

**MARK
YOUR CALENDAR**
Regional Meetings - March & April
See pages 42-43

THE PARALEGAL *Educator*

American Association for Paralegal Education

Volume 20, No. 3

Winter 2007

ACROSS THE GLOBE

Come to the 26th Annual AAFPE Conference
October 24-27, 2007 in Baltimore, Maryland

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

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

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ON THE COVER: AAFPE addresses increasing globalization of legal practice and its impact on paralegal education.

It Was A Great 25 Years But The Future of AAFPE is Headed to Baltimore

Kathryn L. Myers, National Conference Chair

As I was jetting home, worn and work-weary (and knowing I was facing 500 emails and a pile of work from students) I pondered the fantastic celebration of AAFPE in New Orleans. I hope each of you took something useful home with you (excess beignets do not count). AAFPE certainly fulfilled the Big Easy's motto — *Laissez les bons temps rouler* — let the good times roll.

It was a pleasure to work with all of the talented AAFPE members, as well as with those outside our membership, who gave their time to create and present the sessions. We appreciate the ABA's presence. The vendors were outstanding. I also have to thank the committee, Nicholas Riggs from Sullivan University, Joan Spadoni from Bay Path College, and Linda Spagnola from Union County College, who made your conference a reality.

We had more sessions and more speakers than we have had in a long time. We had a track for new program directors and faculty geared toward useful information for daily survival. A second track looked at the future with technology and highlighted software and other "geekie" things. Teaching tips and tricks is a track that provided writing workshops and other classroom oriented session. And then, we grouped everything else, such as roundtables and workshops, into

AAFPE 26th Annual Conference Baltimore • October 24–27, 2007

general interest. This coming year will be in the same vein — a solid set of programs in four areas.

So, what four areas are we targeting? The theme will be *Across the Globe — Paralegal Practice and Education*. A call for papers went out before and after the New Orleans conference. Topic areas included Trends and Issues in Paralegal Education and Practice in the Global Economy, Issues Related to Licensure and Governmental Regulation of Paralegals, "Off-Shoring" of Paralegal Work, as well as the standards such as Attracting and Retaining Paralegal Students, The Ethical Utilization of Paralegals, and Hot Trends in Paralegal Education and Practice.

The result, at this press time, is an exciting array of sessions. In the **program fundamentals track**, we have sessions on Marketing/Partnering with High Schools/Dual Enrollment, Motivating Adjunct Faculty, Advisory Boards, Cultural Awareness and Communication, Point/Counterpoint: Intro to Law v. Intro to the Profession, Regulation of Paralegals, and Learning Modalities.

The **teaching track** will include sessions such as Practical Legal Ethics Exercises, Teaching Competition, Practical Application: Reading Comprehension, Practical Projects, International Employment Law, Access to Justice: Clinical Community Programs, Employers and Hiring: Helpful Hints for Emerging Grads, Restorative Justice, and a Writing Workshop.

As "International" is the theme, the international track is exciting. Globalization of the Paralegal Curriculum, International Experiences for Students, International Externship: Cultural Emersion, "Off-Shoring" of Paralegal Work, and International Students in your Program: Dealing with Diversity are just a few of the sessions planned.

Last, but not least, is the **technology track**. With these sessions you will find Point/Counterpoint: Use of Technology in the Paralegal Program, E-Discovery/E-Filing, On-line Platforms, Adobe Training, and three pre-conference workshops. New this year will be a video podcasting workshop and a Certified Support Tech Workshop with Case

Continued on page 4



Conference *Continued*

Soft. The On-Line Toolbox: Advanced Workshop will be back with some major modifications. More information on these workshops will be forthcoming.

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. Back by popular demand will be a session by ABA gurus centered on distance education syllabi.

Talking with peers, learning classroom tips, making contacts and developing strong working relationships is an intrinsic reward that provides numerous benefits. Therefore, the second important aspect of our conferences is our opportunity to **network**.

In order to appreciate this location, it is important to learn a little about the city itself. From its 18th century roots to today, Baltimore, named for Caecilius Calvery, the second Lord Baltimore and the first proprietary governor of Maryland, is an historical destination. The city, officially established July 30, 1729, served the economic needs of Maryland farmers by locating flour mills on its natural harbor. Before long, the Caribbean was sending its harvest to Baltimore which served as a granary for these sugar-producing colonies.

Baltimore waterways continue to be an important focus of the city. Ships carrying commercial cargo and new citizens have entered the harbor since the 1600s. Baltimore lies farther west than any other major Atlantic port, endearing its harbors to shippers worldwide.

Of course, any history buff knows that Baltimore played a crucial role in the War of 1812, when soldiers stationed at Fort McHenry successfully held off a British attack and provided the impetus for Francis Scott Key to write that famous poem, "The Star-Spangled Banner," now immortalized as our national anthem.

For sports fans, the year 1873 saw the first Preakness Stakes run at Pimlico race course, where it is still held today as the second leg of thoroughbred racing's Triple Crown. The track is also the site of the fabled match race in which Seabiscuit triumphed over War Admiral in 1938. Today sports fans also can enjoy Oriole Park at Camden Yards and the Baltimore Ravens' home at M&T Bank Stadium.

Today, visitors will 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.

Accommodations: Lastly, our hotel is the Wyndham Baltimore - Inner Harbor, 101 West Fayette Street, Baltimore, Maryland 21201; Phone: 410-752-1100. However, it has recently been acquired by another hotel chain and will be a Sheraton when we arrive.

The national conference committee has been quite busy. Plan your fall around the conference dates, October 24-27, 2007. We look forward to seeing you! ■

Kathryn L. Myers is 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 (AAfPE) 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 during 1998-99. She was on the Board of Directors as secretary during 1997-99, President-elect in 1999-2000, President for 2000-01, and Immediate Past President in 2001-02. She has been the chairperson of the national conference committee since 2001. In addition to numerous committees, she was a member of committees that created the model syllabi for several courses and the Core Competencies.

MESSAGE FROM THE PRESIDENT

The 21st Century Global Legal Environment

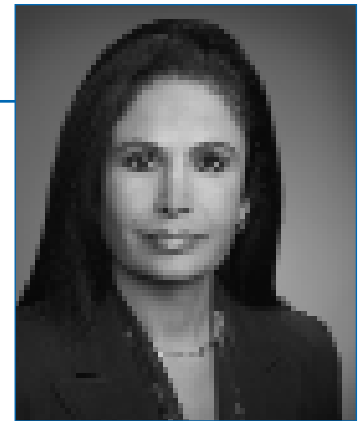
Our national conference in New Orleans on our 25th anniversary was indeed a very successful meeting with 311 members joining from locations that ranged from Florida to Alaska, New York to California, and included Hawaii. It is evident that we have established a solid foundation for future progress.

As I reported in several articles in *The Educator* and the recent e-mail to the membership, the Board of Directors has been engaged in strategic planning for several years now. One of the items that stemmed from our years of strategic planning was the Technology Task Force, which resulted in the main theme for our conference in New Orleans. Without a doubt, keeping up with the use of technology and teaching it in the classroom is very important. AAFPE members will now be able to remain on the cutting edge with software used in law offices, provided free of charge to our members and their students, thanks to the Technology Task Force.

One of our goals for AAFPE in 2007 is to address the increasing globalization of legal practice and its impact on paralegal education and practice, a by-product of the steady growth of technology. We as faculty members and program directors have to be aware of the

core domestic and global issues and dynamic external elements of the local, national and international legal and business communities in order to create a synergistic environment for training future paralegals whether in domestic or international context, who will help build the global legal marketplace in the 21st century. For example, one of the new committees that was formed this year is the International Networking Committee, chaired by Judy Gibbs. As the year progresses, we will hear from Judy and her committee members as to some of our new initiatives in establishing a networking opportunity for our members with their counterpart educators abroad. AAFPE currently has several international members and we will take steps to make sure that worldwide factors that affect paralegal education are being addressed.

One of our goals as educators must be to adapt legal education to the nature of ever changing contemporary legal practice. While not all of us are yet affected by this, we will be soon and we, as educators, must stay ahead of the curve. We must prepare an increasing number of students for a global legal environment in which problems involving more than one legal system are



AAfPE President-Elect
Hedi Nasheri
Kent State University

encountered regularly. The challenge for all of us is to foster paralegals who are ready to practice in the global legal environment of the 21st century. Due to students' 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 the educator must address that require us to have a wider global perspective.

As you know, our next conference occurs in Baltimore in October of 2007. Baltimore is a suitable location for our global theme given its proximity to the nation's capital. Our Baltimore conference will provide a forum for all of our members, at whatever stage in their academic career, to share their work with others. These conferences bring together a broader spectrum of scholars with a variety of different topics, theories, methods and perspectives. Presentations provide an opportunity and invitation for intellectual discourse among a diverse group. As we prepare for the next national conference, I am hopeful that we can tap into the best

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AAfPE President-Elect
Marisa Campbell
Meredith College

MESSAGE FROM THE PRESIDENT-ELECT

Goals for the Future

AAfPE celebrated its 25th year at the annual conference in New Orleans in October. New Orleans was the perfect place to celebrate our silver anniversary with the silver and gold beads and bangles of a Mardi Gras celebration. Much thanks is due to Kathryn Myers and the Annual Conference Committee as well as to the tremendously valuable work of all of the presenters, the vendors and the management company for

creating a wonderful learning experience with many moments full of fun (and beignets from Café du Monde).

The 25th anniversary is a landmark event for an organization. As we see from the wonderful *Book of Memories* edited by Carole Olson, the organization started out like a Judy Garland-Mickey Rooney movie — a group of paralegal educators got together after the devastating news that the ABA was out of the conference business and said, "let's all get together and put on a show!" (cue

the lights and music). Today, the organization is a well-established force in paralegal education; we are now more akin to the established Broadway production company rather than the scrappy newcomers. One of the challenges as an organization hits the 25 year milestone is how to maintain the energy and the excitement of the founding while taking advantage of many years of experience — how to stay fresh without re-inventing the wheel every year.

One of my goals as President-Elect is to create a procedure manual for the Board that encompasses all of the Board positions as well as the various AAfPE committees. While serving as Southeast Regional Director, I put together a draft of what would become the Regional Conference Guide and that experience led me to realize the need for this type of document for the organization as a whole. I would like to thank Past President Bill Mulkeen and President Hedi Nasheri for also seeing a need for such a document and for appointing Ed Quist, Joy Smucker, and me as the committee to create a new manual. As the daughter of musicians, I understand that the talent and the enthusiasm of an individual or an organization is wasted without a solid foundation in basic principles, processes and procedures.

Continued on next page

MEMBERSHIP REPORT Marisa Campbell, Membership Chair

NEW MEMBERS

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

MEMBERSHIP STATISTICS

As of December 2006

Institutional	338
Associate	38
Individual	37
Sustaining	12
Affiliate	2
Honorary	17
Total	444

Institutional

Clarion University of Pennsylvania

Oil City, PA

Husson College

Bangor, ME

Long Technical College

East Valley
Phoenix, AZ

San Jacinto College North

Houston, TX

Tarrant County College

Hurst, TX

Individual

Jeannette Espinoza-Sanchez

New York College of
Technology, Brooklyn, NY

Raymond D. Harter

Humphreys College and
School of Law, Modesto,
CA

Stephanie Hensel

St. Cloud Technical
College, St. Cloud, MN

Marilyn Montreux

St. Cloud Technical
College, St. Cloud, MN

William I. Weston

Kaplan University,
Ft. Lauderdale, FL

President's Column

Continued from page 5

possible work of scholarship and/or research, hopefully on its way to publication, and obtain feedback by colleagues and respondents.

Following this article, you will see a call for abstracts/papers for the Baltimore conference. We have tried to develop a list that reflects the global theme and contemporary problems. For example, an important issue for us as educators is the off-shoring of paralegal work. No one expects this practice to slow and, as the quality of services from India and other countries continues to rise, more companies and law firms are likely to look overseas. Other related topics include issues relating to licensure and

governmental regulation of paralegals and legal research on international law issues using the Internet. I encourage you to submit an abstract to participate in the conference on a topic of interest to you consistent with this theme.

Looking ahead, we also must address AAFPE's scholarly journal and its future direction. As previously reported, I have formed a committee on the future direction of our journal headed by Ron Goldfarb to study this issue carefully with the help of the membership and to make a recommendation for the Board and membership as to what would be appropriate for the future. Many of the members attended the session in New Orleans where the current results of that committee were reported.

We also will look forward to learning more from this committee.

As I indicated to all of you in New Orleans, I invite your ideas and suggestions. Together we must examine and consider all possibilities for AAFPE and its initiatives. I want to have open lines of communications with all members in order to learn your new ideas, suggestions and comments on our initiatives. I would like to take this opportunity to thank the membership for sending me e-mails sharing their ideas and feedback as we plan our next year's meeting. In my role as president, again I want to reiterate my statement about hearing your ideas and thoughts via e-mail to me at hnasheri@kent.edu. ■

President-Elect's Column

Continued

A second goal that I will work on as President-Elect is tied to the role of the President-Elect in expanding the number of members in our organization. To that end, I will spend this year working with regional directors to identify one or more individuals in each state to serve as our ears across the country. I would ask those individuals to recommend programs in their state that would benefit from AAFPE membership; from that point, I would love to have the opportunity to personally contact the Directors of those programs to ask them to become AAFPE members.

Besides the membership drive (that I hope develops into a

continuous process), I would like the state representatives to report to the regional directors three times a year about what is happening in each state regarding paralegals: Is new paralegal regulation being created? Has a new law been passed that relates to paralegals? Has there been a movement in the state regarding access to justice issues?

Finally, the creation of these state representatives will assist with the identification of future AAFPE leaders.

It is important for members to take time off and enjoy their families and friends during the holiday season — but when you return to work in January, consider volunteering to be a

representative from your state. I would like to ask the regional directors to put together a list of state representatives from their region after the regional meetings in March and April.

Thank you all for your support and your enthusiasm for AAFPE. As we approach our 26th year, I am grateful to the founders of the organization and to all of the members who have been instrumental in its continued growth. If you have any questions or concerns, please feel free to contact me at any time. I am excited to be in the position to serve the members over the next three years and I realize that I need your input to best represent your interests. May you all enjoy a happy and joyous holiday season. ■

**BALTIMORE 2007
CALL FOR ABSTRACTS/PAPERS**

TOPIC AREAS:

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

**BALTIMORE
2007 ANNUAL CONFERENCE**

THEME

Paralegal Education and Practice in a Global Legal Market

ABSTRACT SUBMISSION

Title of Your Presentation:

Name:

Institutional Affiliations:

Address:

Phone:

Fax:

Email:

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

Is It Just an Initiative or Is It a Fact of Life for Paralegal Educators?

Thomas Goldman

THANK YOU, THANK YOU, THANK YOU. The response to the technology initiative from the AAFPE members able to attend the annual meeting in New Orleans was truly overwhelming. The response to the Technology Committee report, not to mention the response to the free software and free videos, was so encouraging that I was totally energized and encouraged to start pushing the initiative to the next level. On a very personal level, I want to thank everyone for the standing ovation at our awards luncheon. You have no idea how much that meant. For me, it justified the hundreds of hours spent getting the initiative off the ground. It was like walking on a cloud — similar to what we as educators experience after that magical class when our students respond and we know why we teach. I am determined to work harder to experience it again; so thank you, it really was my pleasure.

So where do we go now? The tools in the form of usable free software from our Diamond Level vendors: Lexis Nexis CaseSoft, AbacusLaw, Tabs3, TrialDirector, and SmartDraw is a start. Sample lesson plans for each of these programs were distributed at the annual meeting and are available for download on the AAFPE member's side of our website, <http://www.aafpe.org>.

We now have the tools for establishing a firm foundation for teaching technology in our

curricula using these lesson plans as models.

The demo software is good for the entire semester (90-120 days), with accompanying tutorials to teach the uses and functionality of each program. This allows students to learn the use of software as a skill while also learning how to manipulate data in the software. For our teaching faculty, we now have full versions of the software to allow them to use it without reloading software every semester.

How do you get this software?

If you were not at the annual meeting, you may request the software by contacting AAFPE Headquarters (856-423-2829 or info@aafpe.org) and letting them know which software you want and in which course(s) you will use it. Headquarters will make every effort to get it to you. You do need to certify you will be teaching the programs in some part of your curriculum.

Are you now asking how you can learn to use and teach this software?

These software companies normally charge from a few hundred dollars to a few thousand dollars for training. But, in addition to offering our members the software itself, our software partners have very generously agreed to allow you to attend their training courses for free — yes, my favorite word FREE — on a space-available basis as they run their courses around the country. Most of these offer

certification level training in the use of the software. Again, you need to let Headquarters know in which program or programs you are interested to obtain the training. Headquarters will maintain a list and advise you of the available dates and locations. If you are not able to take advantage of the opportunity at that time or place, the next person on the list will be offered the opportunity and your name added back to the list.

To kick off the training initiative I am happy to report that I have been able to obtain from AbacusLaw, five full-paid scholarships to send one representative from each region to San Diego for the full three-day training program leading to certified trainer status. When trained, these people will be available to help others in their region to implement the specific program and act as a resource and mentor. We would like — and need — resource people for all software programs in all regions, so I am asking for those interested to contact AAFPE. As someone said, "Don't make me volunteer you."

Matt Cornick has already attended the multi-day TrialDirector program and is our first certified TrialDirector trainer. Feel free to ask him about his experience.

I will be attending most of the regional meetings to introduce the tools and materials to those

Continued on next page

Initiative *Continued*

unable to attend the annual meeting this year. Hopefully, you can come out and let me try to convince you that you can offer this skill to your students without being a “geek” and learn some of the geek language from my presentation. For those attending, I promise to reveal what “picnic” means in geek talk. I plan to demonstrate an actual class, teaching from the tutorials I have posted. I hope this will convince you that you do not need to be a computer person to successfully and enjoyably teach this software.

Technology is not just about software. It is using the tools technology provides to teach better. To me a good video on a

CD is using technology. Towards that end we also distributed a video, courtesy of Pearson Prentice Hall for adjunct and in-class use on Ethics by Deborah Orlik and five paralegal ethics videos of 3-5 minutes for class use and discussion. Thomson/West Legal Studies provided our information exchange handouts on a CD allowing easy sharing and copying of these valuable items. (Again, if you were not at the meeting you can get these from Headquarters.) And we have a commitment to do the same next year at the annual meeting and to include all the conference presentation materials on a CD.

Kathryn Myers, our National Conference Chair, and I met to discuss the program for next

year’s annual meeting. We have firm commitments from software vendors to offer training at the annual meeting in Baltimore. Space will be limited so you need to commit quickly when the details are announced. We need your input on what you want to have presented. If there is enough interest in coming a few days early, we can offer a full certification training course of one, two, or three days. For example, AbacusLaw has offered to do a certified trainer course at the annual meeting. This is normally a three-day program, but can be condensed to two days. CaseSoft is willing to bring in a trainer for their one-day certification training session. Let Kathryn or me know your level of interest. I have suggested limiting the class to 10 to 15 people to maximize personal training. First come, first served and, if you bring your personal computer, all of the software and training materials will be downloaded for you to take back to your school ready to run and teach. A limited version of this training will be given at regional meetings if we have enough interest.

Many of your colleagues approached me at the annual meeting requesting additional information and help in learning about the available technology for paralegal education. A common thread was a desire to learn more themselves. I have started arrangements to put a Technology in the Law Office course online using WebCT for AAFPE members. I am planning to make this available before the

Continued on next page

TWO GREAT NFPA EVENTS IN 2007!

www.paralegals.org



Initiative *Continued*

end of this semester. This will allow those uncomfortable with the technology to acquire the computer skills to use them. And as an AAFPE member institution, I will make the WebCT 6.1 version available for installation at your school. This course will offer an overview of technology as it applies to the legal field and the software being used. It is designed in learning modules that will contain lessons that you can use in your own courses. Hopefully this will help the non-computer savvy among us to get the needed comfort level to feel confident in offering these topics throughout your curriculum. I

recognize that in many programs it is not possible to add another course, so I have done this course in individual learning modules that can be used in other courses as a single lesson, a self-study lesson, or a series of modules. For example, you might want to use a case management program in a civil litigation course, or a time-keeping program for internship students to track the time they spend in their job placements. The possibilities with modules are almost limitless. As of right now, there are five lesson plans, one for each of the software programs available. Feel free to copy, modify or just use them to get an idea for your course.

As always please let me know if I can help. I have been asked to come to a number of schools to speak and I am happy to do so if I have advance notice so I can work it into my teaching schedule. ■

Thomas F. Goldman is the former director of the ABA approved paralegal studies program at Bucks County Community College, Newtown, Pennsylvania. He chairs the AAFPE Technology Task Force. He is a business and litigation attorney who has worked in the computer and high technology industry, a former computer game designer and unabashed computer geek. He can be reached at goldmant@tfgoldman.com.

U 2 CAN B A BLAWGER

Robert J. Van Der Velde

What do U.S. Court of Appeals 7th Circuit Judge Richard Posner¹, Jeopardy champion Ken Jennings², Sen. Barack Obama³, over 300 law professors⁴ and over 36 million Internet users⁵ have in common? All are members of the growing community of bloggers who create “web logs,” shortened to “blogs.” Judge Posner defines “blogging” as a “major new social, political, and economic phenomenon...enabl[ing] the instantaneous pooling (and hence correction, refinement, and amplification) of the ideas and opinions, facts and images, reportage and scholarship, generated by bloggers.”⁶

In 1999, the website *Blogger.com* began to offer free hosted services allowing anyone to easily sign up, create a blog, and write numerous postings, without having to know any computer code. Most blogs share a common format, with each entry generally presented in reverse chronological order (most recent first). Blog entries (frequently called “posts”) usually consist of short, snappy comments or occasionally longer essays, with links, names and



Most blogs share a common format, with each entry generally presented in reverse chronological order ... [which] usually consist of short, snappy comments or occasionally longer essays, with links, names and current news.

current news. Blogs usually include a comment feature that allows readers to leave their own comments and reactions to the author’s post. Blogs can be written by one individual, or frequently, are produced as group efforts with several contributors.

BLAWGS — LEGAL BLOGS

Blogs can be about far more than teen angst, stream of consciousness diary keeping, or political diatribes, though one can find plenty of each in the “blogosphere” (the collective term encompassing all blogs as a community of social networks⁷). Legal blogs known as “blawgs” —

Continued on next page

U2 Can Blawg *Continued*

combining blogs and law — cover both general legal topics and those that are highly specialized. One 3L law student provided, “Taxonomy of Legal Blogs,” an excellent index of blawgs at “3L Epiphany.”⁸ Some of the more interesting blawgs I frequently read include:

- **Althouse:** Ann Althouse is a Wisconsin law professor who blogs about law, politics, and pop culture including, yes, *American Idol*.
<http://althouse.blogspot.com>
- **Appellate Law & Practice:** A blog “devoted to appellate law & advocacy,” including great legal writing tips that would be useful for any legal writing instructor.
<http://appellate.typepad.com>
- **Becker-Posner Blog:** Running law and economics dialogue between University of Chicago Economics Professor (and Nobel Prize laureate) Gary Becker and U.S. Circuit Judge (and Chicago adjunct law professor) Richard Posner (7th Cir.).
<http://becker-posner-blog.com>
- **Concurring Opinions:** Group blog about legal education.
<http://www.concurringopinions.com>
- **Conglomerate:** Group blog on “business, law, economics and society.”
<http://www.theconglomerate.org>
- **CrimProf Blog:** Commentary from criminal law professors with links to interesting criminal cases in the news.
http://lawprofessors.typepad.com/crimprof_blog
- **Decision of the Day:** Rob Loblaw reads U.S. Court of Appeals decisions and posts short summaries with links to the full-text opinions for the day’s most interesting cases.
<http://appellatedecisions.blogspot.com>
- **Election Law:** Professor Rick Hasen’s blog on “The law of politics and the politics of law: election law, campaign finance, legislation, voting rights, initiatives, redistricting, and the Supreme Court nomination process.”
<http://electionlawblog.org>
- **Ernie The Attorney:** Ernie blogs about law and New Orleans politics.
<http://ernieattorney.typepad.com>
- **The Estrin Report:** Chere Estrin’s blog “Created for professional paralegals — not of a certain level, specialty or firm — but of a particular attitude.”
<http://estrinlegaled.typepad.com>
- **How Appealing:** Useful links to legal news and interesting topical appellate decisions.
<http://howappealing.law.com>
- **Instapundit.com20:** Glenn Reynolds created one of the first legal blogs. His site includes timely links to news articles on law and politics. Check out his podcasts, and his new book, *An Army of Davids*.
<http://www.instapundit.com>
- **Jurist:** University of Pittsburgh School of Law Prof. Bernard Hibbits assembles a great collection of original legal materials from hot legal topics in the news.
<http://jurist.law.pitt.edu>
- **May It Please the Court:** California legal blawg by J. Craig Williams and The Williams Law Firm.
<http://www.mayitpleasethecourt.com>
- **Paralegal Gateway:** Links to paralegals mentioned in news articles.
<http://spaces.msn.com/paralegalgateway>
- **PrawfsBlawg:** Group blog on hot legal issues and legal education.
<http://prawfsblawg.blogs.com>
- **SCOTUSBlog:** Good discussions of pending cases and Supreme Court procedure by Tom Goldstein of Akin & Gump, a specialist in U.S. Supreme Court practice. Recently included a database of “questions presented” by petitions for certiorari.
<http://www.scotusblog.com>
- **Sentencing Law & Policy:** Ohio State Professor Douglas Berman and colleagues on sentencing law.
<http://sentencing.typepad.com>
- **Underneath Their Robes:** Bizarre fan club for Article III federal judges.
<http://underneaththeirrobes.blogs.com>
- **U. Chicago Law Faculty28:** Group blog by members of the faculty of the University of Chicago Law School.
<http://uchicagolaw.typepad.com/faculty>
- **The Volokh Conspiracy:** In my opinion, the best blawg in the blogosphere. Group blog with a conservative libertarian bent, created by UCLA Law

Continued on next page

U2 Can Blawg *Continued*

Professor (and former O'Connor clerk) Eugene Volokh. Read the comments attached to most postings for interesting discussions of hot legal topics.

<http://www.volokh.com>

- **Wall St. J. Law Blog:** WallStreetJournal.com "on law and business and the business of law."
<http://blogs.wsj.com/law>
- **Workplace Prof Blog:** Blog about the law of the workplace.
http://lawprofessors.typepad.com/laborprof_blog

BLAWGING FOR THE CLASSROOM

Blawgs can be useful tools to engage our students in discussions of hot legal topics. Some blawgs are quite influential. In one case, a post on the Volokh Conspiracy pointing out an error in 9th Circuit opinion resulted in the court issuing an amended opinion the following day. Paralegals can also make valuable contributions to blawgs, as did Stephanie Vandergrift, a paralegal for the Federal Defender's office in Eastern Tennessee, who wrote "Cross-Referencing to Achieve a Higher Sentence" on the Sixth Circuit Blog.⁹ One could easily create a blog for each separate course, providing students a place to discuss, and link to, news stories about real-life cases.

THE AAFPE BLOG

To give AAFPE members an idea of how simple blogging can be (as well as useful and fun), this past summer I created a sample AAFPE blog¹⁰ in preparation for our New Orleans conference. Several AAFPE members contributed interesting posts on topics ranging from paralegals to plagiarism. Anyone can make comments on these posts: just click on the "comments" link following each entry. If you are interested in contributing your own post, you can easily create a free account on *Blogger.com*, or use the guest account: the user ID is GuestEducator (case sensitive) and the password is paralegal.

I offer some "good blogging" suggestions¹¹ for the AAFPE blog:

- Short, timely posts at least tangentially related to paralegal education. Glenn Reynolds, for example, keeps most of his posts to one or two lines, pointing the reader to a linked source with a minimum of commentary. The Volokh Conspiracy, on the other hand, offers short essays on (mostly) legal topics with some posts attracting 100 or more comments with fascinating back-and-forth discussions.
- Include links. We are always telling our students to "cite your sources." In the blogosphere, including the links to the original source material is not just about avoiding plagiarism, it's what makes the blog useful. "The link changes everything. When someone derides or exalts a piece, the link lets you examine the thing itself without interference. TV can't do that. Radio can't do that. Newspapers and magazines don't have the space."¹²
- Make comments, and read the comment threads. AAFPE members aren't shy, and have a lot to say. Don't hesitate to join in the conversation.

Happy blogging! ■

ENDNOTES

¹ <http://becker-posner-blog.com>. All of the internet sources in this article are available as working hypertext links at the author's web site at <http://www.vandervelde.org/aafpe>.

² <http://www.ken-jennings.com/blog>

³ <http://obama.senate.gov/blog>

⁴ http://www.concurringopinions.com/archives/2006/10/law_professor_b_6.html

⁵ Nielsen reports that as of October 26, 2006, there were 36,220,596 blogs with 53,304 created within the past 24 hours.
<http://www.blogpluse.com> (Visited October 26, 2006.)

⁶ http://www.becker-posner-blog.com/archives/2004/12/introduction_to_1.html

⁷ <http://en.wikipedia.org/wiki/Blogosphere>

⁸ http://3lepiphany.typepad.com/3l_epiphany/2006/03/a_taxonomy_of_1.html

⁹ <http://circuit6.blogspot.com/2006/08/cross-referencing-to-achieve-higher.html>

¹⁰ <http://aafpe.blogspot.com>

¹¹ See also, Aliza Sherman Risdahl, *The Everything Blogging Book* (Avon MA: Adams Media, 2006).

¹² James Lileks (quoted in Glenn Reynolds, *An Army of Davids: How Markets and Technology Empower Ordinary People to Beat Big Media, Big Government, and Other Goliaths*, 117-18 (Nashville: Nelson Current, 2006).

Robert J. Van Der Velde is Professor of Technology Studies at Eastern Michigan University in Ypsilanti, MI

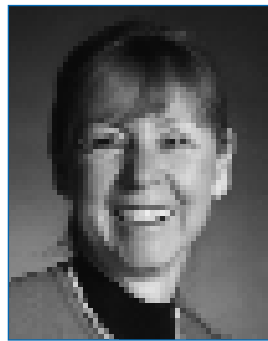
Pithy Pointers from a Podcast Pundit

Jill O. Jaspersen

As a former broadcaster on radio, and current live streaming broadcaster on the Internet, I have been interested in podcasts since learning about them. Apple didn't invent the word "pod." Pod means "public on demand," a very inviting term indeed.

A quote attributed to David Weinberger,¹ "In the future, everyone will be famous for fifteen people," captures the spirit of podcasting. Those who podcast will be famous for a few people, perhaps even fifteen people. Podcasting is an up close and personal medium. In fact, it doesn't matter if you only have one listener. Publishing a podcast makes you a member of the media. Teachers and educators can be comforted by the fact that we, too, can receive a press pass!

What exactly is the technical wording for a podcast? It is an audio file stored on the Internet that you can



Recently, the Spring 2006 rankings of "What's in" on campus ranked iPods more important than beer drinking.

receive via an RSS feed or download to your MP3 player. These downloads can be transferred to several places: a computer, a CD, an MP3 player or iPod, to name a few.

Recently, the Spring 2006 rankings of "What's in" on campus ranked iPods more important than beer drinking! In fact 73% of students rated iPods higher than text messaging, bar hopping and downloading music.²

Continued on next page

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Pointers *Continued*

The top ten general podcasts named in the website at www.podcastalley.com list a variety of subjects, ranging from *Harry Potter* to blasting right wingers.³

Robert J. Ambrogi is a well-known podcasting lawyer. His top ranking law-related podcasts include Coast to Coast at www.legaltalknetwork.com, Conversations in Law at www.hamline.edulaw/conversations/ and Evan Schaeffer's Legal Underground at www.legalunderground.com/podcasts/

There are other great podcast sites you can peruse.⁴

Educators may find these general sites interesting, but not applicable to the art of teaching. However, podcasts are being used in education as well. They are being used for recruitment purposes on campus.⁵ There is an Education Podcast Network.⁶ College course podcasts are done in many colleges, including Purdue, Duke, and American University. In fact, Stanford has its own iTunes section.⁷ These sites are dedicated to capturing lectures and courses.

Another use for podcasts is student driven. As a paralegal educator, I am using podcasts to create a paralegal assignment called True Law Stories. These podcasts will be loaded into the college Internet radio content. This is a project where legal research students research through public records at various courthouses in the vicinity. This gives the students legal document familiarity and analysis skills. They find the story, research the case, put the story together, contact the people, etc., and create an audio presentation. Since this is a student production, the podcast is rudimentary. But, in keeping with the ever popular reality shows, I believe this is a good way for students to see legal reality. It will teach students about a real case, with real documents, and they will have interaction with *real* lawyers and *real* paralegals.

If you would like to receive the Top Five Tips for Podcast Content, please email me at jasperji@uvsc.edu. ■

ENDNOTES

- ¹ Technologist, author, PhD., probably best known as co-author of the *Cluetrain Manifesto*.
- ² *eSchool News*, Volume 9, No. 10 August 2006. Statistics include what's 'in': 73% iPods, 71% drinking beer, 71% Facebook, 67% drinking other alcohol, 66% text messaging, 66% downloading music, 65% going to clubs/bars, 63% instant messaging, 60% coffee, 62% working out, 58% MySpace.com, 56% digital cameras, 50% attending movies. Market research study by Ridgewood, NJ based Student Monitor. One year ago, only 59% of students named the iPod as "in." However, Leesa Barnes co-authored a report in Canada which found that podcast listeners are indeed older than people think. Fifty-nine percent of respondents are between 25-44, while baby boomers are listening to podcasts at double the rate of those under twenty-four.
- ³ The top ten for October 2006 are: Keith and the Girl, Free Talk Live, Nobody Likes Onions, MuggleCast, Urban Coffee, Star Wars Actions News, The Force-Cast, Distorted View, Weekly Lost Podcast and Blast the Right.
- ⁴ See <http://podcasts.yahoo.com>, http://npr.org/rss/podcast/podcast_directory.php, www.podcastbunker.com, <http://podcastpickle.com>, <http://www.apple.com/itunes/>
- ⁵ See <http://podcast.mansfield.edu/>
- ⁶ See <http://epnweb.org/index.php?openpod=2#5>
- ⁷ See <http://www.apple.com/education/profiles/stanford/index3.html>

Jill O. Jaspersen is an associate professor of Legal Studies in the School of Business at Utah Valley State College. She teaches legal research and business law classes. Her expertise includes legal research, mediation and conflict resolution, business law, identity theft, radio law and consumer law. In addition to teaching her regular classes, Jill presents a weekly business and consumer law podcast/broadcast on www.grapevineradio.com. She is the creator of True Law Stories, in which legal research students research and present material for podcasts on UVSC Internet radio.

***Res Ipsa Loquitur* — Law A Noble Profession**

Marissa J. Moran, Esq.

While watching an episode of *Law & Order* with my eldest son, James, I mused about history repeating itself. You see, I grew up watching *Perry Mason* with my Dad. I recall eagerly looking forward to finding out how the humble yet knowledgeable Perry was going to prove the nay sayers wrong by logically demonstrating how, despite all odds, his client was innocent beyond any doubt. Now, as my son views the guilt and innocence of those in the *Law & Order* episodes, I see him thinking and questioning the way I used to. He is intrigued with how the professionals, the attorneys, are able to figure out all the pieces of the puzzle and explain it to the jury so that they may reach a just and fair result.

This budding interest that I had in law proved to be my destiny. I grew up to become an attorney and am currently teaching law. To better prepare my students for what they will experience in the workplace upon graduation, I tell them to think of our class as a law firm and that from the minute they walk in the door they are paralegals working for me, the attorney. Ethics is taught in all of the legal courses at my college, New York City College of Technology. In conjunction with the topic of ethics, I often speak of professionalism and I remind my students to treat every client and his/her case the way they would want their family or loved one treated or their case handled. This usually generates stories of

attorneys whom the students encountered who have demonstrated bad behavior, are yellers and screamers, and who make the paralegals do most of the work, yet take all of the glory.

This sentiment was most recently echoed in a student paper that I read. As part of the course requirement, students in the Introduction to Paralegal course attend a court hearing and report on what they observed and also how it correlates with something we have discussed in class. In other words, students are to relate a real life court observation to some fundamental concept we have discussed in class. While reviewing these “court observations” one student explained that the judge’s law clerk and one of the attorneys inquired what she was doing in the courtroom. When she told them of her assignment they readily assisted her in making sure she obtained accurate information for her report. I continued to read, smiling to myself, since this behavior is consistent with how most attorneys would respond — that of teacher or mentor. This also solidified what I knew from experience and practice, namely that most attorneys are and can be positive role models for paralegals and students in general. However, this triumphant moment was short-lived, for her next comment brought me back to what I have heard all too often. She said they wanted to know why she wasn’t aspiring to become an attorney

Not long ago the American Bar Association attempted to turn the tide of public opinion ...The many good deeds and acts of kindness to their clients and clients’ families that attorneys perform on a regular basis had seemed to vanish from public opinion.

since everyone knows that paralegals do all the real work for the attorneys and get little in the way of recognition and compensation. I have heard similar comments made at paralegal educator conventions and by some of my own colleagues and students. Each time I hear or read stories of this nature about our profession I feel the need to set the record straight.

Not long ago the American Bar Association attempted to turn the tide of public opinion in a more positive light regarding the legal profession. The shark jokes and other such humor had gone unchecked for too long. The many good deeds and acts of kindness to their clients and clients’ families that attorneys perform on a regular basis had seemed to vanish from public opinion. Greed, selfishness and bad tempers make for fascinating headlines, sell stories and provide grist for the mill. Good deed doers and life changing wonderful results, if not of epic Hollywood proportions, simply do not generate much in the way of public attention or interest. It is more appealing to bash attorneys than admire their intellect and ability to affect and

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Noble *Continued*

change human life for the better.

Most people aren't appreciated enough, and the bravest things we do in our lives are usually known only to ourselves. No one throws ticker tape on the man who chose to be faithful to his wife, on the lawyer who didn't take the drug money.... Peggy Noonan

While undoubtedly some of these stories of less than optimal behavior are true, I caution my students that there is good and bad in every profession. I challenge them to think about the scrutiny involved in legal matters, to think about an unending clock where hours never stop and deadlines do not distinguish a Monday from a Sunday. An attorney, a professional, is in that role 24/7 regardless of birthdays, anniversaries or nationally recognized holidays. Work emergencies arise despite personal emergencies and know neither restrictions nor three-day holiday weekends.

I have had the privilege, from the start of my legal career working as a paralegal while in college, to practicing and now teaching law, of knowing and working with many brilliant, even-tempered, and patient judges and lawyers whose hard work, dedication and excellent results never get mentioned or at least not on page one of any newspapers. They have spent their lives cultivating their craft, forever learners and teachers and have not rested on their laurels nor taken their work, their clients, or their profession for granted. While the practice of law

Each one of us owes it to our profession to make sure that there is a balance in how being an attorney is portrayed and what is said about our profession, especially by us.

is a team effort, the team leader is the attorney. While the benefits may be reaped by the attorney so too are the losses and liabilities. The attorney is the one who receives the accolades: however, so too is s/he the one who is on the front line and the risk taker, whose name and reputation is in the public eye. It takes a lifetime of cases with good results to build a reputation, yet just one bad result/case to cast doubt on one's ability or reputation. Money buys you neither character nor conscience!

So what can each attorney do to strengthen our reputation? As attorneys? Attorneys who are judges? Attorneys who are educators? Attorneys who are parents? Each one of us owes it to our profession to make sure that there is a balance in how being an attorney is portrayed and what is said about our profession, especially by us. It is hard to imagine being able to generate interest and desire and team spirit in those wishing to pursue a career as a paralegal if what they hear from those in the field is lack of respect and appreciation for the knowledge and ability needed by one who wishes to study and then practice law. One would have to wonder why someone would devote so much time and effort assisting someone for whom they have little or no respect or than whom they believe they know more.

Imagine, if you will, sports or other professions that rely on team work. Each person plays a role and each role serves a purpose and is regarded as important towards achieving the best results. Coaches and managers are often the first ones thanked by the player(s) for their support, encouragement and direction in guiding these players on how to play their sport; the general, lieutenant, sergeant are thanked for their leadership and decision-making ability in their deployment of troops into the battlefield; chief executive officers, boards of directors, presidents are thanked for recognizing and tapping into their employees' skills and talents by *requiring* these workers to complete challenging projects for the benefit of the company; and conductors are applauded and lauded for their ability to lead the musicians, the ones who actually play and read the notes to perform the musical selections.

In certain professions you must learn and perform all levels of a job before you can obtain the desired position you wanted from the start. Having worked as a paralegal in my last two years of college to learn from an insider's perspective whether law was the right career path for me, I am a firm believer in the benefits received by learning and going through the ranks in any career. I say this so that those who first

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Noble *Continued*

choose to become a paralegal but may ultimately have the drive and aptitude to become an attorney have done so not out of a sense of entitlement due to their paralegal status, but more because they have been exposed to the profession and made a well-informed decision about their career choice. Many sportscasters were once players; sergeants/lieutenants once enlisted personnel; executives were once employees; and teachers were once students, but they appear not to regret the prior role they played in their profession.

Instead, they bring to these new management, supervisory, leadership or commentary

positions, the wisdom of first hand knowledge and, more importantly, the economics of time management in knowing what are realistic deadlines or timeframes. This thinking should be instilled by us since we are responsible for being the catalyst for change in attitude about our profession.

So, for all you attorneys out there, if we take a positive approach and lead by good example, *res ipsa loquitur* ("the thing speaks for itself") will apply, and law thought of as the noble profession we on the inside know it to be. ■

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, as club advisor to the Society of Future Legal Professionals, had a column "Ask the Professor" in the department's newsletter, and has been a guest speaker and organizer of City Tech conferences cosponsored with the Brooklyn District Attorney's Office. She is also the mother of three boys, James, JonPaul and Justin.

Managing a Paralegal Program in a Union Environment

Laura Bernard

I wear many hats at Lakeland Community College. My main "job" is Professor of Paralegal Studies. As part of my duties, I receive release time to be the administrator (program director/chair) for the paralegal program. I also play an active role in our full-time faculty union, having served four years as president and in numerous other capacities. At the present time, I chair the union's grievance and negotiations committees. My professional background prior to coming to Lakeland in 1993 includes six years as a labor and

employment lawyer primarily representing management.

Being a pseudo "administrator" in a union environment can be challenging, especially when it is time to staff classes, evaluate instructors and negotiate a collective bargaining agreement. All of these challenges are compounded by the fact that our adjunct/part-time faculty is not



... In the spring semester, when part-timers can be maxed out on hours, the director can face a last minute staffing crisis.

unionized while all of our full-time faculty members are in the bargaining unit.

Lakeland's collective bargaining agreement limits the number of hours which can be taught by a part-time faculty member. Specifically, "part-time teaching faculty shall not be contracted to be assigned more than eighteen

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Union *Continued*

semester units per academic year, with less than twelve units or its service equivalent in any academic semester.” In practice, this cap has not proved problematic, unless there is a situation where a class needs to be reassigned at the last minute because of instructor illness or relocation to another geographical area. Especially in the spring semester, when part-timers can be maxed out on hours, the director can face a last minute staffing crisis.

Instructor evaluation is also clearly addressed in the contract. With respect to full time faculty members, no faculty member is required to evaluate another faculty member. Peer evaluations are optional. Consequently, any evaluation of full-time paralegal faculty would be performed only by the dean, never the full-time faculty program chair unless both the faculty member and program chair agreed to the peer evaluation. The result of this contract clause is that faculty work together in a more collegial environment and faculty do not feel that their jobs are threatened if they share problems or concerns with the program chair.

The program chair is responsible for the evaluation of part-time faculty, and the restrictions on peer evaluation do not apply. Consequently, classroom observations can be performed if needed by the program chair, and

follow-up discussions can take place.

Student evaluations are contractually a part of the evaluation process for full-time faculty, and these same evaluations are used by program directors for part-time faculty evaluation. It would be confusing to students to have a different evaluation instrument, and the college does not like to highlight the faculty categories; students should receive a top quality education irrespective of the full-time or part-time status of the instructor.

The most uncomfortable moment for program directors at Lakeland is when contract negotiations are underway. Because part-time faculty members are not part of the bargaining unit, they do not receive the same benefits. In fact, other than free parking and a small professional development stipend, adjuncts receive no benefits, while the full-time faculty have a number of benefits, including a comprehensive health care package. Program directors have tried for years to persuade the college to allow adjuncts to participate in the health plan even if they paid a greater premium for participation. The college has always refused. The salary issue is not as difficult, because the increase in the adjunct rate mirrors the full-time faculty increase. For example, last year the bargaining unit members received a 3% raise as did the

adjunct faculty.

When contract negotiations are underway and fall semester is quickly approaching, there is a lot of anxiety throughout the campus. Will the full-time faculty go on strike? If the full-time faculty go on strike, will the part-time faculty cross the picket line? Will the college try to use the part-time faculty as replacement workers? If the part-time faculty cross the picket line, how will their relationship with the program directors have changed once the contract is settled and the full-time faculty come back to work?

I don't have the answers to any of these strike-related questions, because in the sixteen years I have been at Lakeland, there has never been a strike. I do know that labor-management peace is important to more than just the bargaining unit members and the administration. Labor-management strife harms the entire institution by making it difficult for every employee to focus on delivery of the ultimate product — a quality education for each student. ■

Laura Barnard is a Professor and Director of the Paralegal Studies Program at Lakeland Community College in Kirtland, Ohio. She has held that position since 1993. Prior to entering academia, she practiced labor and employment law and also worked as an antitrust paralegal before entering law school.



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Connect the Dots to Better Legal Writing

Ellen K. Boegel

Remember the joy of sitting at the kitchen table or on the floor of your room as a young child, a fat crayon in your hand and a connect-the-dots coloring book on your lap? I do. I recall the sense of anticipation as I turned the page and scanned the mixed-up letters or numbers. I can still see the pictures emerge as I moved my eyes and hand across the paper seeking out the next dot in the sequence. A tremendous sense of accomplishment rushed over me as I used my crayon to create a wonderful depiction of an animal, a flower or a toy from what was, just moments before, a seemingly random scattering of marks. As I got older and learned the tricks of the trade, I began to see the pattern even before I connected the dots. My mind had trained itself to see order from chaos and, after a time, I no longer needed to look at the numbers or letters to direct me. I instinctively knew where to draw the lines; or at least I thought I did. Sometimes I was wrong. I remember cutting off the trunk of a particularly splendid elephant by drawing where I should not have.

After a time, I advanced to creating my own connect-the-dots pictures. I would pretend that I was a teacher creating lessons for my students. I started with simple shapes, such as triangles and squares, and I had great success. My imaginary students successfully learned their ABC's and numbers by following the trail I left for them. I was not so

Legal writing is exactly like creating a connect-the-dots picture. A legal document is nothing more than a few facts, statutes and cases properly sequenced and strung together to produce the desired result.

successful, however, when it came to more intricate constructs. The problem was that I was not a very good artist. I could not draw a five-pointed star, for example, so I could not create an outline of it for my connect-the-dots project. Frustration mounted as headless dogs, legless horses and roofless houses filled my drawing pads. Nothing worked until I learned to break the pictures down into simpler and more familiar parts and sequence them. I finally realized that a five-pointed star was nothing more than a baseball home plate with triangles attached at the top and sides. A house was merely a square with a triangle on top.

What does this have to do with legal writing? Everything. Legal writing is exactly like creating a connect-the-dots picture. A legal document is nothing more than a few facts, statutes and cases properly sequenced and strung together to produce the desired result. The task of the researcher and writer is to break down a complicated subject, homeowner liability, for example, understand its components, and reassemble it so that everyone can follow the analysis and draw the desired conclusion.

Imagine giving your students an assignment to write a legal

memorandum regarding the liability of a New York homeowner for injuries sustained at the home due to the actions of an underaged drinker. The fact pattern reveals that a partygoer was injured when he was punched by an 18-year old who had been drinking at the home of a friend. The homeowners were home during the party, but did not supply the alcohol. Thorough research reveals the following legal authorities: NY General Obligations Law § 11-100 (creating a right of action against anyone who knowingly procures alcohol for the underaged); Lane v. Barker, 241 A.D. 2d 739 (3d Dept. 1997) (recognizing a homeowner's common law duty to prohibit the consumption of alcohol by underaged drinkers); and Guercia v. Carter, 274 A.D. 2d 553 (2d Dept. 2000) (holding that homeowners are not liable for underaged drinking that occurs without their knowledge or complicity).

The task of the writer is to properly order and cite the facts and authorities to best explain the status of the law. This often is easier said than done. Many students, eager to finish assignments and unused to editing their own work, either leave out important facts or authorities, or include so much in

Continued on next page

Dots *Continued*

their writing that it becomes confused.

A good legal writer might submit the following:

New York recognizes a statutory cause of action for injuries caused by underaged drinking against anyone who furnishes alcohol to the underaged persons. (NY General Obligations Law § 11-100).

New York also recognizes a common law cause of action against homeowners who negligently permit underaged persons to consume alcohol on their property. (Lane v. Barker, 241 A.D. 2d 739 (3d Dept. 1997)). New York, however, does not recognize a cause of action against homeowners for injuries sustained due to underaged drinking that occurs when homeowners are absent and could not have known about the underaged drinking. (Guercia v. Carter, 274 A.D. 2d 553 (2nd Dept. 2000)). Thus, the liability of a homeowner for injuries sustained due to underaged drinking depends on whether the homeowner procured alcohol for underaged drinking, or has knowledge of the underaged drinking. In the instant case, the homeowners did not supply the alcohol and, thus, are not liable under NY General Obligations Law § 11-100. The homeowners most likely will be liable for negligence, however, because they were at home and were aware, or should have been aware, that underaged persons were drinking alcohol.

The reader of this passage is compelled to follow the logic of

the writing just as the child who knows his or her alphabet is compelled to follow the correct sequence of letters in a connect-the-dots picture.

The student who leaves out important points of law, such as the Lane or Guercia case in the example above, will create an erroneous impression, just like I did when I created a picture of an elephant without a trunk. Without the appropriate case law, the reader might draw the conclusion that a homeowner who is aware of underaged drinking at the home, but did not serve or provide the alcohol will not be liable.

The student who presents all necessary points of law, but who does so clumsily, might create an elephant whose trunk is tied in knots. Students often restate the facts as they find them, rather than distilling them to eliminate the trivial and reordering them to maximize clarity. The following is similar to many student submissions I receive:

Sebastian Jones was injured last night when he was punched at a party given by Desiree Brown. Section 11-100 of the New York General Obligation Law says homeowners in New York will have to pay if someone gets hurt after they give alcohol to people underage. Desiree's parents were home during the party. Sebastian is Desiree's boyfriend, but Desiree was dancing with Richie McCallum and Sebastian got jealous. Richie is only 18, but Sebastian is 23. Because Desiree's parents were home when

Sebastian was punched, they'll be liable because of Lane v. Barker, 241 A.D. 2d 739 (3d Dept. 1997) was just like that and the parents had to pay. Sebastian fell when Richie punched him and he hit his head and had to get stitches. Sebastian wants to sue for medical costs and pain and suffering. If Desiree's parents weren't home and they didn't know that Richie was drinking, then they wouldn't have to pay Sebastian because the case of Guercia v. Carter, 274 A.D. 2d 553 (2nd Dept. 2000) that says that if homeowners don't know their kids are drinking, then they don't have to pay if someone gets hurt.

Most readers, including judges, are likely to lose interest in such a complicated composition. They will become confused by the argument and proceed to another (the opponent's), just as I did as a child when connect-the-dots pictures extended to triple digits or double letters.

I invite you to share these examples with your students and tell them about the connect-the-dots theory of legal writing. It might help them organize their own work and maybe, just maybe, it will remind them of their childhood experiences and lead them to discover the joy of legal writing. ■

Ellen Boegel is the Assistant Director of the Legal Studies Program at St. John's University (Staten Island campus). She teaches introductory courses and Advanced Legal Research and Writing.

The Writing Interns Project: Using Peer Mentoring to Improve Student Writing: *Part 2 of 2*

Aditya Adarkar and Marilyn Tayler, Montclair State University¹

Wanted and found: two top Legal Studies students familiar with case briefing and court observations through their own course work and willing to spend time in training, working with students, and providing project feedback.

The two Legal Studies Writing Interns spent time with their supervising professor learning the intricacies of student questions regarding the specific assignments. They also received more general training on student writing and were given several handouts on the subject.

The Legal Research class consists of students interested in law-related careers, whether paralegal, legal, or in the justice system. Following class lecture and discussion using a sample case brief for illustrative purposes, students were assigned a case (Case 1) to read and brief. For the following class, they worked in groups, critiquing each other's briefs with the Writing Interns serving as facilitators. Case 1 was not graded, but it was hoped that the observations and corrections would carry over to the second case brief. Students were next assigned another case brief (Case 2). Students made individual appointments to meet with a Writing Intern to discuss their brief

of Case 2.

The Introduction to Law class consists of a wide variety of students, some interested in law and others taking the class to fulfill a general education requirement. After homework assignments and class discussion of both civil and criminal trial procedure, students were assigned a court observation. Students were provided with a full and detailed description of the assignment. In contrast to the case briefs, because of the length of the court observations, students were required to provide the observations in advance to the Writing Intern with whom they had an appointment.

In both the Case Brief and the Court Observation, students were provided with a Grading Rubric prior to doing the assignment. The Writing Intern signed the rubric at their appointment. Students were required to hand in both draft and final versions plus the Grading Rubric. In the case of both projects, grades were significantly higher than for a similar project in prior years.

Yet, here the similarities end. Both a student survey and interviews with the Writing Interns reveal significant differences in the

Continued on next page

AAfPE Calendar of Events 2007

February 23–25

Board of Directors Meeting
Baltimore, MD

March 1

Educator articles due
to Co-Editors for Spring issue

March 22–23

South Central Regional Meeting
Tulsa, OK

March 23–24

North Central Regional Meeting
Chicago, IL

March 29–31

Pacific Regional Meeting
San Diego, CA

April 13–14

Northeast Regional Meeting
Wilmington, DE

April 19–21

Southeast Regional Meeting
Lexington, KY

June 22–24

Board of Directors Meeting
Chicago, IL

October 24–27

26th Annual Conference
Baltimore, MD

INTERNS *Continued*

results of the project. Statistical surveys of participants included 15 students in each class. On a Likert-like scale of 1 to 10, ranging from not effective to very effective, mean responses for both groups follow in the table below.

Legal Research students indicated that they had spent an average of 1.77 hours on the rough drafts of their case briefs and an average of 1.43 additional hours on account of working with the Writing Intern. Qualitative reflections by participants indicated tremendous enthusiasm, including phrases such as: “informative,” “helped me in writing deficiencies” and “it helped without telling me what was wrong, just general areas of improvement.”

Introduction to Law students indicated that they had spent an average of 2.3 hours working on the rough drafts of their Court Observations and an average of 54 additional minutes on account of working with the Writing Intern. Qualitative reflections by participants indicated disappointment that: “most corrections were grammatical,” “grammatical changes were not explained” and “help with content was vague.”

The Writing Interns themselves² provided distinctive perspectives. One intern was shocked by the level of grammatical errors in the court observations, while the other noted that students might take criticism about grammar and content differently from peers than from a professor. Both

interns found that the student passion for the material and student appreciation for their work was far higher among the Legal Research students than the Introduction to Law students.

A number of conclusions may be drawn from this project. Perhaps most interesting is the correlation between the students and their motivation to accept criticism and re-work their papers. The case brief and the court observation were two very different assignments, given to two very different groups. What students working on the Court Observation termed “only grammatical corrections,” students working on the Case Brief found to be highly effective and important to project success. ■

ENDNOTES

¹ This part of the article demonstrates the application of the “Writing Interns” program to specific Legal Studies classes. The Writing Interns program was developed at Montclair State University by Aditya Adarkar, Assistant Professor in the Department of Classics and General Humanities. Marilyn Tayler, Professor of Legal Studies, worked with Professor Adarkar to apply its principles to Legal Studies. Dr. Tayler is founding director of the Paralegal Studies program at Montclair State and is a member of the AAFPE Writing Task Force.

² Paul Cacciuttolo, Junior, and Jillian Romaniello, Montclair State Senior.

TOPIC	LEGAL RESEARCH	INTRODUCTION TO LAW
	Case Brief	Court Observation
Effectiveness of writing intern at		
Helping to re-evaluate ideas	8.47	3.8
Helping to re-evaluate organization	8.53	4.4
Helping to re-evaluate argument	7.93	2.9
Helping to re-evaluate question presented	7.6	2.7
Constructiveness of comments	8.93	3.7
Encouragement to improve draft	9.13	4.3
Improvement of ability to evaluate your own writing.	7.87	2.8

Report: Library Survey of ABA Approval Commission

Scott Hauert

The ABA Standing Committee on Paralegals Approval Commission continually monitors paralegal education and practice to ensure that the guidelines for approval of paralegal programs accurately measure whether schools are properly preparing paralegals to serve the legal community. Toward that end, during the spring and early summer of 2006 the Standing Committee conducted a survey on hard-copy and electronic research sources. The survey assessed hard-copy legal source utilization and electronic legal source utilization from two perspectives: 1) What paralegals, paralegal managers, attorneys, and others in the legal employment community are using, providing access to, and believe paralegals need to be familiar with; and 2) What paralegal educators are currently teaching in those two formats and what those educators feel ought to be taught only in electronic format.

The survey results have not been approved by the ABA's policy-making House of Delegates, and these conclusions do not represent official policy of the Association.

The survey was sent to all ABA-Approved program directors with a request that they forward the survey to their advisory committee members. The survey was also sent to NALA, NFPA, IPMA, and AAFPE members. At its November, 2006 meeting, the Approval Commission reviewed the results of the survey and

shared those results with the Standing Committee.

As educators and professionals, we are often overrun with requests for information and invitations to participate in surveys. Many times, perhaps more often than not, the demands on our time dictate that we choose carefully which of those requests we will honor. Apparently, this is an issue in which many of you have an interest, as evidenced by the tremendous response.

There were 726 responses to the survey. Of those, 122 were paralegal educators or those that identified themselves as primarily affiliated with a paralegal education program. The survey did not ask about ABA affiliation and was not limited to ABA-Approved programs. The other 604 responses were from paralegals, paralegal managers, attorneys, and others primarily affiliated with the legal employment community.

Respondents who identified as being affiliated with the legal employment community were asked questions related to what paper and electronic sources they provide access to and how important it was for paralegals to be able to do research in those sources. Respondents that identified themselves as being associated with a paralegal education program were asked questions related to what they are teaching in hard copy and electronic format and what they believe ought to be taught only in electronic format.

The survey was developed and deployed electronically using Perseus Survey Solutions and was hosted on the web site of Phoenix College, one of the Maricopa County Community Colleges in Phoenix, Arizona. I wanted to share with you in this issue of *The Educator* the results of the survey. All percentages are rounded for brevity and therefore may not total 100 percent.

EMPLOYMENT COMMUNITY PROFILE

Of the 604 responses from the employment community, 56% were from law firms with 2 or more attorneys, 10% were from government agencies, 6% were from sole practitioners, 2% were from legal aid agencies, and 27% were affiliated with some other entity, with the majority of those "others" being from the offices of corporate/in-house counsel.

Across these entities, 63% of the respondents were paralegals, 18% were paralegal managers, 4% were agency directors, managing partners, or the attorney in a solo practice, 3% were division/department managers or partners in their firm, and 2% were associate or staff attorneys. The remaining 9% identified as having some other primary role within the organization and those other roles included such diverse positions as librarians, firm administrators, legal secretaries, and collections specialists. Some respondents identified themselves as belonging to a

Continued on next page

Survey *Continued*

subset of the primary categories with job titles such as senior paralegal, senior legal assistant, contract paralegal, and paralegal office manager.

The size of the organizations where the respondents worked, as measured by the number of attorneys at that entity, ranged from the small office to the large firm. 25% of the respondents worked at organizations with more than 100 attorneys, 20% worked with 1-3 attorneys, 18% worked with 11-35 attorneys, 15% worked with 4-10 attorneys, 12% worked with 51-100 attorneys, 9% worked with 36-50 attorneys, and 2% did not specify or did not know how many attorneys were in their organization.

Organizational size, as measured by the number of paralegals working at a respondent's entity, ranged as follows: 30% worked with 1-3 paralegals, 24% worked with 11-35 paralegals, 22% worked with 4-10 paralegals, 7% worked with 36-50 paralegals, 7% worked with 51-100 paralegals, 5% worked with more than 100 paralegals, and 5% did not know or did not specify the number of paralegals in their organization.

PAPER SOURCE UTILIZATION

The respondents were first asked which legal sources their organization provided access to in hard copy form. The paper sources the survey inquired about corresponded to those sources required by the ABA's Guidelines for the Approval of Paralegal Programs: code of the state, case

reporters, digests, Shepard's citators, legal encyclopedias, texts/practice manuals/form books, and law dictionaries. Of the 604 respondents, access to hard copy formats of these sources was provided as follows: 82% provide the code of the state, 63% provided case reporters, 58% provided digests, 42% provided Shepard's, 62% provided legal encyclopedias, 85% provided texts/practice manuals/form books, and 90% provided law dictionaries.

Next, respondents were asked how important it was for paralegals to be able to do research in the hard copy sources. The measure of importance was on a sliding scale from "not important" to "essential." Those responding that research skills for paralegals in the paper sources was at least "somewhat important" broke down as follows: 67% for the code of the state, 53% for case reporters, 48% for digests, 41% for Shepard's, 53% for legal encyclopedias, 73% for texts/form books/practice manuals, and 74% for legal dictionaries.

ELECTRONIC SOURCES

Respondents were asked the same questions about electronic sources as they were about paper sources, with the exception of inquiring about "digests" since that legacy paper tool does not have a direct, online analog.

For these electronic sources, the organizations provided access as follows: 93% provided access to the code of the state, 93%

FIGURE 1.
Comparison of Sources Provided in Paper and Electronic Format

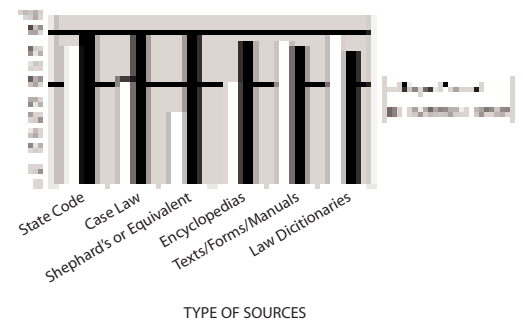
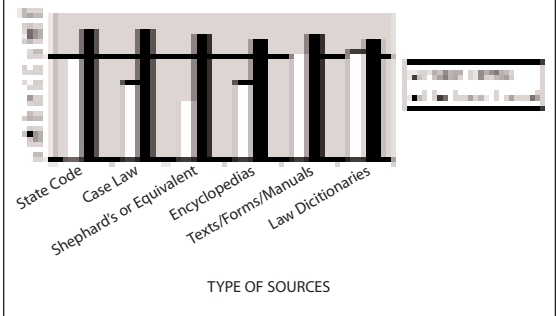


FIGURE 2.
Comparison of Indicated Importance for Paralegals to be Able to Conduct Research in Paper and Electronic Formats



provided access to case law, 90% provided access to Shepard's or an equivalent, such as KeyCite, 84% provided access to encyclopedias, 82% provided access to texts/practice manuals/form books, and 80% provided access to law dictionaries.

As was done with the paper sources, respondents were asked the importance of paralegals being able to conduct research with these electronic sources. Using the same scale, respondents indicated the following with respect to where those electronic research skills were at least "somewhat important": 89% for the code of the state, 88% for case law, 85% for Shepard's or equivalent, 81% for legal

Continued on next page

Survey *Continued*

encyclopedias, 86% for texts/form books/practice manuals, and 82% for legal dictionaries.

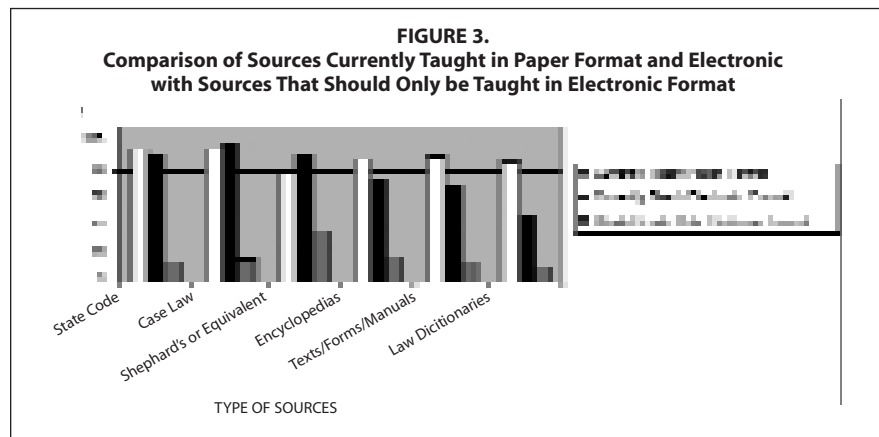
Figure One compares the different sources provided in paper versus electronic format. Figure Two compares the indicated importance of paralegals being able to conduct research in paper versus electronic format.

EDUCATOR PROFILE

Respondents who identified themselves as primarily affiliated with a paralegal educational program were asked about their use of paper and electronic formats for instruction and which legal sources they thought should only be taught in electronic format. The majority of the educators responding (74%) identified themselves as program directors or full-time faculty members with program director duties. Adjunct faculty comprised 7% of this group. Full-time faculty members who did not have program administration duties were also 7% of this group. The remaining 12% of the educators responding identified themselves as "other" and those positions included such titles as student, librarian, and advisory board members.

PAPER-BASED INSTRUCTION

Using the same source categories as were used for the employment community, educator respondents were asked which of those sources their students received training in. Of the 122 respondents, training in the use of hard copy formats was provided



as follows: 95% for the code of the state, 95% for case reporters, 89% for digests, 78% for Shepard's, 89% for legal encyclopedias, 91% for texts/practice manuals/form books, and 88% for law dictionaries.

Following the same format for electronic sources as outlined above, respondents indicated the following with respect to training provided to their students in electronic formats: 92% for the code of the state, 98% for case law, 92% for Shepard's or equivalent, 73% for legal encyclopedias, 70% for texts/form books/practice manuals, and 49% for legal dictionaries.

Finally, the 122 educators were asked which of the listed legal sources, if any, students should only receive training in the electronic formats. The breakdown of responses is as follows: 16% for the code of the state, 17% for case law, 39% for Shepard's or equivalent, 19% for legal encyclopedias, 15% for texts/practice manuals/form books, and 12% for law dictionaries. Figure Three compares sources currently taught in paper and electronic format with those the educators

thought should be taught only in electronic format.

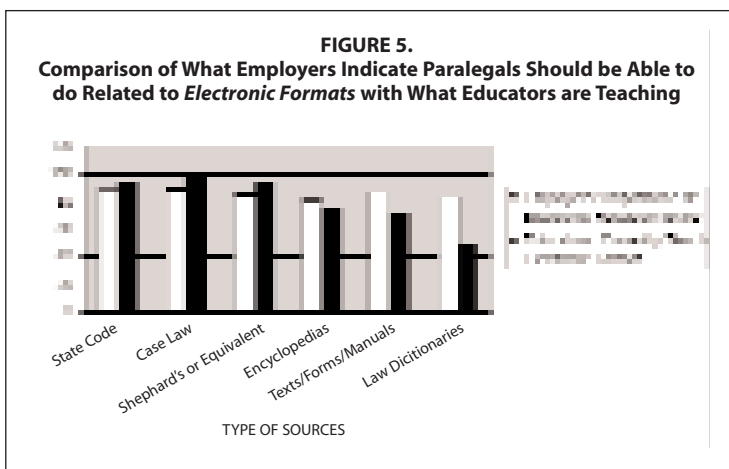
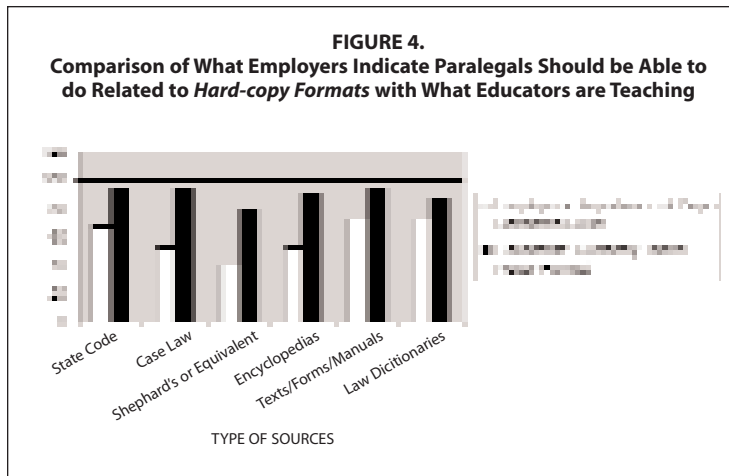
SUMMARY AND CONCLUSIONS

There appears to be some inconsistency in thinking between educators and those working in the legal profession about the importance of training students in the use of electronic and hard copy formats. Across all the paper sources, a smaller percentage of the respondents working in the profession indicated some importance in training students to use hard copy formats than educators currently teaching hard copy formats. See Figure 4 on page 28.

By contrast, there was a much closer match between what the employers indicated as important and what educators are teaching in the primary electronic sources and the case update/validation tools, like Shepard's. Note, however, that a higher percentage of the employer respondents indicated importance for electronic research skills in the secondary sources than educators indicated they were teaching. See Figure 5 on page 28.

Continued on next page

Survey *Continued*



Based on these results, it does not seem that the need for paper-based skills has yet been rendered obsolete, just less important. Some sources, such as Shepard's in print, seem to be more obsolete than others. The results might also suggest that educators need to re-balance their focus on how much time is spent on paper-based formats and how much is spent on electronic formats, particularly in the secondary sources.

NEXT STEPS

Members of the Approval Commission plan to help facilitate round-table discussions of these results at the regional AAFPE meetings next spring. After having the opportunity to engage in a dialogue, the Approval Commission will continue the process of analyzing the results and will issue a formal report once it has completed its study. I want to thank all of you who took the time to participate in the survey. It is through the active participation of us all that we can make data-driven decisions to improve paralegal education. ■

Scott Hauert is the Paralegal Studies Program Director at Phoenix College and a member of the Standing Committee on Paralegals Approval Commission. You can reach him at scott.hauert@pccmail.maricopa.edu

The Americans With Disabilities Act: *Part 1 of a 3 Part Series*

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I am delighted to have this opportunity to start off a three part series for *The Educator* on the Americans With Disabilities Act. In this article, we will talk about what is a disability under the ADA. The very nature of a discussion of what is a disability means that this particular article will be more technical than the other two. In the second article, we will talk about some of the common traps that people fall into. We will also talk about some things the

professor might want to be thinking about insofar as accommodating that student in addition to any accommodations that disability services might suggest. For that article, I will be joined by Mary Noe of St. John's University, whose specialty is the Individuals with Disabilities in Education Act (IDEA). The final article will explore whether the Americans with Disabilities Act applies to the Internet and to the courses that the paralegal

program offers; a hot issue particularly in light of education's move to distance education.

WHAT IS A DISABILITY UNDER THE ADA: YOU ARE GOING TO BE SURPRISED

When people think of disabilities, they generally think of persons in wheelchairs or with severe vision impairments. However, the definition of disability under the ADA is far broader. A person has a

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ADA *Continued*

disability under the ADA if he or she:

- has a physical or mental impairment that substantially limits one or more of life's major activities;
- has a record of such an impairment regardless of whether he or she currently is substantially limited in a major life activity; or
- is perceived as having such an impairment.¹

The definitions of disability mentioned above, however, are not as straightforward as they appear. While regulations do exist for defining what is a physical or mental impairment,² it is an unusual situation where that question is actually at issue. What is far more common to be at issue is whether the person is substantially limited in a major life activity. What does substantially limited mean? According to the Equal Employment Opportunity Commission (EEOC), which regulates Title I of the ADA, "substantially limits," refers to an individual who is unable to perform, or is significantly limited in the ability to perform, an activity an average person in the general population can perform.³ Under this theory, a person who is deaf does not have the ability to hear compared to an average person, so the person who cannot hear has a disability. However, a strong argument can be made that the U.S. Supreme Court's decision in Toyota Motor Mfg., Kentucky, Inc. v. Williams⁴ superseded the EEOC regulations on this issue. In that case, the U.S. Supreme Court held that to be

It seems rather odd that a U.S. Supreme Court case could limit itself to setting forth standards that apply only when the major life activity of performing manual tasks is alleged rather than major life activities in general.

substantially limited in the major life activity of performing manual tasks meant the person had to have an impairment that prevented or severely restricted the individual from performing manual tasks.⁵ Can this definition be extended to all major life activities? It seems rather odd that a U.S. Supreme Court case could limit itself to setting forth standards that apply only when the major life activity of performing manual tasks is alleged rather than major life activities in general. On the other hand, failure to limit Toyota Motor to performing manual tasks has the result of significantly limiting the scope of the ADA by eliminating from the Act's protections many persons who would otherwise be covered by the ADA. In fact, the courts are split on this very question. Most courts are extending Toyota Motor across all disabilities.⁶ While one has limited Toyota Motor to performing manual tasks.⁷

The question of what is a major life activity under the ADA is a far easier one. Once again, Toyota Motor provides the answer. In Toyota Motor, the U.S. Supreme Court held that a major life activity is any activity of central importance to most people's daily lives.⁸

What if the person uses a prosthetic device or takes medicine(s) to compensate for that disability, should that factor

into the question of whether he or she has a disability under the ADA? It most certainly does. In Sutton v. United Airlines,⁹ Justice O'Connor, writing for the Court, held that the ADA as a whole required the positive and negative effects of mitigating measures used by a person with a disability be taken into account in determining whether a plaintiff was substantially limited in a major life activity and was thus disabled under the ADA.¹⁰ The problem this case presents is what happens when you have an across-the-board application of what "substantially limits," means under Toyota Motor combined with having to factor into the equation the mitigating measures a person uses. That is, if a mitigating measure truly works, then the person with a disability should not be severely restricted or prevented in that major life activity. Accordingly, the combination of Sutton and Toyota Motor results in many people with disabilities, who use prosthetic devices, medicines, etc. to compensate for their disability, not being covered as a person with a disability under the ADA.

Finally, under Sutton and Toyota Motor, it is entirely possible that a person with a physical impairment using mitigating measures may be protected under the ADA depending on the time of day or the circumstances in which they find themselves. For

Continued on next page

ADA *Continued*

example, a person with a hearing impairment who uses hearing aids may or may not, depending on the nature of his or her hearing loss, be disabled under the ADA while he or she wears the hearing aid(s). However, people who wear hearing aids do not wear them all the time. Even people who do wear hearing aids (such as me) will take them off when they shower or when they go to sleep. Thus, during those times a person is not wearing hearing aid(s), that person would most definitely have a disability under the ADA. Accordingly, a person with a hearing impairment who wears hearing aids and has a job that requires staying overnight would be entitled to various accommodations, such as a flashing light for an alarm clock, flashing smoke alarm, flashing door knock, etc., but may or may not be entitled to reasonable accommodations during the day depending on the severity of the loss and the type of hearing aids he or she wears. Such a conclusion may not have been intended by *Sutton* and *Toyota Motor*, but nevertheless follows quite logically from the holdings of those cases.

The second definition of disability under the ADA includes a person who has a record of an impairment regardless of whether he or she is currently substantially limited in a major life activity.¹¹ Importantly for us as college professors, this definition commonly applies to people who have records of learning disabilities. Many students are diagnosed with learning disabilities very early in their

Some outgrow those disabilities, and others learn to compensate for their learning disabilities without accommodations. Regardless, they will still be protected under the ADA and should not be discriminated against because of a documented learning disability

education. Some outgrow those disabilities, and others learn to compensate for their learning disabilities without accommodations. Regardless, they will still be protected under the ADA and should not be discriminated against because of a documented learning disability.¹² The definition of discrimination is met if a record relied on by the employer indicates that the person either has or had a substantially limiting impairment.¹³ The information could be found in medical records, education records, and personnel records, although with respect to personnel records, the ADA, due to a requirement that medical information not be contained in a person's personnel records, has lessened the likelihood of such information appearing there.

The final instance of a person having a disability under the ADA involves a person who is perceived as having an impairment.¹⁴ This particular definition deals with attitudinal discrimination and can occur in two different ways:

1. A covered entity — an employer, in this case — mistakenly believes that a person has a physical impairment that substantially limits one or more major life activities; or
2. A covered entity, again in this case an employer, mistakenly believes that an actual nonlimiting impairment substantially limits one or more major life activities.¹⁵

Note that in either case the *covered entity has to believe* that a major life activity is substantially limited.¹⁶

Finally, we come to the issue of *otherwise qualified*. A person may have a disability and not be protected under the ADA because he or she is not otherwise qualified. *Otherwise qualified* has two different meanings under the ADA depending upon whether Title I of the ADA (which applies to employers of fifteen or more employees) or Title II of the ADA (which applies to governmental entities regardless of size) is at issue. Under Title I of the ADA, a person with a disabling condition is otherwise qualified if he or she satisfies the requisite skill, experience, and education requirements of the position and can, with or without reasonable accommodation, perform the essential functions of the job.¹⁷ With respect to Title II of the ADA, a person is considered to be otherwise qualified if he or she can, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meet the essential eligibility requirements for receiving services or participating in programs or activities provided by a public entity.¹⁸ As with many things ADA, this definition leads to more questions. However, space

Continued on next page

ADA *Continued*

does not permit an extended discussion of those questions here.¹⁹

It's hard to talk about "otherwise qualified," without talking about reasonable accommodations/modifications. A reasonable accommodation or modification (depending upon whether Title I, II, or III is involved), comes down to a question of extreme financial hardship, simply speaking, or whether the operations will be fundamentally altered.²⁰ The easy way to look at this is to think of reasonable accommodations as whatever gets that person with a disability to the same starting line.

Finally, "otherwise qualified" also arises in another context in ADA jurisprudence: that of direct threat. If an employee is a direct threat, then they are not protected under the ADA.²¹ Direct threat is a term that was settled by the U.S. Supreme Court in School Board of Nassau County, Florida v. Arline.²² That case, involving a public school teacher terminated for having tuberculosis, held that whether a person is a direct threat (and to many courts' way of thinking, "not otherwise qualified") depends upon evaluating:

- the nature of the risk (how the disease is transmitted);
- the duration of the risk (how long the carrier is infectious);
- the severity of the risk (what the potential harm is to third parties);
- the probabilities the disease will be transmitted and will cause varying degrees of harm.²³

With respect to "direct threat," the ADA itself does not mention whether "direct threat" applies to the person him or herself or to other people.²⁴ In the case of Chevron U.S.A. Inc. v. Echazabal, the U.S. Supreme Court was directly faced with this question and it held that direct threat applies to the threat to others or to self.²⁵ However, any claim of direct threat must be based upon a reasonable medical judgment relying on the most current medical knowledge and/or the best available objective evidence.²⁶

What does this all mean for you the professor/administrator? Basically, it's informational since disability services and/or legal counsel should be on top of this. It also means that there is no substitute for competent legal advice. The ADA is an extremely complex law (I have simplified it here), and competent legal advice should be sought whenever necessary. ■

ENDNOTES

1 42 U.S.C. § 12102(2).

2 See e.g., 29 C.F.R. § 1630.2(h).

3 29 C.F.R. § 1630.2(j).

4 Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002).

5 *Id.* at 196-98.

6 E.g., Scheerer v. Potter, 443 F.3d 916 (7th Cir. 2006).

7 EEOC v. Sears Roebuck & Co., 417 F.3d 789 (7th Cir. 2005).

8 Toyota Motor, 534 U.S. at 198.

9 Sutton v. United Air Lines, 527 U.S. 471 (1999).

10 *Id.* at 482.

11 42 U.S.C. § 12102(2)(B).

12 See comments to 29 C.F.R. § 1630.2(k).

13 *Id.*

14 42 U.S.C. § 12102(2)(C).

15 Sutton, at 489.

16 *Id.*

17 29 C.F.R. § 1630.2(m).

18 28 C.F.R. § 35.104.

19 See generally William D. Goren, *Understanding the Americans With Disabilities Act*, 2nd Edition (ABA 2006) at pp. 25-28, 54-59.

20 See generally *id.* at pp. 29-37, 54-59, 71-76.

21 See 42 U.S.C. 12113(b).

22 School Board of Nassau County, FL v. Arline, 480 U.S. 273 (1987).

23 *Id.* at 288.

24 See 42 U.S.C.S. §12111(3) (2005).

25 See Chevron v. Echazabal, 536 U.S. 73 (2002).

26 *Id.* at 86.

William D. Goren is an Associate Professor of Legal Studies at Northwestern Business College at their Naperville, IL campus where he has won several teaching excellence awards. Mr. Goren is a frequent presenter at AAFPE meetings and is also widely published on a variety of topics, including: the Americans With Disabilities Act; Health Law, Preventive Law, Sports Law, Contracts Law, Legal Research and Writing, and Education of Paralegals. Among his many publications are the books published by the American Bar Association: Understanding the Americans With Disabilities Act: An Overview for Lawyers (ABA 2000); and Understanding the ADA, 2nd Edition (ABA 2006). He has also written a manuscript for Employment Law for the Paralegal to be published by Aspen Publishing. Mr. Goren has an A.B. in Political Science from Vassar College, a J.D. from the University of San Diego School of Law and an LL.M. in Health Law from DePaul University.

“STARTERS”

Mary Kubicheck

I learned about “Starters” from my kids’ grade school teachers. Starters are activities for students to complete as you take attendance, pass out handouts and help them focus on today’s class. Starters can introduce a new concept, review the last class, etc. I will introduce you to generic Starters and then share the ones I use in my legal specialty classes. These can be written on the board, distributed in a handout, announced orally, or displayed electronically.

GENERIC STARTERS: These can also be used for review activities.

- Write down five (5) points learned from assigned readings
- Jeopardy — post the answers to review questions
- Paired discussions — in pairs have students do any of the above
- Hangman — to introduce new concepts
- Name that case — list facts, holding, etc. of the case
- Connecting Concepts/Skills — spider on display — legs are what they know, read, etc. Good for controlled discussion and to point out “bad T.V. law, urban legends, etc.” For example, you are not liable if you kill a trespasser and drag the body outside. (Western States mythology)
- Handout key to check homework
- Crossword puzzle or word search — good for vocabulary review
- Find the Mistake — good for citing review and grammar
- Have a student assigned for each class to review for five (5)

minutes. Challenge them to be creative. (An added benefit is they realize teaching is not easy.)

- Question of the Week — extra credit or participation points for answering the questions on e-mail or index cards into a box, for the low tech group. For example, what Supreme Court Justice wrote the dissent in _____? What FRCP rule covers discovery sanctions?
 - Vocabulary words
 - Pop quiz on prior material
 - Three (3) questions over past classes
 - Detailed outline of the class
- You do not have to create your own starters. Check out the books for legal terminology and subject specific books for samples and, of course, use “Google” and “Ask” on the internet.

I save time in every class by having the handouts laid out for them to pick up and they place their homework in a file at the end of the handouts. Then they do the starters if it does not involve my interaction.

STARTERS I USE IN LEGAL SPECIALTY CLASSES:

I teach eight different legal specialty classes a year, four per semester. I use the following starters each semester.

- Grammar review — Because my students struggle with the communications section of the CLA exam, I post grammar questions at the start of each class. I use Virginia Koerselman’s “Communication Corner” in *Facts & Findings*, resources from our writing center and the

internet. I have discovered that even my best student writers do not do well on the communications section because they do not remember the rules. These were rules they learned in grade and middle school. These starters refresh their memories.

- Word of the Day — I use Latin and Greek words to teach roots. I also use legal terminology and commonly misused words such as “accept” and “except.” I give a test at the end of the semester of these terms.
- Ethics — I start each class with questions or scenarios regarding an ethical issue. I use current articles and cases from *Facts & Findings*, *Paralegal Reporter*, our Listserv, *Legal Assistant Today*, and local ethical cases. This continuous exposure to ethics also supports that we are teaching ethics across the curriculum.
- Current events — related to the profession and the law. (This is self-explanatory)

I am able to collect grammar, words and ethics starters and use them annually. This is not a labor intensive project and it helps to keep me fresh by looking for new examples for my starter files.

Try these Starters, they spark interest, interaction and retention. ■

Mary Kubicheck started the Casper College (Wyoming) Paralegal Program in 1988 and is the current Chair. She is a frequent presenter at AAFPE’s Annual Conference and supervises the Teaching Competition.

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ACROSS THE GLOBE
Paralegal Practice and Education

LEX WINNING ESSAYS

The Paralegal Educator proudly publishes the winning LEX essays. While you read the essays, think of ways that you can take advantage of the enthusiasm and the energy of your students and alumni in promoting your program and making your program better.

Denisa Bogart, Parks College

Pornography is a controversial subject. In the area of technology misuse, the Internet is becoming an easy place where children can access adult pornography. A child may be exposed to inappropriate material that is sexual, hateful, or violent in nature, or encourages activities that are dangerous or illegal. I believe that pornography is a prominent legal and social issue for society and families — especially if children can access pornography in a public library through an Internet connection.

Has our judicial system protected children? Of course it has! In the late sixties, children walked to 7-Eleven to buy a comic book or look at other various magazines, but *Playboy*, *Hustler*, or *Sir* were displayed on the shelves. For instance, in case Ginsberg v. New York, 390 U.S. 629 (1968), ruled pornography as harmful to minors, illegal to sell, exhibit, or display pornography to minor children, even if the material was not obscene or unlawful for adults. Ginsberg established that a state can enact more stringent obscenity standards for the sale of sexually explicit material to children than to adults.

For the next twenty years, the Supreme Court defined obscenity, contemporary community standards of morality and tolerance, and indecency. Miller v. California, 413 U.S. 15 (1973) established a tripartite test for whether the “works” (material or performance) is obscene, and therefore, unprotected by the First Amendment. Case law Smith v. United States, 431 U.S. 291 (1977), and Pope v. Illinois, 481 U.S. 497 (1987) provided the constitutional criteria for federal and state laws and courts.

Thanks to the Telecommunications Act in 1996, and Denver Area Educational Telecommunications Consortium, Inc v. F.C.C., 518 U.S. 727, 116 S. Ct. 2374 (1996), 18 U.S.C. 1468 (distribution of obscene matter by cable or satellite TV), enabled laws and rulings to protect children.

By far, the most significant changes in public library service have come with the advent of computers and Internet access. By providing Internet access to millions of Americans to whom such access would otherwise be unavailable, public libraries play a critical role. However, extreme sexual and obscene material is available on the Internet, and if a child should go to some of these sites, they may see bestiality, sodomy, sexual intercourse, excretory functions, sadism, masochism, and lewd exhibition of the genitals. That is why in June 2003, the U.S. Supreme Court ruled upon case U.S. v. American Library Ass’n, 123 S.Ct. 2297 (2003), that sustained a federal law – Children’s Internet Protection Act (CIPA). CIPA required public libraries that receive federal subsidies to use Internet filters to block images that constitute obscenity, and prevent minors from obtaining access to material and exposing students to harmful pornography. Thankfully I reside in Colorado, and C.R.S. §§ 24-90-401 to 404, §24-90-602:-3 §§22-87-101 to 107, requires public schools to adopt and enforce Internet safety to pornography websites.

The U.S. Supreme Court, U.S. Congress, and state legislatures have consistently held that laws legislate morality. Think of all the criminal laws — those against rape, murder, robbery and so forth. Defining what is morally right and wrong is and always has been the essence of the legislative function. ■

TO BLOCK OR NOT TO BLOCK ...

Fred M. Burg, Brookdale Community College

The U. S. Supreme Court, in United States v. American Library Assn., Inc. 539 U.S. 194 (2003), upheld the Children’s Internet Protection Act (CIPA).

Courts often need to balance an individual’s rights against the government’s interest in protecting citizens. On the one hand in this case is the right of

Continued on next page

LEX WINNING ESSAYS *Continued*

an adult to access any information on the Internet with the possibility that a child might access information that may be pornographic in nature. On the other hand is the government's interest in protecting children from viewing pornographic material but resulting in denial of an adult to that same information. I believe the U.S. Supreme Court, in upholding CIPA, acted correctly.

The CIPA requires libraries receiving federal funding to use filtering technology to ensure that non-desirable Internet content is not viewable by children. It was argued that use of filtering technology is violative of the First Amendment's guarantee of free speech.

A library's job is to provide a place of learning and research by furnishing appropriate material. Certainly, learning is best achieved by being able to seek out multiple points of view on a subject. However, since the earliest libraries over 3,000 years ago, filtering technology of some kind has been used to select material to include within a library's walls. Whether by conscious decision by a librarian or other means addressing contemporary sources, filters have resulted in works not being available to a library's patrons. The use of Internet filters is another means to achieve an end.

Therefore, can one say that use of filtering technology is a suppression of free speech? Is a librarian's decision to exclude pornographic books from the library's shelves a suppression of free speech? I answer "no" to both questions.

In fact, Internet filters give patrons more freedom than previously available. Suppose a patron wanted a particular book but it was unavailable either because it was not purchased or the entire subject matter was excluded. Obtaining this book would, at best, take months. On the other hand, if an adult patron wished to view the contents of a blocked Internet site, all that is needed is to request the filters be disabled. This should be just minutes. An adult need give no reason for such a request.

Also of concern is that filters overblock (don't allow permitted material) or underblock (fail to block prohibited material). While Internet filters may not be perfect, neither is a librarian's decisions. With training, either can achieve the desired result.

Finally, Congress's decision not to subsidize a fundamental right (free speech) by way of CIPA does not support an argument that the right has been infringed.

On the other hand, does Congress have an interest in protecting our children from the harmful influences of pornography? I answer affirmatively. While such protection may extend to denial of information by an adult, the above has demonstrated that such denials are easily overcome.

Based on the above, I conclude that the U.S. Supreme Court acted correctly in upholding the CIPA. ■

Amanda Katherine Forester, Villa Julie College

The Children's Internet Protection Act seems like an excellent concept in theory. The Act forbids federal assistance to public libraries for Internet access unless the library installs software filtering out obscene or pornographic materials that may be offensive to minors. However, the CIPA's provisions are not tailored in such a way as to enforce the act's good intentions without blatantly violating the First Amendment.

There is no question that protecting youth from inappropriate material is a top priority that is becoming increasingly more difficult to enforce. With the advent of superior technology and constant "adult content" in the media, the U.S. government has found it necessary to use broad discretion to regulate many forms of media (see Arkansas Ed. Television Comm'n v. Forbes, 523 U.S. 666, 672-674 (1998)).

While many of these measures are perfectly legitimate and do not overstep their bounds, the CIPA is not one of them. Public libraries exist for the sole purpose of providing information to the public. Under the CIPA, many sites that contain legitimate,

Continued on next page

LEX WINNING ESSAYS *Continued*

informative materials (particularly medical sites) may be blocked because they contain key phrases that may be considered “pornographic” or “obscene” even if that is clearly not the site’s intention. No matter how advanced the filtering software might be, the software would still filter out websites that offer valuable information. The United States offers its citizens the unique opportunity of not only having the right to write, say or do almost anything, but also the glorious freedom to read, hear, and react to any form of speech we encounter. To bar people from researching First Amendment protected speech is, *prima facie*, clearly unconstitutional.

The other issue that must be taken into consideration is the ever-growing and ever-changing information offered on the Internet. Even with the filtering programs installed, advances in technology will enable many websites to “sneak through” the filtering technology. Some may argue that libraries often monitor the content of certain “offensive” books, magazines, etc., so why shouldn’t the Internet be monitored as well? This argument simply is not valid. It is much easier to monitor the content of books and magazines as opposed to the millions and millions of websites on the Internet.

The government’s banning speech that is protected under the First Amendment is simply unconstitutional. The Children’s Internet Protection Act’s encroachment upon the First Amendment might seem, to some, like a small infringement for a good cause. However, the CIPA shows the ever-broadening authority of the U.S. government, and begs the question, how far can the line of protected speech be blurred? How far can the U.S. government go to “protect” their citizens before freedom of speech becomes obsolete? Perhaps some similar measure might be more appropriate — legislation that would help protect youth without violating the First Amendment of the U.S. Constitution. The Children’s Internet Protection Act simply does not fit the bill. The Children’s Internet Protection Act is deeply flawed, and Congress should repeal CIPA and create a new act that does not have such broad provisions and unconstitutional limitations. ■

Donna Marie Hulse, Brookdale Community College

Most parents would be horrified to find their children using the Internet in their homes to view and/or gain access to pornographic websites. Further, there is great concern regarding predators using the Internet to stalk and harm children. Why then would someone want such material to be available to children or those who would harm them, either intentionally or through carelessness, in a public library or at a school? The goal of protecting children, however, may conflict with the rights adults who wish to use the Internet legitimately to conduct research, have access to literature, or to read and send e-mails. A solution to this problem must be found.

Becoming concerned with the availability of pornographic sites to minors in schools and libraries, Congress enacted the Children’s Internet Protection Act (CIPA), 114 Stat. 276A-335. CIPA provides guidelines for federally funded schools and libraries in providing Internet access to adults and minors. Section 1721(6) states:

- (C) A certification under this paragraph is a certification that the library:
 - (i) is enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are:
 - (I) obscene; or
 - (II) child pornography...

That section clearly requires libraries to filter sites which are obscene (a term not clearly defined) and/or pornographic. In United States, et al v. American Library Association, Inc., et al, 539 U.S. 194 (2003) a group of libraries, library patrons and website publishers challenged CIPA’s filtering provisions. The Supreme Court

Continued on next page 37

LEX WINNING ESSAYS *Continued*

overturned the lower courts' declaration that CIPA was unconstitutional. The Court upheld CIPA, stating it was the duty of libraries to:

...facilitate research, learning, and recreational pursuits by furnishing materials of requisite and appropriate quality... As Congress recognized, "the Internet is simply another method for making information available in a school or library." It is "no more than a technological extension of the book stack."

539 U.S. 194 at 206-207. Libraries and schools are not to provide material potentially harmful to their patrons, especially those under the age of consent.

§1721 (D) states:

An administrator, supervisor or other person ... may disable the technology protection measure concerned, during use by an adult, to enable access for *bona fide research or other lawful purposes*.

(Emphasis added) Thus librarians and school administrations are empowered to disable the filter and provide adults access to material required for "bona fide research or other lawful purposes." Should anyone be allowed to use computers in federally funded institutions for unlawful purposes such as stalking children? The answer, of course, is no.

It is vitally important that the rights afforded under the First Amendment not be suppressed. In today's world of technology, however, it is equally important to protect children from those who would use that technology and the First Amendment to cause them harm. CIPA was designed to provide protection to children, while still affording Internet access to adults.

■

David P. Walker, St. Mary's College of California

This paper presents a legal argument for the right to privacy arising from the Fourth Amendment of the United States Constitution. The paper concludes the Children's Internet Protection Act (CIPA) upheld by the United States Supreme Court, does not serve libraries, librarians, library patrons or general public interest.

United States Supreme Court Chief Justice William Rehnquist announces and delivers the majority opinion in United States v. American Library Association, 539 U.S. 194, 123 S. Ct. 2297, 156 L. Ed 2d 221 (2003) where the Court holds the First Amendment challenge and judgment in favor of the appellees is legally insufficient and misapplied as a matter of law. Judgment is entered reversing the U.S. District Court for Eastern Pennsylvania decision in American Library Ass'n, Inc. v. U.S., 201 F. Supp 2d 401 (E.D. Pa. 2002).

Two forms of federal assistance help public libraries provide patrons with Internet access: discounted rates under the E-rate program and grants under the Library Services and Technology Act (LSTA). Upon discovering that some library patrons, including minors, regularly search the Internet for pornography and expose others to pornographic images by leaving them displayed on Internet terminal or printed at library printers, Congress enacted the Children's Internet Protection Act (CIPA).

The Supreme Court holds that the appellees did not demonstrate that any library patrons were burdened, or even inconvenienced, by the implementation of CIPA because the software blocking filters may be disabled quickly upon request. Additionally, the respondent's argument that the Internet library terminals were subject to protection under the "public forum" doctrine was without legal sufficiency and their corresponding arguments for First Amendment protection was a further misapplication of law. The First Amendment relating to CIPA are adjudicated and barred by the doctrine of *res judicata*.

Continued on next page

LEX WINNING ESSAYS *Continued*

Common sense dictates that the indispensable requirement for children is to learn correct behavior and health arises from training during childhood in truth, respect and reverence for sex. CIPA teaches our children nothing; it merely hides the truth and creates a seductive taboo where one did not exist before. The *forbidden fruit* has always tempted people from the beginning of time.

The key legal question relating to CIPA is, whether there is a proper Constitutional fit or misfit caused by this statute. Any pleading to repeal CIPA has to meet a burden of proof by clearly demonstrating harm in some tangible or intangible manner. The Fourth Amendment protection giving rise to a "right of privacy" and the "right to be left alone" may answer the

issue of proper fit. An "as-applied challenge" may have merit over the constitutional "facial challenge" rejected in *U.S. v. Am. Lib. Assn.*, 539 U.S. 194 (2003).

In conclusion, the vast majority of library patrons do not abuse their rights and responsibilities while using a public library. There is something inherently inequitable about imposing a burden upon all good citizens for the transgressions of the immoral few. Protecting our children requires truth and training, not the creation of new taboos. This new "forbidden fruit" does not serve libraries, patrons, or the general public interest. How it is that Supreme Court of the United States can elevate computer software to the level whereby the software code becomes the legal and moral code governing free people? ■

LEX SCHOLARSHIP APPLICATION DEADLINE FEBRUARY 15, 2007

All AAFPE institutions which have been granted a Lambda Epsilon Chi (LEX) honorary society charter have been sent an application and supporting documents for their academically qualified students (B average or above) to apply for LEX financial awards.

There are five \$500 scholarships to be awarded specifically for the pursuit of the student's paralegal education. Award checks will be made payable jointly to the awardee and the awardee's school. A national committee representative of the five AAFPE membership regions will make the final selection of the recipients.

As part of the process, applicants will discuss the concepts of due process and the right to representation as they apply to a news article written by Dwight Doskey about the legal system in New Orleans post-Hurricane Katrina (*Trapped in the Courtroom: As Indigent Defense Lawyers Vanish, One Attorney is Left*).

All applications should be forwarded to AAFPE Headquarters, so that they may be assigned to the committee for evaluation. Please submit all applications in time to reach AAFPE by February 15, 2007, at the following address:

LEX Scholarships
c/o American Association for Paralegal Education
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Mt. Royal, NJ 08061

Should you have questions or need further information regarding these scholarships, please feel free to contact AAFPE at 856-423-2829 or e-mail at info@aafpe.org.

ABA Approval Commission Comments

Anita Tebbe, Chair of Approval Commission, American Bar Association

Thank you, AAFPE, for your gracious hospitality extended to the ABA Approval Commission, educational consultants and staff at your wonderful 25th anniversary celebration in New Orleans. Your four-day meetings were excellent and we congratulate you on another outstanding conference. We appreciate the opportunity for the ABA to give presentations on Wednesday afternoon on the approval process and also giving us time for the "Utilization of Paralegals" session and ABA Open Forum on Friday afternoon. It is always a wonderful event and the opportunity to learn from each other cannot be overlooked.

Please join us in welcoming our four new members to the Approval Commission. Susan Howery is the AAFPE representative of Certificate Programs. Many know Susan through her extensive work with AAFPE, including many years as a board member. Susan is currently the Dean of Yavapai College, Prescott Valley Campus, Arizona and served previously as the Business and Computer Science Assistant Dean and Director and Instructor of the Yavapai College Paralegal Program. Susan is a member of several national and local paralegal associations and has been a frequent panelist and facilitator for educational conferences.

One new member from the military is Maurice "Moe" Lescault. Moe has an impressive education background at the Judge Advocate General's School where he has held positions ranging from Associate Professor of Law, Deputy Staff Judge Advocate and Professor and Chair, Administrative and Civil Law

Department. His current position is Associate Dean. Moe is licensed to practice in Rhode Island and before the Army Court of Criminal Appeals, and the United States Supreme Court. He is an ABA appointee on the Approval Commission.

Gary Melhuish is the International Paralegal Management Association's representative. He has been an active member of IPMA and served as its 2005-2006 President. He is currently the Manager of Litigation Support Services at Ballard Spahr Andrews & Ingersoll, LLP in Philadelphia. In addition, he served as adjunct faculty member and advisory committee member at Georgetown University Paralegal Studies Program. Gary has written and presented extensively in the paralegal management area.

Jane Sakiewicz is the National Federation of Paralegal Association's representative. She is a paralegal in the litigation department at Egan, Flanagan & Cohen, P.C. in Springfield, MA. Jane received her paralegal certificate from Elms College and a Masters in Business Administration from Western New England College. She is active with NFPA and has served as its Regulation Review Coordinator and Professional Advocacy Coordinator. She has served the Western Massachusetts Paralegal Association as President, Treasurer and its NFPA Primary Representative.

We look forward to attending AAFPE's spring regional meetings and fall annual conference in Baltimore. As always, we look forward to hearing from you regarding the ABA approval process and appreciate you sharing your comments. ■

American Alliance of Paralegals, Inc. Hosts Its Annual Meeting and CLE Seminar

The American Alliance of Paralegals, Inc. (AAPI) hosted its fourth annual educational seminar and meeting in Newport, Kentucky, September 22-23, 2006. Paralegals employed in a variety of legal practice areas and geographically representing ten different states attended the seminars on Medicaid, Ethics, Unauthorized Practice of Law, Advanced Legal Writing, and Identity Theft.

Deborah Repass was elected President and Marie Koster was elected Director of National Affairs at the annual meeting. Their terms of office begin on January 1, 2007.

AAfPE member and National Conference Chair, Kathryn Myers, held advanced legal writing sessions and used examples and exercises to focus on logical and effective writing, comprehensive reading, and aesthetical presentation for the legal setting. ■

FROM THE EDITOR

Linda A. Spagnola

There is only one word to describe AAFPE: “dynamic.” The AAFPE logo should appear next to the dictionary definition, “characterized by continuous change, activity, or progress.” There is no aspect of AAFPE that has not undergone a metamorphosis. AAFPE’s strong core of educational goals has evolved into a multi-layered provider of educator resources. What is remarkable is that AAFPE has always embraced its core principles, and has expanded upon them to enhance its offerings to its members. This is exactly the spirit in which *The Educator* was revamped. We will never leave our guiding directive, but rather to serve our members’ diverse needs and interests between two covers, we are expanding. AAFPE is leaving its adolescence behind; we are a maturing organization and, of course, with maturity comes that “middle-aged spread” — even the magazine is not spared! You will notice that it has gotten thicker around the middle.

I encourage all of AAFPE’s members to write for this publication. If I have learned anything from attending conferences and reading the Listserv, it is that every one of you has something to offer.

LOOKING FOR AN IDEA?

- What’s the buzz on the Listserv? How about an article that synthesizes the responses and expands on the issue presented?
- Let’s twist again... is there a new approach you’ve taken in a traditional class or have you developed a “twisted” new course?
- Have you overcome a challenge either in the classroom or with the administration? Tell us about it. You get to help your fellow educators and toot your horn. (Who doesn’t like to do that?!)
- Has there been an interesting twist in your state’s law that provides an excellent teaching example?
- Has one of your students overcome a challenge? How did they do it and how can our other students learn from their success?
- Professionalism — how to instill this in your students to enable them to make the transition.
- Read any good books lately? Seen any good movies? Non-textbook and non-instructional videos/movies are a great way to create another layer of learning. Review them and tell us how you think they can be used in paralegal education. (Recall the “Movies titles, please?” discussion on the Listserv, members have some GREAT ideas!)
- Clean sweep ... are you an organizer, planner, or (like me) an incessant color-coder? Share your tips for keeping your sanity while managing a program, staff, instructors, and students.

These are only a few ideas. Please feel free to contact Pam Bailey, Publications Chair (bailey@duq.edu), with your ideas. We look forward to working with all of you. ■

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McGRAW-HILL PUBLISHERS

McGraw-Hill is proud to have been a platinum sponsor and exhibitor at the recent AAFPE convention in New Orleans. We are pleased to introduce our new paralegal studies list to you with our first two books, which were displayed at the conference: *Introduction to the Law for Paralegals* by Deborah S. Benton and *Contracts for Paralegals* by Linda Spagnola. We have more on the way—please ask your McGraw-Hill sales representative for a preview copy of our upcoming titles.

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AMERICAN ASSOCIATION FOR PARALEGAL EDUCATION 2007 SPRING REGIONAL MEETINGS

March 22-23, 2007

South Central Regional Conference

University of Tulsa, Tulsa, Oklahoma

The South Central meeting will be held at the lovely University of Tulsa. Tulsa is located in the northeastern quadrant of Oklahoma, right in the heart of green country. The rolling green hills and wooded terrain of the Ozark foothills make this one of the most beautiful places to visit.

To make reservations: Doubletree Hotel Tulsa-Downtown, 616 W. Seventh Street, Tulsa, OK

Please call the hotel directly at (918) 587-8000 to make your hotel reservations. Please identify yourself as an attendee of the AAFPE Regional Meeting. The hotel is offering a room rate of \$89.00 single/double, plus applicable taxes, subject to availability, until March 1, 2007.

Meeting Location: The meeting and exhibits will be held on the campus of the University of Tulsa.

March 23-24, 2007

North Central Regional Conference

Radisson Hotel & Suites, Chicago, Illinois

Style, entertainment, shopping and culture — Chicago has it all. And the Radisson Chicago Hotel & Suites puts you in the center of the action. Located adjacent to Michigan Avenue and within walking distance to Lake Michigan, John Hancock Tower, Navy Pier, American Girl Place, and many other attractions, the hotel offers incomparable access to the best of downtown Chicago.

To make reservations: Radisson Hotel & Suites, 160 East Huron Street, Chicago, IL

Please call the hotel directly at (312) 787-2900 to make your hotel reservations. Please identify yourself as an attendee of the AAFPE Regional Meeting. The hotel is offering a room rate of \$129.00 single/double, plus applicable taxes, subject to availability, until March 1, 2007.

March 29-31, 2007

Pacific Regional Conference

Doubletree Hotel San Diego-Mission Valley, San Diego, California

The stylishly hip Doubletree Hotel San Diego-Mission Valley offers convenience to San Diego's finest sightseeing and recreation. The hotel is located amidst world-class shopping, dining and entertainment and just a trolley ride away from Downtown's historic Gaslamp District. With contemporary urban-chic decor and spacious guest rooms the Doubletree Hotel San Diego-Mission Valley includes all of the comforts of home.

To make reservations: Doubletree Hotel San Diego-Mission Valley, 7450 Hazard Center Drive, San Diego, CA

Please call the hotel directly at (619) 297-5466 to make your hotel reservations. Please identify yourself as an attendee of the AAFPE Regional Meeting. The hotel is offering a room rate of \$135.00 single/double, plus applicable taxes, subject to availability, until February 27, 2007.

April 13-14, 2007

Northeast Regional Conference

Doubletree Hotel Wilmington, Wilmington, Delaware

The Doubletree Hotel Wilmington is located in the heart of the picturesque Brandywine Valley. Whatever the season, the area is jam-packed with wonderful things to do, whether you visit the world-renowned museums and cultural attractions, stroll in the sumptuous public gardens, or explore one of the historic districts. You can have it all—from dinosaurs and sea shells to tall ships and more.

To make reservations: Doubletree Hotel Wilmington, 4727 Concord Pike, Wilmington, DE

Please call the hotel directly at (302) 478-6000 to make your hotel reservations. Please identify

Continued on next page

Regional Meetings

Continued

yourself as an attendee of the AAFPE Regional Meeting. The hotel is offering a room rate of \$109.00 single/double, plus applicable taxes, subject to availability, until March 13, 2007.

April 19-21, 2007

Southeast Regional Conference

Crown Plaza Lexington, The Campbell House, Lexington, Kentucky

This beautifully restored Crown Plaza Lexington, The Campbell House in Lexington, KY was proudly featured in the July 2005 Southern Living Magazine and on the Travel Channel's Great Escapes.

To make reservations: Crown Plaza Lexington, The Campbell House, 1375 Harrodsburg Rd., Lexington, KY

Please call the hotel directly at (859) 519-1314 to make your hotel reservations. Please identify yourself as an attendee of the AAFPE Regional Meeting. The hotel is offering a room rate of \$109.00 single/double, plus applicable taxes, subject to availability, until March 20, 2007.

THE OMNISCIENT MENTOR

Welcome to "Ask the Omniscient Mentor" column. All members are encouraged to send questions to Joan Faczek Spadoni — jspadoni@baypath.edu. Joan will forward them to the "O.M." and promises to protect your privacy.

DEAR OMNISCIENT MENTOR:

I have been a program director and teacher in the program for 15 years. I love my job but there are days that the magic has fizzled. I plan to continue for many more years, but I need some suggestions to restart my engine.

Burning Out in Buffalo

DEAR B.B.:

You are in luck, I just returned from the AAFPE Conference in New Orleans and attended a roundtable for old/experienced directors. After a few minutes of sharing why we are stressed, tired, discouraged, etc., we made a list of ways to help us rejuvenate.

Here are some of the suggestions:

- Take a sabbatical to do something outside of paralegal education
- Take a sabbatical to visit and teach at another program
- Exchange positions with another paralegal educator
- Restructure a class
- Develop a new unit
- Change textbooks
- Join a book group (but don't treat it like a burden)
- Learn a new skill, e.g., line dancing, ballroom dancing, digital photography, a foreign language, cooking
- Watch movies and TV and read books that make you laugh
- Surround yourself with people who make you feel appreciated (This may not be your Dean.)
- Hire someone else to do your ABA report (Just kidding Anita)
- Volunteer
- Adopt-a-pet (not a big puppy)

We hope to repeat this roundtable. Plan to join us. Also, perhaps your region could include a discussion on this.

Good luck,
O.M.

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