit your paper before you hand it in.
- You must submit the first draft with your final paper.
- Students are warned that if they ignore suggestions their grade will reflect this.
- Students may argue to submit more than one first draft. Your answer is no! I tried this one semester; it added 56 hours to my grading time and the final projects were not significantly better than those with only a first draft.

Once I have the first drafts I grade them according to the rubric. If you give it you must grade it. There are several ways to provide feedback. I provide the traditional handwritten comments. Students may not be able or be unwilling to read your late night handwriting or understand your abbreviations. I write these comments then reserve class time during a review or writing project to interpret and explain. I encourage students to rewrite my comments in their words. Draft word processed comments. Dictate comments to tapes. I actually know someone who dictates her comments and has her staff type them up. I want her budget. Conduct conferences without written feedback on the work product. Student must write your comments. They may understand them better. This is very time intensive but again you may use class time when the class is working on a legitimate point counting project.

I am often asked about the balance between positive and negative comments when you grade a paper. Provide specific constructive criticism. This does not mean you have to provide as many "nice use of verb tense" as "you misapplied the holding of the court." I tell my students I only have time to make negative comments on their first draft unless there is an extraordinary analysis. On the final project I make positive comments when I see improvement and the students "get it." I am generous with "I am so proud

of you!"

Teachers continually struggle with editing verses rewriting. It is essential that you identify, circle and highlight errors. State "not in active voice," "incorrect tense," etc., but do not rewrite. Tell them they may contact you for details if they don't understand your comments. Students will learn to use the Blue Book even if you don't put "see page 136" as I did in my early days. If students discover that you will rewrite their work they will not be as diligent. Teach students to edit.

Another method to improve first drafts is peer grading. I suggest peer grading before you grade their first drafts. Schedule time for students to make changes based on peer grading before you grade their first drafts.

After you grade the first draft develop a handout on class errors. This handout may duplicate earlier suggestions but students will not "get it" until this time.

You are now set to grade the final project. Remember when you wrote your first memo. I still have mine, by accident of packing, and I read it once a year. It is very humbling. Also remember students will not know the skills that you are teaching before your class and it is so exciting when students succeed and to know that you helped them in some way, even if it is to learn the difference between F. Supp. and F.3d.

Good Luck.

*O.M.*

## PUBLISHER'S CORNER

### Carolina Academic Press

Carolina Academic Press may be best known for publishing Richard C. Wydick's *Plain English for Lawyers*, a helpful reference now in its fifth edition and touted by *The New York Times* as "probably the most popular legal text today...."

We currently publish approximately 100 books a year, which are written by experts in their fields – About 70% of those are in the field of law. Learn more about our books at our website, [www.cap-press.com](http://www.cap-press.com).

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July 2007, 280 pp, ISBN-13: 978-1-59460-389-1,  
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*Gary Bauer is the Senior Acquisitions Editor in the field of legal studies at Prentice-Hall. Contact Gary [gary\\_bauer@prenhall.com](mailto:gary_bauer@prenhall.com), if you have questions concerning Prentice-Hall products or would like to discuss authoring a textbook.*

## **CALI Lessons for Paralegal Educators**

"CALI? I've never heard of you guys." This is the most common phrase I hear from people at AAFPE conferences, although "y'all" is often substituted for "you guys" at the Southeast Regional.

Given CALI's traditional ties to law schools, AAFPE not knowing about CALI is understandable. But CALI would like to include more of the legal education community than just law schools in CALI. We feel we have a lot to offer paralegal programs and they have a lot to offer us.

### **Who is CALI?**

CALI, The Center for Computer-Assisted Legal Instruction, [www.cali.org](http://www.cali.org), is a non-profit organization started in 1982. Its mission is to make legal education better through innovation and technology. We have over 200 law schools as members.

CALI does a lot of things in line with its mission. We allow professors to house class blogs and podcasts at our website, [www.classcaster.org](http://www.classcaster.org). We have hosted The Conference for Law School Computing every summer for the last 14 summers. There are other projects and many in the works. But our most popular offering is our 600+ library of CALI Lessons.

### **What are CALI Lessons?**

CALI lessons are computer-based, interactive lessons written by law professors. Each lesson covers a different aspect of a legal subject. Lessons are great for assigning to students in a traditional classroom or for distance learning because they are housed online at [www.cali.org](http://www.cali.org).

### **Why is CALI offering memberships to paralegal programs?**

Compared to law school professors, paralegal educators are often more advanced and accepting when it comes to technology and innovation. But CALI only has a handful of member paralegal programs and rarely gets feedback and ideas from paralegal educators. We want to change that.

CALI offers paralegal programs access to the 600+ CALI Lessons. CALI Lessons in subjects such as Legal Writing and Research, Torts, Contracts, and other basic legal subjects are extremely applicable to paralegal studies. As the paralegal education community interest in CALI grows, at some point we see paralegal professors authoring CALI lessons for themselves and other paralegal schools to use.

### **How do paralegal schools join?**

We understand that paralegal programs lack the budget of law schools. So membership dues are only \$250 a year per paralegal program. A paralegal membership includes unlimited access to CALI Lessons at [cali.org](http://cali.org) for all of your students, faculty, and staff.

Visit our website, [cali.org](http://cali.org), or contact me, [agroothuis@cali.org](mailto:agroothuis@cali.org), if you have questions. Now I hope the next time we meet at an AAFPE conference your first remarks will be, "Oh yeah, CALI!"

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19 Mantua Road  
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856-423-2829  
Fax: 856-423-3420  
[msenes@talley.com](mailto:msenes@talley.com)

American Association for Paralegal Education  
19 Mantua Road  
Mt. Royal, New Jersey 08061  
*Address Service Requested*